INTERVIEWS OF WITNESSES

BEFORE THE

SELECT COMMITTEE ON THE EVENTS SURROUNDING THE 2012 TERRORIST ATTACK IN BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

HELD IN WASHINGTON, DC, 2012–2016

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PREFACE

This volume includes transcripts of interviews conducted before the Oversight and Government Reform Committee of the House of Representatives. The records of these interviews became records of the Select Committee pursuant to H. Res. 567 (113th Congress) and are included in the publication of witness interviews conducted by the Select Committee for completeness of the record.

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INTERVIEW OF DIPLOMATIC SECURITY AGENT #19

BEFORE THE

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

SECOND SESSION

HELD IN WASHINGTON, DC, OCTOBER 9, 2012

APPEARANCES

FOR THE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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BRIEN A. BEATTIE, *Professional Staff Member*
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FOR THE U.S. DEPARTMENT OF STATE

JOSHUA R. BLUMENFELD, *Deputy Assistant Secretary, Senate Affairs, Bureau of Legislative Affairs*
JOSHUA L. DOROSIN, *Assistant Legal Adviser for Management, Office of the Legal Adviser*

Chairman Issa. Thank you for being here. You obviously are aware of the nature of our investigation and some of the statements that have been made on both sides. What we want to hear is your observations, both Benghazi and Tripoli, and then even though they may not ask in details, feel free to talk about other experiences you have had or other anecdotal, because this investigation is not limited to Libya. By definition, we are concerned about the safety throughout the world of our men and women who represent us.

Mr. [redacted] I appreciate it.

Chairman Issa. That is pretty much it. And the pros will ask the questions.

Mr. [redacted] Thank you.

Mr. Chaffetz. Do you want him to be sworn in or anything like that?

Mr. Alexander. No swearing in. Did you have a question?

Mr. Chaffetz. First of all, I want to thank you for your service. A lot of good Americans serve overseas in difficult and tumultuous situations. We had the tragic death of four Americans. Our committee, the Oversight Committee, we just want to know about the truth, what happened, and then eventually we want to also work towards the reform part, because the other name of our committee is Oversight and Government Reform. So we need a very candid, explicit, detailed perspective of what happened on the ground in real time as you personally saw it, including your impressions of what happened along the way. But our goal is to understand it so we can make it better

and make sure, as Congressman Issa said, that these types of situations never, ever happen again.

So we have interviewed some folks that you have had interaction with, but we want your personal perspective and your expertise and want, need and expect your candid answers to the details of these questions.

Mr. [redacted] Absolutely, sir. That is why I am here, is the truth, candid answers and help in any way that I can.

Mr. Dorosin. The phone ringing just reminded me, we are prepared to go on in a classified basis.

Chairman Issa. Everything is right in the room. However, the assumption is, if you will excuse me for one second, is we will remain at an unclassified level. If there is a discussion about going classified, they will stop recording as we essentially debate the merits of it, including, if necessary, discussion of why you think all or part of if would be at that level. Then we would return to unclassified, leaving that as a mark on a notebook to be picked up in one single classified session. That is my hope, is that we figure out everything that couldn't be said at unclassified and take it at the end in all likelihood.

Mr. Chaffetz. This is Congressman Cummings, our ranking member of the committee.

Chairman Issa. The good news, [redacted], is you don't have to worry about any of that. It will be argued at that end of the table.

Mr. Dorosin. Thank you for that clarification, and to make sure Mr. [redacted] understands, if you think you need to get into classified

materials, please just let us know.

Mr. [redacted] Understood.

Chairman Issa. Mr. Cummings and I have one interesting reflection I would like you to know -- Mr. Chaffetz too. Congress doesn't recognize and will not recognize "for official use only," "sensitive." Those are not classified. We would note it, but we would continue. Anything below secret is in fact just a name on a piece of paper. And I think it is important to understand that. So if you have seen papers that say "for official use only," "State Department sensitive," that is crap.

Mr. [redacted] Understood.

Chairman Issa. For all of us that have been in the executive branch over time, we all had to respect it and reflect that you get in trouble if it was on a piece of paper. For purposes of Congress, we have never and will never recognize those levels, because the other levels were created by Congress, these were created by people who didn't want embarrassing things sometimes put out. And by the way, we respect that. It is a good reason to say this is sensitive, don't tell the press, don't mention it at the bar and so on. And I am not saying it doesn't have a purpose, I am just saying for purposes of classification here, we would note anything below secret. But if you think something is at an actual classified level, please don't hesitate to tell us.

Mr. [redacted] Okay.

Chairman Issa. Elijah, do you have anything?

Mr. Cummings. I don't have anything.

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EXAMINATION

BY MR. BEATTIE:

Q Great. Can you start off can your background, please?

A How far back?

Chairman Issa. From the time you entered Federal service.

BY MR. BEATTIE:

Q Not grade school or anything. Can you tell us how long have you been with the State Department?

A It will be 4 years [redacted].

Q And how did you come to work for -- Diplomatic Security, is that correct?

A That is correct. That is correct. When I was doing graduate work [redacted] at a school there. There was a recruiting person there at the time. A couple of my friends joined Diplomatic Security. So after joining the private sector and getting my feet wet there and learning that world, I decided to maybe try government work.

EXAMINATION

BY MR. ALEXANDER:

Q And what was your first post?

A [redacted] field office. I did approximately 7 to 8 months in the [redacted] field office, then I went to [redacted] and did a year in [redacted], and then now I am assigned to [redacted]

Q And were you in Benghazi as well?

A That is correct. I did a 30-day, 32-day TDY from

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approximately June 2nd-3rd through July 5th.

Q And what was your role there?

A I was the acting RSO on the ground.

Q Okay.

A Which is Regional Security Officer?

Q Right. What were your responsibilities?

A I had two junior agents below me at the time when I landed on the ground and obviously our primary responsibility no matter what post we are at in the world is the protection of life, property and information.

Q Okay. Those were DS agents?

A That is correct. Two DS agents.

Q And was that the totality of the security?

A Stateside, cleared Americans, yes. Other than we had a local guard force. Obviously they are locally employed staff, contracted. And we had a QRF of about four local Libyans that belonged to the 17th Martyrs Brigade on the compound itself.

Q And can you describe the guard force? Were they third country nationals?

A Nope, they were all Libyan. They were all contracted through a company called Blue Mountain. There were six on duty during the daylight hours when the guard supervisor commander was on, and then every other shift, 24 hours, was about five guards.

Q Okay. So how many guards total?

A There were approximately -- it changed regularly because we

were always recruiting new guards to add additional, but the standard format was six during the day, five evening and five overnight. That is 21 total.

Q Twenty-one total.

A Yeah.

Q And can you describe what their duties were?

A The primary duties was protecting the gates. So we had one guard assigned to each gate. There were three gates, two in Charley Villa, one in Bravo, and then there was a supervisor that stayed at the main gate and there would be another one that was doing roves around the property.

Q And who was responsible for overseeing those guards?

A We were, the RSO office.

Q Got you. Did you have a deputy or --

A Yes. One of my RSOs had the guard duty.

BY MR. BEATTIE:

Q Could you describe the turnover with the Blue Mountain, for example? Was there a lot of turnover, was there very little turnover in your opinion?

A It varied.

Q Okay.

A When we got hit on June 6th during the IED attack, there were a few guards that started to get nervous for working for the U.S. mission, so the pool of available personnel started to dwindle a little bit. So Blue Mountain's primary was trying to recruit and clear as

much as they could locally. So we were always in the process of getting additional guards up and running and trained. And then once they cleared the Blue Mountain process, we had our own personal side that we wanted to do, [redacted]

Q Now, we understand, I think we understand this was before your time, but there was also an attack on April on the Benghazi facility?

A My understanding was that there was, yes. I don't know the details of the attack specifically.

Q Okay. You don't know to what extent Blue Mountain Group employees or former employees might or might not have been involved in that?

A No, I don't know if it was Blue Mountain. I don't know any of the players in that.

Mr. Chaffetz. The number of personnel, you said six during the day, five overnight --

Mr. [redacted] There was an evening shift and then an overnight shift, so yes.

Mr. Chaffetz. So would that be 16 or would that be 21?

Mr. [redacted] Well, there was a four team rotation, so they would never -- so the way they rotated, they called it the ABC and D teams. So we did have 21, five per shift, and then a guard force commander.

Mr. Chaffetz. What was the background of these individuals and how did you, if anything, do the assessment, the vetting, if you will,

of these individuals?

Mr. [redacted] Sure. I know that Blue Mountain would do whatever they could locally. There wasn't actually any checks that we could do as far as I know that Blue Mountain could do. So they did some vetting as much as they could, personal interviews and references. They would be sent -- the names would then be sent to us [redacted]

Mr. Chaffetz. Give me some examples of what the background was prior to their becoming security for the United States?

Mr. [redacted] It varied. Blue Mountain would try to look for people that had some security background, but, unfortunately, that wasn't always a requirement. So I don't know to what extent --

Mr. Chaffetz. What was the requirement?

Mr. [redacted] That they were local Libyans that could speak some English and that they could be trusted as far as whatever questions we could ask, that we knew that we could trust them on our property.

Mr. Chaffetz. Was one of them a mobile phone salesman before they took on this --

Mr. [redacted] I don't know. To be honest with you, I don't know the background of all the guards. We relied on Blue Mountain heavily to do some of that vetting on that side before they submitted to us.

BY MR. ALEXANDER:

Q And just to be clear, Blue Mountain is America Libyan owned?

A No. British owned.

Chairman Issa. You mentioned, Brian asked a little bit about it,

but you mentioned the turnover. You were there only roughly 30 days.

Mr. [redacted] Correct.

Chairman Issa. Eight or nine new names in that period of time?

Mr. [redacted] I would be guessing to say --

Chairman Issa. More or less than that?

Mr. [redacted] But I would say in that range would be reasonable.

BY MR. ALEXANDER:

Q So you had a 50 percent turnover in your staff?

Chairman Issa. No, 21. A third to a half in a month.

Mr. [redacted] Approximately. About seven to eight, yes, departed and we had to recruit new people, personnel. But that doesn't -- there was, for example, I know of one particular story where there was a guard who had quit to go to school and they reached out to him and he came back. So it wasn't unlikely that one or two of them might have been guards that might have previously served on the compounds and then came back.

Mr. Chaffetz. How much were we paying these guys? They were all men, right?

Mr. [redacted] Yes. I don't recall the exact number we were paying them. The contract officers back here in the States were handling most of the contract work and they would play Blue Mountain directly and then Blue Mountain would get their money from the corporation or their representative on the ground. So we had nothing to do directly with that. We were just paying for the contract.

Mr. Chaffetz. Did you have any problems with Blue Mountain?

Mr. [redacted] No. Their representative on the ground was wonderful. We were their only client I think at one point, so we felt that we were getting a lot of personal attention from them. He was there on a regular basis helping us train the guards and he did his own training that was under Blue Mountain also.

BY MR. BEATTIE:

Q What was his name?

A To be honest with you, I can't remember. We referred to him [redacted]

Chairman Issa. Was he British?

Mr. [redacted] Yes, a former police officer.

BY MR. ALEXANDER:

Q You mentioned briefly that some of the guard force became sort of skittish, I don't know what your word was, after the June 6th bombing about working for the facility. Can you go into more detail on that?

A Unfortunately, they just were afraid to work. They felt that the U.S. was a target and they felt that they didn't want to work overnight. What we heard from the representative on the ground was that some of their families might have put some pressure on them to not want to work for the U.S. mission. Again, they didn't have any -- they were not armed. They didn't have any vests or anything like that. So I think they were -- I am assuming that they were afraid to work. That is what I was told by the representative.

Mr. Chaffetz. So our security that we hired out, they had no

guns?

Mr. [redacted] The Blue Mountain local guard force, they did not have any weapons. They were not armed guards.

Mr. Chaffetz. Tell me a little bit more about what their families said to them. They were concerned for their own safety because of what?

Mr. [redacted] I have no -- I didn't have any interaction. The representative on the ground from Blue Mountain had indicated that a couple of people he had spoken to said that they were afraid and they didn't want to work for the U.S. mission.

Chairman Issa. If they felt threatened, did they also say they had been threatened?

Mr. [redacted] No.

Chairman Issa. But they felt threatened?

Mr. [redacted] They felt threatened, but at no point did I remember the representative saying that any individual was actually threatened directly.

Chairman [redacted] Did you ask if there had been any threats or try to investigate why you were losing people because they felt threatened?

Mr. [redacted] No. We just were too worried about just making sure that we maintained the guards, because at that point we were also asking for additional Rovers on the ground. So after the attack and a few times after that also we were always asking for an additional two guards on the overnight shift to help with the roving of the property. So our main goal was just to get the bodies on the ground.

Mr. Chaffetz. You were asking that of who?

Mr. [redacted] Of Blue Mountain.

Mr. Chaffetz. Blue Mountain. And were they able to do is that?

Mr. [redacted] Sometimes yes, sometimes no. We would request three, they maybe were able to get us two. Then it would fall down to one the next day, and then maybe we were able to get another two again. So it was inconsistent. Blue Mountain spent a lot of time trying to recruit and keep guys in the pool available for us to have on the compound.

Mr. Chaffetz. Did they have radios?

Mr. [redacted] They did. Every guard had a radio, every guard had a baton, and they had whistles. But the radio was the most important thing. And the three guards that manned the gates had something that we refer to as the IDNS, which is the Internal Defense Notification System. It is an alarm button much like a garage door opener. And each one that manned the gate would have that in case anything happened at the gate, it would set off the alarms in the compound.

Mr. Chaffetz. During the length of your time there, you were there for a fairly short amount of time, how often did that go off?

Mr. [redacted] Not including drills that we were with running on a regular basis, three times.

Mr. Chaffetz. What were those incidents?

Mr. [redacted] The June 6th incident. There was another incident. The other two times were by mistake. One, a guard was

leaning up against a chair allegedly and he leaned in and somehow depressed the two buttons. And then a third was overnight, there were some arguments outside that wall and one of the guards somehow pushed the button. But it turned out that it was a guard with one of our QRFs, they were having a discussion, an argument that had escalated. So thankfully both other times that the alarms went off it was nothing.

Mr. Chaffetz. Can you describe the incident on June 6th?

Mr. [redacted] Sure. At approximately somewhere between 3:15 or 3:20 a.m. the IDNS alarm went off.

Mr. Chaffetz. The IDNS?

Mr. [redacted] The Internal Defense Notification -- the duck-and-cover alarm. We also call it the duck-and-cover alarm. The alarms go off. We scrambled out of bed. I was able to get my vest, my helmet, my M-4 and then grab a go-bag that I keep, that we used to keep next to our beds. We ran outside. The principal officer and the information management officer at the time had met in the foyer outside the bedrooms. There was an area outside of all the bedrooms behind a caged door where they sat down. So that way they were not near any of the exterior walls. They were internal to the residence. They had their vests on. And over the radio we heard that there was a suspicious male that had approached the front gate.

On the radio, one of my agents who was living in the TOC, his bedroom was in the Tactical Operations Center, the office building, was making his way over to the cameras. Another agent was making his way outside to investigate the suspicious male, which is what we heard

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over the radio. I secured the principal officer and the IMO and I told them to stay put, and I was trying to get some information over the radio.

Mr. Chaffetz. Who was the principal officer at that time?

Mr. [redacted] [redacted]

Mr. Chaffetz. Her role is --

Mr. [redacted] Just political ECON reporting.

Mr. Chaffetz. I am sorry. Keep going.

Mr. [redacted] And the next thing I heard was the explosion. I ran back -- I had been making my way from the door, the back door of the compound, of the villa, to the principal officer to try to keep her up-to-date on what was going on. It was a matter of maybe 4 or 5 minutes from the time the alarm went off to the time maybe that the bomb went off.

Once the bomb went off, it was apparent that they were frightened. It was a huge explosion. So I ran into my room because there is a window in my room that overlooks the front of the gate. I noticed it was a lot of smoke. There was some sandbags that were located immediately below my window like a little bunker area, and I noticed a couple of people there, and I recognized one of them at my window was [redacted] who was the other RSO that went initially to investigate. So at that point I kept them, the principal officer and the IMO there, and went outside to make sure that [redacted] was okay because I didn't know what was happening as far as there was too much smoke and I didn't know how close he had gotten to that gate before the bomb went off.

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Mr. Chaffetz. What did the bomb do?

Mr. [redacted] There was a hole. It took out immediately to the left, if you are inside the gate -- compound, immediately to the left facing the gate there was a hole about 12 feet wide.

BY MR. ALEXANDER:

Q Which gate was it?

A The main gate at Charlie, we call it Charlie 1.

Mr. Chaffetz. Did it blow it all the way through?

Mr. [redacted] The hole itself in the wall? That is correct. The gate itself was not touched, but the wall itself had a gaping hole in it.

Mr. Chaffetz. And you said 12 feet wide? High?

Mr. [redacted] Approximately. Yes. The wall itself was about at least 10 foot high, and the majority of the space was mid-level upwards, was about 12 feet, and then it became less at the bottom. So I think because there was a ledge that had been built on that wall and allegedly, and this is just from speculation from what everyone there had seen, he had placed the bomb on that little ledge of the wall. So the explosion itself was what they considered to be a low grade, more of a push explosion that detonated and pushed the wall in, and then the actual flames and what not came out there where there was no blocking out toward the street.

Mr. Chaffetz. Was it an actual hole, or did it blow the top of the wall off as well?

Mr. [redacted] It blew the top of the wall off as well. So there

was no hole. Everything from the top of the wall down, and then it tapered down from the bottom.

Mr. Chaffetz. Was it about one foot high? How much? Could you walk right through?

Mr. [redacted] Yes. You could walk right over the bottom part of the wall. There was no more than maybe a foot or two at the bottom.

Mr. Chaffetz. And this is about 12 feet wide?

Mr. [redacted] At the highest level 12 feet wide, Correct. And, again, it tapered at the bottom a little bit.

Chairman Issa. So a platoon of men could run through it or a heavy truck could drive over that one foot and get in?

Mr. [redacted] No. There was a tree on the inside of the wall that would act as a natural barrier. It just happened to be there. So I don't think a truck could actually get through. And as far as any kind of group of men, it would have to be almost one at a time, because, again, as it tapered at the bottom, unless they were jumping over each other, it would probably be only one at a time at that point.

Chairman Issa. But at this point anyone could see that this was an unreinforced wall. It had collapsed. It had no rebar in it. It was simply a stacked wall.

Mr. [redacted] That is correct. The one thing we did have though was immediately after the explosion, within less than 5 minutes, the 17th Martyrs Brigade, who was the fourth QRF that were on our compound, immediately called for their support. So we had 15-20 men, fully armed men, outside of the wall securing the area, outside the wall.

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Mr. Chaffetz. Did they capture the person who they felt was responsible for placing this bomb?

Mr. [redacted] I have absolutely no idea. I heard rumors, and it is only speculation, that the Libyans think they had the person, but I never received any kind of confirmation as to whether or not they actually were able to get the person.

Chairman Issa. How long were you there after that event?

Mr. [redacted] It happened on June 6th, so I was there for 3 days prior, and then I was there for another almost 30 days after that.

Chairman Issa. So did the FBI come in?

Mr. [redacted] No, sir. We collected as much information as we could and we tried to seal it, as far as swiping the bomb area, taking some photos, and we sent it back to Cairo. The engineering security officer had come out to assist with getting some of the electronics back up and running, and I sent back through Cairo a bag with some of evidence. I clipped a bit of the tree, swiped the wall, took some photos, and we sent them back in an evidence bag with him so he could spend it class-pouch back to the States [redacted]

Chairman Issa. But nobody came out?

Mr. [redacted] That is correct.

Chairman Issa. So you had absolutely no forensic follow-up onsite?

Mr. [redacted] The only one we heard was that the Libyans had sent their local expert to the site that morning, but that is all. And I

don't --

Mr. Chaffetz. What sort of experience do you have in those types of explosions?

Mr. [redacted] During training we went through post-blast explosion training down with ATF.

Mr. Chaffetz. How much training is that?

Mr. [redacted] One week training, where they show us what the difference between low grade, high grade explosives are, and they try to break it down to look for timers, to look for wrappings, containers. But, again, it is approximately one week with ATF, and then there are small units of hours or maybe a day that DS also does for us to show us explosives.

Mr. Chaffetz. And you had more experience in this than anybody else?

Mr. [redacted] No, sir.

Mr. Chaffetz. I mean there in Benghazi. Was there somebody else who had more expertise than you on this?

Mr. [redacted] Yes.

Mr. Chaffetz. Who was that?

Mr. [redacted] One of my RSOs, [redacted], had been in the military and my understanding was that he was in the engineering division, so he had had more experience with explosives. So he was more of the guy that was kind of running that investigation or at least preliminary doing some work on that.

Chairman Issa. Did he determine what the makeup of the compound

used was, whether it was fertilizer-based or something else?

Mr. [redacted] The assumption was that it was a low-grade explosive, and the most common one available based on our information was a thing called gelatina, which was extensively used in Libya for fishing and for any number of things. So we assumed since it is a low grade explosive also that it potentially could be that.

Mr. Chaffetz. Is there video of this incident?

Mr. [redacted] Unfortunately, the cameras are PTZ, point-tilt-zoom cameras, and it was facing the other side. So we have video footage of a vehicle which we assume to be the bomber's vehicle, a white Toyota pickup truck with a Middle Eastern male dressed in Islamic dress coming down the street at a slow speed. After that we lose where he allegedly parked the vehicle.

Mr. Chaffetz. So nobody followed him?

Mr. [redacted] There was no camera to follow him because at that point no one was actually manning the cameras.

BY MR. ALEXANDER:

Q So how many cameras did you have on the compound?

A On the total compound? To be honest, I can't exactly remember. Somewhere around 7 to 9 cameras. But at the main gate we only have the one camera.

Mr. Chaffetz. Why was no one manning the cameras?

Mr. [redacted] At that point we had -- there was no 24-hour manning of the camera in the Tactical Operations Center. There were three agents on the ground. One was living in the villa with the

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equipment and could get there if the alarm went off. But we didn't have someone 24-7. The other agent and myself were in the regular villa, and that is what had been agreed to.

Mr. Chaffetz. That is what I wanted to ask. What was the agreement? Why was nobody manning the cameras?

Mr. [redacted] At that point there would be no need to have a person 24-7, and since we only had three agents on the ground, and also when we were there, there were other duties that we had on a regular business so we couldn't maintain a 24 hour shift of agents available to watch the cameras and man TOC 24/7. He was just available in the area.

Mr. Chaffetz. Is this an infrared camera?

Mr. [redacted] No. It was just a regular camera.

Mr. Chaffetz. And was there outside lighting? Was the outside of the compound fully lit?

Mr. [redacted] No.

Chairman Issa. But it did see at 3:30 in the morning, so it had night vision capability?

Mr. [redacted] The immediate area outside the main gate was lit. So we could see the vehicle coming. As soon as it came within close enough proximity of the front gate, we did have a visual on that.

Mr. Chaffetz. Was this a busy street?

Mr. [redacted] No, not at all.

Mr. Chaffetz. How much traffic in a normal night would drive by the front gate?

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Mr. [redacted] I wouldn't even know. I couldn't even guess. But it was not a busy street. There were a couple of people who lived on the street. There were people who lived across from us. There was a couple of buildings, houses being built. The villa next to us was occupied or being redone. So there were people who lived on that road. But I think maybe three or four of the villas on that road were actually occupied.

Chairman Issa. Before we move off of the cameras, did you man the cameras at any point in the evening yourself?

Mr. [redacted] No. That evening?

Chairman Issa. You never sat in the TOC and looked at these things in the evening or night?

Mr. [redacted] Yes. We would sometimes sit in there, because the cameras were clearly visible to all of us in there from our desk.

Chairman Issa. I want to re-ask, are you sure that they had no night vision capability, that they had no green screens. That they just went -- if it was dark, they couldn't see?

Mr. [redacted] I can't speak to the technical. They might have had something.

Chairman Issa. That is why I am asking from your observation. From my experience visiting embassies, it is inconceivable that they weren't IR illuminated.

Mr. [redacted] Sure.

Chairman Issa. So just one more time. If you were there at night, were you able to see and did the color go away in favor of sort

of a green look?

Mr. [redacted] No. No. I do not recall ever looking at any of those cameras and their having the night vision green sort of look to them. Because we had night vision goggles.

Chairman Issa. So they were daylight only and dependent probably on illumination that was out on the wall?

Mr. [redacted] And they could switch over -- my understanding speaking to the engineering service officer that came out, and again it is only speculation, they had the ability to move to black and white at night, which helps with night vision as opposed to colors. But that would be something that I am only hearsay or speculating on.

Mr. Chaffetz. So while you were there, because you were only 3 days into this, they didn't transition those cameras afterwards, or did they?

Mr. [redacted] Transition them?

Mr. Chaffetz. Did they upgrade the cameras after that?

Mr. [redacted] No. Immediately after the explosion, the camera that we were discussing at the front gate went terminally down. We sent in our brief, in our memo, spot report back to headquarters. We indicated next step was we needed an engineering service officer, security engineer officer to come out and assess some of the electronics that went down. Cairo volunteered immediately. Within days [redacted], who was the security engineering officer, came out and he replaced the camera at the front gate.

We did have requests for four additional cameras on the compound.

I don't have the email. I spoke to [redacted] when we walked around the property and we identified where we wanted to put some additional cameras so we had more visibility, including two fixed cameras on the front so that we had clear visibility down one side and the other side of the road. But I don't know if those four cameras ever made it or did not make it after -- I did not get those cameras while I was there on the ground.

Chairman Issa. Did you get any other fortification or changes that you could tell us about during that 30-day or so period? In other words, what were the changes in reaction to a successful attack from the standpoint of if did penetrate the fortress?

Mr. [redacted] Sure. Well, our first primary concern was obviously getting everything back up to where it was at the minimum. So in the short term we were focused on getting the wall rebuilt, the concertino wire back up, the cameras back up and making sure that the video feed and everything was working properly.

Chairman Issa. The video feed inside or video feed back to headquarters?

Mr. [redacted] I am not sure. I don't know whether we did or did not have video feed back to headquarters.

Chairman Issa. As far as you knew, you were local?

Mr. [redacted] That is right. We focused on that. And then we had some cameras moved while the SEOs were on the ground to more strategic places in the same vicinity, but just moved up or down a little bit where we had more visibility. Other than that, immediately

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following we focused on the lighting because we wanted to illuminate the road in front of the mission. We felt that there was too many blind spots down there. And since we were now putting guards outside the gate so that we had more visibility outside the gate, we wanted to have more lights outside the gate also along the perimeter wall on that road so that anyone coming down, there was no darkness or no shadows. So we did our best to do that and to upgrade the lighting on the property itself so we had less blind spots from what we could see at night.

Mr. Chaffetz. Was there barbed wire on the tops of these fences?

Mr. [redacted] On the walls?

Mr. Chaffetz. On the walls.

Mr. [redacted] Yes, sir. The way it worked was the back road, which was our main road, the less traveled road, there was concertino wire across the top of it. The wall that was our back wall which was on the main road which was very well traveled, we didn't put it on there. They placed a fence about 10-12 feet inside of that wall, a high fence, and then on top around that fence we had concertino wire.

Mr. Chaffetz. Why was there no barbed wire on the outside fence facing the main road?

Mr. [redacted] I can't speak to that directly, I am not sure. But my understanding was that we didn't want to be visible from the main road that was highly traveled as being something of interest. Because if you were to drive up and down that road there was no flag, there was no nothing indicating that that wall was the U.S. mission's wall. So it made sense from my perspective that not having anything on that

wall lowered our visibility, lowered our footprint. But immediately on the inside of that was a trap area and then a very high 15-foot fence with concertino wire and a guard manning that area. And we actually added two lights on the inside of that fenced area so that anyone coming over that wall would be clearly seen immediately coming over.

Mr. Chaffetz. So when you had the incident and you called back to the embassy to let them know what was happening, what was their -- what did they tell you to do?

Mr. [redacted] Nothing. Nothing. I clearly indicated that all personnel were accounted for. No one was injured. We had the situation, we were doing roves of the property right now to secure the property, and I just wanted to notify them immediately. I also then called the DS command center back here domestically and informed them of the same.

They then followed up with phone calls, I think from D.C., and they were just making sure what we were doing, affirming what we were doing on the ground. And we said we already started working on trying to contact the contractor to get the wall back up as quickly as possible; that we had maintained the 17th Martyrs Brigade. The additional support that had come had blocked and we had pushed out or perimeter a little bit more on the main road so they were blocking the road so that no one could come in, and they were doing regular roves around the property. The guards were in place. And at that point we were just trying to work through reporting and making sure that nothing else was down. But there was no other direction. Everything we were told

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was we were doing what we could do with what we had available and that was it.

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Chairman Issa. So when you increased your standoff by putting Martyrs Brigade at the entrance to the street, did that effectively limit all vehicle traffic at that point? Or was there another way to get in and out?

Mr. [redacted] There were two egress routes that we had available to us, whether we wanted to, but we never used them. So the only way anyone was going to be able to be allowed into our compound would be to go down that main road and have to pass those two checkpoints.

Chairman Issa. So the pushback was how for? How far did that increase your standoff from your closest point of your outer wall?

Mr. [redacted] It was immediately -- so it was wall-to-wall. So instead of just being at the main gate and immediately there, they literally went to the perimeter of our wall so that one checkpoint was at one end of our wall and the other checkpoint was at the other side of our wall.

Chairman Issa. So someone could still walk up to your wall?

Mr. [redacted] No. They were -- I am sorry. If the gate was located here centrally and the wall extended 100 feet this way and a 100 feet that way, the standoff was at the perimeters of the walls themselves.

Chairman Issa. If I walk to that point or drive to that point, at that point I reach a guard, but I also reach your wall, the corner of your wall.

Mr. [redacted] Oh. Yes. Well, on the right-hand side, yes. On the left-hand side -- and I apologize, I just recalled -- we did have a field empty there. So they had pushed it out a little bit further because there was a little road. So on the left-hand side -- and I don't know if it was -- on the one side, no, but on the other side, correct. If they were able to go up to the guards, then they would have effectively also been right at the limit of our walls, the perimeter of our wall.

Chairman Issa. The reason I am asking is, on September 7th, or 11th -- I am sorry -- you have multiple people coming to the wall prior to the attack, apparently. Or at least we will see when we see the video. But those guards, their job had been to turn back anybody who didn't have a right to travel down that road because they were a resident?

Mr. [redacted] That is correct. Now, that was the 17th Martyrs Brigade. That switched at some point, because we were supposed to officially request assistance not from one particular brigade but from a group called the Supreme Security Council, SSC, which was a coalition of the brigades in Benghazi.

And that is who [redacted] had sent a letter to stating, "Please help us secure our property. We need some roves, and we need offset at the front." And they were the ones who were officially -- after the 17th Brigade, they were there just to assist us in the short term, and then the SSC took over those two checkpoints.

Chairman Issa. And they would have whoever they sent?

Mr. [redacted] That is correct. We had no control of who they sent, what their qualifications were, nothing. We had no idea.

Mr. Chaffetz. The British facility is fairly close to this, right?

Mr. [redacted] It was approximately about a mile and a half away or so.

Mr. Chaffetz. So did you have any interaction with them?

Mr. [redacted] Yes.

Mr. Chaffetz. What was their reaction, recommendation? What sort of input did they have?

Mr. [redacted] Nothing.

Mr. Chaffetz. Did they have any sort of incidents?

Mr. [redacted] Other than the RPG attack on the 11th, there were no other incidents that they had that we talked to them about specifically.

The representative on the ground from the U.K., who was a contractor -- and I can't recall his name at the time -- was living on the compound [redacted]. [redacted]

[redacted]

But they never came -- they were very rarely on our property. Sometimes we would have -- we took [redacted] there once for a meeting

and then when we responded on the 11th to help support the British. And then, after that, we went back again to investigate, take some photos of the vehicle itself, and talk to those guys.

So we had limited interaction at the time because then they disappeared for an extended period of time. They locked up their property and went away.

Chairman Issa. So after their attack, [redacted] they left?

Mr. [redacted] But they left, they all left, that is correct. They locked up the property as of the 17th or 18th of June. And the reason we know is because we had a memorandum of agreement where we would hold their assets on our property so that they didn't leave it there in an unmanned property. So they dropped off two vehicles and some other equipment locked up in safes that they had.

Chairman Issa. And that is the point at which the contractor -- you became their exclusive client. I assume that they were also a client to the British?

Mr. [redacted] No.

Chairman Issa. The British didn't use the British company?

Mr. [redacted] That is correct. No. No. I don't know who the British used. I don't know who they used.

BY MR. BEATTIE:

Q I am sorry, could you just go back to the SSC for a moment?

A Sure.

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Q You said there was an arrangement whereby you would call on them for security. Was that arrangement in place prior to June 6th, or was that something set up in response to June 6th?

A Both.

Q So --

A My understanding was -- and I wasn't there for the event. The RPG attack on the International Red Cross happened prior to my arrival. In the video, they had indicated that America was a target. They said something about -- so they drafted a letter and sent it to the SSC stating, could you please maintain the security outside of our property?

Q The Red Cross?

A No, the SSC.

Q Oh, okay.

A There was a formal letter sent to the SSC asking for them to maintain a perimeter outside, security.

BY MR. ALEXANDER:

Q And the SSC is Libyan-owned, is that correct?

A It's --

Q Can you describe what the SSC is?

A Sure. It is just a coalition of the militias.

Q Gotcha.

A So I don't know how it official worked, but our understanding was that all the militias had locally come together and they had created this group called the Supreme Security Council.

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BY MR. BEATTIE:

Q And how did the -- was it the principal officer that sort of set the arrangement up with --

A That is correct.

Q And how did she determine that the SSC was the appropriate umbrella group to work with?

A Well, that's what -- I do not know.

Q Okay.

A I don't know how she determined whether or not they were.

BY MR. ALEXANDER:

Q I am sorry, was the SSC designed after the June 6th bombing to replace the 17th February Brigade, or is that just in addition to, or?

A The SSC had been there prior --

Q Okay.

A -- to the June 6th bombing, after the International Red Cross, the Committee of the Red Cross, ICRC, attack. And then they were officially the ones that we were supposed to be dealing with. We weren't supposed to necessarily be dealing directly with, as far as our exterior perimeter, with any one particular brigade.

Q Okay.

A So the SSC was the one that -- my understanding was that they were the ones that we were supposed to be dealing with and they were supposed to maintain the perimeter outside.

Q Gotcha. And I am sorry, just to clarify, you had Blue

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Mountain out there before, right?

A Blue Mountain is our internal.

Q Internal. Right. Gotcha.

A Yeah. Sort of, the rings of security that we --

Q Gotcha.

A There is an exterior ring, which would be the SSC or, if need be, the 17th Brigade. The next immediate ring would be the local guard force.

Q Okay.

BY MR. BEATTIE:

Q You mentioned several times that you interacted with Cairo on security matters. Was Embassy Cairo your primary point of contact for what you were doing in Benghazi? What was your interaction with Embassy Tripoli?

A Embassy Tripoli was obviously our main point of contact because we were obviously folded under the mission -- under the Libyan -- Tripoli Embassy. The only reason that we were contacted by Cairo directly is because usually what happens is, in these instances, especially when it comes to engineer offices, there are regional hubs. And I don't know, to be honest with you, whether Cairo was the hub or not. I know that it might be a hub, but we also have one in Frankfort. So they reached out to us and said that they were ready to help if necessary.

Q So, as I understand it, the night of the June 6th attack, there were three DSS agents on post; is that correct?

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A That's correct.

Q Okay. And was their presence arranged or coordinated by Tripoli, by the embassy in Tripoli, by the RSO there?

A Was their --

Q Was the presence of -- who, basically, assigned the DSS agents that were -- including yourself and those under your supervision, how were they brought in? Were they brought in on orders of Tripoli?

A No. I was brought in under International Programs, or IP office --

Q Sure.

A -- which is back here.

Q Do you have any insight into how the decision was made to send three officers? I mean, why not four or two or --

A No.

Q Okay.

A No.

Q You basically just got your orders and shipped out.

A That's correct.

Q Okay. And how would your describe your interaction with Embassy Tripoli, sort of, on a daily basis or weekly basis? Did you talk to the RSO on a regular basis?

A The acting RSO, daily after the attack, yes. The RSO himself, [redacted], was on home leave during the attack. So, at that time, the acting RSO was a person that I was dealing with.

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Q And who was that?

A [redacted]

Q This was in Tripoli?

A That's correct.

Q And you said it was daily after the attack, but what about before the attack? Oh, I guess you were only there 3 days.

A I let them know that I had arrived. That was about it.

Q Yeah, sure.

BY MR. ALEXANDER:

Q There has been a lot of talk that -- or, everybody refers to that compound as a consulate. Was it a consulate?

A No, sir.

Q And why wasn't it a consulate?

A We weren't processing visas, we weren't doing any of the regular duties. We weren't set up to help American citizen services in the way that a regular consulate is set up.

Q Okay. Then what exactly were you?

A We were a forward mission. I don't know what the State Department classified us as or what we were termed.

BY MR. BEATTIE:

Q So do you have any insight into the legal or diplomatic status of the compound in Benghazi?

A No, sir.

Q Okay.

BY MR. ALEXANDER:

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Q And what was your primary function?

A Security.

Q Okay.

BY MR. BEATTIE:

Q Did you ever travel to Tripoli?

A No, sir.

Q So you flew straight in from --

A Istanbul.

Q To Benghazi?

A Uh-huh.

Q Did anyone from Embassy Tripoli come out to visit the Benghazi compound while you were there?

A Did anyone? We had -- when we requested additional support, one of the TDYers that had originally been assigned to Tripoli was rerouted to Benghazi, [redacted]. So we had an additional security officer.

Q So that would be four.

A No, no. That was after the bombing.

Q After the bombing, you would have then four when they sent somebody additional, or --

A Well, we actually went down to two --

Q Oh, I see.

A -- because the person on the ground, [redacted], had been scheduled to leave. So then we went down to two. So they routed one agent from TDY status in Tripoli to Benghazi.

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Q To keep it at three?

A To maintain three.

Q So when did Mr. [redacted] leave?

A I don't recall the exact date.

Q Okay. Roughly a week after the attack? Two weeks? I mean, not being precise.

A It would have been days.

Q Okay, days.

A It would have been days after the attack. It was after the attack but prior to June 9th. Because on June 9th is when [redacted] was rerouted from Tripoli.

Q Oh, so that is pretty good. You got him within 3 days.

A Yes. He was routed from Tripoli to Benghazi.

Q Okay.

A And then along with [redacted] was [redacted] who was coming down for a completely separate business that he had, something to do with DOD and some containers that were coming in.

Q Understood.

A So he was coming down. And there was a contractor on the ground who was dealing with our life services contract, basically our personnel who were food and cleaning crew. And I don't remember the dates he was there at all. But he was also on the ground to assist.

Q So you said --

A I mean --

Q Yes? Go ahead, please.

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A Just another body on the ground. I think he came from Tripoli also.

Q So you said it was [redacted] was sent perhaps a few days after Mr. [redacted] left?

A Correct.

Q And so, at that point -- so between the time when Mr. [redacted] left and when Mr. [redacted] arrived, you were down to two DSS agents immediately after the attack.

A That is correct.

Q And then when Mr. [redacted] arrived, it would have been three again.

A Uh-huh.

Q Did he come with Mr. -- you said [redacted]?

A They both came together.

Q Okay.

A The initial plan was for [redacted] to come down, and then Lieutenant Colonel [redacted] was trying to coordinate his arrival, which was going to make us have to do multiple trips to the airport. Not for nothing, but we recommended if they could get on the same flight, it would be a lot easier to do one trip to the airport.

Q Sure.

A So they were able to coordinate so they came in together.

Q Okay. So those two came.

A Together on the --

Q And how long did they stay?

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A Three weeks. Approximately 2 to 3 weeks.

Q Okay.

A Yeah. I know [redacted] was going for one 30-day period. He had served some time in Tripoli, so the remainder, which would have been about 3 weeks, was in Benghazi. He was scheduled to be there for the 3 weeks, and I think he completed it.

BY MR. ALEXANDER:

Q So when they brought you back up to three, what was your understanding of how many you were -- or I should say, how many slots did you have for DS agents?

A The compound -- my understanding was the compound was originally slated for five.

Q Okay. While you were there, did you have more than three?

A Yes.

Q Okay. So at what point did you have more than three?

A Approximately a week after [redacted] arrived, or thereabouts, [redacted], another DS agent, came on board.

Q Okay.

A So we were up to four.

Q Okay.

BY MR. BEATTIE:

Q [redacted]

A That is correct.

Q For a time.

A We were using [redacted] as an asset because of his

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expedience. He was a Green Beret. He volunteered to assist. We felt very comfortable handing him a rifle.

Q So he was manning a post, then, basically?

A No. He was more of a response unit. We didn't request any assistance on the regular duties, on the day-to-day that we were doing. He was simply waiting around. He had his other business that he came down from Tripoli to Benghazi to do. But in response to anything, he would always volunteer to assist. And he asked to have a weapon available so that he could assist.

BY MR. ALEXANDER:

Q So, just to clarify, at any one time you only had four DS agents?

A That is correct.

Q Okay. Just wanted to make clear. I was trying to get the division of labor here.

A Yes.

BY MR. BEATTIE:

Q And when you -- you said you left on -- I apologize --

A It was July 5th.

Q July 5th. When you left on July 5th, how many DS agents would that have left behind when you left?

A Four. To the best of my knowledge right now, I am going to say four. Because [redacted] had left, and [redacted] had come in.

Q So wouldn't that have been four, including you when you left, or there would have been four left when you left?

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A Well, at some point [redacted] left before I did.

Q Right.

A So then --

Q That's still at four, right?

A -- three.

Q Okay.

A And by then [redacted] came down from Tripoli to Benghazi, so we were back up to four.

Q Including you.

A Yeah, yeah, that was including me. Sorry.

Q And when you left --

BY MR. ALEXANDER:

Q So when -- sorry. So it went from two to three to --

A Four.

Q -- four to three?

A That's correct. Yeah. And so on the ground when I left would have been [redacted], [redacted], and [redacted]. And there was another agent making his way --

BY MR. BEATTIE:

Q To replace you?

A That's right. He was supposed to arrive earlier. We asked him to delay. He was having problems with his visa. He was talking -- he was scheduled to arrive on the 7th, which was also the scheduled date of the elections. The recommendation was not to come on the day of the elections, to delay that.

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So when I left on the 5th, there would have been a lull for a period of time there. And then I don't know when he arrived on the ground. To the best of my knowledge, I think he was scheduled for the 9th, but I have no confirmation of that.

Q Did the RSO-type folks, did you guys have trouble often with visas from the Government of Libya? Or was that an unusual situation?

A It was not unusual for people that were stationed in D.C. to be having 5-, 6-week delays in getting their visa. That was something that we had to account for in the personnel that were coming.

Me, coming from overseas, or some people in Frankfort, it seemed to be a little bit easier, but I can't speak to that. For me, it was quite quick, and within 48 hours [redacted] I was able to get a visa.

Q And [redacted], he was a member of the SST; is that correct?

A That's correct.

Q Okay. And were there any other SST stationed or that did any time at the Benghazi compound while you were there?

A Not during my time.

Q Okay.

A And, again, just to be clear, [redacted] wasn't actually there serving as an SST on the ground. He was there for a completely separate meeting --

Q Understood.

A -- with the -- yeah.

Q Understood.

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A So I don't know -- because I know SST is sort of a State Department classification --

Q Right.

A -- and they have particular duties that they assist with.

Q He was wearing multiple hats.

A That's correct.

Q Okay. Understood. Understood.

So you mentioned -- [redacted], he was the RSO in Tripoli; is that correct?

A That's correct.

Q And you said he was on home leave on 6 June. What was your interaction with him? Did he come back while you were there?

A Yes.

Q Okay. And then once he came back, what was your interaction with him?

A Regular.

Q Every day or --

A No. No. Not every day.

He was not there for June 6th, I know for a fact. He was on home leave. I don't know when he returned from home leave.

When he returned from home leave, I am sure there was a lot of catching up he had to deal with because a lot was going on. So it was limited contact. Most of it was over e-mail, keeping him in the loop as to what was going on, or IP reaching out to him and keeping us in the loop also. We had a few conversations over the phone.

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Q And you mentioned you were in Benghazi for the 11 June attempt on the U.K. Ambassador. Could you tell us a little bit more about that, just from your perspective?

A Sure. We were notified that there was an attack on the U.K. motorcade, the Ambassador. The security officer in Tripoli reached out to me and asked for support. And we had a couple other people ask for support also. It came from multiple channels because we all had contacts with the U.K. security forces on the ground, folks.

So once we got the green light and they asked us, I released one of our agents, [redacted], one of our QRF. [redacted]

[redacted] volunteered to go. So I held our guys at the front gate, [redacted] and they were supposed to rendezvous there. I think the rationale was, I wanted a medical person on the ground; otherwise -- it was a primary concern because we had heard that one of the gentlemen was losing blood quickly because of shrapnel wounds in his arm.

Once they coordinated, they went ahead to the compound. And then after that I didn't have eyes on the ground, so I didn't know exactly what they did or what they didn't do.

Q But do you have any idea about how far from the Benghazi compound you were that the attack occurred?

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A Sure. About a mile, a mile and a half.

Q Okay. And can you tell us about the attack itself, what happened, to your knowledge? I know you didn't have eyes on, but --

A All we did was a quick investigation immediately after. We know that the lead vehicle was hit with an armor-piercing RPG from the rear. And it skid across the inside roof of the vehicle, exited through the front windshield. There were two people located in that front vehicle, a medic and a driver, and they received wounds from the molten, armor-piercing round.

Q And so the Ambassador was or was not in the car that was hit?

A No, the Ambassador was not in the car. There was a three-car motorcade. The lead car was the security team -- again, a medic and a driver. They were the ones that were hit. The second vehicle in the motorcade, to my understanding, is where the Ambassador was actually located.

Q Was there any small-arms fire in addition to the RPG?

A I can't speak to that. There were people that said that they heard, but I have no knowledge of whether there was or there wasn't. I have no idea.

BY MR. ALEXANDER:

Q Did the Ambassador ever travel, to your knowledge, in the first car?

A No. No.

Q Okay. Always in the second car?

A I don't know how they made up their motorcade. But,

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honestly, I wouldn't even dare to guess how they decided to make up their motorcade, because they may have a different philosophy or security philosophy on how they run it.

Q Okay. I guess what I am driving at is whether it appeared to anybody that the attackers knew that he would be in a certain car.

A Right. I know that the lead car and the second car were similar makes and models, similar colors, and they both had diplomatic plates. But as far as whether a lead car should or shouldn't have depends on the security at that time and the person making the call. So I don't know whether or not they would have traveled, if he ever did travel, or how it worked.

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BY MR. BEATTIE:

Q You mentioned that the British had closed their office at some point after 6 June. Had they closed their office by 11 June?

A No, no. They were absolutely still there. And then the U.K. ambassador had come down.

Q When did they close, do you recall when they closed their office?

A Officially?

Q Yeah.

A The ambassador immediately left the next day after the attack. And we escorted them to the airport.

Q But when did the British office in Benghazi close?

A They closed down approximately the 17th or 18th of June. They locked it down. It wasn't unusual for them to lock it down, store the assets on our property and then come back.

Q When they closed up, were there any other Western diplomatic type facilities left in Benghazi?

A Yes.

Q Who was that?

A The -- I don't know exactly. But we had trips that we would take to the German or the Norwegian compound, and they were co-located there; the Finnish, the Swedish, the Norwegian and I think the Germans. I don't know who was there at any one time, but I know that that compound

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had a few of them living there.

BY MR. ALEXANDER:

Q Did they ever come under attack while you were there?

A No.

Q Or to your knowledge at any other time?

A No, not to the knowledge.

BY MR. BEATTIE:

Q Were there any other significant security events that occurred in Benghazi during your time there? You mentioned the two.

A The June 6th, the June 11th. There was the attack on the Tunisian consulate that happened.

Q When was that?

A I don't recall the exact date.

BY MR. ALEXANDER:

Q Can you describe it?

A There were protests outside of the Tunisian consulate wall in response to what they deemed an exhibit in Tunisia that they felt was insulting to Islam. They spray-painted something on the walls. And that's the extent of -- and there was a crowd of people outside. There was a lot of speculation as to what exactly happened, but no reliable sources as to whether or not they had gained access to the compound or not, that they had given advance notice or not, that the police were there ahead of time for support or not, so there was no good detail after that.

Q That brings one -- that reminds me of a question I had about

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the June 6th attack. Did anybody enter the compound after they blew the hole in the wall?

A No. The 17th Martyrs Brigade knew that they were going to remain on the outside of the compound. The only people allowed inside the compound, which we always made clear, were the guards, any personnel that were working on the compound or the QRF, which were members of the 17th Brigade. So we had an understanding they would always remain on the outside because we didn't know once they entered the compound, we wouldn't be able to tell who was a good guy or who was a bad guy. So only our folks. So that was an understanding that we had with them. And my understanding is that they always followed it, and on that day, none of them entered the compound unless we invited them in to talk to them afterwards, but we knew who they were.

Q Did anybody take credit for that attack?

A I'm trying to remember whether someone did or didn't. I know that there were -- I think there was a group, I don't remember who they were, that claims to have, I think I heard. But I don't have any direct knowledge, no direct knowledge of any one group or person taking credit for the attack. But I had heard that some people had identified one or two people.

BY MR. BEATTIE:

Q Was the imprisoned Sheik Omar Abdel-Rahman named?

A I have no idea to be honest with you. I can't remember.

Q Actually, you said something interesting, if we could just go back, about the 17th of February Martyrs Brigade. Were you saying

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that QRF were living on the compound, is that correct?

A That's correct.

Q But then there were other 17th February Martyrs Brigade that were not allowed on the compound, is that correct?

A Not that they weren't allowed on the compound, but the four that were living on the compound, we knew who they were. There was a camp that they had located close by, and that was their support. And that's who came and responded after our bomb in support of us.

Q So the four QRF, they were known to you, they were the same men?

A The same four on a regular basis. We trained with them. They had received training from prior RSOs, that's correct. They knew how we operated. We knew that they knew how to operate with us, that's correct.

Q And how did you know that they could be trusted other than obviously your daily interactions?

A Daily interactions, that's correct.

Q Were they vetted by U.S. personnel or were they vetted by SSC, do you know?

A I do not know. They were there when I got there.

Q They were there when you got there?

A Yeah. They were on the ground when I got there. And we would read hand-over documents, and they were identified a number of times as a trusted, a trusted group that we had on the compound.

BY MR. ALEXANDER:

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Q Were you aware of any specific terrorist elements or insurgent elements inside Benghazi while you were there, al Qaeda related, affiliated?

BY MR. BEATTIE:

Q Islamist type groups.

A We might be crossing over into classified information at this point.

Q We could flag that if you're not comfortable.

Mr. Alexander. We'll flag it and come back to it.

BY MR. BEATTIE:

Q Were there any parades or anything like that while you were there, maybe flying the black flag?

A Yep.

Q When did happen?

A I think it was approximately around the 9th.

BY MR. ALEXANDER:

Q Of June?

A Of June. There were large protests in downtown Benghazi. Or I wouldn't say protests. There were large assemblies of black flags, of militant groups. And no violence occurred during the time, as far as I'm aware.

Q Were they armed?

A Yes.

Q With what?

A I do not know because I didn't witness any of them in

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particular. All I had was from a number of witnesses secondhand information that they were armed.

BY MR. BEATTIE:

Q How close would this have been roughly to the compound, to the U.S. compound?

A It was at least a 10 to 15 minute drive to downtown Benghazi where they might have been located, but I didn't exactly know where they were demonstrating.

Q How did you know about it then?

A Our QRF on the ground also had a local police radio, so they were aware of what was going on in the local area from the police.

BY MR. ALEXANDER:

Q Do you know what they were assembled for, what their message was? You said it was a protest.

A There was no protest. I think they were just demonstrating, and they were voicing their message.

Q Do you know what that message was?

A No, I do not specifically. I know that there was some reporting on it that might have come back, but I don't remember exactly what their message was. I can speculate, but I would rather not at this point because I know somewhere someone wrote back on it probably.

BY MR. BEATTIE:

Q Yeah, was it -- well, that's interesting. Do you know, was that reported back to Tripoli?

A Yes.

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Q It was?

A Yes. Yeah, it would have been reported back to Tripoli and back to D.C., yes. Because I know that [redacted] was still on the ground, and this would have been one of those items that she would have flagged and reported back for political reporting itself.

BY MR. ALEXANDER:

Q Did you see that correspondence?

A I believe I did see the email that went back or she had forwarded so we had an idea what it was.

Q Do you recall what the assessment was?

A No. No, not off the top of my head, not the exact information. And again, I don't want to necessarily speculate, because if it is available, she is a much better writer than I can even guess at.

Mr. Beattie. I understand.

BY MR. ALEXANDER:

Q Were there any other similar demonstrations while you were there?

A No, not to that extent. There was one other incident that was significant, and that was prior to the elections. There was the attack on the local election headquarters in Benghazi.

BY MR. BEATTIE:

Q When was that roughly, or precisely if you can remember?

A I can't remember the exact date.

Q The elections were the 7th?

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A They were scheduled for July 7th. I was departed July 5th. It could have happened in that first week of July. I think it was in the first week of July, but again, I do not know what date exactly. But I was still on the ground when it did happen.

BY MR. ALEXANDER:

Q Obviously, it appeared to be a political message?

A That's correct.

Q Do you recall any other message aside from that?

A No, sir. And that particular one, from all the reporting that we were able to see, it was clearly just they were frustrated with the system.

Q And do you recall who perpetrated that action?

A Again, I don't have any direct knowledge of whether or not -- what group it was that was directly involved.

BY MR. BEATTIE:

Q And you said that was the High National Electoral Commission office, is that what that was?

A I don't know if that is their exact title, but it was just the local election offices that had a lot of the ballots.

Q Any other significant security events that happened while you were there?

A There was one attack on an individual in a market, but that was more of what appeared to be an isolated incident where there was a bomb placed under his seat. And it was either -- he either died. I don't even know whether he did or didn't die.

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BY MR. ALEXANDER:

Q Seat of a car?

A It was a seat of a car, that's correct. And the explosion took place in a local market. Again, it was very targeted, and it wasn't a large explosion. No one else was injured, as far as I can remember from the reporting, just the individual himself. And I don't know whether the explosion was large enough that it killed him.

Q Again, you don't know who was responsible for that?

A That's correct. There's way too much speculation in the media. We never knew exactly who was involved with what or what was actually going on locally. It was hard to say.

BY MR. BEATTIE:

Q Any other significant security events?

A June 6th, June 11th, elections office, targeting. In Benghazi, not that I can recall.

Q Busy enough for a month?

A Yeah. I'm trying to think if there was. There were a couple on the outskirts of Benghazi in other towns and whatnot, but in Benghazi itself, I think those were the four that I can remember. And I'm sorry if I'm missing one.

Q No, that's okay. Just your recollection is fine.

Ms. Sachsman Grooms. Can we go off the record for a moment?

[Discussion off of the record.]

Chairman Issa. You do have one of these, right?

Mr. [redacted] Yes, I do. Thank you?

Chairman Issa. You all have one, too, right?

Mr. Alexander. No.

Chairman Issa. You're not getting this one. Well, if you do a good enough job, you might?

Mr. [redacted] The select shirt [redacted]?

Chairman Issa. And it's getting that time of year [redacted] where you need long sleeves?

When you were [redacted] how many people, DSs, were there, a rough number?

Mr. [redacted] [redacted] approximately somewhere in that?

Chairman Issa. And that's over and above, of course, all the contract services?

Mr. [redacted] That's correct?

Mr. Alexander. And I'm sorry, what time period was that again?

Mr. [redacted] I was there from July of 2010 to July of 2011?

Chairman Issa. And my understanding is that the number is substantially similar now. Do you know what the number is?

Mr. [redacted] I do not.

Chairman Issa. Do you have a feel for how many of your friends are still there? A dozen or more?

Mr. [redacted] Actually, most of the people that I was -- had already transited through. There's a few [redacted]. But I don't know the numbers [redacted] right now. I know there's a few of my friends [redacted], which, then again, that's a different number also.

Chairman Issa. But in 2010, the major hostility, obviously, was

long over; it was a government transition time?

Mr. [redacted] Correct.

Chairman Issa. And when you were working teams, supporting either distinguished visitors or direct principals, like the ambassador, what would your typical team be when, let's say, the ambassador moved?

Mr. [redacted] Well, I never actually did a traditional move with the ambassador.

Chairman Issa. Who was the highest ranking that you ever did a move with?

Mr. [redacted] Well, I should clarify. When I moved with a team, I served in two roles [redacted]. One was with the Direct Protection Office, where I would take just any number of Foreign Service officers out, no high ranking that I can recall. And it would be a three or four motorcade car [redacted]

Chairman Issa. The driver was DS? Or just --

Mr. [redacted] Everyone in the vehicle other than the AIC, agent in charge, was contractor.

Chairman Issa. So your movements would be one DS --

Mr. [redacted] At least, yep.

Chairman Issa. And how many contractors? Well, six at least --

Mr. [redacted]

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[redacted]

Chairman Issa. [redacted]

Mr. [redacted] No, no, I'm sorry. Only one in that particular motorcade. [redacted]

Chairman Issa. And at that time, you were using [redacted]? Who was your contractor?

Mr. [redacted] That's correct, [redacted].

Chairman Issa. And they were there for 6 months or longer at a time, right?

Mr. [redacted] I don't recall what the rotation was, but there was some push and pull as far as what their official rotation should have been, whether 90 days or 120 days on the ground, before they took some time and came back to their assignments.

Chairman Issa. And they were obviously cleared before they got to country, as far as you know?

Mr. [redacted] That's correct?

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Chairman Issa. And they were armed?

Mr. [redacted] Yes, sir.

Chairman Issa. Highly?

Mr. [redacted] Yes, sir. We all were armed.

Chairman Issa. If you could just contrast what -- any movements that you were involved in while you were in Benghazi during that 30 days, what would a typical foreign service officer movement look like?

Mr. [redacted] There were some movements. So we traveled in a one-car motorcade to lower our profile. It was a conscious decision, since we didn't have the numbers to be able to support like we did -- again, not trying to compare Libya [redacted], because they were completely two different environments at the time, but it was permissive enough in the local environment that we felt that we could make movements, but also we didn't want to stand out. So one of the steps that we took was we would just be a one-car motorcade so that we weren't standing out as far as having two or three similar vehicles.

Chairman Issa. Was that like a one-car parade?

Mr. [redacted] That's pretty much it. We just had one car.

Chairman Issa. What kind of car was it?

Mr. [redacted] It was a Toyota Land Cruiser.

Chairman Issa. Armored?

Mr. [redacted] That's correct, fully armored vehicle.

Chairman Issa. Fully?

Mr. [redacted] Fully armored vehicle, with radio, with weapons

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and with medical and plates available for the principal and for the people in the vehicle.

Chairman Issa. So who was -- who would be in that vehicle? The principal, obviously?

Mr. [redacted]

Chairman Issa. When they went over to the British consulate, you were on that movement?

Mr. [redacted] That's correct?

Chairman Issa. Describe that movement?

Mr. [redacted] Sure. It would be one of the -- if there was a locally employed staff member, one of the our drivers, then he would be the driver. If we had released him already for the night, it would have been one of the other agents. [redacted]

Chairman Issa. So four people. A principal driver, which may or may not be --

Mr. [redacted] An agent.

Chairman Issa. -- an agent. If it was an agent, then it would be a total of three people in the car, not four?

Mr. [redacted] There would never be four, unless [redacted]

Chairman Issa. Okay. [redacted]

Mr. [redacted] That's correct, that's correct, that's correct.

Chairman Issa. And any problems ever in any of the movements?

Mr. [redacted] No. Again, like I said, we made a conscious decision because one vehicle was less conspicuous. We requested Land Cruisers because there were Land Cruisers available in the local economy, so we felt that we could blend in. The other thing we did was we made a conscious decision [redacted]

Chairman Issa. Right. [redacted]

Mr. [redacted] And we --

Chairman Issa. [redacted]

Mr. [redacted] That's right. [redacted]

Chairman Issa. Where did the decisions come from? You said "we." But where did the decisions come from?

Mr. [redacted] I'm sorry.

Chairman Issa. I've been to Britain. I know "we" can mean a lot of different things. But in this case, the "we," who all were part of that decision, as far as you knew, to blend as a part of a security profile?

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Mr. [redacted] I did.

Chairman Issa. You did?

Mr. [redacted] Yeah.

Chairman Issa. So they weren't doing that before you arrived?

Mr. [redacted] I don't know what they were doing officially. [redacted] Once I got on the ground, they heard that the MFA, the Ministry of Foreign Affairs, had requested all our vehicles have diplomatic plates. We were told to put our diplomatic plates on the vehicle.

Chairman Issa. And you blended that?

Mr. [redacted] Well, yes and no. At first, we did, but then after the attack on the British motorcade, [redacted] But after September 11 -- after the September 11th attack --

Chairman Issa. June?

Mr. [redacted] I'm sorry. The June 11th attack, [redacted]

Chairman Issa. And in the case of the nondescript wall that was already in place, but the same sort of a reason, that it lowered the --

Mr. [redacted] The profile.

Chairman Issa. -- appearance and profile?

Mr. [redacted] Yes.

Chairman Issa. Any other things you would like to share with us as far as what you would do to lower profile?

Mr. [redacted] On the vehicles, we bought a dashboard cover; this furry sort of a thing that we can put up there. If you've been in the Middle East --

Chairman Issa. Yeah. They're like fuzzy dice?

Mr. [redacted] Yeah. We put a tissue box because it's very common. We prefer to drive -- we preferred it when we had a locally employed staff driver.

Chairman Issa. Because he looked the part?

Mr. [redacted] Blended in. We tinted the windows on the vehicles, so that they couldn't see who was in the back seat. And we wouldn't wash the vehicles on a regular basis. That way, it maintained a lower profile. So that's some of the things that we did. Other than that, there wasn't much we could do?

Chairman Issa. What kind of attire did you wear when you were doing these?

Mr. [redacted] We had vests. We did not actually have them on because most of the movements we felt comfortable driving around Benghazi; especially daytime movements, we felt comfortable, because we would go out without the principal officer, for example, just to set the environment, we would go out and get pizza from the QRF, just as a thank you for the work they were doing. We would go to a video store and get some videos and bring it back. Everything was back to the compound, but we felt comfortable with going out. We had vests.

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We had medical gear in every vehicle that left the property, and it was fully armored. We always had our side arm on us at all times, and we had our M4 right next to us, but we kept it covered.

Chairman Issa. So when you got out of the car to get a pizza, did you take your M4 with you?

Mr. [redacted] No, no. We had one person remain in the vehicle with the weapons. And the only thing I would carry on me was my side arm, but we always carried it concealed, much like we do here in the States.

Chairman Issa. So again, low profile --

Mr. [redacted] That's correct.

Chairman Issa. As invisible as you could be was part of the strategy?

Mr. [redacted] And I was very popular as one of the people that would be sent out to do stuff because I could broadly blend in with the Libyans more often than some of the other agents that were there?

Chairman Issa. [redacted]

Mr. [redacted] [redacted]

Chairman Issa. Thank you very much?

BY MR. ALEXANDER:

Q I just have one quick question. Did you make any movements between June 6th and June 9th, do you recall?

A June 9th. We made a movement to the -- bear with me. I think it was June 9th, and I apologize. We made a movement to the German-Swedish complex on the night of June 9th because there were some

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people that were leaving, and she had previously been invited to attend an event. She was willing not to go, but she was -- [redacted] the principal officer, was asking if we wouldn't mind. We assessed the situation. We discussed it among the agents. We used agents only to monitor the whole movement and limited it to about an hour to an hour and a half.

Q So you had two agents in the car?

A It was myself and one of the other agents in the vehicle. We knew that there were armed men outside of that property. And it was being held where there were other diplomats that were going to be held there. And one of the reasons we went was because the property where it was was called Pepsi Street in the neighborhood, and there were a lot of families. So we knew if something was going to happen, if we got there and we noticed that the environment was changing, there wasn't a lot of people or a lot of families and kids, we would know to back out.

Q Were there any DS agents remaining in the compound?

A Yes. One agent remained at the talk monitoring the radios; one was driving the vehicle and keeping both myself and the talk informed every 15 minutes of reports. And my job was inside with the principal officer in case anything happened.

BY MR. BEATTIE:

Q Real quick. One last thing that Mr. Issa brought up and I just wanted to follow up so we don't forget it. You mentioned buying pizza for the QRF. Were the QRF paid to your knowledge?

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A They received a stipend.

Q From?

A DF.

Q That did they receive any financial compensation for what they were doing to your knowledge?

A No to my knowledge.

Q How much was the stipend?

A We had it increased from $27 to $35 per day.

Q So this would be the four gentlemen in the QRF --

A That's correct.

Q Got $37?

A $35. They were increased from $27 to $35.

Q Did that concern you at all?

A Did it concern me? No. I rallied for the increase.

Q No, but I mean, did it concern you that that was their only -- was that a reasonable amount of compensation? Was it low? Was it high?

A They weren't getting paid anywhere else, so I felt that we were the only group that was paying them as far as I knew. They weren't getting any money for being part of the militia, so the only income they had was what they were getting from us.

Q Were you concerned that that would disgruntle them?

A They actually were very appreciative of the increase that I was able to get them and were able to get approved. They asked for more money. They asked for more training. They asked for medical and

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some other items. We were able to get them into more training. We just included them more in our drills, which satisfied one need. There was no medical to give anybody at the time. And as far as a contract or anything, we were able to get them an increased stipend, which doesn't seem like a lot but in that environment was quite a bit of money. And they were very appreciative and profusely thankful for us to be able to do that for them and to show our appreciation that way.

Q Thank you.

Mr. Alexander. Did you want to take a break for a few minutes or did you want to press on?

Ms. Sachsman Grooms. Let's go off the record.

[Discussion off of the record.]

EXAMINATION

BY MS. SACHSMAN GROOMS:

Q Can we go back to just discussing what the security situation was like from your perspective? I think you've described it to some degree as being permissive, even after the June 6th attack. Can you explain what you meant by that?

A Sure. After the June 6th attack, we obviously limited movements in the short term, immediately that day, the next day, just so we had a better feel for what Benghazi was looking like, if there was any additional threats, anyone was going to come forward, anything like that. We didn't get any of that, so we almost went back to a more normal routine in Benghazi, which would mean that we would leave the compound. We would send our locally employed staff off the compound

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to go get some items. We obviously made regular trips to the airport to pick up and drop off agents and whatnot. We had [redacted] and [redacted] coming in on the 9th. So we were a little bit more concerned with making multiple trips down the same routes. But as far as making random trips or unscheduled trips, varying routes and times, we didn't feel that we couldn't do that, even immediately after the June 6th attack.

Mr. Cummings. Why is that? I mean you just had an attack --

Mr. [redacted] That's correct.

Mr. Cummings. And define that word "permissive," because, as a matter of fact, I jotted that down when you said that. So you weren't feeling fearful.

Mr. [redacted] We got used to a certain level of fear living there. We got used to a certain threat. And I can only speak for myself, having lived [redacted] for a year, of what you get kind of used to. And for example, we would hang out on the evenings outside of the residence, in the property in the villa, but outside next to a pool in the villa seat. And even on the day of the event, on June 6th, it was not uncommon for us to congregate at the pool and just talk about the day's events and unwind. [redacted] the principal officer, would have friends that might come over, and we would just sit there and talk about the day's events and whatnot.

So I don't want to paint the picture that it was this fortress jail-like scenario. And we did go out to get some items. We had to go out sometimes to get items on the local economy in the market for

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some of the things that we needed locally, so we made the trips when necessary.

BY MS. SACHSMAN GROOMS:

Q And can you describe who was actually located on the compound? It sounds like there was a QFR force of four Libyans who were in the February 17th Brigade?

A That's correct.

Q And who else was on the compound?

A Immediately upon entering the compound through Charlie One, which is the main gate, to the right in the villa was where the four QRF members resided. And again, they were local Libyans, and they were members of the 17th Martyrs Brigade. A little bit further down on the left-hand side was the main residence building. And that would be where the principal officer, the information management officer, who at the time was wearing multiple hats as both our HRO, human resources, and management officer was living, and then one or two RSOs, depending on if there were any other members there from Tripoli or visiting or whatnot. So that's where we had two RSOs, the IMO and PO in that residence. And that's solely the residence. And so at the time that I was there, just to give you the numbers, there were four in the QRF. There were four people living in the residence villa; [redacted], [redacted], myself and [redacted].

Immediately in the next compound, which would be Bravo compound, there was a cantina that is sort of where we had our breakfast, lunch and dinner served. Guests would stay in that area. And then the other

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building was the office building where the tactical operations building was. And that's where we always had one DS agent in a bedroom in there.

Q And the four QRF were -- and that stands for Quick Response Force?

A Yeah, Quick Response Force.

Q Were they armed?

A That's correct.

Q And trained?

A They were trained by agents on the ground. My understanding was that they had gone through some training with us on the ground, other agents that had been on the ground. And that at some point [redacted] team had actually been on the ground and offered some training from a medical [redacted]. But I know that the DS agents on the ground would include them in the drills so that they knew how we operated so they could work with us. I don't know the extent, other than what they trained with DS.

Q And just for my benefit, because I'm sort of assuming what a Quick Response Force is, my assumption would be that they're there for the purpose of assisting with a quick response in case there was in fact an attack?

A That is correct.

Q And were they trusted?

A Yes.

Q By you?

A That's correct.

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Q And did they, in fact, serve in that role when there was the attack?

A On June 6th.

Q On June 6th?

A Yes. From what we were told and what we could see in the very limited camera footage that we were able to pull that day because everything was shadows, and there was one camera up on the water tower that was looking down, you could see a few of them maneuvering from outside their villa and making their way. And we knew that one of them was injured in the attack, scratches and whatnot, because he was making his way also to the front because he had also heard that it was a suspicious male. It wasn't until afterwards when they started to smell the smoke of the fuse and see the smoke, by the time he started to retreat, I guess the explosion had gotten a little bit of him. Nothing major. Just some minor scratches on his arm.

Q And then so that would have been the core security within the compound, is that correct?

A Those and the DS agents on the ground.

Q And the DS agents who were all armed and trained?

A That's correct.

Q Special Agents from the U.S.?

A That's correct.

Q And then you had a secondary level of security, I think you called them circles maybe earlier?

A Yeah.

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Q Which was the local guard force that was manning the gates?

A That's correct. And they were in the property also. Again, that was inside the gate. So inside the walls of the compound.

Q And they were unarmed?

A That is correct.

Q Did you have concerns about the fact that they were unarmed?

A Yes. I mean, we would have liked maybe them to have more ability to actually participate; otherwise all they were was an early warning system. For example, because of that, we actually lowered the requirements on what they needed to do if an attack had happened. For example, what we did was we trained them a little bit so that they only had two functions -- I shouldn't say that. In an attack, we expected them to do a very particular set of duties. One was push the IDNS, the notification system, because that was going to get us up. Regardless of what time of day it was, we knew to rally, get our gear, get our weapons and respond. Two, over the radio, we asked them to only make two calls. We asked them to either say "attack, attack, attack," which in our language is going to translate into people, whether it be of a group coming down the street or something that they were in fear of or there was a threat. The second command that we told them that they could use it was "bomb, bomb, bomb," because when we heard "suspicious male" and I send an agent to the front and it turns out to be a bomb, that's a bad thing. So we clarified with them that this is what we expected of them.

After that, they were to rally away from the attack, because there

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was nothing that they could do with batons necessarily if there was a bunch of people coming over with weapons or there was a bomb, so we asked them to retreat so that they wouldn't be put in harm's way. And if they were located outside the wall, we honestly told them to go ahead and make a run for it, because at that point, we weren't sure what they were actually going to be able to accomplish, whether it be a bomb or a group of people coming down the street. As long as we were notified and we had as much of a heads up as possible what was going on, that's what we asked them.

Q Do you know why they were not armed?

A I do not.

Q And were there steps that you took to essentially mitigate the fact that they were unarmed?

A Changing their tactics so that all they were performing was basically immediate notification. And then they were to rally at certain bunkers that we had set up with sandbags on the property where they would be out of the way of the attack and then protect themselves.

Mr. Cummings. Talk briefly about the effectiveness of that pushing of the button, the communication. In other words, it seems like that was there, and the "attack, attack," the warning. Tell us about the warning signals and how that worked. Do you understand the question?

Mr. [redacted] Do you mean the actual alarm itself?

Mr. Cummings. Yes, that's right. Because that would go to the effectiveness. In other words, if they only had two purposes to push

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the button and say "attack, attack" or "bomb," whatever --

Mr. [redacted] That's correct.

Mr. Cummings. -- then you got to -- so then I want to know exactly what happened then. I mean, in other words, what am I getting to, who hears this, and how quickly do they hear it?

Mr. [redacted] So the IDNS system is a very loud speaker system on the property. There's no way you could be on that property and not hear the system. It's that loud. So it would wake you up.

Mr. Cummings. Everybody.

Mr. [redacted] Everybody knew it was happening. Everybody on the property who was assigned there had a radio, even if they came with TDY. We all kept on the same radio frequency and the same channel. So immediately with the alarm going off, we were awoken from sleep if we were sleeping or at least we knew to check the radios. And then immediately over the radio, we were listening for either "attack, attack, attack" or "bomb, bomb, bomb." Again, we kept it as simple as possible because some of the guards' English wasn't great. We didn't know what other capabilities they could do. So we wanted to keep it very simple, and we drilled it into them, you know, somewhere two to three times a day, depending on the shift, so that they knew exactly what we could expect. And we figured that lowering the bar a little bit and at least setting a standard that we could then work around would be best for us.

BY MS. SACHSMAN GROOMS:

Q And what would the alarm alert you to do? Was it a two-toned

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alarm?

A It was a duck and cover alarm. It basically was just a loud alarm that said duck and cover. Usually, at embassies and consulates overseas, we have two sets of alarms. One is an evacuation/fire alarm. The other one is a duck-and-cover alarm, which usually indicates there's a bomb or some kind of threat. We only had the one bomb -- I'm sorry, the one alarm. It was the duck-and-cover alarm. So we were using it as just that, it was just basically an alarm loud enough to get us to rally, scramble and get where we needed to, which our first order of business was getting our gear and securing the principals.

Q And can you describe where the principals would be secured?

A It depends on where they were at the time of the alarm. In the middle of the night, if they were in their bedroom, immediately outside of the bedrooms, it was that little area behind the cage door but outside the bedrooms. They would meet there and rally there. There was a closet that was immediately located next to that that they could rally in also where we kept medical equipment, MREs and water. Also on the table outside while I was there, we had the keys to an evacuation vehicles, a sat phone and a GPS that we would use if we needed to get into the vehicles immediately and evacuate that way. So that's where they would rally.

If they were in the office building, which is the other place we spent most of our time, they were to get their gear on. And again, this was also understanding that they would get their gear, which is their vest and their helmet. If they were in the office building, we

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expected them to get gear on and make their way over to the tactical operations room, where the DS agents were where we had with the comms equipment and our weapons. And that way whoever the agent was on the talk could then secure the principal officer at the same time.

Q Can you describe the security within the residence? I think you described some metal gates. How did you -- what was the physical infrastructure of the security within the residence?

A The doors themselves were pretty solid wooden doors. All the windows had grates on the inside -- or on the outside. And they were actually pretty solid, so that acted as another level of protection. The doors on the inside had metal bars that could be lowered on the inside of the doors, so that added another level of protection. And then inside of that, every night, the last person to bed, which was usually me while I was there, would go into the bedroom area and there was a metal cage door, much like a jail cell, and we would lock it from the inside and then the key would be secured on the inside. Anyone who gets up in the morning, any one of the RSOs, the IMO or principal officer, had access to the key, which is immediately there, and they could unlock and walk out. So then I would just lock that gate, and then we would all sleep within that caged locked area.

Q And just back to the local guard force. I think you described that they had been sort of trained and vetted by the Blue Mountain Group, and then you both vetted them
and retrained them, is that accurate?

A Well, Blue Mountain has specific training that they went

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through, which is a few hand-to-hand type stuff if they needed to escort -- if the guards ever needed to escort anyone off the property. So they worked on some of the comm training and some holes. And that was independent of us. And then our training was more in general to response to work with us in an emergency response. So we trained them in that sense. And we worked with Blue Mountain also who would drill with us. The representative was on the ground. He knew what we expected also, and he would clearly communicate that to the guards there as well.

So the response when we drilled was more to do with how to react in an evacuation in an attack so that they knew what we expected of them and what they needed to do to get out of our way if anything happened. Given their circumstances of being unarmed, there was little that we thought they could offer.

Q And then as the external, outside of the gate security ring, there was the February 17th militia?

A Officially, it was supposed to be the Supreme Security Council, the SSC. In short term, we used the 17th Brigade, because they were the ones who responded on June 6th, and so they held an immediate position. But officially, it was my understanding that we were supposed to go through and request it of the Supreme Security Council, which is the SSC.

Q But in an immediate attack, it sounds like the Quick Response Force that was inside of the gates would call the February 17th Brigade, and they would come?

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A That's correct. That's what happened on June 6th. So based on that, we had the assumption that moving forward that's what we would always expect.

Q And what was the relationship with the February 17th Brigade? Was it generally a positive one, did you have concerns about it?

A During my time, I did not have any concerns with the relationship with the 17th Brigade. We had a very good relationship with the four-man team that was on the ground with us. And at least once I do remember that the 17th Brigade made a point of driving up and introducing one of their members of their leaders. I don't know what their ranks would be. Pulled up with about four cars filled with armed men. And we went out to meet and greet them, just a quick handshake. They wanted to let us know that they were here to support us. So we felt comfortable in the sense that they were working with us. At that point, they hadn't given -- no indication that they wouldn't have responded since that first June 6th date they responded so quickly.

Q We heard some allegations that there was a general feeling that the security situation was getting worse and worse over the time that you were there. Did you have that same perception?

A Over the time that I was there?

Q Yes.

A The 30 days?

Q Yeah.

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A No, no. But that's hard to qualify because when I got there, there was a bomb. And then on June 11th, there was an RPG attack. And then, after that, they left us alone for the whole time I was there. So I would actually -- I would probably counter that and say it was actually the opposite. The first two weeks I was there, I felt much more threatened than the remaining two weeks I was there where there was a lull. There were other things that were happening. For example, like I mentioned, the election office was ransacked, but that was Libya on Libya. There was a concern that in the run up to the elections, that tensions would increase in the region, because there were a number of groups that felt like the government was pushing back this election. Again, they were speculating as to why they were pushing it back. But we didn't feel at that point it was targeting us or the Westerners, but it was going to be Libyans upset with Libyans. And potentially that's what they were focused on.

So, again, looking back on those attacks after June 6th, which is day three, and after June 11th, which is day eight for me, we had no more direct attacks or threats on us that I'm aware of that caused us any, you know, more or less concern than some of this random violence that was happening, militia-on-militia in town or Libyan-on-Libyan or whatnot.

Q And I think the chairman made a comparison [redacted], and I think you said something about obviously [redacted] being very different than Libya?

A Completely.

Q Can you sort of explain that?

A [redacted] we knew that there were elements out there that didn't want us there. We knew that there was -- they were lobbing 107 rockets when I first got there. So we traveled in motorcades where we were very clearly visible. There was no hiding [redacted] suburbans, [redacted] suburbans driving down the road [redacted] There was no way to hide it. And then little helicopters, which we referred to as little birds, flying over our heads. We knew there were constant threats. We were getting constant Intel threats analysis about certain areas, sort of, excuse me, regions that we were traveling to. We knew that certain factions that controlled, whether it be the Department of Health or Department of Oil, may be not too friendly to the U.S. So there was always a heightened alert -- concern in those areas. A number of things like that that changed it completely. Whereas -- and again, we were [redacted]. [redacted] and there was concern that we were there and we had taken over or we had been an invading force, I guess was the, quote-unquote, common misbelief or misconception or political rally points that they were using.

Whereas, in Libya, we were seen by many members of Libya that were on there -- just to set the environment, when we were hit on June 6th one of the things that we noticed was the outpour of apologizes that came from the Libyan people as far as like, this isn't us, this had nothing to do with us, we apologize, this is a faction outside from

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us. And we truly believed it.

And there were a number of groups that were calling [redacted] on a regular basis, who was the principal officer, apologizing and making clear that this couldn't be the Libyan people; we wanted you here, we supported you. So, in that sense, we felt comfortable. Even the people that worked on the compound that were Libyan were very adamant about apologizing and saying that they can't believe that this happened. And they would identify -- they would say that it was begin -- and again, this is why I can't speculate, but they would just throw names out there, this was a pro-Qadhafi group; this was an Islamist group. So we didn't know who it was. But they made clear that this wasn't just a regular Libyan. That they were supportive of us, that they were appreciative of what we had helped them to do to overthrow the Qadhafi regime, that we were helping democracy. So we just had a completely different feel from the average person on the street. Maybe it was because we were closer to them on the ground than [redacted] where we were hidden behind walls, I don't know.

EXAMINATION

BY MR. URIARTE:

Q So, after the June 6th attack, you made an assessment you talked about about the types of improvements that needed to be made. What type of assessment did you make sort of about the general threat situation in Benghazi compared to sort of what your understanding was when you sort of got on the ground?

A Obviously, the threat level was a little bit more heightened,

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because before we got on the ground, there had been no real attack. I think you referenced an attack that had happened in April, or something had happened in April against the consulate or the mission there. And I knew that that had happened, but I didn't know the extent of what had happened exactly. So we had been always told that it was a beautiful city, that people had gone out, that we've always done these regular routines and routes, and there were times when there was only one agent on the ground with the principal officer and other times two agents on the ground. So it was hard to predict, because you got to remember also that we were dealing with an environment or a situation where manpower-wise people were there for TDYs only, 30, 60-day TDYs, just like myself. So there was no consistent person on the ground to identify -- to be more particular about identifying what the threat level was from one month to the next month. We were just sort of relying on handovers and what it looked like from their perspective and then what we would expect.

Again, so it was always low. There was no problem. We had heard that a lot of the folks [redacted] were making trips downtown to see the downtown area, visit the markets down there, and they were doing what they needed to do. The British gentleman that I spoke to a lot earlier, who was a representative, was [redacted] to the beach in Benghazi, and he felt comfortable enough to go downtown. I myself had, you know, reached out and gone to get pizza and come back. Or we would do area familiarization routes with our people. So it was hard to predict the environment because it was so fluid. One day, you

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heard bombs, but then we would hear that it was militia-on-militia. Then the next day, there would be an attack on the British or Misrata or another town, but it was so far away, so we never knew exactly what it was going to look like. It was very hard to predict. But you didn't get that sense that there was always someone watching you and that you were limited in what you could do there.

BY MR. ALEXANDER:

Q You did or you did not?

A You did not in Benghazi, no. Unless there was an immediate threat like what happened on those two particular incidents or on heightened days, you know, where we wanted to just secure for awhile and let things cool off and then progress again daily, you didn't -- you felt like you could do what you needed to do to get accomplished.

BY MR. URIARTE:

Q So, in the immediate aftermath of the June 6th attack, you said you had conversations with folks in D.C. and Tripoli about sort of what needed to be done, and they affirmed that you were doing what they thought was necessary to secure the compound?

A That's correct.

Q Did you have any conversations about needing additional security upgrades or expanding security personnel?

A Yes.

Q What was the result of those conversations?

A We got the lighting increased. We were able to get increased number of guards on the property. Again, the most important thing was

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that they were doing regular roves at night, because one of the concerns was if anything was going to happen, in the dark of night was the easiest time to come over any wall. So we wrote to get additional guards.

Mr. Cummings. How fast did that happen, the guards?

Mr. [redacted] Very, very quickly, very quickly. There was a gentleman that I was on email with, his name was [redacted]. He was the acting I think contract officer representative working with Blue Mountain. And we got approvals as far as guards. We always felt that we could get approvals for additional guards within hours as long as he was there to approve it and get it. In fact, sometimes he would just say, do it and then let me know afterwards.

BY MR. ALEXANDER:

Q Just to clarify, these were Blue Mountain guards?

A That's correct.

BY MR. BEATTIE:

Q How do you spell [redacted]

A I would try the common spelling of [redacted] and [redacted] to be honest with you.

Q Oh, [redacted] --

BY MR. URIARTE:

Q So you said, just to clarify, so you said that within hours of discussing with D.C. that you needed additional guards on these night roves, within hours they had folks?

A With the request, yes, yes.

Q So, within hours, they made it possible for the request?

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A That's correct. If not immediately. I'm sorry. We didn't have to wait hours. It could be a quick phone, and they could just be like this -- every contract when it comes to our guard force have a certain percentage of additional hours that are allocated for something called A&E, which is administrative and emergency. And that percentage deems how many additional hours over what's already been accounted for that you can add guards. So we already had it in place. But we were requesting so many guards on a regular basis that we were reaching a cap. And so we just had to keep them informed from a contractual standpoint so that we maintain, so no additional addendum and no additional funding needed to be added to the contract to pay for the guards. I think we almost capped that once. And there might have been a concern on my part coming from a traditional post [redacted] But they made it very clear that I shouldn't be worried about that at all, that if we needed that money, they would take the steps, go ahead and get the guards, and we'll take care of getting you that money.

Q So they made clear to you that you should never hesitate to make a request?

A That's correct. If I was the guy on the ground and I thought that the additional guards would help us out, then go ahead and get the request, get it through them so they can make sure that the contract is in place and then that would take care of that.

Q And did you ask for anything in this time period right after the June 6th attack that was denied or turned down?

A We asked for -- well, okay. We asked for additional folks.

It wasn't necessarily turned down. We just put it in writing that we believed that at a minimum, there should be never less than four agents on the ground to help and that that should be assessed regularly. And that we recommended -- I, and again I'm sorry, I keep saying we sometimes, it was a number of back and forth with agents on the ground to make sure that we were on the same page. But I recommended that the minimum should be five. Based on what we had available as far as weapons, area for people to sleep, morale-wise, five would be the recommended, especially in the run up to the elections. I said that in the run up to the elections on June 7th, if there was any kind of delay, there were potentials that tensions could rise because people were so concerned about the election day, that we would want five agents on the ground potentially and an MSD team available in Tripoli.

Mr. Cummings. Now, you just gave the criteria for coming up with the five.

Mr. [redacted] Yes.

Mr. Cummings. Were there any other factors that you considered? And I take it that you felt that five would be the appropriate level security that I take it would make you feel comfortable?

Mr. [redacted] Correct. For the compound that we had.

Mr. Cummings. So you named several things just now, things that you took and weighed, where they could sleep.

Mr. [redacted] Correct. The weapons available.

Mr. Cummings. Were there any other factors involved in that criteria.

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Mr. [redacted] Yes, sir. One of them was -- my concern when I was on the ground during the initial attack was if I was with the principal officer and that was my responsibility and another agent was in the Tactical Operations Center, that only allowed one agent on the ground by himself with no backup. So my rationale for at least the -- if we could at least grab four immediately, was that I didn't want one of my agents on the ground by himself investigating anything unless I knew that he had another agent as his backup. So that was one of the other criteria that we had as far as why we would want an additional agent on the ground.

BY MS. SACHSMAN GROOMS:

Q And how did you make that request for four agents on the ground?

A Sent a memo to the International Programs Office.

Q And did you talk to anybody about that at the International Programs Office?

A Yes. [redacted]

Q And how did that conversation go? Can you describe it?

A Very straightforward. Request what you need, put it in writing. I think there was some discussion about that Benghazi had always been allocated at most a five agent spot, and that's what they accounted for potentially. But there was no -- you know, he just recommended put it in writing and request what you think you need on the ground.

Q And do you remember when you sent that memo?

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A It was after the June 6th attack, but I can't remember. It was relatively soon after that. Maybe within a week, if not short of it, to get the memo sent.

Q And the memo said that you wanted -- what exactly did the memo say about the four person versus the five person? Did you mention the five person in that?

A We did. And I know this sounds strange. We recommended five agents on the ground because we felt that that would make us more comfortable. But the core minimum should never drop below four. I think the way I put it was that five was recommended, but it shouldn't drop below, the core minimum should always be maintained at four. And then the reasoning, the rationale is something that we talked about, that we had backup on the ground, that there was an agent that could handle the talk, there was another agent that could do obviously the principal officer and concern themselves there with that.

Q And were there follow up conversations after you made the original memo request?

A About getting additional agents or about that particular memo, no. There was talk about the agents that were coming because they maintained a staffing matrix of the agents that were en route or were scheduled to come. So we would keep updated that way. And we knew that, for example, [redacted] was the other agent that was coming on the ground to get us back up to four. We knew that [redacted] was coming down from Tripoli. He was the ARSO in Tripoli there for a year, and he was going to come down. So there were discussions about

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that. But there was no discussion about whether or not we were actually going to be able to get five agents on the ground dedicated to Benghazi or not.

Q There were no discussions about whether you would be able to get five, but approximately -- well, I guess you're not really sure how long it took you to get to four?

A No, we were at three when I first got there. We went down to two. We were plussed up back to three when [redacted] arrived. We actually considered Lieutenant Colonel [redacted] a security asset on the ground because he was volunteering to carry a weapon, so we felt good in the sense we had a fourth on the ground. [redacted] came around the 17th approximately of June. So, from the 9th to the 17th, we had three agents and Lieutenant Colonel on the ground. On the 17th or approximately there around, we had the additional agent on the ground. So we had four agents and Lieutenant Colonel [redacted] on the ground where we felt a little bit more comfortable with our movement. Plus during that time, we also didn't have a principal officer. [redacted] left June 14th approximately, somewhere around date. Please don't quote that directly because I don't remember. And so we didn't have a principal officer for two weeks. So, at that point, we felt if my primary duty was to protect some of the principal officers, the property and the information, there was no principal officer, it relieved us a little bit knowing that if we needed to maneuver or we needed to do anything, we didn't have to worry about one principal officer. We only had the IMO, [redacted] at that time, so it made it a little bit less concern

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there was no principal officer. And then we had a TDY principal officer come down from Tripoli. And everything had been delayed because of the attacks and because of the tensions potentially that might be there in the run up to the elections. So the scheduled TDY that was coming in after [redacted] had been delayed, they allowed the TDYer from Tripoli to come down for a shortened stay of about 4 or 5 days just to do some reporting on the run up, and she left before the election, 4 or 5 days before the election. And then immediately upon her departure, a day or two later is when [redacted], and forgive me, that's definitely not the proper way to pronounce his name, he came on the ground, and I only had 2 days with him on the ground before I left.

Mr. Cummings. So how many days did you have a principal there?

Mr. [redacted] In total, we probably had an actual principal on the ground 3 of the 4 weeks I was there, because [redacted] was there probably for 9 days while I was there. [redacted] was on the ground for about 4 or 5 days maybe, and then [redacted] for about 2 or 3 days.

BY MS. SACHSMAN GROOMS:

Q Approximately how long were you down to two for -- two security?

A From the -- so for about 2 days I think, 2 or 3 days from the time [redacted] left, and I don't remember the date that he departed, to June 9th when [redacted] came from Tripoli.

Q And what did you do during that time period to sort of mitigate risk, I guess?

A We did nothing. We didn't move. We just stayed put because

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we didn't have enough agents to make a real movement and keep the comm compound secure, so we just stayed put during that timeframe.

Q So what you did to mitigate the risk was to stay put?

A Sorry. Not that we didn't do anything. We did nothing to mitigate the risk of driving. The only thing we had to do was drive [redacted] to the airport and back; then pick up [redacted] and the Colonel.

BY MR. URIARTE:

Q Is it fair to say, then, that the plus up that you received in terms of the DS agents, people who were coming in, did you feel like that was in response to your request for additional personnel?

A The TDYer that came from Tripoli was in response -- I believe that that one was -- in my opinion I think that was in response, because he was originally assigned to go to Tripoli. [redacted] and the other agents had already been on the matrix, is my understanding, and scheduled to go to Benghazi.

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Mr. Cummings. Let me ask you something. I have to go to a meeting, and I might not come back. But I just want to go back to something you said a little bit earlier about your investigation --

Mr. [redacted] Sure.

Mr. Cummings. -- of the bombing, the June 6th bombing. What would have been the normal procedure in investigating a bombing like that? I am just curious.

Mr. [redacted] To be honest with you, I'm not 100 percent sure what the procedure is exactly. I know that [redacted] we had an investigation unit that was in charge of just investigations. We had an EOD team that would help and assist with that kind of stuff.

Mr. Cummings. Well --

Mr. [redacted] And -- go ahead. I'm sorry.

Mr. Cummings. You said that you had one person who had more investigative experience than you had.

Mr. [redacted] Military experience.

Mr. Cummings. Right.

Mr. [redacted] And he had been with EOD, I think he had been part of the teams in the military, so he had some experience with explosives.

Mr. Cummings. So did the both of you work on the investigation?

Mr. [redacted] That's correct.

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Mr. Cummings. I see.

Mr. [redacted] But there was limited that we could do because of the environment we were in. Ideally, we would have wanted to cordon off the area. Ideally, we wanted to take more samples of the soil, the swabbing of the trees, the rocks and whatnot. But our primary mission, to be honest with you, was getting that wall back up and securing the property. So we did what we could as far as the investigative part of it was.

Mr. Cummings. Uh-huh.

Mr. [redacted] The interviews, we took statements from the guards that were involved and that saw the explosion and whatnot. But other than that, we were working through PII, which is one of the divisions of State, Protective Intelligence, [redacted]

Mr. Cummings. Did you feel comfortable with what you were able to do? Did you feel that you -- I mean --

Mr. [redacted] Yeah, to be fair, sir, I think my primary concern was just securing the property and getting back up. I didn't feel that we were in an environment where any investigation was going to do any good because I didn't know who to report it to in Libya. There was no established government; there was no real police force.

So, in a way, my primary concern was securing the property and making sure the wall went back up again. But, obviously, we have responsibilities and duties. They asked us to investigate, so we did what we could with what we had on the ground. We didn't have evidence

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bags. We didn't have evidence tape. We made do with what we had.

Mr. Cummings. And how far advanced did the wall get back up?

Mr. [redacted] The wall was at least back up within 24 hours, but within 48 hours we were comfortable that it was fully back up again. And the concertino wire itself, for some reason, got delayed by 1 or 2 days. But we sent a letter to the SSC asking them to maintain the presence out there from June 6th -- we backdated it -- and indefinitely into the future, and they did.

Mr. Cummings. Thank you.

BY MS. SACHSMAN GROOMS:

Q So was the [redacted] --

A C.

Q I am sorry, the SSC.

A Or -- actually, I don't know which one you are talking about. I'm sorry.

Q I'm sorry. No, you have it right. I'm just following up.

The, sort of, militia, local militia, were they still out guarding a perimeter when you left in July?

A Yes.

Q So they just stayed -- the wall went back up, but they just stayed --

A That's correct. We had asked them to stay indefinitely.

In a regular consulate or regular embassy, we always have a police presence usually in the area. It didn't seem unlikely to request it to maintain them there.

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They were not reliable; the SSC were not reliable. There was no, you know -- there were times when they left their shift before the new shifts would take over. But they were the best that we had on the ground as far as a resource from the locals. And so we had to take advantage of that, because it did add at least another level of security, hopefully.

Q Okay. And, I guess, when you described that the SSC was not reliable, can you explain what you mean? You mean that they left their shift early --

A Yes.

Q -- or that you thought they were going to, sort of, turn on you and attack you?

A At no point did we feel that they could turn on us and attack us. No, no, fair enough.

Q Okay.

A It's a fair question. But we did feel that it wasn't the best of the best. They weren't exactly necessarily well-trained. There were times when our QRF would go out there and they would find a guy asleep on the car. Again, they would leave their shift early before the next shift would come.

Those kind of things were frustrating. And we would work through our QRF, who was our main contact back at the SSC, to express our concerns.

Q During the, sort of, 48 hours before you were sure that the wall was back up and secure, was it the SSC that was outside or the

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February 17th Brigade?

A It was a little bit of both. At first it was the February 17th Brigade, and then it migrated to the SSC.

Q Okay.

A Yeah.

Q Did you have concerns about the reliability during that time period, as you were putting the wall back up?

A No, because we knew that if we needed, we could have the February 17th Brigade back out there quickly for some support.

And, initially, they did a lot more support. I think as time went on, we went from two, three cars at each side of the building, each side of the wall, to then down to one car with two guys in it. So you could see them taper off. But at first, when it happened, we had what appeared to be more immediate response.

Q Okay. Can we shift to the June 11th attack on the British?

A Sure.

Q So, following that attack, did you reassess the security threat situation?

A Yes, to some degree. Yeah.

Q And what did you do?

A [redacted] We lowered the profile of the vehicles by buying the dashboard covers. Not washing the vehicles -- I mean, it sounds ridiculous, but even the little things -- not washing the vehicles on a regular basis so that they're allowed to get dirty and dusty so that

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we blended in. Preferred to drive always with a locally employed staff, tinted the windows on the vehicles. That kind of stuff. We knew we weren't going to be able to stop the movements.

We also, actually -- the other thing that we did in the short term was I turned off all meetings off-compound for both the 11th that were scheduled and the 12th. She was scheduled to depart, I think, approximately on the 14th of June. So we asked her then to just bring her -- instead of us driving out, if her meetings could be held on our compound. So we changed that a little bit. And so meetings were then held on our compound instead of going out in the short term.

And then, again, [redacted], the principal officer at that time, departed post around the 14th. And I can't remember when [redacted] came in as our next TDY principal officer for her stay, but it was toward the end, over a week or 10 days, almost 2 weeks later, toward the end of June.

Q Did you ask at that point for any infrastructure improvements or any additional personnel improvements?

A Other than the original request for the five, I think we were going back and forth. At that point, we were setting up the lighting. That is when we had requested the lighting because of the blind spots on the property.

It took, from the time we initially requested the lighting to the time we got the green light from the Embassy -- I think we were in an interesting predicament, because we were the child of IPDS headquarters, but we were at the same time being folded into the Embassy

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mission. So I think there were some growing pains, and I think there were some new requirements that we were going to have to start doing as far as paperwork. Wherever you go, everyone has a responsibility to do paperwork to requisition money.

So we were able to work through those details and get the lighting system upgraded. So that is kind of what we were doing during the time when we didn't have a principal officer. We upgraded the lighting, we got the contractor on the compound, we tried to get him to set up the lighting as quickly as possible. We were working with the ESO office there, seeing what kind of cameras we had.

We actually got, supposedly -- I can't speak to this because I don't know if the cameras ever did come in or not. Supposedly the cameras did. One of our cameras actually went down, and our system, our video system, actually went down. So we had no eyes on the property at all at that point.

So we worked with IP, and they got us support from Frankfort, which is one of our regional hubs for engineering also. And they sent a couple of gentlemen down to help reassess our equipment down there and what they could do for us. So they got that back up and running again.

Just little things were happening here and there, that we were just trying to maintain or fix little things as they broke down or cameras went down, and they came down and they addressed and fixed quickly.

Q And how did those sort of discussions work? Were those discussions with Tripoli? Were they discussions with International

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Programs and headquarters?

A Uh-huh. Most of my communication was going back through International Programs. And we were keeping Tripoli informed, and then Tripoli would usually concur, just so that they knew what was going on. Or we would keep them in the loop as to what was going on and stuff like that. Absolutely.

Q And I am sort of asking for your perception. Can you sort of describe the way that dialogue went? Was it sort of an ongoing dialogue about how to solve problems? Or was it you asking for things and then sometimes getting it and sometimes not?

A It was a question of what can we get, what should we be asking for, what is reasonable based on what is available. And that was an open dialogue. So we never chose -- our systems just went down. We need help. Okay, we are going to call around and see who can help. Frankfort stepped up and offered to send a couple of TDYers down to assess our video systems and get them back up and running as quickly as possible because they went down.

The concern was, obviously, without cameras, we then went to a 24-hour shift where the agents were then rotating all night. We would sit on a roof and keep -- because without eyes, without cameras, we had agents up all night. And there were only four of us, so it became a little taxing on us to do shifts from 2:00 to 4:00 in the morning, 4:00 to 6:00 in the morning, and then be up and running the next day trying to do any kind of work. But, again, there was no principal officer at that time, so it made us a little easier to be able to handle

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it.

We would always try to remember to keep Tripoli in the loop, but I think Tripoli was busy dealing with a lot of their upgrades on a lot of stuff that they were trying to do in response to, well, "Benghazi got hit, or here is what it looked like happened in Benghazi. In our scenario, what would we do?" And so there was a lot of upgrades happening there. Both their camera systems were being upgraded, I think. Their IDNS alarm system I understand was being upgraded also. So they were dealing with their own thing.

So we would keep them informed; there was a dialogue. But a lot of it seemed to be with IP and making sure that we were covered that way also.

Q And how long did it take to get the help out from Frankfort to fix the cameras?

A Quickly. We only did late-night, overnight shifts for about -- and I can't remember exactly, but I wouldn't say it was more than 3 or 4 days before we were able to get those guys on the ground and get the cameras back up again.

It turns out it was a UPS system. Wires were -- unfortunately, you have to see the environment that we were working on. There was a lot of wires in a villa in a tactical operations center with a big hole where the wires went outside. So it wasn't a traditional tactical operations center, if you have been to the operations center here at main State. It was more like a little farmhouse in Libya, that we were making do with what we had. So it was different.

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BY MR. URIARTE:

Q So it sounds like you didn't make any additional requests for physical security augmentation at the compound in response to the June 11th attack. Is that accurate?

A Right. We had only requested the upgrade on the lighting, which we received. We -- well, we focused on getting the compound back up to where it was before the June 6th bombing.

Q Right.

A We upgraded the lighting, and we had identified where we wanted addition cameras on the compound.

The problem we ran into with the camera situation was -- I was dealing with [redacted] at the time -- was that we weren't sure what we had available to us. Because there was nothing we could procure locally. There was questions about how we would get the cameras in, whether we had the cables available, because they have to be a special coaxial cable.

So we went to identify where we were to add additional cameras, but unfortunately there was nothing additional that we could do with what we had.

Q So I guess I just want to make sure I have, sort of, the difference in my head right. You know, you mentioned that in response to the June 11th attack you made changes to the vehicles.

A That's correct, yeah, because there was vehicles that were attacked on June 11th. So we made changes to the vehicles, correct.

Q And the upgrades that were going on at the compound, it sounds

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like those were in response to some of the damage that occurred because of the June 6th attack --

A Right.

Q -- in addition to some additional new things you wanted.

A Correct. There was nothing about the June 11th attack that caused concern any more or less than from our June 6th attack to being focused on the compound itself.

Q Okay.

A It became clear that if we then shifted our focus to not only protecting the compound but, as of the June 11th attack, we realized that we should focus also on our motorcade movement, potentially, and our footprint outside of the compound.

Q Okay.

BY MS. SACHSMAN GROOMS:

Q So I think you described that Lieutenant Colonel [redacted] was at least present on the compound for about 2-1/2 weeks?

A Two to 3 weeks. That's correct, yeah.

Q And during that time did you guys spend time together?

A Absolutely.

Q Did you guys discuss the security threats --

A Sure.

Q -- in Benghazi?

A Yeah. In general. I mean, we always had discussions. I mean, he is a military guy, we were security guys, we were in Benghazi, so we had a dialogue. Always conversations about the security, what

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we were doing as far as the lighting, changing the profile of the vehicles, making the movements, making it one-car movement so we didn't have a bigger-profile footprint with two cars and causing too much of a, you know, higher visibility on our movements, that kind of stuff.

Q Uh-huh. Did he ever express to you that he was concerned that the post was in immediate danger?

A No.

Q Did he raise -- I'm just trying to get a tenor of the conversation. Was it, sort of, practical problem-solving, or was there an element to it of, sort of, increasing fear?

A Sure. At no point did Colonel [redacted] act as an adviser, if that's what --

Q Uh-huh.

A He was an asset on the ground that was there for a particular reason. I would bounce ideas off of him. He acted more in a sense of reassuring us that what we were doing was the right call. We would let him know. He assisted in a number of circumstances where we could use an extra security asset on the ground.

And, again, he always deferred to RSO as the lead security person on the ground. And most of the time we were in agreement. Ask for additional folks? "Absolutely, you should ask for additional folks." We were thinking about increasing the lighting because of the blind spots. "Absolutely. It sounds like a great idea. You are doing what you need to do." Responding to the 11th attack on the motorcade of the U.K., holding back that team until we could get the physician's

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assistant and so we could send a medic, actually, so it was not just guns, was actually something that would do some good on the ground. "Good idea. Calm your team down. Get them into a good mode. Then get them out there to do that."

So that was his role a lot of times. Other than that, he was never walking around, looking at us, saying, "Hey, guys, come here. You should do X here or Y here." He was, again, he was working with us and just open dialogue about it.

Q I think my question is slightly different.

A Oh, sorry.

Q No, no, that was helpful. We have not had an opportunity to speak with him --

A Okay.

Q -- and so I don't really have a great sense of actually what he is going to say when he comes in to testify before us. But I saw him on CBS News. I don't know if you saw him.

A I did not.

Q And on CBS he talked about this, sort of, series of security incidents, the June 6th, the June 11th, and, sort of, an impending sense of doom. That's not his words, those are mine, but --

A Sure.

Q And I am wondering whether he was communicating that to you in the field at the time?

A At no point in time do I remember having a conversation with Lieutenant Colonel [redacted] where he even came close to saying that there

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was this impending doom that was happening.

We did talk about potentially the tensions in the region rising because of the June 7th elections -- excuse me, July 7th elections. But after the June 6th and June 11th attacks against Westerners or diplomats, a lot of the other stuff that we were witnessing on the local was either the Red Cross getting hit in Misrata, which was not in our town, some violent incidents in other towns, not in Benghazi, or we heard about militia versus militia.

But I don't remember him or having a conversation with him saying that we are sitting ducks, or nothing to that effect, where, you know, this impending doom and we were all in trouble. I do not remember a conversation like that.

Q And did you ever discuss with him or, sort of, internally with anyone else, you know, concerns about the, sort of, safety of the ongoing mission in Benghazi?

A In general, we had discussions about that. That's correct. Because we knew that if push came to shove, we wouldn't be able to do anything if 100, 200 people came over a wall. That was just the fact of the matter is, we didn't think that -- we had an empty lot behind us that was under construction. Given the people that we had on the ground, if all of a sudden hundreds of guys came over the wall -- I hate saying that, given the circumstances that happened -- but we realized that something like that, there was nothing that we could do about it. Because we just didn't have the manpower, we just didn't have the facilities. We had nothing to be able to deal with something

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like that.

But we weren't sure whether anything like that was going to happen. There was no intelligence that indicated that it was coming. There was no threat that we were made aware of that potentially it could happen. And we always had the ability to evacuate. And we truly believed that, with the support of the QRF team, the 17th Brigade, potentially we had some way of fighting back or securing, or helping us secure.

BY MR. URIARTE:

Q Just to clarify, though, just to be clear, you said there was no reason to believe, though, that you would ever have a situation where 100 or 200 people would come over the wall?

A Sure. Yeah.

Q Right.

A But we always play the "what if" game. It is just our job, "what if."

Q Right.

A And at that point we realized that there's nothing we could do at that point. If they want us here and this is what happens, I am not sure what we could have done, except hunker down, you know, shelter in place, and see what happened, you know, [redacted] call the QRF team.

Mr. Alexander. Can I ask just one follow-up to that?

Ms. Sachsman Grooms. Uh-huh.

BY MR. ALEXANDER:

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Q How many people did you believe that you would be able to fend off?

A Oh, I don't know the exact number. That was just so -- I don't even know.

Q Somewhere between 1 and 100, obviously, but --

A I felt comfortable with one person we might be able to do okay.

But to be honest with you, I am not sure how to even answer that question, because we don't even know what they would be coming with. If they came over the wall with RPGs, mortars, AK-47s, belt-fed weapons, and what we had was M-4s? Was it a daytime attack where we were all awake and in position, where we could all isolate in one building, versus in the middle of the night when we were separated?

I mean, there are so many scenarios that could go into it, to speculate would be irresponsible because I just don't even know how much we could or couldn't do.

BY MS. SACHSMAN GROOMS:

Q So if you had had concerns that something like that was going to happen, is it accurate to say that you would have recommended evacuation?

A There were trip wires in place, and these trip wires would let us know whether we should evacuate the compound. Tripoli had worked with the previous RSOs in Benghazi and established these trip wires. I don't exactly know what they are.

But when certain trip wires came close to being triggered, I

believe that at one time [redacted] did reach out and say, we need to have an EAC to discuss it. Because once these trip wires get hit, we are talking about evacuating the compound. That is one of the things that we need to be aware of.

Q By "trip wires" you don't mean physical --

A No, no, no. I mean something in -- so if political violence increases a certain amount.

Q Yeah.

A If there are active threats against the U.S. mission that are now, you know, real. Or there is an active group working against us.

I don't exactly know the extent of the trip wires. Some of them tend to be classified. But, yeah, there are trip wires, and those are in place. And depending on what happens and who is monitoring those, that could be a reason to evacuate the compound.

BY MR. URIARTE:

Q You used the acronym EAC?

A Emergency Action Committee.

Q Thank you.

A Every embassy or consulate will have -- usually the RSO, the principal officer there, whether it be the Ambassador, the DCM, and a number of other officers meet and decide, based on the criteria, what the trip wires should be, how should we handle this, and whatnot, in an emergency situation.

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BY MS. SACHSMAN GROOMS:

Q Just a couple other sort of cleanup, follow-up questions. So you were using local drivers for movements?

A That is correct.

Q And where did they come from?

A Benghazi.

Q No, I am sorry. Did they come from the Blue Mountain Group?

A No, we hired them directly. I am sorry. I apologize.

Q A fair answer.

A No, they were local. They were from Benghazi. One actually had lived in the States for an extended period of time. They were sent to Tripoli for training, driver training, because obviously they are armored vehicles. They were trained by the MSD. And just if you don't mind, while they were there we asked that the Foreign Service national investigators up in Tripoli interview them as part of the clearing process, because I know we talked quickly about the clearing process for the guards and what not. We did ask that while they were there in Tripoli, since Tripoli had investigators on the ground, we asked that they be investigated as part of their file as part of the requirement, because there was talk about sending an investigator down to work with us in Benghazi to help clear some of the guards and do that extra step in interviewing the guards.

Q Okay. So were these local drivers trusted?

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A Yes. Yeah. We felt that we could trust them. They did their job. And they weren't very good drivers, they weren't very good actually, but at no point did we feel that we couldn't necessarily -- we never felt that they were maliciously out to get us. We never felt that they were angry or anything like that. But we also knew that when we working in an environment where we are supposed to be sensitive but unclassified, that we shouldn't be talking about the property. We didn't know for sure whether any of our guards, whether any of our drivers were going home and talking to their families about, oh, the U.S. compound is wonderful. The people are great. They got four cars. They got these three security guys that are wonderful to us. We don't know whether or not they were doing that. But we didn't feel that they were reporting back to anyone in particular. They liked their job. They were very comfortable with us. They were always there. And, again, we trusted them enough to drive our principal officer to and from certain meetings and what not.

Q And I guess was there a safe, a classified safe inside of the residence? How did you guys keep classified information?

A We didn't. We didn't have the ability to print classified information. We had two thin client laptops. One was located in the Tactical Operations Office with the RSOs. The other one was located in the IMO, information management officer/every other officer office, and that would be the one that the principal officer would use. There was no way to print from those machines so there was no way to hold classified documents because there was no way to print from them.

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If we refer to anything that was classified, it would be those laptops themselves or any of the radio or communication equipment that we had or sensitive stuff like our weapons and ammunition and what not that we maintained [redacted] in drawer safe, two drawer safes and what not.

Q And the computers were kept --

A The laptops themselves, they were thin clients, so they didn't store anything on the local drives. They went to thin clients. They went back to -- my understanding is -- again, a technical person could probably speak better to this. But they worked off of centralized servers so no information was kept directly on those laptops and any other equipment that we had that was in there. And to be honest with you, I can't recall anything that was quote-unquote classified. I think there was mention in classified documents that there was stuff that we would have had there. But that is why we maintain an agent in a bedroom in the office building that could get to the Tactical Operations Center.

Q Okay. Now, was there a safe, or no?

A There was at least one or two drawer safe in the TOC, in the office. I don't know if the information management officer had a safe or not and I can't recall whether the principal officer had a safe or not in her office. But in our office, I think there was a two drawer safe with a combination on it.

BY MR. URIARTE:

Q I think at some point we were told there was cryptographic

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machines that were secured in some way.

A I am trying to think, that is what I was talking about, and I am trying to think of what those machines would be. And I can't recall those machines, unless they are referring to the thin client laptops. But I can't recall what those machines are, because we had [redacted]. We had Google tracking [redacted].

So I don't know what those cryptos was exactly. You would have to talk to one of the IMO, information management officers. He would probably do a much better -- maybe those laptops were officially and there is something in them that had to be -- so he might have more information than I would on what was officially crypto.

But that was something that came across the high side documents as to why -- there was a waiver. Everything had a waiver there. And I think that was on the high side they were talking about maintaining an agent there was for one reason, because of the crypto that was available in the Tactical Operations Center.

Q So that is where you kept that material, to keep it safe, the crypto?

A It would have been kept in the safe [redacted] that is correct. I think it had to be manned 24/7. So I think the compromise that might have been in place, check on the high side as to what that waiver, what that agreement would have been in place for that. I think I know based on an e-mail that I have read, but, again, we would have to go off the record because that is secret.

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Ms. Sachsman Grooms. Can we go off the record for a second?

[Discussion off the record.]

BY MR. ALEXANDER:

Q On the record. You just mentioned that everything had a waiver there. What exactly does that mean?

A I am not aware of what all the waivers are, but DSOBO has certain requirements that are always in place for missions, conflicts and what not, especially for operations centers, missions. At no point, my understanding was, again this was the only understanding I had. I don't have, I didn't have direct knowledge of the waivers, I didn't implement the waivers, I never saw the waivers, but there were glaring -- like the Tactical Operations Center didn't have a combination. They have a secure door. There is a hole in the wall where the wires are fed through that led to the outside. There is a window inside the Tactical Operations Center office.

None of this would have -- this wouldn't have -- you couldn't have done it without a waiver. I don't have knowledge of those waivers, but the mere fact that that was done. We have a requirement of offsets from walls. We have a requirement on how high walls need to be around a compound. Again, none of this stuff -- they would have had to have waivers in place. And, again, I don't know the extent of the waivers, I didn't have anything to do with them, but from my experience and from having talked to other people, there were waivers in place to allow us to do our work in that mission at the frontline in Benghazi.

Q I understand that there are certain requirements with

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setbacks, in other words, of how far a building has to be from the wall.

A Sure, from the exterior wall.

Q Are you familiar with the requirement for setbacks?

A To some degree, yes. The recommended is about 100 feet.

Q 100 feet?

A Yes.

Q Do you believe that any part of that compound was -- did any part of that compound conform?

A Yes. Parts of the compound did conform to the 100 feet.

Q Which parts did not?

A The Tactical Operations Office did not because it butted up against a wall that was to another property.

Q Okay. And then any other parts that were nonconforming?

A On that particular topic, I don't -- not that I can recall.

Q So we have the tactical operations area. Let's talk about the actual safe haven. We haven't discussed that yet.

A In the bedrooms.

Q In the bedrooms. Would those require a certain -- did those have to conform to a particular standard, in your experience?

A I am not aware.

Q Have you seen similar --

A No.

Q Okay. So that is the first time you had ever seen any sort of set up like that before?

A That is correct.

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Q Okay. Have you served in a capacity in a residence like that before?

A No.

Q Okay. And your job now doesn't require you to do that. In other words, have you worked in an environment like that before?

A No, not like Benghazi. Not a frontline mission. No, no, no. More traditional.

Ms. Sachsman Grooms. I bet [redacted] is nicer than that.

Mr. [redacted] No, but we do have the CGR, which is the counsul general's residence, which we are responsible for, quote-unquote, residential security-wise in general. But nothing like Benghazi. No, not that kind of situation. Not on a compound, nothing like that.

BY MR. ALEXANDER:

Q So we have got setbacks. We have covered the Tactical Operations Center. Are there any other areas that you believe did not -- or that you believe would require a waiver based on your experience?

A There is quite a few probably, but I can't speak to them. The only ones that I am aware of are obviously, and I am not even 100 percent sure. The reality is in my experience in a Tactical Operations Center would have probably required a waiver, given how open it was and based on our security levels that we have in places that I have been, which again I am limited to, whether it be main State or DSS command center, whether it be [redacted] at this point or whether it be [redacted]. This was completely something I had no experience with.

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BY MR. BEATTIE:

Q What about the height of the walls?

A There is a certain requirement on heights of the walls.

Q Do you know what that is?

A I do not know exactly. Speculating I would say 10 feet minimum of anti-climb walls or what not around the property.

Q Did you have that in Benghazi?

A The immediate walls on the front were close to 10 feet, but I never measured them so I do not know. The rear walls on the outside were not 10 feet, but the drop-off on the inside was well over 10 feet. And the rear wall that was abutting up against the other property behind the Tactical Operations Center I do not believe was 10 feet. But I am guessing. I think 10 feet is the minimum, if I am not mistaken.

BY MR. URIARTE:

Q Did you take any mitigating factors to protect the TOC, for example?

A Other than keeping an agent in the Tactical Operations Center during the night, that was the only other thing. We had a bar on the door that could be lowered and that would hopefully stop anyone from coming through the main doors. And, again, all the windows in all of the villas had no grating on the outside. It was pretty secure. So we would stop anyone from trying to come through windows.

BY MS. SACHSMAN GROOMS:

Q What about the wall? Did you have concerns about the height of the walls or the safety -- I guess you described some walls and then

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an internal gate system. Did that just mitigate to the height of the wall?

A I never had a concern with the walls, with all due respect. They climbed the walls in Tripoli -- I mean not in Tripoli -- in Tunisia. They climbed the walls in Cairo. If they want to climb the walls [redacted], they are going to get over these walls. I believe that the standard is there for a reason and I am not going to judge why it is there or not there. But the reality is if they want to get over a wall, they are going to get over a wall. There is nothing we can do about it, unless there are snipers taking them off the wall.

The only thing we can do is we have visuals on the walls with cameras if we can and we have guards on the inside that can identify anyone trying to come over a wall. In this case, the only mitigating that we had was the barbed wire that was located around the wall immediately and then the internal fence. So that you have that wall, the high drop-off, and then the internal fence with additional barbed wire on top of it. That was already in place when I got there.

Mr. Alexander. We were just discussing conformance to traditional State Department embassy standards for facilities and he was describing that --

Chairman Issa. This didn't get it.

Mr. Alexander. Well, there had to have been -- in his estimation there had to have been a number of waivers issued, especially for the Tactical Operations Center which had wires coming out of it, a hole in the wall --

Mr. [redacted] A window in the operations center. I am assuming, and I have no evidence of this one way or the other, but I would assume that there had to be waivers on file somewhere to allow for that equipment to be there for us to be on the ground there.

Chairman Issa. This looked like no other facility you have been in in your career?

Mr. [redacted] That is right. Correct.

Ms. Sachsman Grooms. With the caveat he has only been [redacted] and [redacted]

Mr. [redacted] And [redacted]

Chairman Issa. And Washington.

Ms. Sachsman Grooms. And Washington.

Chairman Issa. You didn't see any windows in a Tactical Operations Center here, right? The 24 hours, 7 days a week centers.

Mr. [redacted] No. No. The operations center in the DSLs, no, they keep them all confiscated, dark rooms.

Chairman Issa. When you went through training though you also were trained on what one of these should look like?

Mr. [redacted] We were trained on certain OBO standards, that is correct, but that was a small part of our training. But at least we knew what it kind of should look like, and they mentioned --

Chairman Issa. The glass should be thick.

Mr. [redacted] Preferably in certain environments, if glass at all should be in the room. Closed doors with vaults and what not. That kind of stuff.

Mr. Alexander. We have one classified issue that we need to go off the record for. I think we have exhausted all our questions, unless you have any follow-up.

BY MR. URIARTE:

Q Can I ask just two or three questions about the DOD support in Libya. You mentioned that Lieutenant Colonel [redacted] was there with the Department of Defense, right? I mean, what was your understanding? I will make it a little more open-ended.

A My understanding is that once you get classified as [redacted] you officially are chief of mission because the [redacted] requires you, that is a State Department acronym. So while he might have been there with the DOD originally, at some point he must have been moved over to a [redacted] standard under chief of mission for him to be there.

Q You mentioned his prior purpose in coming out to Benghazi was not --

A Not to do with [redacted], but to do with another mission that he had on some containers that were being shipped and donated to the Libyan military, and the port they had chosen to deliver them to was Benghazi and he was to meet with his counterpart there. He was originally only supposed to stay on the ground for 3 or 4 days. He was supposed to meet, do the transfer, sign the paperwork and the inventory and then depart. But there were many number of delays in getting those containers into port and getting them accounted for which caused him to be there for that extended period of 2 to 3 weeks.

Q Were there other people in Libya who had similar sort of dual

purposes?

A Not the people that I was involved with in Benghazi.

Q So there may have been other people in Tripoli, but no one else in Benghazi?

A No.

Q So no one else sort of came over to Benghazi in a similar capacity as Lieutenant Colonel [redacted] while you were there?

A No. Everyone else was the standard chief of mission personnel or contract personnel that we saw.

Chairman Issa. You have another subject you want to go over?

Mr. Alexander. Can we go off the record.

[Off the record.]

BY MR. ALEXANDER:

Q Mr. [redacted] were you aware at any time during your tenure in Benghazi that there were al Qaeda affiliated elements, insurgent elements, operating in Benghazi during that time?

A And this is where we go off the record now?

Chairman Issa. You answer whether you think that is classified or not.

Mr. [redacted] I think that some of that would be classified, because I was informed of that on the high side.

Chairman Issa. The mere existence though would probably not be classified, would you agree? In other words, the specifics of what you know would be classified but not whether there was or was not an existence of al Qaeda or other terrorist groups.

Mr. [redacted] I don't know how much specifics I do that would make it classified or not classified, and I don't even know whether or not -- you would probably be a much better expert in this room and other people to decide whether or not the mere existence of them in the area was classified or not. I don't think it is classified, but I don't know if that is confirmed in any way.

Mr. Dorosin. I think he is expressing some uncertainty.

Mr. [redacted] That is right.

Ms. Sachsman Grooms. Now are we going off the record?

Chairman Issa. [To Reporter] Go ahead and finish that up and stop.

[Discussion off the record.]

BY MR. ALEXANDER:

Q Just one final question. Were you concerned at all about porous borders?

A No.

Q You were not concerned about --

A Directly concerned about the threat on us in particular? No. Because it was all of Libya. It was a general threat. There was nothing directly an immediate threat against the U.S. or the mission in general. So when we talking about porous borders, we are talking about drug smuggling, we are talking about alcohol smuggling, weapons.

Q Were you concerned about any types of individuals who may have been coming across that border?

A Again, I had no information that was told to me about any

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one particular group coming across that border that targeted us specifically.

Q Were you concerned about the number of weapons in Benghazi?

A Yes. There was lots of weapons in Benghazi. Everybody had a weapon.

Q Yes. I heard one estimation that it was 15 million weapons, or something like that?

A It wasn't the fact that everyone had a weapon. It was the fact that there was no governing body at all that would stop the weapons or control the weapons. So there was no control over all the weapons that were there. There were just so many weapons.

Q Were you also concerned about the types of weapons? I mean, our understanding I think is it wasn't just small arms. I mean, there were anti-aircraft guns floating around.

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A I'm not sure to the extent. My understanding from what I've talked to my QRF was that they could easily go on the market and they could buy AKAs, they could buy some belt fed weapons, which is a high caliber obviously, and they could get even some RPGs. I'm not sure the quality of these RPGs, I'm not sure if they're telling me the truth, I'm just telling you that that's what they were told that we could, and it seemed clear that everyone had a weapon.

BY MR. ALEXANDER:

Q Did the types of individuals who were crossing the borders, coupled with the number and type of weapons in Benghazi, lead you to believe that there may be terrorist elements operating inside Benghazi?

A Could you repeat it one more time? I'm sorry.

Q Sure. Did the types of people who were crossing the borders, coupled with the type and number of weapons in Benghazi, lead to you believe or assume that terrorist groups may be operating inside Benghazi during the time that you were there?

A Yes.

Mr. Alexander. That's all my questions.

Mr. Beattie. Thank you.

Mr. Alexander. Thank you very much for coming in.

[Whereupon, at 12:03 p.m., the interview was adjourned.]

INTERVIEW OF CHARLENE R. LAMB

BEFORE THE

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

SECOND SESSION

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APPEARANCES

FOR THE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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Mr. Alexander. Just a few remarks before we get started.

This is a transcribed interview of Charlene Lamb conducted by the House Committee on Oversight and Government Reform. This interview was requested by Chairman Darrell Issa and is part of the committee's investigation into the facts and circumstances surrounding Christopher Stevens' death and the events leading up to that.

Would you please state your full name for the record?

Ms. Lamb. Charlene Rae Lamb.

Mr. Dorosin. Tom, can we just have, for the benefit of Charlene, the ground rules the way you laid them out also this morning?

Mr. Alexander. Oh, sure. Yeah, I am going to get to those in here.

Mr. Dorosin. Oh, sorry. Sorry to interrupt.

Mr. Alexander. That is on page 3.

Mr. Dorosin. Okay.

Mr. Alexander. My name is Tom Alexander. I am a senior counsel with the committee staff. And the other guys will introduce themselves.

Mr. Beattie. Brien Beattie with the majority staff.

Mr. Uriarte. I am Carlos Uriarte. I am with the minority staff, counsel.

Ms. Sachsman Grooms. I am Susanne Sachsman Grooms. I am chief counsel for the minority side.

Mr. Lewis. James Lewis, majority staff.

Mr. Borden. Robert Borden, majority staff.

Mr. Dorosin. Josh Dorosin from the State Department Legal Adviser's Office.

Mr. Adams. Dave Adams from the State Department's Legislative Affairs Office.

Mr. Alexander. Great. I will explain how we will proceed.

Ms. Lamb. Okay.

Mr. Alexander. The questions will start with majority staff for 1 hour, by agreement. Then we will turn it over to minority staff for their 1 hour, during which time, you know, majority staff will participate in that 1 hour, and then minority staff can divvy it up however they like.

The reporter is going to take down everything you say, everything we all say. And the interview will be submitted into the official record. With this in mind, it is important that you respond to questions orally. The reporter cannot properly record non-oral questions or responses or gestures. Do you understand?

Ms. Lamb. Yes.

Mr. Alexander. We encourage witnesses that appear before the committee to freely consult with counsel. Do you have counsel present?

Ms. Lamb. Yes.

Mr. Alexander. Would you state your name?

Mr. Dorosin. Josh Dorosin.

Mr. Alexander. Great.

Mr. Dorosin. But just to clarify, I am counsel for the Department of State.

Mr. Alexander. Okay.

We want you to answer our questions in the most complete and truthful manner possible, so we are going to take our time. If you have any questions or don't understand any of the questions, please let us know. We will be happy to clarify any of our questions. Does that sound good?

Ms. Lamb. Yes.

Mr. Alexander. Okay. If you honestly don't know the answer to a question or do not remember, it is better not to guess. Just say you don't know.

Ms. Lamb. Okay.

Mr. Alexander. If any of our questions require you to refer or to disclose classified information, please flag it. By agreement between the committee and the State Department, we will do this in an unclassified manner.

Ms. Lamb. Okay.

Mr. Alexander. If there are any classified issues that come up or, like I said, a question requiring classified answer or touches on classified information, just say, "That may touch upon classified information. Let's flag it." We will come back to it. We will turn off the recording. He will stop typing. And then we will discuss whether that answer is, in fact, classified and whether we can work out some way where we can form it another way that may be unclassified.

Ms. Lamb. Okay.

Mr. Alexander. If you need to take a break, just let us know.

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I believe we will probably take, unless you want to -- unless you don't want to, we will take a break at the hour.

Ms. Lamb. Okay.

Mr. Alexander. We will just do that on the hour.

You are required to answer questions before Congress truthfully. Do you understand this?

Ms. Lamb. Yes, I do.

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

Ms. Lamb. Yes, I do.

Mr. Alexander. Witnesses that knowingly provide false testimony could be subject to criminal prosecution for perjury or for making false statements. Do you understand this?

Ms. Lamb. Yes, I do.

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

Ms. Lamb. No.

Mr. Alexander. Do you have any questions before we start?

Ms. Lamb. No.

Mr. Alexander. Fantastic. We will go ahead and begin our questioning.

EXAMINATION

BY MR. ALEXANDER:

Q Can you please state your background and your current duties?

A I have been in law enforcement 35 years, 25 years with the

State Department. My current duties, I am the Deputy Assistant Secretary for International Programs for Diplomatic Security with the State Department. And that includes ensuring safety and security for 285 embassies and consulates around the world.

Q Does that also include temporary facilities or those that are not classified as consulates and embassies?

A Anywhere U.S. Government personnel under Chief of Mission authority --

Q Okay.

A -- work or reside.

Q How long have you been in that current position?

A Six years.

Q Six years. Okay.

Can you please describe the legal or diplomatic status of the compound in Benghazi? We understand that it is not actually a consulate, that it falls under some other status. Is that accurate?

A That is accurate. Truthfully, I do not know what the legal status is.

It was initially started as a -- it was a special envoy with Chris Stevens back in April of 2011. And they were residing in a hotel, which is common for a special envoy. There was a bombing at the hotel, which then drove them to look for a residential space elsewhere. And that is how we ended up at that compound in June of 2011.

And it was supposed to be terminated by December of 2011. And, at that time, a policy decision was made to extend the presence in

Benghazi for an additional year.

Q Can you describe that policy decision in more detail, please?

A It was a memo that I believe was drafted by the NEA Bureau and was signed by Pat Kennedy.

Q And do you recall the contents of that memorandum, besides being a policy memo?

A It's multiple pages long.

Q Can you give me some flavor?

A It just says that they are going to be there for an additional year, is the gist of it.

Q Okay. Did it describe in any detail any particular purpose to the facility? We understand that it was not conducting typical consular affairs -- didn't issue visas, that sort of thing. Did it get into why it was established?

A Without rereading that memo, I can't tell you the details of it.

Q Okay.

Mr. Alexander. Dave, did you come across the memo in the past couple of days?

Mr. Adams. Yeah, as I was telling Rob downstairs, we need to have a conversation about documents.

Mr. Alexander. Okay.

BY MR. ALEXANDER:

Q Do you recall at all -- I know you don't remember much about it. Do you recall if it contained any sort of parameters as far as

security?

A The only thing that I recall is that it stated that mission was authorized 17 personnel and that they currently had 5.

Q And by 17 personnel, what did that encompass?

A It -- I don't know.

Q Okay.

EXAMINATION

BY MR. BEATTIE:

Q So you don't know if that's referring to security personnel or just personnel?

A No, it was just personnel.

Q And when you say "mission," you are referring to the entire U.S. mission in Libya or simply Benghazi?

A No, just Benghazi.

Q Okay.

BY MR. ALEXANDER:

Q Can you describe the process by which -- you said you are responsible for the safety and security of our diplomats and U.S. personnel abroad.

A Right.

Q Can you please describe the process by which you determine -- or, who determines the number of security personnel that are assigned to each post? I guess start off with who, and then --

A Right. Post decides.

Q Okay.

A And it is based on workload at post.

Q So State has no input into --

A Post would -- post does an annual strategic plan that they send forward to the Department, and in it they will outline staffing needs. So if there has been an increase in personnel added to the mission and they feel that they need an additional RSO based on workload, they would include that in their strategic mission plan.

And then that comes back to Washington. We evaluate it at the headquarters level. And then, depending on how many FTE DS is allotted in the course of a new year, then we will look at, you know, the different threat levels and the needs of the post and prioritize them.

Mr. Alexander. Chairman Darrell Issa has entered the room.

Chairman Issa. Hi. Sorry to be late. Darrell Issa.

Ms. Lamb. That's all right. Nice to meet you.

Chairman Issa. Nice to meet you.

Mr. Alexander. She was just about to describe the process by which the State Department assigns or reviews the requests for security and personnel at embassies and consulates.

Ms. Lamb. Uh-huh.

BY MR. ALEXANDER:

Q Would you mind --

A Start over?

Q Sure.

A Okay. I was explaining there's a couple of ways it can happen. One is, the most common way is a post will come in; post

management decides that the workload has increased or they have added new staff and they feel that they need a new security officer position. So they will come in with a request then.

We also, within my division, International Programs, we do program reviews at post. And my senior officers from headquarters that go out to post, they can also evaluate the workload that they see on an RSO. And then during their debrief they will make a recommendation to post management, perhaps they want to think about adding an RSO position there.

But the official requests come in from post.

Chairman Issa. So was there an official request to reduce the staffing? Because if to increase it there is a request, then to decrease it there must be a request. And we have been told exactly the opposite, that they didn't want to lose the positions that they had.

Ms. Lamb. Okay. We are talking about permanent FTE positions right now. So --

Mr. Alexander. Perhaps you could explain that.

Chairman Issa. So what was the full-time equivalent level that was authorized for Embassy Tripoli?

Ms. Lamb. Tripoli -- and this was part of the dilemma with Tripoli. All of the employees were in TDY status for the first year in Tripoli. And --

Chairman Issa. We had an embassy staff with Qadhafi. It had a staffing level, right?

Ms. Lamb. Yes.

Chairman Issa. That wasn't TDY.

Ms. Lamb. No.

Chairman Issa. What was that staffing level?

Ms. Lamb. I don't know, sir.

Chairman Issa. Okay. So then there was a war in which they murdered each other in large numbers. And so then you brought in these people, TDY. My understanding is 12 DSes and 17 military at one time were there.

Ms. Lamb. At one time, we had 18 MSD and 16 military personnel.

Chairman Issa. Okay. But that was all TDY, no permanency. So when did it become a permanent number, and what is that permanent number?

Ms. Lamb. The assignments have just become permanent for the RSO staff this summer, with this summer's rotation. So the RSO that replaced [redacted] is now a full-time -- a normal assignment.

Chairman Issa. And that was the point at which it was downgraded to two teams from three, right?

Mr. Alexander. I believe it was down to even one at that point.

BY MR. ALEXANDER:

Q There were three -- if I have it right, and correct me if I am wrong, 18 MSDs is the equivalent of 3 MSD teams.

A Three teams, correct.

Q Okay. Gotcha. How many MSD teams were in Libya at the end of August?

A At the end of August, there was -- the last team left at the end of August, the training team.

Q Okay. Can you describe what a training team means?

A They were training the local guards and the bodyguards.

Q Okay. Were they training and protecting at the same time?

A Yes. For VIP visits and if things were needed, they were used.

Q Okay. Would you characterize their primary mission as training?

A The primary mission was training, yes.

Q Okay. And if their primary mission was now training, who backfilled them for providing full-time security as their primary mission?

A Could I make a suggestion, if I may?

Q Sure.

A If we could go back to the very beginning and start with staffing in the beginning to where we ended up --

Q Go right ahead.

A -- it would make more sense.

Chairman Issa. What date is the beginning?

Ms. Lamb. The beginning would be September, when we first went back into Tripoli.

Chairman Issa. September '10.

Mr. Beattie. '11.

Ms. Lamb. '11.

Chairman Issa. '11.

Ms. Lamb. That's correct.

Chairman Issa. Okay.

Ms. Lamb. We were in there roughly the first week of September, and then Ambassador Cretz came in, and they raised the flag on the 22nd.

We came in with, I believe, two MSD teams at that time. And within a week after we arrived and kind of located -- we assessed our old compound, realized we just couldn't be there. So then we stayed in temporary -- well, we stayed in embassy housing that was a leased property that the embassy still had.

Chairman Issa. And the "we" includes you?

Ms. Lamb. No, no.

Chairman Issa. Okay. Who is the "we"?

Ms. Lamb. DS.

Chairman Issa. Okay. People detailed to go there.

Ms. Lamb. Go there. And they self-protected at this leased property.

And I believe -- and then the correct folks came in to find leased property, and then the Mobile Security Division provided security. They identified a location. Once they identified a location, that's when the SST team -- now, we had lined this up before. This was part of the planning.

The SST team is -- there are certain skill sets that we don't possess as DS agents, and amongst those skill sets were explosive ordnance devices, medical skills -- let's see, what was the third one?

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We needed a specific air traffic controller survey person to check the airport because of the severe bombing that we had. And communications; we didn't have a big enough communications package for what we needed. So we specifically asked the military to provide those assets for us.

And as we had to secure the residential compound we had and now that we were identifying leased property, in addition to -- I believe the numbers came out to 10 for the specific groups that we needed. They added an additional six people to help with static security and securing the compound. So they arrived on top of our complement, and this is how we started the program.

The local guard --

Chairman Issa. No other military, no other U.S. personnel --

Ms. Lamb. No.

Chairman Issa. -- to pull triggers or could pull a trigger?

Ms. Lamb. No. No.

Mr. Beattie. Sorry, before you go to the Libyan -- so, just to be clear, all in, it was 16 SST initially, or 18?

Ms. Lamb. Sixteen.

BY MR. BEATTIE:

Q I apologize, 16. And when did they arrive?

A It was about a week after we got there.

Q So now it is two MSD, and then you lay on top of that the SST teams, 16 individuals?

A Sixteen. Right.

Q Thank you.

A And then we had a few State Department personnel that were looking at doing the property and the management types of issues that we needed to do. So they set the compound up, and then Ambassador Cretz comes in, and they raised the flag on the 22nd.

So in the months that -- so that is September. In November, I reached out to [redacted], and I just reminded him that, as we go forward, these assets are not assets that can stay at post forever. These are emergency assets, both State Department's -- we ended up with eventually with three MSD teams, and that's a third of our emergency response for the entire world. And then, of course, this was a very specialized team that the military gave us.

So in November I started talking to [redacted]. I said, you know, I know you are very busy right now, you've got a lot on your plate, but we have to start thinking about an exit strategy. We're going to need to create the inherent ability to do these services on our own, and we have to give these assets back.

So he understood that. And then, from that point forward, we started working on a transition plan, how are we going to do that.

The easy one is the medics. Eventually, State Department medical personnel got involved. They coordinated with the medics in the group, and they set up the health unit. And by August we had -- I believe it was a TDY nurse practitioner came to post at that time. So, by August, we didn't need the medics, medical capability from that team.

The communicators --

Mr. Alexander. August 2012?

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Ms. Lamb. Yes.

BY MR. BEATTIE:

Q Sorry, actually, could you just about back for a second?

A Uh-huh.

Q Sorry to cut you off, but you said you reminded [redacted] in November of 2011?

A Uh-huh.

Q How did you remind him?

A With an email.

Q Okay. And you said he acknowledged that?

A He acknowledged that, yes.

Q Was that also by email?

A Yes.

Q Okay.

A And in subsequent meetings and subsequent emails and conversations, which -- that was the beginning of a very long conversation.

Chairman Issa. But 2 weeks after we reenter what had been a war zone, you tell him you are not going to have these assets forever. Is that right?

Ms. Lamb. Right. But there was no talk about them leaving. But it was just, you know, as we are moving forward, he needed to start thinking -- that was to help him know what to ask me for, what to request.

Chairman Issa. Sure. Well, and, obviously, he will be on the

panel with you tomorrow.

Ms. Lamb. Uh-huh. Right.

Chairman Issa. I think the question, from a standpoint -- and I want you to go through the whole timeline -- but from the standpoint of the timeline, the boots on the ground are relatively static, relatively, for most of the year. And then they are reduced post-June 6th, June 8th?

Ms. Lamb. Uh-huh.

Chairman Issa. After, you know, in that time frame, a series of events: the blowing up of the wall and the two attempts to murder the British Ambassador --

Ms. Lamb. Uh-huh.

Chairman Issa. -- or at least claimed attempts, and one was pretty successful all in all.

Ms. Lamb. Right.

Chairman Issa. During that part of the time frame, June to September 11, what assessments and what activity do you recall that would, one, justify the reduction; and, two, justify the remaining amount, the number of people?

Ms. Lamb. Uh-huh.

Chairman Issa. You know, in hindsight, we didn't have good enough facilities. In hindsight, we didn't have good enough people.

Ms. Lamb. Right.

Chairman Issa. In hindsight, we didn't have a good enough contingency plan.

Ms. Lamb. Correct.

Chairman Issa. We are not telling you that hindsight is how anyone is going to be judged, but we are sort of seeing a window that is a portion of the window you are walking us through. And it is really the particular incidents that were most notable that we know of in June through September 11.

Ms. Lamb. Okay. And so if I can -- can I pick up where we were?

Chairman Issa. I just wanted to guide you to what I thought --

Ms. Lamb. But I understand --

Chairman Issa. -- would be informative --

Ms. Lamb. Right. And I understand your perception.

Okay, so with that in mind, once, you know, things are moving right along at the compound, the first thing we worked on were the local guards, because some of them had disappeared during the war. Actually, we got a surprising large percent back. So the Mobile Security Division then -- this is when the third team comes in.

Mr. Beattie. Which is when?

Mr. Alexander. What month are we in?

Ms. Lamb. I can get a date. I don't have it on the top of my head. But it was --

Mr. Alexander. Early 2012?

Ms. Lamb. Yes. It may have even been in '11.

Mr. Alexander. Okay.

Mr. Beattie. So late '11, early '12, roughly.

Ms. Lamb. Right. Because it was critical that we got the guards

back up to speed.

So the guards came back. I sent a senior person from DS out, who was a local guard force expert. He helped post recruit and hire 42 new guards on top of the ones that they had. And then the Mobile Security Division, once they were hired was when the third team came in and started the training. So they trained up all the local guards, got them on post.

Then from --

Chairman Issa. And this is for both locations?

Ms. Lamb. This is --

Chairman Issa. Tripoli and Benghazi?

Ms. Lamb. No, this is just for Tripoli.

Chairman Issa. Just for Tripoli.

Ms. Lamb. Correct.

Mr. Alexander. Did you say 42 or 46?

Ms. Lamb. Forty-two new guards.

Chairman Issa. And this would be not the contractor, the British contractor that Benghazi was using.

Ms. Lamb. No. No, these are all PSA guards, personal service agreements.

Chairman Issa. So they are cleared directly by you?

Ms. Lamb. Yes.

Chairman Issa. And they work and receive money from the State Department --

Ms. Lamb. Correct.

Chairman Issa. -- and would have the normal foreign employee --

Ms. Lamb. Benefits --

Chairman Issa. -- privileges over time.

Ms. Lamb. -- and privileges, correct.

Mr. Beattie. Embassy shirt, badge, so that they are wearing --

Ms. Lamb. Right. We sent -- yeah, we sent uniforms, we equipped them. Everything they had we provided.

Mr. Alexander. Weapons?

Ms. Lamb. No weapons. This was an unarmed guard force.

Chairman Issa. In both locations?

Ms. Lamb. Yes. That's correct.

So as soon as they finished training the local guard staff -- these are the static guards -- then they started training bodyguards. And so what they did was they, you know, they picked the best of the best out of the local guard force and moved them up and then backfilled them.

So they were able to train up 16 armed bodyguards. And we did this same type of --

Chairman Issa. And were they dual-hatted, drivers and bodyguards, or strictly bodyguards?

Ms. Lamb. No. Strictly bodyguards.

Chairman Issa. Okay.

Ms. Lamb. At the same time, we encouraged the RSO to work with post management to ensure that they were hiring drivers. Because our MSD agents were driving the cars, and that is not a normal security

duty.

Chairman Issa. No.

Ms. Lamb. So they did, in fact; post hired a bunch of drivers. So then the MST team, again, they trained all the drivers. And they trained -- and then we come up with 16 armed bodyguards and drivers.

So post, in the beginning, [redacted] would have your principal in the car with an MSD, AIC, agent in charge, and then you would have the follow car behind with three to four people in it, depending.

And we were, at some point -- in the very beginning, SST was not allowed to go off the compound. By their own guidelines, they were told to remain in the compound. Later on, they are allowed to integrate, and we do kind of mix the teams up.

So the bodyguards are still in the process of being trained. And then in November of '11, the -- I am trying to think what year -- what is the date today? October. Okay, so this is '12. In November of '11, it is around November 1st, post decides that it is time that they -- they are feeling comfortable enough, they feel things have calmed down -- when we first got there, there were militia checkpoints everywhere. Every neighborhood had a militia. So it was very difficult and it was kind of scary going from one place to another, crossing all these checkpoints.

So after the checkpoints disappeared and life started to get a little bit normal, post again -- normally, this is done through an emergency action committee, which I assume it was -- and they decided

to lower the restrictions on their personnel travel. And what that meant was that, with a trained driver in an armored vehicle, they were going to allow personnel to go off compound with no armed security. And they just had the armored car and the trained driver.

And then, around a week or 2 later, post decided that the Ambassador wanted to lower his personal security profile, as well.

Chairman Issa. Which ambassador was it at this point?

Ms. Lamb. This is Ambassador Cretz.

So, at that point, they were running an advance car, the limo, and then a follow car. And, in essence, what they did was they dropped the follow car. So that is four agents that now don't have a daily job.

So the advance car had one local hire, one SST, and one MSD person, and then we had a DS agent riding with the AIC. And so when this happens, the four agents -- and there were two agents that I forget what they were doing, but their job had kind of gone away. So that is when the first MSD team leaves, and then we are down to two teams.

BY MR. BEATTIE:

Q Sorry, so when is that?

A I don't have that date, but I can get that.

Q 2011?

A I don't want to guess. It was -- no, it is further into --

Chairman Issa. More like summer of '12.

Ms. Lamb. It is more into '12, yeah.

BY MR. BEATTIE:

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Q Spring maybe?

A Yeah, I am sorry, I should know, but I just can't think right now.

So the first team leaves. Then the bodyguards come on -- okay, so this was -- [redacted] had sent a -- so as the bodyguards are coming out of training and they are starting to incorporate and use them, leading up into -- this is right before elections is when this happened, so it was in the summertime. Because everybody was there through the elections.

Q Which was July 5th?

A I believe that was close.

Q Something like that? Okay.

A So there was a McCain visit and then the elections, and those were two big events for security out there. And, of course, we were watching the elections very closely, uncertain if we were going to have violence surrounding the elections.

So, at that point, the bodyguards were fully incorporated. And they actually worked in the detail that protected McCain when he was at post.

And then the elections, they were responsible for taking out -- I believe they had five election monitoring teams, and our bodyguards provided security for these election teams. And there were no problems; everything went well. So they were fully engaged now in providing security for personnel at post.

Chairman Issa. And you had no TDY plus-up during that period?

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Ms. Lamb. No, we did have TDY plus-up. We would generally run between four and five TDY plus-up. And so they were there, and they were -- and, again, we are still in the process of doing security upgrade projects and just daily program management, helping RSO [redacted].

So, at that point, after the elections and the 16 were on board, there was supposed to be another class of bodyguards lined up, which would have left the MSD team on the ground to train one more bunch, but the post did not get enough hired for that class. So we explained to them that, you know, if the MSD were not needed, you know, day to day on these protection runs, that they would come home, and as soon as they hired and had the new bunch, we would come right back to them and be there.

And we also told them at that point that, you know, at any point if they felt they needed MSD to come back because of threat or an incident, we would have them there, you know, within basically 24 to 48 hours of being called, as soon as we could get them on a plane.

BY MR. BEATTIE:

Q So, sorry, now we are talking roughly a little after the elections, you have 16 Libyan bodyguards up and running.

A Uh-huh.

Q And then, because there were weren't enough candidates in the next class, another MSD team came back, or I should say left Libya? Is that correct?

A Well, they were there to train. So if they had no one to

train, they were just sitting at post.

Q Sure. No, I understand. So that's when --

A That's when they left. And they left --

Q So now that leaves one MSD team left in Libya?

A No, that was the last team to leave.

Q That was the last.

A Yes.

Q When did the second one leave?

A The second one left shortly after -- only about 2 weeks before the last one. They left right after election time frame. They left in --

Q So the first one comes out, you are not sure exactly when but maybe sometime early '12, and then that leaves two. And then shortly before election time, perhaps, one leaves, and then another one --

A No, we had two --

Q They both leave about the same time, okay.

Chairman Issa. So it is like July 15, July 30.

Ms. Lamb. August 29th was the last one. And I believe the first one left maybe 2 weeks before that.

Chairman Issa. Oh, so it is August 15th and August 29th.

Ms. Lamb. Yes. I will have to confirm --

EXAMINATION

BY MS. SACHSMAN GROOMS:

Q I am sorry. I don't mean to interrupt, but --

A That is okay.

Q -- the first -- there were three teams?

A Yes.

Q I am just trying to get it clear. Did all three stay through the McCain visit and the election?

A I will have to check that timeline.

Q All right.

A I am just -- I am not perfectly clear on that. But I know we had at least two there --

Q At least two.

A -- during that time. Yes.

BY MR. BEATTIE:

Q And, sorry, could you just -- you also said there were typically four to five TDY DS agents; is that correct?

A Uh-huh.

Q And that's in Tripoli?

A That's in Tripoli.

Q So can I just maybe throw out sort of a typical time period before the elections but maybe after the new year of 2012 and you tell me if I am right or wrong --

A Okay.

Q -- for, sort of, the security profile that Tripoli would have?

You would have the 16 SST. You would have -- let's just say this is before the first MSD leaves. It would be 3 MSD teams, the 16 SST --

A Okay.

Chairman Issa. So that is 12.

Mr. Beattie. What is 12?

Chairman Issa. Three times four. The number in a team.

Mr. Alexander. Six.

Chairman Issa. Six. So it is 18.

Mr. Beattie. Eighteen, yes, sir.

Chairman Issa. Okay, 18.

BY MR. BEATTIE:

Q And then on top of that, roughly four to five TDY DS agents.

A Correct.

Q And then the LGF force as they are being, sort of, brought up to speed.

A Correct.

Q Okay. Thank you.

A Uh-huh.

Q So where are we on the timeline? I guess it would be helpful to finish the timeline.

Chairman Issa. August 29th, the last team just left.

BY MR. BEATTIE:

Q Yeah. So the last MSD just left. So now we have 16 SST.

A The SST --

Q I know they left August 5 or something like that.

A Yes, they left earlier in August.

Now, with the SST, in May, post had come back and said things were going so great that they gave -- the RSO gave up 6 of the 16 SST, and they no longer fell under the RSO. They moved over to -- they became Chief of Mission underneath the defense attache, I believe. And they began doing mil-to-mil work for post, at that point, and they didn't -- they no longer did security work.

EXAMINATION

BY MR. LEWIS:

Q Are you sure of those numbers?

A Positive.

Q Okay. Could it have been 16 SSTs, an additional 6, to make it a total component of 22?

A No. No.

Ms. Sachsman Grooms. And I am sorry. Did all --

Ms. Lamb. Unless someone lied to me, no. I have an email that says that's what they did.

BY MS. SACHSMAN GROOMS:

Q He gave up 6 to go do Chief of Mission mil-to-mil work, or he gave up all 16?

A No, six.

Q Six. So he kept 10.

A Right. Yes.

So, again, when we first got there and we needed this multitude of 37 gun-toters, they were driving vehicles and they were, you know, filling full follow-cars and quick reaction post. And then as post

relaxed their travel policy, there was not the same need for the same number of shooters. And the numbers just naturally reduced themselves.

BY MR. BEATTIE:

Q And in May, when post said things were going so great, how did they say that exactly?

A Well, it was just -- when the RSO said that they didn't need them, that it was, you know, they were comfortable moving them over --

Chairman Issa. This is all in a series of emails?

Ms. Lamb. Yes. There was an email traffic where the RSO and post concurred that six of them should move to mil-to-mil.

BY MR. ALEXANDER:

Q Do you recall the date of that email?

A No, I don't.

Q Do you remember who sent it and who received it besides you? Or did you receive it?

A It was between -- no, I don't remember exactly. Military people were involved. [redacted], I believe, was on the email, in the front office at post. So it was just an email saying that everybody was in agreement that they were going to make this move.

BY MR. BEATTIE:

Q And just to be clear on that, I take it the email acceded -- post acceded to the transfer of six SST members to do [redacted], nonsecurity work, right? Was that their -- who originated --

A That was their -- that was all theirs.

Q They originated that. Okay.

A Yes.

Q And did that email also discuss the security environment?

A No. No. It just talked about --

Q It didn't?

A No.

Q So when you said things were going great, what was going great?

A Well, I didn't say things were going great. I just assumed that if the RSO was willing to give up assets and not ask for replacements, that he didn't need them. But, again, the functions that they were being used for were being slowly filled by local national employees.

Q And so, in your recollection, post conveyed to you that they were being successful in hiring local employees to fill the security positions. Is that correct?

A They never came up to the total number that they were authorized. But during the time when I sent folks from Washington, they did make a substantial increase in hiring personnel.

Q And then, just to be clear, when they -- it was their initiative, it was post's initiative --

A Post's initiative.

Q -- to transfer the six?

A That is correct.

Q But you said that that initiative was not accompanied by, sort of, an assessment of, sort of, the security environment?

A No.

Q It was more based on --

A It was just post in agreement with the military to do that.

Q Okay. And then you said you took it as your assumption that --

A I just assumed that an RSO, a senior RSO, such as [redacted], would not give up security assets if he needed them.

Q Okay.

A You know, we tend to trust our RSOs in the field.

Q Sure.

A We can't micromanage what they do.

Q Sure.

So do you want to keep going with the timeline, then? I think I've got -- maybe I jumped a little bit out of order -- but I've got May, they transferred six SSTs to the DAT, which leaves 10 for security purposes, for diplomatic security? Is that correct? SSTs?

A Ten of them are still working for [redacted], yes.

Q Right. And then we go to election time and after the elections, roughly within a week or so --

A Right.

Q -- each of the MSD teams all pull out.

A Right. You know, we left a window there to make sure nothing negative was going to happen in the security environment following the

election.

Q Uh-huh. And then on what date did the rest of the SST leave?

A Between the 15th and 18th of August, I believe, they pulled out. It was in that time frame.

Q Fifteenth to the 18th?

A Yes. That may not be exact, but close.

Q And as we understand it, the SST were on a rolling sort of, or a renewable-type deployment. Could you describe that?

A Yeah. I believe their deployments are on 120-day cycles, where they will rotate. So, basically, at about 60 days into each rotation, the military will start asking, you know, are you going to need to keep them longer and extend them, so they can start making plans whether to stand up another team to replace them or to, you know, start looking at packing up.

Q So how many extensions of the SST presence in Libya were there?

A I believe we had at least two.

Q At least two?

A At least two. There may have been a third one. I would have to check.

Q Well, so they came in in September.

A September of '11.

Q So 120 days is 4 months, right? So September, October, November, December, roughly?

A January.

Q January, February, March, April.

A April, May, June, July.

Q June, July, August -- that would make sense. That is three tours.

A That is three tours.

Q Okay.

A Yes.

Q And when was the decision made that there would not be a further extension of SSTs specifically for the provision of diplomatic security?

A In, I believe it was July 9th, post sent in a cable outlining their security needs for staffing, and they did not specifically request an extension. They suggested a 60-day extension at that time.

But I had the desk officer -- the cable was very complicated, and it didn't squarely line up the duties of exactly what all the security people were doing. So I asked the desk officer to go back and jointly work with RSO [redacted] to figure out exactly how many people did he need to conduct security for the compound, his programs, and movement security. And they came back with a number of 21.

Q So was this subsequent to the July 9th cable, then? You said one of them was unclear.

A The July 9th cable came in. It was a clear cable, but it was -- it didn't exactly line out how many people he needed to do what.

Q Uh-huh.

A And so I asked the desk officer to go back and for the two

of them to work out an agreement, you know, exactly how many did he need. How many did he need to supervise the movement security that was now being done by the armed bodyguards? How many did he need to assist with the local guard force program?

Q So, basically, I mean, is it fair to say you were refining -- he was refining the request?

A Exactly. Exactly.

Q When did he send a refined request?

A He did not send a request. They had lots of phone conversations and emails, and then the desk officer drafted a response cable to the cable that post had sent in. And I cleared that cable on the 16th of July. But it was never -- it never got sent to post.

But we did -- everything that they had agreed to on the phone was in place and was working. And in the cable, we said that we would try to maintain -- he said he needed 21 security personnel to do all the things that he needed. And we said that we would maintain a staffing level of 23, in the cable.

Q Sorry, so just to be clear, the July 9th cable comes in --

A Uh-huh.

Q -- and then you basically directed [redacted] to work with the desk officer to refine the request? Is that correct?

A That is correct.

Q And the desk officer is in Washington, right?

A Yes.

Q And so that refining took place how, exactly? How did they

communicate?

A Telephone and emails.

Q Okay.

And then you said there was a response cable drafted, but it was actually from Washington to post? Is that how it was drafted?

A That's correct.

Q Okay. And the purpose of that again was?

A To respond to the July 9th cable, saying, you know, we got your cable, and per agreement between DS/IP and the RSO, this is what we came to. And then that was a synopsis recapturing the conversations and emails between the desk officer and [redacted].

Q When was that response cable drafted? Or what was the date, I guess?

A I cleared it on the 16th of July, which was exactly 1 week after it was received.

Q I am sorry, one more time? The 16th?

A The 16th.

Q And you cleared that?

A I cleared that.

Q And during the process of -- actually, I should say, who is the desk officer?

A [redacted].

Q And did you participate at all directly, did you communicate with Mr. [redacted] directly during this process of refining the request?

A No. I just left that to -- that is standard for a desk officer to work with the RSO.

Q Did you work with [redacted] on drafting, or helping sort of contribute to the response cable?

A No. He brought it to me, and there were some parts of it that -- you know, I edited it, but I didn't substantively change it. I helped to make it clear what he --

Q So you would describe them as nonsubstantive edits to the cable?

A Yes.

Q What would be a nonsubstantive-type edit to the cable?

A It was involving numbers and positions. And in one part of the -- traditionally, cables are written in paragraphs and words. And I put part of it in bullets, where it just -- visually, it made it clear what we were talking about.

Q I am sorry, positions and words, as in not positions to be filled. You mean just the physical layout of the cable? Or do you mean --

A The physical layout of the cable, yes.

Q Okay.

A I made it easier to read.

Q So what was the -- the response cable, you said, settled, if you will, on how many positions? Or what was the agreement?

A The agreement that they had reached was to fulfill all the duties that he needed --

Q And I am sorry, "he" is Mr. --

A [redacted]. That he needed a total of 21 positions, and -- positions with guns, to do movement security and everything that he needed. So that was not all U.S. That included the 16 armed bodyguards that he had. So this was all of the security that he needed someone to have a gun for. It was all-inclusive. And that was, the number they agreed to was 21.

And then in the cable, we wrote in that we were going to add two more full-time ARSO -- I believe that was the cable -- two more positions. So it ended up that 23 was the total number.

Q Sorry, so the 21 positions it was understood included the 16 Libyan bodyguards?

A Yes.

Q So that is five U.S.?

A Right.

Q Okay.

A And those would have been TDYers on top of his staff of two ARSOs.

Q But then you said that it actually was up -- it was 23? Is that right?

A It was 23, yes.

Q And I am sorry, the 23 was because of the two ARSOs? Or that was in addition to what he requested?

A In addition to.

Q Okay. So it would be 23, plus the 2 ARSOs. Is that right,

or am I misunderstanding you?

A Okay. It would be -- we were not counting his ARSOs --

Q I see. Okay.

A -- in those numbers.

Q He had his ARSOs.

A Right. So what he said was, my ARSOs I need to do program work and supervise; I don't need them to go out every day doing protection work. So we gave him the 5 TDYers, plus the 16 bodyguards was 21. And then we didn't count his permanent staff in those numbers.

And then to give him some buffer room, we gave him -- in the cable, we gave him an additional two TDY personnel.

Q So that would be 23 positions, and not counting the 2 ARSOs?

A Correct. Or [redacted] himself.

Q And so the response cable would have come from Washington?

A Correct.

Q And so there was never any, sort of, official communication back from post. When I say "official," I mean like a cable.

A Yeah.

Q "Formal" perhaps would be a better word to describe it.

A No. That cable should have gone out, but it did not.

Q The response cable never went out?

A Correct.

Q And why did it not go out?

A I sent it forward, and it got lost in the shuffle in the front office.

Q And the significance of that is what? I mean, is it significant that it didn't go out?

A Actually, in reality, no, because we have continued to do everything we said we would. And we did maintain, you know, the level of 23 security personnel.

Q So if I were a third-party person and I wanted to be assured that the post's requests were basically incorporated in what was finally put in the response cable, how would I know that, or how was that memorialized?

A It should have been in that response cable --

Q The response cable?

A -- being received at post. That's correct.

Q So the response cable -- did Mr. [redacted] sign off on the response cable?

A Verbally, yes. And I am not sure whether or not [redacted] ever sent him a draft of it. But when [redacted] came to me with all these numbers, he said that this is what had been agreed to with [redacted].

Q And he said that verbally?

A Yes.

Q Okay. Did he not say it in writing anywhere?

A No, because he came in with the draft cable.

Q I am sorry, who came in?

A [redacted].

Q [redacted] did?

A Uh-huh.

Q And he said that Mr. [redacted] had verbally agreed to the draft cable.

A He said that that was what they had drafted -- basically drafted together.

Q And when did he, roughly -- do you remember when he would have told you that, when Mr. [redacted] had told you that Mr. [redacted] had agreed to the draft cable?

A It would have been between the day of -- in that week. I don't know the exact date.

Q And I am sorry, which week?

A That was between July 9th and July 16th.

Q Just to be clear, Mr. [redacted] told you that Mr. [redacted] had verbally agreed that the response cable -- that what was incorporated in the response cable that was never sent accurately reflected what Mr. [redacted] request for security was?

A I don't remember his exact words.

Q I am not asking for his exact words, but is it your recollection that --

A Yes. He said, this is what we worked out together.

Q Okay. And so, to your knowledge, there is no other record of Mr. [redacted] agreement that the response cable --

A No.

Q Okay.

A No.

Q Okay.

And, actually, what about -- were the 23 positions, plus not counting the ARSOs, were those for the entire mission or just for Tripoli?

A Just for Tripoli.

Q Okay. And what about the Benghazi compound? Did this whole process of the July 9th cable from post and then the response cable that was never sent and that whole process in between those two bookends, if you will --

A Right.

Q -- was there any discussion of the Benghazi post?

A No. Benghazi was not included in that.

Q So post never communicated a need for Benghazi security personnel in this, sort of, July cable process?

A No. I don't recall any mention of Benghazi in that cable.

Q Okay. And then main State never brought it up either, I take it? They were simply addressing Embassy Tripoli?

A Correct. We were only answering the cable.

Q Is it strange to you that the Benghazi post wouldn't be addressed either by post or by -- I mean, main State?

A Benghazi had not changed. The staffing had stayed the same.

And we tried to maintain -- we had five DS agents assigned there in the beginning, but, again, one was being used as a driver and one was being used to watch crypto gear and classified equipment 24-7. So [redacted] encouraged post management to hire a driver, and they did, so the

DS agent didn't have to drive. So that alleviated the need to have an agent there as a driver.

And then watching the crypto gear all the time, we worked with getting safes there, where they could have appropriate safes. [redacted]. And then that was able to alleviate the need of having a DS agent tied to that.

Q So you gave a very helpful timeline on the Tripoli security posture. Maybe we could just do it briefly for Benghazi. I think that would be helpful.

A Uh-huh.

Q So it is a little more complicated, I suppose, in the sense that it was occupied even before Tripoli was, correct?

A Correct. Yes.

Q So would we need to go back to June 2011, then, for the --

A June of '11? I am not sure what the staffing was there. You know, the staffing was probably higher, but it was a higher ratio of State Department employees to security personnel, because that is where everybody was located before they moved to Tripoli. And I think that is where, in the memo --

Q I am sorry, which memo?

A The memo about the temporary being extended, and I said the only thing I could remember out of it was that it was authorized for a footprint of 17 but there were currently only 5. I don't know why that is the only thing that sticks out in my head on that memo.

So, at its peak, there were 17 people there. And those were substantive State Department officers, plus diplomatic security inclusive in that number of 17. So when they all moved off to Tripoli --

Q In September?

A September 22nd, in that time frame. And they trickled out before that, because they were preparing the post for the Ambassador. So, in essence, most of them were gone -- sometime around the first week of September, they were already starting to filter in as soon as we had the facility lined up.

And so some of the security officers, as well, went. But what they ended up leaving behind -- and I am not exactly sure of the exact timeline -- but they came down to one information management officer and one principal officer. And we had the staff of five diplomatic security.

BY MR. BEATTIE:

Q So is it fair to describe the sort of, I don't want to put words in your mouth, but is it fair to describe the sort of baseline of the Benghazi post once all of the sort of people who were going to filter out to the new embassy, once that sort of happened, you reached a sort of consistent state of affairs, it would be one IO, one information officer?

A Right.

Q One principal officer?

A Uh-huh.

Q And then you said how many security personnel?

A There were five.

Q And were there always five at Benghazi?

A No, not always. And, again, when asked what do you use them for, because the only person that, you know, went off the compound and traveled was the principal officer, and they were just doing an escort. It was just an armed escort in an armored car, but they were using a second DS agent as a driver, so the question then became do you really need a DS agent to be a driver when you could hire a local driver to do that job, you know, that is how we do it everywhere. And so they went back, and they looked at it, and they said, yeah, you are right, we could use a local driver to do that.

Q But who was that?

A It would have been post management, [redacted], and the RSO of Benghazi all talking to each other.

Q So when did you -- so did I hear you correctly that you encouraged post to look at hiring Libyan drivers at Benghazi, is that --

A Yes.

Q Okay.

A Because, you know, this isn't a typical job assignment for a DS agent just to be a driver, and they were hiring drivers in Tripoli at the time because it was the same thing, MSD personnel were drivers in Tripoli, so as post hired and trained drivers, MSD got out of the driver's seat and the Libyan drivers took over. So because they were doing the drivers training, we thought, hey, this is a great time while they are there, hire some drivers for, you know, Benghazi, and I don't know if they ended up sending them to be trained or -- I think they may have even sent that driver when they hired him.

Q So about when did you encourage post to start looking at reducing the number of actual DS agents at Benghazi post?

A I didn't ask them to reduce them. I asked them to evaluate what they were doing and the needs to have them.

Q When did you do that?

A I don't remember what month that was.

Q But it would have been you?

A But I did the drivers -- yeah, it was a conversation. I can't remember -- I think it might have been when [redacted] was back for a

consultation, we were just -- every time he came through Washington we would just sit down and meet, and he would update me on what was going on at post. It may have been during one of those conversations.

Q And were there ever -- when were there -- were there five DS agents at the Benghazi post or were there less than that?

A Frequently -- we tried to maintain a baseline of three. Frequently there were more than three, and there were a few occasions when it dropped below three. At one point we had problems getting visas, and it dropped down to one. I believe [redacted], rightfully so, assessed it, made a decision, and sent someone from Tripoli out, but that was very seldom.

Q Just going back to the -- you mentioned the memo that Under Secretary Kennedy you believe signed off on, and you said that that authorized Benghazi for how many?

A I didn't.

Q Oh, I am sorry.

A The memo said that they were --

Q Yeah, what did it say about Benghazi?

A It said they were authorized 17 personnel.

Q Personnel.

A Total, and that the current level of staffing was one principal officer, one IMO, and five security. It just said that that is what the current staffing was.

Q So that presumably was the actual current staffing at some point in time?

A Yes.

Q The point that the memo was drafted?

A Correct.

Q But you said that you tried to keep the number of DS agents in Benghazi at three; is that correct?

A No, I asked [redacted] to assess what their jobs were and what they were doing and to assess whether or not he needed five agents, and then to tell us if he needed five agents or could he do the same work with three if post hired drivers and they reconciled the need to have someone sitting with the crypto gear.

Q So you asked him if he could do it with three if he hired Libyans?

A I asked him to assess it if it was reasonable to do that, to look at that, yes.

Q And where did the number three come from?

A Well, the number -- it just -- if he had two people doing things that DS does not normally do, and the other three were doing the normal work that an RSO does, they were managing the local guards, working with the host nation security that were on the compound, physical security issues, and then escorting the principal officer when she needed to go off compound.

Q So could you maybe define -- you described sort of the normal thing that DS does. Could you just maybe define what that was? I think you listed them. Maybe just to be clear.

A Monitoring and consistently checking on physical security

issues, managing the local guard force, and drilling in, you know, emergency preparedness with the host government assets that were also located on post.

Q And so -- if there was a principal officer assigned and that person did a movement, would a normal job for the DS agent be to go with the principal officer and accompany that individual?

A Yes, yes.

Q And then also presumably to, would it be to man the Technical Operations Center, would that be a DS agent job?

A Yes.

Q Okay. What about supervising local guards?

A Uh-huh, that is all --

Q Friendly militias?

A -- part of it.

Q What about driving the vehicle?

A Driving is not normally. A secretary's detail is pretty much or domestic detail is when we have.

Q And so is that why you were encouraging him to look at hiring Libyan drivers?

A Yes.

Q Okay. And you said that during the process of the July cable --

A Can we get back to the driver issue one more time?

Q Sure, please.

A Having host -- not host government, but having local national

drivers is really an asset for us because they speak the language, they know all the back roads and side streets, and they -- especially when we were using TDY personnel in Benghazi and Tripoli, if you are only there for a short period of time, as soon as you get to know the streets and where you are going, it is already time to go again. So -- and, again, it is not a normal duty that DS agents overseas do is driving, but having a local national driver committed to our details is actually to our advantage.

Q I understand. And did Mr. [redacted] -- what did he say to you when you suggested to him that he should consider three DS agents if he could replace them with Libyans?

A I have an email that he sent me that he said he thought he could do it with two, and then when [redacted] went out and I thought two might be a little bit too not enough, and I asked [redacted], and she sent an email to [redacted] saying that three was the ideal number of personnel to staff Benghazi in her opinion. She is a very senior RSO.

EXAMINATION

BY MR. URIARTE:

Q What is [redacted] last name?

A [redacted].

Q What is her title?

A She is RSO [redacted] right now.

BY MR. BEATTIE:

Q Did Mr. [redacted] ever request permission to send MSD to Benghazi?

A He did not to me.

Q To your knowledge did he --

A To my knowledge he did not, but he certainly could have. They were assets that he had available to him.

Q And to your knowledge did he ever -- let me back up.

A In fact --

Q Yeah, go ahead.

A I think there was actually -- there was one time that I do know that MSD went out there, so I assume he --

Q To Benghazi?

A To Benghazi.

Q When was that?

A I don't remember. It just sticks in my head. I could go back in the files, I am sure, and look it up.

Q Do you remember, was it for a diplomatic security mission or for a training mission perhaps?

A I think it was for a training mission. I am not 100 percent positive, but --

Q And the SST, did -- the SST were based in Tripoli, correct?

A Yes.

Q And to your knowledge did the SST ever deploy to Benghazi, did individuals from the SST?

A I believe [redacted] may have sent them there two or three times. I know when [redacted] was out there, she said that two had come out and done a lot of training that was exceptional, they did react

training, medical training, and that I think defensive tactics, and she was very pleased with them.

Q And so basically you don't remember specific instances, but your recollection is that he did it several times or once?

A I think it was two or three.

Q Two or three?

A Yeah.

Q Okay. And when the discussions were taking place -- were there any discussions in the July cable about SST being extended for another tour of duty?

A Yes. Remember, I said that I believe they recommended extending them for 60 days.

Q Past August?

A I assume that is what [redacted] meant in the cable, but it was not clear. It just said he was recommending a 60-day extension, but he didn't put dates in it.

Chairman Issa. So the date of the document would be the effective date at a minimum?

Ms. Lamb. That --

Chairman Issa. Nobody would say 60 days from 2 months ago, right?

Ms. Lamb. No, no.

BY MR. BEATTIE:

Q So that would have been in the July 9th cable?

A That was in the July 9th cable, yes.

Q So just to be clear, your recollection of the July 9th cable

is that post requested a further extension of SST past August, is that correct or for another term? How would it have been worded?

A It was very odd. They didn't request it. It wasn't a formal request. It was like we recommend extending them, but normally when you -- you would send in a separate cable that says post requests a 60-day extension for the following reasons and lay it out, but we had just -- you know, we were 2 weeks past the elections, everything went well leading up to and after the elections, and there was nothing else in the cable. It was just a one liner.

Q Well, just one line on that, but in the larger cable?

A The larger cable just dealt with staff issues. It didn't --

Q The July 9th cable?

A Yes, that is correct.

Q The July 9th cable didn't address SST extension or it did?

A No, it said that they would recommend extending them for 60 days, but a recommendation is not the same as requesting them and then justifying it because we have to go back.

Q And so how did you -- who was responsible for acting on that recommendation? Were you responsible for acting on it?

A This was all wrapped up in the staffing numbers. So when [redacted], when I gave him guidance to go back and find out exactly what post needs by workload, how many moves a day are they making off the compound, how many -- you know, how many guns did they need to do what they need to do, and then, you know, get agreement with RSO [redacted] and then come back with a cable that we all agreed to that

we can send back out to post.

Q So did Mr. [redacted] ever discuss with you the recommendation to extend SST?

A No.

Q He never did?

A No.

Q So who would have worked out with Mr. [redacted] that recommendation? Mr. [redacted]?

A Well, Mr. [redacted] and the Ambassador should have come back with a cable requesting an extension.

Q Beyond the recommendation?

A Yes, that is correct.

Q In the past how was SST -- how was it determined that SST would extend their tours?

A They came back with a cable and recommendations why they needed to keep them.

Q And did those cables have rationale for extension?

A Uh-huh.

Q What kind of -- what were some of the rationale for extension?

A Because we didn't have the bodyguards trained, we were working on the local guards, just serious influx of VIP visitors without the bodyguards that we were in process of training, the fact that the health unit was still not stood up, so -- and then I think in the first one the explosive ordnance was just pervasive and those guys, they really worked hard, they did a lot of great stuff while they were out

there. So in the beginning it was easy, the work wasn't anywhere near being finished with the -- for the group that was there.

Q So is it fair to say that a typical request for an extension of the SST -- and there would have been two or three, right?

A Uh-huh.

Q Before the time when they left?

A Right.

Q Would you describe a typical request as having a rationale to go with the recommendation?

A Yes.

Q And that rationale was based upon various things that SST was contributing?

A Exactly.

Q And so what you are saying is the final discussion, if you will, of SST extension was something less than a recommendation? Or, sorry, something less than a request; it was a recommendation?

A Correct.

Q And it provided no rationale for why the recommendation was made?

A I don't recall. I would need to go back to the details of that cable on that issue.

Q Okay.

Chairman Issa. While you are thinking on that --

Mr. Beattie. Go ahead.

Chairman Issa. In all my years in the other part of government,

executive branch, if you will, usually when you write something like that, if you are not going to be acted on and you are telling us, I guess, that you don't act on recommendations, you only act on requests, is that a fair statement? Because you didn't act on the recommendation, and you said there wasn't a request, and previously there has been?

Ms. Lamb. Uh-huh.

Chairman Issa. So they must have known that without a request you wouldn't grant the recommendation.

Ms. Lamb. When you stepped out, part of this conversation, when I sent the desk officer back to work, it was to work through that entire cable, and everything that [redacted] needed and wanted to, you know, my guidance to his desk officer was reach out to [redacted] and just go item by item and find out exactly what he needs and the exact numbers that he needs because it wasn't entirely clear the way the cable was drafted, and so my assumption was that when they worked all of this out that everything was packaged in that one response.

BY MR. BEATTIE:

Q And so you never had a conversation with Mr. [redacted], the desk officer, sort of confirming in your mind that he and Mr. [redacted] had reached an agreement on an appropriate request?

A I asked [redacted] if this was all agreed with [redacted], and he said yes. I did not specifically ask him to address the 60-day recommendation that he put in there.

Chairman Issa. Is there a chance that basically he was told don't

even ask, and yet to cover his back side he still puts the recommendation in?

Ms. Lamb. He was not told not to ask. I told him that I would not support it if he had all his assets to meet the numbers that he needed to do the workload that he could articulate.

BY MR. BEATTIE:

Q When did you tell him that? I am sorry, him being Mr. [redacted].

A Mr. [redacted]. But I am --

Q When?

A I don't remember. It was -- well, it had to be somewhere between the last 60-day mark and the last -- coming up on it.

Chairman Issa. July to September?

Ms. Lamb. Yes, in that time frame. But I didn't tell him not to ask. If he -- and, you know, I have been doing this a long time. The situation on the ground could change at any time. So as long as he could articulate it -- and I am not the final voice, you know. I make a recommendation, it goes to the director of DS, it goes to the assistant secretary of DS, and it goes to Pat Kennedy when you are talking about these types of assets in these high threat countries. So, but I told [redacted], I said now that we have trained all these people and post itself has relaxed their travel policy, you are not traveling with a full follow-car anymore, you are just traveling with one armed escort and a local driver, it is hard to justify keeping these specialized assets when your emergency action committee is saying that

the situation has gotten at least, you know, improved enough that we could drop the follow-car. They even dropped the follow-car in the Ambassador.

Chairman Issa. In July of 2012 were you aware of what the threat levels were in Iraq or in Afghanistan of similar assets to support the State Department? Take Iraq.

Ms. Lamb. Yeah, we are on the -- as far as actual numbers?

Chairman Issa. Well, for example, how many DS personnel would there be supporting Embassy Baghdad?

Ms. Lamb. Yeah, we have about a hundred, and they are reducing numbers there.

Chairman Issa. But the war is over in Iraq, right? Peace has been declared, everything is safe, and you have a stable government?

Ms. Lamb. No.

Chairman Issa. You must have made an assessment in Iraq to have a hundred people based on something other than the life is good, we have got a new government?

Ms. Lamb. That is a post responsibility to make that assessment and to tell Washington what they need.

Chairman Issa. So Ambassador Stevens would be the responsible person ultimately to express concerns if he thought he was understaffed for security?

Ms. Lamb. Exactly. His RSO should make that recommendation to him, and if he agrees, they should draft up a cable and send that back.

Chairman Issa. But the RSO made a recommendation to you that we

are hearing about, not a request, but a recommendation.

Ms. Lamb. Uh-huh.

Chairman Issa. Were there any recommendations or requests that you ever saw come from the Ambassador or other persons?

Ms. Lamb. No, not to my recollection.

Chairman Issa. No cable saying, you know, we are not -- after June Benghazi, we are concerned or, for example, as we heard this morning -- and, again, we are focused a lot on Benghazi even though a lot of what you are saying is Tripoli based.

Ms. Lamb. Uh-huh.

Chairman Issa. Benghazi didn't put in a fortified wall after the wall was blown up, they just rebuilt the wall they had. Benghazi didn't upgrade their ability to search with their cameras, even though their cameras had failed to be able to actually see the explosives, and Benghazi still didn't have night vision capability on those cameras, et cetera, et cetera. So I guess the question is who --

Ms. Lamb. But those things were all in train. The new cameras were sitting on the compound the night that the attack took place. So, I mean, efforts had been -- had taken place to do all those things. The wall upgrade took place before 9/11 in Benghazi.

Chairman Issa. That was a rebuild. What part of upgrade do I have to understand?

Ms. Lamb. The -- originally, I don't remember the exact height of the original wall, but it had decorative concrete blocks, cinder block on it where you could easily climb on it. They knocked that off,

they put solid concrete blocks, and then they added -- it is called a Y bracket, a straight metal piece that goes in a Y, and then it has got strands of barbed wire that connect it across the top and then a roll of concertina wire in the middle of it.

Chairman Issa. So they topped it?

Ms. Lamb. So they topped it. So they made it solid so you couldn't climb it, then they topped it with barbed wire and razor wire and raised the height to almost 12 feet everywhere. The wall wasn't exactly the same height around the whole compound, but it got it between 9 and 12 feet around the whole perimeter. So that upgrade immediately, you know, almost immediately after the memo extending it, the facility, the RSO came in, in I believe in February and said, hey, we need -- you know, I know we can't put the money into building a brand new wall around a temporary leased property for a year, but we need to upgrade this, and money went right out to post to do that, and they got that done prior to the attack.

Chairman Issa. And I don't claim to be a security expert, but they take a small, an improvised device that is placed on the ledge of the wall --

Ms. Lamb. Uh-huh.

Chairman Issa. -- and they blow the wall down to where people could run through it.

Ms. Lamb. Uh-huh.

Chairman Issa. What part of concertina wire on top or more bricks would change that?

Ms. Lamb. Nothing.

Chairman Issa. Okay. So I just want to understand that they were doing something against some alternate threat. They weren't doing anything to speak of on the actual reaction to the successful breaching of the wall or downing of the wall so it could be breached if somebody had wanted to walk through it?

Ms. Lamb. Well, I think they fixed the wall. They reinforced the wall. It would be much higher to put something -- if the wall is now 12-foot high, it would be much higher, harder to get a device up on top of the 12-foot high wall.

Chairman Issa. Ma'am, can I follow up with a question?

Ms. Lamb. Sure.

Chairman Issa. Maybe steer you the other way.

Ms. Lamb. Okay.

Chairman Issa. The Twin Towers came down because of their own weight. You don't put explosives at the top. You put it at the bottom. The place they put last time would have likely downed the wall the same. Walls if they are not reinforced -- and these walls were not reinforced, we had testimony this morning -- they come down, you take these bricks out, the whole thing crumbles.

Ms. Lamb. Right.

Chairman Issa. That is where I was asking the question. From what I can tell, the successful breaching, if you will, of the wall would have been equally repeatable --

Ms. Lamb. Yes, you are correct. You are correct. And, again,

this is the difference between a permanent facility and a temporary or an interim facility where we seek to put expeditionary mitigating fixes on it.

Chairman Issa. And I appreciate that. I spent probably -- I probably could say safely I have spent more hours in Beirut than anyone except an ambassador over the years at that compound, and of course that is temporary. But we have [redacted] people, and they are armed.

Ms. Lamb. Right.

Chairman Issa. Here in Benghazi they weren't armed. If people came through with arms, the trained personnel not being armed, discretion is the better part of valor, they would have run, wouldn't they?

Ms. Lamb. Well, we had six -- five unarmed and we had three armed post national Libyans, and then our five armed DS agents that night, and two of our guards, one was shot and two were beaten, you know, they didn't run, but there wasn't much they could do with the circumstances they had.

Ms. Sachsman Grooms. Can we go off record?

Mr. Beattie. Off record, please.

[Discussion off the record.]

BY MS. SACHSMAN GROOMS:

Q I think you walked us through the Tripoli numbers pretty well. Could you walk us through the Benghazi numbers? You had started, but I don't know that we went through in total. And specifically the time period I am interested in is the time period

before the June attack and then post the June attack until September 11 essentially.

A I do not have the clarity on the Benghazi staffing as I did on Tripoli because [redacted] would send, depending on what was going on, [redacted] would assess the situation in Benghazi and would send additional people when he felt they were needed.

Q Did you get requests on post in Benghazi to increase the numbers after the attack? I think we heard earlier from Mr. [redacted] that he had sent up a request for five RSOs to be there with a minimum of four following the June 6th attack?

A He would have sent that request to RSO [redacted], and I don't recall seeing that come back to Washington.

Q I think he told us earlier that after he sent that request they did move him up to four people?

A Uh-huh.

Q And he sort of described a four-person, five-person time frame and also he had [redacted] sometimes --

A Uh-huh.

Q -- during the time period when he was there, but then he left at the end of -- I am sorry, he left July 6th? July 6th. Do you have any sense of following that how many people there were there?

A Following that, was it [redacted] that followed him? That was [redacted] you are talking about. No, you are talking about --

Q No, July 6th.

A No.

Chairman Issa. Who is the person you are talking about that left on July 6th?

Ms. Sachsman Grooms. [redacted], the gentleman we interviewed earlier.

Chairman Issa. No, no, he was there from 3 days, 6 days before the attack, he was there for 30 days after.

Mr. Uriarte. Right, and the attack was on June 6th; so that brings us to July 6th.

Chairman Issa. She is still saying July.

Ms. Sachsman Grooms. July, uh-huh. Yeah, we are in agreement.

Chairman Issa. Okay.

BY MS. SACHSMAN GROOMS:

Q Okay. But on, so you are just not really sure about the levels up and down?

A No, the only one, I do recall talking to [redacted] and asking her when she was out there what her comfort level was and did we have the right staffing, and she said that she thought three was the ideal number to have out there.

Q And she was out there when?

A She followed [redacted], who I believe was after [redacted].

Q [redacted]. Oh, so she would have been --

A She was even more recent.

Q Even more recent.

A Yes.

Q Okay, and they are 30-day details?

A Yes.

Q So let me just try my math. So assuming that [redacted] left on July 6th-ish, we are talking August there would have been somebody [redacted]?

A [redacted].

Q And then it would have been [redacted]?

A [redacted], uh-huh.

Q September 6th-ish?

A That sounds about right.

Chairman Issa. And she would have rotated out then just before September 11th?

Ms. Sachsman Grooms. No, I think she would have been there for September 11th.

Ms. Lamb. No, maybe -- [redacted] was there in I believe May. I will have to check. But she was --

Chairman Issa. It was a man, not a woman I believe that there was there as the RSO on September 11th.

Ms. Lamb. I don't have the exact where she fell in the line because they changed so often. I don't have those straight in my head. But I do know she is [redacted] now, and she went there this summer, and I believe she -- she was the RSO [redacted]. So when she came out [redacted] she didn't have a job, and she volunteered. She said, hey, I will go out to Benghazi. She was a very experienced senior RSO. I said, great, you know, go out there and give us a good assessment

back here, and she was actually the one that put the sandbags in out there and did a lot of that work. So she was exceptional. So that would have been probably then May to June if she went to post. So it would have been May to June of 12. In fact, she got there, I think the one incident may have happened with the guard, the little gelatina, the first device, I believe she was there for that, it was in that time frame.

Chairman Issa. You have already covered that. That was estimated to be a disgruntled guard. Has that been gone through?

Ms. Sachsman Grooms. It hasn't with this witness.

Chairman Issa. Okay, I am sorry.

BY MS. SACHSMAN GROOMS:

Q So can I skip ahead, then, to September 11th.

A Uh-huh.

Q I think you said earlier you sort of described that there were five DS agents there?

A Yes.

Q And then three of the quick response force from the Libyan, is that what it was?

A We just refer to them as the host nation security. There were three, yes.

Q And they were on the compound?

A Yes.

Q And how many other people?

A There were five local unarmed guards, the Ambassador, and

the information management officer.

Q Had there been a principal officer there before the Ambassador was there?

A There was. I believe he was out of country at the time.

Mr. Uriarte. Just to clarify, the three host Nation guards, you are talking about those were armed --

Ms. Lamb. Armed, correct.

Mr. Uriarte. -- as compared to the five local who were unarmed?

Ms. Lamb. Who were unarmed, correct.

BY MS. SACHSMAN GROOMS:

Q And the -- did the Ambassador travel in with some of those diplomatic security personnel?

A Two DS agents traveled in with him.

Q Did you have communications with the RSO before or the Ambassador before they decided to do the trip to Benghazi?

A No, no. In fact, I didn't even know he was there. But ambassadors are traveling all the time, so with all the missions that we have, it is not practical that they notify us when they are traveling.

Q So who would have made the decision about the security threat in Benghazi and whether or not to go and how many people to take with them?

A The RSO [redacted] should have been in communication with the RSO in Benghazi, and they should have coordinated on that issue.

Q And [redacted] had left, but it was --

A I am sorry, [redacted].

Q And would the Ambassador have been in on those discussions?

A Some ambassadors want to be involved in those discussions, some ambassadors are just, if there is a problem, come tell me. So I am not sure -- I wasn't there. I don't know what happened.

Q And I guess -- whose sort of final call would it have been to sort of decide to do that?

A [redacted] is the senior RSO. If he thought there was a problem and it shouldn't happen, he should have had that discussion with the Ambassador, and then it would have been the Ambassador who would make the final call.

Mr. Lewis. You mean [redacted]?

Ms. Lamb. Yes. Did I say [redacted]?

Ms. Sachsman Grooms. Yes.

Ms. Lamb. I am sorry.

Ms. Sachsman Grooms. A long day.

Ms. Lamb. Yeah.

BY MS. SACHSMAN GROOMS:

Q Okay. And is traveling with two DS agents standard?

A It is completely left up to the RSO, what they are comfortable with with the situation, what the venue is where they are going.

Q And so based on -- I am sorry, I am just not in the world --

A No, that is okay.

Q Would they have done sort of a security analysis of the, an analysis of the security threat and how many people were needed and then based on that decided how many people to bring with them?

A Exactly.

Q Do you know if that decision would have been made based on how many people were available in Tripoli?

A You will have to ask them. I mean, they had lots of assets, and how they deployed them is completely left up to them at post.

Q In the conversations -- well, did you ever have any conversations with [redacted]?

A No.

Q And in the -- did you ever talk to Ambassador Stevens?

A I met with Ambassador Stevens before he went out to post, yes.

Q Did you have any conversations with him ever about the security situation?

A Well, during his briefing we discussed various issues with security.

Q But that was you briefing him before he went to post?

A Right.

Q But never once he was out at post?

A No, not once he was at post.

Q So if you were having conversations, they would have been with [redacted] or his replacement?

A Yes.

Q And in any of those conversations did Mr. [redacted] express to you a concern about a growing threat in, security threat in Benghazi?

A No, personally he never, not that I recall.

Q What about a growing security threat in Tripoli?

A I don't recall that, either. I didn't talk to [redacted] very often. I did courtesy calls when he came through town, we would sit down and talk, and, you know, make sure he was getting all the support he needed, and then maybe not more than a handful of email exchanges. It was -- as many countries as I cover, I really depend on my desk officers to communicate with them. But if it was important enough, I certainly have an open door policy, and they can talk to me anytime.

Q And did any of your desk officers come to you and tell them that Mr. [redacted] or anyone else for that matter was expressing a concern about the security threat in Benghazi or Tripoli?

A No, not prior to this attack, no.

Q And by this attack you mean the September 11th one?

A Yes. Yes. And, again, you know, posts have not changed their posture on the way they were doing things at post, which is usually kind of the first indicator. They will have an EAC, and it will come in and say, typically -- an EAC is an emergency action cable, and post will decide -- it is not just the RSO. The post will decide that, hey, you know, the security situation here is deteriorating and we need to look at our travel policy, is usually one of the first things that a post will look at, so -- and then they will send in the EAC cable, they will cite the examples of the, you know, whatever the threats were that brought them to the conclusion that it was getting bad enough that they needed to change the way they were doing business, and then they would list the action items, what they decided to do; more restrictive travel

policy, in some countries they will go to a curfew or put certain parts of town off limits. And so it could be any number of things that would come in as the EACs added in-post security to deal with and mitigate the threat that they were facing.

Q And did -- I think we saw a press report that all of the posts before September 11th did sort of an additional security assessment of that?

A That is standard around large anniversary dates, yes.

Q And so if they had found an increased threat at that point, what would they have -- they would have had an emergency action --

A -- committee meeting, exactly; discuss the threat, report it back here, and then they would note the actions that they were taking.

Q Let's go back to the cables and some of the statements we have been told. So Mr. [redacted], I believe, said that you had turned down a fourth agent in Benghazi because there was a residential safe haven there and that -- I think he was recalling some conversation with you where you had said it would be permissible not to have any diplomatic security special agents in Benghazi because there was someplace to fall back to. Do you remember that conversation?

A I have never had that kind of a conversation with Mr. [redacted].

Q Do you remember any specific conversations with Mr. [redacted] about the number of agents in Benghazi?

A Yes, we talked about them earlier, the five, and when I asked him what all five did, and he said one was a driver and one stayed with

the communications equipment.

Q Did you ever tell Mr. [redacted] not to ask for a Department of Defense extension of that SST unit?

A No, I never told him not to ask for it.

Q Did you tell him if he asked for it he wouldn't get it?

A I told him that I would not support it. And, again, there are numerous people above me that have to clear on that assessment, but that was based on the circumstances at the time of the conversation being status quo. Libya across the board is a very volatile -- not volatile, a very unpredictable environment, so should anything have changed, we certainly would have immediately sent additional assets to help him, a mobile security division, et cetera, but under the current situation on the ground and the current newly trained assets that he had, it was time to send back the SST was my opinion, and when [redacted] worked with him on the schedule of how many agents he needed and how many guns he needed for movement security and the trained local guards that he now had that were armed, the numbers matched up to where we could support it with additional TDY just from within diplomatic security, and the special skill sets that that SST team brought in the very early days, those special skill sets weren't needed anymore, so there was no reason not to fill whatever else [redacted] needed with our own DS agents.

Q Okay. And so I don't mean to belabor the point, but I think we discussed for a little while the fact that he had sent this cable, and one line in it made a recommendation about the 60-day extension.

Is it fair to say that -- and I don't mean to put words in your mouth, but I am trying to summarize I guess, but is it fair to say that after he sat down with [redacted], figuratively speaking, and they worked out some number, agreement and you realized you could support that internally and you could support the other functions internally --

A Right.

Q -- that you thought that that need had been dealt with?

A That was my assumption, yes.

Q And so maybe further conversations were no longer necessary?

A That was my belief, yes.

BY MR. URIARTE:

Q Just can I clarify one thing?

A Sure.

Q Earlier when we were talking about the sort of SST and your conversation I think that you had with them about not supporting, I think you mentioned before that that was sometime between July and September when you were speaking with the chairman, but I think you meant to say that that was during the first 6 months of the last SST term or the first 60 days, I am sorry, of the last SST term?

A I can't confirm exactly when that conversation was, but my guess is it would have been coming -- it was coming up on this last extension because he truly needed that, those extensions, the first three that he got, and but it was with -- [redacted] and I would review it every time it came up. It was just to make sure that our transition plan was on track. So November, you know, we make it perfectly clear

we have to have an exit strategy, and then with each consecutive request we would review where we were at, what else needed to be done to get to that end point.

Q But that happened before the July, before you received the July cable and worked through that with [redacted]?

A Yes, I believe that conversation was before that, uh-huh.

Q Okay.

BY MS. SACHSMAN GROOMS:

Q Can you talk to us a little bit about the infrastructure sort of concerns and improvements that were done in Benghazi? So we have heard a little bit about obviously the bombing on June -- June, right? -- 6th, and some work that was done afterwards. I think we might have a little bit of detail about the work that was immediately done but then none about the time frame after Mr. [redacted] left, so I don't -- you don't have to list it out in time frame, but I am just trying to get a sense of what work was done by the time the September attack happened?

A Yeah, I do know that we addressed as quickly as possible every request that came in from Benghazi, and especially I did note that we had a flurry of requests from January through February when they realized they were going to be there longer. They completed the wall upgrade, bringing in our technical security personnel from Cairo who covered them for extra perimeter lighting. There was extra perimeter lighting, they added Jersey barriers on the perimeter, they had sandbagged positions added, we built guard booths for the guards, I

don't know if I said the emergency notification system, it is like a loud PA system with alarms that you can hear all over the compound, and then camera upgrade, and for the technical things, the team has to come out, and they have to do a survey and a design, and then go back and order all the stuff that they need, and then the stuff had to be shipped in, and then once it arrived at post, then the team would come back and install it, and everything had been completed except the camera upgrades, and the cameras were actually, had just been delivered and they were on the compound the night of the attack.

Mr. Uriarte. And you mean the September 11 attack?

Ms. Lamb. Yes.

BY MS. SACHSMAN GROOMS:

Q And what were the new -- was it just new cameras or were they better cameras?

A I can't answer that. Technical is above my scope.

Q But they were whatever had been requested?

A Right, and normally what they do, they come out and they do an assessment of the blind spot, so to speak, so they will observe the monitors that are in the Tactical Operation Center, they will see what the camera sees, and then they decide, does it need to be a fixed camera or should it be a pan and tilt camera, and they get into the weeds on the technical things that they need for the cameras, but they try to get the widest coverage possible of the compound.

Q And there was just a delay of the camera. Do you know what was sort of the complicating factor? I heard it may have been wires

or electricity or something, but that was pretty much all I understood.

A Yes, I am not sure.

Q Were there any requests that were not fulfilled?

A The only one that came in, I believe it came in from the RSO at post, but it was a request that had to go through the RSO, at the time it was [redacted], and that was for guard towers, and towers are, we don't have towers in very many places outside of, you know, Iraq and Afghanistan. Again, it was a temporary property so they needed permission from the landlord, they needed to make sure that the city would accept it, and then they needed to assess the safety factor. They were -- there was a wedding hall very close to our compound in Benghazi, and they said that there was almost nightly gunfire there from the wedding hall. In fact, [redacted] told me that it was so bad she actually parked an armored car out by the local guard that stood the closest to that part of the property so when they started shooting he could get in the armored car until the shooting stopped, and, again, it was just celebratory fire, so it doesn't make sense sometimes to put guards up in a tower when they are up above the line of your compound. But, again, this needed to be worked out with [redacted] back in to decide, and it changes the appearance of your compound. This was not readily identifiable as, you know, a U.S. compound of any sort, so as soon as you put towers up, it draws attention to you. So there were a lot of things that needed to be considered, and a decision like that would have to be cleared through post management, the DCM and the Ambassador would all be involved in the decision with those. So we

did not get a formal request, though it was buried in an email with multiple other requests attached to it, and the other requests were all addressed.

Q And I guess did someone communicate to the RSO that he should reach out to [redacted] or is that sort of understood? Was he sort of on the --

A [redacted] knew about it. He was aware of the request.

Q Do you know whether Mr. [redacted] ever approved that request?

A We never got a formal request back here in Washington that I am aware of.

Q Can you explain the -- I think we have seen some concern raised in the press about removing a plane from the Tripoli post. Can you explain that?

A Yes, I can. When we first went back in, we discussed earlier that the airports weren't even open when we went in originally in the first days of September, and once the airports were opened, it was a long time before commercial aircraft started flying in there again, so through the -- under management of Secretary Pat Kennedy, I believe, was instrumental in allowing post to have access to a charter plane, and I believe it was Malta and there was someplace else it is staged out of. It didn't stay in Tripoli. When they needed it, it would bring people into country and take people out, to include supplies and things that post needed in the early days, but as soon as commercial air flight was available, the plane was no longer needed. The plane was not used to transport people back and forth to Benghazi or it was not used for

security purposes, it was just to bring our initial people and supplies in and out when commercial airlines didn't exist.

Q Do you remember when the plane, the commercial airlines?

A I do not.

Q Can you explain why the Libyan local guard forces didn't have, were not armed?

A The Libyan --

Q I am sorry, the local guard forces hired by the contractor.

A By the contractor. Most places around the world they are not armed, and it is just a -- we went with what was available, and I don't know the specifics with this particular guard company. Some governments don't allow guard companies to have weapons in some countries, and in some countries they have to, you know, show proof of their training, and they set stipulations on them or they have to be accredited to the government, and I think there was just such a state of flux internally coming in right after the war like that. Blue Mountain I believe was a company that had been there before, and they were licensed with the government, and they were one of the few companies that were still operating, and that is how we ended up being hooked up with them.

Q And I think at the time that -- I think you said this earlier, but at the time that final MSD staff left Tripoli, I think you said earlier that you told them that if they had a problem, the threat increased, you would send them back?

A Absolutely, absolutely.

Q Who did you communicate that to?

A [redacted].

Q Okay. Or would it have been to the -- was [redacted] the RSO at the time?

A Well, [redacted] and [redacted] both knew that. This is what they are for, and we did, we have an MSD team there now.

Q Okay. And I guess at the time that that happened and you communicated that, did someone say, hey, wait, no, you really just can't take them away right now? Do you see what I am saying? When you said if the threat increases, I will get them back to you, did they protest and say, wait, no, I need to keep them right now?

A No, no.

Q And I know this is a little hypothetical and 20/20, but do you, in your opinion, do you think that if you had left the MSD teams, the military FST team in Tripoli, that it would have made any difference in the Benghazi attack on September 11th?

A No, no.

BY MS. SACHSMAN GROOMS:

Q And why is that?

A The Ambassador normally traveled with scores of armed people that came on that compound. Whether you added five or ten more people with weapons, I believe it would not have made a difference. This was an unprecedented attack. We just haven't seen anything like this before.

Q And I guess to some extent the Tripoli -- having extra people in Tripoli isn't quite the same as having extra people in Benghazi. They're not exactly the same place. Do you think that if all of those teams had been still present in Tripoli, like the SST team would have traveled with the Ambassador to Benghazi?

A No. The Ambassador traveled out of Tripoli all the time and he would take more people than his in-town visits. But it was still only a handful.

Q And that -- the decision about how many people would have been made by the RSO in Tripoli?

A Correct.

Q In conjunction with the RSO in Benghazi, I assume?

A Right. And if they weren't comfortable or didn't feel that they had enough, they wouldn't have let the trip move forward. But there was no information before this happened.

Ms. Sachsman Grooms. Can we go off the record for one second?

[Discussion off the record.]

[Whereupon, at 6:15 p.m., the interview was concluded.]

INTERVIEW OF SPECIAL ASSISTANT TO UNDER SECRETARY PATRICK KENNEDY

BEFORE THE

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

SECOND SESSION

HELD IN WASHINGTON, DC, OCTOBER 25, 2012

APPEARANCES

FOR THE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

ASHOK PINTO, *Deputy Chief Counsel, Investigations*
THOMAS A. ALEXANDER, *Senior Counsel*
BRIEN A. BEATTIE, *Professional Staff Member*
SUSANNE SACHSMAN GROOMS, *Minority Chief Counsel*
CARLOS FELIPE URIARTE, *Minority Counsel*

FOR THE U.S. DEPARTMENT OF STATE

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JOSHUA L. DOROSIN, *Assistant Legal Adviser for Management, Office of the Legal Adviser*

Mr. Pinto. Good morning. This is a transcribed interview of [redacted] conducted by the House Committee on Oversight and Government Reform. This interview has been requested by Chairman Darrell Issa and is part of the committee's oversight of the facts and circumstances surrounding the death of Ambassador J. Christopher Stevens and three of his colleagues in Libya on September 11, 2012.

Ms. [redacted], thank you for joining us this morning and for appearing voluntarily. Can I ask you to please state your name for the record?

Ms. [redacted].

Mr. Pinto. And I see today that representatives of the Department of State are joining you here today. Would you please introduce yourselves?

Mr. Dorosin. Yes. I am Josh Dorosin from the Office of the Legal Advisor.

Mr. Blumenfeld. And I am Josh Blumenfeld from the Office of Legislative Affairs.

Mr. Pinto. Ms. [redacted], we appreciate your willingness to cooperate. My name is Ashok Pinto. I am a counsel with the Republican staff. And I am going to ask the other staffers here to identify themselves.

Mr. Beattie. I am Brien Beattie with the majority staff.

Mr. Alexander. Thomas Alexander, senior counsel with the majority staff.

Ms. Sachsman Grooms. I am Suzanne Sachsman Grooms. I am chief counsel with the minority staff.

Mr. Uriarte. Carlos Uriarte, counsel with the minority staff.

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Mr. Pinto. The questioning will proceed in the following matter: The Republican staff will begin by asking questions for 1 hour. Then we will break as needed. And then the Democratic staff will ask questions for 1 hour. We will do our very best to move this along, but it may take some time.

We want you to answer our questions in the most complete and truthful manner possible. We are looking for your most complete recollections. If you have any questions or don't understand the nature of what we are asking, feel free to stop us. We will be happy to clarify.

We are going to do our best to keep the questions coming from one person. With a court reporter here, it is important that we don't speak over one another. And as I said, we will be happy to clarify or repeat questions as needed.

If you honestly don't know the answer to a question or don't remember, it is better to tell us what you do remember and indicate that the answer you are providing reflects the best of your knowledge and recollection.

We have done a number of these interviews over the years and during this Congress, so we do our best not to interfere with one another's questions. So when the minority is asking their questions, we anticipate not saying much, if anything, and we ask the same of them.

We have been taking breaks to facilitate the witness' opportunity to confer with counsel at the end of each hour. This is a voluntary interview, so at any point, you may go off the record to confer with

your counsel.

Do you understand that you are required to answer questions before Congress truthfully?

Ms. [redacted]. Yes.

Mr. Pinto. This is an unclassified setting. If we ask a question that calls for classified information, the best way to proceed is for you to answer the questions as completely as possible without telling us anything that would require us to go off the record and get into a classified environment.

Do you have any questions before we begin our first round of questioning?

Ms. [redacted]. None at this time.

Mr. Pinto. With that, I will give it over to the minority staff to give them an opportunity to welcome the witness.

Ms. Sachsman Grooms. Again, my name is Suzanne Sachsman Grooms. I just want to thank you for coming in today and let you know that if you need to take a break at any moment, we can take a break. We often do them in between rounds, but we can do it during a round.

Ms. [redacted]. Thank you.

Mr. Pinto. Okay. I have 10:44 a.m., and Mr. Beattie will start the first round of questioning.

EXAMINATION

BY MR. BEATTIE:

Q Thanks so much for coming in. Again, stop me if you need to take a break. Just wave.

If you could please start by describing your background, for example, your educational background, and also your history with the Department of State, that would be helpful.

A I have a bachelor's degree from Gonzaga University in political science. I joined the State Department in March of 2004. I have served in Cote d'Ivoire, in Belgium, of course in D.C. and in Mosul, Iraq, prior to joining Under Secretary Kennedy's office last year. I am currently in language training for my onward assignment in Moldova.

Q Thank you. And are you a Foreign Service officer?

A I am.

Q And what would you describe your specialty or your focus at the Foreign Service?

A I am a management cone officer. There are five cones in the State Department. My area of specialty is, as you have said, is management, so oversight and administration of both people and resources. My last tour was as a special assistant to the Under Secretary for Management, Ambassador Patrick Kennedy.

Q Okay. And how long did you work for Under Secretary Kennedy? You said you started about a year ago. How long would you say you worked for him?

A From July of 2011 to July of 2012, so almost exactly 1 year.

Q Could you please describe your responsibilities in working for Under Secretary Kennedy?

A Sure. As a staff assistant, my job is primarily process,

to ensure that information that came to him in official documents was properly formatted, had been appropriately cleared through the building with all equities being noted, to answer any further questions he might have for the building, to act as liaison in that matter, and to pass along information to him that was relevant to the decisions that he was making.

I covered a variety of portfolios, as they are known, one of which was, of course, the Near Eastern Affairs Bureau and the South and Central Affairs Bureau, and also covered Diplomatic Security, the Foreign Service Institute, our greening initiative, and several other departments or bureaus in the department.

Q So, just to clarify briefly, you have described it very well. The sort of process of policy documents and things of that nature, how involved would you say you were? Were you pretty involved in sort of documents that would cross the Under Secretary's desk? Would you see those?

A Yes. If the documents were addressed to the Under Secretary for his action, they were at the last stop seen by his special assistant, in this case myself, if it had to do with the area I covered. Prior to coming up to him, they would be cleared electronically through the building so that all parties with equities would have a chance to weigh in.

The documents were often the final step in a very long discussion. Again, it depended entirely on what the nature of the action was. Sometimes they were very routine and straight forward; sometimes they

were more complicated. And whatever the case was, it was my job to ensure that the information was as clear and accurate as possible so the Under Secretary could make the most informed decision.

Q And what about cables from the field. Would you see those on a regular basis?

A I would. And part of my duties were, of course, briefing the Under Secretary and keeping track of what developments were happening in the field and both within the bureau. So when cables would come in, oftentimes there was a coinciding effort. I would see the cable myself and/or the desk officer or post management officer would alert me, especially if it was a resource request.

Q Sure.

A So it is very important to note that in the State Department at the staff level, people are working very, very much in tandem across a myriad of offices on any given issue.

EXAMINATION

BY MR. ALEXANDER:

Q Would you say that all staffing requests came by your desk?

A All staffing requests?

Q All staffing requests, particularly those in cables.

A No. No. I think that there are very many different ways for staffing requests to come to the Under Secretary's attention, some more formal than others. Certainly if a cable would have been -- if there was a staffing request or a resource request in a cable, for example, our Bureau for Human Resources would certainly note that. The

executive directorate within a bureau would certainly note that. So, eventually, they would come to him, but it really is an HR decision in than conjunction with the Under Secretary's decision and highly dependent on the nature of that staffing request.

BY MR. BEATTIE:

Q And just to shift a little bit, how did you go about preparing for the interview this morning?

A Well, I had a lot of questions about logistics. Actually, this is the first time I am appearing in such a forum. It is a difficult question in the sense that there has been so much in the press, and this is such a near and dear issue to so many in the government, as well as the State Department. So I familiarized myself with this committee's rules and, of course, its members and the general process by which today might unfold.

Q Did you review any documents?

A I did, yes.

Q Which ones did you review?

A Well, that is -- I couldn't specifically list them all.

Q Quite a few then?

A Of course, the documents that were on the OGR Committee Web site specifically.

Q Okay, that is helpful. Thank you. And did you discuss your testimony today with anyone at the Department of State?

A No, not in detail.

Q Did you discuss it with anyone outside the Department of

State?

A No.

Q Thank you. So we are going to shift then. Could you maybe help us by -- we would like to get some background. Are you familiar with what happened? I know this may have been shortly before you started with the Under Secretary, but are you familiar with what happened at the Tibesti Hotel in Benghazi in June of 2011? This would be, let me help jog your memory, this would be about the time the department moved then Special Representative Stevens into the facility that became the Benghazi compound that we have heard so much about. Are you familiar with the process, I guess is the question, of how then Special Representative Stevens and other department personnel moved into that Benghazi facility? Are you familiar with that?

A I am not familiar with that process where Special Envoy Stevens and his teamed moved into the facility. Again, I came in in the third week of July, and that issue was particularly -- it was moving at a rapid rate, so by the time I came in, it wasn't something that I was really a part of.

Q Is it fair to say by the time you started with Under Secretary Kennedy, the Benghazi compound was already up and running at the department facility? When did you first become aware of the Benghazi facility? Maybe that would be more helpful.

A I became first aware of the Benghazi facility the day I started because it was a very front and center issue. I can't recall exactly what background I was given on that date. Our efforts in Libya

were focused on Benghazi because it was our special office and our point of engagement. Our embassy in Tripoli had not yet been opened up, and at that point, it was anyone's guess as to when it would be. I can't speak to the specific issue or specific circumstance that you mentioned. I don't recall being briefed on that in any great detail.

Q What about the process by which the department identified the new embassy in Tripoli? Were you familiar with that?

A Yes.

Q Could you please just describe that just for our background?

A Because our previous premises had been declared unfit, they were reduced to rubble, we began a search for compounds that would both house and serve as office space. Initially, we looked, of course, at the chief of mission residence because it was secure and it was safe and it was structurally stable and it was able to be secured. So our colleagues worked under very difficult conditions initially to both live and work out of that compound. And in a very short amount of time, relatively speaking, we were able to procure additional villa compounds that formed more or less a contiguous border so that people could expand and have private sleeping space and different office space.

It was a very, very fluid process, and it was a very quickly developing one. So we sent our team of overseas building operations experts to procure real estate. Of course, DS was very involved in ensuring that security standards were met. And it was an extremely dynamic process; people were very flexible on the ground. And it was very well informed in the sense that we were in almost daily contact

with them, especially in those initial months of setting apart our embassy in Tripoli.

Q Do you recall when the embassy opened for operations officially?

A We flew the flag, Ambassador Critz flew the flag, I believe, on September 20th of last year, 20th or 21st.

Q Close enough. Thank you.

Could you please describe, this is again on the embassy in Tripoli, the new one that opened in September of 2011, could you just describe what the sort of personnel security profile was? In other words, how was the embassy secured by Diplomatic Security? Was it secured by military? Were you familiar with that at all?

A I was not there, so I would hesitate to speak to how they secured the premise itself.

Q I mean, more to -- sort of in your function working for Under Secretary Kennedy, what were you aware of? Were you aware of any discussions about the deployment of, for example, Diplomatic Security agents to protect the embassy?

A Certainly. Security was first and foremost part of every discussion. How to keep our people safe so that they could achieve the mission at hand was the primary objective in every conversation. So Diplomatic Security was a part of every conversation I had, at the working level. I need to stress that.

Q Sure. Go ahead.

A Having said that, the actual mechanism by which they were

able to secure the premises is something that I would leave to my Diplomatic Security colleagues to speak more on. I understood that we had a team of DS agents and protective details as well as the SST. It was a very unusual situation. We were setting up an embassy in the wake of a war. We had almost no resources on the ground. We had an incredible staff of locally engaged staff that took care of us as best they could during the war and some of our property as well. But really, we didn't know what the situation was, and we left it up to DS to ensure that those premises were secure.

Q And you had mentioned earlier about Under Secretary Kennedy being involved in resource requests. What was his involvement in the sort of resource requests as it relates to the Diplomatic Security profile in Tripoli?

A I think because this discussion was, again, very dynamic and fluid, he was involved in a lot of the decisions of course in the planning. And how we went about this, I understand that there were many discussions which I was not necessarily a part of between him and the higher decisionmakers of Diplomatic Security. Having said that, that would be totally normal for any process by which something of this magnitude was occurring, especially the reopening of embassy premises overseas.

Q Yes. And I think we are just trying to understand the process. So, to that, actually, do you recall, were there any memoranda or action memos or position papers or anything that were floating around at this time about the security profile at Tripoli?

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A Specific to the security profile, no. That was such a large component in the overall decision and how to establish the platform that, of course, it was very much -- I would say a huge part of the discussion actually, but specific and separate, not necessarily. There are many, many ways that decisions are implemented, one of which is through action memos, another of which is, especially if we are relying on interagency cooperation and support, of course, the Executive Secretariat memorandums, there are conversations. There are interagency discussions. Again, this is a very normal and collaborative process with something this large.

Q Let me get specific. Is it your understanding that the department, about this time, envisioned that embassy Tripoli would receive 19 TDY DS agents to be assigned to Libya for a period of 8 months? Do you remember anything about that?

A I can't recall specific numbers from a year ago. I really -- to be perfectly specific would be speculation at this point.

Q Sure. Okay. So you basically don't remember anything about seeing numbers. Is that what you are saying?

A I think I can't speak to specific numbers of people that were deployed at specific times now that we are a year out.

Q Okay. But Under Secretary Kennedy was involved in those discussions?

A Yes.

Q And what was the level of supervision do you think he provided to DS on that? How involved was he? On a daily basis? I mean, just

roughly. Obviously, this is a year ago. I am just trying to understand the process.

A I would like to give your some context as to how this might be helpful.

Q Sure.

A He, of course, has very regular meetings with all heads of what we call the M family bureaus that fall under his purview, Diplomatic Security being one of them. So he would have spoken regularly and met regularly on a variety of topics all throughout the world, not just Libya, but, of course, through the Middle East and Latin America and anywhere in the world that needed his attention.

So it is very reasonable to assume that he was having these conversations on a very regular basis, especially as we were reopening our premises in Tripoli. And the process was very collaborative, but it was very driven by the experience of senior Foreign Service personnel. So there was a working level, which I was a part of, which basically took direction and instruction and created that as part of a larger implementation discussion and then brought that back up to him, largely in the formal form of action memos for him to make a formal recommendation or for him to approve a formal recommendation on.

Again, it is a very, very fluid process. Information goes both ways, so that the safety and security and the mission can be achieved most effectively.

BY MR. ALEXANDER:

Q How regular were those meetings?

A With specifically --

Q Under Secretary Kennedy. You said he had regular meetings with his department bureau heads.

A At the very minimum, again, it depends on the bureau head, but at a minimum once a week. Very often, you know, it could be more than that, depending on what the nature of the emerging situation was. He had three special assistants, so at any given time, we were, of course, available to people were they not able to reach him to pass on messages.

BY MR. BEATTIE:

Q As it relates to the security profile of the Tripoli embassy when it was reopening, were there any other government entities other than the State Department that participated in formulating that plan?

A That participated in formulating the plan?

Q Sure. On the footprint of Diplomatic Security. Whether it was Diplomatic Security agents or SST or any other elements providing security to the embassy, were you aware of any government entities outside of the State Department that were involved?

A Certainly the Department of Defense, specifically with regards to the SST. Anything else I would prefer to take it into --

Q Sure. Do you recall specifically what elements of the Department of Defense would have been involved?

A No. No. And that would have been something that people much more senior to myself would have been dealing with.

Q Sure. But you mentioned you were sort of involved a lot in

seeing paper across the desk of Under Secretary Kennedy. So, in that capacity, do you recall any specifics about outside government entities?

A Certainly in the form of Executive Secretariat memorandums usually requesting resources and/or collaboration. It is something we would have seen both with regards to Libya and any other place that Exec Sec requests, as they are known, were going back and forth. It was my job to clear on them for -- I cleared for M, meaning I cleared for the bureau. And then, of course, it became my experience very quickly that he often understood what the request was or was behind generating the request or had been involved in discussions at much higher levels. So it was up to me to tell him that the paper had gone through or the request had formally arrived.

Q Do you recall any discussions involving the National Security Staff about the security profile for the new embassy, to your recollection?

A Specific discussions? No.

Q Any paper? I guess what I am trying to get at is, do you recall was the National Security Staff involved at all in the discussions about the security profile for the embassy in Tripoli?

A I didn't have any direct discussions with National Security Staff on Tripoli.

Q It was more of a question of, were you aware of any discussions, not necessarily that you participated in them.

A Specifically aware? I think, again, as part of the

interagency process it is natural to assume that discussions were had, but I was not -- there are none that stand out very specifically in my mind that I could really comment on.

Q Okay. Maybe we could move on to some discussion about cables. Were you aware of a March 28th, 2012, cable from Embassy Tripoli that discussed security personnel at the post?

A Yes.

Q Do you remember it well enough to talk about it, or would it help if I put it in front of you? I have a copy, if it would help you.

Mr. Pinto. We will mark this as deposition Exhibit 1.

Mr. Dorosin. Can we just clarify? You said "deposition." This is an interview.

Mr. Pinto. I apologize. Exhibit 1.

Mr. Uriarte. Which one are you talking about, Brien?

Mr. Beattie. March 28th.

[[redacted] Exhibit No. 1
was marked for identification.]

BY MR. BEATTIE:

Q Take as much time as you want to familiarize yourself with it.

A Thank you. I am ready.

Q Why don't I just focus on the -- I think it would be easier to focus on the summary and the action request. So as I read this, why don't I just read it, the relevant part, where it starts, "In order

to transition successfully from the current MSD and SST based security model to one that incorporates more locally based and non-emergency assets, post requests 12 TDY DS agents for 45- to 60-day rotations in Tripoli to replace our two departing MSD teams, five TDY DS agents for 45- to 60-day rotations in Benghazi, continued deployment of one MSD team through completion of training of our second LES bodyguard team on or about July 1, one TDY ARSO from April 1 until July 1, and one WAE TDY'er to assist with LGF program development and emergency planning."

So I guess we just had a few questions. First of all, let me ask, do you recall seeing this cable?

A I don't specifically recall seeing this cable.

Q That is okay. Do you recall if Under Secretary Kennedy saw this cable?

A I know that he did see the cable. I can't recall exactly when.

Q Sure. Sure. Would it normally have been the case with a cable like this that he would have seen it fairly soon after it was sent?

A Certainly. This cable, like so many others, would have come through, and it would have been either flagged for my attention from DS or from, again, NEA/EX, the Executive Directorate within the Near Eastern Affairs Bureau. I would have discussed it perhaps if this -- according to normal procedure, would have discussed it and would have briefed him on it. He may or may not have asked for it

specifically. I don't recall him specifically asking me to pull a copy of the whole cable. But this request came in through official channels and, as such, would have been briefed to the relevant offices.

Q Well, what are the relevant offices that would be involved in a request like this typically?

A In a request like this typically, certainly Diplomatic Security, certainly NEA/EX as the path line indicates. You know, of course my office, M staff office. To a much lesser extent, perhaps as we went to implementation, HR, although that wouldn't have been something I did. It would have been much more at an implementing level. Those would be the top offices. And then however they choose to disseminate it to ensure that action was taken.

Q Sure. So could you explain what, just so we understand what it means, what are they referring to when it talks about transitioning successfully from the current MSD and SST-based security model to one that incorporates more locally based non-emergency assets. What does that mean to you?

A Again, typically in embassies, as we move toward a more normal operating environment, which again I leave to my Diplomatic Security colleagues to discuss in more detail, we rely on local assets and local staff to help provide security for our premises. That was very much the goal with Tripoli, hoping that the situation would normalize and that we could respond to that in, again, a more normal fashion.

Because, again, we were dealing with a slightly unusual

situation, we had a lot of TDY requests, there was a lot of turnover, as this cable notes, long-term locally-engaged staff provide for, of course, greater continuity when that is possible. And I think reading this, what it means to me is that Diplomatic Security was looking ahead and looking to ensure that that could eventually be the case. Having said that, these were the resource requests that he put in immediately.

Q I am sorry, who is "he?"

A [redacted].

Q And he was --

A The RSO in Tripoli at the time. It was drafted by him and cleared through post management. Again, this kind of cable is not atypical. It is very normal to receive cables like this from all over the world. I mean, I would say, on any given day, you might see several. It is also very -- the timing is such that March, April, May, June, we are looking at our heavy transfer season so a lot of management sections at posts are considering what the next 6 months to a year might look like in that country and sending in resource requests. So this is a very specific sort of request that came to the department through official channels.

Q And the MSD teams, they were departing. Can you just describe why they were departing?

A I really can't speak to that. I would defer to my Diplomatic Security colleagues to answer that more fully.

Q And the 12 TDY agents to replace the two departing MSD teams, were they sent to Tripoli?

A I can't recall how that was manifested. I would refer again to Diplomatic Security to speak to that on a more specific level.

Q So you don't recall any discussions about the 12 agents that were requested for Tripoli per this cable.

A Per this cable, no. Again, the discussion surrounding security was one that Diplomatic Security was very engaged in from the department to post. It was something that we were looking at from our perspective on M staff as how our post operations, what is the general environment under which you are operating? Generally, is security becoming more stabilized? So that the specifics and the implementation wasn't something that I would have really, really drilled into, simply because there was, from our general discussions and our weekly discussions, it was very clear that post was achieving its mission safely and securely. So there was really no need for further inquiry. And I would not have been the person to do that. It would not have been appropriate for Under Secretary Kennedy's special assistant to necessarily ask that question.

Q Well, I really wasn't asking if you had asked the question, but more in your role as Under Secretary Kennedy's assistant, were you aware of these discussions? I think we understand that you wouldn't have been making the decisions. But as you described earlier, you were involved when paperwork would cross his desk, that you would be aware of those. So are you saying you were aware of the discussion or not? Not that you were making them, or not that you necessarily even had them with post or with DS, but were you aware that this request had

been made, and also what is your awareness of Under Secretary Kennedy's involvement?

A I think you would have to ask -- well, in terms of my awareness of whether the request was made, yes, clearly, I was aware the request had been made. I was also aware that Diplomatic Security was very much engaged with the request and very much engaged with understanding how best to provide resources, not just in Libya but really throughout the world and certainly the Middle East.

With regards to Under Secretary Kennedy's involvement, again, he would have been briefed. Diplomatic Security would likely have spoken to him about this, as they did with many other posts and many other requests in the world. Our bottom line from our perspective was that post was safely and securely functioning, and so we treated this request as certainly necessary and important and ongoing, and it was dealt with in that fashion.

Q So you said that the Under Secretary would have been involved, but do you remember was he in fact involved in this particular request, in the discussion with DS or with post?

A I really can't speak to that with any specific recollection.

Q Okay. And what about for Benghazi? We talked about Tripoli a lot. What was your understanding of the security profile at Benghazi at the compound?

A My understanding of the security profile?

Q Specifically how many agents were assigned there on a regular basis?

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A Well, again, when I take myself back to sort of last year, it wouldn't have been something specifically that I necessarily knew off the top of my head. I would have reached out to NEA/EX, and they would have reached out to Diplomatic Security had that request for information been made. Of course, now in the wake of everything that has been happening in the last month or so, of course, my awareness has changed slightly.

But at the time, you know, Benghazi was again, based on all the discussions we were having, was operating according to the mission in a safe and secure manner. It wasn't something that I would have -- that I stopped to look further into. There was no phone call made to me or any mention brought up in the discussion that something was perhaps awry to have caused me to have looked into it further and therefore remember it with a little bit more --

Q Sure. Do you recall, were there any documents that would have crossed Under Secretary Kennedy's desk as it relates to the number of security agents at Benghazi?

A Certainly. It would have come up as part of a standard either briefing paper or action memo. It certainly would have been a subject line in terms of how the security was being handled, how many people were there, how many people were needed, how much staffing was changing, what the general security environment was. These were all things that he would have been believed on and would have been in formal paperwork.

Q Do you recall specifically? For example, the cable here

says five TDY DS agents. Was a that a number that you recall came up at all in those discussions that you mentioned or in the position papers or the memoranda?

A I think it is important to note that action memos are very much a snapshot in time, so depending on when memos came to him, those numbers could have changed, they could have been fluid. This was dated in March, late March of this year. It might have been very different in November of 2011. So numbers would have been a part of it. Specifically what numbers, again, I couldn't speculate on that at this time.

Q Sure. To your knowledge, was this request fulfilled?

A In its entirety? Which request specifically?

Q Why don't we take them in turn? I think we covered the 12. Let me just go back. To your knowledge, were the 12 TDY DS agents that were requested by post for Tripoli, was that request fulfilled? Were 12 TDY agents sent to Tripoli?

A I really can't speak to that with any accuracy. I really can't remember when or how that request would have been specifically dealt with.

Q Were five TDY DS agents sent to Benghazi as per the request?

A Again, I can't speak to that. I would refer to my colleagues in Diplomatic Security.

Q Sure. If I could just put another document in front of you.

Mr. Pinto. We will mark this as Exhibit 2.

[Exhibit No. 2

was marked for identification.]

BY MR. BEATTIE:

Q Again, just take time to refer to that. Just take your time to look through that. Take as much time as you want.

Could you just describe, what is this document?

A This document is an action memo for Under Secretary Kennedy.

Q Okay. And did you see this document?

A Yes.

Q Was this a document that would have just crossed your desk and you would have passed on to the Under Secretary, or what was your role in sort of the processing of this document?

A As an action memo, it certainly came to my inbox, first electronically for clearance before it came to me in final form in hard copy. Once it came to me in final form in hard copy, I would have passed this to him for his final decision. And as we can see, he approved both recommendation one and two, as set forth by the Bureau of Near Eastern Affairs.

Q Okay. And what other bureaus were involved in sort of the production and processing or clearance of this document?

A Of course, several offices within the Near Eastern Affairs Bureau; the Overseas Buildings Operations, Diplomatic Security, Resource Management, our Bureau for Administration. The staffers from both Deputy Secretary Nides and Deputy Secretary Burns' office are on the clearance page as well as Under Secretary for Political Affairs and the principal officer in Benghazi at the time. You know, I am on

this as well, having cleared for M.

Q When you say you "having cleared it for M," what does that actually look like?

A That means that electronically I send an e-mail with this document in electronic form as an attachment that says that I cleared for M, noting that all spelling, formatting, any necessary information, anything that he will need to make a final decision on this document is part of the document.

Q Okay.

A So, once the electronic clearance is received, of course, then the hard copy comes up as logged and then sent to his desk for final decision.

Q Sure. And when you talked about, for example, Deputy Secretary Nides, Deputy Secretary Burns, NEA, when we look at this document and it has "cleared" with "okay" next to it, does that mean that document would have gone to all of those principal individuals?

A Yes. These people would have seen and read this document and approved it.

Q Okay.

Mr. Dorosin. I am sorry, can I just ask a clarifying question? When you said "would have gone to the principal individuals," do you mean the people they worked for?

BY MR. BEATTIE:

Q Yes.

A I am sorry. Thank you for that clarification. I can't

speak to who else saw this. But when the names are listed, as they are here, that means that this person has read it and is okay with the information and has cleared on it. Whether or not somebody from -- anybody else has seen it or has approved it, that is really not something I can speak to. It really depends on the offices, and it depends on the action memo.

So, for example, there might be some offices that say "I need further input before I can clear something" and they might discuss it with other people in their office in order to provide a more informed sort of decision and then clearance. But I really can't speak to how that would have played out.

Q Typically just so we understand the clearance process, because it is a different bureau, it is a different part of government, and we want to make sure we understand it. As you have described it, the clearance process when it says here, for example, you, and it says "okay," what was typically involved in that?

A Okay. So speaking to that for me, I would have read it. I would have -- if I had any further questions I would have asked them to the relevant parties. I would have checked for format, spelling, process, to ensure that the margins were met and the format is what it should be. And then I would have cleared on it. And once the drafter received all necessary clearances -- and I might have suggested additional clearances. Since this was coming to my principal, I have a little bit more flexibility in saying I would really like X bureau or Y bureau to weigh in or to see this.

In the case of, for example, you know, another single letter principal, for example, Under Secretary for Political Affairs, they might suggest, oh, you know, not specific to this, but I would also really like to see X clearer or Y clearer, so that would be added to the process to ensure again that all equities are met.

Q For example, when it says "info" in parenthesis, what does that mean?

A It means it was passed to the person and that they may or may not have given their final clearance on it. Sometimes it is just a matter of there are a lot of documents in someone's inbox. This isn't -- their principal doesn't have a primary role, or there can be a lot surrounding that. But they were given the opportunity to clear on the document.

Q So is it fair to say, then, that in addition to the sort of technical and conforming things like margin and things like that, you would have also in the process of clearing this have read it?

A Yes.

Q And you would have been familiar with the substance of it?

A Yes.

Q Actually, can I just maybe ask you a couple questions about it. And now that you have had a chance to re-familiarize with it, I can point you to a specific part. If you can go to page two, it is the first full paragraph that starts "although." If you can just go down to the last sentence where it talks about "with the full compliment of five special agents, our permanent presence would include eight U.S.

direct hire employees, two slots for TDY PM and USAID officers, and one LES program assistant."

So is this talking about Benghazi, the Benghazi post?

A Yes, the first line says that "although our presence in Benghazi has shrunk considerably, we would like to maintain a small State-run presence in Benghazi." So this staffing pattern reflects what would be happening in Benghazi.

Q Okay. And when it says the full compliment of five special agents, what are they talking about there?

A They are talking about five special agents that would work in Benghazi.

Q Are those DS agents?

A Yes.

Q And they are providing -- is that for security?

A In general terms, yes. Diplomatic Security would provide security at that facility.

Q Now, this document is dated December 27th, 2011. What was the -- I don't know how to phrase this -- what was the sort of function of this document within the larger discussion within the department about the Benghazi facility?

A The function of this document within the larger discussion of the Benghazi facility. So, as I noted, action memos are a snapshot in time. They are a way for our principals to make decisions to reflect necessary changes on the ground or thinking ahead or looking ahead to best support and direct post. So this was really about how we were

going to manage our operations with regards to real estate, and it goes into a lot of detail about that, because our staffing presence was shrinking. And as it notes on page two, at the top of page two, there were at that time five people down from an approved footprint of 17.

So we were looking to reexamine how we were supporting our platform, understanding that the Bureau of Near Eastern Affairs had the intention and wanted to keep Benghazi open at least through 2012. I think there is a very good explanation for why and the political engagements that were happening there. So, having said that, this was an effort to corral together where we would -- how we would house people, how they would work, what the physical infrastructure would actually be for them. And this lays that out, as well as two recommendations then for the Under Secretary's action.

Q So you noted that the presence was shrinking.

A Yes.

Q Given the shrunken presence, does this document make it clear that even though the presence had shrunk, or I should say given that shrunken presence, the full compliment of five special agents from DS was the envisioned sort of security profile?

A That was what was put forth and approved, yes. Well, that was what was put forth in discussion among bureaus for the Under Secretary to approve.

Q So, going forward, I mean, so this is December of 2011, going forward, was there a time limit on this document or was this document -- the document talks about extending for another year,

correct?

A Yes.

Q At Benghazi.

A Yes.

Q So would this document, then, everything in this document is related to the year envisioned for Benghazi?

A This would have outlined again in December what post felt and the department felt was the best way to ensure the most effective and safe operating procedures at post. This could change, depending on how the environment changed. If it did change, it could be 5 days later. It could be 2 months later. Then another action memo would likely have circulated through.

Again, these are ways for the department and post to interact and for post to have clear guidelines on how to move forward at the working level to implement those directions. It is an informed part of the discussion, so if things had changed drastically we would be able to respond very quickly. This certainly -- no action memo sets things in stone irrevocably. It is very important to note that. This is how we are able to respond in a flexible and dynamic way.

BY MR. ALEXANDER:

Q Is it necessary for there to have been a follow-up action memo to change that number from five to something else?

A Not necessarily, no. Again, this is one facet to a very, very complex and dynamic and I would say evolving process. So if something had happened to change that number in whatever direction,

or if, you know, for example, other -- at the time, we had one regional security officer contributing to the drafting of this. This was his informed opinion at that time. It can even be something at many different posts where another person comes in or there is a step forward with the government of Libya. So those resource requests could change. Maybe an action memo might be needed, again depending on what else was happening and how formal we needed to make it. Otherwise, it could be as simple as emails, conversations, HR, human resources action. Again, it is a very, very flexible process.

EXAMINATION

BY MR. PINTO:

Q A quick general question about Exhibits 1 and 2. You mentioned that memos are snapshots in time and you also mentioned that there could be changes because it is a dynamic situation. Are you aware of any significant changes that occurred that would affect Exhibits 1 and 2?

A In which timeframe?

Q After the date that is on their face. Based on your preparation for this interview today or just your recollection in general, are you aware of any significant changes that occurred or, as you mentioned, like a drastic change?

A There is nothing that was so specific or so drastic that stands out in my mind as, again, like a point in time reference or an incident between this December memo and this March memo. Having said that, if something were to have happened and post alerted the department

to that, we would have engaged in response and discussion in that vein.

Again, I want to make sure I am answering your question properly. I don't recall, again, between sort of these 3 months. I know that when one looks back over the timeline, you know, when one looks back and reflects what happened between January, February and March, frankly speaking, nothing really stands out in my mind as being something that would have garnered immediate, we need to stop, we need to change --

BY MR. BEATTIE:

Q What about later, for example, maybe in June or in July or in August? Do you recall any changes later?

A Any changes? To post?

Q Along what Chuck was saying, the change in circumstances that would have led to a change in the policy here about the five agents.

A No. No. No. That was -- in my recollection of events, it was again a resource request that was put forth, that was being considered. But it was not --

Q You mentioned that the RSO on the ground would have played a role in this. Is that why I see "Benghazi: [redacted]" here on the clearance page, on the last page?

A No. Because it was Benghazi, [redacted] was the senior officer, he was the principal officer in Benghazi at the time, so it would have been him clearing for post, so-to-speak. This can be the principal officer in Benghazi, it could very well have been a senior officer at the embassy in Tripoli. That just tells other people that post has involved and seen this and is okay with the information and

it reflects what--

Q Was anyone at post involved in the formulation of this particular request, do you recall?

A I can't speak to that.

Q Would they typically have been involved in a request like this?

A Well, I think the fact that Benghazi as an office is listed as clearing shows that post was involved. Specifically who at post, I really can't say.

Q Sure. And which bureau had the authority to sign off on this request?

A The Bureau of Near Eastern Affairs. The request came from them, from Assistant Secretary Jeff Feldman. So it came from NEA to Under Secretary Kennedy, and they submitted it.

Q Do you recall, was it NEA Bureau that was primarily involved in the sort of policy decision to keep a continued department presence in Benghazi? Would that policy recommendation have originated at NEA?

A Where it originated from I really can't speak to, but it was NEA that put forth that policy decision in this memo. It came from them to the Under Secretary.

Q Would -- I should say did management -- was the Management Bureau involved in that decision, or was this a request from NEA to management and that basically NEA makes the -- I am trying to understand what the process was.

A Sure. Sure. I mean, this is a great question in the sense

that when you are working in the Department of State, of course, it is a foreign affairs agency, there are many, many aspects to that, one of which being platform and infrastructure and resources and developing those resources. So, in the sense that we have several single -- principals, the Under Secretary for Management, the Under Secretary for Political Affairs or Under Secretary for Economic Affairs, the Economic Bureau, these decisions are made very much at a cross-section. So in the sense that NEA said this is what we would like to do in Benghazi, and here NEA/EX said specifically this is what we need to support it, the Under Secretary was then able to say I approve this memo. This is how we will support this policy directive. How those policy decisions are made, again, it is a very large question.

Q As far as the resource request for the five agents, is that a decision that is solely within the M Bureau?

A Is that a decision to be made solely within the M Bureau, as in by the Under Secretary for Management?

Q Yes.

A He is the final approving authority on requests of that nature.

Q Okay.

A So it would certainly -- it is certainly appropriate that it came from NEA from M. It wouldn't have gone from NEA to, for example, to Under Secretary Sherman, the Under Secretary for Political Affairs.

Q Do you know whether this document was shared with post?

A The document --

Q This action memo.

A After it was sign?

Q Yes.

A The decision would have been shared with post, yes, so the post knew that the Under Secretary signed the recommendations put forth and again that all parties, certainly at the working level, could begin to implement those decisions. He approved the decision, for example, recommendation to release the lease in Benghazi on villa A, which meant that, of course, post would be moving to villas B and C. So this, of course, would have been shared with post.

Q Sure. And as far as the -- let's go back to the cable real quick from March. Do you recall, was there any discussions with Under Secretary Kennedy that you were aware of about fulfilling that request for the five agents for Benghazi?

A I think, again, it is important to note that discussions were had with the Under Secretary all the time about resource requests. Specifically these five agents, I really can't speak to. It is very important to note that so long as post was operating safely and effectively, and everything at that time was showing us it was, and achieving its mission in the safest manner, resource requests were very diligently considered and very seriously considered, and those decisions were made largely through DS, of course, with the Under Secretary being the Under Secretary for Management. But that was a discussion that DS really could speak to much more clearly in terms of the specifics to that.

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[11:40 a.m.]

BY MR. BEATTIE:

Q You mentioned that -- I can't read your words back to you. But basically it sounds like you're saying that your understanding -- your understanding that -- that things were -- how were things going at Benghazi?

A I understood them to be going well.

Q How did you understand them to be going?

A The mission was being achieved. People were working in a safe and secure environment. People enjoyed their work. Morale was good.

Q How do you know those things?

A We had weekly discussions. I was in constant touch with NEA, with several people at the working level, both in NEA and DS and OSHA's building operations and HR to really just -- to be a part of that process and be supportive to them, as the role of any staffer is.

We --

BY MR. ALEXANDER:

Q Just to be clear, that would not have included contact with anybody on the ground?

A It might have. But if it did, that's not really coming to mind. It's not unusual --

Q I mean between --

A -- post. Between myself and --

Q Right. And --

A Again, if -- I'll give you an example. I might have reached out to post to coordinate the Christmas greetings that Undersecretary Kennedy gave via DDC with self of our Near Eastern Affairs posts.

Q I'm asking about discussions specifically about security and how easily it's operating?

A No. No.

Q So your at least your base of knowledge was generated from other bureaus with inside the department.

A Certainly, certainly.

EXAMINATION

BY MS. SACHSMAN GROOMS:

Q I'm sorry to interrupt. To clarify, when are you talking about?

A I mean, at any point in time within -- within my time as a special assistant, this would have been a normal -- for me to reach out to other bureaus and to talk to them.

Are you speaking -- did I specifically speak to a point in time on security with post? I'm not sure what the question is.

Q What I meant was, I think you had just been talking about your understanding of the status of post and that --

A Oh.

Q -- things were going over. When was that?

A I would say throughout the year, it was a situation that

we -- you know, as part of the rubric of our mission in Libya -- of course, our embassy was in Tripoli. It was part of the discussion. There was nothing that came to mind that was -- that -- that indicated there was a problem at post or that there was something that needed the Under Secretary's immediate sort of attention.

BY MR. ALEXANDER:

Q What about security assessments? Were you aware of any security assessments that came through from post during the time that you were on the desk? Assessments of, you know, violence?

A Threat assessments.

Q Right. Threat assessments.

A I think would have come in through regular diplomatic security reporting. There were different avenues for that. We, on our weekly conference calls, certainly, and in -- in general discussion on post would have said, How are things and what is the environment?

Of course, post sent in situation reports and cables and really even if it was a political cable or if it was a generic economic reporting cable, there would be a line about how security is affecting the ability to engage or our foreign interlocutors.

Generally, the trend over time that I recall was improving. There were, of course, concerns with the general instability in the country. But post, was as time went on, it -- it wasn't -- it became clear that the -- the dialogue was such that there was a lot of optimism and that the security environment, while unstable, was slowly getting better.

Q So if I were to direct you to a June 25th cable, do you have a copy of that? I've only got one copy here. Sorry about that. Bear with me, guys.

This is a cable transmitted on June 25th, 2012. So this would have been during the time that you were on that desk.

Mr. Pinto. We'll mark that this Exhibit 3.

[Exhibit No. 3

was marked for identification.]

Mr. Alexander. Do you mind if I see that? That's my only copy. I want to make sure I show it to the minority staff here.

Mr. Uriarte. Appreciate it. This is documents that were included on the letter to the President --

Mr. Alexander. Right.

BY MR. ALEXANDER:

Q I realize my time is running short. So I'm just going to ask you one very quick question on this.

The title of this cable is, "Libya's Fragile Security Deteriorates as Tribal Rivalries, Power Plays, and Extremism Intensifies." Do you recall receiving this cable?

A I don't specifically remember this cable, no.

Q Would this be one of the types of cables that would have come across your desk?

A Uh-huh.

Q Would this also have been shared with Under Secretary Kennedy?

A It's difficult to say. This is a political reporting cable. I want to clarify, when I talk to -- the general idea was that security was slowly improving, that was really about us. That was really about how we were hearing things vis-à-vis our compound, vis-à-vis our training of local guards, vis-à-vis safety and security of people on the compound.

This cable, as I read it, is very much a political reporting cable talking about the general environment in Libya. So I would have read it for background information, certainly. It would have informed me as a staffer.

But, again, this is -- this is a -- I think a very well written cable. But it doesn't speak to necessarily our infrastructure and management presence.

So, again, I can't --

Q I recognize that it doesn't talk about staffing issues, per se. But would this be something that would have alerted your office that possibly, you know, we may need to increase security or would this have come -- would this have been a factor in any decision to do so?

A I would have really had that conversation with diplomatic security. Diplomatic security would have had that conversation with post, and I would have relied on their assessment of that.

Q Do you recall any conversation regarding this cable or any other cable that addressed --

A No.

Q -- security? Okay.

A No, no, I don't.

Mr. Alexander. I think that takes us into -- are we at our time limit?

Mr. Pinto. Yes.

Mr. Alexander. I think I'm done with this one.

Did you want to take a break?

Mr. Pinto. Go off the record.

[Recess.]

Mr. Alexander. Back on the record. Like to note the time is 11:57 a.m. and minority will now be asking questions.

EXAMINATION

BY MR. URIARTE:

Q So I'm Carlos Uriarte. I'm counsel with the minority staff. I'm going to ask you just a few questions. I may ask you some questions that seem a little repetitive. I may go back to some of the topics we've already discussed. So I'll just apologize in advance. I just want to make sure that I'm clear and we're clear about some your answers to questions.

If we could just go back really briefly. I just want to make sure I understand how Ambassador Kennedy's office is structured and what role you played in that structure.

A Uh-huh.

Q Maybe talk about -- I think you mentioned there were two special sections?

A Sure. Under Secretary Kennedy's staff is constructed in a -- it's a small office. So he, of course, is the Under Secretary. Then there's his executive assistant. The executive assistant is a direct supervisor for three special assistants. The three special assistants have portfolios which covered the range of the State Department. And so we -- we each take responsibility for a portion of the bureaus in the State Department.

In addition to that, there are support staff. There are two personal assistants, one for the Under Secretary. She does all of his scheduling, calendar, mail.

And one personal assistant for the executive assistant, who fills the same role. And then a staff assistant whose primary job is to physically handle the paper. So to take it, to ensure it's logged, then pass it to the special assistant to then look at it and then pass it to the Under Secretary.

Q And just to be clear, you were a special assistant?

A Yes.

Q And is it fair to say that the executive assistant then is -- has more of a -- has more of a substantive role? They're not like a -- executive assistant you'd think of like in a corporate world?

A No. Under Secretary Kennedy's executive assistant functions as a chief of staff. So certainly has a very substantive role in whatever responsibilities are in the M office. She also supervises the three special assistants who have substantive portfolios. So it's very often the case that, you know, we talk to

her about things as they develop, she talks to us about things.

Our office, because it is so small, you know, we -- we work very closely together. And the executive assistant hired her special assistants so that we would be largely, if not responsible, certainly autonomous in our portfolio so that we could handle the substantive issues, bring them to her attention, when necessary. But we also directly brief the Under Secretary. It was very typical for us to go into his office directly.

Q And so when you say you briefed the Under Secretary, what would that include specifically? Would you just be handing over the paper? Would you sort of summarize things for him? Would you make recommendations?

A Really depended on the nature of the issue.

You know, very often, it might be all three, where we would go in and, of course, time is so, so limited for principals, especially single-letter principals. So if he had 30 seconds, I would say, I need you to know this, or here's the answer to the question that you were asking, or a certain bureau is looking for guidance on something.

So -- and especially with the case for something like Libya, where changes were happening constantly. It was very typical to go in, and if I couldn't get him in person, I might leave a note for him saying I need to discuss subject X and when he had a minute, he would come find me and we would do that.

One of the benefits of the small office is you get a lot of face contact and a lot time. And he's a principal that engaged with his

staff, you know, as often as he could.

Q So maybe we could use the December action memo just as an example for a second. Do you remember if you briefed the Under Secretary on the memo?

A Uh-huh. This is, of course, an action memo for him. So it would have been something that, you know, I checked and perhaps highlighted and then passed on to his desk. And there's nothing that comes to mind that was unusual discussion or prolonged discussion about this. He might have had a couple of questions that were then answered before he approved the memo, but nothing that stands out at all in my memory.

Q Okay. Can I ask you to walk me through. We've talked a lot about personal requests that come in from post and sort of how Ambassador Kennedy sort of handled some of those things. But maybe you can walk me through with a focus on specifically diplomatic security and requests for diplomatic security, how those requests were typically handled by the -- by the bureau and by, you know, M, I guess overall, broadly speaking.

A I really can't. Because diplomatic security would have -- you know, for example, it really would be in a -- somebody from diplomatic security would be in a better position to address the mechanics of that request.

Diplomatic security, because of the nature of that bureau, is, of course -- you know, oversees its agents in its own way, depending on whatever the bureau is, of course, and the nature of the function

of those agents, they'll do that. So, you know, the request came in from post. I know that diplomatic security was aware of the request. And unless there was -- there was an overarching issue for which I might have been in a conversation about, taking notes, that's not really a process that I would have been involved in, how they chose to respond to it and the manner in which they delegated it.

Q But the, sort of, that process and how they would have, I guess, the decision -- how the decisions were being made would have all happened within DS then basically?

A Largely within DS and, of course, the Under Secretary, you know, oversaw DS, in that chain of command. But it would have been compartmentalized within their -- within their bureau.

Q Okay.

A And understanding that diplomatic security, especially in the Near Eastern Affairs Bureau, had a very, very, very full plate, and does all over the world.

So, you know, last year, in the wake of the Arab Spring, this is something that, you know, they were dealing with on a day-to-day basis, not just for Libya, but research requests were coming in from all over the region.

Q Okay. And if there had been, say, a disagreement between post and DS about a personnel request or physical security request, how would that have been handled? Would that have been raised to -- would that something that would have been raised up to the ambassador's level?

A Not necessarily, no. And I would really like to clarify the word "disagreement." It really is not the case that post would send in a request and DS would say no. It was much more the case that post sends in the request and DS fulfills it, to the best of their ability, or discusses it, or discusses the nature of the request and handles it from there.

It really -- it's simply not how -- in my recollection that post would have such a -- would have such a different perspective from the parent bureau that the Under Secretary would not get involved. That's simply not done. Things are resolved, things are discussed, and then a solution is found to the problem, if there is one.

BY MS. SACHSMAN GROOMS:

Q If -- and I understand that you sort of said you don't have any recollection of this ever happening.

But if someone at post, the ambassador, say, decided that his needs were not being met by the diplomatic security leadership, could the ambassador have reached out to the Under Secretary?

A I mean, that is a really hypothetical question that I wouldn't want to speculate on. That simply didn't enter the framework of this topic.

BY MR. URIARTE:

Q Okay. Just to be clear, then, you don't have any recollection of any time that there was a sort of a disagreement or anything --

A No, no, no. There was -- I have no recollection at any point

in time that post was disagreeing or was at odds with how diplomatic security and how the Department at large was handling the requests and their needs. In fact, I would say that post was -- reiterated the fact that they felt they were being supported and heard and part of the discussion in a very, very positive way over and over again.

Q You mentioned earlier that your impression over time was that security was improving. And you said that was -- when you said that, you were specifically talking about the embassy and the compound in Benghazi. What was the basis for that understanding?

A I think just the general awareness as it grew over time in my, sort of, weekly discussions with both the department for which post was involved with. You know, the fact that they were making progress and enhancing their sort of security infrastructures as they were reporting back to us. The fact that we were sending more people, more TDYs, we were having more local engagement, and we were expanding our infrastructure that our timeline for the actual buildings, especially in Tripoli, was progressing. That we were getting bidders on posts, that people were excited to go there. I think these are all factors that play into the fact that post was progressing in a healthy and functional way.

If that hadn't been the case, if the situation I think had been, you know, for whatever reason deteriorating, then that would have been something that was highlighted for the consumption among the group to take to their superiors. And I think we would have seen a very different kind of cable coming in or different kinds of conversations

come in.

So, over time, it was small steps, it was incremental, but it certainly was, at least with regards to our embassy and our security posture, was improving over time.

And when -- you have to remember that when we reopened our embassy in September of '11, we just didn't know what it might be like. Of course, we were progressing as safely and securely as we could. But in those early days, especially after the fall of the Qadhafi regime, there was a lot of -- a lot of uncertainty.

So to have the flag fly, you know, in the third week in September and to have people engage with post and at post was considered a healthy sign.

BY MS. SACHSMAN GROOMS:

Q Those would have been weekly conversations with -- that the Near East bureau was having?

A They were certainly involved in those conversations. But there were a myriad of different officers and people at different levels on conference calls and speaking to each other.

In -- you know -- and the timing of those calls changed, depending on where we were through the year. They were much more frequent in fall. And as post operations were beginning to normalize and stabilize, they became, maybe not every day, maybe twice a week, and then maybe once a week. And, you know, okay, we're not going to do it this week because there's a local holiday and, you know, with the time difference. But whenever people needed -- whenever post needed

to reach back to the Department, it was available 24/7, and they knew that.

Q I just was a little unclear, though, who would be on the -- so post would be on a call with the Near East bureau person, and were you on some of those calls?

A Uh-huh. A typical call would involve, of course, the key -- key figures from post, would involve NEA-EX, would involve NEA, what we call the desk, would involve myself, perhaps Overseas Building Operations, perhaps HR. Really anyone that had equities that needed to be informed that needed to be part of that discussion. And that could change from week to week, but generally it was the same group of people as is noted on the clearance page for the action memo.

Q Would there be someone from DS on that also?

A Uh-huh.

Q Can you answer the question without --

A Yes, there would have been somebody from diplomatic security on the Washington end on that call.

BY MR. URIARTE:

Q But, to be clear, you were getting the information sort of directly from post?

A Sometimes. Yes.

Q I mean, at least on those calls.

A On those calls, yes. They were participating in the discussion simultaneous to their counterparts in D.C.

Q And who would be participating in that conversation from

post?

A It depended. You know, sometimes it was the RSO. More often than not, it was the RSO, in my recollection. In the early, sort of, months, it certainly was the deputy chief of missions would participate. Management would participate. We had a lot of people on TDY setting up our real estate, they would participate.

So it really depended on who we needed to be in the call and what -- how the nature of the conversation flowed.

Q Can we go back to Exhibit Number 2 just for a couple minutes?

What was the -- can you tell me again what the purpose of this action memo was, in your view?

A This is an action memo which puts forth two recommendations. One, to approve a continued U.S. presence in Benghazi and, two, to approve the release of what was then Villa A and retain Villas B and C for office and residential space.

Q And there was some discussion earlier about the fact that the memos, sort of, discusses the staffing situation for diplomatic security?

A Uh-huh.

Q Was this memo signing off on a specific sort of personnel structure for diplomatic security at the Benghazi post?

A No. This memo approved the two recommendations set forth with -- in the first recommendation, speaks to a combined footprint of 35 U.S. Government personnel in Benghazi, including eight State Department and USAID and two TDY beds. And the second recommendation

is about real estate.

Again, understanding that this was what post and the bureau decided at the time was needed and what they wanted, and that the Under Secretary approved the two recommendations knowing that implementation of the specifics was something that would be done as effectively and safely as possible.

But perhaps it wasn't possible to send all five agents at once. Perhaps there was a training issue, perhaps there is a -- it could be a lot of different things.

So while we understand that this -- this is -- these are the recommendations that the Under Secretary has signed on and this is the way forward, implementation of those specifics, especially the details that were discussed earlier, was something that would happen over time. It was a very fluid thing.

Q So would you say that the language that's included in here signifies that Ambassador Kennedy was -- thought in his best judgment that there should have been five TS agents at Benghazi?

A I think you'd have to speak to Under Secretary Kennedy about his, sort of, judgment on that. But this action memo very clearly says this is what post would like right now. And the Under Secretary is specific -- specifically approving the general U.S. presence in Benghazi to include the details and also whatever the situation of the real estate was.

It's -- what that says is that he -- he's read the memo, and he's aware of the resource requests that are in the memo and what post and

the bureau thinks is needed at that time, but this isn't a final, set-in-stone -- I mean, it would change and it would, as I said, it would be fluid depending on anything else that would come up or any other factors that might emerge from the non-out.

Q But, to be clear, he was just signing off on the two recommendations?

A He was approving the two recommendations.

Q During your time working with Ambassador Kennedy, did you ever have a concern that politics played any role in making decisions about security at embassies or compounds around the world?

A Could you be more specific about what you mean by "politics"?

Q Let me ask it again. During your time working for Ambassador Kennedy, did you ever of any concern that partisan politics, U.S. partisan politics, played a role in decision making when it came to security for embassies or compounds around the world?

A No. The decisions that were made were made with the information that was set forth. The question is -- is a little bit ambiguous to me, in the sense that the State Department is very non-partisan. And when it comes to the safety and security of our people there -- that would never have -- have played into any decision that was made there.

Not sure if I'm answering the question.

Q Yes.

Mr. Alexander. I'm not real clear on what the question was. Can you define further "partisan politics"?

Mr. Uriarte. She answered the question.

Mr. Alexander. Okay.

Mr. Uriarte. I think I got what I needed.

Ms. Sachsman Grooms. You can ask more questions about it or not.

Mr. Uriarte. I think I'm done.

Ms. Sachsman Grooms. Great. In that case.

Do you need a break?

Ms. [redacted]. I'm fine.

BY MR. ALEXANDER:

Q I'd like to switch to the topic of the mission of the consulate -- sorry -- the facility in Benghazi. Can you describe what that mission was?

A Describe the mission of the facility in Benghazi.

Q Right. You had earlier said that the mission was operating safely. I'd like you to describe what that mission was.

A Well, I think, you know, as Exhibit Number 2 pinpoints very clearly that the continued presence in Benghazi emphasized our interests in the eastern part of Libya. We had engaged there during the war. Ambassador Chris Stevens was our special envoy and had engaged with the Libyan people in a way that furthered our foreign policy there.

We continued to engage with foreign interlocutors that were based in Benghazi even though, of course, we reopened our embassy in Tripoli, and that became the thrust of our focus.

As with any mission overseas, it's tailored to the local

environment, but it is to engage with the host government and implement foreign policy as directed by Washington.

Q What particular services did it provide? For example, an embassy or a consulate will provide visa, that type of thing. What particular service did it provide?

A Benghazi did not have a consular section. Benghazi was an office that diplomats could work from, engaged with local interlocutors.

It was where we were known to work. But it was certainly not -- it didn't offer the full range of, as you noted, the services and offices that a normal embassy would.

Q There's been a lot of confusion out in the press as to exactly what we call that facility in Benghazi. And, you know, we've been -- it's been made clear to us from a number of individuals and also in the press that exactly was -- it was not a consulate or an embassy.

A No.

Q So what -- what was it? I mean, legally, diplomatically, how was that classified in the State Department?

A I really would turn to my colleagues in L to answer that question and to address that with regards to what the exact nature of the office was.

I understood it to be a special presence that allowed us to engage with foreign interlocutors in Benghazi.

Mr. Uriarte. Can I just ask a clarifying question?

You said in "L"? What did you mean?

Ms. [redacted]. I'm sorry, legal affairs.

Mr. Alexander. Does legal affairs know?

You're in legal affairs.

Mr. Dorosin. I am in legal affairs, but I am not here to provide answers to questions.

BY MR. ALEXANDER:

Q The facilities -- diplomatic facilities around the world are governed by a certain set of standards when it comes to security, physical security and the like. What particular set of standards applied to this special presence in Benghazi?

A Again, I would defer to my colleagues in legal affairs to specifically answer that.

Q Okay. Were you aware of any discussions about security standards?

A Specific discussions regarding security standards?

Q Right. Physical security standards.

A No, no, no, I wasn't aware of anything specific. No, I can't say that I was specifically aware of any discussions on the physical security standards in Benghazi. Despite its legal framework or despite its official name, I know that the security element to any mission, whether it was Benghazi or our embassy in Tripoli or anywhere in the world, is one that is considered force and foremost in order to achieve our mission.

Q Right. We're just trying to get a better understanding

exactly what those standards were.

A I think, then, both my colleagues in diplomatic security and L would be in a better position to specify, to specifically answer that question.

Q Were you a part of, or do you recall any conversations about whether the facility in Benghazi met security standards, such as collocation? Setback?

A Specific conversations, no, I can't speak to that.

Q Okay. Do you recall whether any waivers were issued for security standards for the facility in Benghazi?

A I think this would have definitely -- this conversation or these questions would have been asked and examined at a time prior to my arrival on M staff, because of the timing of the Benghazi setup, it was largely set up and there were people on the ground when I arrived, so I really can't speak to that.

Q Were there any waivers issued during the time that you were working for Ambassador Kennedy?

A If there were, I'm not specifically aware of them.

Q Okay. On other facilities, not having to do with Libya, did you ever -- I should say, were there any waivers issued for other facilities around the world while you were on that desk?

A There may have been waivers issued. And I can only recall one specific conversation which I was even sort of peripherally aware of the discussion of a waiver. And I really can't even recall if a waiver was actually issued for that place.

BY MR. BEATTIE:

Q What is Under Secretary Kennedy's role? What is the role of the Under Secretary for management in approving waivers and exceptions to OSPD, physical security standards?

A I really can't speak to that. That wasn't something that came across my desk, or that I was intimately involved in. I think -- I would submit that that's a conversation that he -- best had with both him and diplomatic security.

Q To your knowledge, he is or is not involved?

A To my knowledge -- that was not -- that wasn't a document that would have come across my desk for his signature. I really can't speak to that.

Q Are you familiar with OSPD's physical security standards?

A Not very well, no. If that question would have come to me, I would have been on the phone with diplomatic security.

Q Are you aware there is something called OSPD, physical security?

A Yes.

Q Could you briefly describe what it is that you know about that?

A My understanding of the OSPD standards is simply that they are standards by which we adhere to to ensure the safety and security of our personnel overseas.

Q And are those standards -- are there any exceptions that are ever made those standards?

A I understand that there are sometimes exceptions made to them, depending on what the local environment and situation is.

Q What do you understand about that?

A Specifically, sometimes it can be a question of the actual, physical arrangement of an embassy compound or a diplomatic facility and questions of setback. Again, this is -- if I were to engage in this discussion, it would be with a diplomatic security colleague to both guide me and walk me through the process.

Q Sure.

A It is such in the lane of diplomatic security that in -- granted, the modest amount of time I've had with the State Department, it's not something that I really ever had to engage with as management officer.

Q You mentioned that DS is involved with those standards. Is OBO also involved?

A Yes.

Q And where are DS and OBO situated in the organization of the State Department? Under what bureau?

A Under the Under Secretary for Management.

Q So any exceptions or waivers that are made to those standards, are they handled solely within DS and OBO or are they handled ever at a level higher than DS or OBO?

A I really don't know. I can't speak to that.

Q So, to your knowledge, you were never involved in any email or discussions or documentation related the waivers and exceptions to

OSPD, physical security standards, for Benghazi or Tripoli?

A It's not coming to my mind, no.

Q Not coming to your mind. Okay?

BY MR. ALEXANDER:

Q You did see one for another facility?

A Yes. But I didn't actually see the paperwork. I was part of a discussion in which a potential waiver was discussed. That's how peripheral, I mean, it was.

Mr. Alexander. Got it.

BY MR. PINTO:

Q You described the Benghazi post as a special presence. And I'm just trying to understand, is that a technical State Department classification, or is that -- you know, is that your understanding, you know, is that a term that's commonly used within the State Department? Would just be helpful to get, kind of, some background --

A Clarity. Certainly. I understand.

Q -- on that sort of classification, if you will.

A "Special presence" certainly can mean a lot of things. I think in ordinary day-to-day lingo, it indicates that it's unusual and it's unique. And Benghazi was unique. It was -- it was an office that we were working from in a very difficult environment, engaging on a very, very important foreign policy issue.

Because of that, there really is -- to my knowledge, the technical term surrounding Benghazi wasn't a part of our day-to-day discussions. We understood that there were people there that needed support and we

were providing it to the best of our ability.

The term "special presence" is not one that's used often. And it's certainly a very flexible term.

BY MR. ALEXANDER:

Q How many other special presences are you aware of?

A None at this time.

Q Okay.

BY MR. BEATTIE:

Q I'm sorry. This may be redundant, but just to be clear, what is a special presence, to your understanding?

A It is a unique situation that allows us to operate and engage based on the parameters of the mission.

Q How is that different from a typical presence or a normal presence?

A Well, a normal presence would be one that is an embassy or a consulate or, you know, set under the terms of being an embassy branch office perhaps.

Q And how does that sort of define -- how does one know that it's a normal embassy or a normal consulate? What is that exactly?

A Again, I would bring -- I would defer to my colleagues in legal affairs to speak to that specifically. To my knowledge, a normal embassy or consulate is one where we have established a diplomatic presence engaging with the host government and are there with their permissions and authorities.

Q What can you tell us about how the Department interacts with

the host government as it relates to establishing a normal presence?

A I think it -- again, it's an entirely flexible situation. It depends on who the host government is, the nature of the establishing a diplomatic presence, whether or not we've had a diplomatic presence in the country before, whether or not there has been a change in regime, what our foreign policy is.

It's a very complicated and broad question.

Q Sure. Surely there must be some standard -- obviously, it's different case-to-case. But typically what happens -- sort of -- we're sort of assuming there's, obviously, a difference between, for example, establishing a presence in Russia versus establishing a presence in Japan. We have different relationship.

But what is your understanding of -- of how one goes about -- how the Department goes about setting up -- do they -- are there -- are there letters exchanged between the Department and the head of the -- and the host government? Do you have any insight into how that process typically works?

A I don't think I could provide insight that is germane to this discussion.

It is, again, a very, very flexible, very dependent situation, both in time and location and administration. So that is a question that I think would be better served certainly by my colleagues in L and more senior foreign service personnel that certainly have more experience than I do.

Q Was there any interaction between the Department and the

government of Libya as it relates to either the new embassy in Tripoli and the Benghazi compound?

A Certainly. Yes.

Q Was what that?

A It had to do with a variety of different topics, from our real estate, from -- you know, the ongoing search to procure real estate for a more permanent embassy facility, to working with administrative interior officials for things like airport access, and certainly permits for -- for a variety of different things as we were setting up our platform. Management officers had engaged at many, many different levels with many different offices in the host country to do that.

BY MR. ALEXANDER:

Q How was this facility recognized by the government of Libya?

A Which facility?

Q Is the Benghazi compound.

A I can't speak to that.

Q Since it was a special presence, are you aware of any special accommodations or special recognition? Status?

A No. And I think it's important to note the context under which we were -- we were working in Benghazi with a very new government in the wake of a war.

Politically, we were there to engage, and we did. And Ambassador Stevens was a very recognized and appreciated figure in that context.

Anything further, as to what the nature of specific

communications would have been, I really can't speak to.

Q I'd like to move on to a different topic here.

Mr. Beattie. Before we move on, I don't want to muddy the issue by having to come back. Just a couple more questions on this line.

BY MR. BEATTIE:

Q Could you describe the difference between an interim and a temporary facility, to your knowledge?

A A temporary facility, to my knowledge, is one that we know has an end date. So, for example -- well, no, that -- we just -- we know that at some point in time, we no longer will be operating that facility.

An interim facility is very much the same. But it isn't that we plan on leaving that location, whether it's the city or the area or the town. We're simply moving to another property.

Q And what is the -- what is the sort of internal department process, particularly as it relates to the M bureau, defining of a particular facility or specifically the facilities in Libya as interim versus temporary? What is that process? Who is involved and how is that determination made?

A That is a large question, and it has a huge scope. There will be many, many bureaus involved in that. And it will rely very heavily on post input.

If, for example, we were in a temporary location and -- and directives changed or the situation changed so that we want to be more permanent, then we might start the process for that. And that

involves, again, a host of different bureaus, overseas building operations, diplomatic security, human resources.

But if I could maybe narrow the question down, I think --

Q What was Under Secretary Kennedy's role? Or what is the Under Secretary for M's role in establishing whether a facility is interim or temporary?

A That -- whether a facility is interim or temporary, I think, you know, he would be the person that an action memo would come to to establish a facility. That action memo would be the product of many people, including post and many surveys and sort of a lot of information that was discussed at many levels. And then in conjunction with, of course, what our policy is and what resources are available and how the Department will proceed.

It's a very, very fluid question.

Q Is embassy Tripoli --

BY MR. ALEXANDER:

Q I'm sorry. Can you give me an example of the many levels? Can you define "many levels"? You said discussions occurred at many levels. I'm trying to get a sense of --

A Let me give you a very concrete example. When we're looking for real estate overseas, there will be a site survey team, and there will be structural engineers and there will be real estate experts. And then we'll have somebody -- maybe some locally-engaged staff act as translators or bridges between us and administrator of the interior or private landlords.

Q Like here in Washington.

A Sure. Assessments are made. They are shared with Washington, they are shared with overseas building operations. Same time, they might be shared with M staff, the diplomatic security, with EX bureau of whatever geographical bureau this is located in. And this happen all the time; we're acquiring real estate and getting rid of real estate all the time.

So that would be a very much the working level.

And then from the working level, that would come to sort of the director level. The director level would then brief above to the assistant-secretary level and on and on. And this is all happening very much at the same time.

So finally, an action memo would come to either overseas building operations or the Under Secretary for Management, again, depending on the nature of the real estate and what is surrounding the particular situation. And a decision would be made, given all bureaus and their equities being represented. And in light of resource requests, especially for real estate.

BY MR. BEATTIE:

Q What is the status of Embassy Tripoli? Interim or temporary?

A Right now -- so we have an embassy in Tripoli. Our facilities, our people are housed and are working out of an interim embassy. That is not our permanent presence. Our permanent presence will hopefully be when we have a land agreement with the government

of Libya and construct a proper embassy facility. That will be our --

Q Is there a time frame for the current status of Embassy Tripoli?

A I don't know what it is at that time.

Q What about Benghazi, is it an interim or temporary facility?

A When I left M staff, my understanding was that that would be a temporary facility. And that was outlined in the action memo.

Q Sure. To your recollection, was there a meeting in December 2011 involving M and OBO and DS on the way forward for Embassy Tripoli?

A There would have been many meetings. Certainly not only in December, but we had -- we had weekly meetings, we had spontaneous coordination meetings. This was a subject that was constantly being discussed.

Q Did M produce a memo which said that Embassy Tripoli would operate for a period of time as an interim facility?

A When you say "M," the Under Secretary for Management or?

Q Either the bureau or the Under Secretary as the responsible official.

A So could you repeat the question?

Q Sure. Did M produce a memo which said that embassy Tripoli would operate for a period of time as an interim facility?

A So you want to know whether the Under Secretary approved an action memo that came to him that said we would be operating out of an interim facility in Tripoli?

Q Yeah. Was there any documentation --

A Yes.

Q -- related to that?

A Yes. Absolutely.

Mr. Beattie. Okay.

BY MR. ALEXANDER:

Q Yes. I would like to move on to the topic of normalization. Can you describe what "normalization" means?

A Could you specify that?

Q Could you define what "normalized" means?

Mr. Beattie. You actually referred to it earlier I think in the first round. You talked about normal presence, normalizing. I think we just wanted to follow up on that.

Ms. Sachsman Grooms. I think she used word "normal presence." I don't think she ever used the word "normalization"?

Mr. Beattie. We disagree.

Ms. Sachsman Grooms. I don't actually understand what "normalization" means at all.

Mr. Beattie. Yes. That's what we want to understand.

Ms. Sachsman Grooms. You guys tend to use it a lot.

Ms. [redacted]. With regards to our operations in Tripoli?

BY MR. ALEXANDER:

Q In general.

A Specifically with -- in general, with regards to our worldwide missions or?

Q What does the word "normalize" mean?

A Indeed. I think when we're looking at the word "normalize," it's very important to know the scale. And it's important to know relativity. So what is normal in Country X may or may not be normal in Country Y.

So we're constantly looking at, first, normal with regards to safety and security of our people. Normal with regards to are we able to achieve our mission. And that can mean a lot of different things at different points in time.

When we look for trends, we look for how engaged are we. We look for, outside of how safe and how healthy are people on the ground. But we look for how well is the mission being achieved? How capable are our officers of -- not capable, but how able are they to get out and do the work they need to do. And this is something that changes constantly, especially in Near Eastern affairs, where the local environment can be so volatile.

Q Okay. What does it -- what did it mean particularly with respect to Libya?

A That is a -- that's really a broad question. And I think to help you, I'd like to narrow that down, if you could.

Q Sure. Do you have a copy of the March 28th?

Mr. Beattie. Yes.

BY MR. ALEXANDER:

Q For example, March 28th cable, in the Summary and Action Request: "As Tripoli seeks to transition from emergency to normalized

security operations. Post and the RSO face a considerable workload in a constantly evolving environment.

What does "normalized" mean in the context of that sentence?

A That is a question best posed to the drafter of this cable. When I read that, I see it as post is trying to move towards a more -- move towards a model for operations that closely reflects many other posts in similar environments.

Having said that, that could mean a lot of different things, which is why I would defer to you diplomatic security.

Q Okay. Was there a plan for normalization in Libya?

A Again, I think that that's a question best posed to diplomatic security. This was something that was constantly being evaluated and discussed, both between post and Washington.

Q Okay.

A And it very much depended on what the local environments was and how that was changing.

Q Okay. Did you participate or are you aware of any specific conversations regarding normalization between Washington and post?

A Regarding normalization, no. I think that our conversations were about -- there was -- there's a general idea that, of course, post will be able to moved towards a more typical model at some point in time in the future where, as you know, families are able to accompany officers and we go to the local or American or international schools and we're able to live what we consider a normal life.

Of course, that wasn't the case in Tripoli.

So when we're talking normalized operations, it was with a very long vision that we would like to have our embassy in Tripoli be like embassies in normal environments. And we were a long way off from that.

Q Are you aware of any documents that described or discussed the plan for normalization in Libya as you've described it, a long-term plan normalization?

A There's, of course, political normalization. There's infrastructure development that supports that. Specifically are you referring to --

Q Let's just take normalized security operations.

A I'm not aware of a specific document, no.

Q What about political normalization?

A That is so dependent on the host government and what is happening, kind of outside of our very small frame of reference that I -- if we had a plan, it wasn't one that I was -- that I can recall.

Q Okay. Sorry. Just to follow up. Are you aware of any timeline for normalization, any document that describes a timeline for normalization?

A Again, could you specify "normalization"?

Q Sure. Political normalization, security normalization.

A No. And I -- I think it's important to be clear here. We certainly have general plans for something like infrastructure development, how we would like to set up the embassy, when we would like to acquire additional compounds, when we would like to set up our

med unit. These are all examples. Could be used anywhere.

That time line is incredibly dependent on what is happening in real-time on the ground at post. And it's a very flexible thing. So any document that there might have been that was created would generally have the caveat or certainly the internal understanding that this is a guideline, these are not deadlines. So this is how we would like to see things progress, this is our plan and our vision for evolution of facilities.

With regards to political normalization, that is an even more nebulous concept, because it is so dependent on things outside of our control as diplomats.

Mr. Alexander. Okay.

BY MR. BEATTIE:

Q Just for follow up on that real quick.

On the N-328 cable you have in front of you, when the talks in the summary about transitioning from the current MSD and SST based security model, what does that mean exactly, to your knowledge?

A I think you would be -- that question is best answered by diplomatic security. That is -- that is a very, very specific sentence that only a security professional could really speak to.

Q Do you know what an MSD is?

A Mobile security detachment.

Q What is that?

A Again, I would refer to you diplomatic security. The situation on the ground was very fluid. These are all trained agents.

But exactly in what capacity they were actually used I can't speak to.

Q So you know -- you know what the word means, but what does it -- do you know anything beyond what the acronym is? Are you familiar with what it is?

A Specific to this situation, no.

Q No, just in general.

A Well, again, it can mean a lot of different things in a lot of different posts, depending on how the RSO wants to manage their security program.

Q What is SST?

A The SST was the team deployed to Tripoli specifically to set up -- to assist with setting up operations. They reported to the chief of mission. They were a Department of Defense team comprised of -- and I can't give you the breakdown, but there was a medic, there were some communications people, physical security people, and explosive ordnance experts as well. Again, this was a -- this was a very unique solution to how to stabilize and secure our premises and people as we were setting up a new embassy.

Q What typically happens in a normal situation? Are there, to your knowledge, does something like an SST work at a normal embassy to provide security? You mentioned it was a unique situation. I'm wondering what normally happens, to your knowledge.

A Because each place and each situation is so unique, I can't speak to what normally happened anywhere.

I think that goes into the range of hypotheticals.

The SST was the solution implemented that best secured what we were doing in Tripoli. And it was -- it was an interagency collaboration. And, again, they reported to the chief of mission and worked very closely with the RSO.

Q At a normal post, is there ever a use made of local -- local employed staff?

A Certainly.

Q Or local guards?

A Local guards, yes.

Q Could you just describe that briefly, what that is.

A Again, different posts managed that in very different ways, depending on the size of post and what resources are available. But in many places around the world, we have local guard contracts that are managed and sort of implemented by the diplomatic security section, the RSO at post. And they can provide physical security for our premises, for our houses. In some countries, we have local security -- we have host nation security for our ambassador, and other countries -- it really, really depends. And that is a question that diplomatic security would be in a good position to answer.

Q And just back for the SST. How long were they in Libya, to your knowledge?

A They -- they arrived in September of 2011 and they were still there when I left M staff in July.

Q Okay. And were they -- you said they got there September and left in July. That's almost a year. Were they -- to your

knowledge, were they assigned there for a year?

A No. There were several extensions which took place during that year.

Q So how many extensions were there?

A Specifically, I believe -- and if I'm incorrect, please forgive me.

Q No, no. You can be incorrect. It's to your recollection.

A Three extensions.

Q To your recollection. Okay.

What was -- could you just describe what the process was for deciding that there would be an extension? And what would have been the involvement of Under Secretary Kennedy's office in that discussion?

A In that discussion, we would have requested Department of Defense support in the form of an Exec-Sec memorandum. And that Exec-Sec would have been cleared through the building after internally deliberating and deciding that an extension was warranted. It would have left the building and gone to the Department of Defense --

Q Would who have signed that Exec-Sec request?

A Final signature would have come from our Executive Secretary at the time, Steve Mull.

Q Sure. And would the Under Secretary of Management have signed off on it, or when you said he would have cleared the building, how does that work?

A The document would have cleared through the building in a similar fashion for an action memo. I would have cleared for M,

certainly, discussing the extension with him. And that was very much the case before it went to the Department of Defense.

BY MR. BEATTIE:

Q What were the discussions about extensions?

A The discussions centered around what the operating environment was at the time, whether or not an extension was warranted and necessary, what post input was, why they wanted the extension, you know, certainly what was happening in the broader scope of Libya and what was happening in terms of the progress of our compounds. And as post requested extensions, those were then taken up through the building and granted.

BY MR. ALEXANDER:

Q Now, when you say taken up through the building, can you tell us who approved?

A I can't specifically speak to who approved, but it would have been -- you know. The Exec Sec requires clearance. That is managed by actually a separate office in the Executive Secretariat in the Secretary's Bureau. So I would refer you to one of those special assistants or the Secretary's Bureau to actually speak to how that is specifically cleared.

That is a different process from the action memo, for example, for the Under Secretary, who I would have been as a staffer sort of the primary staffer, the last person to see it, to really corral it through the process, because, of course, it was my principal that was

making the decision.

Q So you don't know who cleared?

A I can't speak to that.

Q You don't know who signed off on the request at all?

A I mean, the Executive Secretary would have signed off on the final request.

Q Ultimately, but it has to go through a number of people to get to that level.

A Right. I can't speak to exactly who that was.

Q I am sorry, you could speak to your office though?

A Yes.

Q Were you part of that clearance process?

A Yes.

BY MR. BEATTIE:

Q When was the last extension granted for SST to be present in Libya. Was it April?

A The last extension. I can't recall with granularity.

Q About when. Was it spring? Was it summer? Was it fall?

A It would have been -- before I left, the last I recall was in spring.

Q And what were the specific discussions about that final extension that you recall?

A What I recall is that the discussions became less and less specific simply because post was beginning to operate -- post was, you know, the RSO had had sufficient amount of time on the ground and post

had been operating out of Tripoli for more than 6 months. So the extensions were -- there was nothing unusual about the discussion that I can recall, simply that post still required the extension of the SSTs. And it was fairly straightforward in its process. I can't even recall the exact date.

Q Sure. But what were the specific topics I guess or discussion about whether to extend or not? Was security a topic, for example?

A Certainly. It would have revolved around what the security at post was. It would have revolved around what our status with being able to train local guards was. It would have really relied on the RSO's assessment of making sure that post was operating in the safest manner possible.

Q Were there any objections that you recall that were raised either by Under Secretary Kennedy or any bureaus underneath him, any objections raised to granting that extension that you recall happened in the spring?

A No. I recalled no overt objections to any of the extensions.

Q It was an uncontroversial decision?

A Absolutely. It was very straightforward.

Q Do you recall any discussions about -- first of all, do you recall -- I think we may have asked you this, forgive me if we are repeating ourselves -- but do you recall how long that final extension was for? You mentioned it took it at least through, SST at least, through when you left, which was July?

A It would have been either 90 or 120 days, but I can't specifically recall which of those two numbers.

Q Sure. Okay. So you don't recall any objections or concerns raised. What about, was there any discussion that this would be, to your knowledge, would this have been the last extension, or was it your understanding that the post could continue to request extensions for as long as it needed, as it felt it needed?

A Thinking back to spring of this year, because we were -- that was ahead of government of Libya elections, which were due to take place that summer. That was a big factor in that particular extension. I can't speak to what would have -- we really -- from my perspective, we were looking at sort of extension to extension. We weren't looking at a much longer plan. That is not to say perhaps there wasn't one that I wasn't briefed on, but that particular extension was focused on the fact that there would be elections that summer. Anything after that, frankly, after sort of the third week of July, I would have, you know, deferred to whoever was replacing me.

Q Do you recall how SST, the actual -- what government department bore the cost of SST presence? Did State Department reimburse the Defense Department?

A They were deployed on a non-reimbursable basis, if I recall correctly.

Q Meaning what?

A Reimbursable basis.

Q What does that mean?

A Well, it means that we don't reimburse the Department of Defense for the costs incurred for them being there.

Q Okay. So the Department of Defense would bear the cost of the SST presence in Libya?

A However that was managed or mitigated. I really defer to my department.

Q The State Department didn't bear the cost?

A Again, that is not something I can specifically speak to, because how these costs are determined is a very complicated and nebulous thing to me.

Q But you remember it was a non-reimbursable --

A I remember that the Exec Sec said they will be deployed on a non-reimbursable basis. However, what that actually means, I am sorry, I can't really --

Q Do you recall any interaction between the Defense Department and Under Secretary Kennedy's office or with Under Secretary Kennedy directly about SST? Did the Defense Department weigh in to your recollection about the presence of SST there?

A Specific interactions, no. I think that -- there were interactions between the Under Secretary and colleagues at the Department of Defense. Who they were I can't speak to and what specifically was said I can't speak to. But given the nature of setting up our operations in Tripoli, that is an entirely reasonable thing to consider.

Q But you can't remember --

A Specifics, no.

Q You think it would be reasonable, but you can't recall?

A Right.

BY MR. ALEXANDER:

Q Do you know why the SST was not extended beyond August?

A No, I can't speak to that.

Q Okay. Are you aware of any requests to extend the SST beyond August?

A No, I am not aware of that, keeping in mind that I left my office in July and went on vacation and then to a completely non-secure facility. So my email changed. My access changed. I was not part of that discussion.

Q I understand that you left in the third week of July.

A Yes.

Q And the SST departed I think just a few weeks after that. So I would assume that a request would have been made prior to that or probably around that timeframe then.

A If there was one, I don't remember that, and I don't remember it before I left.

Q Okay.

A I know that they were there when I left the office. But, again, there was nothing -- there is nothing that comes to mind surrounding the SST and their future activities by the time I left M staff.

Q Okay. So you don't recall any conversations at all?

A No.

BY MR. BEATTIE:

Q Just real quick, I think I am almost done. I don't know about Tom. Just to go back to the Benghazi compound real quick, we were talking on the first round about the security situation on the ground there. Can you just again summarize what your recollection was of the security situation during your time in Benghazi? Was it good; was it poor, in your recollection?

A What I recall is that whatever the security situation was in Benghazi, and specifically I would defer to my colleagues in DS on that, but what I recall from our conversations was there was really -- the attention was being paid that was necessary to ensure the success and safety of the mission. There was nothing untoward from our conversations that flagged something for me or for our colleagues DS stateside or for NEA/EX that raised concern.

Specifically what that environment was, I can't speak to, but from my receiving end, I don't recall there being anything unusual or of such significant note that it would have created future discussion about specific resources or how we were going to implement.

Mr. Alexander. So the security assessments would not have triggered a subsequent conversation at your level?

Ms. [redacted]. No. No.

BY MR. BEATTIE:

Q Do you recall a bomb going off in April in Benghazi, a bombing of the facility in Benghazi? Do you recall that?

A Was this -- are you referring to the IED that hit the wall, because I thought that was June.

Q I was getting to that. Actually, there was an IED also in April. Do you recall that? You are correct, there was a bombing in June.

A I recall the IED incident in June with much more clarity than the one in April.

Q Sure. Okay. So you said you were aware of that. Was Under Secretary Kennedy aware of that?

A Uh-huh.

Q Did you ever have any -- were there any email or conversations about that?

A When something like this --

Mr. Pinto. Excuse me, you just need a verbal response.

Ms. [redacted]. Oh, did I say yes, or did I nod my head?

Mr. Pinto. You sort of said uh-huh. I am sorry to nitpick. I think he asked you --

BY MR. BEATTIE:

Q Just because he doesn't record the head nods. He is quite correct.

A Could you ask the question again?

Q Let me just start from the top. Do you recall a bombing at the Benghazi facility in June of 2012?

A I recall an incident in Benghazi in June of 2012, yes, where an IED hit the wall, I believe.

Q And to your recollection, was Under Secretary Kennedy aware of that bombing?

A Yes.

Q Did you have any discussions with him about that, or were you aware of discussions that were held with him about that bombing?

A Yes. When an incident like this occurs, which happens, unfortunately, with frequency overseas, we receive a spot report from diplomatic security, and I would have briefed him on that spot report and would have followed up with people at my level in diplomatic security to see what if anything else was needed to be done. Of course, he would have had conversations with higher ranking officials in diplomatic security. And once post assessment was complete and their evaluation or investigation was complete, the next steps, if any, that were needed would have been taken.

I don't recall that from any of the incidents in June there was action required on the part of certainly our office or even -- if there was action required on the part of diplomatic security in Washington, it didn't percolate to our level. It was something being dealt with within DS.

Q So there was no -- when you say "action required," from where does -- "action required," where does that originate from?

A It would really depend. More often than not, it comes from post. Post says, "in the wake of this event, we now require X," or "in the wake of this event" -- for example, what happened recently, not recently, but during the Arab Spring in Egypt is a prime example

of post going on drawdown -- "due to the events surrounding the volatility in the city, we evacuated our families." So there are many, many, many outcomes that could occur as a result of spot reporting events. But there was nothing that came out of the June spot reporting that required further action on the part of M staff.

Mr. Alexander. So just to be clear, all action required would have percolated up from the bottom, right?

Ms. [redacted]. Again, not necessarily. This is a very -- there are a lot of people that would have been made aware of that spot report or spot reporting as it was coming in, either through the Diplomatic Security Command Center or through our own operations center or from [redacted] via email to people in Washington or all three.

So my takeaway from those incidents was that post was handling it, that everyone was safe, that there had been no injuries, and that they were mitigating whatever outcome they needed to at post. There was nothing on the Washington end that I needed to be involved in.

BY MR. BEATTIE:

Q So you don't recall that Under Secretary Kennedy ever followed up on the June bombing with any action request or action required?

A No. Not -- other than further briefing and staying in touch and make sure -- you know, just being aware of the situation and anything that post might have needed as a result of that. But the spot reporting was very quick that I recall and then the post continued normal operations -- continued operations. I don't know to what extent they

halted movements or what steps they took at post, but, again, there was nothing that percolated to our attention that demanded more direct involvement or me sending out a tasker for an action memo to ensure next steps were taken.

Q You mentioned that you recall conversations with your counterparts in other parts of M or DS, for example. Who was your counter path at DS?

A There were several, again, depending on the nature of the issue. Specific to Tripoli, I worked very close which with DS/International Programs and Affairs, and there were several DS agents I worked with.

Q Did you typically interact with sort of your counterpart as a special assistants in these other --

A That was also another person I interacted with, and both Special Assistant to Assistant Secretary Boswell and his Executive Assistant.

Q And who is that?

A There were several special assistants, and the executive assistant was [redacted]. But, again, that really had to do with information sharing or spot reporting or if there were any follow-on questions, staff-to-staff engagement.

Q Sure. So do you recall any specific discussions you had with that individual about the security profile in Benghazi in general or as it relates to specific incidents like, for example, the June bombing?

A I recall an email exchange between myself and [redacted] where

she had a spot report from diplomatic security about the incident in June and had emailed it to me and a variety of other people as well. But that is exactly the kind of communication we would have had.

Q Sure. And what was the specific -- how would you characterize the specific discussions around, for example, the June IED bombing?

A Characterizing them is a little difficult. I think we would have been in touch. She would have updated me as new information came in either via email or via telephone call so that I could brief the Under Secretary and also be on the same page with working level staff in the event that any further action needed to be taken.

Q And what about the march cable request for additional DS resources. Did you ever have any specific discussions with any of your counterparts at DS about that request?

A Again, I don't recall specific discussions on this request. This was a cable that came in, in the standard form, in a normal way, and it was passed to the correct offices as far as I could see it, so it really didn't involve me reaching out further.

Q Can I ask you to just look at one more cable?

Mr. Pinto. We will mark this as Exhibit 4.

[[redacted] Exhibit No. 4
was marked for identification.]

BY MR. BEATTIE:

Q Just familiarize yourself with that. Take as much time as you want.

A All right.

Q This was sent July 9th. Was this before or after you left your position as Special Assistant to Under Secretary Kennedy?

A It was just prior to my departure, almost maybe two weeks prior to my departure from the office.

Q Do you recall seeing this cable when you were in that position?

A Specifically recall seeing this cable? No. This was, again, a cable very similar to March 28th outlining a summary and an action request. There was -- Diplomatic Security didn't reach out to me and say, please flag this for the Under Secretary or here is background for this cable. It was a cable that came in, again, during the summer transfer season.

Q So, to your knowledge, then, did Under Secretary Kennedy see this?

A He would have seen this.

Q He would have seen it.

A Or he would have -- perhaps he didn't see the cable itself, but I would have briefed him on it and said Tripoli has come in with a request for extension and kept it on his radar.

Q So you would have briefed him on this. But then do you remember seeing it?

A Specifically remember seeing it?

Q Yes.

A No, I don't specifically remember seeing it. But something

of this nature would be in a routine manner something that I would brief him, either myself or one of the other special assistants.

BY MR. ALEXANDER:

Q When you prepared for that briefing, did you pull the reference, the cables referenced, A through G?

A I don't recall doing that, no.

Q Okay. In the normal course of briefing, would you have done that?

A Not necessarily, no.

Mr. Beattie. That is it. That is all I have.

BY MR. URIARTE:

Q I just have like 2 minutes.

A Please.

Q I am just asking a couple questions. Just answer them to the best of your knowledge about the time you were with Ambassador Kennedy. To the best of your knowledge, did Ambassador Kennedy ever deny a request to extend the SST in Libya?

A No.

Q To the best of your knowledge, did Ambassador Kennedy ever deny a request for additional Diplomatic Security resources in Libya because he wanted to project a false sense of success of the mission in Libya?

A No. Not at all. No.

Mr. Beattie. I am sorry, if I could follow up on that real quick. He asked to your knowledge. Are you saying that you specifically

remember that he absolutely did not do those things, or are you just saying you don't recall?

Ms. [redacted]. Could you repeat the question one more time?

BY MR. URIARTE:

Q Sure. The second question was, to your knowledge, did Ambassador Kennedy ever deny a request for additional diplomatic security resources in Libya because he wanted to project a false sense of success of the mission in Libya?

A He absolutely did not do that. And there was -- absolutely no. No. That would never -- that never happened, and frankly, the safety and security of our personnel was paramount in everyone's minds. There was nothing that -- if a resource request was -- and I would also say that in my experience, resource requests weren't denied, they were simply addressed as effectively and in the capacity they could be at the time, keeping in mind that we have hundreds of posts all over the world and especially those in the Middle East were in constant demand of resources.

BY MR. ALEXANDER:

Q So it was a matter of prioritization, is that what you are saying?

A I wouldn't say that either. I think that to simply say it is a matter of prioritization narrows the field. But the Under Secretary, first of all, requests largely within Diplomatic Security are dealt with within Diplomatic Security. But he made his decisions considering the safety and security of our people on the ground and

would never have and did not make it with any kind of projection as to what the optic might have been or wasn't. He was totally, completely concerned with how our people were able to safely and effectively achieve their mission. We all were.

Q I just want to clarify one thing. The cable that I showed you earlier, I think it was Exhibit 3, June 25, regarding the security situation, was that something that Ambassador Kennedy saw?

A This is not a cable that I would have passed to him.

Q Okay. That is all I wanted to know.

A This is a cable, and I would like to clarify that, this is a cable that I would have read and been cognizant of to inform him as other decisions came about. But in terms of -- it is an excellent political reporting piece that doesn't necessarily address the structure of the management platform. So, in the scope of how I would brief him, I would say "an interesting cable on Libya's security situation has come in. This is what it says," and highlight it.

Q So he was briefed on the contents of it.

A He was briefed on the contents, yes.

BY MR. URIARTE:

Q Can I ask you just a quick follow-up question on that? What do you mean when you say that this wouldn't a cable that would address the specific infrastructure of management in Libya?

A So, for example, if I can compare the -- actually, there isn't a good comparison here. This isn't a cable that would eventually result in an action memo to the Under Secretary, as I would have seen

it, when it came in. I would look through something and say, would this require follow-on action that might be an action memo from him or an action memo from another M family bureau?

This is a cable that, again, gives very good background, gives very good analysis. It is something that is helpful for him to be aware of via his staffers, but it wouldn't require any follow-on action from our office. So it is not something that I would flag for him to read line by line.

Q And just to be clear, when you say "this," we are talking about the March 28th cable?

A I am talking about the June 25th cable, the cable that talks about Libya's security posture.

BY MR. BEATTIE:

Q If I can ask one last clarifying. When you would read these cables, would you typically read the Reftels also, or would you have already read them?

A Chances are I would have read them and remembered them. If I really didn't know or couldn't recall a Reftel or couldn't surmise what a Reftel had said, then I would go back and pull that.

Q Sure. And would that be included in your briefing in the context of when you briefed Under Secretary Kennedy about sort of the specific cable that had just come in, would you typically have also included a relevant briefing about the Reftels?

A Again, depending on the topic, I might have said that post -- there are several Reftels with regard to this. As you know,

it is an ongoing situation. I feel very compelled to say that the Under Secretary's continuous experience and knowledge was one that was hard for his staff to top. So chances were he knew more about the background than I would have ever been able to brief him on.

Q Do you recall specifically with the July 9th cable when you briefed him on that, did you include the Reftel as part of that briefing? Even just the content, if not the specific. I know she said not specifically, but did you include the information contained in the Reftels in your briefing when you synthesized that for him?

A Because these Reftels were definitely cables that would have come in when I was on M staff and would have seen and this was an ongoing discussion that we had repeatedly, this wasn't an issue that stagnated for long periods of time, I wouldn't have included the other cables. If I did refer to it, I don't remember it. Tripoli EAC, Emergency Action Committee, cables came in often. There was nothing unusual about this cable that would have warranted me pulling the other cables.

Q Did the department typically send response cables to cables such as this?

A Sometimes. I think that it is important to note that the department responded. Whether or not it came in a cable or a telephone conversation or an email, the requests or clarifications or action requests were definitely responded to, always. But it may or may not have been in a formal cable. It really depended on the nature of the action request. And sometimes, as a result of the action request, we might see an action memo to the Under Secretary as a way of formalizing

the process by which we moved forward.

Q Was there a response cable to the March 28th cable, do you recall?

A I don't recall if there was a response cable.

Q Was there a response cable in response to the July 9th cable, do you recall?

A I don't recall if there was a response cable to that either. No. I can't speak to that.

BY MS. SACHSMAN GROOMS:

Q I had a question about the aftermath of the June IED incident. You said that there weren't any sort of actions that you and M staff had to take. It is my understanding that there were a number of different actions that got taken and sort of approvals that went through, I guess, State headquarters on a variety of different things. So it just wasn't totally clear to me what level of things would come up to your attention versus others.

So, for example, the things I recall were light improvements that got made. I think they brought out somebody to fix the video equipment. They got more guards under the contract. Are those just all things that don't reach you, that was by the owner bureaus?

A I think this is a great question because it really highlights the complexity of how the department responds to information from post. And in the sense that certainly actions were taken in the wake of that incident, but they weren't actions that would have required the Under Secretary's direct attention. They really weren't actions that really

required his staff's attention in the sense that so much of it was local response to the incident. As you mentioned, lighting was improved, there was a repair to the wall, an emergency action committee was convened, assessments were made at post. And this information was then shared with the Department at various working levels.

But from the incident, you know, of course, once we ascertained that everybody was safe and no one was injured, the rest of it we simply let post deal with without -- you know, there is a fine balance between being supportive and interfering. So post knows that we are there for them when they need us, and there was nothing that came to my attention that was actionable for the Under Secretary.

Q I guess part of my question is, there are some things that I assume post needed I guess additional money for or additional info for under the contract, at least it was my understanding that they had reached back out to maybe DS headquarters or, I don't know --

A Sure. Overseas Building Operations would have been involved. Sure.

Q Are they all able to do those things without those actions coming up to the Under Secretary?

A Yes. Yes. Absolutely. The actions that come to the Under Secretary are very broad. They are such that the authority required to make those decisions really only rests with him. But, for example, if they need better floodlights or if they need monies to repair the wall, those are things that can be taken care of at much lower levels of authorization.

Mr. Alexander. That is it. Thank you so much for coming in.

[Whereupon, at 1:57 p.m., the interview was concluded.]

INTERVIEW OF GREGORY NATHAN HICKS

BEFORE THE

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, APRIL 11, 2013

APPEARANCES

FOR THE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

STEPHEN CASTOR, *Chief Counsel*
BRIEN A. BEATTIE, *Professional Staff Member*
JOHN OHLY, *Professional Staff Member*
JAMES LEWIS, *Senior Policy Adviser*
CHRIS KNAUER, *Minority Senior Investigator*
CARLOS FELIPE URIARTE, *Minority Counsel*

FOR MR. HICKS

VICTORIA TOENSING,
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Mr. Castor. Good morning.

This is a transcribed interview of Gregory Hicks conducted by the House Committee on Oversight and Government Reform. The interview has been requested by Chairman Issa as part of the committee's investigation into the terrorist attacks of September 11th and 12th of 2012 at U.S. facilities in Benghazi.

Would the witness please state your name for the record?

Mr. Hicks. My name is Gregory Nathan Hicks.

Mr. Castor. And you are joined here by your counsel.

Could you state your name for the record?

Ms. Toensing. Victoria Toensing.

Mr. Castor. Again, my name is Steve Castor. I am a lawyer with Mr. Issa's staff. And I am joined here today by some of my colleagues.

I will have everyone introduce themselves.

Mr. Beattie. Brien Beattie with the majority.

Mr. Ohly. John Ohly with the majority.

Mr. Knauer. And I am Chris Knauer with the minority.

Mr. Uriarte. I am Carlos Uriarte, counsel with the minority staff.

Mr. Lewis. James Lewis with the majority.

Mr. Castor. The way the questioning will proceed, majority staff will ask you questions for an hour. We like to keep it so there is one questioner, and so we are going to aim to do it that way.

At the end of the hour, we will physically switch around, not you, but the Democratic staff will come down. And you will get a chance

to get some water, talk to your counsel, that type of thing. And then we will do that for an hour, and we will proceed in those rounds throughout the morning here.

This interview is unclassified. So if a question calls for any information that you know to be classified, you can respond only with unclassified information. And if we need to have a classified session, that might be something we can arrange down the road.

An official reporter is here taking down everything you say, so we do ask you to give verbal responses as opposed to, you know, nods of the head and other gestures. Every now and then, we usually have to, you know, ask a witness or even sometimes the folks doing the questioning to say something verbally to replace a head nod.

We, of course, want you to answer our questions in the most complete and truthful manner possible. We are looking for your best and most complete recollection. And at any time if you don't understand a question, feel free to ask us to repeat it. We are going to try to ask simple questions, you know, without big preambles and so forth, so hopefully that will work.

If you don't know the answer to a question or you don't remember, it is certainly not good to guess. Just flag that to the best of your recollection you can tell us what you do recall.

And you understand you are required to answer questions before Congress truthfully?

Mr. Hicks. Yes. I need to say that out loud?

Mr. Castor. Yes.

Mr. Hicks. Yes.

Mr. Castor. And there is no reason today that you are unable to give us truthful answers. Is that correct?

Mr. Hicks. Not that I know of.

Mr. Castor. Okay. It is about 10:17. So we will go through our round here. Do you have any questions for me before we begin?

Mr. Hicks. No. I think I understand the process and procedures --

Mr. Castor. Okay.

Mr. Hicks. -- and how we will move forward.

EXAMINATION

BY MR. CASTOR:

Q Okay. The general topics we plan to cover today are, you know, what happened on September 11th and 12th, what happened immediately thereafter.

A Okay.

Q We, of course, are interested in your background. And we also are interested in some background of the lead-up to September 11th and 12th. And, you know, we might -- I would like to start with, you know, when you arrived in Libya as the Deputy Chief of Mission.

A Thank you, Steve.

I arrived on July 31st, 2012, to take over the position of Deputy Chief of Mission at U.S. Embassy Tripoli. And, surprisingly, I was met at the airport by Ambassador Stevens himself and rode back to the residential compound with him.

I was selected in February of 2010 by Assistant Secretary Jeff Feltman to be Deputy Chief of Mission in Embassy Tripoli. And, at that time, I was deputy director of the Office of Investment Affairs in the Bureau of Economic and Business Affairs at the State Department. And in the coming months, I participated in the administration's development of its policy approach to a successful revolution in Libya.

And in September of 2010, I began Arabic training, a 1-year refresher course to bring my Arabic proficiency up to 3/3, which is professional level in the State Department grading. And I passed on June 1st, 2012, with that proficiency.

Q That comes at some cost to the State Department, does it not?

A It's very expensive to -- you know, it's not only my salary that is being paid, which is in Washington $155,000 a year, but also the salaries of the instructors, the rent, if you will, on the facilities at the Foreign Service Institute, or the National Foreign Affairs Training Center, which is its official name.

And so, yes, there is a substantial cost to -- there was a substantial cost to preparing me to be Deputy Chief of Mission in Tripoli.

Q Substantial investment by the State Department?

A Substantial investment, yes, sir.

Q And in your experience with the State Department, they don't make that type of investment lightly, do they?

A No, they do not. You know, I was assigned to be a Deputy

Chief of Mission in Tripoli for 3 years, and I was expected to complete that assignment.

Note that when I accepted the job, it was pre-revolution. Tripoli, at that time, was an accompanied post. So I had every expectation that [redacted] would accompany me to Tripoli and be with me there. Obviously, with the commencement of the revolution, the evacuation of our embassy, and eventually the return of our embassy to Tripoli, circumstances had changed, and the assignment became unaccompanied.

Q Now, the mission in Benghazi, was there a plan to make that a permanent mission?

A I met with Chris, Ambassador Stevens -- I may refer to him as Chris, and if I say Chris, that's who I am referring to -- after his confirmation. And he was, of course, very excited. And we talked about our plans for moving forward, you know, particularly our hope that we could normalize the mission and bring families back to, you know, to Tripoli in the summer of -- actually, this coming summer, 2013.

One of the things he said to me was that, in his exit interview with Secretary Clinton, she expressed the hope that we could make the special mission in Benghazi a permanent constituent post. And Chris said that one of the first things he intended to do after his arrival was develop a proposal to move forward on that project.

Timing was important in this, because we knew that in that particular fiscal year, which was I think 2012, fiscal year 2012, ending September 30th of 2012, we would probably be able to have the resources

to do it. We could obligate the money to do that.

When I arrived on July 31st, I was surprised that the cable had not gone to Washington at that time. And I asked Chris about it, and he said just that things had been much busier than he expected.

And I basically said, well, we will -- you know, a friend of mine, a longtime friend of mine, at the time was principal officer in Benghazi. His name was [redacted], one of the finest professional officers I know in the Foreign Service. And I told Chris that I would work with [redacted] to get the project started.

Chris also asked me to contact our Deputy Chief of Mission in Cairo, because they had just reactivated the consulate general in Alexandria, and to ask him what process they used to make that a reality.

Q So is it fair to say that both you and the Ambassador were working very hard when you arrived in Libya to make the Benghazi mission a permanent facility?

A Yes. There was a clear policy imperative for us to be in Benghazi.

Q And the Ambassador, did he travel to Benghazi or did he plan to travel to Benghazi with any frequency between the time you arrived and the time of the attacks?

A No. But, as you know, there was a deep fondness in his heart for Benghazi and for his experiences there during the revolution. And he knew many of the people there, and, of course, the people of Benghazi knew him and admired him for his role in saving their city from probable genocide at the hands of Qadhafi.

So he very much wanted to get back to Benghazi, but he had not been able to go since his own arrival in Tripoli in May, if I recall correctly.

Q So, finally, when he was able to go in September, was that something that he was looking forward to?

A Absolutely. He was very much looking forward to it.

And, of course, I mean, you know, the reason he went is we had a gap in coverage in the Principal Officer position there for the first 2 weeks in September. [redacted] left at the end of August, and the new Principal Officer was not arriving until -- scheduled to arrive until September 15th or thereabouts.

And so when -- over Eid al-Fitr, which was in the middle of August, Chris went to AFRICOM in Stuttgart to try to work out an operable relationship with AFRICOM going forward. So he wanted to sit down with General Ham, at that time, and come to a modus vivendi on how we were going to be working together. From the day I arrived until those meetings in Stuttgart, our relationship with AFRICOM had been tense.

Q Now, let me just jump in here. What is the background for that? Was there something going on with the security --

A Yes.

Q -- for the -- maybe you could walk us through the SST issue.

A Right. I arrived on July 31st. On August 1st, we are notified that the SST is being transferred -- the authority governing the SST is being transferred from Title XXII, which is the Ambassador's authority, to Title X, [redacted]

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[redacted].

Q So under Title XXII, the Chief of Mission had authority --

A Right.

Q -- over military personnel for the --

A And the mission is changing from protecting us to the mission [redacted].

Q And did the Ambassador support that decision?

A The Ambassador was deeply troubled by the timing of the decision, and he was deeply troubled by the fact that he had not been consulted about the decision.

Q The personnel on the SST, I mean, these are highly trained --

A They are Special Operations.

Q -- Special Operations --

A Right.

Q -- folks.

A They were detailed to us from SOCAFRICA, Special Operations Command Africa.

Q When the Ambassador moved around Libya, especially, you know, over to Benghazi for his trip, what type of security did he have?

A Well, again, the decision to transfer authority -- I mean, it is a long story, if you have time.

The decision to transfer authority took effect on August 4th after a very contentious secret video teleconference discussion between the Ambassador and AFRICOM staff that I believe took place on August 2nd,

if I remember correctly. I was a witness to that, as well as [redacted] and [redacted] and others of the staff at the embassy.

On August 6th, two of the SST members were transiting in very early hours [redacted], and they were ambushed by carjackers. They were in a soft-skin vehicle, so it was a highly threatening situation. One of the attackers -- one of the attackers had an AK-47. The guys evaded the attempted carjacking, although there was an exchange of gunfire.

Backing up, it's important to understand that when the SST was assigned to Tripoli under Title XXII, Chief of Mission authority, they received diplomatic immunity. Once authority was transferred to Title X, that diplomatic immunity ceased to exist. General Ham issued a waiver of force protection requirements for them to stay in Tripoli.

Now, I mean, we all saw what happened in Pakistan with -- I am sorry, I can't remember his name, but, you know, he killed two Pakistanis. It became a huge diplomatic incident. Chris and I were extraordinarily concerned that something like that could happen to the SST in Tripoli.

We had also witnessed in Libya itself the abduction of the ICC team sent down to talk to Saif al-Islam al-Qadhafi. When they went to Zintan to see him, they were held there, and the government had a tremendous difficulty in negotiating the release of those people because they didn't have diplomatic status.

So we proposed to rectify the situation with the SST by officially

informing the Government of Libya of the change in their mission and to request that they be given diplomatic immunity equivalent to administrative and technical staff. And we submitted a diplomatic note to that effect.

However, because of the attack, AFRICOM was concerned about the security situation --

Ms. Toensing. You are talking about the earlier attack, not the 9/11.

Mr. Hicks. No, I am talking about the August 6th attack.

Ms. Toensing. To be clear for the record.

Mr. Hicks. Yes. Thank you.

The August 6th attack, or incident, if you will, AFRICOM decided to draw down the SST team from 16 members to 6. Chris concurred in that decision because he didn't really feel like he had, you know, much leverage other than that. And so [redacted] and nine other members of the team left -- he may have discussed this -- in mid-August.

Full expectation was that when we, as the embassy, and working with the Defense Attache, [redacted]. So they left. So we have at the time, then, six members of the SST left, divided in two different locations, four and two. But they are still under AFRICOM authority.

General Ham issued a letter after the negotiation in Stuttgart

over Eid al-Fitr describing the relationship of the SST to the embassy going forward. I honestly cannot remember whether the contents of that letter are classified or not. I know it was transmitted to us over classified communications. But it was not Chief of Mission authority, I can tell you that. They were not told that they were under the authority of the Ambassador with respect to security, although they were told to cooperate -- I believe it told them to cooperate with the RSO for internal defense matters, if I remember correctly. Sorry.

Mr. Lewis. Further details in that letter are classified.

Mr. Hicks. Okay.

Mr. Lewis. You are correct. And you have described it in the proper form. But further details within that are classified.

Mr. Hicks. Okay. I didn't want to go any further. I just wanted to characterize that the relationship -- that there was an important point with respect to the relationship and the command structure here which becomes important later on.

Okay. So, meanwhile, when I arrived on July 31st, we had about -- we had the 16 members of the SST and we had about 14 or so State security personnel, who were divided between either special agents or MSD, members of the mobile security detail teams.

Through August, the MSD personnel are withdrawn until, by August 31st, the complement -- the security complement in Libya at the time was: In Tripoli is an RSO plus 5 assistant regional security officers protecting approximately 28 diplomatic personnel. And in Benghazi we have three DS special agents protecting two State

Department personnel in our facilities.

So the answer to your question, that was our -- we had nine people to draw from when Chris decided -- you know, [redacted] is chosen to be Acting Principal Officer for the first week in September. And he goes to Benghazi and is there with three Diplomatic Security special agents, all of whom are brand-new to the service and on temporary duty assignment.

So when Chris goes to Benghazi on the 10th of September, [redacted], the RSO, assigns two of our personnel in Benghazi to go with him. So he has -- now we have, on the morning of September 11th, when [redacted] flies back to Tripoli, we now have five Diplomatic Security special agents protecting the Ambassador and Sean Smith. In Tripoli, we have four -- we have a regional security officer and three assistant regional security officers to protect 28 diplomatic personnel.

BY MR. CASTOR:

Q The highly trained Special Forces personnel were not with the Ambassador in --

A No, they were not. You know, they were not under his authority, so, you know, he couldn't tell them to go with him.

And on top of that, I mean, they do provide a functional -- you know, functional reserve if our facilities were attacked. So if you take them with him, then you have -- you know, if you look at the balance of forces at our compound -- and there were serious, serious security concerns related to the place that we lived. The physical security

there was, you know, not anywhere near where it should be. You know, incomplete perimeter walls, you know, I can go on and on and on.

If you take those guys with him -- and one of them had a broken foot, by the way -- if you take them with the Ambassador, then we are even more exposed in Tripoli and it is a bigger target. So, you know, the decision was made by the Ambassador and by the Regional Security Officer to dispose the security personnel we had in this manner.

Q Was there a plan for the Secretary to visit Libya in 2012?

A It was our understanding that the Secretary intended to visit Libya. In an email exchange with a friend of mine who is on the Executive Secretariat staff -- he is the Deputy Executive Secretary -- he indicated that there was some thought about the possibility of her coming to visit Tripoli in December. And, of course, Chris and I became immediately excited because we were -- you know, we went, "Oh, deliverable, Benghazi." And so we really accelerated our work towards making that a reality.

At the same time, you know, in late August, [redacted] and I are working on -- we have been tasked now formally -- no, not formally, but tasked with producing a policy justification for making the constituent post in Benghazi permanent. And [redacted] and -- at the same time, our management people [redacted] are talking about how we combine the two facilities in Benghazi into one facility. And we are, you know, in advanced architectural planning at this point in time, looking at sites and creating designs, all of which are classified, but I just

want to clarify that this is what was going on.

At the same time, in late August, before Chris went to Sweden, we had a discussion of our small security team about moving forward on Benghazi. The Regional Security Officer raised concerns, and legitimate concerns. The facilities in Benghazi were not up to snuff. I think Chris interpreted the issues that [redacted] raised as being as opposing moving forward with the proposal.

We settled it, in that we would move forward with the policy justification, we would move forward with the architectural work, and that [redacted] would then move forward with the security assessment of what we would need to make a unified permanent constituent post as safe as possible.

Q For the Secretary's --

A [redacted]. Sorry. [redacted] is Regional Security Officer in Tripoli.

Q For the Secretary's visit, or proposed visit, in -- was it December 2012 that you --

A "Notional" I think is the right word.

Q Was there ever any thought that she might visit Benghazi?

A It was way too early --

Q Okay.

A -- to even consider that. We were just hoping to move -- you know, we knew we were looking at -- you know, we are now at the end of August. And I believe I transmitted the policy justification to Washington on August 31st. You know, we are only a

month from the end of the fiscal year, so we have to get a -- or, we have to help Washington, the executive director's office of the Near East Bureau to put together a package to get it to Pat Kennedy for a decision by September 30th. Otherwise, we lose the money. Because we had surplus money available from Iraq -- I can't remember, Iraq contingency fund I think -- that had been notified by Pat Kennedy for transfer from Iraq -- it wasn't going to get spent in Iraq, and so we were going to spend it in Libya and in Benghazi. But we had to get the justification forward to do that.

I hope that answers the question.

Q It does. Thank you.

A So, anyway, we had been told by the desk about the prospective visit of the -- "the desk" is the Maghreb desk of Bureau of Near Eastern Affairs -- about the prospective visit of the Secretary. And, you know, I had tried to verify it with my friend who is the Deputy Executive Secretary.

Q Uh-huh.

Turning now to the events of September 11th, when did you first become aware that there was an attack on the mission in Benghazi?

A 9:45 p.m. Tripoli time.

Q And, at this point, you are the -- after the Ambassador, you are the senior-most U.S. official on the ground in Libya. Is that correct?

A Yes.

Q So, in absence of the Ambassador, you are the --

A Yes.

Q -- the senior-most person?

A Right.

Q So at 9:45 you are in Tripoli?

A Yes.

Q How did you learn about the attack?

A I was watching television in my residence, and [redacted], the Regional Security Officer, ran into my residence yelling, "Greg, Greg, the consulate's under attack."

I jumped up and reached into my phone, at the same time tried to connect with [redacted], which I did not do. He ran out immediately after telling this, yelling this. And I looked at my phone, and I saw two missed phone calls, one from a number I did not recognize and the second from the Ambassador's telephone.

I punched the number that I did not recognize and called it back, to call it back, and I got Chris on the line. And he said, "Greg, we are under attack." And I am walking outside, trying to get outside, because we have notoriously bad cell phone connectivity at our residence, and usually it's better outside. So I say, my response is, "Okay," and I am about to say something else, and the line clicks.

I try to reach him back on the -- I begin walking immediately to our tactical operations center, because I knew that everybody would be gathering there, and I could then also summon everybody that needed to be at the -- to begin the process of responding. And I am trying to call back on those numbers to reconnect, and not getting -- either

not getting a signal or not getting a response.

Q And did you ever make a connection with the Ambassador again?

A No. I never did.

Q That was the last you spoke to him?

A That was the last I spoke to him.

Q And so then what did you do?

A I went to the tactical operations center to find [redacted] and learn what he knew. And he told me the consulate was under attack, that there were 20 people in the -- had entered the mission.

I called the [redacted] to find out what he knew and to find out what he was doing in terms of mobilizing a quick reaction force. Because that was the response plan, that the [redacted] in Benghazi would mobilize and move to reinforce and rescue our personnel at our facility. And he said, yes, they are mobilizing, and that he was working on a methodology to get people from Tripoli to Benghazi, as well.

I then called the two officials in the government that I knew, the chief of staff of the President and the chief of staff --

Ms. Toensing. The Libyan Government, for the record.

Mr. Hicks. Libyan Government -- and the chief of staff of the Prime Minister and told them our facilities were under attack in Benghazi, please mobilize a response, we need your help.

BY MR. CASTOR:

Q And would you characterize your relationship with the Libyans as a good relationship?

A I had met the chief of staff of the President on September 5th when I went with Chris to see President Magarief on the day that the intelligence -- Senussi was brought back to Libya. And Chris actually flew in from -- flew in from Sweden on the same day. So I had met him once and, fortunately, had gotten his card and telephone number on that day.

Q You certainly had enough of a relationship that you knew who to call?

A I knew who to call. You know, again, the chief of staff of the Prime Minister's office I actually had not met yet. But I had his -- I knew who he was, I had his phone number, and so I called him, as well, trying to mobilize.

I also called the director of the Americas Desk at the Ministry of Foreign Affairs.

And then after that I called Washington, informed them of the attack. This was about 10:00 p.m., I think. There is a record. I called the ops center, informed them of the attack and informed them of what we were doing to respond to the attack.

Q And as the DCM, had you been briefed on what military assets were available?

A No.

Q Because you were the senior-most U.S. official on the ground, what types of assets did you have the authority to engage?

A Authority to engage? Working with [redacted], they had security teams in country for their facilities. And our basic response to a

situation was -- to these situations were, you know, if we have advance warning -- the response to Benghazi was, if advance warning, if clear opportunity exists, our guys were supposed to run to the [redacted] facility. They were supposed to get in their cars, in their armored vehicles, and escape. They were not supposed to stay there.

If no advance warning, if there was an attack, [redacted] would mobilize their team of, if I recall correctly, seven people to respond to -- and provide assistance, rescue and reinforcement.

We had the same basic concept in Tripoli, but more complicated because the numbers were much larger. You know, we are talking, at my place in Tripoli we have [redacted] people, and similar numbers at the [redacted] annex.

Q So, at this point, you are talking to Washington, you are talking to your RSO [redacted], you are talking to [redacted]. Are you talking to the Defense Attache?

A The Defense Attache is there, and he is immediately on the phone to Ministry of Defense and to chief of staff of the Libyan Armed Forces. He also notifies Joint Staff and AFRICOM. Our SOCAFRICA lead, [redacted], connects with SOCAFRICA in Stuttgart, as well. And, obviously, [redacted] is also connected back home.

Q Was there ever any thought at that time of the night to have an F-16, you know, fly over?

A I called -- when we knew that -- I talked with the Defense Attache, [redacted], and I asked him, "Is there anything coming?" And he said that the nearest fighter planes were

Aviano, that he had been told that it would take 2 to 3 hours to get them airborne, but that there were no tanker assets near enough to support a flight from Aviano.

Q And how long is the flight from Aviano to Benghazi?

A I don't know.

Q Thirty minutes?

A No, it is much greater. Aviano is in northern Italy. It is by Milan.

Q So how long do you think?

A Probably 90.

Q Ninety minutes?

A At most. Maybe. I have no idea. That's way beyond my skill set.

Q So if they had been able to fly down, it would have been --

A Or maybe it -- and it could have been the 2 to 3 hours was, you know, warm the planes up and get them airborne and get them to Benghazi.

Q Airborne by midnight, and they would have been --

A Yeah.

Q -- maybe down there by 1:30, 2:00 in the morning?

A Maybe. I have no idea. Again, that's way beyond my expertise.

Q So let's pick up your recollection from there. Are we about 10:00, 10:15 at this point, where you are having -- you are communicating with these various --

A Yeah, roughly. Roughly.

Q And then what do you recall?

A I recall they are not --

Q Do the personnel begin -- you know, the U.S. personnel in Tripoli, do they begin the process of traveling to Benghazi?

A No, because, obviously, the [redacted] is working that on his own. You know, you have seen the -- he was working to charter an aircraft to move a -- oh, okay. Sorry. We were working to move -- we were seeking to -- yeah, anyway.

Can I get clarification?

Mr. Lewis. Don't attempt to describe what the [redacted] was trying to do within his separate framework because of the manifestation of how that would have been reported, et cetera.

Mr. Hicks. Right. Okay. I am just kind of trying to work my way through what is public record.

BY MR. CASTOR:

Q Let me just back up. You know, the people under your authority, was there anybody under your authority in Tripoli that was planning to go to Benghazi? Did you have anyone under your authority?

A No one from the residential compound where I was located was going to Benghazi, was planning to go to Benghazi or --

Mr. Lewis. Qualify. Everyone in Tripoli is under your authority at this moment.

Mr. Hicks. Yes.

Mr. Lewis. But --

Mr. Hicks. Because, at this point in time -- yeah, this is -- at this time, you know, Chris is, so far as we know, in Villa C in Benghazi under attack. We believe the villa is on fire. We are seeing -- you know, our LES public affairs staff are monitoring social media sites in Libya, relaying that information back to our public affairs officers. And they are, you know -- so we know what's going on.

I have not reached Chris again, despite continuing attempts to do so. And we are, of course, at this time, as concerned for our own safety as we are for our colleagues in Benghazi. So [redacted] staff, [redacted] staff has called in our local armed guard group to augment our ability to defend ourselves at the residential compound.

But, you know, again, 28 people protected by 4, plus now maybe 8 Libyans in addition, you know, we are going -- we are kind of frozen in place, in terms of mobilizing any kind of a response.

BY MR. CASTOR:

Q You had earlier said that there were 16 members of the SST and that had been drawn down to 6.

A Yes.

Q Were those highly trained Special Operations --

A Absolutely.

Q -- folks, were they able to get to Benghazi?

A The --

Mr. Lewis. Does SST exist at this time?

Mr. Hicks. Actually, not. It doesn't. [redacted]

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BY MR. CASTOR:

Q Was there an effort by the Defense Attache and AFRICOM to --

A In the public record, if I recall correctly, an airplane is chartered, and seven members of the mission fly on that plane to Benghazi. They leave at about midnight and arrive in Benghazi about 1:00, 1:15.

Q What time was the second attack?

A 5:15 a.m.

Q So the first attack was right around 9:45 p.m.?

A Uh-huh. Well, actually there are three attacks. There are three attacks.

Q Okay.

A There is the attack on the consulate, the initial attack.

Q Uh-huh. What time was that?

A That's 9:40. The first response team from the [redacted] facility manages to chase the first wave of attackers out of the compound and provides rescue of the five ARSOs. Together, they make repeated attempts to rescue the Ambassador and Sean, who are believed to be trapped in the burning Villa C. They recover Sean's body, but they are not able to find the Ambassador.

And, remember, this is a petroleum-based fire, so the volume -- and you've got -- it's burning furniture and wood that's soaked in creosote and furniture that's made from petroleum-based products. So it's compounding. You've got heavy, heavy black smoke. And I talked to one of our physicians afterwards, and he noted that,

you know, a petroleum-based fire of this type, the smoke is heavily, heavily laced with cyanide gas. So it's incredibly dangerous to be trying to go work your way through this smoke. You know, one breath, one full breath of this stuff will kill you. Yet multiple members of this team try to get into this building and rescue the Ambassador.

They discern that a second wave of attackers is coming back to the facility, and they decide to withdraw, that their position is no longer tenable. As the public record states, our team, with Sean's body, attempt to leave first. They are ambushed and put under heavy fire, heavy machine gun fire, possibly grenades. But they manage to -- the vehicle holds up, and they manage to get back to the [redacted] compound.

Soon thereafter --

Ms. Toensing. Do you know about what time that was?

Mr. Hicks. It was around 11:00 or shortly thereafter, 11:30. Between 11:00 --

BY MR. CASTOR:

Q So that's the second attack?

A By 11:30 -- I believe by about 11:30 all of our personnel have reached the [redacted] compound.

Now, the second attack -- there is a second attack, follow-on attack. And that's when the looting begins, and that's when we have the midnight -- you know, the YouTube showing that the Ambassador -- posted later, obviously, but the day time is about midnight on the YouTube page as we see them taking the Ambassador's

body out of the building. And, you know, you hear them saying in Arabic, "He's still alive, he's still alive," on the YouTube video.

But the [redacted] facility is attacked, is under fire from about 11:30 to about 1:00 a.m.

Q So you had mentioned that the first team from Tripoli to Benghazi arrived at 1:15?

A Right.

Q And was there a second team that was --

A Yes.

Q -- organized? Could you tell us about the second team?

A Right. The second team -- the Defense Attache worked assiduously all night long to try to get the Libyan military to respond in some way. Early in the morning -- sorry, after we were formally notified by the Prime Minister, who called me, that Chris had passed, the Libyan military agreed to fly their C-130 to Benghazi and carry additional personnel to Benghazi as reinforcements. Because we -- at that time, at that time, the third attack, the mortar attack at 5:15, had not yet occurred, if I remember correctly.

Q So what time did the second rescue team --

A Well, again, they flew -- I think that flight took off sometime between 6:00 and 6:30 a.m.

Q At that point, you are the Chief of Mission?

A Yeah, I'm Chief of Mission effective 3:00 a.m.

Q Do you recall whether there were any military personnel on that flight?

A We had evacuated from our facilities. As soon as we knew the Ambassador had passed, we pulled all our staff together and said, we have to leave this place and we have to consolidate at [redacted] facilities in Tripoli for safety reasons. Because we intended to send our four SOCAFRICA people who resided on our compound, on the State residential compound, to Benghazi as reinforcements.

When the first team landed in Tripoli and stayed at the airport as we tried to figure out where they should go and to also waiting for the Libyan Government to provide them with transportation --

Mr. Lewis. In Tripoli?

Mr. Hicks. Sorry, in Benghazi. Excuse me, Team Tripoli. Let's call them Team Tripoli. Team Tripoli arrived about 1:15 in Benghazi. They were stuck at the airport because they had no ground transportation. [redacted] Tripoli, [redacted] Benghazi, and the DAT were working the phones to try to get transportation and reinforcements so that they could move.

When they arrived, it looked like we were going to be sending them on a rescue mission, on a hostage rescue mission, because so far as we knew, the Ambassador was alive and possibly at a hospital. That hospital is -- excuse me, the name doesn't -- I don't recall the name of the hospital.

But we knew that that hospital was protected under the aegis of the Ansar al-Sharia militia. We had seen Twitter feeds in the night claiming that Ansar al-Sharia was responsible for the attack on the consulate. So we expected that any kind of hostage effort, hostage

rescue effort at that hospital was going to be challenging without other Libyan support.

And the vehicles and Libyan support that finally showed at the airport, they did not appear until after the Prime Minister notified me of Chris's passing.

BY MR. CASTOR:

Q Let me just go back to the -- when the second rescue team was being organized, they had a search and rescue component. Were there medical personnel in that group?

A Yes. Glen Doherty was a member of that group, and he was a trained medical person.

Q Now, did any of the Special Forces folks, were they planning at any time to travel on that second aircraft?

A On the second, on the C-130?

Q Yes.

A Yes. We fully intended for those guys to go, because we had already essentially stripped ourselves of our security presence, or our security capability to the bare minimum, both for [redacted] Tripoli -- and, of course, we were already at bare minimum on the State side. I mean, we were, in my opinion, below bare minimum. But nevertheless --

Q Uh-huh. And so those military Special Forces personnel, did they make the trip?

A No, they did not.

Q And could you explain why?

A They were on their --

Q Explain how?

A Yeah. They were on -- you know, we had evacuated to -- we evacuated at dawn from the residential compound in -- State residential compound to the [redacted] facilities in Tripoli at dawn. And so we had -- and at about that time, that's when the mortar -- we got to the [redacted] compound and the mortar attack happened, and we're responding.

And for the second time that night, I asked the Defense Attache, is there anything coming, is there anything out there to help our people from, you know, big military? And the answer, again, was the same as before.

Q And what was that answer?

A The answer was, it's too far away, there are no tankers, there is nothing, there is nothing that could respond.

So [redacted], who is the SOCAFRICA commander, his team, you know, they were on their way to the vehicles to go to the airport to get on the C-130 when he got a phone call from SOCAFRICA which said, you can't go now, you don't have authority to go now. And so they missed the flight. And, of course, this meant that one of the --

Q They didn't miss the flight. They were told not to board the flight.

A They were told not to board the flight, so they missed it.

So, anyway -- and, yeah, I still remember [redacted], he said, "I have never been so embarrassed in my life that a State Department

officer has bigger balls than somebody in the military." A nice compliment.

Q Now, at this point, are you having communications with Washington?

A I was in communications with Washington all night long. I was reporting all night long what was happening to Washington by telephone.

Q When these Special Forces folks were told essentially to stand down, what was your next move? Did you have a recourse? Were you able to call Washington? Were you able to call anyone at this point to get that decision reversed?

A No, because the flight was -- the flight was leaving. And, you know, if they missed -- you know, if the vehicles didn't leave when they leave, they would miss the flight time at the airport. And the airport -- you know, we were going all the way to Mitiga. The C-130 is at Mitiga, which is all the way on the other side of Tripoli.

Q What was the rationale that you were given that they couldn't go, ultimately?

A I guess they just didn't have the right authority from the right level.

Q At any point in time -- what time of the night are we, at this point?

A At this point in time, we are at --

Q Dawn, I guess.

A This was 6:00 a.m.

Q And had you had any calls with senior people in Washington?

A Yeah. I was on the phone -- once the report of attack, I tried to keep Washington updated at, you know, 15- to 20-minute intervals of what I knew was going on.

Q What instructions were they giving you? What type of leadership was being provided out of Washington to you now that you're the senior U.S. official in Libya?

A I was instructed not to speak to the press.

Q Okay. What other instructions and leadership were you provided?

A You know, mostly I was asked questions: What's going on? What are you doing? How are you responding?

Q So information is flowing from you to Washington.

A For the most part, yes. And, you know --

Q Was there a bilateral exchange of information?

A No. I really didn't get -- you know, about 2:00 a.m., the Secretary called --

Q Okay.

A -- along with -- her senior staff was on the --

Q Okay. Do you recall who was on that call?

A It was Wendy Sherman, Cheryl Mills, Steve Mull, Beth Jones, Liz -- I am not sure whether Liz Dibble was on the phone or not at that time. I know Beth Jones was. Jake Sullivan.

And so I briefed her on what was going on, talked about the situation. And at 2:00 a.m., of course, Chris is in the hospital,

although the Libyan Government will not confirm that he's in the hospital. All they will tell us is he's in a safe place, or they will imply that he's with us at the [redacted] facility, which, of course, we have to feed back to them and say, no, we don't know where he is. It is a constant conversation, and I'm still talking to the same people.

The Vice Minister of the Interior chimes in sometime before midnight. And I'm pressing him to get their firefighters to the building to put the fire out, assuming that if they go to put the fire out, that they will send some security people with the firefighters to protect the firefighters. We tried everything that we could.

So we brief her on what's going on. She asks, How can we help? And I said, Well, we could use some reinforcements. And we have -- we know we have wounded. And --

Q What was the answer?

A The answer was that the FAST team in Rota was being mobilized to come to Tripoli, and there would be a medevac flight coming down to pick up wounded.

And then we discussed also whether we were going to -- they asked me if we were going to stay in the residential compound. And I said, no, we needed to consolidate our facilities here, because we basically sent everybody we have to protect us to Tripoli to rescue them.

Mr. Lewis. To?

Mr. Hicks. To Benghazi. Sorry. Benghazi. Apologies.

And they said, good.

BY MR. CASTOR:

Q And how long does that call last?

A Ten minutes.

Q And, subsequently, how frequent did that senior-leadership type of personnel grouping stay in touch with you?

A Over the next hour, we talked -- I talked with Beth Jones frequently. Once I started calling into the ops center, they started dropping in Beth Jones, and Beth Jones became my primary interlocutor. And we're going back and forth on where Chris is and what his condition is and how do we confirm that Chris is at the hospital.

And then, at the same time that this is all going on, we started getting phone calls into our DS team from somebody in Benghazi who has gotten the phone that Chris had and that I last spoke to Chris on. And he is calling in, saying, We have the -- you know, I know where the Ambassador is, you know, he's alive, can you come get him?

And, you know, we have [redacted] talk to this guy because, you know, it's easier for Libyans to talk to each over the telephone than for us to talk to them. But I recall monitoring these conversations just for quality control on our end.

And, definitely, at the end of the conversations, I praised them to [redacted] for the quality of their open-ended questions. You know, they were professional investigative questions, as we tried to get this person on the other line to confirm where Chris is and that he's alive. We asked him for pictures, we asked him to let Chris talk to us, you know, everything, every possible question.

And I am relaying this back to Beth as it goes on.

Q Uh-huh. And Beth Jones is your --

A Beth Jones. She is Acting Assistant Secretary of the Near East Bureau at the State Department.

Q And my hour is just about up, but just one more question, and we'll switch around.

Who gave you the instruction not to speak to the press? And what was the rationale for that?

A I think that was Beth Jones who said, Don't speak to the press.

Q And what was the rationale? I mean, were there a lot of reporters milling around where you were or --

A No. I did get a phone call from CBS.

Q Okay. So reporters had been contacting you?

A Yeah.

Q What was the rationale, not to talk to the press?

A I didn't -- I took it as an instruction. I didn't ask questions.

Q Fair enough. Okay.

The hour is up.

Mr. Uriarte. Should we take, like, a 5-minute break?

Mr. Hicks. I'm okay with that.

Mr. Uriarte. We can take longer if you want, but --

Mr. Hicks. I'm okay with 5 minutes.

[Recess.]

EXAMINATION

BY MR. URIARTE:

Q My name is Carlos Uriarte, as I said earlier. I'm with the minority staff. I'm here with Chris Knauer, who is also on our staff. I'm probably going to be doing the majority of the questioning, but we're going to be slightly more informal, frankly, because Chris knows the facts a little better than I do. So I apologize. Just let us know if we're being at all confusing. You know, absolutely if you need a break or if you want to stop, you need clarification, please feel free. You know, I want to just hear what you have to say, frankly.

A Okay.

Q And, you know, the purpose of my outline here is just to make sure I'm not forgetting anything. I'll probably take some notes, too, just because it helps me remember things a little bit better, but really that's all. I may repeat some questions that have already come up, and again it's just so that I'm clear on what you're saying, what you're talking about, you know. It's nothing personal.

A It's okay.

Q Great. So maybe you can talk a little bit about when you first arrived in Tripoli in July.

A Okay.

Q And what sort of was your understanding of the security situation. Let's start with Libya, and then we can narrow it down to Benghazi.

A Okay. So when we talk about the security situation, are we talking about the threat environment in Libya, or are we talking about the physical facilities that we were using or the -- and the numbers and characteristics of security personnel? I mean, this is -- it's a big topic and I'm familiar with it all, so if we want to be specific, I'm happy to --

Q I think we'll want to walk through it all. Let's just start with talking about the threat situation first, I think that would be helpful.

A Okay.

Q Then we can move on to these other topics.

A When I arrived in Tripoli, I was deeply concerned that the threat environment in Libya was deteriorating. I can't go into it, but I had seen intel reporting and received intel briefings as part of my preparation to come to Tripoli that were quite frightening, to be honest with you. Subsequent events we had, of course, in June had had -- May and June had had a series of incidents in Benghazi, which are well known. Shortly after I arrived in Tripoli those -- there seemed to be an intensification of security incidents in Benghazi that have been reported, were reported in a timely way, in an accurate way by [redacted], a principal officer there. Our general assessment of those incidents were that they were Libyan on Libyan, that they were

either revenge attacks related to the insurrection against Qadhafi in the late 1990s, the Islamic insurrection then or were designed as political events to embarrass political rivals.

Since, in Benghazi, since the incidents, since the attack on the British ambassador, there had been no further targeting of foreign officials working in Benghazi.

Q And was that pretty important, that fact important? I mean, you mentioned --

A It became important as we moved forward in the planning for the ambassador's trip to Benghazi, the absence of any security threats against foreign personnel in Benghazi. In Tripoli, though, in other parts of Libya, we see a spike in activity. There are, in addition to the carjacking attempt that our Special Forces personnel effectively evaded, there were other carjackings going on, including targeting foreigners. The French, for instance, had a couple of carjackings. And the U.N. also had a carjacking if I recall correctly. So we had -- and then on the 7th, we have another complicating event when the front gate to the former chief of mission's residence in Tripoli breaks and falls on a guard, an elite guard and kills him, injures two others. The gentleman, the guard who passed away, was a member of the Zintan militia during the war against Qadhafi and had a prominent role in the seizure of the international airport from Qadhafi's forces towards the end of the revolution. So he was well known and very popular and had many, many relatives within the Zintan militia. Of course, we, within the mission, had a very good relationship with the

Zintan militia. So this was a complicating factor for our security situation.

Q Was there a concern that that would affect the relationship with the militia?

A Absolutely.

Q And did it?

A We worked our way through it, but we were quite concerned.

Q Okay.

A And one of the things -- we had a member, a senior official at the central bank came to the embassy purporting to represent the family of the deceased, although actually legally he only represented the wife, and he made implied threats that the Zintan militia would retaliate if we did not compensate the wife and the family adequately. We took those threats very seriously, and in the coming days, in fact, we detected surveillance on the ambassador in the alleyway that ran to the CMR facility. So our security situation was -- our security situation was also in a precarious situation or a more precarious situation as a result of this. All of this is reported, cable traffic is there for everyone to read.

We have incidents, we have car bombings in Tripoli itself, not very effective car bombings but car bombings nonetheless. As we move toward September, we have the attack on the mosque. We begin to see Islamic extremist attacks on Sufi shrines across the country. Backing up, early August, you have the armed attack on the, including use of heavy weapons on the ICRC facility in Misrata, so, in general, the

threat environment is worsening.

Q And going back to Benghazi, you talked about there being a sort of a lull in -- after the attack on the British ambassador, there was no more attack on Western entities.

A Right.

Q So did the threat environment continue to worsen in your mind in Benghazi sort of going into September or was it overall a lull?

A Our general sense was that it was a lull, and that was shared by our British colleagues and our French and Italian colleagues. The French and Italians were -- the British pulled out after the ambassador was attacked, but the week before Chris went, the British charge visited Benghazi, and with the view -- they were intending to gradually move toward reopening their consulate in Benghazi in October, so they shared our assessment that Benghazi was a bit lawless but that it was a Libya thing, not in any way targeted at Western interests. And as you know, [redacted] had a big meeting with many of the leaders of Benghazi where they said, we want you here, we want business. So there was a clear -- there appeared to be, at least -- or at least people were saying all the right things to us.

Q Sure. So did you take that to -- did you take that lull, as you put it, to suggest that the security situation in Benghazi was getting better going into September, or did you take it as sort of a lull in a general, but the general tenor was that the security environment was worsening?

A A complex question, the context matters here. And our

assessment of the situation in Benghazi was that we had to be there in order to monitor, to be physically present to monitor what was going on in that area. There was a CT imperative to be there, there was a local political imperative to be there. Benghazi and eastern Libya, the heart of the revolution, the cultural center of Libya, the economic center of Libya if you consider that most of Libya's oil reserves are in the eastern part of the country, so for us not to be there was going to be symbolically bad, you know, particularly considering our policy -- you know, Libya, its own domestic political situation here is very tenuous here. They have just had their first political election. They are trying desperately to form a government. They finally work their way through to choosing Magarief to be president, and as we come into September 10th, they are trying to choose a prime minister. And you have forces within the country who are talking about confederation, talking about splitting, you know possibly even the concept of Libya would break apart into separate entities, separate sovereign entities, and that was definitely -- would definitely not have been in the interests of the United States. So, you know, we're sitting here looking at a policy imperative to be present in Benghazi, we know that that is -- that our presence in Benghazi is supported at the highest levels of the State Department, both in terms of the Secretary of State and Ambassador Rice, so, you know, at the same time, you know, we understand that there are security risks associated with being in Benghazi, and part of our effort to address those security risks is to consolidate the facilities in Benghazi into one facility.

Q Sure. After any of these incidents, to the best of your knowledge, was there ever a consideration of even temporarily closing the compound?

A No. Because the information that we were getting from it was too valuable.

Q I'm sorry, maybe I should be clear. I guess when I say the compound, I mean the special mission.

A The State compound?

Q Yes.

A No.

BY MR. KNAUER:

Q I'm sorry, picking up on that point again, you said that the information that you were getting was too valuable. I mean, you've been at this for a long time.

A Right.

Q So can you sort of describe for us, you know, again why was Benghazi so important to have a physical presence there? What kind of information?

A Again, you know, the political actors, you know, the most influential political actors in Libya to a great extent were and are from Benghazi and from eastern Libya, and to have an understanding of the basis, the conceptual basis that drives their intellectual processes is really important, and again come back to, you know, then you have these -- you know, you have militia, you have these militias that are basically running the security in the town. Are they in

charge? Is the government in charge? Who is in charge in Benghazi? How do you know that? You can't know that from Tripoli, you know. If you're not talking to the people on the ground there, sitting in coffee shops, listening to them, you have no way to verify the validity of what you're hearing, what we're hearing in Tripoli. So it creates -- it's an intellectual -- it's a necessary intellectual foundation.

Q And this was Ambassador Stevens' view as well, that it was critical to be there?

A Absolutely.

Q You said all the way up to the highest levels at the State Department, and professionally you also thought that this was really important to be om Benghazi?

A Absolutely.

BY MR. URIARTE:

Q So I guess going back to my question, does it seem like -- it sounds like what you're saying, I want you to put it in your words, but it sounds like what you're saying is that overall the threat environment in Benghazi was very high, if you will?

A Absolutely.

Q Or consistently so?

A The threat environment, I mean, we're critical threat by DS standards, so, yes. But a decision had been made to be there because it was symbolically important for the United States to be in Benghazi, and it was important for us in terms as a platform for advancing our

own interests in that part of the world. You know, I mean, there are other factors, which we really can't talk about in this environment, which would substantiate, I think, the points that I'm making.

Q So then going back to the general question about the security situation in Libya, what was the physical security situation, you know, physical compound, of the compound in Special Mission Benghazi? How was that during the summer of 2012?

A So I arrived on July 31st. I never visited Benghazi, I didn't know. I offered to go instead of [redacted] and Chris, but that was the way [redacted], that was the way Chris -- I offered to cover the gap, and -- but Chris wanted to cover it in a way that he set forth, which was fine. So, again, my understanding of what the compound was like is entirely hearsay, okay?

Q Okay.

A And having looked at maps and the architectural drawings. So, you know, it's about a 10-acre compound, several buildings, orchard surrounded by a wall, perimeter wall, but obviously not particularly strong, not particularly high, you know. I can't tell you whether we had wire on it or not, having not been there, although wire is not an impediment necessarily to getting over. Gates, you know, not -- I don't think they had the standard, you know, the V-barriers, drop barriers, I don't think we had, you know, separate man-trap pedestrian entrance. We didn't have two gates. I think there was only one.

You know, [redacted] was in the process of clearly identifying all of the upgrades that the facility needed to have in order for it

to be, to at least start to even approach DS standards, but, I mean, this was a temporary facility. It's a rented compound, not built to standards, not in the specific, you know -- the safe place that Chris was taken to, I've been told, was -- you know, the barrier was a grill, a steel grill that could be locked instead of an actually solid [redacted] door.

The place I'm most familiar with in this regard is the ambassador's residence in [redacted] So, you know, it's not a safe haven in the sense that we understand a safe haven to be.

Q And you mentioned that [redacted] was coming up with a list of improvements. Maybe if you could talk generally just about what the -- if there were specific concerns about the physical layout that you were just aware of as a manager.

A Yeah, I outlined the things that I understood that he was looking at fixing.

Q Okay.

A But, I mean, the logistics, the place was constantly under -- we were constantly sending facilities people back and forth. We had a transformer blow up the week, a few days before Ambassador Stevens arrived, we had to send somebody out there to fix that.

Q And what about, from a personnel perspective, in terms of, again, the security situation? And let's talk about Libya and then specifically Benghazi. You mentioned I think a little bit about what was going on in September when Chris Stevens visited Benghazi.

A Uh-huh.

Q But maybe you can give me a little bit of a timeline or a narrative.

A Okay. The big issue that has been out in the press is of course the big request for that security not be drawn down, that we need more security, we need the security personnel there, and the cable. What I understand about that is that I saw that, I saw the email come in to DS from [redacted], which DAS Lamb spiked, but ambassadors went ahead and sent the cable in anyway, but there was never any action on the cable because the decision had been made how they were going to move forward with security personnel issues.

Mr. Knauer. I'm sorry, which cable? There is a lot of cable.

Mr. Hicks. Yeah, there is a cable, there is a specific request for additional security I think came in in June or July.

Mr. Knauer. And that was from --

Mr. Hicks. That was from Chris Stevens.

Mr. Knauer. To Ambassador Lamb you said?

Mr. Hicks. It was just a cable, it was from him on security requirements, security personnel requirements. I can't remember it in detail at all. From my perspective is the cable was sent in, you know, it was not responded to, security personnel are going to be drawn

down; [redacted] and we're going to have an RSO plus four ARSOs and a Libyan armed -- and Libyan armed guards as our security in Tripoli, and the Benghazi situation will be resolved, will be worked out, depending on how the request at it becoming a permanent constituent post plays out. At this time, Benghazi is supposed to be closed in December, on December 31st.

BY MR. URIARTE:

Q You said that there was an initial email that went from [redacted] to Charlene Lamb and that she spiked it.

A Right.

Q What did you mean by that?

A In other words, she said don't send this. She sent it back to [redacted] and said, don't send this.

Q Do you know why she said that?

A Because I think she was telling him, the answer is, don't send this because you're not going to get an answer, a favorable answer. This is a not uncommon thing to do when you're going to, in the State Department, if you're going to send something, send in a request for something, you back channel it in and say, hey, we're going to send this, we're sending in this request for whatever, and you want the answer back, okay, go ahead and send it, it means you're going to get a yes. If they say don't send it, it means you're going to get a no.

Q And so was there ever a no, or was there just a nonresponse?

A Nonresponse.

Q And did Ambassador Stevens ever raise this with folks, I

mean to the best of your knowledge, did he ever raise it with people at D.C.?

A I don't know. When I arrived, my understanding was that the decision was final.

Q Okay. After you arrived were there any additional requests that went up or additional follow up saying, look, I know you guys said, no, but we're serious, those conversations?

A I began a process -- I started working with [redacted] to begin a process to shape an emergency action committee cable to do exactly that, but we needed -- that cable would have had to go in under Ambassador Stevens' name, and we needed it to be coordinated within the mission under the ambassador's leadership, and because of his absences from post to go to Stuttgart for Eid [redacted], we were not able to move forward on that cable. We can talk more about that matter, but it's entirely a classified issue, but that's -- just to shape, the answer was, yes, we were trying to revisit the matter, the issue, but we were unable to.

Q And was there any regular communication with D.C. about this, just saying, you know, we're working on this, we're still really concerned about it, we think you guys got this wrong?

A No, I didn't have that conversation. [redacted] may have had those conversations with DS directly, his contacts, and I don't know about whether the ambassador raised it again. Again, for an ambassador to send in a cable like that -- let's go back again to Pru Bushnell in Nairobi, I think there is the same track record here being

repeated, a very similar situation.

Q Just so I make sure I understand you, what do you mean by that, the same track record?

A It means that Pru Bushnell sent in a cable saying, before the Nairobi bombing, saying, we need more security and there was no response, that's my recollection. Again, there's a history there; people can look it up.

Q Sure, and again, I'm just trying to make sure I understand what you mean.

A No, no, I understand.

Q But your general sense was that Ambassador Stevens shared this concern about --

A Oh, yeah, we had a big -- [redacted] and ambassador and I had a very long conversation one day about our concerns regarding -- I was deeply concerned about our vulnerabilities at our residential compound. Our perimeter wall was unfinished when I arrived, we had no wire up, the gate could have been kicked over by a 2-year-old. We had no man traps, a man-trap pedestrian entrance. We only had one gate.

Mr. Knauer. This is in Libya?

Mr. Hicks. This is in Tripoli.

Mr. Knauer. I mean, excuse me. Tripoli?

Mr. Hicks. This is in Tripoli.

Mr. Knauer. Okay, but you're not referring to Benghazi?

Mr. Hicks. Benghazi, I've already described it, that the physical security situation was not up to snuff either, the situation.

In some ways, Benghazi was better because at least the perimeter wall was complete. I mean, part of the wall when I, of our perimeter wall in Tripoli when I arrived, it was tin. And we're talking about a 14-acre compound as well with only two modes of entrance, so physical security, our safe rooms in our residences, you know, were not safe. Interior doors, aluminum bars, you know, they were just simply not going to keep anyone out if the perimeter were breached in any way, and then, of course, you're talking about a 1 kilometer circumference wall protected by, on September 11th, four people with no camera, and we didn't have cameras either, except in certain locations, but not all the way around. So physical security, I was deeply concerned because we have 30 Americans, 30 to 40 Americans living and sleeping in this facility and, you know, it's a big target. It's a high-profile target. Chris was concerned about the CMR, the chief of mission, former chief of mission residence where we worked and where our local employee staff worked, and [redacted] best described it, I thought, as, you know, we had a single approach for vehicles with no secondary approach for vehicles, and we had a pedestrian entrance, so there's no secondary, no way to evacuate by vehicle if we were attacked. And he described the approach to our facility there as clear and present danger -- you guys remember the scene where the State convoy gets wiped out -- leading to Dien Bien Phu, which is the facility, because we were surrounded entirely by buildings much higher than our compound, so there were serious look-down issues there, you know.

Again, so now we have a residential compound, and we have our work

location. They are separated by about a half kilometer as the crow flies. And there are times during the day, during the work day at the chief of mission residence, where we have 60 people working there, Americans and Libyans, and we have no armed security personnel there.

BY MR. URIARTE:

Q At the office space?

A Right.

Q None at all?

A Right. Because they're working, you know. They've got to go out on protection with the ambassador. They've got to go out and man quick reaction forces. They've got to be out, you know -- and they're protecting or they're back at the residential compound where the security tactical operation center is located, so there are times during the day when there is nobody in this facility, and we have no safe haven at all in this facility, which was, you know, it was a house. It was where the ambassador lived when we were at the old embassy that we evacuated from in February of 2010. So Chris was concerned about that, so I was of course concerned because he was concerned.

Q Yeah.

A And [redacted] was simultaneously trying to drive improvements in both locations and to find solutions to the physical security challenges that we faced, but, you know, fundamentally the cloud overhanging all of us is personnel, you know. Walls are great, but if you have nobody to protect the walls, they can always be breached.

Q So it sounded like you were saying earlier that from your

perspective, I guess D.C. thought that they could pull down on the I guess the MSD and the SST and replace those with locally employed folks?

A Right, right.

Q So how did that work?

A We were having trouble recruiting Libyans to serve in the two aspects of this. One aspect is being an armed security guard, and the second aspect is being someone who is out monitoring the security situation outside and reporting on it, and we were authorized 16 Libyans, and I don't think we were anywhere -- I think we were up to 9 by the time September 11th happened. The model for this is in Lebanon at our embassy there, and it's been very successful, but it works there because the embassy is located in a Christian neighborhood, and most of our guards are Druze, that's important.

Q And you didn't see that model working in Libya then?

A I wasn't convinced that it was going to work, and I was -- I had listed some identifying means for alternative measures to try to enhance our ability to protect ourselves.

Q What kind of alternative measures?

A It's classified, it's in a classified document.

Q Was that a generally shared view, though, that the model had a lot of challenges?

A Uh-huh.

Q And was that, to the best of your knowledge, expressed back to main State?

A Again, our approach, our view was that if we went back

piecemeal that we would not be successful, given the fact, given the level at which we felt the decision to change our security personnel situation had been made. So we would have to go back with, one, a compelling analysis of the security risk that we were facing, and we would have to go back with recommendations, you know, recommendations that to respond, to mitigate that compelling risk, and it had to be an emergency action committee product, it had to be a whole mission consensus product, and we never got there before September 11th because, again, it really needed the ambassador to chair the meetings, and with his absence over much of the period leading up to 9/11, we couldn't, you know, we just didn't have an opportunity to sit down and thrash it out.

Q But generally speaking, you felt that the consensus was there amongst the people, it just needed to come together in a final product that you could send up to D.C.?

A No. Consensus had to be fashioned.

Q Okay.

A And, again, I can't go into that because it --

Q Okay. You mentioned -- actually, let me take a step back.

A Okay.

Q By step back, I mean, I want to reflect a little bit on this conversation because it's a little bit challenging for me sitting here to understand how the folks on the ground in Libya were living through this day in and day out, you've explained, described some very vivid, I think a very vivid picture of the security situation there, send a

cable up to D.C. saying we need this kind of security profile, and the answer you get is not only no, but don't even send it up. You've been in the State Department longer than I have. I never spent a day there, but you spent a lot of time in the State Department. You understand the culture maybe a little better. Can you explain sort of how that happens? What is it about the culture --

A All I can do is speculate because it's in a world of the State Department that I'm not a part of. I'm a policy officer, so I'm an economic officer by background, and, you know, security is not -- I mean, but my best guess is that it was budget. You know, if Charlene Lamb said it was budget driven, I'll take her at her word. So, I mean, I had in my briefing conversation with her, I had a very cordial argument with her about staffing where I challenged her indication that an RSO and four ARSOs would be sufficient to provide, to manage the security program in Libya, and I said to her that my experience in managing a five-person section in Afghanistan under the leave benefits package that we have in these kinds of posts would inevitably mean that, at some point in time, we would be down to only three security officers in Tripoli, and how can three people manage a program that includes protecting two very large facilities? I pressed her for at least an RSO plus six, and I was brushed aside. So -- and this is after the decision had been made as to the profile. So --

Q When you say brushed aside, what was her response?

A She just didn't respond. It was classic State Department approach. You hear something that you don't agree with, and you just

don't respond to it.

Ms. Toensing. You were in a room with her --

Mr. Hicks. Oh, yeah.

Ms. Toensing. And talking to her --

Mr. Hicks. Yes.

Ms. Toensing. And she just doesn't say anything when you say something? Silence?

Mr. Hicks. Yeah, silence.

BY MR. URIARTE:

Q Let me touch on one more thing and then move on.

A Sure.

Q You mentioned, I think, a couple times the facility in Benghazi was not only temporary but scheduled to close at the end of December.

A Right.

Q And that you were sort of alternatively working on a long-term plan to be there?

A Right.

Q But my understanding is that sort of temporary facility status is sort of important at least to folks in D.C. in determining what kind of resources they can provide. Do you have any sort of knowledge of that being a challenge in terms of getting the resources for the Benghazi facility?

A Yes, it was.

Q Can you talk about that?

A My understanding, generally speaking, we didn't have -- on the policy side, we didn't have any problem with getting volunteers to step forward to be TDY principal officers in Benghazi for various durations. It was a prestigious assignment and viewed as a prestigious assignment in Washington, as the kind of assignment that if you did well, you would get -- it would be looked favorably on by a promotion panel. So we didn't have any problem on that side. But we did have a lot of problems getting people to step up to be the, take the job that Sean Smith had, which was basically the everything else officer, the guy who is responsible for keeping the place going and for manning the information systems, and it was also very hard finding security personnel to go, and frequently -- in fact, almost entirely we saw TDY new DS special agents going in there TDY for short periods of time. So, yeah, it was a big difference. Sometimes, as happened on the night of September 11th, we had actually sent one of our assistant regional security officers, [redacted], to Benghazi to be in charge of security there. I mean, he marginally, he's got like 2 months more experience than [redacted] and [redacted]. So, I mean, it's hard, and I think at least the October hearing goes into that to a certain extent.

Q So I want to talk about the period leading up to Chris' visit and sort of the planning for that.

A Sure.

Q You mentioned specifically I think that, you know, some of the threat environment in Benghazi was discussed.

A Absolutely.

Q Can you maybe talk a little bit about sort of just what that time period looked like and the discussions around that looked like, what your understanding of any, what concerns were raised about him going up there from a security perspective, et cetera.

A Sure. So we met after he came back from Stuttgart to begin the planning process, and so it was Chris, myself, [redacted], who was the head of political economic section, [redacted], who was the public affairs officer, and [redacted], regional security officer. And so basically Chris announces at the meeting that [redacted] is going to go to Benghazi to cover the first week in the gap, first week in September, and that he would cover the second week, and then the question is what is, you know, what becomes what am I, the ambassador, going to do while I'm there. And [redacted] says, well, sir, wait a second, you know, the security situation there is dicey, and it's okay for [redacted] to go, but for you to go, if you go in there with bells and whistles and announcing you're the ambassador, you know, that could attract the attention of people who may have inimical designs upon you, and so, you know, the conversation goes in and, okay, Chris says I'm going to go because I have to go, and, you know, and I need to get there. He didn't say this, I'll editorialize here, but he's thinking that we're going to be moving forward with this project proposal, and if he goes there and comes back with the, if they can put his imprimatur, if you will, in behind that proposal having been on the ground in Benghazi and, you know, gotten a clear understanding, and you have to understand that everybody in the embassy

has moved except Chris. We've all, everybody there has rotated in. [redacted] arrives 2 weeks before I do. [redacted] arrives in June. [redacted] arrives in June. The ambassador arrived in May. Now the advantage here to the ambassador is he knows everybody in Benghazi already. So the only person in our mission who really can go to Benghazi and get the straight scoop on what is going on in that town is he. So that's going on, and we talk about some of this in the meeting as well. We also talk about the fact that, you know, Chris is the hero of Benghazi, you know, and he's probably going to be the safest American in that town. So that also comes out on the table. So, ultimately, we start talking; Chris decides he's going to go and basically says, okay, so what can I do, so [redacted] is saying what do we do to keep you safe while you're there, and so Chris says, well, okay, well, let's talk about maybe let's not announce my visit in advance, let's -- maybe when I go there, I'll stay in the compound, and I'll only meet people in the compound, I won't go out. If I go out, we'll do it at all, it's going to be at the end of the visit. So, you know, it's going to be totally low profile, and so that's where we left it. And, you know, people started working on what they were going to do, but we also said no one, we will not tell anyone in Benghazi that Chris is coming until right before he shows up.

So -- and we all hold to that. But before Chris goes [redacted], he sends an email to our LES person in Benghazi, [redacted], and says, I'm coming to Benghazi, so work with David on meetings. [redacted] is able to say, wait a second, don't start

scheduling meetings until right before Chris comes. Chris comes back [redacted], and immediately, he's back into Mr. Ambassador mode and talking to everybody, and we sit down for more proximate planning, and [redacted] again says, you know, I'm concerned about your safety if you go to Benghazi and would prefer that you postponed. The ambassador says, I'm going to go but, okay, I'll postpone not the visit, but I'll postpone a couple days. Instead of going on the 8th, I'll go on the 10th. So we begin reorganizing the visit based on that change in plans.

Q Was there a specific significance to postponing it, or was that postponement shortening the trip?

A Yeah, it was shortening the trip. It was supposed to be 8th to the 15th, or 8th to the 16th, so now it goes from the 8th to 10th to the 16th.

BY MR. KNAUER:

Q I am sorry, Mr. Hicks, so this conversation is taking place about what time?

A I think Chris came up with this about on September 6th.

Q September 6th, okay. So can you go a bit more into detail about how you guys were discussing the security posture? I mean, was the situation of how secure or not secure the compound was in Benghazi, was that known to the ambassador?

A Absolutely.

Q Was that known to you?

A Absolutely.

Q And so what were those conversations like?

A I mean, you know, we knew -- the RSO had said here are the problems, and our reaction was fix the problems. So that was, you know -- you know, that's the regional security officer's responsibility and reinforce that with the management officer, make sure that the resources are being obtained for the regional security officer to fix the problems.

Q But I mean per that visit. So, in other words, per that visit, did you guys know that you had a vulnerable facility that you were visiting, and there is only so much you can do to prepare?

A Yeah. But, you know, again, the ambassador lived in that same compound when he was there during the war. So he was fully aware of what the place was like. He knew exactly what it was like. I had no firsthand and still have no firsthand knowledge of the facility. Again, it's only hearsay.

BY MR. URIARTE:

Q So once the ambassador made up his mind that he was going, it was just about figuring out how to make it happen the safest way possible?

A He's chief of mission.

Q But, I mean, there was no convincing him otherwise it sounds like?

A No. No. Now, just to be clear, also, Washington is fully aware of the fact, of the plan for staffing the gap in Benghazi. So they know from Chris', from like August 22nd, August 23rd that [redacted]

[redacted] is going to be there the first week in September and the ambassador is going the second week in September, and you know, Washington is completely on board with that.

Q They never raised any concerns about that?

A Never.

Q Typically, would they, I mean is that part of the -- or do they typically defer to --

A Internal travel within the country is the ambassador's prerogative, chief of mission's prerogative. Now, that doesn't mean that they couldn't say, you know, somebody in the NEA front office, Beth Jones or Liz Dibble picking up the telephone and saying, Chris, have you really thought about this carefully, is this really the right time? You know, we're seeing this back here, and you know, is this the right time to do that? But that to my knowledge never happened.

Q In your experience would that have been sort of an extraordinary step, I mean, something that doesn't usually happen?

A I have never served at that level to know, to be honest with you. I know that when I was in Bahrain leading up -- as the political economic officer leading up to the Iraq war, the assistant secretary from NEA bureau was on the phone repeatedly to Ambassador Neumann saying when are you going to go to authorized departure status? When are you going to request authorized departure status? You know, you're going to be right in the middle of the attack on Iraq. And we kept telling them we have no need to go to authorized departure status [redacted]

[redacted] And so, by analogy, yes, it does happen. Ultimately Washington imposed authorized departure status on us in Bahrain prior to the Iraq war. I just want to be -- so, yes, it does happen.

Q Okay. So with the last bit of my time here, I just want to talk about the night of September 11th.

A Okay.

Q You walked us through I think what you were doing, which is really helpful. I think what might be helpful from my perspective is to get through a little bit of your just what was going on in your head and in terms of what were the different pieces. I think Steve asked about this a little bit, but what were the different pieces that you were trying to, you know, resources you were trying to employ, you know, what were your conversations about generally, you know, with D.C.? You talked about your conversation, I think the particular conversation with the Secretary, but what were those general conversations about? What kind of support did they say that they were going to try to get for you, and what were you hoping they could do for you?

A So I'm a first-time deputy chief of mission. I served as acting deputy chief of mission for 5 months in Bahrain but with Ambassador Neumann there all the time. So, you know, one of our most experienced, knowledgeable officers in the history of our profession was my, you know, my guidance. So I'm first time deputy chief of mission, and suddenly, I'm also first time charge d'affaires in the

middle of a crisis, so that's a big thing in my mind, and I'm going -- mostly my mind is, what do I do next? And my focus is on, again, my telling my superiors in Washington what is happening on the ground and what I'm doing, trying to do about it, and most of the time I'm told, you're doing great, keep it up.

Q Was that frustrating for you?

A It was fine. It meant I'm on the right track, but I'm not being told to do anything more, you know, and at times, though, I'm also being asked what should we do, and I'm going, how should I know, you know? You're in Washington, I'm here, you know. I know what I'm doing here, and I know what I'm supposed to be doing here. So that's sort of -- that was the one perplexing thing that seemed to be going on, you know. I was continually asked questions more than told to do, given instructions. In fact, you know, again, the only instructions that I -- and actually to clarify, I'm pretty sure I asked the question should I talk, should I talk to the press? And the answer was, no, not a good idea, okay, just to clarify the earlier --

Q Were you concerned by that advice? Did that set alarm bells off for you?

A No.

Q Did it make sense to you?

A It made sense to me because the confusion of the night was so intense that I was very much worried about making an on-the-record statement to the press that was inaccurate, and you know, we knew we had people in harm's way, and I didn't want anyone -- any incorrect

news about that to get back to their families. So that was -- so I was not unhappy with being able to, you know, ignore the phone calls from the press.

Q And so, within Libya, you know, it sounds like you're working with the [redacted] to try to figure out how to get the additional resources there to assist. Is that accurate?

A Yeah. Yeah.

Q Are you more just telling them, hey, this is what's going on and then they're running with it, is that the distinction?

A [redacted] and I are going back and forth, what do you know, what do you know? You know, I'm telling him what I'm hearing from the government, and he's telling me from what he's hearing from the government, and he's, you know, telling me what's going on, and, you know, and we're talking about getting resources to Benghazi from Tripoli in the mix of that conversation, recognizing that, you know, the government of Libya doesn't seem to be doing anything at all.

Q And who was sort of in charge of that relationship, the relationship with the government of Libya, and I mean, on that night, who was in charge of trying?

A There are three people who are talking to the government of Libya on that night -- myself, and again the cast of characters that I'm talking to are initially chief of staff of the President, chief of staff of the prime minister, director of the ministry of America's desk of the MFA, and vice minister of the interior comes into the picture on my side, sort of about the 11:30 time frame I think. The defense

attache is talking to the minister of defense, and he's talking to chief of staff of the armed forces.

Mr. Lewis. Security forces for the next answer?

Mr. Hicks. Yeah, and [redacted] is talking to his counterpart.

BY MR. URIARTE:

Q And is it fair to say that they're not being particularly responsive, is that the frustration, or is it just slow?

A Yeah, nothing's happening. Nothing's happening in Libya, nothing's happening in Benghazi, nothing's happening in Tripoli, you know, nothing is happening. They don't seem to know what's going on. I felt all along that I was telling them what was going on and then -- and we were constantly getting back circular reporting, and we later learn that in fact all of the people that we're talking to are sitting in a room in the prime ministry talking to each other, which is why we get, why we feel like we're getting circular reporting from them. But fundamentally, what's happening, you know, we're engaging the Libyans, asking them for help in every different way that we can, and nothing is happening in Benghazi, and nothing is happening in Tripoli. You know, they've got an airplane. They've got an army. They could put some of their -- that airplane carries a certain number of troops. They could put people on that airplane and fly it to Benghazi, you know. They've got army units in and around Benghazi, in fact pretty much the only real Libyan army units in the country are in the eastern part of the country outside Benghazi, but nothing is happening.

Q Did you ever ask main State, hey, we need you to weigh in

here because they're just not moving?

A At some point in time in the night, and I cannot remember when honestly, either I'm asked, do we need to call somebody or I'm told that, well, there's going to be a phone call made, and -- but I don't know what time and I don't -- and I honestly can't remember the context, but I do believe a phone call, that there were phone calls made.

Q Were you frustrated that that didn't happen sooner, or did you kind of think it was just going along, things were just unfolding as they happened?

A You know, I think if you look at the time thing, timeline, this thing unfolded very rapidly. I mean, if you talk about 9:40 -- by 11:30, you know, phase 1 is over, so less than 2 hours. Phase 2 is 11:30 to 1, and phase 3 unfolds -- you know, then from 1 to 3, you know, that's phase 3, which is find the ambassador and hope he's alive, and then it's the mortar attack, which unfolds at 5:15. So you only have four phases to what's going on, and in each phase the dynamic is different and what's, you know -- what does the senior official say? Because in each time period -- you know, my goal during this time is to keep these people informed so that, you know, again people who are confirmed by the Senate to make decisions can make decisions as to when to intervene, and then I'm perfectly happy to try to facilitate that with phone numbers that I have at my disposal, but you know, I did not feel that -- I've thought it was presumptive on my part as an FSO-1 to be saying, you need to, saying you need to do something.

BY MR. KNAUER:

Q Did you have a sense of their -- when I say their, the Libyan military's capability -- prior to your arrival in Libya? I mean, you're asking them to respond, but did you have a sense of whether or not they were even competent to mobilize sufficiently to put a rapid reaction force together?

A My understanding of the Libyan military capability was pretty limited prior to arrival in Libya, and I think my one consultation at DOD before I went over was mostly about program issues, not assessments of capability. It was about how to improve more, how to improve their capability rather than what their actual capability was. I do know that what military -- I did know that what military they had that had survived the war was in eastern Libya.

BY MR. KNAUER:

Q After some time has passed, I mean, to this day do you have any better sense of why they either would not respond more timely to these calls?

A What has become clearer, I think, in ex post facto is that the Libyan Government really didn't have control of Benghazi at all. You know, the Libyan Government institutions in Benghazi were a facade, and that the militias really controlled -- were in control of the city.

Q Would that also have been true with the Benghazi police force, that they only had a loose control of the city?

A Yeah. Absolutely. I mean, the Benghazi police forces were targeted as -- you know, their leadership, military and police force leadership, was being targeted for assassination. And you can go on -- if you go through the press, you will see a number of assassinations and assassination attempts in Benghazi leading up to the attack, and it's continuing to this day.

Q I mean, it is easy to sit back --

A Yeah.

Q -- a year out and say, okay, here's what we should have known.

A That's right.

Q But, you know, leading up to, say, the visits of Benghazi, did you guys have a fairly good grasp of what was in the realm of the doable if you ever got in trouble from non-U.S. assets?

A I think that --

Q I mean, I don't know how you evaluate that, but you are obviously dependent in large measure on the host country --

A Absolutely.

Q -- in terms of security.

A Exactly. And we are. The Vienna Convention is clear. On paper the resources appear to be there. You know, you have got a police force with X-thousand officers. You have got the only existing Libyan military units that survived the revolution outside -- in a base outside Tripoli. And on paper those look like -- that looks like an elite unit.

So, yeah, the answer -- you know, we have what we believe to be a good relationship with the February 17 militia, which is the largest militia, and believed to be the strongest militia in town, and a militia that, you know, actually has a relationship with Chris from the days of the war.

So, you know, from -- you know, if we look at the situation, you know, it doesn't look dire. It looks dicey. I had a conversation with [redacted], and, you know, just talking about places. I mean, they think that there are places in Latin America that are more dangerous than Tripoli and Benghazi.

So, I mean, you know, crime is crime. The question is, you know,

are we the targets or not? We had no reason really to believe, you know, having -- in the 3 months since the events that happened in June, and we believed those were criminal events except for the attack on the British Ambassador. We did not see the attacks on our facilities in Benghazi as being, you know, in any way -- in any way threats, you know, attacks that were related to our nationality.

So, I mean, again, the picture is not clear. What is clear is we knew we had a policy imperative. That is clear. We believed that we had a policy imperative, and we were moving to fulfill that policy imperative.

Mr. Knauer. Can I ask one more question?

Mr. Castor. No. We are done.

Mr. Knauer. We are done. I will do it next round.

BY MR. URIARTE:

Q Can I just ask, if we had known sort of then the limited control that the Libyan Government had in Benghazi at the time, do you think that would have changed anything, or do you think the policy imperative was too strong? Do you think Chris' interests in taking that specific trip was too strong?

A Yeah, I think we -- you know, again, I mean, what these events and subsequent events afterwards brought into sharp focus was the lack of control of the government, and also the degree of fear in Benghazi among the populace. You know, and one of the things that -- I mean, even though we had terrific reporting coming out of Benghazi that was incredibly useful, because of the -- we had basically locked our

principal officer up in the compound except for random movements outside to mostly visit government officials or people that we knew. So we were cut off from the populace in the city. And, you know, because of that security decision to adopt that very conservative security profile, you know, our principal officer there wasn't able to do -- to have the kind of contacts with the populace that allows us to understand, better understand, the hearts and minds of the people that we are interacting with.

You know, security is a dynamic activity. It's not -- you can't lock -- you can't be locked up. And so there is a risk. In order to learn what's going on, you have to assume the risk of learning what's going on, and by locking yourself up you are self-selecting who you see. Only people who are willing to on their side take the risk to enter the American facility will you hear. And so it's -- you know, going forward, in terms of remedying this, in terms of operating in high-threat policy imperative environments, you know, that has to be a factor that's taken into account. So I hope that helps.

Mr. Uriarte. Absolutely. Thank you so much.

Mr. Castor. We will go off the record.

[Recess.]

Mr. Castor. It is just about 1:30. We will go back on the record.

BY MR. CASTOR:

Q We had some discussion this morning about military assets and whether they could be engaged by you, by General Ham, you know,

what Washington could have done to have brought them to bear. And I know that's not your area of expertise as a diplomat. A lot of our Members, too, have these questions; you know, could an F-15 have flown over Benghazi? If it did as soon as possible, would that have disrupted anything? And I think folks were looking for the ARB report, the accountability review report, to answer some of those questions.

Do you think the ARB report answered questions of that nature sufficiently?

A First of all, I was a witness to the ARB. I spent 2 hours with them at the end of October. And after that I met off line with the Executive Secretary to amplify a few things, the Executive Secretary of the ARB, [redacted], and I will spell it for you, to amplify a few issues.

After that I had no further contact with the ARB, and I never was allowed to read the draft public report to validate whether any of my testimony had been used appropriately or accurately. To this date, even though I was a witness, I have never been allowed to read the classified ARB report, even though in December, after it was published, I was -- I asked the question whether I would be allowed to read the completed report. In talking to other witnesses before the ARB, they, too, have never been allowed to read the classified report, nor were they allowed to read the draft of the public report. So I can't answer your question as to whether the ARB report explains those matters.

Q Fair enough. That sounds very frustrating. Are you frustrated by that?

A Absolutely. I mean, I have no idea whether what I said to the Board was recorded accurately, or whether there are any -- you know, we have had three members of the Foreign Service put on administrative leave pending disciplinary action, yet they have no idea what transgressions they may have committed because they were never allowed to read the report.

Q You have read the public report.

A I have read the public report.

Q And do you think the public report answers all the questions that have been raised?

A No, I do not.

Mr. Lewis. Steve, can I ask did you have designated counsel present, and have they read it?

Mr. Hicks. I did have designated counsel. I went in the testimony with Sharon Papp, who is the general counsel for the American Foreign Service Association, because I had no intention of testifying without counsel present. And I asked her in December if she had been allowed to read the report, the classified report. She said she had not. I know that she represented -- or was present with other witnesses. So, again, she said she had not seen the classified report after it was published.

Ms. Toensing. Was she allowed to see it? Did she ask and was not allowed, or had she just not bothered?

Mr. Hicks. I asked her specifically to ask to see if she could read the report. I actually have never followed up on that request.

She did not tell me that she had been allowed to read the report. My inference from that is that she was not allowed to read the report, the classified report. That's what I am referring to. Obviously, we've all seen the public report.

BY MR. CASTOR:

Q And we talked a little bit about the Special Forces medics that were planning on boarding the C-130 and were ultimately --

A One medic.

Q One medic.

A One medic with three other personnel.

Q Four total Special Forces personnel; is that correct?

A Yes.

Q And they were told to stand down?

A Yes.

Q You were frustrated; is that fair to say?

A I think I just threw up my hands and said -- you know.

Ms. Toensing. Can I just clarify something, because I am a little confused. Glen was a medic.

Mr. Hicks. Glen was a medic.

Ms. Toensing. And he went in the middle of the night.

Mr. Hicks. Yes.

Ms. Toensing. That was not the stand-down.

Mr. Hicks. Yes.

Ms. Toensing. I just didn't know if there was another medic that was told to stand down.

Mr. Hicks. Yeah. There was Glen, there was Tyrone, also Special Forces medic. We had one medic with us in the four-man Special Forces team that was in our compound, and we had a State Department nurse. That was the extent of our medical personnel in Libya on September 11th.

Initially the nurse was requested to go to Benghazi along with the Special Forces team, but I refused to allow her to go because I still wasn't aware of what our security situation was in Tripoli at the time, and I was not going to strip Tripoli of medical personnel at that time, especially since we could send a med tech -- you know, the Special Forces med tech from the [redacted] team was going under the initial plan.

Also, I knew that we had wounded coming back from Tripoli, a couple of whom were gravely wounded and who would need immediate medical care in Tripoli, and I needed the nurse to arrange for that medical care in Tripoli. And in fact, because of that, because she was able to get in touch with a hospital, and she was able to arrange to have an ambulance at the airport when the first evacuation flight arrived in Tripoli, at a minimum [redacted] leg was saved, and possibly his life was saved.

And so that was the situation with respect to medical personnel that we had in Libya on that day and how they were deployed. Unfortunately, as everyone knows, you know, Glen and Tyrone are killed in the mortar attack. And so we had no medical personnel in Benghazi even though we have people who are also severely wounded in that attack. Thankfully, they survived.

I hope I didn't get off on a tangent there.

BY MR. CASTOR:

Q That was very helpful. And there are certainly a number of heroes in this story.

A There are.

Q And their role and how they acted is something that needs to be told.

A Absolutely.

Q Is that something you agree with? Do you think that story has been told?

A I don't at all. And that is one of the most frustrating parts about this is that this is a story, in my view, of American heroism. It's a story of an ambassador who recognizes that there is -- there is a policy imperative to understand what's going on in Benghazi better, Washington needs to have that story, and that he needs to put his own name behind it. And he goes to Benghazi.

There is a story of the reactions of five brand-new DS special agents who are not adequately equipped to handle the crisis that they have to face, who are in an entirely -- in an incredibly difficult environment to protect, yet who don't even have their own personal weapons with them and so make the right choices not to engage and survive so that there are live witnesses who survived in order to try to save the lives of the Ambassador and Sean Smith.

The audacity of six Americans to expel as many as 60 heavily armed intruders from that compound is an amazing story. Again, the repeated

efforts to go into an environment, a life-threatening environment, to try to save the lives of Sean Smith and the Ambassador; of making the right decision of when to cut losses and retreat, knowing that they were facing a returning enemy force that -- of overwhelming odds.

You know, people -- seven guys from Tripoli getting on an airplane, not knowing what they were flying into, and flying to Benghazi on a wing and a prayer that the Libyan Government would show up with the resources that they needed in order to reinforce and rescue our colleagues. The tireless work of a number of people in Tripoli trying to get the Libyan Government off its "you know what" to do -- to fulfill its obligations under the Vienna Convention. The tireless efforts of those same people to keep Washington informed of what's going on and what the conditions are, of what we are trying to cope with.

The heroism of -- I am going to go back to Benghazi and the same guys who went to our compound getting up on the buildings and adopting firing positions and repelling probing attacks by hostile forces for an hour and a half and driving them off. And then you have everybody combined together at the [redacted] annex in Benghazi, and, you know, the mortars come down. And, you know, you've got guys in full battle gear who were climbing up a ladder that's slippery with the blood of our fallen comrades, and carrying their bodies down that ladder and putting them in the vehicles so that they can evacuate when it's done. I mean, it's just awe-inspiring. I'm sorry. It's still emotional to me.

Q What do you think is the reluctance on the part of the Department to tell the story? I mean, because this story has -- when

you shine a light on something that's happened, you show what types of heroism occurred, it causes people to rethink -- rethink security postures. And so the next time a tenuous security position -- the next time these types of decisions have to be made, maybe they will come out differently.

Do you think it is because the Department rejected so many additional security requests? Do you think it's the snafu about the whole whether it's a popular uprising versus terrorist attack? I mean, what is the root of the unwillingness to tell this story, in your opinion?

A I don't understand. I have never understood why this hasn't been a story of heroism. I've never understood that. I don't understand it to this day. I'm sorry, but that's -- but it's, you know -- mistakes were made. People made mistakes. You know, there are things I would -- personally would like to do differently.

But, you know, ultimately it boils down to the fact that on a particular night, on a particular tragic night in Benghazi and in Tripoli, Americans, you know, they did fantastic things in the line of duty, you know. You know, our people were where they were supposed to be.

And in terms of -- but, you know, yeah, if Chris and Sean had been better trained, you know, if the security -- if we had had a few more guys there, if their guns had been their guns, you know, if Chris -- you know, [redacted] and Chris and I had a discussion in August, you know, as we watched our security personnel go away. And I said, [redacted],

you know, if we face an attack, I want you to give me a weapon. I want to stand up, you know, because we -- you know, we don't have enough people who can shoot.

You know, I went out on the firing line to start learning how to handle the weapons that we had, and we were going to continue to do that to try to build a capacity to protect ourselves.

You know, so if -- you know, if Chris has -- if Chris and Sean have weapons, you know, do they go in that stupid room to hide? No, maybe they go up on the roof. Maybe they are in the firing positions on the roof together, and there are seven people with weapons. You know, if the airplane -- if the airplane isn't canceled, and we can still bring weapons in and ammunition in and out of the country --

Ms. Toensing. Why don't you put that clearly on the record, because it's just been obtuse about the airplane being canceled and why they don't have their weapons.

BY MR. CASTOR:

Q Right. I think that goes back to the whole cancellation of the SST function.

A Actually, the State Department was flying an airplane from our -- you know, we have a small air force, and, you know, from Malta, and that's how we were supplying the posts. And when we canceled the airplane --

Q When was that canceled?

A May, I think. We could no longer bring -- our guys could no longer bring their own weapons in. So we had only the weapons that

we already had there, and people -- you know, you had to go out to the range, and -- when you, you know, were assigned a weapon and shoot that weapon so that you could adjust it, because every weapon is personal. At least that's what I have been told. I mean, I am not -- I don't own a weapon. I mean, I was -- you know, one of the things I was doing in my role as DCM was trying to learn from the DS people, because, you know, I didn't want to be in a situation where I couldn't contribute.

Ms. Toensing. Just to clear the record, you said "we" canceled. I don't think you canceled.

Mr. Hicks. No, I didn't, I am sorry, the State Department canceled.

BY MR. CASTOR:

Q Why did the State Department cancel it?

A My understanding was general -- you know, it was a budget issue. It's expensive. Seventeen -- I don't know, it's expensive.

Q Simply budgetary?

A That's my understanding, yeah. And because we had commercial airlines started flying in and out, so, you know, it was deemed that we could move in and out with commercial aircraft.

Q How soon after the attacks started was there recognition that this was a terrorist event?

A I thought it was a terrorist attack from the get-go. I think everybody in the mission thought it was a terrorist attack from the beginning.

Q When is the first time that you heard that there were people

in Washington talking about a popular uprising?

A That was in -- well --

Q And the popular uprising, of course, was said to be a protest over a YouTube video.

A It was in a -- this is difficult, difficult, difficult, difficult. The medium --

Ms. Toensing. This is a classification issue.

Mr. Hicks. There is a medium and classification issue associated with this.

Mr. Lewis. Okay. That would have been the first time you had a discussion. I think he's referring to not that particular intelligence medium. Did you have any discussions within the State Department about this clearly on the phone in an unclassified venue?

Mr. Hicks. No.

BY MR. CASTOR:

Q Let's back up a little bit. Did you ever have any indication that there was a protest, a popular protest, outside the mission in Benghazi?

A No.

Q And if there was such a protest, would that have been reported?

A Absolutely. I mean, we're talking about both security officers who know their trade, even though they are brand new, and one of the finest political officers in the history of the Foreign Service. You know, for there to have been a demonstration on Chris Stevens' front

door and him not to have reported it is unbelievable. And secondly, if he had reported it, he would have been out the back door within minutes of any demonstration appearing anywhere near that facility. And there was a back gate to the facility, and, you know, it worked.

Q Ambassador Rice, she did the Sunday shows. I think she might have done the full Ginsburg. Do you know what the full Ginsburg is?

A No.

Q It's when they go from show to show. You do Meet the Press, you do --

Ms. Toensing. The trifecta.

BY MR. CASTOR:

Q You do them all.

In advance of that, surely you were, you know, an integral part of her preparation; is that true?

A No, I was not. I was not in any way part of her preparation.

Q You became the charge on --

A September 12th, 3 a.m.

Q And you are the senior U.S. official, senior diplomat in country starting September 12th. And you've testified you had constant contact with Washington. So, are you -- as I understand what you are saying, before the Sunday show -- series of appearances on the Sunday shows, you were not part of the preparation and planning?

A That's correct. I was not.

Q You didn't get a chance to review talking points?

A No, I did not.

Q I'm not a diplomat, you know, I'm a congressional staffer, but from my point of view, that seems somewhat risky, because if something is said that could rub the Libyans the wrong way, there could be a diplomatic problem. Am I reading that -- is that a fair consideration?

Mr. Lewis. And at this time you are the senior-most U.S. official in Libya.

Mr. Hicks. Yes. I am chief of mission.

BY MR. CASTOR:

Q What did the Libyans think as of -- you know, did the Libyans believe that it was a terrorist attack?

A Well, I think it's important to remember that two people appeared on those shows, President Magariaf speaking from Benghazi. Now, recognize -- let's recall what the situation was in Libya at this time. You have a country that is trying to, for the first time, establish a democratic government, while trying to recover from a violent revolution. Government is very tenuous. Yet on the night -- on the day after -- you know, September 12th, the Libyans elect their first Prime Minister. They push ahead with that election anyway, despite what happens, as a gesture of confidence, because they felt that the attack on our facilities in Benghazi was an attack on them and their democracy as much as it was on us.

So Magariaf, at great personal risk to himself, goes to Benghazi to initiate an investigation and lend his own personal gravitas.

Remember he's from the Benghazi area himself. So he goes to lend his own personal gravitas and reputation to an investigation of what happens. And he gets on -- and he is on these programs speaking from Benghazi, and he says this was an attack by Islamic extremists, possibly with terrorist links. He describes what happens. He tells the truth of what happened. And so, you know, Ambassador Rice says what she says, contradicting what the President of Libya says from Benghazi.

There's a cardinal rule of diplomacy that we learn in our orientation class, and that rule is never inadvertently insult your interlocutor. The net impact of what has transpired is the spokesperson of the most powerful country in the world has basically said that the President of Libya is either a liar or doesn't know what he's talking about.

The impact of that is immeasurable. Magariaf has just lost face in front of not only his own people, but the world. And, you know, my jaw hit the floor as I watched this. I've never been -- I have been a professional diplomat for 22 years. I have never been as embarrassed in my life, in my career as on that day. There have been other times when I've been embarrassed, but that's the most embarrassing moment of my career.

And, again, we come back, what's the other impact? What does it say about Chris' professionalism? What does it say about mine? I never reported a demonstration; I reported an attack on the consulate. Chris -- Chris' last report, if you want to say his final report, is, "Greg, we are under attack."

You know, it's jaw-dropping that -- to me that -- how that came to be. And, you know, I knew -- I was personally known to one of Ambassador Rice's staff members. And, you know, we're 6 hours ahead of Washington. Even on Sunday morning I could have been called, and, you know, the phone call could have been, hey, Greg, Ambassador Rice is going to say blah, blah, blah, blah, and I could have said, no, that's not the right thing. That phone call was never made.

Q Do you think those statements had an effect going forward? What difference did those statements make?

A I think that they affected cooperation with the Libyans. I mean, I have heard from a friend who had dinner with President Magariaf in New York City that he was still angry at Ambassador Rice well after the incident.

You know, the Libyan Government doesn't have a deep bench. President, Prime Minister, Deputy Prime Minister, Minister. After that, nah, not much there. Some ministries, yeah, you can go -- it goes three deep, it goes down three layers. Most ministries it's just the Minister. So if the President of the country isn't behind something, it's going to be pretty hard to make it happen.

And I firmly believe that the reason it took us so long to get the FBI to Benghazi is because of those Sunday talk shows. [redacted]

[redacted]

Q So you were aware almost immediately that these statements were going to cause a problem and did cause a problem?

A I expected it. Magariaf was perfectly cordial when he received Deputy Secretary Burns on the 20th. You know, his speech in honor of Chris at the memorial service on the 20th was beautiful. The ceremony was, you know, fantastic, appropriate, moving. You know, all of the right things that were done ceremoniously happened -- on the ceremonial side happened. Our number one mission was to get the FBI team to Benghazi after that. [redacted]

Q Did you ever have an opportunity to communicate your concerns to officials in the State Department, whether it's --

A I had a conversation with Beth Jones. And I asked her, why did she say that?

Q When was that conversation?

A It was the next day.

Ms. Toensing. When you say "she," you mean Ambassador Rice say that?

Mr. Hicks. Yeah, why did Ambassador Rice say that? And Beth Jones said, I don't know. That wasn't -- what she said was not the guidance that she recalled from Friday's -- from the Friday deputies committee meeting, which would have been what? Must have been the

14th.

BY MR. CASTOR:

Q Did you articulate to Jones that this could be a serious -- you know, have a problem with diplomatic relations?

A I honestly don't recall whether I did or did not.

Q When you communicated that to Jones, did you get a sense that she was welcoming of that feedback?

A Quite the contrary.

Q Quite the contrary? She was not welcoming? She wasn't interested in that feedback?

A I didn't think that she welcomed the question at all.

Q And why?

A I have no way of knowing why. But that was my --

Q She is your boss?

A Yeah.

Ms. Toensing. No, I think the why was what made you think that she didn't welcome it.

Mr. Hicks. It was the tone of her voice and the tone of her response. The "I don't know." She is the Assistant Secretary for Near Eastern Affairs, and the Ambassador to the United Nations is speaking about the most important issue at the time in her region. And it was, you know, both the sharpness of the "I don't know" and the tone of voice was -- indicated to me that I had perhaps asked a question that I should not have asked.

BY MR. CASTOR:

Q How frequently were you in communication with Jones? I mean, were you talking to her every day?

A Yes.

Q And after that conversation did you notice anything -- I mean, she is your boss. Did you notice any fallout from that?

A No, not immediately. I mean, we continued to -- I mean, we had -- we had things to discuss. We talked about them. We had -- she was continually giving me advice, or what I perceived to be advice, as a chief of mission who just unexpectedly had come into that role. You know, she had been in that role before. And, you know, mostly on leadership and management issues.

Q Sure. Did she visit Libya at any point?

A She came out at the beginning of October and spent 3 days with us.

Q Did you have any one-on-one discussions with her during that visit?

A I did. We had a discussion about leadership and management style. She was suggesting that the staff was unhappy, and she was suggesting that I needed to delegate more, and take people with me to meetings, and be more communicative with them.

I was a bit surprised to hear all this, because I had been in almost constant communication with every one of my -- of all of the people there all the time. I was not necessarily going to meetings with people all the time. We were short staffed, and I didn't want to take people away from the work that they were doing to have a notetaker in a meeting.

I was also occasionally having meetings in places that the Regional Security Officer was uncomfortable with my having meetings, but I felt that I needed to see the people, and if they wanted to meet in a hotel, that it was reasonable -- that was a reasonable location, particularly if I randomized those kinds of visits. But I also was sufficiently concerned about security environment that I did not want to unnecessarily expose multiple members of staff to those kinds of meetings.

Q Did you have any discussions with her about who was going to be your deputy chief of mission and --

A She called me on the 13th of September and basically asked me why I had not appointed [redacted] to be acting deputy chief of mission. In the meeting I had intended to raise the question. In the phone call I had intended to ask her should I appoint an acting deputy chief of mission.

Although [redacted] was the next most senior person, he was also the head of the political economic section at the embassy, which was at that time devoid of any other personnel. He was -- we had a civil service political officer there who was basically responsible for our contacts with the Interior Ministry and with the U.N. mission on security, on police and transitional justice issues, but not -- with some experience overseas, but not a lot. And so -- and there were only nine other officers, State Department nonsecurity personnel, at post at this time. And I was sort of wondering do I really need an acting deputy chief of mission when I can talk to everybody whenever I want

to? We're all living and working in the same compound, because by this time we have made the decision that Dien Bien Phu is untenable. We can't be divided anymore among three different facilities. And the marines basically -- the fast platoon has arrived, and they basically said, we can't do this.

So for me, I was, you know, looking at the various choices, you know, and basically wondering why I shouldn't -- I should have an acting deputy chief of mission. And [redacted] and I had had a bit of a disagreement earlier, but we had settled it. But anyway. So she -- but I accepted her question, why haven't you already appointed [redacted] to be your acting deputy chief of mission, as an instruction to do so, and so I did.

Q Okay. And when did Ambassador Pope arrive?

A He arrived on October 9th, I believe.

Q Was that before or after Jones visited?

A After. Originally Raymond Maxwell had been -- was going to come out to be my adviser, to be my adviser, which I thought was a strange structure. I mean, there can only be a chief of mission, and how could someone from the senior Foreign Service come out to be my adviser as chief of mission?

Q So we're only talking -- the whole [redacted], whether he is appointed acting deputy chief of mission, we are talking about a week, 2 weeks?

A Three weeks.

Q Three weeks because Pope's coming?

A Well, we don't know Pope is coming until October 6th or 7th or there.

Q Okay.

A But I think I learned that Pope is coming shortly after Representative Chaffetz's visit. That was what, October 6 or 4th?

Mr. Lewis. October 7th.

Mr. Hicks. It was 7th?

Mr. Lewis. When he arrived.

Mr. Hicks. Okay. I'm trying to piece the time because I may have my departure date wrong. I may have left later than I thought. I think Pope arrived -- because it was Congressman Chaffetz, Senator Packwood, Brennan, Pope, and then I departed. I'm just trying to get the timeline back right in my head. So I think I have my -- I think I departed on the 14th.

BY MR. CASTOR:

Q Just speaking of Congressman Chaffetz briefly --

Ms. Toensing. Does that help you?

Mr. Hicks. Yeah.

Ms. Toensing. I've got October 2012 on the calendar.

Mr. Hicks. If you came on the 7th, then Senator Corker came on the 9th.

Mr. Lewis. Yes. I think he was right behind us.

Mr. Hicks. And on the 11th was Brennan. I think Pope shows up on -- yeah, okay. My timeline is a little -- I stayed in Tripoli longer than I recall, a few days longer.

BY MR. CASTOR:

Q Mr. Chaffetz is a member of our committee.

A Yes.

Q He is a very involved member.

So just since you mentioned it, did you receive any special instructions prior to the Chaffetz visit?

A I did.

Q And what were those instructions?

A 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, [redacted], and [redacted] alone.

Q And how were you supposed to effectuate that?

A They left that to me.

Q And were you advised that Congressman Chaffetz wanted to interview you?

A Yes, I was.

Q Okay. So there was some sort of reasonable expectation that that would happen.

What other things did the State Department do in advance of that visit? Did they send somebody from Washington to --

A The instructions came from two lawyers that I talked to, whose names unfortunately I can't remember because I can't get into my email. I can't access my email records.

Ms. Toensing. Why don't you explain that just right now.

Mr. Hicks. So I curtailed from my assignment as DCM after coming home in mid-October to attend Chris's funeral in San Francisco. When I left Tripoli, I did not intend to do so. I intended to return at the beginning of November.

BY MR. CASTOR:

Q To serve as the --

A To return to serve as Ambassador Pope's DCM. And after I went in to have a -- Beth Jones called me in to see her after I came back to Washington from San Francisco and basically gave me the most negative counseling session I have ever had in my career, basically saying that my staff was unhappy with my leadership style, that I was too centralized in the way things worked, that I did not take people to meetings with me, that I did not communicate and share information as broadly as I should have shared information, and basically said, you know, people really didn't want me to come back. I mean, that was the message between the lines.

Q Was that inconsistent with your -- the relationship with the folks you had in Tripoli?

A I didn't get the sense that that was -- that people -- my sense from the people in Tripoli was that they were just unhappy with circumstances, that they understood that, you know, that we were in a very difficult situation, a radically changed situation from before September 11th, and that we were all trying to cope with those different situations.

Q You had been through a harrowing experience together.

A Yeah, harrowing experience together, you know, been completely upset, our world had been completely turned upside down. Our expectations were changed dramatically. Work conditions were much worse. Living conditions were much worse. You know, instead of having a group of 30 diplomats, you know, we were 10 diplomats and 75 security personnel.

So the women, the few women that were left were particularly uncomfortable with all of the huge influx of armed men into the compound. I mean, not that they are not nice, it's just when you have 3 women and 75 men, 75, 85, 80 men running around the compound in a very enclosed area, it can be intimidating.

Anyway, I was very angry after the conversation with Beth Jones. And --

Q You essentially at this point had been notified that you are getting pulled out.

A Well, I wasn't notified, because Larry Pope had said he was willing to keep me on.

Q Okay.

A And Beth Jones said -- at one point explained, I can't understand how -- why Larry would accept you back.

Q So Beth Jones knew that Ambassador Pope wanted you to return and expected you to return.

A Was okay with me returning. I don't know about the "want." I wouldn't describe it like that. But he was willing -- he said I can work -- he told me, I can work with you, before I left.

Ms. Toensing. I want to go back to something we missed, and maybe I didn't say it right. You had talked about you can't recall the names of the two lawyers who told you not to get into your email. And then you said you couldn't remember their names because you can't access your email. If you could just put that on the record.

Mr. Hicks. Right. Yeah, I'll keep going. I just wanted to -- ultimately I decided to curtail [redacted]. Larry Pope, when he arrived at the embassy -- we will get to the email issues, okay? Don't let me get away from that.

Ms. Toensing. I won't.

Mr. Hicks. -- said that people could -- that there was an offer of no-fault curtailments on the table, which means that if you curtail, there will be no negative consequences to your career; that you could expect to continue forward with opportunities to find new work of the same caliber that you had in Tripoli.

I told him I wasn't interested at the time, but I changed my mind. I ran into Eric Boswell is the Assistant Secretary of DS, since retired, and he described -- I talked to him about [redacted], who also came back to Washington for consultations and decided to curtail. And [redacted] said, well, here are the things we're doing for [redacted]. And I said, well, you know, if I do this -- I thought maybe if I did this, I would get the same kind of positive treatment that [redacted] has gotten, which has been a really good job and a very good, you know, onward prospects for his career.

In any case, I ultimately decided to curtail [redacted]

[redacted] And so I say I curtail, and, you know, so what -- you know, if I curtail, what's in it -- what's the no fault? And the answer is, well, we'll work on -- we'll help you with an assignment, and you'll get a decent rating. And I'm sort of like going and, you know, I did all this. Is there going to be -- you know, I'm writing award nominations for other people at this time, and, you know, what about that? And I didn't hear that. But in the Department culture you don't go asking for awards. That's just not done. I didn't hear the word "award," so I was like something -- I had already decided to curtail anyway and went forward with it.

When you curtail, when you move in the Foreign Service, your email account has to be transferred from post to post, but it can't be above 50 megabytes in size. So everything beyond 50 megabytes in size is saved to a PST file and put on a CD. And you carry that with you to your next post, and you give that to your communications tech, and you ask him to upload it as a PST file into your profile so that you can then access all your emails. Naturally, if you have got SBU information on that disk, it's going to be encrypted so that you can't actually just put it in any old CD-DVD drive and access those folders, files.

You know, as DCM, you know, you are talking 200, 250 emails a day, maybe 300. So it's a big file. I have the -- I actually have the CD with me. I carry it with me everywhere because, guess what, it's SBU. And I have applied, you know, for that PST file to be uploaded into

my profile now that I -- you know, I was in a temporary situation in the NEA bureau for a while, and I have just begun at the end of February a new job in the Office of Global Intergovernmental Affairs, a temporary job, and I have applied for that file to be uploaded, and so far I have not had a favorable response to that request. So I don't have access to any of the email -- any of my email related to my tour as DCM in Tripoli.

Q So they've locked you out of your email?

A That's correct.

Q You've asked to have access to the email, you've asked to have this unencrypted?

A Yes.

Q That has been denied?

A Yes. Or actually I haven't received an answer.

Ms. Toensing. No one gets back to him.

BY MR. CASTOR:

Q And how long has this been?

A It's been over a week now. So that's why I can't explain who -- the names of the two lawyers that I spoke with, one of whom, though, came out to Tripoli, as you said, to be our -- to -- an observer.

Q You can imagine that when Congress asks -- you know, when our committee writes the State Department for information, you might be shocked to find out they don't automatically respond with answers. They try to keep documents from us. They delay the response. We take that very seriously. Our job is hard enough.

A Uh-huh.

Q And so when there's any indication that State Department is trying to prevent Congressman Chaffetz from getting information he is interested in, getting information that he feels a constitutional obligation to obtain, we have a major problem with that.

And so during Congressman Chaffetz's visit, did he try to get information? Did his staff that he was traveling with try to get information from folks in Tripoli?

A I mean, I was with Congressman Chaffetz for the entire period that he was on the ground, and we talked about a lot of things. I mean, we, you know, gave him a briefing on the current situation in country. I think I did most of the talking. And our defense attache also gave a short briefing. We did a walkaround of our facilities so that he could see -- you know, he could have a visual impact of the challenges that we faced in terms of where we were staying so that we could give him a clear picture of conditions when we arrived. And [redacted] was along with that walk. [redacted] was along on that walk as well through that whole thing.

And so, you know, then once we had -- we had a short meal, if I recall correctly, and then we went over [redacted] with Congressman Chaffetz into our classified briefing room. And we spent -- had about a 2-hour discussion in that classified room. I think that's pretty much the way that the visit went. That's what I recall anyway.

Mr. Lewis. Because I don't want to editorialize, but the

attorney was with you throughout the walk-through at --

Mr. Hicks. Yes.

Mr. Lewis. -- the embassy.

Mr. Hicks. He was right over my shoulder.

Mr. Lewis. Was the attorney with you during the 2-hour briefing?

Mr. Hicks. No, he was not deemed to have appropriate clearance [redacted] to participate in that discussion.

BY MR. CASTOR:

Q Okay.

A And --

Q Did you receive any direction about information that Congressman Chaffetz shouldn't be given from Washington?

A No, I did not.

Q I know they said, you know, don't get along with him.

A I was just -- well, they didn't tell me not to get along with him. They just said don't --

Q Don't have communication with him without --

A Don't be -- you know, no private interviews with him.

Q And then when you went in the secure environment, did the State Department minder -- he did not come in; is that what you are saying?

A No, [redacted] that he had sufficient clearances to enter that facility and participate in that discussion.

Q And did the minder report back to Washington that that had happened?

A Yes, he did.

Q And did you subsequently --

A I did.

Q Were you reprimanded for that or -- maybe that's the wrong word. Did you receive negative feedback about --

A I got a phone call from Cheryl Mills about it.

Q Okay.

A If that's what -- and she --

Q You received a telephone call from the Secretary's -- is she the chief of staff?

A Chief of staff, yes.

Q So Secretary Clinton's chief of staff contacted you about this?

A Yes.

Q Okay. Is this the first time you had spoken to Ms. Mills?

A I had never spoken to her before, never spoken to her again.

Q Okay.

A The only time in my life.

Q What did Cheryl Mills say to you?

A She wanted to know what had happened in the 2-hour period that we talked. And I gave her a description of what happened, because obviously I couldn't tell her what happened because I was talking on a cell phone. I couldn't give her the content of that discussion. But I told her that -- I described it to her.

Q Did you realize right away that maybe there was

some displeasure that you were getting a call from Cheryl Mills? This wasn't an "attaboy" call, was it?

A Not particularly. I didn't see it -- I was upbeat about it, because frankly I felt that I had fulfilled my instructions, that I had succeeded in achieving the directive that I had received from the State Department. And so I described -- you know, knowing that they were preparing for the hearing, I gave her a full readout of the visit, including the way that, you know, I characterized things, you know, that we were -- you know, this was expeditionary diplomacy, that we were doing our best with the resources that we had. We were, you know -- but that, you know, very clearly, you know, when I -- when we got there, we arrived in Libya, we didn't have the security resources that we needed, and now we have a way forward on security. And I promised her that I would -- you know, as part of that briefing, I mean, [redacted] and I went through and listed the physical security improvements that we needed in order to stay in Libya. And I promised her that I would send her a cable identifying the list for her so that they would be prepared for the briefings, since I expected Congressman Chaffetz to pose that question to our panel.

Q Did Mills give you any negative feedback on that call?

A I didn't get the sense from her in terms of the way the conversation was going that she was very happy with the way --

Q Okay.

A -- the visit went.

Q So is it fair to say that, you know, the State Department

was not interested in providing Congressman Chaffetz with all the answers to all the questions he had? I mean, were they trying to keep information from him?

A Very clearly they did not want me to talk privately with Congressman Chaffetz. Very clearly they did not want [redacted] to talk privately with Congressman Chaffetz. Very clearly they did not want [redacted] to talk privately with Congressman Chaffetz.

Q Were you involved at all in the --

Mr. Lewis. Steve, did anyone from Washington subsequently call or have a discussion with you and criticize what had happened during the congressional delegation, to include your program for the delegation?

Mr. Hicks. I never got an explicit critique of that, but I do know that -- oh, God, who is the charge out there now? [redacted] appeared on the -- in Tripoli the next day as my adviser for the Senator Corker visit with instructions that he was to be in every meeting that I participated in.

Mr. Lewis. Does this include your decision to do a tour of the facility?

Mr. Hicks. I'm just stating what happened. I did not get any subsequent direct criticism. I just felt from the way the conversation, the sort of tone of -- again, tone of voice, the questions that were asked by Cheryl Mills that the way I had -- the way the visit had gone, fallen out, had transpired, was not a happy development from her perspective. No direct criticism beyond that.

BY MR. CASTOR:

Q When a senior person calls you that you don't have a lot of interactions with, at the end of the call you can usually tell pretty clearly whether it was a positive experience or a not so positive experience. And it seems that it was not so positive.

A My general sense was, you know, this is, you know --

Q Were you involved at all in the lead-up -- my time is just about up here, so maybe I'll just plant this seed, and my colleagues might be interested in picking up on it, or if not, we can revisit it. But in the preparation for the congressional hearing -- there was a hearing before our committee --

A Right.

Q -- Charlene -- who were the witnesses?

Mr. Beattie. Charlene Lamb, Patrick Kennedy, [redacted],

[redacted]

BY MR. CASTOR:

Q Were you involved at all in -- were you in the loop for the preparation for that hearing?

A I saw some emails. The one that sticks out in my mind was that -- I mean, they were preparing a Q&A for Under Secretary Kennedy and DAS Lamb, and it was clearly marked that that material was not to be shared with [redacted].

Q There was explicit instructions to keep [redacted] out of the loop?

A Uh-huh.

Q And did you have any idea why that was?

A I assumed that they felt that he was going to be perhaps a hostile witness. I don't know. That's speculation on my part.

Q Was there any word that he -- was there any thought that perhaps [redacted] was having communications with Congress?

A There was no indication of that. All I know is that, you know, there was --

Q It was very clear that these emails should not be shared with [redacted]?

A That's right.

Ms. Toensing. Do you recall who told you?

Mr. Hicks. I was -- it was a CC on the traffic. And I was just monitoring it in between, you know, visits. It's just something that stands out in my mind as do not share -- not to be shared with [redacted].

Mr. Castor. Okay. My time's up, so --

Ms. Toensing. Can we just take a walk out? Let my legs stretch?

Mr. Castor. Of course. Absolutely.

[Recess.]

BY MR. URIARTE:

Q We've been chatting for a while now, and I want to thank you for coming in because it's very helpful to hear this perspective. I think, as you probably know from our conversations so far, we haven't really heard your perspective, so this is the Oversight and Government Reform Committee, and this is really helpful. And I understand after hearing a little more about your story, too, the sensitivity about keeping your name confidential and everything, but I want to make sure that you're comfortable, too, with sort of what our understanding is. We talked about this briefly. I want to make sure, what does that mean to you in terms of -- what do you want us to do to protect your name, your -- the fact that you're talking to us? What parameters do you want to put on our conversation today?

Ms. Toensing. Why are you -- I thought we already had an agreement on this. I don't know why he's being put on the spot to -- because I assured you --

Mr. Uriarte. I don't mean to put him on the spot.

Ms. Toensing. No, I assured to you that he wants confidentiality because you haven't even heard yet what the -- I mean, how the department is treating him, and he doesn't need to be hung out.

Mr. Uriarte. Absolutely. What I'm trying to do is protect him,

and maybe I should be addressing you. I just want to get on the record what exactly we're all -- what exactly the parameters are of what you want us to -- how you want us to treat the transcript, our conversations, et cetera. You know, there is a big difference.

Mr. Castor. I think it's best to talk about this kind of thing, you know, with the witness' counsel, and we can -- it's best not to do it on the record with the witness.

Mr. Uriarte. Well, I think in terms of the conversation before, we had said that we did want to do it on the record, and I just want to put it in there so we can have it, so we can all be exactly on the same page, that's all.

Mr. Lewis. It's your dime, Mr. Hicks.

Mr. Castor. Do you want to go off the record?

Mr. Uriarte. Do you want to go off the record for a moment?

Mr. Hicks. Yeah.

Mr. Uriarte. Absolutely.

Mr. Castor. Go off the record.

[Discussion off the record.]

BY MR. URIARTE:

Q Are you ready?

A Sure.

Q Great. So I want to go back to our conversation about what was going on on September 11th and that night.

A Okay.

Q I think we were walking through a couple different things

about sort of the different options you had and the different people you were interacting with and what type of resources you were trying to deploy. We talked about your interactions with the Libyan government.

A Uh-huh.

Q We talked about your interactions with main State.

A Uh-huh.

Q And I think the other piece of this that I want to talk about, we also talked [redacted], and then we also were going to -- the next thing I want to talk about was your interaction with the defense attache, the U.S. defense attache and your sort of interactions with him about what they were doing or could be doing to help. Can you maybe -- I know we talked about it a little bit, can you just give me an overview again of how those conversations went.

A Right. He was there with us in the command center at the residential compound, and again he was interacting with ministry of defense and with chief of staff of Libyan defense forces to try to persuade them to respond. In addition, he was a contact back to joint staff here in Washington and also in touch with AFRICOM headquarters at Stuttgart, again keeping them apprised of what was happening as well as finding, trying to determine if they were going to be acting to provide assistance. And so that was his bailiwick. It was where he was -- you know, what he was supposed to be doing, and he did it remarkably well.

Q And so then, on that night, I think you mentioned a couple

conversations you had with him about whether or not there were any resources the Department of Defense would be able to deploy?

A Right. They were very quick, again very quick conversations because in both cases the answer was not favorable, you know. I asked him what might -- is anything coming to help? And the answer was basically there's nothing coming to help. Why? Well, the airplanes are in Aviano, and Aviano, and there are no tankers.

Q So was it your sense that they were told not to help or that they didn't want to help or that there weren't resources that they could deploy?

A My interpretation of what I was told was that there were no resources available.

Q And then I guess, outside of that, was there anything else that you were trying to, any other resource you were trying to deploy, any other help you were trying to get?

A You know, we basically had deployed everything that we had under our control in Libya already, and we were consolidating all our personnel in order to maximize security for everyone else in Tripoli, but there was, other than the Libyan government, there was no other resources available.

Q Okay. Was there anything else you, I guess -- no, that's okay.

When we were talking earlier, you mentioned the ARB report, I think it came up in the conversation.

A Uh-huh.

Q And I think you mentioned that you thought that there was -- well, I don't want to put any words in your mouth. You mentioned that you had the public report, the public ARB report?

A Uh-huh.

Q I guess, what did you think of the public ARB report, did you think it was complete? Were there pieces that were missing from it?

A I thought it was incomplete. I thought that it was -- that the recommendations were unbalanced in favor of building higher walls, pouring more concrete, that it was insufficiently strong in recommending that the State Department personnel needed to have more and better training to be deployed to critical threat environments, that it did not criticize the existing training program as being inadequate, that it unfairly criticized the department for and undermined chief of mission authority by saying that -- criticizing the department for allowing Chris to go to Benghazi. I think that another criticism that a colleague had was that it probably should have faulted Chris for not pursuing his security request, his request for additional security more aggressively, but it also did not indicate in any way whether he might have been told not to pursue that request more aggressively. Chris may not have done so because he was told that he would lose status in the department if he did it, if he pursued the matter. But I don't know the answer to that.

Q You don't know whether or not Chris was ever told anything like that?

A I do not.

BY MR. KNAUER:

Q I'm sorry, your first point was that you thought that it was, what, overly -- it placed too much emphasis on hardening compounds?

A Right, right.

Q As a recommendation. Clarify that. What do you mean by that?

A What I mean by that is, again, security is a dynamic process, and advance knowledge of what is developing in a society is far more -- is more important in some ways than having hardened facilities. If you know that something is going to happen in advance, you can react to it in ways that are far more advantageous than being -- ending up in a safe haven, particularly in the environment that we're talking about in Libya where you have militias that are equipped with artillery that have grand rockets available to them, that have other kinds of explosive materials available that they were able to acquire from the arsenals of the Qadhafi regime. And we will face a similar situation [redacted] almost certainly. So, in many ways, you simply can't pour enough concrete to keep weapons like that from penetrating into the facility. So, by stressing building higher walls and building, you know, deeper and digging deeper into the earth, over training personnel to be able to react intelligently and effectively while trying to identify circumstances or trying to identify in advance that they may be getting into a threatening situation and evade that situation and thus be able to continue to do their work of meeting with the people

and engaging the people, and you have to then -- and you also have to understand that there's -- as you engage and interact with people, you have the opportunity to change their minds.

People have assumptions about other people, and if you get into a discussion with them and you become acquaintances and then you become friends, all of a sudden, those assumptions start to change, and people who previously might have been violently anti-American all of a sudden become ambivalent and/or less susceptible to the vitriol of anti-Americanism that is so prevalent in the Middle East.

So, you know, the report is very ambivalent about the need for additional training. I think the language it uses is the department might look at or the department might explore or could explore. I'm not exactly sure. But, you know, it's very -- the words about training in it are very soft. The words about improving physical security environments are very, very hard.

Q I think --

A You have to understand also that -- sorry.

Q No, please.

A The training that State Department officers going into and State Department personnel receive going into these kinds of critical threat environments is significantly less than the training that other agencies provide to their people. Some civilian personnel assigned to these environments are fully qualified in handling standard military small arms. State Department officers get to fire five rounds from a weapon that they might have to pick up in a fire fight, and of course,

in such circumstances, they're going to be far more dangerous to themselves and to their colleagues than they are to anybody who is attacking them. This is what I mean when I talk about, you know, if Chris and Sean Smith were as trained in weapons use as their colleagues were, it may have changed the environment, recognizing that six Americans chased 60 people out of that compound. So when I talk about training, that's what I mean, security awareness and self-defense.

Q The report is, as you point out, rather emphatic on -- I think the word they use is that both the -- the words they use is something along the lines of both the physical security platform and the personnel security platform was grossly inadequate?

A That's right. And when they talk about personnel security platform, they're talking about, you know, they're talking about DS personnel, not not training diplomats to defend themselves. That's what they're talking about. So there's three different elements here that I'm talking about. I'm talking about physical security. I'm talking about having adequate numbers of fully trained DS personnel, and I'm also talking about raising the level of training of the rest of the team so that they can be part of the security; they are a full part of the security team. There have been several incidents in Afghanistan, for instance, where State Department personnel became liabilities in fire fights because they weren't trained, and they didn't react quickly enough and fast enough. It's not -- and it's not their fault at all. It's just that we don't -- you know, the week-long training program that they give us is exactly that, it's 1 week long.

Other agencies -- military personnel obviously are trained throughout their entire careers to deal with, to react to hostile situations. Other agencies spend 4 to 6 months training people, their people who are going to be going out into these kinds of environments. We get a week.

Q So you think the ARB report should have played up more that recommendation, that State Department training in hostile environments should be more robust?

A Right. Yes, absolutely. You know, I mean, you can flip it the other way. Compare the training that the five DS special agents received with the training that the ambassador and Sean Smith received in terms of operating in a critical threat environment, and there is no comparison.

Q So more then to Carlos' point, just to be clear, because I've read the report many, many times, and that, you know, for someone like myself is the principal touchstone as to the events that took place. So is there something in that report that I'm missing that you can tell us about? Is there something that that report does not talk about? I know that you only saw the public version, but is there something that we should know as people that have read this report that is useful?

Ms. Toensing. Could you just clarify whether you've read the classified report?

Mr. Knauer. Yes, yes.

Mr. Uriarte. You're talking about the public version?

Mr. Knauer. Right, right. I'm talking about the public version.

Mr. Hicks. The public version, I mean, I've gone into my criticisms of the public version.

Mr. Knauer. Yes.

Mr. Hicks. And the fact that, you know, it's not clear to me. I mean, the other thing I think about that report that is important, you know, it is essentially the views of the board. It is their interpretation of the testimony that they heard, and therefore, it excludes information from the people who testified. So it is not, you know, a record of that testimony. It is, you know, again, the interpretation of those five or six people of what they heard, and so I think, you know, again, it's their opinion, and therefore, I think it's incomplete.

Specifically one of the reasons I'm here talking to you now is because I do believe that there is information that I have that I can provide that is over and above what was in that report. I have no -- everything pretty much, much of what I have told you today I told to the ARB, some of which I did not because I was asked different questions. And so my view is pretty much everything that I'm communicating to you all is or amplifies what's in the report, what's in the ARB report. So, again, another reason why I believe that the report is incomplete. And, again, I haven't said anything to you today that's classified.

Mr. Uriarte. Right.

Mr. Hicks. And a lot of what I've said to you is not in the ARB report.

BY MR. URIARTE:

Q Just one more question about the ARB report. We talked a little bit about all of the sort of different players involved. Do you think it lets anyone off the hook, the ARB report?

A I mean, the ARB report itself doesn't really ascribe blame to any individual at all. The public report anyway. And, again, I've never read, I have not had access to the classified report, so I have no idea whether it was there and, you know, then there was the whole due process issue associated with how it's been used, which is not a flattering statement with respect to an agency charged with promoting human rights and due process around the world. But does the -- again, I don't think, in our system -- sorry, I'm supposed to do this the right way. The answer is yes. It does let people off the hook.

In our system, people who make decisions have been confirmed by the Senate to make decisions. The three people in the State Department who are on administrative leave pending disciplinary action are below Senate confirmation level. Now, the DS assistant secretary resigned, and he is at Senate confirmation level. Yet the paper trail is pretty clear that decisions were being made above his level. Certainly the fact that Under Secretary Kennedy required a daily report of the personnel in country and who personally approved every official American who went to Tripoli or Benghazi, either on assignment or TDY, would suggest some responsibility about security levels within the

country lies on his desk. So, you know -- and since DS works for him as well and therefore threat reporting should be coming up to him, and so, you know, the ability -- at his point, it is pretty clear that personnel and threat meet. Not only that, but budget also meets at his desk, so, you know, if we assume that in our system, Senate confirmation means you get to make decisions, the under secretary for management is confirmed by the Senate, his appointment.

Q Okay, that's helpful. Thank you. So after everything happens and, you know, I guess one thing I was interested in, did you ever get debriefed by the State Department? Did you ever talk to them about what happened the night of?

A I testified to the ARB, and I'm testifying now to you. So the answer is no. I mean, now the State Department, policy side, had a running that night, you know, I'm calling in to the State Department Ops Center because I'm the only person talking to the State Department Ops Center, [redacted] is talking to the DS Ops Center when he's not talking to [redacted] in Benghazi, so -- but, no, the State Department, I did not sit down after I came back and talk with anyone other than the ARB about what happened. I was never interviewed by the FBI team while I was in Tripoli, and I've never been asked to be interviewed by the FBI since my curtailment.

Q Did you ever sort of talk to Beth Jones, ever do like a follow up, like this was the information we had, this is what went wrong?

A No, no lessons-learned kind of thing.

BY MR. KNAUER:

Q Just a clarifying question. When you came back and -- or subsequent to the night of September 11th, not being briefed by the State Department or having a debriefing with officials at the State Department, instead talking to the ARB, is that just standard procedure if there's going to be an ARB that, you know, we don't want to be accused of tainting the witness or tainting these individuals or coloring what they have to say, so we don't want to do that? I just don't know what is proper here?

A This is my only experience in this kind of a situation, so I don't know the answer to that, but certainly -- all I can do is describe what happened. I did not have any other debriefing other than with the ARB.

Q Okay.

A Obviously, the ARB's mandate was very narrow, which is another criticism of the report.

BY MR. URIARTE:

Q Did you know if anyone else in Tripoli was debriefed?

A By the ARB?

Q No, I'm sorry, by the State Department, separately from -- whether it was an informal conversation or --

A I don't believe any of us were.

Q Okay. I think we talked a little bit about some of the talking points that came out on the Sunday shows and Ambassador Rice before?

A Right.

Q Do you have any sense of sort of where that information that she was using came from?

A I have an idea. I have a medium problem in terms of that.

Q Can you describe it very generally?

A It was in a classified setting.

Q Okay. So there was some kind of classified setting that you were privy to that you met was also part of what she was privy to and part of that?

A I was in a classified session which discussed -- at least in retrospect, that classified setting is where this, those talking points may have originated.

Q Okay.

Ms. Toensing. I just want to clarify. You're talking process then, of how it could have come about?

Mr. Hicks. How it could have come about.

Mr. Uriarte. Right. Process very generally, not any specifics.

Mr. Hicks. If we're in classified session, I can be straightforward.

Mr. Uriarte. No, no, I understand. I don't think you're being evasive or anything. I'm trying to, like I said, sort of describe the process.

Mr. Hicks. Yeah, because -- yeah. In classified session, I can be explicit.

Mr. Uriarte. Okay, no problem.

BY MR. URIARTE:

Q You were walking through a little bit kind of the since you came back to Washington and talked to Beth Jones and debriefed with her and then some of the things that happened after that. I'm wondering if you can maybe give me a little, more -- I want to make sure that I understand in my mind kind of what were the sequence of events of what happened and what led up to it.

A Okay. Sure. Let me step back to a little bit. During -- in the 2 weeks after 9/11, I received a phone call from the Secretary of State praising my work. I received a phone call from the President praising my work. I received emails from Wendy Sherman and Steve Mull praising my work. A letter was sent from the President to President Magarief saying, and it says, I have full faith and confidence in Charge Gregory Hicks. Throughout this period, I'm being told that I'm doing a good job. I'm having -- I have daily phone calls with Beth Jones, updates, what's going on, what's the situation, where are we going, in which I'm basically told I'm doing a good job, and she's giving me advice about how I might do better, and that's how I took it. That's how I understood it to be.

The situation changes after the September 21st riots in Benghazi. You'll recall that day-long demonstration turns into riot and attack on militia compounds. People are very happy about this. They think that the Islamic extremist militias have been driven out of Benghazi. NGO community in Tripoli begins talking about duplicating that same sequence of events in Tripoli on the 28th. I'm concerned and report that concern back to Washington because most of the militia camps in

and around Tripoli are in and around -- are around our facility where we live. We have for the first time since I've gotten here, since I arrived, just everyone should know that when I arrived on July 31st, there were no Libyan security -- there was no Libyan security presence outside our facilities in Tripoli, and we did not get Libyan security presence outside our facilities in Tripoli until after September 11th. But after September 11th, that presence is intermittent in terms of its magnitude, and its leadership is very clear that if they are attacked, they will run, they will not stand and fight.

So I am concerned that extremist elements in Tripoli might use a demonstration followed by a movement, an armed movement on militia camps in our neighborhood as cover to attack us in our facility. So I raised this flag with Washington and I raised it with the Libyan government, saying this is not a good idea to go down this road in Tripoli for this reason.

On the 26th, we have an Emergency Action Committee meeting where we discuss this possibility and that this might happen. We're looking at the issue very carefully, 26th -- yes, 26th in the morning. That afternoon I get an email from Under Secretary Kennedy saying, asking, are you going to consolidate personnel, all personnel [redacted] in Tripoli for security reasons in the event of riots? The EAC has already decided not to do this because we don't have the space; we've grown too large in terms of numbers of personnel [redacted] to house us even temporarily. In addition, we don't have the vehicles anymore to move the Marines and their equipment from our location to

[redacted]. Third, our military team has determined that it is tactically superior to be in two locations under the circumstances because we have a tactical reserve, the ability to reinforce back and forth between the two facilities. I relay this information to Under Secretary Kennedy. We're planning to have another EAC meeting on Thursday evening at 5, I also tell him that. We also send it in, in a cable, saying, advising Washington of our decisions that night. Before our Emergency Action Committee can meet on Thursday -- by Thursday, we understand that the government basically is dialing back the demonstration, there won't be a big demonstration, there aren't going to be riots, and we're going to come together in an EAC meeting that evening, you know, confirm that's our view, and cable that in to Washington that they can stand down, we're okay. But before that EAC can meet, I get an email from Under Secretary Kennedy ordering me to evacuate all unnecessary -- not unnecessary but non -- how do you say it?

Ms. Toensing. Nonessential?

Mr. Hicks. Nonessential, sorry. Nonessential personnel, with -- including the names of the people and with no right of appeal. Because we tried to appeal, and he says no. And they tell me that there will be an airplane at the airport at such and such a time on Friday morning. They are to get on the airplane. The airplane is going to take them to Sicily, and they will have a wonderful paid vacation on the beaches of Sicily over the weekend until the situation is resolved. That is unprecedented that such an instruction, in my history, that

such an instruction would be sent without at least having a conversation with the chief of mission first, without at least giving me a chance to update them on how the situation is changing, what the situation is.

Contrast that instruction with what happened on the night of September 11th, where I relayed that I was being constantly asked, Greg, what's the situation? What are you doing about it? So something happened in there.

Move forward, a series of visits coming in. I mean, I called -- and now I'm not talking to Beth Jones anymore, I'm talking to Liz Dibble.

BY MR. URIARTE:

Q Who is Liz Dibble?

A She's the principal deputy assistant secretary. And because Beth is unavailable, and I asked Liz, Liz, what happened? How did this -- and she said, Don't worry about it, it's just, the White House is really worried.

Q Did you say about what?

A About our safety, and they don't want to take any more chances.

BY MR. KNAUER:

Q Well, I guess, before you move further off that point, did you object to the cable, the contents of the cable, that we are to evacuate nonessential personnel, or was it that it was a directive without a discussion that bothered you?

A It was a directive received without first consulting with me.

Q So you felt there should be some sort of dialogue before --

A I have never known of that to happen. I have never known for a Chief of Mission to receive an instruction of that nature, of that specificity, where the Chief of Mission is being ordered to evacuate specified individuals. Normally, an evacuation is -- you know, the people that go are the Chief of Mission's decision, because who better knows who should go and who should stay than the Chief of Mission, because he's the person on the ground.

One of the persons that I was directed to evacuate was the facilities maintenance manager, was our facilities maintenance guy, the guy who keeps the facility, our mission running, you know, the plumbing, the electricity, you know. And we've got 50 security guys on this campus now. And, in fact, we had the plumbing in four of our buildings fail while he was gone.

Q Can I just ask you sort of a clarifying question --

A Absolutely.

Q -- just because I'm just trying to put myself in both your shoes and in the Washington shoes. Is it possible that they're making this decision because, frankly, you guys had a lot on your plates and you had gone through some very difficult events, and they were reacting out of fear for your lives in another event that might come, and they were trying to be ultraconservative? Is that --

A I don't -- I don't discount that that's what they were trying to do. The point that I'm making is they didn't -- you know, there's a change in the way I'm being treated.

Q I see. So they should have consulted with you in the process.

A I was not consulted at all. I was not consulted. They did not call me and say, Greg, you know, we're really concerned, you know, you've really got everybody -- you've done your job well, you've gotten everybody spun up here. You know, we think that you need to draw down even further over the weekend, and we're ready to make an airplane available for that purpose; what do you think?

Q Right.

A You know? And then I'm given -- then I have the chance to say, well, you know, circumstances are changed, we've reevaluated the situation, we think that, you know, the demonstrations are not going to be large, we think that there is likely to -- there are really serious logistical challenges, and, you know, the government is reacting in the right way this time.

And so, again, there's a change there. So I'm sorry if I'm taking a longer time to describe this.

Q No, no, no. I appreciate it.

A I just want you to know that there's a changing temperature, if you will.

Q Okay, got it.

A You know, then we go -- the next thing is we have three -- you know, Beth Jones comes out at the beginning of October. And she does substantive meetings, and she meets -- we have a ceremony for Chris. And then she's also meeting with everybody around to talk. And then, you know, she says, Greg, you've got to pull up your socks, in terms of your leadership style; people are not happy with the way you're doing things. And so that was news to me because I hadn't perceived that at all.

So then we go to the three visits, back to back to back. And it's Representative Chaffetz, Senator Corker, and Brennan, Tom Brennan, and then Ambassador Pope arrives -- 7, 9, 11, and out.

And, you know, we have the minders arriving, the minder from, the lawyer from H, from legislative affairs, who arrives with Representative Chaffetz. And we have [redacted], who was the director of the Maghreb affairs office at the Near Eastern Affairs Bureau, coming to be my adviser until Larry Pope shows up. And so we worked through those three visits. And Larry Pope arrives, and we have a conversation. And we get to the conversation of no fault curtailments and I can probably work with you.

So, you know, in a space of 4 weeks, I go from having done this terrific job to somebody who's not doing a terrific job. Does that sort of --

Q Yeah, yeah. And were you ever able to sort of clarify that with Ms. Jones or anybody, along the lines of, hey, just 2 weeks ago I got these very nice communiques, letters, what have you, congratulating me, and now what I'm hearing from you is something that doesn't reflect what I just received?

A Well, again, then when I came back, I was summoned to see her, and I was given, you know, the negative -- the most -- in fact, really, the only criticism of my performance that I've had in my career. You know, not only, but the most severe, you know, and negative, in a negative way. Every other -- whenever I've been counseled before, it was always constructive criticism, here's how you can get better. This was, you did something badly.

And, again, it doesn't click with -- you know, before I left, I went around and I talked to every person at the compound, and I asked them, what could I do better? And I didn't get from anyone the sense -- you know, it was all, well, you could communicate a little better. And okay, I said, well, I'll do better. I mean, I haven't really -- I've told you everything I've known and been able to tell you about what we're doing and why and what's happening and things like that.

So, anyway, all I can say is --

BY MR. URIARTE:

Q Did you have a relationship with Beth Jones before the attack on September 11th?

A We served briefly together when she was Principal Deputy Assistant Secretary in the NEA Bureau and I was the Desk Officer for Yemen.

Q But you didn't communicate with her regularly as the Deputy Chief of Mission?

A No. I did not. I didn't communicate with her at all. My point of contact was daily phone calls with [redacted] or [redacted], who was his deputy.

BY MR. KNAUER:

Q I'm just curious, how does she do her job? I mean, how does she know how to evaluate you, in terms of your performance? I mean, is she talking to people that were in Tripoli?

A She may very well have been. You know, maybe she's calling around to people.

Q I'm just trying to understand what this meeting is about. Did she summon you in saying this was part of some performance appraisal or some process that we go through after an overseas assignment?

A Yes. Normally when you're facing a hostile -- you know, the procedures are, if you're going to face a hostile counseling session, you're supposed to know in advance that you're going to face a hostile counseling session.

Q And do you guys just do these counseling sessions regularly at State?

A Generally, quarterly.

Q Quarterly?

Mr. Uriarte. This was outside of the regular course, though?

Mr. Hicks. Absolutely. I mean, this wasn't quarterly, this was 4-weekly. Again, normally, in the State Department, you know, you're given an opportunity to turn things around if you're on the wrong track, you know. It's not --

BY MR. KNAUER:

Q And you don't have to answer this if you're not comfortable with it, I mean, but did you have a conversation with her saying, you know, this has been sort of a tough couple of months here and --

A I did say that to her, and she wouldn't have any of it. You know, I said, aren't there extenuating circumstances here? And she was having nothing of that.

Q And so, what happens after her? Is she sort of the final stop on this consultation tour, or is there some other person you talk to or are allowed to talk to, to say, look, you know, I just had this conversation with Beth Jones and I'm very confused by it because --

A I sat down with -- after the hiding, if you will, I was invited to meet with Principal Deputy Assistant Secretary Liz Dibble. And, you know, I laid -- you know, I described what had happened and my astonishment about it. And, you know, I told her very clearly that, you know, on September 10th my career was looking very good.

Ambassador Stevens and I had established a rapport; we were working together very well as a team. We were very optimistic, you

know, despite all of the negatives, we were very optimistic that we had the policy tools and the team in place to move the relationship forward and help the Libyans move through this democratic transition successfully. You know, I was about ready to -- I was on the verge of starting to contact American companies about reopening the school in the fall of this year.

You know, my career was looking very good because, you know, Chris was being talked about, you know, as the next superstar in the Department of State, and, you know, previously in my career all of my mentors had retired after -- and so I felt very good that I was hitching my career to a rapid riser and so it was going to go places.

And up until September 11th, my relationship with everyone was pretty good.

BY MR. URIARTE:

Q So then what happened in that conversation with Ms. Dibble?

A So she said, well, she knew and understood, but, you know, this is the way things are, and you're just going to have to adapt to that.

Later, I talked with her again about how we would move forward after curtailing, and it was, well, we'll help you get a good onward assignment. And the onward assignments so far that we have discussed have been -- but it was very clearly given to me the impression not to consider leadership positions overseas.

You should understand that we have a 5-year rule and we can't serve in Washington longer than 5 years without a waiver. And so I'm up -- you

know, because I didn't complete the assignment in Tripoli, that 5-year rule kicked in again, so I'm required to go overseas by September 30th. And the only overseas assignments --

Ms. Toensing. September 30th of this year?

Mr. Hicks. This year, right.

Of course, there haven't been -- the only assignment so far that Liz Dibble has been willing to support me for was a position in Australia, which is of less responsibility than the position I had in Bahrain a decade ago, when I was chief of the pol/econ section. And it's also impossible for me [redacted]. So I declined her offer.

There was also a factor of the bureau, the Asia Bureau, had already chosen someone for that position, and it would have involved me challenging that choice. And that would not, generally speaking, not be a successful thing.

BY MR. URIARTE:

Q Have there been other positions that you asked her or the bureau to support you on?

A I've bid on a DCM job in Honduras. I was not considered for a -- I was not considered, or didn't make the short list. Sorry.

I approached the European Bureau for a multilateral job in Bosnia but was not considered to be of sufficient experience to do that job.

That's about it. I have stopped looking for overseas assignments at this point in time.

BY MR. KNAUER:

Q So what does that mean, then? So what are you doing now, and when September 30 comes, what happens?

A Well, at the moment, I'm working at the Office of Global Intergovernmental Affairs, but basically as a desk officer.

Q And what does that mean? Is that a demotion, in your eyes?

A Yeah, absolutely.

Q Okay.

A I mean, you know, I've been a Chief of Mission. And, actually, I outrank every person in that office. As an FSO-1, I outrank the GS-15s in the office, including the person with the appointed title of Special Representative, who is a GS-15.

Q How do you end up in that position? So after your consultation with Ms. Dibble and so on, it sounds like your status is somewhat ambiguous. Does somebody just call you up and say, hey, your new job is X?

A No, it's a little different than that. After I curtailed, I get shifted to the status that's called overcomplement in the Bureau of Near Eastern Affairs. And so the issue becomes then, you know, the Bureau of Near Eastern Affairs is obligated to find work for me to do because they're paying me, and that didn't happen.

So, basically, from the time that I officially, you know, began the curtailment process at the beginning of November until the end of February, I had no substantive employment at all.

Ms. Toensing. But clarify. When you said, "That didn't

happen," you mean that they didn't give you any work.

Mr. Hicks. They didn't give me any work. Exactly.

BY MR. URIARTE:

Q So they were supposed to find a desk job in the Bureau of Near Eastern Affairs for you to do and they just didn't do it?

A Yeah. They should have found -- and, at the time, there were deputy director positions in the bureau at my grade that were open, and I was not offered to temporarily take over those duties. And rather key positions, like the deputy director for Egypt, the deputy director for Israel, Israel and Palestinian affairs.

Q Did you ask about any of those positions? Did you talk to people in the bureau about those?

A You know, you don't go in and ask somebody who is just -- you know, sorry, I'm not going to go in and beg for a job from people who have basically done what they've done.

Q Sure. And I'm just trying to get a general --

A I understand. I understand.

Mr. Knauer. And what happens in September? You said that you had to go overseas per this 5-year rule. What happens when September comes if that is not an option?

Mr. Hicks. I'll have to ask for a waiver.

Ms. Toensing. And if you don't get it?

Mr. Hicks. That's an interesting question. Maybe I'll be sitting in the cafeteria of the Department of State.

At least at the moment, I have a job, if you want to call it that.

I mean, I have one substantive task, which is to create a training course for that particular office at FSI. But I'm not involved in any of the diplomatic activities that office conducts.

Mr. Uriarte. You know, I don't know the inner workings of the Department that well. Where is the Global Intergovernmental Affairs Office?

Mr. Hicks. It's an office created by Secretary Clinton, so it's what we call an S-slash office. So it's basically the Special Representative for Global Intergovernmental Affairs, Reta Jo Lewis, reports directly to the Secretary.

Mr. Uriarte. Okay.

Ms. Toensing. What do they do?

Mr. Hicks. It's an interesting new function. And I think you all understand that subnational elected officials, such as governors and mayors, are involved internationally, usually on the economic side, pursuing investors and pursuing export opportunities for their companies, but also working and doing cultural exchange kinds of things, working on educational exchanges and that sort of thing.

So they travel, and they meet with their counterparts overseas. And the State Department historically has had very little interaction with these officials' activities, but there's clearly a value-added exchange that can take place between us briefing governors and mayors before they travel overseas, our embassies assisting in developing their schedules for them, and our ambassadors accompanying them, briefing them, hosting them to events.

Likewise, there are many countries that have subnational elected officials, as well, who travel to the United States for the same purposes. And we can arrange meetings with them to enhance their knowledge of our government agencies that can help facilitate them to achieve their goals. At the same time, you know, a special representative can travel, as well, meeting with subnational government officials abroad and open doors for our embassies to meet those officials and begin engaging with them.

So we've created a broadening and deepening effect to our bilateral relationships through this office. It's a very powerful tool.

BY MR. KNAUER:

Q Can I ask you really quickly, do you guys have, like, formal employee evaluations, something on paper?

A Absolutely.

Q Have you gotten one since your time in Libya?

A No.

Q Okay. When is that expected?

A I have not worked -- the rule is that if you work for someone or in an office for 120 days, then the evaluation is required. If it's less than 120 days, then the evaluation is optional.

Q Okay. But short of Ms. Jones, has anyone given you any paper or anything else verbally that your work is somehow subpar?

A I have no -- I've had no work since I curtailed. So there is nothing to evaluate.

Ms. Toensing. He's an orphan.

BY MR. KNAUER:

Q Yeah, I guess I'm just trying to figure out if -- you know, the way you were describing this is that you had some rather glowing reports from back in Washington, and then suddenly, very quickly, things go south.

A Right.

Q And the only person that sort of intimates to you that they're not what they should be is this Ms. Jones. I'm not sure what kind of weight she has, but is there --

A She's Acting Assistant Secretary for the Near East Bureau.

Q But is there anybody outside of that who is saying, hey, you know, your work is not something that we think is up to snuff to go overseas? I mean, what other measures are out there insofar as the State looking at your performance other than what she is saying to you?

A Well, again, the absolute lack of any receptivity to an assignment overseas is an indication of something.

Q We just don't know? Not yet?

A We just don't know that -- but it's certainly -- given my prior record, given, you know, how I performed prior to and during and immediately after 9/11, one would think that something of commensurate value would be forthcoming.

Mr. Uriarte. It's time. We can go off the record.

Do you want to take a little break?

Mr. Hicks. Sure.

[Recess.]

Mr. Castor. Okay. We'll go back on the record.

BY MR. CASTOR:

Q I'm a little bit confused about the wrong turn your professional trajectory has taken. You know, in advance of going to Libya, you spent considerable time and effort training for it; is that correct?

A That's true.

Again, I was appointed to be DCM in February of 2010. In about April of 2010, maybe late March, the administration stands up four working groups to prepare our policy approach to Libya post-revolution. I am chosen by the Bureau of Economic and Business Affairs to be its representative to those working groups, because we know that security and stability are dependent upon a vibrant economy. We know that the country is going to have to get its petroleum production back up on line. We know that we froze all of the Libyan Government's overseas money once the revolution began. They're going to need cash from somewhere. That's pretty much the only source that they're going to have.

In addition, of course, I'm involved with the governance working groups. The State Department, Defense Department run a game, a scenario game, all-day affair, at DOD beginning in June, in which we try to visualize how the end of Qadhafi's rule is going to work. We set it out, and, you know, it's funny, but it actually unfolded in the way that we predicted that it would. I'm able, as a result of that

meeting, to get it clearly on the record that it's an interagency goal to unfreeze Libya's assets as soon after the revolution is accomplished as possible. That happened.

So I spent a lot of time working on Libyan substance before I go into Arabic in September of 2011 -- yeah, 2011. Yeah, February 2011, I'm chosen to be DCM. Sorry about that.

And so I spent the next 9 months in Arabic training. Arabic's not the easiest language in the world. I already had Arabic at about the 2/2 level, so the idea was to spend a year, bring me up to the 3/3 level, and so I do. I achieved that goal.

I have one last class to take. After that, we have a "how to be a DCM" class that's 3 weeks long. But I was supposed to take that in June and go out to post at the end of June, rather than the end of July, but [redacted] on June 3rd, and so I have to drop out of the June DCM class to deal with that. I go back and do the July course and then arrive at post on July 31st. So I spent a year.

Through that period, [redacted], the DCM that preceded me, keeps me informed of developments. I'm CC'ed on most of the emails, so I'm reading what's going on at post. That's why I was aware of how the additional security request process evolved, because I saw it and [redacted] showed it to me. I don't see what's going on on the classified side because I don't have access to classified in FSI.

I'm also doing in in-briefings with, you know, outside the Department and inside the Department. I talked to I&R, intelligence and research, particularly the counterterrorism threat people, and DS.

I talk with all of the economic agencies because I'm going to be lead person on economic policy in Libya while I'm there.

You know, I was chosen because I was a complement to Chris's skills. Chris is a political officer, public diplomacy guy, and also political military affairs expert. I'm an economic policy person, plus I have a very strong reputation for management skills and management ability.

Q Could you stop right there? You have a strong reputation for management skills and management ability? And that's been communicated to you by the State Department?

A That was communicated to me by all of my previous supervisors, yes.

Q So as you're heading into this posting, that's viewed as one of your strengths?

A Absolutely. It's one of my strengths, and I'm known as the guy who gets things done.

Q So the feedback you received from Beth Jones, having some management issues, that's contrary to the feedback you received --

A Right. And as part of this DCM course, we do a -- there's a survey conducted of all the past people that you've supervised, related to how they perceive you as a leader and manager. And I got very high marks back from those people, in fact, showing, you know, 80th percentile and above in almost all categories.

Q You've been at the State Department, did you say, for 22 years?

A Twenty-two years, yes.

Q So you've seen a lot over the years. Is it surprising to you that, you know, a discrete set of management issues came up, you were talked to, for lack of a better word, by Beth Jones, and all of a sudden your career has taken a U-turn? I mean, have you ever seen that happen before? I mean --

A I have seen it happen in -- I have a friend who was the Principal Officer in Karachi in the mid-1990s when the incident occurred involving the attack on the bus, terrorist attack on the bus, where we had several people killed. And that event basically killed her career, and she retired, ended up retiring from the Foreign Service.

Q Through no fault of her own? She was just in the wrong place at the wrong time?

A That's right. At least, that's so far as I know. She did nothing wrong. She was doing nothing out of the ordinary. At the same time, I was living and working in Yemen. And we had a similar shuttle bus, and I was riding back and forth to work in Yemen with a bunch of officers there.

Q Could you go through -- you said that you had a letter of commendation after the -- did you say it was from the President?

A I had a phone call from the President.

Q Okay, so you spoke directly with the President, and he told you --

A Yes.

Q -- you were doing a good job?

A Yes.

Q And, presumably, the calls from the President don't happen unless the --

A That's right.

Q -- right people at the State Department brief up the right people at the White House?

A Right.

Q And when was that call?

A It was maybe the 18th of September.

Q And did you get some positive feedback from the Secretary, as well?

A Yes.

Q Could you describe that positive feedback?

A It was another, in mid-September, another phone call where she called and said, you were doing a great job. And then she wanted an update on what our situation was, both morale and security and personnel situation.

Q And other than the letter that was transmitted to the Libyan Government expressing support for you, was there any other written -- was there written --

A I got an email from Wendy Sherman praising me for my performance. And I got a letter from Steve Mull, M-u-l-l I believe, who at the time was Executive Secretary of the Department and is now Ambassador to Warsaw.

Q Now, since you've returned, and in your efforts to get

another DCM job and to get, you know, another job that would be viewed as a lateral move, and as it hasn't worked out, have you had any chance to talk to Beth Jones or Liz Dibble and get any feedback from them about, you know, what am I doing wrong here, what can we do to get back on the right path? Have you had any of that type of discussions?

A I haven't really wanted to, to be honest with you, because I've just felt that there was no point.

Q I know it's hard to speculate because you don't know what's in their minds, and they're your bosses at this time, but did you have any idea what's really motivating all this? Is it that you expressed concern about Ambassador Rice's comments? Is it that you know too much about the request for security in the months leading up to September 11th? Is it something else?

A I think that it's a combination of things. I think that, you know, the question I asked about Ambassador Rice's comments, I think the whole issue related to the possible riots in Tripoli, I think the way I handled Representative Chaffetz's visit, I think the way I handled Senator Corker's visit.

BY MR. CASTOR:

Q Were there any similar issues with the Corker visit as with the Chaffetz visit?

A Less so, but --

Q Where you --

A Because, you know, Senator Corker wanted to meet with host-government officials.

Q Uh-huh.

A So --

Q After the Corker visit, did you receive any telephone calls from Cheryl Mills or other --

A No.

Q Did you receive any negative feedback from Washington, whether it was from Beth Jones or Liz Dibble?

A No. But, you know, by then, I am getting a feeling that, you know, there is an issue.

Q When Congressman Chaffetz came to visit and when Senator Corker came to visit, is the mindset of the State Department officials back in Washington such that they want to provide as much information as possible to these Members of Congress? Or is there an effort to keep information from them?

A Well, it was clear, you know, about the instructions that I had with respect to Congressman Chaffetz.

With respect to Senator Corker's visit, you know, his mission was different. His mission was to engage host-government officials [redacted] in support of the mission overall, while also looking at issues related to our security situation there and what had transpired.

So, you know, I remember there was a conversation between [redacted], who arrived on the -- the day after Representative Chaffetz visited, and asked, you know, in order to be -- and he basically instructed me that he was to be included in all meetings that I was in and he was to ride in any vehicle that I rode in. And I know that he was asked on the phone, how did it go with Senator Corker? Did he get the substance right? And, you know, [redacted] said, yes, he had the substance spot-on, in terms of the issues that we were raising.

But, I mean, again, to me, you know, one, why is [redacted] there in the first place? And why is the question being asked about whether I have the substance right or not? It's indicative of an attitude, in my view.

Q Is it fair to say that that attitude isn't share as much information with Congress as they are --

A No. I don't know that that's -- you know, with Senator Corker, again, it's a different visit.

Q Right.

A I'm talking about a view about my own performance. But your

question is about share with Congress?

Q Yeah.

A No, I don't think in Senator Corker's requests, you know, that there was any interest in --

Q But certainly with Congressman Chaffetz?

A Yeah.

Q There was certainly an effort to interfere with the complete sharing as much as humanly possible with Congress?

A Right.

Q I am going to stop and let Carlos jump in here, but I just have one quick question.

Some of our Members have theorized -- this is going back to the whole F-15 matter -- that, you know, if an F-15 had been permitted or allowed to fly, you know, over Benghazi, it might have disrupted the subsequent attacks. I mean, you had described many attacks, or it was described as two attacks, and, you know, you described it probably more precisely as three.

A Right.

Q But do you think, you know, if an F-15, if the military had allowed a jet to go fly over, that it might have prevented --

A Yeah, and if we had gotten clearance from the Libyan military for an American plane to fly over Libyan airspace.

The Libyans that I talked to and the Libyans and other Americans who were involved in the war have told me also that Libyan revolutionaries were very cognizant of the impact that American and

NATO airpower had with respect to their victory. They are under no illusions that American and NATO airpower won that war for them.

And so, 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.

Q The theory being, the folks on the ground that are doing these -- committing these terrorist attacks look up, see a heavy-duty airplane above, and decide to hightail it?

A I believe that if -- 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. They would have been scared to death that we would have gotten a laser on them and killed them.

Ms. Toensing. I am going to see to it that when this little clock says 4:20 we are starting to pack up.

Mr. Castor. Yeah, I was going to turn it over to Carlos, I think.

Ms. Toensing. Okay.

Mr. Castor. I did my 20 minutes.

BY MR. URIARTE:

Q I just wanted to ask, you mentioned permission from the Libyans. Why is that important? What do you mean by that?

A Well, it's their country. And for an American military aircraft to fly over their country, we have to have permission from them to do so.

Q So what would have been the risk of -- do you think it would have been risky for us to send someone -- I'm sorry. Do you think it would have been counterproductive for us to send a fighter pilot plane over Benghazi without that permission?

A We would have certainly wanted to obtain that permission. I believe we would have gotten it if we had asked. I believe that the Libyans were hoping that we were going to come bail them out of this mess. And, you know, they were as surprised as we were that American -- the military forces that did arrive only arrived on the evening of September 12th. Yeah.

Q We were talking a little bit about the congressional visits. You know, I just want to make sure I understand, when the folks from the State Department showed up, did they tell you why they were there? I think you mentioned a lawyer who was a -- and then [redacted].

A The lawyer said that he was there to monitor the conversations and be there in the event that a lawyer was needed.

Ms. Toensing. We are always needed.

Mr. Hicks. And [redacted] said he was there to be my adviser until Larry Pope showed up.

BY MR. URIARTE:

Q And you talked a little bit about some of the conversations you had with main State about, you know, in preparation for particularly the Chaffetz visit. And you said that they said you shouldn't schedule the day so that you're not, I guess, in a situation where he could interview you one-on-one? Is that what it was?

A Yes.

Q Did they talk about, sort of, what their concern was around that?

A No.

Q No. They just said, just don't be in a room with him one-on-one.

A Correct.

Q Did they at any point tell you not to share certain information with Congressman Chaffetz?

A They told me not to be isolated with Congressman Chaffetz.

Q Right. I'm just wondering if they said -- they advised you --

A They also did not want me to share anything which might divulge information that was part of the FBI investigation or privileged to the FBI investigation.

Q Did they express a reason for that?

A It was the standard, "It's a law enforcement investigation, and we don't want to compromise its integrity," I think is the way they worded it. I mean, you guys are lawyers. You guys can probably figure it out, you could probably say that better than I can.

Q No, that's helpful. I am curious how you heard it.

And then, you know, I mean, I guess, in any other way did they try to, sort of, get you to say certain things or craft the substance of what you were talking about?

A No, those were the two things.

Q Okay.

A It was basically, use the schedule.

Q Right. Do you remember who it was who asked you to do that?

A If I can look through my email, I would be able to tell you.

Q That's what I was trying to remember, which were the lawyers. You couldn't remember. So it was a lawyer from D.C. who called you and had that conversation with you?

A Uh-huh.

Q Okay. Got you.

BY MR. KNAUER:

Q Do you plan to ask them to give you your emails or access to your emails?

A I have.

Q You have.

Ms. Toensing. Twice.

BY MR. KNAUER:

Q You asked, like, the IT person?

A Yeah.

Q How do you that? Is that just sort of a --

A There is a form that I filled out --

Q Okay.

A -- and I sent it in, and they said my supervisor has to approve it. And I haven't heard from him since. I sent an email today asking what the situation was. Hopefully, I'll have answer tomorrow.

Q Okay. Is that usually something that takes a few days, a

few weeks, or a few months? Is there some time expectation on that? Is it immediate?

A I mean, it should be 24 to 48 hours. I mean, it's a simple process. You hand them the disk, they take the disk to their work center, they upload it to my profile, and they give me the disk back.

Q But nobody at this point has said, No, we are not going to do this for you. You just haven't heard anything back.

A I mean, I haven't -- there has been no action on the request.

Q Okay. Nobody has asked you for that disk? Give us all your stuff, and we are going to keep it and not give you anything back; no one has said anything like that?

A No.

Q Okay.

A But it's, you know, again, it's useless to me until it's decrypted and uploaded.

Mr. Knauer. Thank you very much from our side. We really appreciate you coming in.

Mr. Hicks. Okay.

Mr. Uriarte. Thank you. We really appreciate it.

Mr. Castor. Yes, thanks very much for talking to us. I can't tell you how important it is to get your perspectives.

Mr. Lewis. Steve, can I throw one last -- when you told the congressional delegation --

Mr. Castor. This is on the record.

Mr. Lewis. When you told the congressional delegation -- this

is CODEL Chaffetz -- that you could not speak to the FBI investigation, what response did you receive?

Mr. Hicks. I think I received a response to the effect that the committee has its own separate authorities, and, therefore -- I think it was something like that. The committee has its own --

Mr. Lewis. That's your recollection?

Mr. Hicks. My recollection is the committee has its own separate authorities that are independent of the FBI investigation, and, therefore, they cannot compromise the integrity of the FBI investigation, or something to that effect.

Mr. Lewis. Okay.

Mr. Castor. Okay. Thank you.

[Whereupon, at 4:17 p.m., the interview was concluded.]

INTERVIEW OF RAYMOND DOUGLAS MAXWELL

BEFORE THE

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, MAY 30, 2013

APPEARANCES

FOR THE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

STEPHEN CASTOR, *Chief Counsel*
BRIEN A. BEATTIE, *Professional Staff Member*
JAMES LEWIS, *Senior Policy Adviser*
CHRIS KNAUER, *Minority Senior Investigator*
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PETER J. KENNY, *Counsel, Democratic Staff*

FOR MR. MAXWELL

SHARON L. PAPP,
General Counsel
American Foreign Service Association

MR. CASTOR: This is a transcribed interview of Raymond Maxwell conducted by the House Committee on oversight and Government reform. This interview was requested by Chairman Issa as part of the Committee's investigation into the

terrorist attacks of September 11 and 12, 2012, at the U.S. facilities in Benghazi.

EXAMINATION

BY MR. CASTOR:

Q Mr. Maxwell, could you state your name for the record.

A Raymond Douglas Maxwell.

Q Your counsel?

MS. PAPP: Sharon Papp.

EXAMINATION

BY MR. CASTOR:

Q My name is Steve Castor. I'm a staffer with the Committee's majority staff.

As I mentioned before we got on the record, the way the questioning will proceed is majority staff will ask questions for the first hour and then the minority staff will have an opportunity for an equal period of time to ask questions as well. We will do our best to limit the number of people directing questions to you. The goal and sort of the gentlemen's agreement we had was that one person asks questions per side. If there is any need for clarification, of course, or if somebody didn't hear something, we want them to jump in and ask for clarification and so forth.

You're here with your counsel, and you're here on a voluntary basis, so we encourage you to confer with your counsel as needed.

This is an unclassified interview. If the question

calls for any information that you know to be classified, we ask that you respond only with unclassified information; and, if we need to have a classified session later, we could arrange that. As I indicated, the classified session would happen on a separate day in a different room and possibly with a different court reporter.

As you can see, the official reporter is here taking down everything that we say; so, with that in mind, we ask that you just give verbal responses to all questions as opposed to nods of the head.

And we will do our best not to talk over each other. It takes it particularly hard for our reporter. From time to time, the reporter may need us to stop to get something we didn't say or get a name, so we will have to keep that in mind.

We want you to answer our questions in the most truthful and completely manner possible. We would be happy to repeat or clarify anything, if you don't understand it, or if I mumble, so just let us know on that front.

If you honestly don't know the answer to a question or don't remember, it's best not to guess. Just tell us to the best of your recollection what you do remember.

And you should understand we tell all our witnesses that you are required by law to answer questions before Congress truthfully.

Do you understand that?

A Yes.

Q It's 9:13 on my clock here, so I will get going for our hour.

I think it might be helpful to have you walk us through your State Department career. And rather than me just asking questions about that, maybe I will just turn it over to you a little bit, tell us how long have you been with the State Department.

A Sure, sure.

I joined the foreign service in May of 1992. I went through the orientation/training, consular training, GSO training, Portuguese.

I went to Guinea-Bissau, a country in West Africa as the General Services Officer.

You want to know details about what happened there, or just chronological?

Q No, I don't think so. Just a general background is helpful.

A They couldn't get anyone to go to Guinea-Bissau, so they promised me if I took this assignment they would give me whatever I wanted afterwards, and they did. My second assignment was London. I did a year of consular work in the area of political work.

From London, I came back to Washington and worked in the Operations Center. You know what the Operations Center is. From the Operations Center, I went back out to Angola as the Management Counselor. Again, it was a job they couldn't fill, and it was a three-grade stretch, but I spoke

Portuguese, and I thought I was up to it, and so I went.

Did a great job there. I got lots of awards.

From Angola, I went to Ghana where I was Supervisory General Services Officer.

From Ghana, to this assignment, I came back to Washington as our Post Management Officer in the Bureau of African Affairs.

Initially, I was supposed to be coming back to cover West Africa--initially, I was supposed to come back and be the Post Management Officer for West Africa because I had served in three West African countries, but the Bureau had a need for someone to do East Africa, and so I took it. The big part of the job was Khartoum. Another big part was terrorist activity in Kenya and Ethiopia, with lots of evacuations that year, and I was the point person in the Bureau for all evacuations.

From the Bureau of African Affairs, I went to be Special Assistant to the Assistant Secretary for Administration. That was supposed to be a one-year assignment, but a vacancy came up in the office of the Under-Secretary for Management whom the Assistant Secretary for Administration reported to, instead of asking me to take the Special Assistant job in the Under-Secretary for Management Office, so I did it.

In the meantime, I had--I needed to bid on my next assignment, and when I was with the Assistant Secretary for Administration, he encouraged me to bid the Cairo Deputy Management Counselor job, which was another two-grade

stretch, and so I bid it. And I had to wait a long period of time because I was out of grade, but I got the assignment. It included a year of Arabic, and so I studied Arabic for one year at FSI and then went to Cairo. This was 2006.

The job in Cairo was supposed to be for three years, but in 2007--you all may or may not be aware, in 2007, they had this huge town hall meeting in the State Department because Foreign Service Officers were refusing to go to Baghdad. So, sort of associated with that, Ambassador Crocker did a tour of our posts in NEA, sort of beating the recruitment drum, and I decided that it's my time to go to Baghdad.

So, I arrived in Baghdad in 2000--in January 2008 initially to be Senior Adviser for Policies and Programs in Office of Provincial Affairs.

About a month into my tour, the DCM fired her Chief of Staff, and someone said, "Ray Maxwell can do that job."

So, I interviewed, and for the rest of my time in Baghdad, I served as Chief of Staff and Executive Secretary.

When I finished in Baghdad in January of 2009, I intentionally allowed a gap of time to take home leave, annual leave, recuperation leave. I was going to check myself into a monastery after my stint in Baghdad; a bunch of FSI courses. But I got a phone call in April from the NEA Assistant Secretary, saying, "We need a DCM in Damascus until we can get the person there who has actually been assigned."

And I said, "Well, how long?"

And they said, "Well, four or five months."

So, I said, "Okay, I will do it." [redacted]

[redacted]

I was in Damascus for a month as Acting DCM when the Assistant Secretary decided to pull the Chargé out and make her a Deputy Assistant Secretary. So, the rest of my time in Damascus was as Chargé d'Affaires. This was from June through August. Then the person who was assigned came, and so I left in August.

In August, late August, I assumed the position as Director for the Office of Regional and Multilateral Affairs in the Near East Bureau. The Regional and Multilateral Affairs Office is an office; it doesn't own any real estate since it doesn't have a country like most Country Directors have, but it does a lot of sort of dog-and-cat things that don't fit into a neat place, for example. Regional and Multilateral Affairs is the Washington Office for the multinational force and observers assigned as a peace-keeping force that U.S., Israel, and Egypt run together jointly.

The RMA Office runs Congressional Liaison for NEA. The RMA Office does budgeting and foreign assistance. The RMA Office does special economic projects that don't fit into one country. They did--it continues to do size cooperation, technical cooperation, multilateral cooperation across the region.

At one time, our RMA was in charge of the peace process. And, in fact, at one point we thought the peace process was going to get back on track, and we sort to geared up to

support the front office, and the peace process didn't quite happen because the Israelis decided to build the new settlements, and so the peace process got side-tracked again.

From the NEA Office of Regional and Multilateral Affairs, my plan was to go back to the Bureau of African Affairs where I was going to be for one year Deputy Executive Director, and then Executive Director for the second and third year, and I bid that job and was paneled for the job. And when I finished in the year, I had a farewell and went on vacation with the idea that I would come back to work at the Bureau of African Affairs.

Halfway through, [redacted]--I get a phone call from the Assistant Secretary saying, "Ray, we created a new DAS position; and, if you don't take it, we won't get authorization to create, so please take it."

So, initially, I said no because Libya was warming up, the no-fly zone had been established, and I didn't need it. I didn't need it. I didn't need it for my career progression. I didn't need it for anything. But Jeff Feldman called back and said, "Ray, if you don't take this job, they're not going to give it to us."

Later--I will share with you, I later found out--much, mcuh later, I found out that Cheryl Mills was behind the whole thing, and her intention--well, her intention. Her desire was that she felt there weren't enough

African-Americans in the DAS positions in NEA, and her intention was for NEA to find an African-American and put him in that position. As much as I hate to say it, this is what I discovered after the fact.

So, the NEA front office said, "Well, at least we know Ray because he's been here, and if we don't choose him, Cheryl will send us someone that we don't know and don't trust and don't like."

Q Did you find that odd, that Cheryl Mills is the Chief of Staff to the Secretary, as I understand it?

A That's right.

Q That the Chief of Staff to the Secretary was so involved in selecting a DAS position?

A It happened several times.

I don't know if you found out in your investigations, but--I will not speculate about other positions that she had her hand in--I won't speculate--but you would be surprised. She had a hand in a lot of things, a direct hand. And people didn't have a way to tell her no because when she spoke, it was the voice of the Secretary.

Q Okay.

A Nobody denied her anything.

Q So, you agreed to take the DAS position?

A I took the DAS position.

And, I mean, frankly--

Q What was the official--

[Overlapping speakers.]

Q I will ask the question again. What was the official title of the DAS position?

A The official title was Deputy Assistant Secretary for Magreb, which was North Africa. It was a job that hadn't existed before previously. One person had the Magreb and the Gulf States, but the truth of the matter is, Yemen had bubbled out of the control and was creating a lot of work, and Libya bubbled out of control and had created a lot of work, and the person who had both of those jobs had retired, so there was a need to split the two jobs up for the month because I left in late July, and I didn't return until late August.

For the month of August, the PDAS, Elizabeth Dibble, covered the Libya portfolio because she had covered Libya in her previous position as DAS in EUR.

Q So, who did you report to?

A I reported to--well, I found it interesting to reporting. I reported to PDAS. All DASs reported to PDASs, but for evaluation purposes, I was evaluated by the Assistant Secretary directly.

Q Okay. Who were those individuals? Ms. Dibble, you said, is the--

A Liz Dibble is the PDAS, and Beth Jones was the Acting Assistant Secretary--well, still is the Acting Assistant Secretary.

Q And what were your responsibilities for Libya in that position?

A Well, that's an interesting question as well. I came to the job, and the PDAS pulled me aside and said, "Ray, don't worry, because this is a whole lot at one time. I am going to continue to take the lead on Libya because"--I'm speaking in her voice--she said she would take the lead on Libya because she had covered Libya in the intervening month when I wasn't--when nobody was there, and she had covered Libya from her previous position as a DAS in EUR.

But there were--it was covered in an interesting way. In fact, if I could refer to a list of folks I had, this was--a big piece of it went to Bill Taylor, who was the Special Envoy for Middle East Transitions. So, he handled governance and assistance.

A big chunk went to Andrew Shapiro, who was the Assistant Secretary for POL-MIL. He took control of the MANPADs *** piece and assistance for military sales piece.

[redacted] *** in the Economic Bureau carved off the energy and the finance sectors.

Dan Benjamin, the Special Representative or whatever it was for counterterrorism, carved off the counterterrorism section.

Who have I left off?

There are other small pieces, small dogs and cats here and there.

Initially, I took it sort of personally that they asked me to take this job and they carved it all up, so it's not going to be much of a job, but you learned from years and

years of experience that you don't fight those turf battles from the start. You just kind of accept it as the status quo.

Q So, what were your responsibilities?

A My responsibilities were Morocco and Western Sahara, Algeria, Tunisia, and bits and pieces of Libya that had an impact on the overall region, border security. In fact, I chaired a working group that focused exclusively on Libya's borders with its neighbors in the Middle East, with its neighbors in the AF Bureau because Libya has a lot of borders and a lot of offices.

So, again, I took it rather personally that the portfolio had been all carved up, but--and I think it's important to add this part here--frankly, it made some sense at the time because, you know, I was a newly minted DAS. I'd just been sort of brought up from the Office of the Director level. Why would they give a brand new DAS who had never been an Ambassador before, as most DASs are then, why would they give a brand new DAS authorization/authority/jurisdiction over the largest foreign policy issue in the Bureau at the time, which was Libya? When I thought about it, I said, "Well, maybe this is the way it ought to be."

That brings up some other issues we could talk about in subsequent questions.

[Counsel confers with the interviewee.]

Q So, when did you begin in the position as the DAS?

A Late August 2011.

Q And did you have any role in the security posture for Libya?

A No.

Q As you may have heard, some of the State Department officials that have testified before the Committee talked about in the lead-up to the attacks, they had requested additional security through official channels.

A Yeah, yeah.

Q And those requests were denied.

A Yeah. Those--

Q So, I guess my question is: Did you have any role in evaluating security requests for the Libya, whether Tripoli or Benghazi?

A Technically, no. Those requests came in through the Executive Bureau, the Post Management Office. They were routed to the Executive Director who reports to PDAS, or they will also parallel-route it through Diplomatic Security and up through that chain of command.

Q Do you know who the folks on the ground in Libya, the Foreign Service Officers in Libya, who did they report into? Was it primarily Liz Dibble, or was it Beth Jones? Who were--how did that reporting structure work, to the extent you're aware?

A There was--the Office Director for the Office of Magreb Affairs had a daily phone call with the Ambassador. This traditionally started before I came to the job, so he

continued that. Some days I was listening on that call, and some days I wasn't--I wouldn't.

Q I guess my question is: Who was Chris Stevens's boss?

A Chris Stevens's boss was the Assistant Secretary.

Q Okay. So, he reported in to Beth Jones?

A That's right.

I mean, I don't think any of the ambassadors considered subordinate to DAS. And, in fact, it's the Assistant Secretary who writes the evaluation, and that's the clearest indication of who--what the reporting chain is.

Q And how about the DCM? Who would the DCM...

A The DCM would report to the Ambassador.

Q But back in Washington, was there anyone specific in Washington that was the DCM responsible for communicating to Liz Dibble, to Beth Jones? How did that work?

A Not on--not specifically--the DCM would report to the desk office of Libya.

Q Okay. Now, you had mentioned before you took this position that was--this Deputy Assistant Secretary position, you were on a bus trip in Spain.

A Don't do it in August.

Q What was your plan at that time? Had you had plans to retire, or what was your--

A No, in fact, not at all. I was going back to my home Bureau, AF, and I was going to be Executive Director, and the Executive Directors who do well get ambassadorships, and that

was the plan.

Q Okay. Now, in and around the date of the attacks, what was your role when you first became aware of the attacks?

A I didn't have a specific role. I hung around because Chris was a friend of mine.

Q Okay.

A I stayed in the office until way past midnight, but I didn't have a specific role.

Q The attack started September 11 at about 9:30, 9:45 at night?

A Local.

Q Local time?

A Local. We started getting reports about 2:30, 3:00.

Q And where were you when you heard about the attacks?

A In my office.

Q And could you just walk us through what was happening in Washington for the folks that had responsibility for that region.

A The information was coming in to the Assistant Secretary's office, and basically I was making trips back and forth. She was sending some e-mails up, but things were happening faster than e-mail, so I was making trips back and forth from my office to her office to find out just what the status was.

Q And how did--the folks in Washington, how did they respond? Did Beth Jones take a leadership role in setting

things up to deal with this crisis? Did she deputize Liz Dibble to head this up from a management perspective?

A I don't know. I can't--I don't know the answer to that question. I would go back and forth from my office to her office to find out what was going on. I would meet the Office Director and the Desk Officer there. They were giving her reports from what they heard or what they gathered.

It would have been--it would have been a normal process for her to have deputized Liz Dibble, but I don't remember seeing Liz. I mean, I was there until midnight. I don't remember seeing Liz in the office. I don't remember seeing Liz there.

Q What's the ordinary procedure, I guess--I guess it's hard to call it "ordinary," but when a crisis happens abroad that affects Foreign Service Officers at U.S. facilities, what's the process at the State Department when a crisis occurs?

A Well, when a crisis occurs, it's immediately lifted out of the Bureau responsibilities and it's elevated to the seventh floor. The Operations Center has--will set up a task force. They will bring people in from various offices. They will staff a task force.

Now, that task force is organized and managed from the Bureau level by the Executive Office. When I was in AF as a Post Management Officer, we were the first line of sort of attack or defense when there was a crisis in one of our posts. AS/EX would get in touch with the office center, we

would run it past the front office and get the Assistant Secretary's chop, but the seventh floor takes over.

And so the coordination, the organization and even the distribution of information for crisis is normally handled through the Operations Center's task force.

Q Like I mentioned before, some of the folks that were in Libya have told our Committee and told our members that, prior to the attacks, they were concerned about the security posture, that they had put requests in for some help.

A Um-hmm.

Q Were you aware of the precarious security posture in Benghazi?

A The cables came in. I saw the cables. There was a particular cable that came in in July that's attracted a lot of attention, and I was on leave in Portugal for three weeks from late July until mid-August.

So, if it, in fact, came in during that period of time, I wouldn't have seen it until I got back. But we saw the cables. I saw the cables.

Q So, is it fair to say you were worried that--

A I was concerned. I was very concerned, not so much about Benghazi. I was concerned with Tripoli. I continued to be concerned about Tripoli, even though I'm no longer in the job. We saw what happened in Tunis, and the only thing that saved Tunis on September the 14th from a terrible casualty was that they had a strong building. They don't have a strong building in Tripoli. Tripoli is just as

vulnerable as Benghazi, and that's a reason for concern.

Q What would be the role of Liz Dibble or Beth Jones in helping the folks who are in Libya make the case to management to get more security? I mean, certainly, if you were aware, if you were concerned, it's fair to say that Liz Dibble and Beth Jones were also aware, presumably concerned.

A Yes.

Q What would be their role in working with State Department management to help the security posture for the folks on the ground that w ere requesting it?

A It's typically a DS function, and so the DS Secretary would have the lead in this sort of cross-bureau environment, but it's certainly the case that in the NEA Assistant Secretary would advocate on behalf of posts to the DS Assistant Secretary.

Q And do you know if the Assistant Secretary was making that case--

A I don't know.

Q --through Diplomatic Security?

A I don't know. I was never part of those meetings or proceedings.

Q Okay. As the attacks started, what was your role as they unfolded and over the next couple of days, if you had a role?

A I didn't have an official role. My supervisory role was to make sure that the desk offices and the people in the Office of Magreb Affairs who were working long hours were

being provided for, taken care of. But a discrete functional role, I didn't have one.

Q The Accountability Review Board was stood up to deal with looking at what happened in Benghazi. When did you first learn that the Accountability Review Board wanted to speak to you--and I will confess, as we talked to witnesses and found out what happened, I'd always been a little puzzled as to how you fit into the Accountability Review Board piece and what your role was before the attacks and then during the attacks, and so maybe you can help me understand. How did the Accountability Review Board process work with respect to you?

A They met with us as a group. The group included Beth Jones, Liz Dibble, myself, [redacted] and [redacted]. [redacted] is the Office Director, and [redacted] was is the Deputy Officer Director. We all went to a small room and met with Pickering and Shinnick and Mullen all the rest.

Q The whole board?

A The whole board.

Q And did they have staff in that meeting?

A There was one person who was in and out.

Q Okay.

A Who was in and out, but there was no recorder or no one, frankly, taking notes.

The questions were very general, and Beth fielded all the questions.

Q Okay. How long did that get-together last?

A An hour, max. Max.
Q And was that your only interaction?
A No, no. That was a group meeting.
Q Okay.
A Then I met with them individually in November, November the 20th, I think.
Q When was the group meeting?
A Let me check.
I've got the NEA group interview on October 5th, and my individual interview was on November 20th.
Q And roughly how long did the group interview last?
A About an hour.
Q An hour?
A No more than an hour.
Q And you said Beth Jones did most of the talking?
A Yes.
Q And then your individual interview on November 20th, how long did that last?
A About an hour, hour and a half.
Q And were all the members of the Accountability Review Board in attendance?
A Admiral Mullen, Ambassador Pickering, Dick Shinnick, the intel guy whose name I can't recall.
Q That's okay.
A There was a lady there from Syracuse, whose name I can't recall.
And there was a tall lady who was a Foreign Service

Officer-- [redacted]. [redacted] was there.

Q And you said that lasted about an hour?

A Hour and a half, yes.

Q Were there any notes taken, or was there a court reporter there?

A There was no court reporter.

[redacted] was in the background, and she wasn't asking questions. I think she may have been taking notes, but neither Mullen nor Pickering or Dick Shinnick nor the lady from Syracuse were taking notes.

Q Okay. And who was the primary questioner?

A Pickering was the primary questioner.

Q And did the other members also ask questions, or was Pickering--

A They were sort of--they would sort of join in from time to time.

Q And from a general perspective, what's your recollection of that hour? What types of questions were they asking you?

A If I could back up just a second.

Q Sure.

A Dick Shinnick was on board, and Dick Shinnick used to be an old friend of mine. I worked for him when I was Special Assistant to the Assistant Secretary--Under Secretary for Management. I was Special Assistant to the Under Secretary for Management, and Dick was the Executive Assistant, so he was the guy that we reported to.

So, I went into Dick at the hallway at the elevator bank and Dick said, "Ray"--

No--so I said, "Dick, how is the ARB going?"

And Dick said, "Ray, it's going slow, and we're not getting any details. We're not getting any context. People were giving us discrete pieces, but they were not giving us context. So, when you come, please provide some context."

I said, "Well, Dick, I'm not really covering Libya, so I will try, but I know context because I cover the whole region, and if you need context, I will provide context."

So, I got to the interview, and I didn't realize that I was being targeted or victimized or anything. It seemed like they were kind of a collegial discussion. The questions were broad and general. They asked some questions about the sort of increase in activity in Tripoli and Benghazi against western interests, and we talked about that.

I mentioned to them that at one point there was such a proliferation of attacks that I suggested to the Desk Officer that we sent the Secretary an Information Memo just detailing the various actions that terrorists had taken against western interests.

So, we talked about that in general terms. We talked about the whole idea of conventional diplomacy, and where do you draw the line between when a country should be in another country that can't provide host-nation protection in order for it to do its diplomatic missions.

And we had a long conversation about that and about how

the determination should be made, and I basically took--I basically took a very hard line and said, "Frankly, if the host government can't provide the protections necessary, we shouldn't go into that country."

And then Mullen said, "Well, how about if we go in and use our military?"

I said, "That's fine to use the military, but the military's function--the military's core competency is not to create an environment in which diplomats can do diplomatic work."

I was in the military--I was in the Navy--I talked about that earlier--but the military's core competency is to fight and win wars. Anybody that's been in the military knows that the military's purpose is to fight and win wars. It's not to go some place and create a normal environment for diplomats.

And I told him, I said, "If, in fact, the country--the host nation can't provide the protections needed in order for the work of diplomacy to be conducted, then we should think twice or three times about being in that country." And I saw some wrinkled eyebrows when I said that. We had a long conversation about Al Qaeda, about terrorist activity. But it was specific. It was kind of philosophical, if you will. We talked about Al Qaeda in Libya, we talked about Al Qaeda across the Magreb.

They asked me what I thought about how we are interacting in terms of the terrorist threat, and I told them and saw some more wrinkled eyebrows, but I told them that we

make this assumption that these terrorist organizations operate under a hierarchical structure like we will study in an MBA program in the United States, and that's where we make a mistake because that's not how they operate. They have a completely different way of operating. We need to find out the sort of central organizing principle, the central structural principles around how these organizations operate, and gear our efforts towards that, not towards what we think it ought to be based on the things we have seen, and I got some wrinkled eyebrows on that.

At some point the question came up about reading the intel. I told them that I had stopped going to the morning meetings to read the daily briefings, and they wanted to know why, and I said I told them, "Well, primarily because the intel was garbage. It was circular reporting. It was regurgitated Embassy reporting we were getting anyway. And what wasn't recirculated or regurgitated was spectacular and sensational and just not useful."

I told them that part of my job included domestic outreach, and I had been to Nebraska, of all places, for a weekend of speaking engagements. I had been to Los Angeles and Santa Monica. I had briefed diplomatic delegations in Washington. I had done a series of briefings for Security Council member delegations who came down from New York. I talked to college students and think-tanks and a number of things, and I told them that I made a decision maybe July-August timeframe that I didn't need that spectacular

sensationalism from the intel briefings from the morning readings bouncing around in my head during question-and-answer sessions with these briefings.

Now, what they didn't give me a chance to say, and if they had checked I would have told them, that I was read into a couple of different programs that required departmentalized information and special briefings, and when there was actionable intelligence, the analysts from INR would call me, and I'd meet them in the SCIF, and he would make the information accessible to me, and that happened once every couple of weeks.

Additionally, I read the cable traffic that came in every day through the classified open net.

But I told them that I did stop going to the morning briefings because it was just--you go in and there is a binder and you read a book and it's just craziness. But all that said, my immediate supervisor, Liz Dibble, was there, and she read it all; and the Assistant Secretary, Beth Jones, was there, and she read it all.

So, it's not like if there was something that was there that I hadn't read nobody would see because other people read it as well.

Q And as you testified to, you didn't have direct responsibility?

A That, too. That, too.

Q Okay. So, you had your one-hour interview with ARB in November. Was that your only interview--

A That was the only interview.

Q --with the ARB?

Did you have any follow-up with the board or with the staff?

A No, no. I didn't hear anything else from the ARB until December 18, when I was fired.

Q So, maybe you could help me understand how you learned--you mentioned that you didn't know at the time of interview that maybe you were a target?

A I didn't know. Honestly, I didn't know.

Q How did you learn? You talked about a philosophical discussion--

A Yes.

Q --that you were having and maybe some ruffled eyebrows.

A Yes.

Q But how did you come to understand that you were somebody that the ARB was focused on?

A On December 18th, I got a call from Beth Jones's secretary. She told me, "Ray, Beth wants to see you at 2:00 p.m."

This was the day the ARB's report was released. I went to Beth's office at 2:00 p.m., and she wasn't there. She was in a meeting on the seventh floor.

So, I said, "Well, I'm not going to hang around. When she gets back, call me."

So, 2:15, 2:20, the secretary called and said, "Beth is

here, she's ready to see you," so I went.

I went to the office, Beth closed the door.

She said, "Ray, the ARB Report was released today."

She said, "It was not complimentary to the Department, it was not complimentary to the NEA Bureau, and it was not complimentary to you."

She said, "In fact, it was so uncomplimentary to you that I have been told by Cheryl Mills to relieve you of your DAS position, to fire you."

She said, "So, you should have all of your stuff out of the office by close of business today."

She said, "Don't worry, this is going to be temporary.

She told me, "We will bring you back as a Senior Adviser. We will have an office space for you. In fact," she said, "I will have Liz arrange an office space for you today so that you could move your things to so you don't have to take them home."

I said, "Fine."

Q Did this surprise you?

A Yes, I was surprised. I was shocked, but I was kind of in that--

Q Did you have any idea that--

A I had no idea.

Q --that you were going to be singled out?

A I had no idea. How would I have had an idea? How would I have known? I didn't know. I had no idea. I found out that day when Beth told me I was fired.

Q Did you have any back and forth with Beth, like, "Excuse me? What?"

A I asked her, "Was I going to jail?"

And she said, "No." She said, "You're not going to jail. She said we're going to take care of you."

She said, "And you don't need to lawyer up." That's what she told me. "You don't need to get a lawyer."

So, I was in complete shock.

Q Did she give you any hint that this is all just part of a big show that they needed to pick out some folks and--

A She didn't say that. What she said to me was, "This was temporary. We're going to bring you back as a Senior Adviser. You just won't come back as a DAS for the Magreb.

And we had plenty of Senior Advisers who did discrete things. She said, "We will bring you back as a Senior Adviser, and it will be soon."

Q Did you ask her, "Is anyone else taking the fall here, or am I the guy?"

A I didn't ask her. I didn't ask her.

She mentioned to me that she had not seen the classified reports and she didn't know exactly what was said about me, but that Liz Dibble was reading the classified report at the time.

Q So, when you were getting this bad news from Beth Jones, were you thinking, "Okay, maybe they're also going to relieve her of her of her duties?"

A No, that never crossed my mind.

Q Okay. How about Liz Dibble?

A That never crossed my mind.

In fact, Beth said--and she may deny it, but she said, "Ray, I don't know why they chose you. I don't know why they didn't choose me. I'm retired. I'm back on the contract." She may or may not confess to that, but she said it.

Q Okay. Did you subsequently learn of anyone else that was identified and relieved of their duties?

A The next day it was all in the press, that me and three DAS agents had been fired, is what the initial press report said, and then they drew it back and they said, "No, they hadn't fired, they have resigned."

Then they came back again maybe three days later and said, "No, they hadn't resigned. They had been placed on administrative leave."

Q Three Diplomatic Security agents?

A Yes, the Assistant Secretary, Eric Boswell; the PDAS, Scott Bochewisz; and the DAS, Charlene Lamb.

Q Now, did you ever have a--were you able to close the loop with Jones or Dibble as to why they picked you in terms of--because, three DAS agents and you, you're the only official from the NEA Bureau; right?

A Yeah.

They went radio-silent on me, Beth and Liz did. I didn't hear--well, other than--no, let me think about that. I didn't hear a word or peep from any of them other than perhaps for a few e-mails from Beth from Tuesday night until

Saturday.

What happened, I sent an e-mail to Beth complaining in very strong language the fact I had not heard anything from my immediate supervisor, Liz. So, Liz phoned me Saturday afternoon. We were at a friend's house for lunch, and I wasn't able to talk. They basically went radio-silent on me.

Whenever I would e-mail Beth to say, "You know, what's going on? What's going on? She would always sai, "Ray, I didn't know. I didn't know they were going to come to your house and try to take your badge. I didn't know that you were going to be placed on administrative leave."

She always--her answer was, "I didn't know."

Q You hadn't told us about that, but somebody actually came to your residence to take your badge?

A Friday night, [redacted], the Executive Director, who was an old friend, came to my apartment at [redacted] with this admin leave letter of instruction, and we had dinner just night, so I met him downstairs in the lobby.

Q This is Friday night, December 21st?

A Friday night, December 21st.

I read through the admin leave letter of instruction, and it sounded criminalizing, and it made reference to turning in your badge and turn in your BlackBerry and not being able to access State Department communication systems.

So I said, "[redacted], I'm not signing this. This is something you would do to a criminal, something that you'd do to someone who you suspected had criminal intent. This is an

admission of guilt. I am not signing this letter."

I told him, I said, "[redacted], I'm very sorry. You know, we're friends, and don't take this personally, but I will not sign this letter."

I later learned that the three folks in DAS all signed the letter, and they fully expected me to sign it.

Over the weekend, I got e-mail--I e-mailed Beth, I e-mailed the Director General because it had actually come from H.R., but [redacted] volunteered to bring it to me because we knew each other.

And they said, "Well, Pat Kennedy gave specific explicit instructions that this was to be handled in a different way, and you got the wrong letter. You should not have gotten that letter."

It was all very humorous. Looking back on it, it was just a botched thing.

At any rate, Monday morning, I got all these phone calls, "Ray, we're so sorry, we got you a wrong letter."

I got a call from [redacted], and I got a call from Director General, and I got a call from Beth. And Beth said she didn't know anything about it, blah blah blah blah blah. That was her standard answer: She didn't know anything about it.

And so they said, "Well, we gave you the wrong letter. We will send you a new letter."

So, I think it was the 27th--it was the 27th when I got the corrected administrative leave letter. I got it by

e-mail, and it came from an office somewhere buried in the H.R. Bureau, and it basically said, "You may respond to this by returning this e-mail, saying you accepted the terms of administrative leave," but it didn't say anything about turning in a badge or not being able to access State Department communication systems. And since that was my main beef with it, I sent it back and said, "Okay, fine."

I was still being told at that time by Director General that this is only going to last for a short period of time, but by that time Secretary Clinton had had her accident, concussion--whatever it was that they claimed--and so I was being told that the Secretary can't testify before Congress, but as soon as she testifies, as soon as she's able and can testify, "We're going to fix this whole thing." So, that got delayed because of her illness, her concusion.

Then, it turned out that she testified or it turned out that Kerry's confirmation had started, the process, and that she was going to leave office the day after her testify--testimony before Congress, and then Kerry would assume the new position, would become Secretary of State.

So, the whole thing kind of didn't get done.

Q So, as I understand it, they needed to pick someone in the NEA Bureau. They picked you, they told you, "Hey, we're going to say we fired you. We're not really firing you. We are going to give you a separate office, and you can move your stuff into that office. When the Secretary testifies, this is all going to blow over, and you are going

to be set to go?"

A Yes, sure.

An additional piece is that I was already paneled for retirement, and everybody knew that--ah, I left that out earlier. I was initially paneled for retirement in November, which would have made my last day in the office September 21st, as I mentioned earlier, but then Benghazi happened.

So, I think I should share this with you. So, I went to Liz Dibble, my immediate supervisor, and told her, "Liz"--this is on that Monday before the the 17th of September. I went to Liz's office and said, "Liz, the place is in turmoil. The office is in disarray. Everybody knew Chris and loved him, and people haven't even had a chance to grieve him, yet we have all this work to do. If you want me to stay and manage the office, I will postpone my retirement."

So, she said, "Let me talk to Beth."

And I said, "Fine."

So, she must have talked to Beth because I ran into Liz in the hallway that same day at about 10:30, she said, "Ray, I talked to Beth. Would you please stay? Would you please stay?"

So I said, "Sure, I will stay."

And so I had made plans for a job, actually. I made plans for a job, and I had to withdraw those plans.

Q Following your State Department career?

A Following my State Department career.
Q This is on September 15th, I think you said/
A That's right. That's right.
So, I was willing to postpone those plans.
Q Because they asked you to?
A Because they asked me to. I volunteered to, but they accepted my offer.
And so I postponed my retirement until April 30, which would have made my last day in the office late February because there's a month-long job search program with lectures and things, and there is a month-long job search program where you actually look for a job, so you have two months.
So, at the time that they told me, "We're going to take care of you, things are going to be okay as soon as the Secretary testify", blah blah blah blah blah, at that time that they said that, they knew that I was going to leave the Bureau, leave the Department, in late February anyway.
Q So, this whole I will call it a sham--
A That's your word, that's your word.
Q --to pick you, did you ever have a personal conversation with Liz Dibble or Beth Jones and say sort of, "Wait a second, did they just pick me because I'm supposed to be retiring?"
A We never had that conversation.
Q You never had that conversation?
A No. I never had that conversation.
At one point I thought about filing an EEO grievance

because of age discrimination. I am an African-American, and perhaps there was some element of race there, but as a practice, as a principle, I had never in my professional life made any type of claim of racial discrimination. It's just not something that I do. Even if it exists, it's not a path that I take. That's my personal principle.

Q Let me ask you this: Have you ever interacted with Ambassador Pickering before the ARB process?

A I knew of him because he's a big guy, but no.

Q Do you think anybody on the ARB had any special connection to anyone else in the NEA Bureau that they may be trying to protect?

A Are you kidding me?

Q No.

A I could answer that question, of course. It's speculation, but of course there were connections.

Q Okay. Could you tell us about those.

A Dick Shinnick was connected to [redacted]. Dick Shinnick was connected to Pat Kennedy, a long-term series of overlapping assignments and connections. For that matter, I was connected to them all as well. We were all management officers, and--management officers back home by trade.

I heard it said--and this is speculation--I don't know it first-hand, but I heard it said, there was a long-term connection between Pickering and Beth Jones.

Q Okay. What had you heard about that connection?

A They had worked together, he had mentored her early

on in her career. She was a child of Foreign Service Officers and perhaps he was connected with her parents. But again, this is all second-hand.

So that's--so yes, there were connections.

Q But part of the culture of the State Department is their strong mentoring relationships in the foreign service; is that not the case?

A That's the case.

I have a dozen people under my wing right now, and I help them find jobs. I read their evaluations and point things out to them. Of course, yes. At least a dozen.

Q You have taken a look at the ARB. It's supposed to be impartial, it's supposed to be unbiased, it's supposed to be--

A Independent.

Q --completely independent. Do you think it was? It seems hard if all these members of the ARB had relationships and so forth with some of the key players.

A I will be frank with you. I'm not willing to speculate on the composition or makeup of the ARB itself. I mean, the Secretary chose some people, and those people came together and had some meetings and read some information.

My--you know, everybody comes to these things with an agenda, with a point they want to get across; and, frankly, my agenda is the way I was treated, the way I was removed from the position and the way I was treated subsequent to that removal was improper and immoral and maybe even illegal.

So, I don't have a judgment to make on the ARB in and of itself. I have a complaint or grievance about the way I was treated in the aftermath of the release of the report.

Q Do you think that any of the--any of your colleagues in the NEA Bureau had a close connection to anybody on the ARB to the point where the ARB might not be able to be unbiased, whether it be Liz Dibble or Beth Jones?

A I think--I think Liz Dibble's presence in the report is conspicuously something.

Q Conspicuously absent?

A Conspicuously something. I'm not sure how to characterize it. I think she was in a key role, she had a key position. She was PDAS. And there seemed to have been a conscientious effort to not just mention her.

Now, there was a mention made of Beth Jones in the unclassified report in a weird way. I don't have the classified report in front of me, but in a paragraph where it didn't really belong, there was a statement that Beth Jones is doing a great job managing the NEA Bureau. It just seemed weird.

Q Gratuitous?

A That's your word. I'm not going to say "gratuitous" because that's kind of loaded, but it seemed weird. It seemed weird.

A lot of people wondered how did Beth and Liz escape accountability, escape investigation. A lot of people wondered, frankly, how [redacted] escaped investigation and

accountability. He was Executive Director. The Executive Director is one in charge of finances, of staffing, and of security, and he reports to the PDAS. But there was no mention of him in any of the--he was completely overlooked.

Now, frankly, I wondered why Bill Taylor wasn't even interviewed by the ARB. He was a Special Envoy for Middle East Transitions. He traveled to Libya several times. I never traveled to Libya. Since I have been DAS, I have passed through Tripoli once on a trans-Sahara flight from Cairo to Dakar for vacation, but in this job I never went to Libya.

Q One of the things that Ambassador Pickering has said publicly was that the ARB fixed accountability at the Assistant Secretary level.

A He said that.

Q So, there were--you're not an Assistant Secretary?

A I am not.

Q Charlene Lamb is--

A She is not. She's a DAS.

Q There was--

A Scott Bultrowicz is a PDAS. I think it's B U L--

MS. PAPP: B-U-L-T-R-O-W-I-C-Z.

EXAMINATION

BY MR. CASTOR:

Q And Eric Boswell was an Assistant Secretary?

A He was Assistant Secretary and Director of the Office of Foreign Missions. He had two positions. He wore two

hats.

Q Okay. In the NEA Bureau, the--so, Ambassador Pickering said that the ARB fixed accountability ast the Assistant Secretary level. Who was the Assistant Secretary of the NEA Bureau?

A Beth Jones was Acting Assistant Secretary.

Q And Liz Dibble was...

A The Principal Deputy Assistant Secretary.

Q But no accountability was fixed on them?

A Not that I have seen.

Q Okay. Now, my hour is just about up, and I just wanted to say one more thing.

You were with the ARB for about an hour?

A Yes.

Q Okay. So, as I'm finishing up my round here, I spent about as much time with you asking questions as the ARB did?

A That's fair to say.

Q Okay. My hour is up.

A Can we take a break?

Q Absolutely.

[Brief recess.]

MR. KENNY: We could go on the record. The time is 10:20.

EXAMINATION

BY MR. KENNY:

Q Let me introduce myself. My name is Peter Kenny. I'm counsel for the minority staff. I'm joined here with my

colleagues Chris Knauer and Susanne Sachsman Grooms.

Mr. Maxwell, I thank you again for coming in today. We really appreciate your willingness to appear before this Committee voluntarily and provide information relating to the attacks in Benghazi.

I want to let you know kind of at the outset here, I'm going to ask some questions, and you may feel like we're going back to ground already traveled. The intent there is not to annoy you at all. It's just we really want to elicit as much information as we can and be clear as possible as to what your testimony is before us today.

I guess with that I would like to first turn to maybe something that was brought up at the end of the last hour, and we could start and may end up bouncing around, but there was a mention or a discussion that there was a decision made to fix accountability at the Assistant Secretary level, and this was Ambassador Pickering's statements in response to some media comments, and I want to be clear as to what your testimony is or what your beliefs or your thoughts are on whether you thought or you were ever told that somebody within the Near Eastern Affairs Bureau had to be held accountable for what happened.

A I was never told that. That someone had to be held accountable.

Q Okay. So, do you feel that others such as the PDAS Liz Dibble, Assistant Secretary Beth Jones, you mentioned you read the report and you were left with this, I think your

words were something "conspicuously something" about the report that struck you. I guess I'm trying to understand kind of more what you mean about that, whether you felt that there should have been more specific discussion about Ms. Dibble and Ms. Jones in the report.

A Well, I guess we should start that discussion with the fact that we only got access to the classified version of the report yesterday. This is after asking for the past six months for it. So, for six months, I was in the administrative-leave status, which amounts to sort of a punitive measure without knowing what the charge was.

In terms of--

Q Sorry to interrupt, but were you shown--when you were shown the classified version--

A Yesterday.

Q --which you received yesterday--

A Yeah.

Q --you only received that portion--

A That's right, that's right. Just two paragraphs, on two separate pages.

Q So, were you shown any other portions of the report that may have mentioned any other individuals?

A I was not, I was not, I was not.

And the reason why I prefaced it with that is that I don't know what is said about Beth or Liz in the classified report. And, in fact, no names were mentioned in the unclassified report, and no position titles were mentioned in

the unclassified report with the exception of Jones, to my recollection.

Q In the unclassified report?

A In the unclassified report. Her name and position were the only names and positions mentioned.

Q And you mentioned during the last hour that you felt that there was some sort of praise in the report, and I don't want to recount your testimony for you. You felt that the way they characterized her role in this was somehow maybe overcomplimentary. I guess I'm trying to understand.

A Does anyone have the unclassified report? It's better to go with the exact words. It will take me a minute to find it.

MR. BEATTIE: Page 37?

THE WITNESS: "Throughout the crisis, Acting NEA Assistant Secretary provided crucial leadership guidance to Embassy Tripoli's DCM, and Embassy Tripoli's RSO offered valuable counsel to the DS agents in Benghazi." "Provided crucial leadership guidance."

EXAMINATION

BY MR. KENNY:

Q So, you take--it sounds like what they're referring to there is her communications on the night of with Tripoli?

A It says "Throughout the crisis." The crisis--yes, yes.

Q Okay. Do you disagree with that statement?

A No, I don't disagree with it.

Q Okay.

A She was on the phone talking to Greg that night.

Q "Greg" is Gregory Hicks?

A Greg Hicks.

Now, crucial leadership guidance, I think, is slightly--is slightly forward-leaning, slightly forward-leaning. If you were to ask anybody has there been crucial leadership in the NEA Bureau in the last two years, in the last year and a half, any average person would tell you, no, there has been no crucial leadership guidance in the Bureau. That's not just my opinion. That's the general opinion.

So, I thought that was slightly leaning.

Q So, I guess going beyond that specific statement, do you feel that the ARB based on the kind of public rapport, what you've seen, do you think it gave a pass to either Ms. Dibble or Ms. Jones?

A Yes, it gave them a pass. Are they on administrative leave? Are they on administrative leave? I'm asking you.

Q As far as I know, I'm not aware.

A Okay. And I'm on administrative leave, so they got a pass and I didn't.

EXAMINATION

BY MS. GROOMS:

Q Do you think they did something wrong, that they should have been placed on administrative leave?

A That's the role of the ARB to make that

determination.

Q But from your perspective on the ground at that time, did you see Liz Dibble or Beth Jones do anything with regards to Tripoli and Benghazi that you felt that they should have been placed on administrative leave?

A I think they did something wrong on December 18th in putting me out as the one to take the blame for the whole thing.

I think--do you want me to continue?

Q Go ahead.

A I think at some point someone in the chain of command should have said to Cheryl Mills, "This is not the way this is going down. This is not the way we do things in the State Department. We're not going to do this to Ray." And the fact they didn't have whatever was required to do that was, for me, a failure of leadership.

Q I understand that, and I appreciate that, but as we are looking into what went wrong in the State Department leading up to and on the night of the incident that happened in Benghazi, we're just trying to understand if there should have been blame placed on Liz Dibble or on Beth Jones, in your opinion, or if you feel that it all should have just been placed upon Diplomatic Security.

A I think that the questions about security, the funding of security, whatever the questions may have been, those questions are handled by the Executive Office through the PDAS to the Assistant Secretary. If that was, in fact,

the place where failures occurred, then those failures should be attributed to the Executive Director or the PDAS or the Assistant Secretary.

Now, they made a case and now that it's unclassified we could see it, they say that because I didn't do the daily readings in the little room that I was somehow at fault, and the fact that I didn't do those readings contributed to the occurrence of events in Benghazi, and I think that's a crock of you know what. The reporting chain for security issues was the Executive Director [redacted] to PDAS Liz Dibble to the Assistant Secretary Beth Jones. I'm not in that reporting chain.

So, if someone from NEA had to be held to account, in my opinion, it should be [redacted], Liz Dibble and/or Beth Jones. That's my opinion. I'm not the ARB, and it's not my job to make this determination, but that's my opinion.

EXAMINATION

BY MR. KENNY:

Q And it's not necessarily based on anything that you saw or witnessed in the weeks, the months--

A It's only based on the reporting structure and the bureaucracy within the Bureau.

Q Okay. So, on that point, I wonder if you could take a step back because you explained how you came into this position as Deputy Assistant Secretary for Magreb Affairs, and it sounds like this position was created for you.

A That's what I was told.

Q And it was created for you or at the time it was created by Cheryl Mills?

A Not for me but for an African-American.

Q Okay.

A Now, Cheryl Mills is not going to admit to that if you get her in this room and ask her. She's going to lie. But if you talk to Jeffrey Feldman, who is now at the UN...

Q And he was the Assistant Secretary at the time?

A He was the Assistant Secretary at the time.

Q Okay. So, he decided, "We need this particular position created to cover North Africa"?

A That's right.

Q Okay. And they tasked you for this position.

When you came in, what was your awareness of what your responsibilities would be? You mentioned before or told us that security, you thought, was carved out.

A Yeah.

Q And I was wondering, was that communicated to you in any way?

A Well, it wasn't written down, and that's my deficiency. I should have had it written down. It may not have been written down. It was said to me by word of mouth.

But the job certainly included, as I mentioned before, Tunisia, policy determinations in Tunisia; Algeria; Morocco; the ongoing sort of drama in the Western Sahara. These are things I was engaged in. I actually went to Algiers, I actually went to Tunis, I actually went to Rabat and

Casablanca and Fez. I didn't make it to Western Sahara just because it wasn't--we couldn't go at the time.

So, my understanding of the position of when I came into it was that I would focus on these other things.

Q So, when you say you were told it wasn't written out for you but you were informed somehow verbally of what the position would entail, when you say that security, for instance, was not one of the responsibilities, was that because it wasn't in a list of affirmative responsibilities, or you were specifically told security will be handled by different personnel?

A No, it's just the way bureaucracies work. No DAS--no DAS in a geographic region who handles policy is responsible for security. That is done through the Executive Office in parallel with Diplomatic Security. That's just the way it's done.

Q Were security issues or concerns ever raised to your attention about countries under your regional jurisdiction?

A Yes, from a reporting perspective, report on things that happened, when there is a series of attacks on western interests and there is a series of activities, whether terrorist acts or demonstrations for that matter. When we read about these things, we report them up the chain of command.

Q Would it be regular reports--

A Spot reports, special things, information memos that are not regular things.

Now, Post writes cables and sends them in, but the Bureau writes memos, Information Memos, or spot reports. It's not a routine regular kind of schedule thing. It's just as stuff comes up, you write.

Q In any of those communications, the cables from Post or the spot reporting, those would potentially come to your attention?

A They would.

If it were a--well, the cables come in to everybody. If it's an Information Memo, it's generated by the Desk Officer. It comes up through the Office of Director to the DAS and up to the PDAS and to the Assistant Secretary. Sometimes Information Memos would go to the Secretary, sometimes it would stop with the Assistant Secretary.

Q Okay. Were you ever briefed on or made aware of any requests for additional security or funding requests for any of these countries under your jurisdiction?

A I saw the cables as they came in. It wasn't my responsibility, not the funding, not the actual security. The actual security was the responsibility of Diplomatic Security.

Q Right,

A The funding, to a limited extent, was the responsibility of the Executive Office, the NEA EX who handles budgeting, staffing, and security.

Q Would you work directly with any of those personnel, whether persons in Diplomatic Security or within EX?

A Sometimes, sometimes, but the fact of the matter is, I was not part of any of these discussions with DS. And if you asked them who is Ray Maxwell, they will say, "We don't know who he is." Ask them. Ask them, "Who is Ray Maxwell?" Ask them, "Did he ever attend a meeting?" Ask them, "Did you ever send him an e-mail?" And they will say, "No, he wasn't on anything." These are just the facts. This is stuff that Beth and Liz know. This is stuff that I'm completely puzzled the ARB wasn't able to come up with.

Q You mentioned that there were other Deputy Assistant Secretaries within the NEA Bureau?

A Yes.

Q And did they have similar splintering of responsibilities? Do the other Deputy Assistant Secretaries, did they have some other regional responsibilities within the NEA?

A Yes.

Q Are there functions within their realm, within their area of responsibility that are assigned to other personnel, other people?

A No, Libya was special, Libya was different. There's not an example like Libya in the region. Perhaps Yemen. Perhaps Yemen was different, but they weren't--see, Libya was sexy at the time, and everybody wanted a hand in Libya because, guess what? They get performance pay. They get promotions. They get neat assignments because they have on their evaluation I did X, Y, and Z in Libya.

What you guys should do, when you talk to other people, have them bring in their performance evaluations. Have them bring in their award nominations. Have them bring in their 12 and 15,000-dollar performance pay notifications. I didn't get a performance pay, and Libya doesn't figure prominently in my evaluation because I was doing other things.

There were things that I did focus on in Libya. I got very involved in the effort to bring Libyan soldiers to the hospital in Boston. I even got a letter from Secretary Clinton for my efforts in that regard.

I chaired a series of meetings on border security because it had an impact on other countries in the region.

But I think it's--I kind of see where you're going with that, but you're not going to be able to make a case that was equivalent to Libya in another geographical region.

Q Right.

A There is one DAS who handles Iraq. It's not like someone else does Basra-Arbil. There is one DAS who does the Gulf States, and it's not like there is enough work to qualify to have one person or any series of people carving out Saudi Arabia or Yemen or Bahrain.

The fact of the matter is, in the summer of 2011, everybody wanted to have their hands on it because it would have propelled their careers.

Q Sure. Because your area of responsibility also included other countries, so we understand Libya might be the special example, but Algeria, Tunisia--

A Morocco.

Q --Morroco, these other countries. If you had seen or been made aware of any security requests or updates about security situations, security conditions on the ground, what would have been your role?

A My role would have been minimal because those things--other than reporting those things, the actual action to be taken goes through again the Executive Director to the PDAS to the Assistant Secretary. That's the reporting chain.

Q So, maybe I'm misunderstanding because I thought earlier that was the structure that was set up for Libya because Libya was a special case.

A No, that's the general case. That's the general case for all Bureaus, all geographic Bureaus. For example, I worked in the Bureau of African Affairs. Security, staffing, funding in the Bureau of African Affairs was handled not by the DAS for East Africa or DAS for West Africa or DAS for Central Africa or DAS for South Africa. It was handled by the PDAS. It ran up and came up through the Executive Director in AF/EX to the PDAS in the front office to the Assistant Secretary.

The same in EUR. The same in Latin America, in WHA or any station in the Pacific. It's the same across--it's the bureaucratic structure of the State Department, that security, staffing--these types of issues have come up through the Executive Director to the PDAS to the Assistant Secretary.

Policy issues--policy issues are handled by the DASs, but security, staffing, funding are not handled by the policy DASs. They handled by the PDAS, the Principal Deputy Assistant Secretary from the Executive Director.

Q So, at some point there is an intersection--right?--between the policy that you're formulating and security needs and those sorts of things. For instance, if you had to have certain amount of personnel on the ground, obviously it required some sort of coordination--right?--in terms of finding or obtaining adequate security resources. Right? So, maybe if we could focus on Libya and Tripoli and maybe even Benghazi.

A Okay.

Q I guess maybe we could just talk generally about what the U.S.--our foreign policy objectives were in Benghazi at the time.

A Okay. You want me to just take that?

Q Sure.

A We would have had--we started in Benghazi early on because Benghazi was the seat of resistance since Qaddafi. Chris went in early on with a suitcase full of money and some contacts and connections, and we built--and he built a reporting network from Benghazi to report on the work of the resistance movement in Benghazi against Qaddafi. When Qaddafi was overthrown, the Bureau made a policy decision to maintain their contacts in Benghazi with a small office and maintain the Embassy in Tripoli.

Now, I remember having a discussion with Chris and with some other folks. This is just an informal discussion, and my position was, if we are trying--since you said we wanted to talk in general and philosophical terms, my position was, if we are going to support the central governing authority in the new Libya, maybe it's a mistake to bifurcate our efforts and suppor one group of folks in Benghazi and one group of folks in Tripoli. Maybe we are supporting the central government and unity of that government and solve their problems from a strong strong central focus we should exclusively support Tripoli.

Q So, this was a discussion you were having?

A This was an informal discussion I had with Chris and some other people, and the response to that was--the response to that, in my view, was that we had sentimental attachment--in fact, I mentioned this in the ARB, and I got some wrinkled eyebrows. We had this sentimental attachment to Benghazi for a number of reasons, but primarily because we, of course, entered in Benghazi, and Benghazi was the seat of opposition to Qaddafi. So, there was a need to maintain that connection with Benghazi simultaneously in connection with what we were maintaining in Tripoli.

Q That was a widely held belief within NEA?

A That we need to do both?

Q Yes. That was the predominant belief. I was in the minority. In fact, I dare not say that in certain areas because it was taboo to talk about not supporting Benghazi.

EXAMINATION

BY MS. GROOMS:

Q Was that Chris Stevens's view?

A Yes, it was Chris Stevens's view because Chris was very well-known in Benghazi. Chris was the hero in Benghazi. But I did a brief--and this is completely off the radar scope, but I had these conversations with people. I went into--you know, the Library of Congress has this oral history project from the State Department. I don't know if you all know about it, but it's worth checking out people, where they interview people who served in various posts at various times. They had been calling me for my submissions, and I'm going to give it to them. I'm going to give it to them.

So, if you go into the oral histories, you will see this Benghazi thing has happened twice before in history. Twice before in history, we've had instances where we've had a consulate, officially a consulate, or even a small office get overrun by terrorists, protesters--whatever--and people have had to be brought out of Benghazi in a hurry. It happened--I want to say it happened in '68 after the Arab-Israeli War. There was some expats who caused a lot of ruckus and the Americans had to be evacuated from Benghazi. And it happened again in the Seventies. I'm not exactly sure of the year.

EXAMINATION

BY MR. KENNY:

Q You were having these conversations with Ambassador Stevens at the time; is that correct?

A Chris was in town awaiting his confirmation.

Q Okay. When he was in country, did you continue to have these conversations with him? Would you communicate with him or--

A No.

Q --would you communicate with Gregory Hicks?

A I wasn't in communication with anybody on a regular basis in Libya. There was a daily phone call that was conducted by the Director of the Office of Magreb Affairs, [redacted].

Q [redacted]

A Yeah.

Frankly, if you want the details on that, I will tell you, and you may be able to get confirmation or maybe not get confirmation.

Q Did you sit in on those daily phone calls?

A Sometimes I did, and what we worked out--what we worked out was [redacted] would do it, and he would brief me every morning on the contents of the calls.

Q Okay. So, the information would flow up?

A The information would flow up.

[redacted]--I won't mind telling you, [redacted] was stuck at the FSO-1 for a long, long time. He couldn't make it to senior foreign service. I learned this from [redacted], I learned this from Jeff Feldman, I learned this from the prior DAS. [redacted] needed a kind of an umph to make it across the threshold.

It was [redacted] idea, and he expressed it to me, and I

expressed it as one to support him was that he would get a sort of free hand in managing the day-to-day operations in Libya. In exchange, he would get a strong ER. I told him I would nominate him for a superior honor award, and we would make sure that he got promoted to the senior foreign service, and that's, in fact, what happened. I nominated him for senior award, and he got it. I wrote him a very strong evaluation, an evaluation that I got commended for by the promotion panel. And in the fall of 2012, he was promoted to senior foreign service.

And, in fact, he is going to be the DAS. They made the determination he's going to be the next DAS for the Magreb.

Q So, after--when he would report information to you, would any security information ever be included in that reporting on conditions, reporting on problems, reporting on requests?

A Sometimes the information has a security content, but mostly it was policy stuff, it was democratization, it was development stuff. There was a heavy amount of MANPAD *** discussions, which was security, but it wasn't security of the Embassy in Tripoli or of the office in Benghazi because MANPADs were further to the south and across the region. They MANPADs were distributed across the country. I took a special interest in the MANPADs because the MANPADs were actually leaking to other countries in the region.

Q So, you mentioned before that you did retain a responsibility for border security.

A Yes.

EXAMINATION

BY MS. GROOMS:

Q You said that you put in a strong--a nomination for [redacted] and that you gave him a strong evaluation. Did you believe that he was doing a good job?

A I thought he was doing a good job.

Well, I had some concerns about things that were being done at the Office Director level with respect to the staffing of Benghazi that I wasn't always being included on, and from the very, very beginning, I felt those staffing issues should not have been in the Magreb Affairs Office. It should have been in the Bureau--in the Executive Office, which is where staffing is done.

But at one point in time, [redacted] was reaching out to people to actually go into Benghazi, for example, and I mentioned to him on several occasions this is staffing, this is not something that you should be doing, we do policy. Staffing should be handled by the staff and experts.

EXAMINATION

BY MR. KENNY:

Q Was he advocating for additional or increased staffing, to your knowledge?

A No.

I know what you're saying, but the day-to-day reality was, we were just trying to keep people on the ground, we were trying to keep a principal office in Benghazi, a

reporting office in Benghazi. There were positions for five DS agents, and there were never five DS agents on the ground. Of course, it wasn't our function to assign DS agents. It was DS's function.

Q But the diplomatic personnel staffing--

A Diplomatic personnel staffing.

Q --was whose responsibility?

A Whose responsibility? The Office of Magreb Affairs did it. It was actually the responsibility of the Executive Office, but more specifically--more specifically--it should have been handled by Central H.R.

Q But you're formulating and implementing the policy. You put in the request for the personnel; right? And then they facilitated it.

A We put in the request for personnel, and they facilitate it.

Q Okay. So, you were aware of staffing and staffing gaps in Benghazi?

A Yes.

Q Okay. And you had an opportunity to read the public ARB Report?

A Yes.

Q So, one of the things that the ARB found was that a major problem was that principal officer slot became a TDY position, and a lot of people who were being rotated in didn't have significant experience. Do you agree with that?

A I agree with that, but there was a reason for that.

Principal officer positions--just to sort of educate you on State Department procedures, there is a principal officer position, for example, in Alexandria, or there used to be because now it's been elevated to a consulate, there are principal office positions in other countries in consulates in Saudi Arabia, in other countries. There is a principal office position, for example, in Rabat, but the principal officers position--in Casablanca, rather. The principal officer position in Casablanca isn't handled by the Bureau of Near East Affairs. People bid on those jobs. It's handled by Central H.R.

Do you understand the distinction?

Q But who would set the numbers? We need to have one principal officer and however many supporting characters at a particular post or facility.

A The request would come from post, but if it's done properly--if it's done properly, it should be handled in terms of assignment by Central H.R., by the H.R. Bureau. The office is called CDA, Career and something Assignments, Career and something--Career Development and Assignments.

So, it's not like the Geographic Bureau is a kind of freewheeling handling staff in the posts under their jurisdiction. That's not the way it's done. When it's done like that, you end up with gaps.

Are you following what I'm saying?

Q Um-hmm.

A If it's done properly, then you minimize the

possibility or the probability or the occurrence of gaps. When it's done haphazardly, freewheeling by someone who is not an expert at these kinds of things, that's when you get gaps.

EXAMINATION

BY MS. GROOMS:

Q And that was going on; right?

A That was going on.

Q So, when--and you were aware that that was going on?

A I was aware that that was going on.

Q So, at that point, did you raise that as an issue? Did you say, "You know, this staffing is a problem; it needs to be handled by Central H.R.," you go to talk to Central H.R. that they're not handling it, or somebody?

A I mentioned it to--I'm sure I mentioned it to Liz, but I did not go to Central H.R. I know I had a conversation with [redacted] about it because I felt it was not the way it should be done.

So, yeah, perhaps I should have been stronger in my--in voicing my objection to it, maybe I should have been--and we could speculate and say maybe I should have had a stronger voice to Liz or to Beth about it.

On the other hand, it wasn't in my job description. It wasn't in my--it wasn't in my job responsibilities because, in the Geographic Bureau, staffing is handled by the Executive Office.

Q Did you go to the Executive Office?

A I didn't go to the Executive Office.

The Executive Office was aware because the Executive Office has a PMO, handles Libya, and requests all come to them directly. So, there was no reason--it's not like if I hadn't gone to them they wouldn't have known. They knew.

Q When you raised it with Liz, what was that conversation like? What did she say? What did you say?

A I don't remember. I don't remember. I'm sure I had the conversation. I don't remember exactly how it went.

It was always the excuse that, take it through the formal charges, and takes too long, and we lose control, blah blah blah blah blah. That was always the case.

EXAMINATION

BY MR. KENNY:

Q Would it have been her responsibility?

A The Executive Director reports to the PDAS. The PDAS reports to the Assistant Secretary. The Executive Bureau--the Executive Bureaus and Geographic Bureaus handle Human Resources, IT, financial management, procurement, and they have a sort of stall of Post Management Officers who are the liaison between the Executive Director and the post.

So, if a staffing request comes in, it comes in through the PMO, to the Post Management Officer, who works in the Executive Bureau because that's where staffing is done.

I hope I can get you all to understand where things are. It's not the case that a policy DAS is involved in all these things. It's just not the case. And that's not--NEA is not

an exception to that. That is the rule across the State Department.

I hope you all don't think I'm just blowing smoke at everybody, but I'm telling you the way it is.

Q Who was the PMO?

A I don't know the PMO's name.

Q Where was [redacted] then? Was he under you as Director--

A [redacted] was under me.

When I was a PMO in the Bureau of African Affairs, I attended all the staff meetings of the Office Director, and so the Office Director and the DAS who head the meetings for AFE all knew me as the PMO. That's not the practice in '93. And it probably varies in practice from PMO to PMO.

Q So, maybe we could shift gears a little bit and go to the July timeframe--

A Okay.

Q --July 2012, and talk about--you mentioned before that you had seen some of the reporting coming in from the post. Those cables had come across your desk.

A Yes, and I wanted to mention that--I mean, this is not an excuse, but I also mentioned that--and I don't have exact dates, but I was on leave from the last week of July until middle of August of 2012. I went to North Carolina for the fiftieth anniversary of the Government's School. I don't know if you know about that, but I'm actually on the Board of Directors of the Government School Foundation.

Q But you saw--the cables that you did see, we will worry about the cables as they came in otherwise.

A Yes.

Q The reporting that you saw at the time in Benghazi in particular or just eastern Libya, did those concern you?

A They concerned me, but I will be frank: I assumed they were being handled by DS and the Executive Bureau because that's their thing.

Q Okay. When you had these concerns or you saw these cables in this recording, would you liaise with them at all? Did you have a point of contact in Diplomatic Security whom you could pick up the phone and--

A I didn't have a point of contact in Diplomatic Security. I never picked up the phone and talk to anyone in Diplomatic Security. I never did.

Q Okay. So, you couldn't even tell us who specifically was responsible?

A In Diplomatic Security, I could not. I wouldn't know.

Q Do you know who would have been responsible in the Executive Secretary for Security?

A [redacted] was the Executive Director. He would be at the top of the pyramid. He had three different Deputy Executive Directors, and they had different responsibilities, but I don't know exactly what those responsibilities were.

Q But based on your experience in your understanding of your role, you assumed that other folks would be taking care

of these requests?

A Yes, because that was their job. That was their job to do.

Q The daily intelligence briefings that you mentioned, that was something that the ARB had flagged.

A It's declassified now. We could talk about it.

EXAMINATION

BY MS. GROOMS:

Q That appeared to me from the ARB that I read on you to be the central concern that they had about your--

A That's why I went on administrative leave.

Q Is that your understanding of what their concern was--

A That's why I was on administrative leave. That's the only thing they had on me.

Q It was from your not attending these--

A Exactly.

It's not exactly a briefing. You go into a room and they have these binders with intel printed out and you sit down and read it in intel.

Q It didn't appear to have something to do with anything other than that; right?

A No.

Of course, we could make something of it.

Q That was my understanding of it, but I wanted to see if that was yours also.

A That's what I understand.

EXAMINATION

BY MR. KENNY:

Q But nobody gave you additional reasons?

A There is nothing in the unclassified report. There is nothing in the classified report, based on what we read yesterday, which were the pertinent sections that covered me in the classified section.

Q But until that point, you had no information or no reason to believe you were placed on administrative leave for any other reason?

A Until that point or even until today.

Q So, can you just first let us know when it was you stopped attending these briefings.

A It was around July. Maybe when I got back from leave. Yeah, maybe when I got back from leave.

Q And you mentioned that this was a briefing that was provided by others as well?

A Yes. It's smaller room, smaller than the size of that table and the INR people come in with the binders, and we all go into a small room. Everybody is there together, so everybody knows who's there, and we read the books.

Now, it's a small point, but the fact is nobody told me it was my job to go in and do the daily briefings, to do the readings.

Q You just went in--

A I went in because everybody was going. But no one ever said, "Ray, this is your job to do," and no one ever

said, "Ray, how come you're not coming?"

And, frankly, everybody is there. Liz--Beth sits at the head of the table, Liz sits to her right, and other people come in and filling the other seats. So, it's not like there is a gap of knowledge about who comes and who doesn't come. The DAS comes in about 7:20, and we read until about 8:15.

Q But you never had any conversation with them beforehand, you know, advising them that you would stop attending the briefings?

A I had no reason to advise them I was going to stop because they never told me that I was required to attend.

Q Okay. And you mentioned that you felt conflicted in your duties upon attending these briefings, that you would receive information, and it would be difficult then in your public outreach. I was wondering if you could maybe explain.

A Sure, sure, sure.

The briefings had say some interesting things, I would say some sensational things. We would called the bindings, to give you a taste, we called it the "funny book." Everybody called is the "funny book," because it was humorous some of the things that were reported in the intel. There were things about relationships between groups, relationships, family relationships, bizarre habits that people had. Weird stuff, weird stuff. And I was going on and talking to these groups, and I--I had a fear that during the question-and-answer session some of that stuff will come into my head and out of my mouth, and I said I don't need

that.

Now, to be fair, I did not tell Beth and Liz that I was not going to attend meetings anymore, again, because in principle they never told me I had to attend them. That said, again, there were two unique, discrete programs that I was "read into." And when there was actionable intelligence on those programs, the analyst called me up, we would meet in the skiff, they would bring me the intel, and I would read it. If it was something I needed to pass on to Liz or Beth I would. If it was something I didn't need to know to pass on but just needed to know, then that was okay, too. So, it's not like I was not getting access to information.

And secret cables came in through the classified open net that I had access to on my computer.

Q Were you ever concerned, though, you read the cables, were aware of this generally deteriorating security environment in Benghazi, were you ever worried about that which you didn't know because you weren't reading the cables, that there might be information, maybe it's sensational today, maybe it's an approved product tomorrow, was that ever a concern you had?

A It was not a concern that I had because I knew that Beth was reading the funny book, and I knew that Liz was reading the funny book, and I felt that if there was something that needed to be acted on or clearly known that they would seek it.

Q Would there have been anybody below their level who

was responsible for staying on top of the daily briefings? It sounds a bit onerous for a Principal Deputy Assistant Secretary or Assistant Secretary. Did they have other deputies who would help receive this information and process it for them?

A There were other deputies in other regions.

Q But within NEA, and maybe directly under them, were there any other personnel who would help filter, maybe, useful information from what is not useful information?

A No.

EXAMINATION

BY MS. GROOMS:

Q Would [redacted] have been in that?

A [redacted] wouldn't attend the morning briefings, but [redacted] would go periodically to INR and read the same information, sometimes [redacted] would go. She was his deputy.

EXAMINATION

BY MR. KENNY:

Q Okay.

A I guess the question that comes to my mind is in sort of a global sense, if I had gone every day and read the intel, perhaps one day sensational and perhaps one day an approved product, could it have had an impact on the security situation? And the fact of the matter was, again, that wasn't part of my job. That wasn't something I was covering or handling.

Q And you never had any conversations with Ms. Dibble

or Ms. Jones about information in those reports or about security generally?

A Security generally, yes, we had--we had conversations. We had--we would meet every morning. [redacted] would come in and brief me after his phone call with posts about 8:00, 8:15, and we had a meeting at 8:45 with Liz and Beth and all the DASs, and we would discuss things that were pertinent for that day, and so things would come up.

Q And one of those things was security?

A One of those things may have been security.

Q Okay. And what would those discussions have been like? What would they have covered?

A For example, if there had been a new attack on a western Embassy in Tripoli, we would go around the room, and I would say, "Well, today post reports there had been an attack on the French Embassy, or today post reports there had been attack on the British Embassy," just to inform the Assistant Secretary and to inform the whole group.

Of course, she already knew because she had read it.

Q And that information would come to you how?

A A bit from [redacted]. I would meet with him 8:15ish, and then I would go to the meeting at 8:45.

Q Okay. And to take the representative example, after you would have presented this information, what would the discussions have been?

A She would nod and would say "okay," if it were a series of things that might be made, "This happened at X

Embassy a week ago" or if there is a series of things that might come up.

Q Were there discussions about next steps or actions that should be taken?

A That wouldn't have happened in that meeting. That wouldn't have happened.

In fact, that discussion wouldn't have happened in NEA. That discussion would have happened in DS because DS is in charge of Diplomatic Security.

I don't want it to sound it's totally compartmentalized, but I do want you all to get a sense that there's a kind of a role in terms of policy for the regional bureau and there is a role in terms of function for functional bureaus. Security is not a policy issue; it's a functional issue. Of course, it impacts on policy.

Q It can constrain policy.

A It can constrain policy, but it's not a policy issue. It's a functional issue. It's handled by the functional bureau; and, in this case, the functional bureau is Diplomatic Security.

In fact, Diplomatic Security would become alarmed if they saw a regional bureau was getting too involved in their stuff, and they would--they will let you know.

Diplomatic Security, because I wasn't at the meetings, I could tell you what happened, but I'm certain that Diplomatic Security had meetings on security issues in Libya, the very things that you're talking about, but what I'm trying to

convey is that those discussions didn't take place at the NEA. Those discussions took place in DS.

Q And when DS would make a decision for the determination as to security, how would that information come back to the regional bureau?

A It would go up to the Under Secretary for Management, from the Under Secretary of Management it would come across to the Under Secretary for Political Affairs, P, and from P it would come down to the Assistant Secretary.

Q Or even for minor security requests, all of this information would go up in order to come over?

A It would.

And I'm not sure how the ARB missed it, but the Under Secretary for Management has a hand--is the greatest micromanager that the State Department has ever known, and he was directly involved in these things on a day-to-day, hour-by-hour basis.

Q What--

A We should have that discussion.

Q With more time, I'm sure.

A Where is Pat Kennedy's name in all this?

Q My time is beginning to run out here.

A Sorry.

Q I was wondering if we could shift gears and talk--there's still a lot more we obviously would like to discuss with you, but we could talk about the Accountability Review Board, that process and that experience for you. You

had made a statement in the last hour that you felt some of the members of the board had certain connections to the people that they were investigating, and I was wondering--

A No, I didn't say I felt it. I said it's evident; everybody knows it. I never said I felt it. Well, you have the record. I don't think I said I felt it. I said everybody knows that these connections exist.

Q But when you say "connections," I'm just trying to understand what it is that you mean, that these people worked together previously, that there was friendship. Maybe if we could just unpack what you mean when you say "connections."

A Okay. Dick Shinnick was the Director of OBO when Pat Kennedy was the Under Secretary of Management. Dick Shinnick was put in that job by Pat Kennedy because the previous OBO Director was--left under questionable circumstances, so Dick Shinnick was brought in.

So, when Dick Shinnick was--let me think about this now.

Dick Shinnick and Pat Kennedy were both management officers. They had both worked at Embassy London, I think. Shinnick was the Executive Director for S/EX when Pat Kennedy was the Assistant Secretary for A and Acting Under Secretary--this was during the Nairobi, Kenya, bombings. There are--I mean, if you like, I could go back--you will ask me to do it since I don't have a desk in the Department anymore, but if you would like--maybe you could get it, there had been lots of interactions between Pat Kennedy and Dick Shinnick over the years.

Q What is your understanding of the role that Mr. Shinnick played on the ARB? Was he not the Chairman?

A He was not the Chairman.

Q Or Vice Chairman.

He had previously worked in OBO?

A He previously worked in OBO. He previously worked for Under Secretary of Management. He previously worked in EUR. He previously worked in a number of places, a number of places.

Q Is it your understanding, then, that he brought a certain skill set or expertise to the ARB as a member?

A I don't know what the--I don't know what the criteria was for judging people for their ARB. I don't know what their criteria was. I wasn't part of the process of determining who would be the ARB members and the reasons why.

Q So, you're concerned about Mr. Shinnick in particular. Were these driven because of things people told you or these are connections that you've made based on your knowledge of the Department?

A No. It's pure speculation, but the idea across the Department is that Shinnick was put on the board to protect Pat Kennedy.

Q You say that's an idea across the Department.

A That's felt across the Department.

You should talk to more people. Is this the first time you've heard this?

BY MS. GROOMS:

Q Who else should we talk to?

A Who else? I don't know. I don't know. You should talk to more people.

Q I mean, you're not going to tell us--

A No. I have been out of the Department since December 18, so I don't even have--I'm not even in contact with people in the Department.

Q Have you had conversations with someone in the Department that felt that way and communicated that to you?

A I heard it from a lot of different sources.

Q Sources within the Department?

A I heard it from sources within the Department.

Q And could you tell us about it.

A I don't want to do that. Does that make me a bad person if I don't want to rap on people who called me because I they know I'm in a bad place and want to kind of commiserate with me? I'm asking. If you tell me it does, I will come up with some names.

Q By no means do we accuse you of being a bad person. We're just trying to figure out, you know, you said this is a widely held view.

A I think it's common knowledge.

Q And you think it's common knowledge, because we hadn't heard it before, and if we're going to run that around and understand where that comes from, assess whether you're accurate and that that is a widely held view, it's helpful

for us to know other people to talk to.

[Counsel confers with the interviewee.]

A I don't know anybody knows it for a fact. There was a lot of speculation going on, and a lot of people who come to me personally and think I got a wrong deal, perhaps, want to commiserate with me. I don't know anybody knows it for a fact. I mean, who knows anything for a fact in that place.

We found out yesterday officially that the reason why I was placed on administrative leave is because someone said in the classified section of the report that I didn't do the daily readings, which wasn't--which is troublesome on several levels because it's not exactly accurate, but it goes to the fact that--it supports the fact that a lot of things are said and felt without any kind of concrete knowledge behind it.

Q So, you have some speculation that Mr. Shinnick essentially was placed on the board to help out Patrick Kennedy.

Do you know Mr. Shinnick?

A I worked for him. I know Patrick Kennedy.

Q I get the sense from you that if you had picked almost anyone at a certain level to go on to the ARB they would have had a series of connections with a series of people within the State Department.

A We are all connected. You know, you go to--I did a year in Baghdad and that connected me to a whole lot of people. For that matter, I did a tour in London as a junior officer that connected me to people I had been connected to

throughout, and assignments overlap. It's all about networking.

Q And so, do you have any reasons to doubt Mr. Shinnick's integrity?

A I have a concern that he--he said to me in the hallway before my interview, "We need more context. We're not getting any context, Ray. Will you give them more context?"

To me, that was close to witness tampering because I came into the meeting with the intent of providing them the context that my friend, I though, Dick Shinnick asked me to provide, and then it turns out that they took my context and ended my career, which was going to end anyway because I was going to retire, but I didn't want to go out like this.

He took my goodwill that I voluntarily provided in the spirit of sincerity in which he requested it, and it was used against me. So, are you asking me do I have a problem with that? And the answer is yes.

Now, I'm not going to say that I doubt his integrity. That's a big leap from having a problem with what he did to me, what they did to me. I'm not going to say I doubt his integrity, but I have a problem with the way the whole thing was handled.

Q And what did you understand Mr. Shinnick to ask you to provide more context? What did you understand that to be a request for you to do?

A What I understood that to mean was that they would

get discrete pieces but they couldn't connect them, so what they needed was someone to come in and speak freely to provide them information that would provide them that sort of glue to make things fit together.

So, I entered the room without an attorney. I don't know that I mentioned it here or not. For the first meeting, the group meeting, we found out ahead of time and we were told we could hire an attorney. For my individual interview, I came in that morning, and it was on my Outlook calendar for 11:00. I arrived and they said, "Where's your lawyer?"

And I said, "How could I have had a lawyer? I found out this morning I was to come to this meeting." They were surprised I didn't have a lawyer.

I found out later on that most people that went before the ARB went with counsel. Perhaps it would have made a difference.

EXAMINATION

BY MR. KENNY:

Q You said interpreted, then, when he said context, to provide more information?

A Or just to be free with the provision of information, and so I tried to do that. Apparently, it backfired on me, and I thought if--if I had known I was being targeted, I would have been more circumspect. I would have canceled that meeting until I could go on with an attorney. I didn't know I was being targeted.

EXAMINATION

BY MS. GROOMS:

Q Do you have a reason now that you think you were being targeted at the meeting? It seems to me from the ARB, it seems to me from the ARB that what happened was during the meeting you mentioned that you weren't going to these additional meetings and that's what you ended up getting hit for, not that they had sort of seen you in the central role, you or anyone in NEA for that matter in a central role, in what wrong in this.

So, I guess my question is: Do you think that's not accurate?

A It's fair to say that. And if the same thing happened in NEA that happened in DS where the Assistant Secretary and PDAS and the DAS were all placed on administrative leave, I would have a strong reason to believe that it was just because of what I said about not reading the report.

In my mind, from my view, because I was the only one who was singled out, I felt I was the one who was the sort of sacrificial lamb for all of NEA, that I was taking it for Liz and for Beth because they were clearly in the positions of authority. Beth was clearly the Assistant Secretary, and Ambassador Pickering said words to the effect that the rubber meets the road at the Assistant Secretary level, and I wasn't Assistant Secretary.

Q So, let's unpack that because--

MR. CASTOR: You're five minutes over. Do you want to

pick that up in your second round?

MS. GROOMS: No, I would like to finish.

EXAMINATION

BY MS. GROOMS:

Q So, you made a strong statement that you felt you were the sacrificial lamb for NEA.

A I have written a poem I haven't released yet. You all know about my poetry.

Q I see.

But I want to unpack that because I think, from my reading of Ambassador Pickering's statement, when he said, "I placed the blame at the Assistant Secretary level," he was talking about the Assistant Secretary level at DS, not at NEA, and so I think--and it looks to me from our reading, my reading of the report, like the concern with you was based on one discrete issue and not based on a larger issue of what you have been doing in your position with respect to the security issues, and so I think that--I think that's a really strong statement to make. I want to make sure that you have an opportunity to really explain what you mean by that.

A And I will. I will.

When I was in the interview--now, of course, we signed a nondisclosure statement that says we are not supposed to discuss what happened in the ARB, but we are discussing it, and that law has been breached.

When I was in the interview, Admiral Mullen said on three separate occasions, "This has to stop at the Assistant

Secretary level." Those were his words. Now, Eric Boswell wasn't in that room. He was talking about the interview with me. He was talking about NEA. Admiral Mullen said, "This has to stop at the Assistant Secretary level."

Q What is the "this"?

A The "this" is the accountability, the process, the blame. The fault lies at the Assistant Secretary level. He said it on three separate occasions.

So, when I matched that up against what Pickering said about the Assistant Secretary level, there was no doubt in my mind that he wasn't talking about just DS. He was talking about overall.

Now, it's convenient to say, "Oh, he's just talking about DS" because they only took a DS Assistant Secretary. That's convenient to say. But when you match that against what Mullen said to me in my interview, "This has to stop at the Assistant Secretary level," then that leads me to conclude that when Pickering said this is the Assistant Secretary level, he was talking about across the board and not just DS.

Now, you didn't hear what Mullen said, so you don't have that piece.

Q Can you provide more context for what he was talking about.

MR. CASTOR: We're really over the time. We do our best--we finished on our hour, we keep that commitment, and you're not keeping your commitment. So, I think we need to

finish up here, and it's our turn to ask questions.

MS. GROOMS: Okay. We cannot get the comments, then.

MR. CASTOR: Nobody is halting the interview. We are just trying to keep some organization here.

[Brief recess.]

MR. CASTOR: It's 11:34. We will go back on the record.

My colleague, Mr. Lewis, had a couple of follow-up questions.

EXAMINATION

BY MR. LEWIS:

Q Ray, there has been some confusion. I keep hearing the words "meetings," "briefings," and I think we have to clarify what a briefing book is and what actually occurs, generally what's in a briefing book because, as I'm listening to the discussion, it's almost as if they believe a morning briefing takes place or morning meeting takes place. In fact, my understanding of it is it's a briefing book, a collection of intelligence reports, political reports of a classified nature that may come anywhere from DoD to DIA, some CIA, some including FBI, different political officers from around the globe, and it's all put in a packet that's available for you to walk in and take a look at it.

A Yes.

Q It's not an interactive process. It's probably similar to what an Ambassador would get in the field in his morning briefing book. Is that a fair description?

A That's a fair description, sir. It's a reading

exercise.

Q And that is put together overnight based upon whatever someone believes might or might not be relevant to that particular area, and your description of it is not of an active briefing or a meeting, but your description relates to the contents of a briefing book. Is that fair?

A That's exactly what it is.

Q So, the transcript will have terminologies like "meetings" and "briefings" as it relates to this, we're talking about going into a room and reading a briefing book of paper.

A That's right.

Q I do have a couple of questions in regards to how many personnel generally do you believe exist within Magreb Affairs at the State Department headquarters?

A Nine, ten--ten.

Q And how many people do you generally believe exist in the Office of the Executive officer within NEA?

A Forty, fifty.

Q Can you describe what a Post Management Officer does.

A A Post Management Officer is the liaison between post and offices in Washington on administrative matters. It could be building issues. It could be OIG inspection issues. It could be funding issues. It could be bidding issues for positions.

Q Would it include anything related to security risks?

A It could be a conduit for security requests.

Q Where does the Post Management Officer sit in relation to NEA? Does it sit in Magreb Affairs, or does it sit in the Office of the Executive Director?

A He sits in the Office of the Executive Director.

Q And the heads of the Office of the Executive Director is...

A [redacted]

Q Okay. Go ahead.

EXAMINATION

BY MR. CASTOR:

Q So, currently, your day-to-day responsibilities are none?

A None. I'm taking some on-line classes through CORSERA. I'm working on my poetry.

Q Are you officially on administrative leave?

A I'm on official administrative leave.

Q But you're still receiving your salary?

A I still receive my salary. I still accrue annual leave. I still accrue time for longevity.

Q At any point have you received any notification from the Accountability Review Board itself informing you that you are the subject of a personnel recommendation pursuant to its investigation?

A The Accountability Review Board itself no longer exists. It hasn't existed since the report was released, and that's what I was told by the Assistant Secretary. There is no Accountability Review Board.

Q On December 18--
A On December 18th, when the report was released.
Q Did you have any communication from anybody associated specifically with the ARB?
A No, not even from Dick Shinnick, who I thought was my friend.
Q So, the fact that you have been singled out to be held accountable, so to speak, you learned of that only through Beth Jones and Liz Dibble?
A I learned of it through Beth Jones exclusively.
Q But you subsequently had communications with Liz Dibble?
A Limited, very limited. I saw her a couple of weeks ago at a retirement ceremony.
Q So--
A We shook hands.
Q When Ambassador Pickering said that the--he said in a couple of different instances the four officials were relieved of their duties, were terminated essentially, it's no question that you're one of those folks?
A I'm one of those folks, yes.
Q But Ambassador Pickering or anybody from the ARB never officially communicated that to you?
A No, because they didn't make that determination. That wasn't an ARB determination. That was a Department of State's determination. That was a Cheryl Mills determination.

Q Other than--could you tell us what other information you had about the fact that it was Cheryl Mills's determination?

A The key piece of information is that when Beth called me and she said, "Cheryl Mills directed me to relieve you of your duties as DAS."

Q And did she mention anything else with regard to Ms. Mills?

A Nothing else.

Q Did she indicate that she agreed or disagreed with that decision?,

A She said, "Ray, I don't know why they chose you. I don't know why they didn't choose me since I'm already a retiree and just here on a contract," but other than that, no.

Q During the last round there was some discussion about staffing challenges.

A Um-hmm.

Q Is it fair to say that Liz Dibble and Beth Jones were also aware of the staffing challenges?

A They were aware.

Q Do you have any idea, if they were aware of those challenges, why they weren't held accountable as well?

A I have no idea.

Q There was some discussion, I think, during the last hour about the fact that Mr. Shinnick had a history, long history, of serving as a colleague with Patrick Kennedy.

A That's a fair way to put it.

Q And because of that, I think we had--we had asked you some questions, do you think Mr. Shinnick was able to be impartial about Pat Kennedy's role in all of this.

What's your understanding of Patrick Kennedy's role in the lead-up to these attacks, the security posture, that type of thing?

A The DAS Assistant Secretary reports to the Under Secretary for Management. The way the Under Secretary for Management runs things, there is no decision that DS makes that doesn't have his input and his imprimatur, his approval. There is no decision that DS doesn't make that doesn't have his disapproval. DS--the Under Secretary for Management speaks for DS for all practical purposes, and there is no decision that DS makes that the Under Secretary for Management is not involved in.

Q So, the important decisions about the security posture in Libya leading up to the attacks, if Mr. Boswell was held accountable for those decisions, is it fair to say that the Under Secretary for Management would have had a role in those decisions?

A Absolutely.

Q And what could you tell us--are you aware of whether Mr. Kennedy was--or Ambassador Kennedy was aware of the security challenges in Libya?

A I can't imagine that he wasn't. I have no direct information because I don't work--I'm not up there, but

again, I know how--I mean, it's common knowledge how he operates, and the fact is there is no decision that DS would have made independent of his authorization.

Q The DCM, Mr. Hicks, testified that Ambassador Kennedy was very engaged on a minute level about the incidents that were occurring in Benghazi in the months leading up to the attacks.

A Yep.

Q Does that surprise you?

A It does not. We--one of the things that I found interesting was that the Under Secretary approved every person that went in or came out of Tripoli. Now, that's the Under Secretary. It is the Under Secretary's responsibility for posts and evacuation status. The people have to get permission to go in and come out if they are under Chief of Mission authority, Chief of Mission control, and if that Under Secretary for Management--but when I worked for the Under Secretary for Management, there were times when the Under Secretary for Management would delegate that authority to the Assistant Secretary of the regional bureau affected or to the Ambassador at post. But Pat Kennedy has never done that.

Q The decisions about adding security and, in fact, not adding security ultimately, is it fair to say, were made by Kennedy?

A There's a subtle distinction there between him being aware of the decisions and him making the decisions.

I would--in order to say he made the decision, I would have to see the decision memo, the action memo, that he actually signed on. Short of that, I can't say he made the decision, but I think it's fair to say he was aware of every decision that was made.

Q During the last hour you mentioned the State Department official that was, I don't know if the term was well-known for his micromanagement. Was that Mr. Kennedy?

A That's Pat Kennedy.

Q Okay.

MR. LEWIS: Steve, could I ask a question?

MR. CASTOR: Sure.

EXAMINATION

BY MR. LEWIS:

Q These are probably yes-or-no questions.

Are you aware that the Office of Management and Policy appoints who is the ARB staff officer?

A I've heard that. That was reported when ARB was set up.

Q And that same person also appoints who the ARB Executive Secretary is?

A Yes.

Q And are you aware who the Office of--the person who is in charge of the Office of Management and Policy works for?

A Probably works for the Under Secretary for Management.

Q Who is...

A Pat Kennedy.

Q Thank you.

EXAMINATION

BY MR. CASTOR:

Q Were you aware that the Department wanted to establish a permanent presence in Benghazi?

A I'm sorry? Your question again?

Q Are you aware that the Department wanted to have a permanent presence in Benghazi?

A I heard Greg say that in his testimony. Greg Hicks. What I'm aware of is that we had to do an annual renewal of the temporary presence in Benghazi.

As it happened, on December the 28th, I think it was, when the memo came through to extend the Benghazi presence--this would have been December 2011--the memo came through to extend the presence through the end of 2012, the memo came through the front office, and the PDAS who normally would have initialed it for NEA was on vacation.

Q Ms. Dibble?

A Ms. Dibble.

And I would sign off all memos in her place.

So, if you looked back to the memo on December 28th, 2011, that extended the--if you look back at the memo from December of 2011 that extended the Benghazi presence for another 360 days, you will see my initial on the back on that sign-off sheet because I signed--I was there in Liz's place,

but that was typically the jurisdiction of the PDAS.

So, again, what I know is that we were doing a year-to-year renewal of a temporary presence in Benghazi. I'd heard back and forth about a permanent presence, but I'd never seen any documentary evidence. I never seen a memo floating saying, "We propose that Benghazi become permanent consulate in the NEA system." I never saw the memo. I don't think there was such a memo. Or if there was, I never saw it.

Q We discussed the last time I was asking you questions in the first round that you were aware of the additional security requests that the folks on the ground were sending through official channels.

A Um-hmm.

Q That that was the province of Diplomatic Security, and ultimately those decisions were likely to be made by Eric Boswell.

A Um-hmm.

Q With Patrick Kennedy likely being very much in the loop on those decisions.

A Um-hmm.

Q But you had no role in weighing in on whether those additional requests were meritorious?

A No official role. No official role.

Q And do you know if Beth Jones or Liz Dibble had an official role on weighing in on those decisions?

A I think that once it got to the DS Assistant

Secretary level, it would have been--it would have crossed over to the NEA Assistant Secretary level; i.e., Eric Boswell and Beth Jones would have had a conversation about it.

Q Do you know why ultimately the requests for security were denied?

A This is not pure speculation, but I think it's partial speculation.

We know for a fact that the Libyans were very concerned about boots on the ground, about American boots on the ground. We know for a fact that every time the Libyans got a chance to talk to us in Washington, or for that matter in Tripoli, they always emphasized minimizing the number of American servicemen situated in place because they just didn't like the optics of having a lot of soldiers walking around.

I'm sure that the--I am sure--I am certain that the Libyans' distaste for having large numbers of military people had some influence on decisions made at post to minimize the number of boots on the ground.

Q What other avenues are there, other than military boots on the ground, to fortify the security situation?

A That's way out of my area of expertise. They have these drones. The drones can do everything. That's the new toy. However, that's not my area of expertise.

Q If there was a difference of opinion between the State Department personnel in Libya and the folks in Washington about how to deal with the security challenges, do

you know how those disagreements were worked out?

A They would have been worked out between the Ambassador and the Assistant Secretary or the Acting Assistant Secretary, as the case was.

Q Ultimately, the final decision is in Washington?

A Ultimately, the final decision is in Washington.

Q So, if the post disagrees, is there any method to challenge that or arbitrate it?

A Posts can be overridden. It happens all the time.

Q We've had testimony from Mr. Hicks, and the documents certainly support that, as soon as the terrorist attack began on September 11th, the State Department personnel on the ground communicated back to Washington that they were under attack.

A Um-hmm.

Q You were in Washington at the time. Did you ever suspect it was anything other than a terrorist attack?

A No. But I--no, I didn't--I hadn't speculated it was anything other than it was a terrorist attack. No.

Q Did you have any role in the preparation or discussion of these false talking points that--

A I wasn't in that at all.

Q --that Ambassador Rice used on the Sunday talk shows?

A That never came across my desk, they never sought my opinion or clearance on anything.

Q What was your reaction to the statements made by Ambassador Rice?

A We had a big discussion about it the following Monday morning, and the phrase that people--that Beth Jones mentioned and that people kept whispering to themselves was, "She doth protest too much." That was on everybody's lips: "She doth protest too much." This repetition of what she was saying seemed a bit excessive.

Q At least on the CBS program, Ambassador Rice's comments came shortly after the Head of State of Libya.

A I didn't see the CBS program. I only saw--I had only seen YouTubes of it after the fact, but I heard what Greg said about it in his testimony.

Q Was there any discussion about how the Ambassador may have undermined the Libyan Head of State on national television?

A There was no such discussion about that, at least not that I was privy to.

Q But in the office when the Assistant Secretary Jones mentioned that Rice was--

A Protesting too much.

Q --protesting too much, it was clear then that there was no popular protest; is that fair to say?

A It wasn't clear. I wasn't clear. I think everybody assumed that--I think the assumption in the NEA was at some point there was some degree there was a protest, but that it evolved into something different. I think the impression we were all under was they started off--the impression we were all under was it started off as a protest and then became a

terrorist attack.

But that's not what--that's not what Greg said in his testimony. What Greg said in his testimony, what we have since learned is that it was never about a protest. It was always about an attack, so...

Q If Jones was concerned about the statements made by Ambassador Rice, do you think she reported that up through the chain through officia channels, or do you think she--

A I don't know. I don't know. I don't know.

Q Hicks told us that when he communicated his concerns with Jones, that that was the beginning of the end for him.

A That's what he said.

Q And he felt that he went from being on the team, so to speak, to being out of the mix. Does that surprise you? I mean, is there a culture in the State Department that if you question superiors...

A Those--there's a culture in the State Department last year that said these people fish or cut bait. If they decide they don't like you, they don't want you, you are out. That was--that cultural aspect of the State Department last year was at variance with the collegiality that existed in the State Department in other--at other times with other Secretaries of State.

And so, that being said, it may well have been that Greg was operating under the assumption that it was the collegial State Department and that he be provided for or taken care of. That's an example of an Ambassador in the NEA Region who

made a big mistake, and Secretary Clinton wanted to re-call him and fire him, and Jeff Feldman stepped in and said, "No, that's not going to happen. He's going to stay." And he stayed. That was Jeff Feldman.

My impression--my opinion is that Beth Jones wasn't that kind of person, and that when the political leadership decided that it was time for somebody to go, it was time for them to cut bait, as the saying goes. There was nobody to stand in the way and say, "No, stop it."

I mean, people--Ambassadors contacted me after I was placed on administrative and said, "Ray, if Jeff had been Assistant Secretary, this never would have happened, this wouldn't have happened like this."

I didn't have an opinion about that because what happened happened.

Q Was it because Jones didn't have the gravitas within the State Department or didn't have the strong will necessary to stick up for her people?

A I think it's--it's just an opinion, but I think it's the latter. I think she came into a job. She didn't choose any of these people. She didn't choose me to be DAS. She didn't choose Greg Hicks to be the DCM. She couldn't choose Chris Stevens. He was the Ambassador. She inherited all this stuff. These were all done under the previous Assistant Secretary and previous PDAS, so they didn't have any loyalty, other than what happens in the Bureau because of tradition.

Now, Beth Jones did the first half of her career in NEA.

You would think she would have inherited some of the traditional collegiality in the NEA. You would think that Liz Dibble would have had some because she spent most of her career in the NEA. But there hasn't been any evidence of that kind of collegiality in the NEA in the last year and a half.

Q Hicks told us in the weeks following the attacks he was advised that you were going to be coming to Tripoli. Were you aware of this plan?

A In late September, Liz came to me and said, "We're going to need to send someone to Tripoli to hold things together until we can get permanently assigned Chargé or a senior guy to come back as WAE, a retired annuitant, and Ray, that person might be you. That person is going to be you."

And I said, "Well, Beth--Liz, sorry," I said, "I'm going to have to discuss that [redacted] I said, "Liz says I need to go to Tripoli. It's not going to be a permanent assignment. It's just going to be a few weeks, couple of months max, but I might need to go."

[redacted]

I had some plans for--I actually had some plans for a volunteer thing [redacted]

[redacted] that I was going to start in January, and I had to--I had to cancel that because I thought I was going to Tripoli and was not sure how soon I was going to be back. So, the reason I remember that date I remember sending an e-mail to the folks [redacted] saying I'm not going to be able to do this volunteer work for you starting in January because I'm going to Tripoli, and I don't know how soon I will come back.

But as it happened--as it happened--the decision was made to send [redacted] in, and what I was told at the time was, if you're in the senior foreign service, if we send you, Greg will feel sort of insult to his authority. If we send [redacted] in, [redacted] is the same grade as Greg and will be more palatable on that end, so I said, "Fine." [redacted].

Q Were you aware of any concerns or criticisms of Mr. Hicks's leadership or management style?

A There was a lot of speculation. There was a lot of speculation. There was speculation that after Chris's death he was on the phone with President Obama, he was on the phone with Secretary Clinton, that the whole thing had gone to his head. It would have gone to anybody's head in that situation working those long, long hours and having the direct line to the President of the United States of America.

I met and interviewed with Greg before he went out to the post, and I found him to be a very thoughtful guy. I liked the fact that he had actually read books about Libya

because so often Foreign Service Officers don't read books, don't avail themselves of information. They just go off on a whim because they think they could do it because they're All Mighty FSOs.

But the fact that Greg actually read some books, and we discussed the books because I'm also a reader. We discussed the books that he had read. We had rich discussions about various things.

So, I had a positive feel about how he would work out at post based on his personality, his personal behavior, and his kind of sense about things and sort of spirit about things.

Later on, I heard the speculation, but the speculation didn't alarm me because these people were under a lot of stress, a lot of strain, and here is a guy who is on his first time as a DCM and is talking on the phone--and talking on the phone to the President of the United States. [redacted]

That's important--that's big stuff. It may have gone to my head. I don't know.

I didn't put a lot of stock in the speculation I had heard.

Q Hicks told us, before he became a DCM in Tripoli, he went through a fairly robust training, and it was an expensive--it's expensive investment that the State Department makes. Do you agree with that assessment?

A Well, yeah. I agree that it is an expensive

investment, but I think the State Department doesn't see it as such. I think the State Department sees the investment as kind of a sunk cost, and sunk costs are not expensive at all. They're already paid.

If you take it out--if you look at it discretely, if you separate it out from everything else that has happened and you add the value day by day and dollar for dollar, it does become an expensive investment.

Q Hicks, when he testified, explained his--what happened to him. He was the lead U.S. official; these were difficult times; he performed, at least according to some of the positive feedback he received from the Secretary, from the President, did a tremendous job under difficult circumstances.

Prior to that, the State Department had invested this money, they selected him in this undoubtedly hotspot. And then it seems like overnight the switch turned off, and he became persona non grata.

A Fish or cut bait. That's the watch word. That was the watch word last year of the way things operate. Nobody cares about what you had done before. Nobody cares about the sacrifices that you had made. If they decide you're through, you're done. There is no sense of camaraderie. There is no sense of collegiality. There is no respect for the sacrifices you have made.

Q And the difference that you just described between what was going on at the end of last year and your history

with the State Department and the NEA, was that related to the leadership of the Department? What's driving that, do you think?

A That's related to leadership of the Department. That's related to--that was the way of doing things from Secretary Clinton and Cheryl Mills. That's how they operate.

Now, if you ask me--

Q Any other officials in that inner circle there, in addition to Secretary Clinton and Cheryl Mills?

A Tom Nides.

Q N-I-D-E-S?

A N-I-D-E-S.

They were the deciders. Of course, once they decided, Pat Kennedy, Bill Burns, Beth Jones, the Director General--nobody stood up to him. Everybody went along with it.

So, that is--that was a failure of the organizational culture because in other times political leadership would have said X, Y, and Z, and the career leadership at the sea level would have said, "Hell, no. We don't do it like that here." But nobody had the gumption or the audacity or the moral courage to stand up to Secretary Clinton and Cheryl Mills.

Sorry, y'all. And trust me, my parents were Democrats, and, you know--I'm sorry, but that's the truth.

Q Hicks also testified in gripping detail about a visit you received from one of the members of our Committee,

Congressman Chaffetz.

A I heard about that.

Q Was asked by our boss, the Chairman, to go to Libya to get a first-hand sense of what's going on in Tripoli and what had happened. Congressman Chaffetz went to Libya, it's certainly a dangerous environment for a member to enter, and he was really interested in getting a first-hand view of the security situation. He wanted to talk to people.

And Hicks told us that he was given very specific advice not to be in a situation where Congressman Chaffetz was in a room alone or where Congressman Chaffetz had a chance to ask questions of the DCM or other officials in Tripoli.

A I heard that testimony.

Q And Hicks was told that he was required to have a minder who came from Washington in the room at all times. Did you hear--

A I heard his testimony. I heard his testimony.

Q Does that surprise you?

A No.

Q And why not?

A Because that's how they do things. That's just how they do things. That's how things have been done for the past year, past couple of years.

Q And if there was this effort--and this is my word, but to obstruct, to get in the way, to interfere with Congressman Chaffetz's efforts to find out all the information he thought he needed for the Committee for the

U.S. Congress, would that surprise you, if there was an effort to obstruct those efforts?

A "Obstruct" is your word, but would it surprise me? No. In fact, it wouldn't surprise me if people tried to stop Congressman Chaffetz's visit from even occurring from the Washington end before he even got to Libya. That wouldn't surprise me.

Q Why was that?

A Well, there could be any number of reasons. Post canceled visit, they could say. It's too soon after the crisis. There is no one in the government he could talk to or the government is in transition.

I've seen all these reasons used as excuses to dissuade CODELs from going to Libya.

Q The minder, I think his name was [redacted]. Is that the right name? He--do you know [redacted]?

A No.

Q He, as I am told, didn't have all the necessary security clearances, and there was discussion in Tripoli, and it moved into a skiff, as I understand it, and [redacted], the minder, wasn't able, due to his clearance, wasn't able to join the discussion. Did you hear his testimony?

A I heard his testimony.

Q And subsequently, after this occurred, [redacted], as we understand it, reported back to Washington that he was unable to perform his assigned task of monitoring any communications the Congressman had with officials on the ground, and Hicks

received a telephone call from Cheryl Mills.

A I heard him, I heard him.

Q Does that surprise you?

A It does not. It doesn't surprise me at all.

Q Hicks was, for being a career diplomat, was relatively diplomatic in telling us about that call, but would you call that sort as a positive development for the Greg Hicks's career?

A No, that wasn't a positive development. He knew it wasn't a positive development. Not at all.

[Counsel conferring with the interviewee.]

A Then, for the record, I wasn't on the seventh floor. I wasn't in Cheryl Mills's office. I don't have direct first-hand information about the conversation between Cheryl Mills and Greg Hicks other than what he said in his testimony. So, I'm not speaking of him from first-hand knowledge.

Q But you're a senior official at the State Department. You know--you have enough background and experience to testify as to what the culture is in the NEA Bureau and also within the leadership of the Department; that's correct?

A That's correct.

Q After this telephone call that Hicks had received from Cheryl Mills, he really found himself on the wrong end of the State Department's leadership apparatus, and since his return back--and he's found himself in a real pickle in terms of he hasn't been able get his next job.

Do you have any knowledge as to why Hicks hasn't been--wasn't returned to Libya, or do you have any knowledge about why he was taken out of that situation?

A I wasn't--I wasn't privy to the whole process. That was between--that was a Beth Jones operation production. I wasn't consulted. I wasn't a part of any type of discussions or meetings about Greg's disposition.

I mean, I will say for the record that other DCMs had been fired in NEA for a variety of reasons, whether outright misconduct or whether from an OIG inspection where they got bad reports--a number of reasons--or, in fact, DCMs had been fired because the Ambassador has fired them, but NEA has found a way to reassign them to another DCMship or to an equivalent job in Washington. I've seen it happen over and over, time and time again, that NEA kind of takes care of its own, even when there has been misconduct.

Q One of the things about Hicks, though, is he performed admirably.

A There was no misconduct, and it was--it was--it was strange to see that he was--well, he came back on leave to attend Chris's funeral, and apparently Beth was--apparently, Beth told him it would be better for him if he didn't go back and if he voluntarily curtailed. I didn't get a chance to voluntarily curtail, which is a wholly different story. I wasn't asked to voluntarily curtail, I was involuntarily curtailed, and all the rules were broken and an involuntary curtailment, but that's a whole different issue.

Greg took the advice and voluntarily curtailed, but I'm sure he though--and I would have thought in his place--and, in fact, I thought from a distance that the Bureau would have reassigned him because that's what they do, but that wasn't the case.

Q One of the main purposes of the Accountability Review Board's report is to report on what happened if something similar doesn't occur in the future; is that your understanding?

A That's right.

Q Do you believe that this Accountability Review Board Report does enough to prevent tragedies of this type from occurring in the future?

A Again, I'm not sure I'm one to pass judgment on the Accountability Review Board. We will see. History will tell. It's a curious factual matter that the last Accountability Review Board, the last large one--there was a couple in between--the last large one was Nairobi and Dar Es Salaam. Pat Kennedy was the Acting Under Secretary for Management. Susan Rice was the Assistant Secretary for African Affairs. Other people who are in places in this one were in places for that one, and the argument can be made that the correct decision should have been made, from Nairobi and Dar Es Salaam, had it actually been made, may have prevented Benghazi.

The fact is these things keep coming up again and again and again. It's perhaps just a coincidence that the same

people are involved in them over and over again.

Q Some of the witnesses at our last hearing testified that they thought that this report let's people off the hook. Do you agree that senior people, whether it's Kennedy or Jones or Dibble, people more senior than you were not held accountable?

A Well, the accountability exists in the classified report. The accountability is assigned in the classified report. I have only seen the portions of the classified report that pertain to me. That's the only thing they let me see, and those sections have now been declassified, so it involves everybody.

EXAMINATION

BY MR. LEWIS:

Q Would you describe the size of that portion.

A Yeah, it was--there was one paragraph that kind of gave that background, and it was six or seven lines, and there was a second paragraph that gave a specific deficiency, alleged deficiency, and it was--the paragraph had seven or eight lines, but the actual information was in about two or three lines.

Q And is that the only portion of the ARB Report you were allowed to read?

A That's the only portion of the classified ARB that I was allowed to read.

Q As a Deputy Assistant Secretary with access to special compartment information, you have a significantly

high security clearance, does it surprise you that you and a number of your colleagues are not allowed to read an ARB that is generally classified at a secret level?

A It was somewhat surprising, but--it was somewhat surprising, but had I known in January what they had on me, I may have done my defense of it in a different way.

As it happened, I don't know what they had, and so I probably lost a couple of months of not doing anything because I didn't know what there was to do.

Q And while we are on that topic, to your knowledge, were your subordinates in the months leading up to the attack in Benghazi actively dialoguing with the Bureau of Diplomatic Security regarding Embassy Tripoli's security requests, people directly underneath you inside the Department of Magreb Affairs?

A Actually dialoguing with DS?

Q Um-hmm.

A I don't know. I don't know that.

Q I ask that because the ARB criticizes you for not supporting your subordinates' efforts regarding the post security requests. How do you respond to that characterization?

A I haven't seen that allegation.

I didn't see that.

MS. PAPP: We weren't allowed to take it with us.

MR. LEWIS: Were you allowed to take notes on it, even though--

MS. PAPP: Yes, but--

EXAMINATION

BY MR. LEWIS:

Q For the record, I would love to be able to read the exact wording to you, but we have yet to receive it marked properly in an unclassified form. So, we can only characterize it now based on what we have been told that it's unclassified, but there was a characterization that you did not provide advocacy to your subordinates within Diplomatic Security regarding post security requests, as if they were actively involved in doing that, and you didn't provide the type of advocacy.

A Well, no--well, I would say, first of all, that surprises me because I've had lots of subordinates in lots of places in the State Department, and I'm known as a manager who takes care of his subordinates, who supports his subordinates in any aspect of the work they have to do. I have that reputation throughout the building. You could ask anybody.

And so, I would be very surprised if one of my subordinates said I didn't give him support. I'm not sure where that could have come from other than one of my subordinates.

Now, all of that said, throughout this whole thing--

Q This is not to suggest that your subordinates said this. This is a characterization based upon the ARB's stating that you did not provide tangible advocacy in support

of your subordinates' efforts.

A Well, I don't think that's true. And if given an opportunity, I will contest that. The fact of the matter is I haven't been given an opportunity to contest anything in the ARB Report mainly because we haven't been--we didn't get access to it until yesterday.

But one of the flaws in the process is that the ARB came up with these allegations. They don't double-check with the person the allegations are against, and they don't give the person a chance to address these allegations to sort of contest them or give an explanation for them.

Q For the record, neither did your attorney gain additional access of the ARB in order to determine the veracity of what was stated in the ARB?

A Yesterday was the first time we saw it. We tried. Sharon has written many letters, poor thing, and they just told us no.

EXAMINATION

BY MR. CASTOR:

Q So, your one-hour meeting with the Accountability Review Board in November, how much notice did you receive for that?

A I learned that morning that I had a meeting at 11:00 with them.

Q And going into that meeting, did you think that you were there to provide anything more than just context and--

A No. I saw Dick, and Dick said, Ray, when you come,

provide context. And I said, Dick, I'll do it for you. I'll provide context.

Q So, you were more of a supporting witness as the--what had happened, you thought going in?

A Yeah, I thought. I thought. I thought I was--in fact, I was very cooperative. I answered everything they asked me to the best of my knowledge. If I didn't know it, I would say I don't.

Q Were you advised by anybody that you had a--that you could, you know, bring a lawyer to that?

A When they met with us as a group, we got a letter. In fact, I have a copy of the letter that said you could bring an attorney. When I came in that morning--I don't know what day of the week it was--it was on the Outlook calendar. I never got a letter.

Q Do you know who put it on your Outlook calendar?

A I checked with the secretaries. They said they claimed they didn't know anything about it. Excuse me. I never got a letter for the second meeting. I only got a letter for the first meeting.

Perhaps--

Q I'm sorry.

A I could have said I can't do it today because the notice is too short. Maybe that's what I should have done, but I didn't think I was being targeted. I didn't think I was, you know, under attack. And so, I said, well, if they want me to come today and Dick wants me to give context, I

will go today and I'll give context.

Q Do you know if any of your colleagues up or down the chain brought counsel to their meetings with the ARB?

A I think they all did. I think they all did.

Q Do you know how frequently Liz Dibble met with the ARB?

A I don't know.

Q But--

A I don't know--I don't know--I don't know for a fact that Liz Dibble ever met with the ARB. I assume that she did, but I don't know for a fact.

Q How about Beth Jones?

A I don't know. I assume that she did, but I don't know.

Q So, you didn't have--did you have any conversations--

A No.

Q --with any of your colleagues about, hey, we're all getting lawyers or...

A No.

Q When did you learn that some of your colleagues did have counsel with them?

A After the fact, talking with the president of AFSA.

Q Oh.

A American Foreign Services Association, after the fact being after the day of my departure, after December the 18th.

Q Maybe you said this earlier morning, but when did you realize that you were a target of the ARB? Was it not until

December 18?

A December 18, when Beth called me in and said you've been fired. And Beth said Cheryl Mills directed me to relieve you of your position.

Q And so, to the best of your understanding, the Accountability Review Board gave some specific feedback about you and the other three to Cheryl Mills and she was the--

A Beth said at the time that there is something very damning in the classified report. Beth said at the time that she hadn't seen the classified report, that Liz was reading the classified report at the time, so she didn't know exactly what it was.

Q But it was made clear to you that the decision, Beth Jones didn't have a role in the decision. She was--

A She had a role because she conveyed the message.

Q But the determination--

A But the decision, the determination was made by Cheryl Mills.

Q Okay. And Liz Dibble didn't have a role in the determination?

A No. I don't think. Of course, the whole thing was very sort of shrouded. I--you read my poem. You--you know. I don't have it here in front of me, but the whole thing was carried out like an extrajudicial--like a listening, like I said in my poem. You know hoods and--I said in the poem, dress, formal, hoods and masks. I said the people being executed must never know the identities of their

executioners. Bring your own bag, refreshments will not be provided because of the continuing resolution. That was my favorite line.

Q The unclassified version of the ARB Report, did you think it adequately tells the American people, Congress what happened and what needs to happen in the future? I mean, do you think this is a good document for--the unclassified version--a good report? Complete?

A I haven't passed a judgment on the ARB.

You know, I've skimmed through it. I haven't passed a judgment on the ARB. It's not something that I'm overly concerned about. Not anymore. Not--you know, not anymore. I don't have--I don't have a dog in this fight. I no longer trust these people. I want to go back to the work. This--all of--this part of my life is over. So, I don't have any judgment about it one way or the other.

Q At the end of my Democratic colleagues' hour, they were asking you questions about Shinnick and Kennedy's connection. Were there any other folks on the ARB that had connections to some of the key players? Like Ambassador Pickering, I think we had some discussion that he had served as a mentor to Beth Jones.

A There's been talk about it, the connection between the two of them.

Q Are you aware of anything more specific than that?

A You know, I thought I had a connection to Admiral Mullen. He was a submarine guy. I was a submarine guy. I

thought--I thought I was in. And when he said, you know, accountability lies at the Assistant Secretary level, I thought that's what he meant, but apparently my submarine thing wasn't strong enough.

I don't know Catherine Bertini. I don't know Hugh Turner. I don't know [redacted], the Executive Secretary of the board, who was a Foreign Service Officer.

Q The last person you mentioned? Could you say that name again? [redacted]?

A [redacted]

Q And was she a part of a--she wasn't one of the five members, was she?

A She was the Executive Secretary to the board.

Q Okay.

MR. CASTOR: Jim, do you have any other questions? We're coming to the end of our hour here.

EXAMINATION

BY MR. LEWIS: I just have one very short question and one you could elaborate on.

EXAMINATION

BY MR. CASTOR:

Q Do you believe that you have been subject to an adverse action within the Department of State?

A Yes, definitely.

Q What would you say to those in the Department of State and the officials who would claim that you were not technically subject to an adverse action?

A There are people who will say that because they'll say you're still getting paid, and because you're still getting paid, you don't have any reason to complain.

But it's--you know, it's not about the money. It's about--it's about your reason for being, if you will.

And, you know, frankly, I would have been better off had they said you have to--you're fired. I would have been better off had they said you are fired from the State Department. You go today. Your pay stops, and you're out of here. I would have been better off because I could have contested that or--I mean, I would have contested it. It would have also been behind. It would have all been behind me and I could have started with the next thing. But as things now stand, I'm still employed. There's still a possibility that I could come back, so it's not like I can start something new.

I was scheduled to retire on April 30th, and I made the decision to withdraw my retirement request because I didn't want to go out under this cloud of suspicion that maybe I had done something, that's the cloud that--my fear of the cloud of suspicion no longer exists because I have embraced my administrative leave-ness, if you will, and it's no longer a source of shame for me. It's now a--almost--it's increasingly becoming a source of pride for me. So, it's not that big a deal anymore.

But now there's a principle. Now there's a principle that they did something improperly, immorally, maybe even

illegally, and if I just take it laying down, guess what, they'll do it to somebody else again.

Q And based on what you've told us, you believe that you were relieved of your position based upon the findings of the ARB. Had anyone told you that you were being relieved of your position based upon a recommendation of the ARB?

A No. The ARB didn't make a recommendation to firing anybody. That was a State Department decision. That was a Cheryl Mills' decision. That was not an ARB decision.

Q Thank you.

MR. CASTOR: Okay. Our hour is up so, we'll promptly stop.

[Brief recess.]

MR. KENNY: Back on the record. It's about 12:45.

EXAMINATION

BY MR. KENNY:

Q Mr. Maxwell, I just wanted to take this opportunity again, thank you for coming in. I know there was a bit of confusion maybe during the last round when you turned to us, and I just want to let you know that, you know, we're just really interested in hearing your story today and we appreciate you coming in, and I don't think there is anything you could say that would disappoint us, I think, with some of your words, but we really do just appreciate your candor appearing before us today.

A Thank you. I'm happy to be here. I'm happy for the opportunity. I've had things that I wanted to say since

December 18, and I've had no audience.

Frankly, it occurred to me that I should make an appointment at least with the North Carolina congressional delegation and brief them, but I didn't, and I was told at the time--this is back in January--I was told by someone else that you'll just become a political football if you go up there and brief members from North Carolina on one party or in the other party, and they'll just tear into you one way or the other. And then I made a list of every member of Congress who had ever served in the Navy, and I said, well, I'll send something to all of them. Maybe I can get an ear that will listen.

But again, I was told, you know, don't mess around with those people because they'll just tear you apart and you won't be any better off.

So, when this invitation came, I was like, finally, I can get--I can talk to someone who will listen, and it's certainly the case that no one in the State Department has made me the same offer to talk. No one from the State Department has been interested in what I had to say. So, I'm grateful for the opportunity.

Q I would like to pick up back in September of last year and the decision for the Ambassador to leave Tripoli and go to Benghazi.

Were you aware of this trip before it took place?

A I was not aware. But for an ambassador to make a trip outside of his country, he has to get authorization from

the Bureau to do it.

Q I'm sorry, outside of his...

A For an ambassador to travel outside of his country that he's been accredited to.

EXAMINATION

BY MS. PAPP:

Q Okay.

A He has to get permission.

Q He was sent to Benghazi.

A Exactly.

Q By--

A When an ambassador travels within country, there's no need for Washington permission. There's no need for him to alert anybody in Washington that he's going.

EXAMINATION

BY MR. KENNY:

Q Okay. So, it sounds like if the Ambassador made the decision, people in Washington wouldn't necessarily be aware of this fact if he--

A He wouldn't be required by law or even by custom to inform Washington.

Q To your knowledge, did he inform Washington beforehand?

A I don't know. I don't know. When I heard--I will just tell you. When I heard that Chris was in Benghazi on September 11th, the first thing that came to my mind was why would he go to Benghazi on September 11th. And I've asked

myself that question a number of times. But again, I knew Chris individually and personally, and the conclusion that I reached and saw in my own mind was if Chris made a determination that he needed to go--that he needs to leave home base on 9/11, he must have had a very strong reason for doing so.

Q So, you weren't aware of any directive from HQ or from Foggy Bottom to send him to Benghazi on that date.

A I wasn't aware of that. I heard that. I heard Greg say that in his testimony, and I had no reason to doubt Greg's word, but I wasn't aware of it first-hand.

Q I'm sorry. Did you say you have reason to doubt or you don't have?

A No. I have no reason to doubt Greg's word, but I wasn't aware of it.

Q When did you first learn of the trip? Was it at the time of the attacks?

A It was at the time of the attacks.

Q Okay. And what became your understanding of why Ambassador Stevens made the trip to Benghazi when he did?

A That didn't come up in the day of the attacks. We weren't concerned about why he was there as much as we were concerned about how he was. You know, the first round of reports that came out said something had happened but that Chris was okay.

Then we heard--maybe late in the evening we heard that Sean Smith had died. Then we heard that--we heard that no,

it's not clear that he had died. In the meantime, Beth contacted the Bureau of European Affairs because Sean's family was in The Hague. That is where he had been permanently assigned, and he was just TDY to Benghazi.

Ultimately, Beth--ultimately we got verification that Sean was, in fact--he in fact died, and Beth called the DCM in The Hague and had the DCM reach out to Sean's wife, Sean's family, and I think Beth may have called her as well.

Q Okay. Thank you.

Maybe we can move forward now going to the ARB process.

You'd mentioned that there was a group meeting that took place.

A Um-hmm.

Q And it was yourself and a number of others.

A Um-hmm.

Q I was wondering if we could revisit that for a moment.

A Okay.

Q Who did most of the speaking during the group meeting? Who answered the members' questions?

A Beth did.

Q Beth Jones?

A Yes.

Q Okay. And was anybody else offered the opportunity to respond where--

A None of us were denied the opportunity to respond.

Q Okay?

A It's just that Beth handled it.

Q Okay.

A Beth did all the talking--most of the talking.

Q Was there anything in what she said or how she responded to the members' questions that left you with an impression or sense that she wasn't being completely forthcoming or that anything she said was inaccurate in any way?

A No.

Q And again, we said some of these questions were fairly general, but did they also get more specific as well?

A I remember Pickering having a special interest about this group Ansar Al-Dine, and he had some very specific questions about it. He had very specific questions about Ansar Al-Dine, but Beth answered them. I think--I think [redacted] may have spoken of something about it, but I don't recall what it was.

It was--the whole session overall was pretty non-descript.

Q And at the session or at any time afterwards, before you were later summoned to appear, were you told that you might be asked to come back?

A Yes.

Q Okay.

A Yes, in fact, they said you will all come back individually.

Q To your knowledge, was either Ms. Jones or Ms. Dibble

interviewed by the ARB individually?

A I don't know for a fact that they were, but I can't imagine they weren't.

Q Okay.

A But I don't--I would have to look it--I don't recall seeing it on the schedules that they were.

Q But you never had any conversations--

A No.

Q --or discussions with them about the investigation.

A Well, no.

Q When Ms. Jones decided to go to Tripoli shortly after the attacks, was that a trip you were involved with?

A No. I had nothing to do with it.

Q Okay. When did you become aware that she had made this trip?

A I knew she was going to Tripoli. I--you know, we all know her movements.

Q What was your understanding about the purpose of the trip?

A She was going to check on the folks at post. I think the primary purpose was to check on folks at posts.

Q Were there--to your knowledge again, were there concerns that were emanating at a post, I mean, where this--we're in a post-attack environment in Benghazi and people are rotating through Tripoli now, but were there continuing concerns or lingering concerns about security issues in Tripoli at that time?

A I--well, I think--I think yes, because security in Tripoli was still an issue and, for that matter, security in Tripoli continues to be an issue to this day. I may have mentioned earlier or maybe not, the embassy in Tunis was attacked on September 14th. It was a horrible attack. Very close friends of mine were there inside the embassy. They just hunkered down, and they survived it.

They lost some property. They lost--the school was burned. They lost some--some cars were burned. But they were safe--excuse me--because they were in a secure building, a building built to Inman standards: To resist people coming in to resist grenades, to resist rockets being launched. That was never the case in Tripoli. That is still not the case in Tripoli.

Q So, in your mind, was Ms. Jones's trip out of the ordinary, given the circumstances?

A No. It was very normal and to be expected, that the Assistant Secretary would visit a post in-crisis after the crisis had passed.

Q Were you aware of any specific duties she was to perform when she was there, or was it just a simple check-in?

A I'm not aware of any specific duties.

Q Were you aware of any of the information she collected while she was there?

A We never had a discussion about it.

Q So, after she makes the trip or while she's on the trip, you never had any conversations with her about the trip

itself.

A No, no.

Q Okay. I think we talked during the last round about a congressional delegation that went to Tripoli shortly after the attacks.

A Um-hmm.

Q Were you briefed or made aware of this visit before it occurred?

A We had discussed it. It had been discussed in the--excuse me--in the front office.

There was some concern that it was too soon. There was concern--there was some concern about posts being able to support such a visit. There was concern about folks being able to be maintained because of basically sleeping space. I think it was based on that they would come in--that they would arrive in the morning, even that they wouldn't overnight because there wasn't space to support an overnight visit. There weren't really safe hotels in Tripoli where they could stay.

Q Were those legitimate concerns, in your view?

A Those were legitimate concerns.

Q Okay. And specifically on the ability of the posts to support, I think there was mention last round that sometimes--or in your opinion you felt that the Department might concoct stories to deny certain requests. And I'm wondering, then, in this case it sounds like that didn't happen. Is that a fair...

A It is. I think it's fair--yeah, I think we can fairly say that Congressman Chaffetzfetz was determined to go, was determined to go.

Q And it also sounds like the Department was willing to support the request, even at, I guess, the cost or the resources it would require; is that also correct?

A Beyond a certain point, everybody knows. Beyond a certain point, there is no use in resisting a CODEL. If a CODEL is hell-bent on going to a place, you present the reasons why perhaps they shouldn't go. But if a CODEL is hell-bent on going, at some point people have to allow them to go.

Q Okay. And the Department would make the necessary arrangements for that to happen.

A Yeah. That's not just Tripoli. That's any number of places.

Q And in this case it did make those arrangements?

A It did.

Q I think we may have touched on this before, but there was an attorney-advisor from the legal bureau, from L, who was sent to accompany the Congressman. Do you have any knowledge of the reasons for that?

A I didn't know anything about that.

Q Were you involved in any of the decisions?

A No.

I didn't even know about the minder until I heard Greg mention it in his testimony.

Q Based on your experience in supporting congressional delegations and visits to posts in the past, is it out of the ordinary to have somebody from Washington dispatched to help support or accompany a CODEL?

A I have supported CODELs and--we never got a CODEL in Guinea-Bissau. CODELs never came to Guinea-Bissau. But I've supported CODELs in London. We got a CODEL in Angola, believe it or not. We got CODELs in Ghana. We got tons of CODELs in Cairo. We got CODELs in Damascus. We got tons of CODELs in Baghdad. When I was--as Chief of Staff, I supervised the office of legislative affairs and it was in Baghdad. Most embassies don't have an office of legislative affairs, but Baghdad did, and I've never seen that happen.

EXAMINATION

BY MS. GROOMS:

Q Have you ever supported a CODEL that was in the midst of a congressional investigation?

A No.

Q And by that I mean, you know, there are different purposes--

A Yes.

Q --for people traveling on CODELs.

A Yes. I have never--I have never supported CODEL in the middle of a congressional investigation.

EXAMINATION

BY MR. KENNY:

Q Okay. But in this case you weren't specifically

responsible for supporting this trip.

A No.

Q And in the past it was a more limited experience; is that...

A My career has gone through a kind of an interesting set of metamorphoses. When I was at post as a management, also I was always involved in supporting CODELs because I was in charge of logistics of the motor pool, of the hotel, of all those pieces that--all those substrate and pieces of a CODEL.

This job is not--this job--the job as DAS is not a management officer's job. It's a policy job. It's--you know, it's a political officer's job. And so the way I would relate to it--to things, in the policy job is much different from the way I would relate to things in a logistics or management officer's job.

Q Also during this time we had talked previously about there was a potential decision to send you to support Tripoli, but instead Mr. [redacted] was sent; is that right?

A Um-hmm. Yes.

Q Okay. And did you ever have any conversations about following the decision to send Mr. [redacted] instead about what your role would be regarding Libya supporting the post?

A No.

Q Okay.

A No.

Q I wonder if we could fast-forward to December 18,

when the public report is released. You told us that you were brought into Ms. Jones's office.

A Um-hmm.

Q And you had a conversation with her about the report, about your future essentially with the NEA.

A Um-hmm.

Q Just so that we can be completely clear on this because I think we've heard it a couple of different ways, and I know there are different interpretations of this, but I think it's been said before that you were fired, and I think the use of the word "fired" was the actual word used and--

A Um-hmm.

Q Just in your understanding of how the State Department works, do you consider yourself to have been fired, or do you see a difference between that and administrative leave?

A No, I was not fired. I was not fired. I was removed from the DAS position.

Q Okay.

A I was removed from the DAS position in violation of a number of rules that exist for removing a person involuntarily from a position in Washington, and the rules--the Foreign Affairs Manual Rules are very clear about how you go about removing a person from a position. There is a procedure that's established, and that procedure exists for a reason: To provide a sort of fairness and due process.

There was no fairness. There was no due process in the

way I was removed from my position.

Q You mentioned that Ms. Jones told you that Cheryl--that she had been told by Cheryl Mills--

A That's what she told me.

Q --that she was to remove you from that position, she being--

A She said--that she said, "Cheryl directed me to relieve you of the DAS position."

Q Did you know Ms. Mills personally?

A No.

Q Never met her before.

A I had seen her. I didn't know her, and she didn't know me.

In fact, the Assistant Secretary's secretary told me a couple of weeks later that after I had left, Cheryl Mills came down to her office and said, "Who is this Ray Maxwell? Who is Ray Maxwell?"

Q So--

A She didn't know me from Adam.

Q When you learned of the fact that you were being asked to be removed, you were in the office with Ms. Jones, you're being told the decision is coming down on high; right? What's your reaction? What's your response? What did you tell Ms. Jones?

A Okay. This is going to require a long answer, but I have to tell you: One of my jobs, when I was a junior guy on the fast attack submarine, was maintaining the hydraulics

controls for the ship depth control, and I got very good at it because we were out one time for seven months. We were submerged at one point for 93 days. I got very good at it. And so they made me the battle stations' Helmsman.

[redacted]

So, the long and short of it is, I became very good at maintaining the depth control of the submarine [redacted]

So why am I telling you all this? It forced me to develop the sort of capacity to concentrate on something very intensely for a limited period of time and compartmentalize it so that everything else was shut out. That is a power, a strength, a gift that I have used through my professional career. When there's something that I had to do, I'm able to shut everything else but that thing and just focus exclusively on that.

When Beth told me I was fired, I went straight to that mode. I shut out everything other than the thing that she was telling me and the thing that I had to do next.

I didn't ask her any questions. I didn't really complain other than saying, "Am I going to go to jail?" That was a legitimate concern or maybe it was a silly con--she told me I had to have my office emptied out by 5:00 or by close of business. And so I went to my office and I packed all my office.

She said, "Liz is going to call and give you a location. That's where you can put your stuff."

Liz never called. I waited until 6:30. No call came. I put my stuff in a paper bag and took it home.

Now, it's neither here nor there, but the bag broke. The bag broke on Virginia Avenue, and my stuff was everywhere, and that was--at that point I started thinking about everything--when that bag broke, it dawned on me everything that had happened. Before that bag broke, I was very single minded on what had happened and maybe what I

needed to try to do next.

Q Were you surprised when she told you?

A I was surprised. I didn't know it was coming. How would I have known?

Q You had no indication.

A No.

Q Based on--

A No. Nobody told me. The ARB didn't call me for a second check or to verify or to--nothing.

Q And the arrangement that--your understanding of an arrangement for you to potentially leave temporarily and come back, can you just walk us through that and how that was done?

A Sure. As soon as this blows over, we will bring you back as a senior advisor. We'll have a place for you to sit, and you just won't be in charge of the Magreb anymore. But she said, "We are going to take care of you."

Q Why do you think she said that to you?

A I don't know. You to ask her.

Q Was that part of the collegial environment that you had kind of described earlier about certain members of the senior foreign service--

A Maybe.

Q --taking care of each other?

A Maybe. It just didn't happen.

The first promise that was broken, when she said Liz is going to call you and give you a place to put your stuff.

She never called.

The fact of the matter is I had already removed--I had already taken the bulk of my stuff home because of my plan to retire in September, and I never brought that stuff back. I still have some little knickknacks on my desk in--you know, my little things from Baghdad, my little things from Cairo and all those little things that you accrue over a career.

It was--but no. She said we're going to let you--we're going to identify a place where you could put your stuff and Liz is going to call you. Liz never called. Liz never came.

Q Did you ever follow up with her or call Ms. Jones to inquire about this arrangement?

A I did. She said--

Q When was that?

A I called her--let me think. I think we probably exchanged e-mails that Wednesday night, but I know for a fact that we exchanged e-mails that Friday night when I got the administrative leave letter, and all she said was, "Ray, I didn't know anything about this. I didn't know what they were going"--"I didn't know they were going to do this to you. I didn't know this"--"I didn't know it was going to happen like this." This is what she told me.

EXAMINATION

BY MS. GROOMS:

Q At the time when Ms. Jones comes to you initially on December 18, it sounds ed to me from before like at that point she hadn't read the--

A She had not.

Q --classified ARB.

A She had not. She told me she hadn't. She said that Liz was in the process of reading it.

EXAMINATION

BY MR. KENNY:

Q Do you remember the contents of that Wednesday night exchange?

A I don't. I don't. I don't remember.

Q At this point it's still unclear to you why you'd been asked to--or removed from your position; is that correct?

A It was unclear insofar as I didn't know the exact reason. It was clear insofar as Beth told me there was something very damning in the classified report that singled me out.

Q Did you have--this is Wednesday now not--

A This was Wednesday, yeah.

Q Okay. So, then your sense was that she had at that point been briefed on the contents of the classified report.

A Well, she told me this--she told me this Tuesday, but she had--but she also said she hadn't yet seen the report.

Q Okay.

EXAMINATION

BY MS. GROOMS:

Q Are you aware of whether there is an ongoing personnel inquiry about you or action about you right now?

A I filed a grievance with H.R.

MS. PAPP: You mean employee relations is the one that does discipline? Are you asking him is he aware whether they're looking--

MS. GROOMS: Yes.

THE WITNESS: I've asked them on several occasions in writing to explain to me the factual and legal basis for my being maintained on administrative leave, and each time they say it's still under administrative review. I don't know what that means exactly.

According to the unclassified ARB Report, no one breached their duty. There is no--there are no disciplinary or personal recommendations in the unclassified section of the ARB.

And so, if they're planning to discipline me for something, I don't know what it is. As I see it, being on administrative leave for six months is a type of discipline. Of course, they say it's not because you're still getting paid. So for them money is everything.

EXAMINATION

BY MR. KENNY:

Q We talked before about one of the administrative leave agreements that was submitted to you. You described it before, the words that I wrote down and--or admit--you felt there was some sort of admission of guilt in there.

A Yes.

Q Could we just maybe unpack that a little bit and--

A Okay.

Q I guess maybe I want to start with you later signed an agreement. Do you still have your badge?

A I still have my badge.

Q Okay.

A Yeah, and I still have access to the State Department computer systems. They took the BlackBerry, NEA did, because I'm no longer assigned to NEA. I'm on H.R. overcomplement, although NEA is my timekeeper. It's all very bizarre. So--

Q So you still have access to the information--

A I can go into the Department and log on. I don't have remote access.

Q Okay.

A They took the BlackBerry. They took the phone. You haven't seen the letter?

Q I don't believe we have.

A We can make more copies.

Q Which letter is this?

A This is the first letter.

Q Okay.

A That actually says turn in your badge and turn in your BlackBerry. That's why--

Q And this is the--what you refused to sign.

A Yeah.

That Friday morning, I had--I went in and met with Ambassador Carson, the Assistant Secretary in AF, to brief him on everything that had happened, just because he's an old

friend and a mentor. And when this happened Friday night, my wife said, "They're mad at you because you met with Ambassador Carson." I don't know.

EXAMINATION

BY MR. KNAUER:

Q You said there was a second letter as well?

A There was a second letter as well.

Q Do you have that?

A Maybe they want to see the response to the first letter.

EXAMINATION

BY MR. KENNY:

Q In that first letter, sir, was there anything, any admission that you were asked, and in the letters floating around--but was there any admission in there as far as the conduct you had taken or not taken or anything about you or the circumstances of your employment?

A No. It was just the tone. It was just the criminalizing tone. It was just the--yeah, it's here. This is it. Excuse me.

EXAMINATION

BY MR. KNAUER:

Q Just out of curiosity, in the second paragraph, it says: Effective December 21, 2012, you were placed on administrative leave until further notice. The purpose of this period of pay non-duty status is to allow sufficient time for the Department to evaluate appropriate action.

And so again, I think we've covered this many times, but what is your understanding of what this process is right now? You have counsel.

A Yes.

Q And I guess you've discussed what the process is. Do you know what it is?

A No. I have no visibility on the process. I don't know who is involved with the process. I don't know at what stage we are at in the process. I know nothing about it.

Q Do you have a person that you contact regularly or periodically to--

A I check in with the Director General.

Q And, I'm sorry, who is that?

A With the Director General Linda Thomas Greenfield.

Q And what does she tell you?

A She tells me, "Ray, we're still working on it. "Ray," she always says--her position is that the administrative leave period should end and we should all be brought back to work.

Q I'm sorry? That's her--

A Her position is that the administrative leave period should end and we should all be brought back to work. In fact, she say she has--she's told me and she's told Pat Kennedy--in fact, she told Cheryl Mills before she left, "We punished these people enough. They need to be brought back to work." But she hasn't prevailed because the administrative leave has continued.

Q And she's saying that in what capacity? Is that her opinion or is that her--

A She's the Director General. She's in charge of Human Resources.

Q But I mean is she--is that based on some work that she is doing or some investigation she's doing?

A I don't know. I don't know. I don't know that.

EXAMINATION

BY MR. KENNY:

Q So, when you say that she's working on "it," or she tells you she's working on "it," the "it" here is potentially bringing you back on board.

A Bringing us all back on board.

Q All, all four.

A Not just me. It's a group, yeah. The--well, yeah, bring us all back on board.

Everybody has sort of quasi-assignments lined up. I've got two or three, even though--I've got two or three, myself.

Q Okay.

EXAMINATION

BY MS. GROOMS:

Q I'm sorry, what do you mean by "quasi-assignment"?

A People have reached out to us and said, "Ray, as soon as this is clear--"

Q Oh, I see.

A "--you can come and work for us. We want you."

EXAMINATION

BY MR. KENNY:

Q Okay. I wanted to ask you about just kind of your views of the ARB and the ARB members. I know we talked about Mr. Shinnick before. I was wondering if we could talk about the Chairman of the ARB, Ambassador Pickering.

The question was asked of you a few rounds back whether you had any reason to doubt the integrity of Mr. Shinnick. I wondering if I could ask the same question as to Ambassador Pickering. Do you have any reason to doubt his impartiality or his integrity?

A When I read the--when I read the classified portion yesterday afternoon, I wondered why he characterized things the way he did in the classified report, and I wondered--and I'm going to say this again in my closing statement--I wondered why if it were going to be so significant a thing and so critical a thing and the thing was going to have such an impact on a human being's career, why didn't they just call me back to make sure, to check on these things again. I'm still puzzled that they didn't take that step to check on this thing, if it were, in fact, going to be so significant.

Q When you say "check on this thing," you mean check on you and--

A Check with me, check with me and say, "You said this is--this is an important thing. We just want to make sure that we have characterized this thing correctly." That's what I would have done.

EXAMINATION

BY MS. GROOMS:

Q Meaning that you didn't go to the--to get the reading of the classified information?

A I'm sorry?

Q You mean check on the fact that you--

A Exactly.

Q --hadn't gotten that infor--the classified information?

A That's right. That's right. Because I said--I made one statement that I didn't go to the morning intel readings, and he took that to mean that I wasn't accessing intel at all. That's not the case. That's just a lie. That's just not true. If he checked he would have seen, but he mischaracterized it, and I could--I still can't figure out why he mischaracterized it unless they decided that they just needed somebody and they had a got-you, and so let's go with it. That--that would make sense to me, if I was sitting in his shoes. If they were charged with I didn't find somebody who they could nail, then they had enough to nail somebody, then what checks go with it. That's the only logical explanation I can come up with, handling it the way they did.

I could tell you another submarine story about that, but it would just waste y'all's time.

Q So I just want to be clear on this. It's your view that Ambassador Pickering was not impartial, and you're basically saying that he lied in the report in order to pin this problem on you--

A That's--

Q --as opposed to on other people?

A That's not what I said.

What I'm saying is, had I been in his shoes, and this was so critical a piece of information and a person's career was going to weigh on it, had I been there, I would have called that person back and checked one more time. What I said was the only logical explanation I can come up with not to do that would be that it wasn't about truth or validity or exactness or precision. It was about let's find somebody we can hang.

Now, that's not saying that he lied, and that's not saying that that's what he did. I'm saying that in my mind, the only logical reason I could come up with why he wouldn't check with me to make sure was that it was already cooked.

You see the distinction? I'm not passing judgment on you. I'm telling you what makes sense for me as to the logics of doing the thing the way that they did it.

I'm not saying that's what happened, that was the case. It's just that that's what makes sense to me logically as to why they would do it like that.

EXAMINATION

BY MR. KENNY:

Q Just out of curiosity, why do you think, because you've obviously thought these things through, but why would the Ambassador do that? And when I ask that, I know we talked earlier about the seventh floor and kind of the

weight--right?--and gravitas that they had, but when you have somebody like Ambassador Pickering coming in--

BY MS. GROOMS:

Q And Admiral Mullen. I mean, these are, you know, big folks, right?

A Admiral Mullen said it's got to stop at the Assistant Secretary level. Pickering himself said, "It's got to stop at the Assistant Secretary level. Y'all have created an out for him saying, "Oh, he only meant that in DS."

I never heard that before. I only--the first time I heard that he only meant that for DS was in this room today you all.

If you would like to speculate, we can speculate, but it's--we have to call it speculation.

Q And we should respect that.

Do you have any facts--

A I have no facts. I have no facts.

Q And just to be clear, as I think you sort of addressed that we had made something up here, I think the way that I intended to phrase it was that my reading of the report and the statement by Ambassador Pickering was that he was talking about Eric Boswell. I'm not trying to make up facts or to not come to the accurate conclusion, just putting the facts together the way I had read them.

A Okay, I will accept that.

EXAMINATION

BY MR. KENNY:

Q Do you have any reason to think Ambassador Pickering may be--I'm trying to understand why you think that they would try to find blame in the NEA when there was none there or would try to conceal certain people from certain responsibility who should be held responsible.

A Look, I mean I'll be very truthful with y'all. In a shootout in this town between me and Pickering, guess what? I lose. So I'm not trying to--I'm not trying to put anything on a record or say anything that creates a shootout between me and the exalted Ambassador Thomas Pickering because I can't win that one. I can't win that one.

However, you know, there is a story of David and Goliath, and David slew Goliath with five smooth stones. The truth can benefit me. I can't win a straight out--David couldn't--wasn't able to defeat Goliath in a straight out hand-to-hand combat. David would have lost. Y'all know the story? Are y'all Christians or Jews, you know, or even Muslims? You know the David and Goliath story?

Q Um-hmm.

A My char--if you will, I'm saying that in the situation, they are Goliath and I'm David. You put that on the record.

Q And--

EXAMINATION

BY MS. GROOMS:

Q Okay. And you had described that--you've described a couple of times that Admiral Mullen--I think you believe--I

believe you said that during the ARB interview that you did, Admiral Mullen three times said something to the effect of the accountability lies at the Assistant Secretary level.

A The accountability level lies with the Assistant Secretary, and I know why he would say that.

Q Yeah. Can you describe the context for those statements?

A I don't remember the exact context. It just struck me that he would say it, but it didn't strike me surprisingly that he would say it. It struck me that he would say it in front of me, but I know why he said it. He said it because he's a Navy guy, and in the Navy the commanding officer is one that's in charge if something happens badly on a ship. If something happens, if the ship goes aground, you don't fire the chief engineer or the navigator or even the executive officer. If the ship goes Aground, the commanding officer takes the fall, and that's Mullen's background. He's a naval officer.

And so, my view of what he said was that the Assistant Secretary is the equivalent of the ship's commanding officer, and that's where it had to stop.

When he said it, it made perfect sense. I was just--it struck me as odd that he would say it in front of me, but maybe that was the submarine handshake that he gave me.

EXAMINATION

BY MR. KENNY:

Q Who else was in the room when he--

A They were all there. They were all there. And they may deny it. And then I lose the shootout. But he certainly said it, and I certainly heard it. They may deny it. People have said things and denied them in this case already, so nothing surprise me. People will just lie. This happened.

Q Can I actually ask, as you may be aware, and we have copies here of Daily Beast article?

A Josh wrote?

Q That Josh Rogin piece that ran on May 20.

A Um-hmm.

Q There was statement in there that didn't directly quote you, but it said, and I'll quote from the article, "Also he believes"--"he" being you"--"believes that Clinton's staff, not the ARB was in charge of the review of the attack that took place during her watch."

A Yes.

Q Is that an accurate representation of--

A That is not an accurate representation. I have his story, and I'm going to tell you what I said and I'm going to tell you how he twisted it around.

What I said was the process--let me see if I can find it.

The quote from me was "The process was perpetrated by the political leadership with the complicity of the senior career leadership and that they should be brought to account"--"or held to account." Let me find it.

"The flaws in the process"--okay, he says--he says--

Q Josh Rogin?

A Josh says, "Maxwell has no responses to allegation other than to say he's not been officially counseled on what he did wrong"--let's just skip to the core.

"Also, he believes that Clinton's staff, not the ARB, was in charge of the review of the attack that took place during her watch."

What I told Josh, and when I made this quote, was only about things that happened to me subsequent to the release of ARB Report. Everything that happened to me--my removal, the way I was treated, the maintenance of the administrative leave--I told Josh, the flaws in that process were perpetrated by the political leadership at State with the complicity of senior career leadership. They should be called to account.

Q So, just to be a hundred percent clear on this, you don't think that the political leadership was running the ARB.

A I never said that to Josh. I said that the political leadership ran my dismissal, and the career leadership was complicit and that they should be called to account.

Josh is a journalist, and he needed to say something--you know, I know what happened. Josh is a journalist. He needed to say something juicy. This is his first big thing with The Daily Beast. He wanted to start with a splash. We had been working on this for three months, and so he construed it the way he needed to construe it to

get maximum, you know, impact. But that was not the context in which the statement was made.

Do I hate Josh for saying it? Josh is trying to make his career. I understand that. But it's not the context in which I said it. And so, I did not say to Josh that the Clinton staff was in charge of the ARB.

Q Okay. Thank you.

Are there any other statements in this article that you've read or seen that trouble you, that seems to misquote you in this paragraph?

A No. He did a pretty good job. He's--a lot of people have contacted me ever since--excuse me--December 19, want to do a story. Josh was the one that I responded to, and I told him I--I reached out to him because--I responded to his inquiry only because he wrote something funny when I got assigned to Damascus, and it--I found it humorous, related to me. It was negative, but I found it humorous. And so I told him, I said, you know--and I had met Josh before and had told him about that before. I said, "Josh, you know, when I went to Damascus as Chargé, you said something that was kind of funky, but I thought it was funny, so we can be friends."

But Josh is not the only journalist who has reached out to me. Early or later on, and you can imagine after Josh's article came out, my in-box has been full of press inquiries. But I knew that I was coming to talk to you y'all, and I sort of cut off all press things until this process plays itself out, but just because we don't need a whole lot of press

stuff floating around in the air to work this--but I think that Josh's article has played a useful purpose because it got a lot of things out that hadn't been out and, frankly, it got us the classified portion of the ARB.

EXAMINATION

BY MR. KNAUER:

Q I just have one final question.

The portion of the ARB that you were allowed to look at--and that was pursuant to the interview that you had at the ARB, was that issue discussed at any length with the ARB team when it came up?

A No, not at all.

Q So--

A It came and went.

Q It came and went.

A Yes.

Q And what they raised about you not reading the cables, that was true?

A No, I read the cables. What they said was I wasn't going to the early morning readings.

Q Not the early morning readings.

A Yeah, yeah. No, I told them after July and August, I stopped going. I didn't find it useful. I wasn't doing security stuff. It wasn't my stuff, and there were plenty of other people reading it.

I also told them that I was doing all this public outreach, and I didn't want that garbage bouncing around

inside my head during the public question-and-answer session. I told them that.

Q Okay.

MR. KENNY: We're all set. I think that concludes our portion.

THE WITNESS: I have a closing statement that I would like to be made a part of the record.

I would like this added to the written transcript:

I am very disappointed with the treatment I received from my colleagues in positions of leadership at State, and that is the primary reason why I am here today. Putting aside the ARB process itself, my treatment after the ARB process was released, evidenced, inexcusable shabbiness and thuggishness on the part of my colleagues, not the collegiality to which I had become accustomed throughout 21 years of faithful service. My removal from the DAS position procedurally speaking was improper, immoral, and quite possibly illegal. The actions of my immediate supervisors demonstrated, in my view, a gross lack of judgment and a complete failure of moral and professional leadership.

Many Foreign Service Officers are awaiting the outcome of this case, and many will make career decisions based on it. Will the rights of career civil servants continue to exist, the right to due process, the right to privacy, or will these rights constitutionally guaranteed rights, be trampled upon any time it satisfies the requirements of political expediency?

I continue to find it most puzzling that ARB would attach so much significance to the now-declassified allegation that resulted in my removal and six months of administrative leave without double-checking with me to make sure it was true or valid or relevant or even properly characterized. If I had been in their shoes, I would certainly have checked if I were going to attach so much significance to it.

I also find it strange, if not mystifying, that the State Department would intentionally prohibit me access for six months to the details of the now-declassified allegation, the charges against me for which I had been already been unjustly punished, until just yesterday, when my attorney and I were first allowed to view pertinent portions of the classified ARB Report.

And I will quote from The Washington Post editorial board from May the 24th, just in conclusion:

"We shouldn't shrug when someone really does something stupid, nor should we give people the benefit of the doubt to the point that we lose the ability to mete out repercussions. But neither should we sacrifice civil servants for the sake of short-term political optics. In our high-stakes political wars, we shouldn't let anyone turn their firepower on innocent civilians."

That's it.

[Whereupon, at 1:38 p.m., the interview was concluded.]

INTERVIEW OF SCOTT BULTROWICZ

BEFORE THE

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, JULY 8, 2013

APPEARANCES

FOR THE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

JOHN OHLY, *Professional Staff Member*
BRIEN A. BEATTIE, *Professional Staff Member*
JONATHAN J. SKLADANY, *Senior Investigative Counsel*
JAMES LEWIS, *Senior Policy Adviser*
JASON POWELL, *Minority Senior Counsel*
CHRIS KNAUER, *Minority Senior Investigator*
PETER J. KENNY, *Counsel, Democratic Staff*
SUSANNE SACHSMAN GROOMS, *Minority Chief Counsel*

FOR MR. BULTROWICZ

WILLIAM BRANSFORD,
Shaw Bransford & Roth, P.C.

Mr. Ohly. This is a transcribed interview of Scott Bultrowicz conducted by the House Committee on Oversight and Government Reform. This interview was requested by Chairman Darrell Issa as part of the committee's investigation into the attacks on U.S. diplomatic facilities in Benghazi, Libya.

Could the witness please state your name for the record?

Mr. Bultrowicz. Scott Bultrowicz.

Mr. Ohly. Good morning. My name is John Ohly. I'm a senior professional staff member with the committee majority staff.

I'll ask everybody else at the table to introduce themselves, as well.

Mr. Beattie. Brien Beattie with the majority staff.

Mr. Skladany. Jon Skladany from Chairman Issa's staff.

Mr. Powell. Jason Powell with the minority staff.

Mr. Knauer. Chris Knauer with the minority staff.

Mr. Kenny. Peter Kenny with the minority.

Ms. Sachsman Grooms. I'm Susanne Sachsman Grooms. I'm from the minority.

Mr. Lewis. Sitting in the cheap seats, James Lewis from the majority staff.

Mr. Ohly. Before we begin, I'd like to go over the ground rules, explain how the interview will proceed. The way the questioning proceeds is the majority staff will ask questions for up to an hour, and then the minority staff will have the opportunity to ask questions for an equal period of time.

We will do our best to limit the number of people asking questions during any given hour to just those people on the staff, from the staff that's asking questions at the time. We will rotate back and forth that way until we're out of questions and the interview's over.

We'd like to take a break whenever is convenient for you, whether it's every hour or whatever. If you need water, if you need to use the restroom, check messages, please let us know, and we'd like to make this process as easy and comfortable as possible.

This interview is unclassified, so if a question calls for any information that you know to be classified, respond only with the unclassified information. If we need to have a classified session later, that can be arranged.

Mr. Bultrowicz. Okay.

Mr. Ohly. I'm going to ask my colleague, Jon Skladany, to just briefly go over the arrangement for introducing documents.

Mr. Skladany. Just so it's in the record, I'll explain what we agreed to with the State Department regarding documents.

The State Department delivers sets of documents responsive to Chairman Issa's document request in a set of boxes each day, and they return them to the State Department each afternoon.

For the purposes of this interview, the State Department is going to permit us to bring documents that we might want to refer to and use as exhibits into the room in a locked bag. So, at some point, we're going to bring those up from downstairs, and we might ask questions about some of the documents --

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Mr. Bultrowicz. Okay.

Mr. Skladany. -- that are in those bags.

And then at the end of the interview, as opposed to what we normally do, which would be to leave the exhibits with the court reporter, in this case the documents are going to be returned to the locked bag.

And at a later date, the State Department is going to review them, clear them, make sure there is no classified information in them. And then they'll be attached to the official transcript.

Mr. Bultrowicz. Okay.

Mr. Ohly. We encourage witnesses who appear before the committee to freely consult with counsel. And you do have counsel present today.

Could your counsel please state your name for the record?

Mr. Bransford. Yes. William Bransford, law firm of Shaw Bransford & Roth, P.C.

Mr. Ohly. And, as you can see, an official reporter is taking down everything you say to make a written record. So we ask that you give verbal responses to all questions, "yes," "no," as opposed to nods of the head.

Mr. Bultrowicz. Understood.

Mr. Ohly. I'm going to ask that the reporter please feel free to jump in in case you do not respond verbally. Do you understand this?

Mr. Bultrowicz. Yes.

Mr. Ohly. Also, we should both try not to talk over each other so that it's easier to get a clear record. That applies for the staff

and in our interactions together.

We want you to answer the questions in the most complete and truthful answers, so we will take our time and repeat to clarify questions if necessary. If you have any questions or if you do not understand our questions, please just let us know. We'll be happy to clarify or repeat our questions. Just let us know.

Mr. Bultrowicz. Okay.

Mr. Ohly. If you honestly don't know the answer to a question or do not remember, it is best not to guess. Please give us your best recollection. If there are things you do not know or cannot remember, just say so.

You should understand that, although this interview is not under oath, that by law you are required to answer questions from Congress truthfully. Do you understand that?

Mr. Bultrowicz. Yes, I do.

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

Mr. Bultrowicz. Yes, I do.

Mr. Ohly. Witnesses that knowingly provide false testimony could be subject to criminal prosecution for perjury or for making false statements. Do you understand this?

Mr. Bultrowicz. Yes, I do.

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

Mr. Bultrowicz. No.

Mr. Ohly. Okay. That is the end of my preamble. The clock now reads 10:04, and we'll get started with the first hour of questions.

EXAMINATION

BY MR. OHLY:

Q I think just to lay the foundation and start off, can you briefly walk us through your educational/professional background, when you started at the State Department and your career progression?

A I graduated from Bluffton University, which is in Ohio, with a degree in history and political science. In 1986, I began my career with the State Department and have been with the State, with Diplomatic Security, since that time.

Q Uh-huh.

A In November of 2011 -- well, let me back up. With DS, I had a series of career progression assignments throughout that 27 years, culminating in November of 2011 being named director of the Diplomatic Security Service.

Q Okay.

A So that's in a nutshell.

Q All right. And you've sort of led us right to my next question, which was, what was your, sort of, title and responsibility leading up to the attacks in Benghazi? So --

A Officially --

Q -- starting in November, forward.

A -- officially, Principal Deputy Assistant Secretary and Director of the Diplomatic Security Service --

Q Okay.

A -- is the title.

Q And, in that capacity, what was your role or responsibility for security in Libya?

A Well, it was oversight of the directorates. Part of my job was overseeing the overseas operations, domestic operations, training, budgeting, any personnel actions, adjudications of security clearances, revocations of security clearances, the investigative program, protection.

And it was brought under directorates. So you have International Programs that does overseas. You have Domestic Operations that does the majority of the criminal investigations in protection. You have Threat Investigations and Analysis -- a number of directorates. So it was the oversight.

Q And that's all within DSS?

A Yes, within the bureau.

Q Okay.

A Yes.

Q Can you walk us through the role of the DS Bureau in personnel security decision-making process for the U.S. mission in Libya? So what was DSS's role versus DS, and how did you interact with them?

A As I mentioned with the directorates, International Programs, for example, they would do staffing, budgeting. You had the Countermeasures Directorate, and, under that, you had the Physical

Security Division that would do the physical security upgrades. And you had Threat Intelligence and Analysis that would provide threat information pertinent to that post. So, again, it was sort of the oversight of all those directorates as it was working towards the mission in Libya.

Q Okay. And how were security-related requests from post transmitted to Washington?

A Well, there could be a number of ways. Through cables. And then there were a lot of -- and this is sort of the standard practice in the 27 years that I've been in DS, is a lot of back-channel communications, telephone calls, emails, things of that nature.

So the appropriate directorate would get flagged. If it was requests for funding for a physical security upgrade, it would go to the Countermeasures Directorate. If it was resourcing, let's say personnel or something else, it would go to International Programs.

And within all of that, a lot of our TDY resources come out of our domestic directorate. So Domestic Operations would get involved in identifying candidates to do the TDY missions overseas.

Q Was there any interaction with other bureaus outside of DSA, the NEA Bureau or other bureaus within DS on these requests as they came in?

Mr. Bransford. Are you speaking generally or just with respect to Libya?

BY MR. OHLY:

Q With respect to Libya.

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A There was not with -- there was not a discussion with me and what my counterpart would be in NEA --

Q And who would that be?

A Liz Dibble.

Q Uh-huh.

A -- specifically on Libya. But I know that the IP Directorate, for example, dealt a lot with the NEA Bureau, primarily, I believe, NEA/EX, on issues involving Libya.

Q And when you say NEA/EX, is that a specific person in EX or just generally?

A Well, I think [redacted], who was the head of NEA/EX, would certainly be a pivotal person that DS would deal with on a lot of these things.

Q Okay.

Mr. Beattie. I'm sorry. Just for the record, the IP director, who was that?

Mr. Bultrowicz. The head of the IP Directorate at the time, Charlene Lamb.

BY MR. OHLY:

Q So aside from receiving cables, you mentioned the back-channel communications. Was that a fairly frequent practice? I think you said it was common throughout your 27-year career. Was it fairly common with respect to Libya, as well?

A I would have to assume so. I mean, again, a lot of that I wouldn't be privy to. Technically, that would probably be done by

the desk officer or senior desk officer or the regional director, you know, that back and forth between the RSO. I had never picked up the phone, for example, and called -- at the time, it would have been [redacted] -- called him directly on an issue.

Q At what point would you gain some visibility into some of either the back and forth or the requests that were coming in from post?

A As far as cabling is concerned, the cables, typically what would happen, because there are a lot of cables that come in every day and multiple threat streams, it would either be pulled, flagged by my special assistant and brought to my attention, or the directorates, if there was some type of problem, would bring it up to my attention for resolution.

Q And were there a lot of things that did come up to your attention?

A Not a lot. There were a number of -- I think it was either a March or April cable request from Tripoli, for example, that was flagged by my special assistant, who brought it to my attention.

Q And who was the special assistant?

A At the time, I had two. I had [redacted] and [redacted].

Q Okay.

A So an example of that would be the request from Libya in March for resources. And what stuck out in my mind on that one is, probably a few weeks prior, I had a meeting with Ambassador Cretz. He was Ambassador Stevens' predecessor. And we had a discussion on Tripoli, where Ambassador Cretz was proposing reducing the security

package for movement profiles in Tripoli, taking it down to maybe an armored vehicle with a local driver taking the FSO to appointed meetings. That's something I didn't feel comfortable with at the time, and there was a lot of back and forth on that.

I think there was some frustration probably on post's part that they weren't getting out to do their meetings as much as they would like to and, you know, me explaining to the Ambassador that you're going to have to prioritize your movements based on the resources that you have at post.

I think they eventually came back and maintained at least a foreign service driver, DS agent, and the FSO. But it brought to question, okay, here we have the Ambassador saying we'd like to -- you know, the environment is becoming more permissive in Tripoli, we would like to, sort of, reduce the profile or the movement requirements. And then you have the request coming in from post, that it was almost sort of at odds with that.

Q Uh-huh.

A So, in that case, for example, I went back to the regional director in IP and said, could you reach out to [redacted] and get a good understanding of what he really needs, because we're sort of getting conflicting signals on this.

Q And that was going to be my next question. It sounds like you were getting mixed signals. At the time when you were talking to Ambassador Cretz, you didn't feel that it was an appropriate time to draw down or, you know, reduce their profile --

A Right.

Q -- in any way.

A No. No.

Q And what was driving that perception?

A You know, probably just a bit of caution. My previous overseas assignment was in Iraq, so, I mean, we were very, sort of, cautious on movement security, because we felt that was our biggest vulnerability. I was relatively new to the job, getting up to speed on these things. And I didn't think that, you know, having one armed escort was over the top to say at the least.

Q Uh-huh.

A And I think eventually the Ambassador came around to that, and they agreed to keep that policy as is.

But during that discussion -- and I'll give you an example. When we went back to ask what he really needed to get his job done, there was a response that came back through IP that they had failed to factor in the locally trained Libyan close-in protection units. And by doing that, it reduced the requirement for what they were asking for in the March cable.

Q So when the March cable came in, the resources they were asking for -- I don't want to mischaracterize what you said, but that the March cable did not factor in locally employed staff --

A Right.

Q -- and the use of locally employed staff.

A Right. Right.

Q Were they able to use locally employed staff at that time? Because I know there were some challenges with weapons permits and training.

A There was. And I can't -- I can't answer that. I don't know what they had available at that time to use. But I think, also, it wasn't for the immediate time frame that they were talking about. I think they were talking about months out. Because at that time, we still had the SST team on the ground, we had MSD on the ground, as well as a number of the TDYers.

Q So the resource estimates were based on the -- or the resources provided were based on the assumption that certain locally employed staff would be trained and available at --

A And ready to go.

Q -- time certain, right?

A Right.

Q Stepping back just a little bit more into the, sort of, nuts and bolts of the inner workings of DS, could you just sort of walk us through the people who were principally responsible for Libya policy within DS in the year leading up to the attack and your role in interacting with them and coordinating with them?

A Well, it would start with the desk officer, senior desk officer within International Programs, work its way up through the regional director, then on to Charlene.

Q And to the extent that you can remember, can you just give us the names of the folks that were --

A Okay.

Q -- principally in that role?

A Sorry. I believe -- and I don't want to get the positions messed up, but [redacted] worked the desk in NEA. [redacted] was the regional director. You had the deputy director for IP, which at the time was [redacted]. You had Charlene Lamb.

On the Physical Security side, it would be [redacted]. And I can't remember who was actually in charge of the Physical Security Division at that time. And then myself and then the Assistant Secretary, Eric Boswell.

Q Okay. So they would all report up the -- aside from Assistant Secretary Boswell, they all reported up to you? Is that --

A It would cascade --

Q Through you?

A -- through me, yeah.

Q Through you.

A You know, the desk officers, regional director would report up through Charlene Lamb.

Q Uh-huh.

A Charlene Lamb would report to me. And then my boss was the Assistant Secretary.

Q Okay. And was there sort of, I'll say, a limit or a litmus of what gets shared up the chain, so what gets brought to your attention, what gets brought to Assistant Secretary Boswell's attention?

A Well, it would be major issues. I mean, our DASes, our

deputy assistant secretaries, our assistant directors, obviously, you know, they have to have the ability to make decisions and not clear the smallest thing up through the chain.

Q Uh-huh.

A So it was largely dependent upon what they felt was critical at the time, what they needed assistance on, what they needed to get pushed through that they would raise up to the certain levels.

Q And I think we touched on this a little bit, but in the year leading up to the attack, were you aware of concerns with security in Libya?

A I certainly was. I mean, I was aware of the threat environment and what was happening. I saw all the reports.

Q Can you walk us through in a little bit more detail, sort of, you know, areas where you had specific concerns or time periods where you were very concerned about how things were progressing in Libya?

A I think the critical points for me would probably be the June-July time frame. Because a lot of the cables that you read coming in, the EAC cables, a lot of the threat evaluation and how it impacts on post is driven by the Post Emergency Action Committee. So, you know, they meet, they discuss on-the-ground information, threats, so on, so forth, mitigating steps to take, and report it back through cable.

So I think that time frame, probably June, July, August, was of course a critical time period.

Q If my timeline is correct, that's about the same time that

DS was beginning to -- or State Department was beginning to draw down resources that were in Libya. Is that --

A Well, let me back up a little bit and say, from the beginning, when both the embassy was reestablished in Tripoli, in primarily Tripoli -- you know, Benghazi became sort of a special mission -- the objective had always been to work towards, for lack of a better word, an organic security program, take --

Q This is what often gets referred to as "normalization"?

A I guess you could -- well, I sort of have an issue with that, because -- I'll give you an example. We have a similar program that's working quite well in Sana'a, Yemen, but I wouldn't characterize Yemen as being anything like a normal post.

But, I mean, in sort of respect to moving towards what the Department has done and continues to do at many posts, yeah, that was sort of that move. And, you know, that was understood by post, by the Department, and even DOD, who was providing, you know, the SST support at the time.

Q And was that, we'll call it the organic security function evolving over time? Or was there concern that it wasn't developing as quickly as it should?

A I think --

Q Or as hoped?

A Well, there were concerns. A lot of it was recruitment concerns. There was always sort of a tug and pull on the training. We had MSD teams, I think, detailed to Libya for quite a long time.

They were working on that, but then they eventually -- and then also, sort of, the government support of that. You had mentioned previously obtaining the weapons permits and things of that nature.

So, no, things weren't going as smoothly as we would like, but they were moving forward.

Q Okay.

BY MR. BEATTIE:

Q And just to be clear, you mentioned the organic model. I think we understand what you mean, but could you just for the record briefly describe what that is and what the role of the host nation is?

A Well, the host nation, as many of you know, through the Vienna Convention, is ultimately responsible for protecting diplomatic facilities. So the host nation would be responsible for providing perimeter security for the embassy in Tripoli or the special mission in Benghazi.

State Department, we utilize sort of on the internal perimeter local guard force, either hired directly, personal services contract, trained by DS, or we go through a contractor.

In addition to that, then, in many posts, but not all posts, you would have a close-in protection team to provide support to the chief of mission, principal officer, or other foreign affairs employees that would be moving off the compound. And that would be what I'm referring to on that. And that would be supervised by a DS agent.

BY MR. OHLY:

Q So in that June-July time period that you mentioned, did

you think at the time that the Department was taking the appropriate steps to address the concerns you had with the security situation in Libya?

A Yeah, we actually had done a number of things. We had started -- this was actually earlier -- requiring foreign affairs counterterrorism training for all personnel assigned to Libya. We provided antiterrorism training to the local drivers both in Tripoli and in Benghazi.

We started moving ahead repositioning agent positions that we were going to take from Iraq to redeploy to Tripoli, as well as getting permission to deploy security protective specialists. It was a new security position that was developed by DS, not an agent position. They served primarily overseas in a protective operations role.

So we began that, and I think we got final approval to do all that probably at the end of July. And then we also were requiring all of our agents that were being deployed to Libya to get the high-threat training.

Q Were you aware of or have you become aware of disagreements between the personnel on the ground in Libya and those in Washington as to what was necessary to ensure adequate security?

A I became aware of that after the event.

Q And can you walk us through that --

A Well --

Q -- what specifically you were not aware of that came to your attention?

A I think what would have -- sort of the insight that was missing on all of this was the back-channel communications. Because front-channel cable communication, it would be that post was sort of agreeing with, sort of, the steps forward. What you didn't know, sort of, what was in play behind the scenes, as far as what post really felt, what they felt they needed, what the response was back from DS as far as resources or assets or the interchangeability of those assets.

And I had met with [redacted] when he was back on leave, probably in -- I think maybe it was March. And there was frustration on his part. A lot of it had to do with the pace of physical security upgrades at the embassy in Tripoli, the issues he was facing with recruiting local employees, getting the government licensing, things of that nature, which is all understood in, sort of, you know, telling me -- and I agree with him -- when we do this, you know, if we continue to do this, sort of, expeditionary diplomacy, we have to be a little bit more forward-leaning as far as the front-end planning of it. You know, and a lot of this pops up, it's unplanned, it's unbudgeted, so people are scrambling to get the resources and get things done. And sometimes, you know, the standard, cookie-cutter approach to construction or upgrades or resourcing doesn't happen.

So we had those discussions, but nothing that I think he felt really adamant about at the time, you know, other than a lot of frustration.

Q You didn't come away from that thinking, I need to take a more proactive role in this, or is there something that you could have

done based on his concerns? Or was that not apparent based on his frustrations?

A No, I mean, because we did have -- you know, I did have discussions. I mean, any time that I had the ability to sit in on -- there was a contingency operating working group for Libya -- I would sit on it. And I think, of the two or three that I was able to chair, [redacted] was actually present at one during his time back on R&R in consultations.

Q You mentioned briefly the idea of expeditionary diplomacy and how that impacts security. Not to mischaracterize what you've said, but is it some concern that occasionally policy priorities or objectives get ahead of security realities?

A I mean, that may -- that may be the case. I mean, you know, you have foreign policy objectives and priorities that are identified, it's determined in the best interest of the U.S. Government. And at times when it comes up like that, sort of unplanned, unforeseen, there certainly is a lot of catch-up that has to be done in that regard.

And, you know, Benghazi would be a good example of that, where you didn't have time to do a purpose-built facility, for example.

Q Uh-huh.

A And it was determined that it was a priority to be on the ground. And I think the Department as a whole and DS in specific has historically done a good job of trying to enable that for the Department.

Q Who makes that decision of, it's a priority to be on the

ground or we need to be in this location?

A It would be the leadership of the Department. I mean --

Q It wouldn't be within your level, or would you be involved in that discussion?

A I think from a security perspective, DS would be involved.

Q I mean, let's use a specific example. Let's go to the decision in December of 2011 to extend the presence in Benghazi. Were you involved in that discussion?

A No, I wasn't involved in the discussion. I saw the memorandum -- I came back from leave -- the memorandum that had been cleared and sent forward.

But, no, at the time, I think, in Benghazi maybe the overriding concern was pro-Qadhafi elements. I think a lot of people, you know, didn't have the same concerns that you probably would have had 6 months later.

Q Who within DS would have been involved in either the discussions or the development of the plan to extend for a year in December 2011?

A Well --

Q Or would DS have been involved?

A I think at some point, and I don't know how far in advance a lot of it was discussed. But, obviously, when they talked about physical security upgrades and in resources, DS would have been involved in that part of the pie, so to speak.

Q But you weren't looped in on any of that?

A No. I didn't attend any meetings specifically on that, no.

Q When you saw that memo, did you think it reflected, you know, an appropriate footprint for security moving forward? Or did you have any concerns about --

A At that time, no. I mean, I think a lot of it always comes back to resourcing, especially something that's an unplanned event.

But, you know, the Department has done this before. I mean, I remember back in 1992 when the Soviet Union dissolved and overnight all of these republics popped up all over the place. And I went down -- I was in Moscow at the time -- went down to Tajikistan. In Dushanbe, there was a threat against the Ambassador. We were in a hotel, one floor of a hotel, six people, [redacted]

So, I mean, you know, again, I think it's driven by priorities and what is deemed important as far as foreign policy objectives for the United States.

Q Do you recall any specific examples where Washington refused or simply failed to provide the personnel or resources requested by post in Libya?

A Well, I think this comes to the point of a lot of the back-channel discussions.

Q Uh-huh.

A So I know that there had been some issues filling the five slots in Benghazi, particularly I think in maybe the March-April time frame because of visa issues.

But then there's, as I said, the example of going back to the regional director and saying, okay, find out from [redacted] what you need, and then coming back and saying, all right, there was a miscalculation on the numbers. So, assuming that, okay, they're fine with what they're going to be at right now, but maybe [redacted] wasn't really fine with it. But that's something I was unaware of. So, I mean --

Q You're only hearing whatever the regional director is sharing to you.

A Or what IP is bringing up, right.

Q So that would be --

A Right.

Q -- Charlene Lamb?

A Up through that chain.

Q Okay.

A Right.

Q We talked about it briefly earlier, this idea of normalization. It's a word that has popped up a lot in conversations about this. We have talked through it a little bit, but I'll just revisit it briefly. What did "normalization" mean in the context of diplomatic security in Libya?

A I think it would mean going to a self-sustaining, organic security program, which would include local guards protecting the interior perimeter, as well as the close-in protection units that were being trained there.

Q And at any point did you have concerns that this wasn't

evolving as it should?

A Well, I think we discussed that. I mean, only from the viewpoint of the obstacles that were being placed as far as recruitment, timing of training, getting the weapons permits, those type of things.

Q Did you think those were hurdles that would be overcome?

A Uh-huh.

Q So you weren't concerned that this is an ongoing delay in getting these resources that we're counting on?

A Well, you always have -- you always have concerns. But I think, actually, even by July, before the SST left, a number of the weapons permits came through. I think they may have been maybe seven slots away from full complement of the detail. So they were moving forward.

And it's not an easy thing, absolutely. I mean, I think I recall them having problems trying to find a driving range or even a firing range. I think they eventually found all that, but it's a lot more difficult in a place like Tripoli than it would be anywhere else.

Q Uh-huh. So even once the -- so when the weapons permits come through, is there an additional time for training that's necessary for those guards?

A Absolutely. And I think they had a number that were already working. But, certainly, I mean, there would be.

Q And who was -- was the MSD responsible for that training at that point? Or who was responsible for doing the training?

A MSD would do, sort of, the field training, the basics, and

probably go out with them, do an advance, do a movement and work with them, as well as any DS agent that would be assigned typically as the agent in charge of the detail. So it would be an ongoing process.

Q Was part of the -- not to jump around in time too much here, but was part of the concern -- I think you were mentioning your discussion with Ambassador Cretz in March. Was part of the concern that so many of the DS resources on the ground were being devoted to training and trying to get these other pieces in place that they weren't able to support movements elsewhere, or that they just simply didn't have the resources to support the type of movements?

A Well, I think that was probably Ambassador Cretz's thought, that with the resources there all involved in training, they had much more limited opportunity to move. But it's sort of a vicious circle then, because if you keep on pulling the training elements off to do protection, you're never going to get to the point where you're ready to do that transition.

Q Uh-huh. We haven't touched on this specifically, but another key part of the protection model, if you will, was the February 17th Martyrs Brigade, the local militia.

Mr. Beattie. In Benghazi.

Mr. Bultrowicz. In Benghazi.

BY MR. OHLY:

Q In Benghazi.

A Right.

Q Did you have any visibility, or do you now, into this unit

came to play such an important role?

A I don't. I know, when I came in, it was sort of militia that was identified that they felt at the time was best suited to do the job. I think the host government had actually even probably given it its, sort of, nod of approval, in that they had been involved with the special mission since its inception.

BY MR. BEATTIE:

Q Sir, when you say "they," you mentioned the Libyan Government. Was there anyone else in the U.S. Government that felt the same way about the Martyrs Brigade, that they were --

A No. I mean, not -- I know that up to probably June or July, post was -- probably June -- satisfied with what they were getting from the brigade there.

Q So post basically felt --

A Right. Yeah, there were no -- I mean, I'll give you an example. The IED in June, post came back, said, quick response, responded appropriately, set up additional checkpoints, roadblocks around the perimeter of the special mission. So I think, at that time, they hadn't expressed, at least in cable traffic, that there were concerns.

BY MR. OHLY:

Q Over time, or at the beginning, or over time, did DS or others ever vet this unit? Or did they, sort of, keep a continuous assessment of their reliability, their performance? I know you just mentioned an example of where they did well.

A Right.

Q Were there times when you were getting reports that they were not doing so well?

A Right. I don't know. I know that the DS agents on the ground, as you mentioned, were continually assessing. I don't know what type of pre-employment vetting per se was done on the unit. And there may have been some pretty hefty challenges as far as even being -- and, again, this is just supposition --

Q Uh-huh.

A -- given the state of the host government, the infrastructure, records. So I don't know what type of vetting they had actually done on --

Q Okay. Were you aware of any concerns about ties to extremist elements within the February 17th, or was --

A No.

Q -- that ever discussed --

A No.

Q -- at least at your level at DS?

A No.

Q Okay. I'm going to introduce the unclassified ARB report --

A Uh-huh.

Q -- just to ask a couple questions. We'll mark this as Deposition Exhibit 1.

[Bultrowicz Exhibit No. 1

was marked for identification.]

BY MR. OHLY:

Q So on page 4 of the report, the ARB states that, quote, the "Embassy Tripoli did not demonstrate strong and sustained advocacy with Washington for increased security in Special Mission Benghazi."

I'll give you a moment to look that up, the last sentence --

A Okay.

Q -- of the second paragraph.

A Uh-huh.

Q Do you agree with this conclusion?

A Yes. I think it could have been -- it could have transcended from an RSO issue. And this happened quite frequently in my time as director. Maybe a call from a DCM, a call from the Ambassador, sort of raising it up a notch to emphasize the importance of it all.

Q And that was going to be my follow-up. You know, if you did think it was a -- they could have done more, how would they have brought that to either your attention or someone else within -- how could they escalate their concerns?

A A phone call.

Q To whom?

A Well, I mean, there were a number of people that could have placed a call and received a call. Typically, on most occasions, I would get calls from deputy chiefs of mission, DCMs, on occasion an ambassador. But it could also be a call to the Assistant Secretary

or somebody over in the NEA Bureau. So, I mean, there --

Q Does that largely depend on the relationships of the people at that post with either the branches or personnel in the different bureaus or --

A Well, I mean, I think some of it may be relationship-driven. If the person is known or they have a personal interaction, maybe it would make it easier to make a phone call. Or, sort of, through a hierarchy, you know, as well, as to who they wanted to place the call to.

Q Uh-huh. But you weren't aware of any of that transpiring, or you didn't have any visibility --

A No.

Q -- into that transpiring? After the fact, have you heard about any of that?

A I'm trying to think. Well, I mean, nothing -- I can't think of anything right now. You mean like the Ambassador or --

Q Or someone --

A -- DCM --

Q -- calling.

A -- picking up the phone and calling about security resources?

Q Saying, you know, maybe they called NEA and said, oh, we're experiencing trouble getting through to DS, or we're having trouble with NEA and they call someone in DS, or they're -- you know, or just they try to reach out to somebody to connect the dots.

A No, not that I recall. No.

Q Okay.

On page 30 of the unclassified interview report, the last paragraph on that page. I'll give you a moment to familiarize yourself.

So the report says, "Another key driver behind the weak security platform in Benghazi was the decision to treat Benghazi as a temporary, residential facility, not officially notified to the host government, even though it was also a full-time office facility."

At our May 8th hearing, we heard testimony from Mr. [redacted] that since the State Department was the sole occupant of the Tripoli embassy and the Benghazi facility, the only person who could grant waivers or exceptions to OSPB and SECCA standards was the Secretary of State. Is that correct?

A No. To the best of my knowledge, I think the only issues -- and I'm not 100 percent correct on this, as far as SECCA is concerned. The only items that would not be able to be delegated, it would have to be waived by the Secretary, would be collocation, I believe, and the 100-foot setback.

The OSPB standards, those could be signed off by the Assistant Secretary, the waiver of OSPB standards.

But there's an important element into that, in that the waiver packet, that is produced by post. So post has to go and they have to do a physical security survey, identify what standards are being met, which ones aren't being met, which ones can we meet with upgrades, and

which ones we just won't be able to meet, and those would have to be the ones that would be waived.

In that packet, there would also be a statement from the Ambassador stating that he has reviewed the survey, he has reviewed what requires being waived, and he is in agreement with that based upon foreign policy priorities and objectives.

And that would also be accompanied by a statement from the RSO stating that he or she is cognizant of the facilities, the physical security footprint, what needs to be upgraded, what can't be upgraded, and that they're in support of these waivers.

That's brought back to Washington. It's reviewed. And where the upgrades could not be made, the waiver packet would go forward.

Q So was there a waiver packet for Libya?

A Not to my knowledge. And I think in March, during one of these working groups, it was noted that there was authority to move into the facility as is but that a waiver packet would have to be done at a later date. But I don't think that packet was ever completed.

Q So was there, sort of, a directive not to do a waiver packet? Or who would have the authority to say, you can occupy this without doing a waiver packet?

A Well, not saying that anybody -- not saying that somebody said, "You don't have to do a waiver packet," but who could grant the authority to move into the building, I think that authority was given by the Under Secretary of Management, Mr. Kennedy. But I don't think there was anywhere where somebody said, "Don't do a waiver packet,"

not that I'm aware of.

Q You're not aware that someone said, oh, waivers aren't required for this facility, or we don't need waivers at this time?

A I don't know. I wasn't privy to any of those discussions as far as -- because I think we were actually in at least Villa A by August. And then it sort of moved forward where they decided they would, I believe, do away with Villa A and take Villas B and C.

Q And did --

A So it was -- I'm sorry.

Q And did that apply to both Benghazi and Tripoli, the agreement on the waivers or the, you can move in and we'll get to waivers down the line?

A That issue didn't come up. So, I mean, I can't say whether that discussion happened or not.

Q Okay.

BY MR. BEATTIE:

Q Could I ask, as you understand it, what is the purpose of this waiver process?

Actually, well, first of all, what's the purpose of the collocation and the 100-foot setback rules? And then, having the waiver to those and doing the waiver, what's the purpose of that, from your perspective?

A Well, I mean, the purpose of all of that, I think, is getting all parties involved on the record to say, we've looked at the facilities, we've identified vulnerabilities that we can remedy, those

that we can't we're making note of, and then going forward to say, all of this, we believe, is a priority and, based upon the foreign policy objectives of the United States of America, we feel that it's in the best interest to move forward with this, recognizing that there are these certain vulnerabilities.

Q And so when you have a situation where -- I mean, it seems like almost, with Libya, we're sort of bypassing the waiver structure, to some extent, at least initially, as you described this authority to move in as is.

Does that have any tangible effect on security for diplomatic facilities? Were there any negative consequences to bypassing the waiver? What would be the effect of that?

A Well, I mean, what I could think of right out of hand would be, if there were upgrades that could have been done, they may not have been identified. You know, that would be, sort of, one immediate impact.

Now, I'm not saying that that's the case in Benghazi or Tripoli, but that's why typically you have the process. And there are many posts around the world that don't meet all of the standards.

I think -- and it's been, I think, stated before -- that most, if not all, of the requests for funding for physical security upgrades was provided for Benghazi. Although, you look at it, maybe it wasn't total, and I could be wrong, $150,000, which isn't, in the grander scheme of things, a lot. But I think folks on the ground were doing everything they could to upgrade that facility, which, again, not

purpose-built, a series of residential buildings. And I think from the micro-perspective, they were able, you know, to get what they could get done done.

BY MR. OHLY:

Q Just one last clarification on that. Do you know when the decision was made to occupy these without having the waivers in place at the time? Would that be the December memo?

A I guess it would be tied to the December memo, yeah. Because that was -- that was actually an extension of the special mission. So I don't know if there were discussions prior, prior to that.

Q Okay. Going back to the unclassified ARB on page six, the last sentence of the third paragraph on the page.

A Okay. Uh-huh, okay.

Q The sentence says, "Among various department bureaus and personnel in the field, there appeared to be very real confusion over who, ultimately, was responsible and empowered for making decisions based on both policy and security considerations."

A Uh-huh.

Q From your perspective, first of all, does that reflect your understanding of events?

A No. I mean, depends on what perspective you are looking at. But I mean, in country, chief of mission has authority --

Q Uh-huh.

A -- relating to policy and security. And back in the

department, Benghazi sort of, although it was a special mission, it was fit into sort of the network of other overseas posts. I mean, so, again, you had your regional bureau, you had your desk officers. It wasn't like it was floating out there that nobody was laying claim to. So really it's hard to sort of grasp what really they were getting at from that perspective.

Q So my next question may not make a lot of sense, but you know, from your perspective who would be responsible for preventing such confusion? You may have already answered that?

A Well, right. I mean, to me, it's a pretty clear line.

Q Uh-huh.

A You know, overseas, when you are overseas and you are in country you are either under chief of mission responsibility or combatant commander responsibility. There is really, really no grays. And, you know, back in D.C., again, you had Benghazi in a structure that every other post was at. And I won't speak for other bureaus, but I imagine it was the same for the NEA bureau. There was a desk officer, a regional director, a DAS, sort of all managing those programs at the post. So it's really unclear to me as far as when they say there was confusion, I don't know what the source of that confusion would have been.

Q And this is a fairly broad question, but I just have a few minutes left in my first hour. But from your perspective, based on your experience, who was ultimately responsible for making decisions about security in Libya?

A Well, I mean, ultimately, again, I would say it's -- it's a joint effort, but it, you know, it involves the chief of mission. It involves the embassy. And it involves the bureaus back in D.C. So equal parts, equal portions. I think, you know, probably here there was some stovepiping of information and not getting sort of a clear feel as to what post's thoughts were on the issues as opposed to what back in the department they were viewing.

Q So just so I understand, what post may have wanted was not always clearly shared up the chain at the department so that those in positions who were making decisions on resources would know --

A Right.

Q -- what post was feeling?

A And not to say that if that would have happened -- you know, because again, you are supposing a number of things. But, you know, at least there would have been some transparency I think in where everybody stood on the matter that decisions could be then made.

Mr. Ohly. Okay. I am approaching my hour, so I will go off the record. And if you would like to take a 5-minute break.

[Recess.]

EXAMINATION

BY MR. POWELL:

Q Back on the record. All right. So on behalf of the Democratic staff of the committee, I would like to thank you for your appearance here. And although we previously introduced ourselves, I will do it one more time. I am Jason Powell. I am minority counsel

with the committee. And I am joined by my colleague Peter Kenny, and my colleague Chris Knauer, and our chief counsel Susan Sachsman Grooms. I will be the primary questioner, but I will like the majority to defer to my colleagues to maybe jump in and fill any gaps.

A Okay.

Q Also, before I begin, I do want to say that some of my questions may sound a little bit repetitive. I am going to try to cover some of the same ground that the majority did. But I may ask a question in a slightly different way. So I apologize for that if the answer is, of course, the same.

A I understand.

Q So, with that, before we begin, I just want to thank you for your service to our country. And I will note the time for the record as 11:16, and begin. So I want to start, what is your current status with the department?

A On administrative leave.

Q And during the relevant time period leading up to the attacks in Benghazi, can you give me a little bit more information on the scope of your portfolio? You were -- as director, were you dealing with issues in every country? Were there particular countries that you were more intimately involved in?

A Well, I mean, we were dealing with multiple threat streams.

Q Yes.

A You know, Pakistan, Afghanistan, Iraq, Mali. You know, there was issues in Thailand. Again, I forget, you know, the exact

timing of it, but obviously, we were dealing with, you know, a lot of issues at the time. So I think a week before the attack in Benghazi, we had one of our motorcades hit by a vehicle-borne IED in Peshawar, where we had some locals killed and one of our employees badly injured. So, I mean, it is a constant sort of drum roll as far as incoming threats that we were dealing with on the overseas side. And then all the other issues you deal with. In a bureau that large is I think about probably 40,000 employees. It's a global program, which overseas is part of it, of course. But as I mentioned to the gentleman earlier, it is also a domestic program, protecting the Secretary and other foreign dignitaries, criminal investigations. So, I mean, there is a wide scope of what DS does in addition to the overseas portion of it.

Q Okay. And I think that leads me into my next question, which was -- and I know you did address this with the majority as well, but I guess, could you explain in a little bit more detail how DS is organized? You mentioned the number of employees. But the particular directorates and how that --

A So, at the head, of course, you have the assistant secretary for Diplomatic Security, who at the time was Eric Boswell. Then you have the principal deputy assistant secretary and director of DS, which is myself. You have International Programs, which was run by Ms. Lamb. You have Countermeasures. That is run by Mr. [redacted] now. And Countermeasures includes Technical Security as well as Physical Security. You have Threat, Intelligence, and Analysis, run by an assistant director. You have Domestic Operations run by an assistant

director. You have the Training Directorate, which is not only responsible for training all DS agents, but those Foreign Affairs officers that would be going through specific training based upon their assignments, either the FACT training, as we call it, Foreign Affairs Counterterrorism Training, going to designated posts. And then we have our security and infrastructure, which deals with a lot of the computer issues, clearances, revocations, things of that nature. So that sort of in a nutshell is how it's broken down as directorates are concerned. And then, of course, you have your divisions that fall under that as well.

Q And I believe you covered this earlier, but what you said is that the decision-maker with respect to security at a particular post, you said that generally speaking is the chief of mission?

A Well, yeah. I mean, you know, in Presidential letter of instruction, you know, chief of mission is, you know, that's the sign of responsibility. Now, of course, chief of mission can't do it on his own. That's why he or she has a Regional Security Officer and that you have bureaus back in the department to also support that program.

Q And I think you also discussed the different relationships between the different bureaus, the embassy, and DS in Washington. If say -- actually, I am going to strike that question. I think you did answer it already. But, you know, I guess -- well, if you could explain, maybe a little bit elaborate on the relationship between DS in Washington, DS at post, and the ambassador in coordinating the security.

A Well, again --

Q At that particular post.

A -- as I mentioned, a lot is driven on the ground by an emergency action committee. And that's typically every embassy, every consulate has, either run by the ambassador at times or sometimes it's delegated to the deputy chief of mission and is represented by all the agencies and offices assigned to that post. And that is where decisions are made as far as evaluating threats specific to post, any mitigation strategies involved there. And those are typically reported via cable back to the department, where the geographical bureaus as well as DS receive them and will work to assist post in any issues that they have, as well as day to day support and operations as far as the security program is concerned, whether it be a requirement for additional armored vehicles, TDYs, personnel issues. So there is a lot of interplay between the bureaus and the post.

Q How many people under you had responsibility for decision-making and security implementation with respect to Benghazi specifically in say the relevant time period, the year or so leading up to the attack?

A I don't think I could give you --

Q Just a general ballpark.

A -- a number. I mean, you know, I think delegation of authority was equivalent to what the issue would have been. I am not quite sure within International Programs how tightly things were held, if the regional director was able, you know, to have the authority to

make some decisions or not. Desk officer, or was everything being pushed up? That, you know, I can't answer. I mean, I know there is a lot of interplay. I know, for example, the Overseas Protective Operations who typically do guard force contracts and things of that nature, you know, they have a lot of leeway in making decisions, contracting, dealing with post as far as number of guards required. Same with Countermeasures Directorate as far as physical security is concerned. So there is a lot of play, there is a lot of moving parts. And I think people are delegated the authority at the appropriate level to make those decisions. Otherwise, I mean, you will have things grinding to a halt if you don't.

Q Accepting what you have already said about the particular authorities to make decisions, who would you identify as say the main person or the point person in Libya in charge of security for Benghazi for the roughly year preceding the attack?

A In Libya?

Q Yes, in Libya.

A The security person would be the Regional Security Officer.

Q That's Mr. [redacted]

A Yes.

Q And who in Washington? The same question. Who in Washington would you identify as say the point person or the main person in charge of security for Benghazi?

A Overseas operations. Well, I mean, I think it would be in that chain in the regional directorate in International Programs. So,

again, going from the desk officer up through the regional director to Ms. Lamb, realizing that there is also a lot of spokes that go out to other directorates that we mentioned, physical security, for example. So some decisions would be made there. But ultimately, I mean, International Programs manages the portfolio of the post from the Washington perspective.

Q So the point person would most -- I guess most be identified as Ms. Lamb?

A Yes.

Q Is that correct? During the time period leading up to the attack, were there any countries that you would identify as being handled differently than others? For instance, were security responsibilities ever carved out or taken over by another official or office for a particular set of circumstances? Or, you know, for a particular post would there be a carve out or something like that?

A What we had what we called within International Programs the Contingency Operations -- I don't know if you call it division -- but that put Iraq and Afghanistan in that special category. And I think the current DAS for high-threat countries, a new position that was named after the attack, he was heading up that area, that unit. So there was a carve out for Afghanistan and Iraq.

Q Was there anything outside the norm with regard to security decision-making process for Libya or the Benghazi post in particular?

A Not that I can think of.

Q How much personal attention did you give to security in

Libya as opposed to other countries? And how did you divide your time?

A I mean, I think, you know, I gave attention to it. I was aware of what was going on there. I participated in the working groups when I could. But again, it's a wide portfolio and have an expectation and I have faith that if there are issues that need to be raised to a high level that they will be brought to my attention. And at times, there were, things like the high-threat training and things of that nature. And we pushed them through.

Q Just out of curiosity, have you ever been to the Libyan Benghazi post?

A No.

Q I think you touched on this previously, but what was the process by which DS coordinated with other bureaus at the State Department, such as Near Eastern Affairs?

A I know -- and again, I couldn't say specifically how many times that they met. But I know that the regional director and the people under him were quite interactive with NEA in general. And I can't speak to specifically how many times they met per week or so on Benghazi specifically. But there seemed to be a good exchange between the two bureaus in that regard.

Q Among the various bureaus at the State Department, which bureau is the ultimate decision-maker when it comes to diplomatic security?

A It would be Diplomatic Security.

Q You mentioned that [redacted] has the countermeasures

directorate?

A Uh-huh.

Q Whose responsibility was it to assess the physical security in Benghazi and make determinations as to its adequacy or lack thereof?

A Well, I think as I mentioned earlier, post would be required to conduct the surveys. And I will give you an example. When I was RSO in Baghdad and the military was drawing down, we were taking over some of their forward operating bases, it was our responsibility to go out and survey those areas, find -- or identify what didn't meet the standards, what did, what could be rectified, and then send in the waiver packet. Now, the only confusion that I think -- and again, this is supposition on my part -- is, you know, being that Benghazi was a special mission, you know, who thought they had the responsibility to do that? The RSO in Tripoli or maybe there was a thought that that would be dependent upon some officer or division back in D.C. But typically it would be sort of a post-driven process.

Q And actually that is a point that I did want to clarify. So, yeah, when there is that waiver package that's required, ultimately the decision is made to extend Benghazi as a temporary facility.

A Uh-huh.

Q From that, a waiver packet is required. You said that at post, that would be where it would be conducted. So wouldn't it be --

A It would be initiated, yeah.

Q So it would be their responsibility, ultimately, to initiate that process?

A Right. I mean, there is a lot of interplay, you know, back and forth between D.C. and the post. But again, just drawing on my own personal experiences, you know, the division in Washington would say, okay, here is the format, this is what you have to do. This is what you have to look at. But you got to go out and you have to do it. Because part of that packet, again, as I mentioned, is both the chief of mission and the regional security officer providing their comments that, yes, they, you know, agree or they don't agree. You know, and that they recognize that there are vulnerabilities, but due to, you know, national security concerns or foreign policy objectives, they want these to be waived. And they don't always have to be agreeing or concur with each other, the RSO and the ambassador. But that's sort of -- that's the process.

BY MR. KENNY:

Q Can I just ask whose responsibility was it to initiate that process?

A To initiate the surveys?

Q Yes.

A Oh, the waiver packet?

Q We will start with the surveys.

A It would be the RSO. But typically, you would get dinged by headquarters saying, hey, you need to have this done. And I know it was brought up in a March working group meeting that we held back in D.C. that it had to be -- you know, it had to be completed. It needed to be completed.

Q So just quick, the survey had not been completed at that time?

A No, at that time, it had not. Now, there may have been surveys that were completed by DS personnel on the ground. But when you are talking about the waiver package, an official waiver package, you know, no. It hadn't been initiated at the time.

Q When you say, they were dinged, they would have been dinged by headquarters?

A There would be a lot of discussion. It would be either the Physical Security Division of DS or Countermeasures saying, hey, this is, you know, what needs to be done next.

BY MR. KNAUER:

Q So to be clear then, there is a waiver package that would be assembled at post?

A Uh-huh.

Q The RSO and possibly the DCM would be involved in that.

A The RSO certainly would be. And then, typically, it's not the DCM, it's the chief of mission, it's the ambassador --

Q Okay, chief of mission.

A -- that would be required to put comment down as well that he or she, you know, recognizes that we don't meet waiver X, Y, and Z, but in the interests of, you know, foreign policy priorities, request that these standards be waived.

Q Okay. And I am guessing that this can take some time to put one of these packages together?

A Oh, yeah. Absolutely. Absolutely. It's very lengthy.

Q It's DS then that bird dogs the process to make sure that the post is in fact doing this?

A Right.

Mr. Knauer. Okay.

BY MR. KENNY:

Q And to understand the role of the chief of mission in this --

A Uh-huh.

Q -- so you would refer to a statement that is attached to this before. So can you just explain whether there is more that the chief of mission would do in the ordinary course other than make a recommendation based on what information was provided to him?

A No. I mean, that would be typically what would happen is knowing that this is sort of the standard procedure, it gives the chief of mission the opportunity to weigh, you know, the risk as it stands against the priorities of foreign policy, what can be upgraded, what can't be, and then go ahead with that recommendation to say, I think this is important. So, you know, paraphrasing, we are going to accept this level of risk.

Q But the individual who was responsible for identifying which requirements or standards were or were not met was the RSO. Is that correct?

A It would be the RSO office that would do it, yeah.

Q So would the RSO then also be the person who would prepare the packet then for the chief of mission to review?

A Yes.

BY MR. KNAUER:

Q So if one of these packages was never ultimately prepared then, what fell apart here in this process? Where was the breakdown?

A I would say the communication between Washington and post as to what needed to be done.

Q And who in Washington?

A Well, it would be the program office, basically, that would say you need to have -- you know, you need to have this done. Or when you are talking about waiver packets, you know, that's something that's typically, you know, DS. But again, not knowing -- coming in in November, not knowing a lot of the background of what may have been discussed, you know, August, September, October as far as facilities, I can't give you sort of a full picture on whether or not, prior to that, there was any discussion about waivers or SECCA standards or things of that nature.

Mr. Knauer. Okay.

BY MR. POWELL:

Q Discussing the physical security, again, what is the background of the officials or personnel that is responsible for making those types of physical security assessments? You know, are they -- I guess what I am looking for is what type of training do they have? What type of experience? Are they, you know, typically, you know, ex-military, engineers, that sort of thing that, you know, things that -- you know, what kind of background are they calling on?

A Well, I mean, on the ground, the people that you have doing the surveys would be your DS agents. They get training as part of that, physical security programs. There are standards, and this is the OSPB standards that we are talking about, what the requirements are so they could easily look and say, well, this is not a -- this is not a 9-foot wall, this is, you know, a 6-foot wall made of, you know, masonry, not solid construction. Or this is not a solid core door. This is not a solid core steel door, which is required. So it goes through, you know, various categories. It sort of helps the RSO along in determining whether they meet the standards. And then there are physical security specialists back in the department. A number of these individuals working in the division for a lot of years, a lot of experience, that sort of help the RSO through the process, shepherd it through the process and tell them what they need to make the packet complete. So I don't know if that answers your question, but we do have a division with physical security specialists back here in Washington.

Q So I guess to clarify, I will ask one more question on that. You know, but there is specialized training and a lot of experience that is drawn on that say other bureaus or other, you know, other individuals at State Department would not necessarily have access to or have had that sort of training to do those sorts of assessments and understanding?

A Yes. I mean, I think the closest you would come to another entity in State that would have that type of knowledge would be the

Office of Overseas Buildings, OBO.

BY MR. KENNY:

Q Just before we move on, I was wondering if we could discuss just real briefly the December 2011 action memo that was brought up during the last hour.

A Uh-huh.

Q You had indicated that this was -- occurred slightly before your time. I believe your predecessor may have --

A No, no. What I had mentioned, I was out when the memo had actually been cleared. Now, I don't know the lead up, what the discussions were to lead up to the drafting of the memo. But definitely that memo was signed when I was in office.

Q So does that mean that you personally did not concur with the memo?

A No, no, I was out. I was out, so the acting director had signed off on it. When I came back, I saw it. And I think at that time, if I would have been in the office I probably would have signed off on it as well. I am not saying that I didn't agree with the memo.

Q So, again, this, we are referring to the December 27, 2011, action memo --

A Right.

Q -- that was prepared for the Under Secretary to extend for one year the facility in Benghazi?

A Right.

Q And can you help us just differentiate the difference

between a decision by the under secretary to extend the facility and what that would mean for DS in terms of implementing that decision? So there is a decision to stay or have a post somewhere, and how then do we serve the security needs of that post?

A Well, I mean, obviously, I think there was some back and forth with post, with DS, with management about a site selection. I think that was sort of laid out beforehand. So it was -- I mean, there was recognition that it was a residential villa that we were sort of cobbling together to make an official presence.

Q And just to be clear, SECCA or SECCA --

A SECCA.

Q -- requirements don't necessarily apply to all types of facilities. Is that accurate? There are certain residential facilities that might be excepted?

A Well --

Q Is that correct?

A Well, residential facilities, if you are using them as residences, wouldn't apply. I guess the question is when it becomes an office. And again, you are getting into a lot of, for lack of a better word, legalese. If somebody said, well, that facility was never recognized by the host government let's say, then does it fall under SECCA? And I guess, you know, that's something that I couldn't determine probably -- you see what I am saying?

Q So whose responsibility would it have been then to identify this is a particular facility, this will have a certain level of

occupancy, and therefore, it falls under these requirements? You had mentioned, just by way of example earlier, that if these waiver packets hadn't been prepared, that there were certain divisions within DS that would have pinged post to follow up on this. So I guess my question is more at the outset, when a facility is selected, whose responsibility, whether in DS or outside of DS, was it to determine this is an issue that would require a waiver?

A I don't know. I don't think it would -- I am not quite sure it would be DS, if that's what you are asking me. I don't know if at a higher level. And this is what I was going back to as far as, you know, whether or not the facility was officially recognized by the host government. Were we somehow looking at it as being special mission? I don't know whether there were a lot of discussions if somebody actually said, you know, we have to go through a formal process to get this done before we move in or the decision was let's move in and then -- I think that's even what the memo says -- try to upgrade it as much as we can from a physical security perspective.

Mr. Kenny. Okay.

BY MR. KNAUER:

Q Is there a trade-off in facilities around the world where on the one hand, you want to occupy them, but you may not have a lot of good choices from which to choose, but you also have this diplomatic mission you are trying to engage in in the country?

A Oh, absolutely.

Q So sometimes you have to choose a facility that may not be

up to standards. Can you talk about what that trade off is and how you guys deal with that?

A Well, again, I think in that -- that's why the process, as far as waivers, exceptions in a lot of respects is helpful. Because there are actually places in the world where it's so many years down the road that we will be able to build a new facility, and that there are no facilities that are able to meet the security standards, so, you know, a decision has to be made. It is what you mentioned, sort of weighing, you know, is it an acceptable level of risk as it's, you know, put up against what the foreign policy objectives are? What can we do to mitigate the existing vulnerabilities, so on and so forth? So that's what this sort of process I think speaks to. It makes people take a very hard look at where we are not meeting our requirements.

And as I mentioned, then there is sort of a policy statement, a policy piece, if you will, to say we recognize this but, again, this is a priority for us as a Nation in our foreign policy, and we are going to go ahead and do it. And I think you all well know there is many facilities around the world that waivers had -- packets had been signed that we might not meet all of the standards. And it happens quite often.

Mr. Kenny. Including Tripoli.

Mr. Bultrowicz. Right.

Mr. Knauer. And I don't know if you can speak to this, but was Benghazi considered as an important place to be, and therefore a place where you had to do this weighing of what facilities can I use and can

I also be present in that region?

Mr. Bransford. You mean, an important place to be from an American foreign policy perspective?

Mr. Knauer. Yes.

Mr. Bultrowicz. And that's what I would say. I would imagine the policymakers felt that it was. You know, really not for me to say from a policy perspective, but we were there, and I think, you know, the department probably on the broader level felt that the presence was needed.

BY MR. KENNY:

Q Can I just clarify a comment you made a few moments ago that waivers may have required some sort of higher level approval or awareness? And I guess we are talking about -- I just want to maybe help differentiate between a higher level decision or policy that we need to be in a country, which we are discussing now, versus, how do we implement that decision in terms of security? And those are -- just to be clear, those would be made by different people. Is that correct?

A Maybe. I would say a group of people. I mean, look, I mean people who are involved in these decisions have been around the block for a long time. It's not something that's totally new. So everybody knows that there are OSPB standards. Everybody knows there is waiver packets. Facility personnel know that, OBO knows that. So it's not that everybody is sort of shunted in their own lanes. And again, it's difficult for me to say, prior to December 2011, what type of discussions were made in that regard. I can't tell you -- you know,

all that I know that there was a decision that we will occupy that facility.

Q And you mentioned everybody knows. So that would presumably include everybody within the Bureau of Diplomatic Security. Correct?

A Well, sure. NEA, Diplomatic Security, M. I mean, you know, that's an important part of it. That's your buildings, that's your facilities. You know, you can't have been in the Foreign Service for 20 years and not really know about those type of things.

Q So is it possible then that there may have been some sort of assumption about who -- to me, I see some sort of confusion about who may have been responsible for flagging a particular facility because, like you said, it sounds like everybody was aware of this. So if that's true, I mean, was there anybody within DS who just had the specific responsibility for ensuring that waivers were prepared or waivers -- I mean, it sounds like those were maybe the same sorts of people who would be contacting the post --

A Right.

Q -- to inquire --

A Right.

Q -- and get these packets cleared.

A Right. But what I can't tell you, and what I can't help you with is, was there any discussion to say this isn't required or it is required beforehand? That I am not aware of.

Q But in your experience, it wouldn't have been that uncommon

to make a decision to stay somewhere, and then, after a series of physical security upgrades, then a decision would be made about whether to obtain a waiver.

A No. I mean, it wouldn't be uncommon. It wouldn't be rare.

Q So the decision about obtaining a waiver doesn't need to be made before entering a facility?

A Well, ideally it would be.

Q Right. But it's not a requirement.

A I have to go back and say, is it a requirement? I don't know. Is it -- you know, is it -- are waiver packets always done prior to occupying a building? No. A lot of it is sort of back channeled, you know, or done as they can, you know, time permitting. But it is not always on a strict timetable is all I am saying.

BY MR. POWELL:

Q All right. I wanted to move onto security personnel. I think you mentioned that you had an awareness of the security staffing issues in Benghazi conveyed to you by Ms. Lamb. Is that correct?

A No, not by -- I knew that there were visa issues, and I knew that at times they weren't getting to our five or we weren't at the level that was agreed upon in the memo.

Q Okay. Who made the determination as to the number of security staff in Benghazi? Specifically?

A I don't know how the number of five came up. I could only -- okay. No guessing or speculation. I don't know.

Q And I think you somewhat answered this with regard to Libya

in general, but I will ask you it again. During say the 8 months prior to the attack, what was your awareness of the requests for additional security staff for the Benghazi post specifically?

A For Benghazi?

Q Yes.

A I knew that there was a -- in the beginning, it was five. At some point, and I can't recall exactly in the timeline, it switched from five to three to five. And I think a lot of that was driven on a driver being trained, anti-terrorist driving trained Libyan, and there was also an issue, one of those five agents, from my understanding, their sole duty was to sit and guard the [redacted] which, you know, is [redacted] communications gear. And when a TDY communicator was assigned, that position was no longer encumbered by a DS agent. So I think that's how it went from five to three to five.

Q I think you also touched upon this previously, but what would be the normal channel for a request for additional security personnel?

A Front channel cable back to IP asking for additional, which Mr. [redacted] did.

Q Who would you say is most -- was most directly responsible for making sure that there was an adequate number of security staff at post in Benghazi?

A Well, I would say, again, both the RSO and International Programs, who deals a lot with the resourcing on that.

Q And how are, generally, the requests for additional security handled within DS? What are the factors that are considered? What's the determination process in terms of, you know, if there is a request that comes in and then the provision of additional security staffing?

A It would go into the desk. And they would review the cable. If they had questions, they would go back to the RSO, get those questions answered. And then there was a real sort of time assessment on what DS could actually produce at the time. There is a lot of variables on that. Does the TDY, for example, require high-threat training? Because if it does, there is a very limited pool of agents -- not limited, but I would say not every DS agent is trained in high-threat operations. So, you know, what's available? Who can we pull to get there? Are there any alternatives to that? So you would go through that whole process. And it usually was, again, a discussion between the desk and the RSO on what the requirement was and how they could actually help him or her.

BY MR. KENNY:

Q Just real quickly on that point, who would the desk officer work with to determine the availability of TDY personnel?

A That would be -- because most of the TDY personnel came out of domestic operations, out of our field offices. So that person would work with domestic operations to get the number of bodies that they needed.

Q And where did domestic operations sit in relation to IP?

A Two separate directorates. So they were parallel to each other. One didn't answer to the other. But because domestic operations has sort of the body pool, if you will, to support overseas assignments, you know, they are the directorate that would handle those requests from IP for the TDYs.

Q And who had responsibility for overseeing that process?

A It would be -- well, I mean, IP has to make sure that they are getting the bodies. And then Domestic Operations, they are responsible for finding them. Now, the only exception to that would be if it was some sort of MSD support. And that comes out of the Training Directorate. Multiple Security Division would deal with that.

Q And if we could return to comments you made just a few moments ago, you had mentioned you are unsure of where the original requirement for the five DS agents, where that originated. But you had mentioned at some point that changed to three to five --

A Right.

Q -- based upon using locally employed staff.

A Right.

Q Whose decision was that to change from five to the three to five agents at the special mission?

A Well, I mean, I think it would have been something that would have been in concert, a discussion with IP and the post whether it was five or three to five.

Q So that would have been just a negotiation between post and

the regional director within IP?

A Right.

Q And are you aware of who specifically advocated for the three to five persons?

A No. I mean -- well, I mean, I don't know if it's advocating for, because if you go, there was a lot of discussion back and forth, I think even at some times post was saying they could get by with two. So, again, I don't think necessarily that Mr. [redacted] would have been advocating for three. He probably would advocate for five. But, you know, again, during the discussions if it was determined you don't need these two any longer, I think what probably [redacted] was saying is, at the minimum, this is what we would need.

Q So who identified those two positions as being potentially unnecessary?

A Well, I think that would be IP.

BY MS. SACHSMAN GROOMS:

Q Did you know at the time? Were you aware at the time that that discussion was going on?

A Ms. Lamb had mentioned to me that they were working to get the DS agents out of babysitting [redacted], which I agreed with, and also working to get a local driver to replace the agent. What wasn't totally clear to me at the time was that it was sort of a zero-sum game, that, you know, we are going to take those positions totally off the board or were they just saying we are going to free up two more agents to work protective details. But I was aware of that discussion.

Q And was that a decision that would have come up to you for your approval for a sign off by you?

A No. It would have been -- it wouldn't have been sort of signed off on. You know, as it was presented is we are trying to get these two out of doing these duties. And that made sense to me at the time. You know, are you going to have an agent who is trained in tactical operations sitting watching, you know, a piece of communication gear when, you know, you could have them doing something else?

Q So it was raised to you as part of a discussion. Was it raised to you for your approval, though, or as like a FYI, here is some information about what we are doing? Or I want your thoughts about this? What was the context?

A Yes, this is the thoughts, this is what we are looking, this is what we are trying to do. And it made sense.

Q Was there any paperwork associated with that?

A No, not that I can recall. I mean, there was nothing like a, you know, typically we will do an action memo. There was nothing along those lines.

BY MR. KNAUER:

Q So do you have a copy of the ARB in front of you?

A Yes.

Q On page 31, the second to last paragraph, I will just read it. "Although a full complement of five DS agents for Benghazi was initially projected and later requested multiple times, Special

Mission Benghazi achieved of level of five DS agents, not counting DOD-provided TDY site security team personnel sent by Embassy Tripoli, for only 23 days between January 1 through September 9, 2012. As it became clear that DS would not provide a steady complement of five TDY DS agents to Benghazi, expectations on the ground were lowered by the daunting task of gaining approvals in the reality of an ever-shifting DS personnel platform." So the question is it starts off, that last paragraph, as it became clear that DS would not provide a steady complement of five. So who at DS would not provide that complement of five?

A Again, I don't know because there was never any sort of official recognition that we were going to -- you know, following testimonies and what not, and there were discussions or accusations that people wanted to keep Benghazi at an officially -- or at artificial low level of staffing. I can tell you there was never any sort of official bureau policy that we are going to keep the staffing at low levels.

Q But within DS, who would be most responsible for then filling that bucket of five if those individuals were requested? Were would that be IP?

A It would be IP through Domestic Operations. Like I said, Domestic Operations is sort of that body pool. They don't like to use it like that, but they had the most number of agents domestically not assigned overseas that could provide that TDY support.

Mr. Knauer. Okay.

BY MR. KENNY:

Q But when you say there was no official policy within the bureau, does that mean at your level and above, or does it mean that even lower levels never made a decision -- were you aware of any decision taken by IP, for instance?

A No. No. To say we are going to keep it at three? No. And quite frankly -- and again, it doesn't -- you know, that they were having these problems? I knew there were sporadic problems of getting five people at any one time. You know, but not the long-term issues that they were having there with filling the TDY spots.

Q You weren't aware of those problems?

A Not as a -- you know, based on this, no.

Q Okay. And whose responsibility would it have been to keep you informed of those issues, of those problems?

A It would be the directorate, the IP directorate to say, hey, we need -- we are not getting people. You know, then I go, I shake the trees in DO and say we need, you know, two more bodies. Now, at some point in time, it could be something that was totally out of the control of IP. You know, I think as I mentioned, there was a time period where the Libyan embassy here was having problems with their visas, maybe ran for four, five weeks, I am not quite sure, that nobody was able to get in, you know, because they didn't have a visa. You know, we ran into similar problems in Pakistan, [redacted] So, again, not all -- I would say not every time that we didn't meet the five was because somebody was

pushing. Sometimes it may have been just circumstances beyond our control of, for example, getting visas that we couldn't get out there.

Q Did your special assistants receive this information and choose not to elevate it to your attention?

A That I don't know. I mean, typically my special assistants were pretty good. So if something came to my attention they would forward it.

BY MR. KNAUER:

Q Was there -- you said there was no official policy to keep the numbers low.

A Right.

Q Was there an unofficial policy to keep the numbers low?

A Not that I am aware of, no. No.

Mr. Knauer. Okay.

BY MR. POWELL:

Q I wanted to go back to something you had talked about a little bit earlier. You discussed a policy within the DS bureau called normalization, whereby the security in Libya would transition from emergency U.S. Government resources to security more regularly provided by local forces, such as the host government and local contractors. And was that a DS -- first, I think you discussed your understanding of that term a little bit more. Please correct me if there is anything wrong with what I just said, but --

A No. But you are asking is that a DS term?

Q Is that a DS term? Is that something that you regularly

used?

A No. I think that was actually probably more of a post term.

Q Okay.

A Normalization from the aspect of this is how other posts operate.

BY MR. POWELL:

Q I guess, can I ask you, what does that term mean to you? Is there anything negative associated with that term, a message?

A Is there any negative?

Q Yes.

A Well, I think from the aspect of security, probably not, but when -- when you're looking at where you're talking about, be it Tripoli, or Benghazi, I could see where somebody might say, well, how can anything be normal in a place like that, you know. But I think what we are referring to here is sort of normalization of what standard overseas State Department security program is that includes local guards, may include close and protection of locals, managed and supervised by a DS contingent of agents. Does that answer your question?

Q Yes. I guess if -- my follow-up question is that if, you know, security forces aren't ready for it, is it something that still happens? Is it something that still takes place? What's the --

A No, not if they are not ready.

Q Right.

A No.

Q And I guess, what's the assessment in that regard?

A Well, I mean, that would go by, again, both the RSO, and

MSD if the trainers were out there, what courses were completed, how were they looking, how were they progressing in their training, how were they doing in their movements because typically after you train them in weapons or how to walk a diamond or do certain things, they actually go out on moves, and they are viewed and reviewed and evaluated by MSD as well, who does all of the training. So there's a process there.

BY MR. KNAUER:

Q You said that you thought that you had heard somebody at post using the term normalization? This was a post term?

A Yeah. I mean, again, it just doesn't strike me as something that we would use. I mean, you know, because what you're talking about normalization, you're talking about how a post normally or typically operates overseas.

Q Was that Tripoli, Benghazi, both?

A I believe it was Tripoli, primarily Tripoli.

Q That was using the normalization term?

A Right. Right. Right.

Q And there's nothing, per se, that is pejorative about that term in the sense that this is a place that you are trying to get to I guess at some point?

A Right.

Q Because it has political implications on how you interact with a country?

A Well, again, I can't opine on what it means politically,

you know. I'm just sort of trying to put it in the perspective of maybe what they were thinking about from the security side of it.

Q Tripoli?

A Tripoli. You know, that we are going to start operating, for example, like they do in Sana'a, you know, we are going to have a local close and protective unit trained by DS doing the movements with DS oversight, you know. That would be normal based on other programs that were run overseas.

Q And so you would typically then what, expect the country to try to migrate to that posture over time if the situation were to allow for --

A Yes, I mean, we were even doing it before I left Baghdad, of course, you know, we have pretty robust security contractor presence there, but we had already been begun the process of integrating Iraqis trained by us into the protective details. And that was -- ultimately, would be the end game, is that those contractors would leave or be scaled down, and a lot of the responsibility then would be placed on those local units.

Q Baghdad is a vital place still?

A Yes.

Q So you can have normalization in a violent backdrop. That doesn't mean that the country is, quote, in a normal condition.

A Right, I mean, if you are viewing integration of Iraqis into our protective security details as normalization, well, yeah, I mean and that's what we were doing. I don't think we are there yet in

Afghanistan, you know, but we certainly were working with that, and had actually come a lot further in the 2 years since I left of doing that in Iraq.

BY MR. KENNY:

Q And just to I guess conclude on that point, so this is what we are referring to, is relying on local resources to provide security, whether a host nation or contracted services. That is a successful model. That has been a successful model elsewhere?

A Yes. Yes.

BY MS. SACHSMAN GROOMS:

Q And why don't you think it wasn't successful in Benghazi?

A We did not have a local group in Benghazi. The close and protection elements that we are talking about, those were Tripoli.

BY MR. KENNY:

Q But the LGF --

A The LGF --

Q -- was in Tripoli?

A The LGF in Benghazi was a contract.

Q Staffed by locals, is that correct?

A Yes, yes, which, again, is what we do in most places. Again, there being differences, you know, I will just use the two, because they are, you know, our highest -- some of our highest were posts in Afghanistan and Iraq. Typically we are using third-country nationals through a contract to provide that perimeter security. The difference is in Libya, the host government would not allow us to bring

contractors in. They are very adamant about that.

Mr. Powell. Well, with that, I think we can go off the record.

[Discussion held off the record.]

BY MR. OHLY:

Q 12:25. Back on the record. I appreciate your patience going through a lot of this structural procedural stuff. That's helpful for us to establish that foundation. I want to change -- change directions a little bit and have more of a conversation about your experience with the ARB.

A Uh-huh.

Q Maybe you can just start off sort of walk us through when you were informed that they wanted to speak with you and how that all played out, what your interview with them was like.

A Well, I had actually initiated through memo the process of the ARB, giving a 2-page synopsis of what occurred to the department and individual responsible for reviewing, and then convening the ARB. So we started with that.

Q So who did you provide that to?

A [redacted] and I forget what office she is with. But, so, basically, I had three appearances with the ARB. The first one was shortly after it convened. Myself, Assistant Secretary Boswell, and Deputy Assistant Secretary Lamb, provided an overview brief of what we knew at the time, facts surrounding the attack itself.

Q Uh-huh.

A And I can't recall the date that we did that. My second

appearance was my one-on-one with the ARB, and that was, I believe in late November that I received notification, time, date, place, and time to arrive. And then the third appearance was actually with only two of the panel members and it was myself, and the acting Chief Information Officer from State. They had some follow-up questions on a classified issue that they needed answers to. So that sort of, in general, was my interaction with the ARB.

Q So maybe we can walk through each of those just briefly.

A Uh-huh.

Q The first one you said was you, Assistant Secretary Boswell, and Ms. Lamb?

A Uh-huh.

Q And I think you mentioned that it was about what you knew about the attacks, or --

A It was -- yeah, it was what we knew of the attacks that night, the night of September 11th. So we provided a number of overhead views, diagrams of the compound, sort of the tick-tock of the timeline as we knew it to them.

Q Uh-huh.

A As well as, I believe, what the level of physical security upgrades that were done to the facilities prior to the attack.

Q Did you get into any of the discussions about security in the year leading up to the attacks, or was it more focused on the timeline that --

A No, to the best of my recollection, it was -- it was the

timeline, you know, of the attack itself.

Q Uh-huh.

A With some discussion as far as what upgrades were done to the facility.

Q Okay. And then who sort of lead the discussion from the DS perspective? Did you all share, or was it --

A It was Assistant Secretary Boswell sort of took the lead and sort of gave the whole sort of backdrop on the diagram and everything like that, and where interjection was required by either myself, or Ms. Lamb, it was done so, but primarily at that level, Assistant Secretary Boswell was the primary presenter.

Q And then your second interview?

A Was in late November.

Q You said you received notification how long in advance?

A I can't really recall. I mean, it wasn't that long in advance. Maybe --

Q Was it the morning of, or was it a few days before?

A No, no, no, no. It may have been a few days -- it was a few days before, absolutely, if not a week.

Q Okay. And that interview was with the entire board, or --

A No. Ambassador Pickering didn't participate in my interview, but everybody else was present at it at the time.

Q And about how long was the interview?

A Maybe about an hour.

Q And generally or specifically can you go into what questions

they were asking, what they were focused on, what the discussion had been?

A Yeah, the focus, a lot of the questions were actually sort of 50,000 feet perspective, if you will, what are the challenges the bureau was facing, how many agents in the past, you know, 5 years have you hired? What does your training regime look like? Talked about high threat, sort of the challenges that we face as far as resourcing, getting the TDYs, things of that nature.

Q So any specific questions about your role in decisionmaking leading up to the attacks on Benghazi, or was this more of a 50,000 foot of what you do?

A No, there were -- there were a few questions, again, general questions, how did I get along with the Assistant Secretary, Mr. Boswell? What was the reporting, direct reports relationship between me and Ms. Lamb, so basically it was, yes, I write her a review. You know, she reports to me. There was the question, how did I get along with [redacted] the RSO? Really not a lot of specific questions about Benghazi itself. There may have been -- we had one quick discussion how in June I had sent an email to Mr. Boswell and Ms. Lamb. I think it was right after maybe the attack on the British convoy, and I said this along with the other incident, which was the ID causes me some concern. What does our security movement package look like in Benghazi now? And so Ms. Lamb responded and sort of spoke with Admiral Mullen as to okay, well, then, what happened? What did the post do? The post went into, I don't know if they called it stand-down mode or

suspension of operation, I believe, which, you know, they felt they wouldn't move off compound, but again, there was no discussion about drawing down the post. So you know, to the best of my recollection, that was sort of the Benghazi-specific issues that they were raising directly with me.

Q But nothing that you sort of found odd, or --

A Odd? No.

Q Out of place, perhaps?

A No, not that I-- not that I can recall. I mean, what I sort of found odd is I thought maybe there would be more, you know, direct questions about Benghazi itself.

Q It struck you as odd that that was such a small portion of the questioning?

A Well, in hindsight, you know, after the ARB's release and me being relieved of my duties, I myself would think, okay, if I'm being relieved, I would have appreciated maybe a little bit more direct questioning as to my role in supervising a subordinate or proactive steps that I took in regards to Benghazi, which I understand were sort of the two main issues for me.

Q But that leads me into some of my next line of questioning, which is, what was your reaction when you learned that? How did you learn that you were being pulled in by the ARB?

A Well, I wasn't happy. I mean, 27 years of service, so what happened is -- at one point, Assistant Secretary Boswell called me and Charlene Lamb in and said, it was the ARB's recommendation that the

top three in DS be relieved of their duties. So, okay, this is their finding. Then the next day the Assistant Secretary Boswell came back and -- to me and said, well, maybe not you. He was kind of up in the air. And then I think on Thursday night, I received a call from Under Secretary Kennedy, saying that I was being put on administrative leave, don't come into work, and that's --

Q Did he provide any explanation?

A No. But I mean, I think it was at the time to me given that it was because of the ARB finding. So --

Q Had you been told what that finding was?

A No, I mean, I actually just saw the classified portion and the portions related to me.

Mr. Bransford. The classified portion on accountability has been declassified --

Mr. Bultrowicz. Right.

Mr. Bransford. -- we understand, but he just saw it last week.

Mr. Bultrowicz. Just last week, so --

BY MR. OHLY:

Q And so after you get this call from Under Secretary Kennedy, what is your next step? Did you try to talk to anybody and say, hey, what is going on here? Why am I being called out? I was asked five questions about Benghazi, you know.

A Well, you know, again, I think there was -- there was some shock. I mean, look, it was a tragedy, and it was something fairly serious. So, you know, in the back of my mind, I always knew there

was a possibility, you know, you take a position, things happen, at times, you are going to be held responsible for that.

So I was kind of sort of -- but again, there's an expectation that there would be some in-depth discussion about it, which there wasn't. But you know, a lot of things were fast moving. I didn't know how long I was going to be on admin leave, even really questioned whether or not, in the end, I would be permanently relieved of my duties.

So, you know, again, there was this process. And the director general and her assistant would call ever so often to say, you know, it's still sort of being reviewed, still being in the process. But ultimately, I think before February, I knew I wasn't coming back to the position because they had already, you know, named an acting, bringing in an acting in. So that was that, as far as that was concerned.

BY MR. BEATTIE:

Q You said the Director General, who is that?

A [redacted].

Q She's the Director General.

A Director General of the State Department, so it would be a lot of the personnel.

BY MR. OHLY:

Q Human resources?

A Human resources, that type of thing.

Q So you get this call from Under Secretary Kennedy saying please don't come into work the next day?

A Uh-huh.

Q And other than these periodic calls from the director general to say it is still under review, does that mean it is under review whether or not to bring you back, or your -- I mean, has there been an adverse personnel action against you?

A No, there hadn't -- there hadn't been -- well, I consider it adverse, but I think officially you would not consider it adverse, because I was not terminated. I did not lose my rank or pay, so I guess technically it is not considered an adverse action.

Q But you were on administrative leave and currently not --

A Right.

Q -- I guess, technically working.

A Right.

Q Can you get access to your email, or can you go into the State Department buildings, or --

A Yes, I can. And I -- through this period, you know, I have worked on evaluations. I have been called in for other -- other things, so it's been sporadic, but nobody has told me I can't come in. I still have my badge to get in. I haven't had access denied, and I access my State account from my computer.

Q Did you ever try to reach out to anybody whether it's members of the ARB or Under Secretary Kennedy, or others in what would be your chain of command, and sit down and say hey, you know, help me understand what I have done wrong here, help me understand how I can avoid this in the future, what is my status of coming back? That is a lot of

questions.

A Well, when I would get calls from the department, it typically was to give me updates on my status, which, again, was still in review. As far as asking, you know, what I did wrong, I mean, that was a question. Saying, you know, every time I spoke to someone, I said, look, I haven't been able to see the ARB or its findings specifically in regards to me. I would like to see it. And it was eventually produced last week.

Q And what reason were you given for why you couldn't see the ARB, either the classified version or just the portion on the finding? I assume, given your role, you had clearance level available to read the classified ARB?

A I was told that it was actually being, you know, very tightly controlled, and I think even you have to say though, and this is something that I think the department was probably trying to do its best to protect employees, is there's the classified ARB, which I read, and there's not much difference, not a lot of difference between the unclassified and classified. There is a bit more substance, I think, but I think key to it was protecting the privacy of the personnel who the ARB cited in its findings. So I know there wasn't at least a wide distribution of that.

Q So you were able to read a portion of the classified report?

A No, I was able to see the whole report.

Mr. Bransford. He saw it all except for the accountability portions relating to Maxwell --

Mr. Bultrowicz. Ray Maxwell, and Ambassador Boswell, those were taken out.

BY MR. OHLY:

Q And is this last week, or whatever you saw -- was last week the first time you saw the classified version of the ARB report?

A Yes.

Q Had you attempted to view it before that date?

A I had asked to see it.

Q And what was the reason that you were given for not being allowed to see it?

A Really wasn't given a reason. Maybe last time I sent an email back to DS saying I would like to see it. And I didn't get a response.

Q Okay. So it took you quite a while to gain access to even have an opportunity to read the classified report including the section on --

A Right.

Q -- accountability?

A Right.

Q And even after having looked at that, have you tried to -- does that clarify for you at all why you were named by the ARB? I mean, even having seen this --

A No, look. Here is my thing. I will take responsibility for the decisions I made based on the information I had at hand, okay. I mean, and I'm not looking to point the finger, you know, you know.

Accountability cuts a wide swath, I think. So I'm not saying I had nothing to do with this. I mean, it would be shame on me if I said I was completely oblivious to everything. I'm willing to take responsibility for the decisions I made based on the information I had. But, you know, to say, well, you should have -- you should have managed person A more closely, or you should have been more proactive, that's pretty general to me. And I mean, you know, it is what it is. I respect the members of that panel. They are all very distinguished officials. But yeah, I have a problem with it. I do. I don't think it's something that defines me after 27 years of doing everything I'm asked, or at least to say be more direct in the questioning with me when they had the opportunity.

Q And that was going to be my followup, was you know, they asked you about your relationship with Assistant Secretary Boswell --

A Uh-huh.

Q -- and a few others, but did they ask you any questions that really drove at the things that you are being criticized for?

A No.

Q Okay. No one has been able to give you any clarity as to why that decision was made?

A No.

Q I just imagine that is very frustrating for you.

A It's frustrating.

Q At our May 8th hearing, a number of witnesses expressed their concern that the ARB placed accountability on mid-level officers.

I don't know if you heard any of the testimony at that hearing --

A Uh-huh.

Q -- or are familiar with some of those statements, but what was your reaction to that sentiment that --

A Well, I can tell you how I feel. I mean, I don't have an opinion on it, and I will tell you why. Because I wasn't privy to all of the documents. I wasn't privy to all of the interviews, responses to those questions that the ARB conducted, who said what, who did what. You know, I have a very, you know, small piece. The ARB has the broader picture on that. And it's -- I'm not in a position to say they didn't assign blame at the appropriate level, or they did. I mean, that's a simplistic answer for you. But they have access to all of the information, what everybody said, what everybody did, and that's something that I just don't have.

Q Based on your window that you do have, was there anybody you felt that was involved and should have been held accountable that wasn't?

A You know, I think I mentioned this before. I mean, I think, again, it was a tragedy. I think maybe in the broader perspective, information didn't flow as it should. You know, rarely does the individual snowflake feel responsible for the avalanche, so I think there's just a lot there, and it was a very complex issue, and I could only say what I did based on the information I had. And you know, the assigning of accountability was something that was the responsibility of the ARB, and they did.

Q Do you think it would have been appropriate if they were sort of looking at you as someone who was a -- what do you want to say -- someone who failed to share information appropriately or failed to manage appropriately, that they asked you in your initial interview or your followup, or did a followup interview with you to say, you know, tell us your perspective on how this was working.

A Well, yeah, I mean, that I think would have been appreciated.

Q Anyone out there giving you a specific indication of, you are someone we are looking at, but you said you were in there a second time to talk about a classified matter?

A Yeah, the last time, yeah.

Q But was that not an opportunity for them to ask you questions about, hey, just help us clarify this one point?

A It would have been. It was a very small, I mean, it was -- it was two people on the panel.

Q Uh-huh.

A And I think they had very specific expertise and this was very --

Q Members or staff of the panel?

A No, this is members of the panel. You know, a very specific issue that they were interested in that they wanted to know about. So did it cross their mind for followup, or would they have preferred to do it in a larger panel setting? I don't know. But or even if they felt it was necessary to sort of come back and address any of the issues

that they may have had with me.

BY MR. BEATTIE:

Q Did you get the sense either time, whether it was in the group interview or the second follow-on interview, did you get the sense that members asking the questions had done any kind of reading of, say, emails that had gone back and forth that were relevant about -- and I should say also at this point, just so you are aware, we have read not only the classified ARB, but the staff here have read tens of thousands of pages of those email, and it would seem, and the reason I ask, it would seem that they were trying to get a more precise understanding of problems with communication that would lead to, you know, assigning accountability --

A Uh-huh.

Q -- they would have -- it seemed logical to have read through some of that. Did you get the sense that they had done that, and asked questions based on that, or not?

A I had the sense that they certainly looked at background documentation, not specifically maybe to do with personnel or how people were interacting, but I think I mentioned to you I was speaking to Admiral Mullen about our movement security, and we were talking about what post response was based on that. And he finished my sentence for me. So -- and it was almost an exact line from one of the posts EAC reporting cable. So I knew -- I know that he read some of the background documents. But the questions regarding interactions were pretty quick. It was a sort of, you know, is this person in your chain of

command, yes or no, you know.

Q So, well, that sounds more like kind of where you fit, more questioning about where you fit in the sort of organizational chart?

A Right, yeah.

Q So a very 50,000 foot cursory review?

A Right, right.

BY MR. OHLY:

Q When reports started to surface about the individuals that had been named by the ARB report, did any of those names stand out to you, other than your own, obviously, strike you as odd, or were you --

A Well, at the time, probably not. The only -- and again, this is because not knowing what each individual sort of was found to be accountable for.

Q Uh-huh.

A But you know, in all openness, I mean, I have never met him personally, but I have exchanged emails with Ray Maxwell.

Q Uh-huh.

A And I know, you know, he himself feels very much aggrieved by the whole, you know, situation and the finding. So but again, for me to say, well, it's odd that he is in this grouping, I can't really say that, because I don't know -- I don't know to what extent, or for what reasons Ray was cited by the ARB.

Q Prior to the ARB report, had you interacted with him in your official capacity?

A No.

Q Do you know if others in DS interacted with him?

A I don't know. I don't know if they ever have.

Q But he wasn't someone that you or others you were aware of were in regular contact with about security in Libya?

A Certainly not with me, no. No.

Q You mentioned that your first briefing was focused on the time around the attacks, or the timeline of the attack. Just to step back in our timeline a little bit, can you walk us through some of your role right around the time of the attack, the night of, or the days immediately after?

A Well, the day of, I was in the command center. We had been dealing with an issue in Cairo. There was a protest there earlier in the day, and the compound had been breached, and there were demonstrators, and so we were handling that crisis at the time. And it almost -- it segued into the attack that I think it was probably around 3 or 4 o'clock Eastern Standard Time. We got the call from the U.S. agents on the ground there in Benghazi that they were under attack. So it started earlier in the day with Cairo, and it went all throughout the night into the next morning that I was at the command center.

Q And can you just give us a description of what that -- what that was like, you know, how -- what your role was, who else was involved, what you were seeing and hearing at the time?

A Well, it was -- it's a pretty big operation in the DS command center. I don't know if you have ever had the opportunity to see it. But I was there. I think, yeah, DAS Lamb, she was there. There were,

I believe also the assistant director for threat investigations and analysis, and a number of other people. We had our DS liaison officer, who does a lot of the work with the commands on site. We had an agency individual come down, so we are all sort of working together on that. Now, as I mentioned, the first sort of indication that there was a problem in Benghazi was a call from the RSO that came in over a cell phone, and we tried to keep that line open as much as we can, but at times, it would -- it would turn off. So what I was doing was sort of dealing, getting the information from on the ground, passing it on up, or making sure it got passed up, to my superiors at State Department, phone calls back and forth, primarily with Mr. Kennedy, and I mean, that's a very general overview. I mean, there was a lot going on, a lot happening.

Q Right.

A But it is primarily making sure that everybody had the information they needed to get the job done.

Q And you had been, you were already in the command center working on the issues that had happened --

A In Cairo.

Q -- what was going on in Cairo.

A Yes.

Q Had there been any sort of anticipation that you might have an issue in Cairo? Were you there before it started, or did that sort of come up --

A No, I think I came down when we started getting the reports.

Q But you were getting word from posts that there was a protest?

A Right. Right. And that there was a breach.

Q Okay.

A And so based on that part of it, we sent out a NIAC immediate to all posts because we didn't know how far ranging that would be or what impact that would have on other embassies.

Q Before you got the call from the RSO in Benghazi, was there any reporting coming in, or were you hearing anything about protests there?

A In Benghazi?

Q Yeah.

A No.

Q Given your experience, you know, that night and the days after, was there ever a view in your point that there had been a protest in Benghazi that had spun out of control or otherwise?

A What I can tell you is I knew, I mean, everybody sitting there knew that it was an attack, okay. It's obvious. You have weapons, you have fire, you have RPGs. It's an attack. Now, who participated in that, what was the trigger, what caused it, I don't know.

Q But presumably, and I'm speculating here --

A Right.

Q Your RSOs are well trained in somewhere like Benghazi. If they see a large crowd gathering outside their facility, they are going

to let command know?

A Sure, oh, yeah, absolutely, absolutely.

Q And this was a situation where that didn't occur.

A Well, I think if I recall, correctly though, the RSO who was making the call -- the call in, I can't recall whether he saw anything beforehand or the first sort of indication he had that there was a problem is when they actually breached the compound. But there was nothing, you know, indicating that there was a protest going on or a demonstration. I mean, I think maybe the initial reports from the RSO was that they had heard some yelling and some chanting, but you know, not necessarily associated with a large-scale demonstration.

BY MR. BEATTIE:

Q Just talking about chanting, do you recall, would that have been immediately before the walls were breached, or would it have been some hours prior to it happening?

A No, no, it would be all immediate, not -- right, not prior to.

BY MR. OHLY:

Q So then, moving forward a few days, you have Ambassador Rice go and, you know, make her comments on the Sunday shows. We have a lot of controversy about whether there was a protest, not a protest. What was your reaction to all that? What was your reaction to all of that, or how do you think we got to that point of there even be a debate about whether there was a protest in Benghazi?

A I don't know. I can't even speculate on it. I mean, I

wasn't involved in talking points or anything about that.

Q So you just were sort of an observer on the outside, is that all laid out? What was your personal reaction? I mean, having been sort of on the inside that day?

A You know, at that time, I think people still didn't know what was going on. I mean, I don't say you can definitively at that point even say what you knew what was -- maybe not immediately outside of the compound, but you don't know what was happening a half a kilometer before that. So you know, again, that was something that I didn't involve myself in, and obviously, folks had access to much more information than I had. I mean, I had sort of realtime ground information, you know, not a lot of what else -- other background information, or intelligence that people may have been using.

Q What did your role become, you know, after the attacks? So say, the folks are back in Tripoli on the plane to Germany. From that point forward, what is your -- what is your role the following week, 2 weeks?

A Making sure that we have a division called Protective Intelligence Division. I was working hand in hand with the FBI, so there was the post-attack followup. If you recall, right after that attack, a number of our other embassies had been overrun, a lot of damage, material damage, so we were consumed with that.

There was a lot of evacuations taking place. There was meeting with the agents that were injured and who participated that night in the Benghazi evacuation. So there was a lot, a lot going on. And then

it was, you know, trying to get, you know, the most accurate timeline. There was then, I think and I can't remember at what time, point in time the requests started coming in for documentation. Everything to do with Libya, everything to do with Benghazi, which is a massive effort to put the bureau on its head. I mean, because everybody is trying to collect all of this information.

So a lot of things going on. We had to resupply a lot of the embassies that were damaged, bring in antiballistic, new antiballistic windows, cameras, that type of thing. So a lot of it was sort of a reaction to events that were unfolding, you know, in the Middle East, and also making sure that things were being addressed as far as the followup, and follow on for Benghazi and Tripoli.

Q And I wanted to touch on something that you started off in our hour talking about that you wrote the memo that initiates the ARB.

A Right.

Q Can you walk us through that process, explain it?

A Well, I didn't write it. I sent -- it was drafted by International Programs under my name. I cleared it and sent it. So you know, the process of the ARB, you know, that was sort of the triggering event. They review it, cursory review to say all right, is this -- is this security related? Was there a loss of life? Yes, there was. Was there a loss of property, damaged property, yes, there was. So sort of you know, to meet the initial base criteria. And that's what that memo did. That was sort of the review document to determine whether or not it met the criterion, and convene the ARB.

Q Going back to the ARB a little bit.

A Uh-huh.

Q When you were interviewed by them, were you -- did you -- doesn't sound like they asked a lot of questions about Benghazi, but just walking out of the interview, based on what have you been asked, or what you understood their scope and mandate to be --

A Uh-huh.

Q -- did you feel you had been given an opportunity to share all of the information you felt you had to share with them?

A Well, I certainly could have -- you know, I went in there to ask questions -- or answer questions that they had.

Q Okay.

A Did I take the opportunity to say, well, you didn't ask me about this, this, this, and this? No, I didn't. I went in there, answered the questions that they asked me, and that's what I did.

Q What was your -- take a guess at your response, but what was your overall impression of the ARB process from the interviews and beyond? Did you feel it was thorough? Could be more thorough? Were there areas that --

A Well, I mean, I think the panel made some very good recommendations.

Q Uh-huh.

A With the exception of the one regarding me. But I think they were to the point. A lot -- probably there were some I might have disagreed with or one in particular that it could be helpful, but so,

I mean --

Q That will actually be my next question, so --

A I think the recommendations were -- were good. I mean, I think -- but if you asked me, and again, this is all now very personal and personal lives, could they -- I don't know what they did with other people. I don't know how in-depth the questioning was, how long it took. But when it comes down to Scott Bultrowicz's, you know, you are talking about a career, I would have many hoped that the questions would have been not -- a little bit more in-depth.

Now, maybe my answers wouldn't have swayed them. Maybe their opinions would have come out the same, and you know, that's their right. That's the prerogative of the ARB, but at least sort of to be able to address that I think, from my perspective, would have been fair.

Q And you mentioned, I was going to ask what your reaction was to the report and their recommendations. You briefly touched on it. But I wanted to give you an opportunity to weigh in on it. Are there -- you just briefly mentioned there was one that you had an issue with.

A I think that --

Q Or not an issue, but a concern.

A I think there was one in there about agents being required to have more Arabic or go through Arabic language training, which I'm not sure how long the Arabic language training is, maybe 44 weeks, probably even more. But you know, and this is something more that I had a discussion with the ARB about, is everything is very complex.

And when DS, you know, what DS needs, you know, we need the training float. Because when you talk about high-threat training, when you talk about 44 or 52 weeks of Arabic, every person that you put in training, you're taking out of the rotation to be able to fill, you know, needs overseas.

So, in an ideal world, being fluent in Arabic, yes, of course, that would be helpful. But you know, you are creating another problem when you are taking somebody away for 44, 52 weeks of a language. And on top of that, then they have to go to high threat. Then they have to go to RSO school. And before you know it, you have somebody a year and a half who is off the books. I mean, and you can't use them. And to think we have probably under, just under 2,000 agents now for a worldwide program and when you factor in the training requirements, and you have these ARBs, and then additional training requirements are, you know, tacked on to it, it just sort of constricts the bureau even more in their ability to have, to reach out and use resources.

So that was the one that kind of, sort of, stuck out. I mean, but the other ones, I thought, you know, sort of having a standard, a baseline physical security standard, if you are going to go into places like Benghazi, or you know, if we decided we are going to go back into Syria, or Mogadishu, you know, let's go with it. I mean, you are going to have to, you know, we talk about funding, and I know that was a big discussion in how funding was really never an issue.

You know, in the micro-sense, it wasn't. Yeah, we had enough money to upgrade Jersey barriers, or walls, or concertina wire, and

I think I may have even said, in all, we spend $180,000 upgrading that facility. You know, that doesn't even pay for one security contractor in Baghdad. I mean, that's what you're talking about here as far as cost in the macro-sense. It's a lot of money, you know, to do it, to meet standards, to get personnel out there. So --

Q Were there any other areas of the report that you --

A Not that I can think of right now.

Q And I think we have touched on this, but I will just, you know, for clarity sake, do you agree with the findings of the ARB or characterization of the ARB as it relates to you?

A No.

Q And why?

A Well, again, if it -- if it goes to sort of managing a subordinate, let's say this particular subordinate, 26 years of experience, a deputy assistant secretary, been in the position for 6 years, how much micromanagement do I need to do? You have to believe in your team, and this person never gave me any reason sort of to doubt, and no one ever really asked me about my management style, my leadership capabilities.

And then, as far as being proactive, again, I think very -- it's very, it's a generalization, you know. Give me some examples where you thought I could have been more proactive in the process. I guess that's my issue.

BY MR. LEWIS:

Q Why do you think the ARB got that wrong then? Why did they

get it wrong if you believe that their characterization of you is wrong? How did they come across that wrong characterization?

A I don't know. I mean, I don't have -- I don't have access to, you know, maybe 10 people came in and said, boy, that Scott Bultrowicz, he just really doesn't know what he is doing. I don't know. I mean --

Q Only taking into consideration your testimony to the ARB, what could they have done in order to clarify that in your eyes in front of you?

A They could have asked me. You know, what steps.

Q And what are the questions they didn't ask?

A All right, if it was an issue with a particular employee, what steps did you take? Well, I can tell you when I came in with all of my assistant directors, or DAS's, I instituted one-on-one meetings with them every week. Sometimes if we couldn't make it, it would skip a week, but the door was always open. There was always discussion. I saw my DAS's, my directorates. We had threat meetings, or threat briefings every morning. We had small staff meetings every week. We had large staff meetings. I mean, engagement was not an issue. All right, so that's one thing.

And again, I would go back and say, what is the expectation of the department in overseeing a Deputy Assistant Secretary? Okay.

Secondly, as far as being proactive, well, they could have asked me. What -- since you became director, what have you done? And I could have listed off that, you know, we redirected resources from Iraq

to Libya, positions, not only agents, but also special -- security protective specialists, which what made it so difficult, is those positions were funded through supplemental funding, specifically for Iraq. So we had to go through a lot of red tape to get -- so that those were readjusted, reassigned, reprogrammed, which we eventually did. The FACT training, the high-threat training. There are a lot of things that we were doing proactively to help the situation in Libya. And that could have been asked.

Q Once the ARB came to it's particular findings or characterizations of you, at any point did they call you in for clarification or vetting of the information that was provided?

A No.

Q At any time, did you see the information prior to you being able to review it and what it looks like in preparation for this interview?

A No. I mean, I saw the unclassified report like millions of others did.

Q But it didn't characterize you specifically.

A Right, right.

Q It's only in the classified portion --

A Right.

Q -- that references you? And it wasn't until preparation, I believe, of this interview that you got to see the exact --

A Yes.

Q -- writing as it relates to you?

A Yes. Yes. Yes.

Mr. Ohly. We are a little short of our hour, but I think this is a good point to stop and go off the record.

[Discussion held off the record.]

Mr. Powell. Okay. I will note for the record that we're starting the minority hour of questioning at 1:51 p.m.

BY MR. POWELL:

Q So I wanted to continue with what my majority colleagues were discussing with regard to your role in the night of the attack, day of the attack. You said that you were in the command center the day of the attack?

A Yes. Yes.

Q And you were already there because of Cairo, correct?

A Yes.

Q Did you think that there was a connection between the events in Cairo and the events in Benghazi?

A Could have been a possibility.

Q Okay.

A I mean, again, but -- I mean, not a direct link. I mean, you have the demonstration in Cairo and then you have this issue in Benghazi. And, actually, subsequently, in the later days, you had, you know, additional embassies that were attacked. But did I think there was sort of a concrete link between the two? No. I mean, other than they both happened on the same day within hours of each other on 9/11. I mean --

BY MR. KNAUER:

Q Let me ask it slightly differently.

A Uh-huh.

Q In Cairo, you had protests over the video that had led to a breach in our facility there, correct?

A Uh-huh.

Q And then so, if not contemporaneously, certainly quickly thereafter, you have the events in Benghazi?

A Uh-huh.

Q And then very quickly after that, you had other protest attacks on other U.S. facilities. I think Tunisia was one of them?

A Tunisia.

Q So was it crystal-clear that you could tease out in the hours or days or even weeks after the Benghazi attack what was a protest and what was not a protest? Would it have been reasonable to have some confusion, that it would be hard to know the underlying events and whether or not they were a contributing factor to the Benghazi attacks, in other words?

A I mean, I think it would be reasonable to assume that there would be some confusion, of course. I mean, that's just the nature of it.

And I think, as I mentioned, I'm not quite sure what the RSO on the ground in Benghazi saw outside the walls prior to the attack. All I can tell you is that, when he phoned in, he said he was under attack.

And, you know, different individuals are going to probably draw different conclusions, maybe tying everything together or maybe not,

just trying to go, sort of, factually, sort of, what we thought at the time. But, I mean, in itself, the whole situation was confusing, sort of, as they say, the fog of war. There was a lot going on.

Q When you say itself was confusing --

A Well, they --

Q -- do you mean from the night of the --

A The --

Q -- the day of the Cairo events forward to post-Benghazi to the other attacks?

A No, the night of the attack in Benghazi. But I think in the subsequent attacks that happened in Tunisia and the other posts, I mean, it was very clear that it was large-scale demonstrations, a lot of people, large crowds, same as in Cairo. I mean, again, you know, not trying to draw a connection of what happened that night in Benghazi to any of those events, but just to say that no one really knew, sort of, the lead-up all to that.

You know, as I mentioned, what happened a half mile down the road, or before that, or when -- because I'm pretty certain, and I could be wrong, but I think, you know, the RSO's first call was once they breached the wall. I'm not sure if they were looking out prior to that.

BY MR. POWELL:

Q Okay. You know, talking about the attack and the night of the attack, you know, I'll refer to the ARB report.

A Uh-huh.

Q Page 12 of the report, it says, and I quote, "The board was

humbled by the courage and integrity showed by those on the ground in Benghazi and Tripoli and, in particular, the DS agents and annex team who defended their colleagues," end quote.

And then if I may flip to page 38 --

A Okay.

Q -- the ARB says there, at the last sentence in the first full paragraph, "The operations center and the Diplomatic Security Command Center (DSCC) were exemplary in eliciting information from Tripoli- and Benghazi-based colleagues without overloading them," close quotations.

A Uh-huh.

Q Do you agree with the ARB regarding the Department's response the night of the attack? Do you think the response was well-coordinated?

A I do. From my vantage point, the DSCC worked well, and it worked arm-in-arm with the operations center. And we were in constant contact -- not constant. I mean, there were breaks in the communications. But we were in contact with both Benghazi and Tripoli, as well as getting the information up to the seventh floor, as well.

Q Are there other individuals or groups that participated in the response to the attack that you believe should be praised for their role or their conduct?

A Only those individuals that, I mean, I dealt with that night. I mean, of course, the individuals that were on the ground. You know, Tripoli was under some very difficult situation, as well,

and they -- actually, throughout the night, there was threat information targeting Tripoli, as well. And in the midst of all of this, they're evacuating people from Benghazi, they are evacuating personnel from their mission, they're consolidating, they're bringing in a Marine FAST team. They did a good job. They did a good job.

BY MR. KNAUER:

Q The threat information that was coming into the DS center that Tripoli may have been a possible target, how serious was that that night for you guys?

A It was very serious. I mean, given what had just occurred in Benghazi, what happened earlier in the day, you know, in Cairo, it's something that of course you had to take a look at and say this -- you know, of course it was serious.

Q So there was a genuine worry that Tripoli could be next?

A Absolutely. Yes.

Q And that's why the precautions were being taken, I think, that night to --

A Yes.

Q -- consolidate staff?

A Evacuation, consolidation. I can't recall exactly what time the decision was made to bring in the Marine FAST team, but I think maybe the next day that was brought in to Tripoli. So, absolutely.

Q Okay.

BY MR. POWELL:

Q I wanted to go back to discussing Ms. Lamb for a minute.

A Uh-huh.

Q It's been represented to us that Ms. Lamb managed things in such a way that she bore significant accountability for security in Benghazi. And, broadly speaking, what were Ms. Lamb's responsibilities? And you've touched on this before, but if you can elaborate.

A Well, it was the management of the overseas security program, management for the embassies, the consulates, providing the support to those facilities and to those missions -- a big job. But, you know, sort of, all the soup-to-nuts as far as overseas operations in support of the embassies.

Q To the best of your knowledge, can you describe her management and communication style generally? Were there problems of which you were aware?

A [redacted] I came in, and I had made a commitment to work with her. And that's why we had a lot of the one-on-one, you know, meetings, weekly meetings and whatnot.

BY MR. KENNY:

Q Was that a personal commitment or a commitment to somebody?

A Well, you know, I had told the Assistant Secretary I would work with her. And, you know, I did.

I mean, there were issues. Look, a lot of it's calling the State Department, core to her reputation. Half the time, it's not right; half the time, it is. So you have to make, you know, determinations,

and that's always a rule of thumb I made, based upon your own personal experiences with an individual.

So there was nothing that would give me, sort of, an indication that there was an issue, other than, you know, there was one time I told her she needed to really start working on recruiting people at a more senior level within International Programs to fill the regional director slots. Those are typically senior foreign service positions, and I don't think but maybe one or two were filled by a senior foreign service officer, agent --

Q Do --

A -- as a regional director.

Q Sorry. Do you know why she preferred to staff those particular positions with more junior personnel?

A I don't think it was her preference. I think it was just who was bidding on the positions, and there just was a lack of senior bidders on those regional director positions.

Q And did she act on your recommendation to recruit more senior personnel?

A I believe she tried, but it didn't seem that maybe it was that successful.

BY MR. POWELL:

Q Just to follow up with what you said about working with her, did the Assistant Secretary ask you to, or is that --

A What I talked about, I think at one time the Assistant Secretary may have offered her another position, to move out of IP.

She didn't want to take that.

And I saw no utility in sort of shunting somebody off, not dealing with them, and then later complaining that you're not getting information. You know, so I had told him that, you know, it was going to be a policy of engagement.

BY MR. KENNY:

Q I'm sorry, what were those positions that were offered to her as an inducement to leave?

A Oh, I think it was the Office of Foreign Missions director, director of Office of Foreign Missions.

Q Is that a post traditionally held by the Assistant Secretary?

A No. It's a DAS position under the Assistant Secretary. As you know, the Assistant Secretary holds the DS position as well as the Office of Foreign Missions. And below him there would be a Deputy Assistant Secretary-level position, and I believe that was the one that was offered to her at the time.

BY MR. POWELL:

Q Did you consider Ms. Lamb difficult to work with?

A On some things, yes, some things, no. I butted heads a lot with her on actual personnel assignments, senior assignments for overseas.

Q And what kind of assignments would those be?

A Oh, who to fill the senior jobs in Iraq or Afghanistan. She may have one opinion of who she thought it was, and, you know, I would

have another of who I thought the best candidate was. But did I suspect withholding information or anything like that? No. No.

Q Do you feel that she was responsive to you and that she provided you with information you deemed important to know?

A At the time, I did. But, you know, of course, you know, afterwards, with all this time, and sort of watching a lot of the testimonies on the post-Benghazi attack, I mean, statements made that, you know, she did not want to waste political capital with DOD, I mean, that was all news to me.

So I guess, you know, is it true? Was it said? I don't know. I mean, that's what, you know, some of the testimony read. But, at the time, I had no reason to doubt that she wasn't being upfront.

Q So, just to be clear, did anyone ever tell you they considered her difficult to work with or that they were having problems with --

A Yeah. Yes.

Q Can you give me -- can you tell me a little bit about what her general reputation was amongst staffers in the bureau?

A Hard to work for, maybe.

BY MR. KENNY:

Q What about, [redacted]

A Uh-huh.

Q Can you speak to what types of issues those were and what her reputation was [redacted]?

A [redacted]

But, again, you have to determine how much of it is personality clash and how much of it is, you know, grounded in fact. So, I mean, I had to take an approach, I'm not going to formulate my entire opinion of her or her work based on somebody else's word. This is something, you know, that I have to, you know, determine myself.

Q But were those complaints -- you attributed them to a personal clash [redacted]?

A I think it was probably a mix. I think [redacted] felt that maybe they weren't getting all the information they needed to get. But did it become personal? I guess to the extent something like that does.

Q So their specific complaints were that she wasn't providing them with information; is that correct?

A That was one of the many that, you know, they would say. But then again, that's why I would say, well, if you're not meeting with her or if you're going around to the regional directors instead, you know, how can you accuse her of not providing you information? Do you see what I'm saying? It's sort of a catch-22.

Q So, then, at the time, you had stated that you felt she was providing you with information you needed.

A Yeah. You don't know what you don't know. You know what I'm saying? So --

Q So with the benefit of hindsight, do you feel that she

provided everything that you needed to know for you to do your job?

A It would have been helpful to have that back-channel insight with the post on a lot of these issues -- how strongly post felt about a certain thing, you know, whether it be the extension of the SST or, you know, RSOs, does the RSO have any reliability in the locals that were trained, things of that nature. That would have been, you know, extremely helpful to me.

And at one point, you know, we discussed, sort of, normalization and moving towards, you know, the more organic security functions. And in that respect -- and, again, I'm not sure if this is true, but if decisions were being made or recommendations were being provided on the extension of the SST, whether it was warranted or not, based on the worry of losing political capital rather than the locally trained units ready, you know, to accept the responsibility, that would be an issue. I mean, you see what I'm saying?

If it was more, well, I don't think they're prepared, but I don't want to lose political capital with DOD and extend the team, you know, that would be an issue. But if she truly felt that the team was ready to go -- something totally different. See what I'm saying?

Q So were those sorts of considerations about the extension of the SST team, were those being elevated for your attention? Was she providing that information to you?

A Well, the discussion of political capital was never interjected into the discussion as far as the extension of the SST.

What she provided to me -- now, I think what I said earlier in

the day, sort of, the agreement or understanding between all the parties, State Department, DOD, and the embassy, is that we would move toward this organic program and that, once that program was ready, the SST would depart.

And the SST was anxious to depart. I mean, you know, each time they were extended -- and I think they were extended twice while I was director -- it was, hey, okay, but make sure you got your plan ready to go and to be implemented because we want to do other things. You know, they wanted to do mil-to-mil.

So when the issue came up with the last extension, she came forward and she said, we will have all these assets in place, X, Y, and Z; we don't need to extend the SST. So, okay, we know what the end game is here, we know what the objective is, this organic unit. If we're ready to go and use it, then we go ahead.

Q And --

A And we released the SST.

Q -- you had mentioned [redacted] would speak directly with her subordinates, some of the people in the regional directorates.

A Uh-huh.

Q Was that an approach you ever considered taking, or did you ever follow suit?

A No. No, a lot of this discussion was, I mean, after this all started, you know.

But why do that? I mean, you have a person who is in a position of responsibility. I just can't see, you know, bringing people up the

back stairwell, especially if you don't -- if you don't know you're not being told all the information, you'd have no reason to do that. See what I'm saying?

Q Uh-huh.

A I mean, and, at that time, she gave me no indication that there was an issue.

Q At the time, she didn't, but --

A Oh, I --

Q -- now in hindsight, do you wish that she had provided that?

A Well, I mean, I think that's important information.

BY MR. KNAUER:

Q You had mentioned that it was Ms. Lamb's recommendation not to extend the SST team?

A Yeah. She recommended that we wouldn't need the extension.

Q And that was the final extension, I think, in --

A They left -- I think they left August 4th.

Q Right.

A Right.

Q And so, would that have been her decision to make?

A No. That was a recommendation made to the Under Secretary.

Q From?

A Under Secretary of Management.

Q But --

A And she made it through me. The Under Secretary had asked her for a recommendation, because she was the one closest to everything,

you know, knowing where the status of the guards were, the training programs, and things of that nature. So that recommendation was made.

Q So she would have been the most knowledgeable person in the position to evaluate whether or not the SST should remain in country, and then it was her job to make a recommendation --

A Right.

Q -- from her knowledge base.

A Yes. Yes.

Q Okay.

Another question. I had quoted from the ARB on page 31, that bottom paragraph, where they had mentioned that DS would not provide a steady complement of five TDY DS agents to Benghazi. And I think you said that that was IP's job to make those decisions. Is that --

A Right. They would be tasked with working with DO. I mean, some of this -- you know, Domestic Operations would have to cull and bring the people up.

Q Right.

A But to get those slots filled, yes, that's traditionally -- that's how it's done, because it's an overseas program.

Q One thing that is not clear, then, is, why couldn't Ms. Lamb simply grant five TDY agents at all times?

A She could have granted that. I mean --

Q Or provided those agents at all times.

A Like I say, I don't know. I know at some point in time there

was these issues. And I know you think that's just two more agents that we're talking about, but I don't know what type of roadblocks or obstacles she was running into as far as getting those two additional agents.

Q But aside from the visa issue that came up, in general, when it wasn't a visa issue, was this a resource issue for her, that pulling DS agents and putting them in the field meant that I would possibly have to take them from someplace else?

A Well, and that's exactly what she would have had to have done, either from a domestic assignment or from overseas.

The complicating matter in all of it is when we talked about the high-threat training. Once it became a requirement for the high-threat training course, you had to find agents who have taken that course. And it's not a mandatory course; it's a voluntary course. And their 5-year certification had to be current.

So, you know, you have the pool, and as you put on these requirements, the pool gets smaller and smaller and smaller. It's not that, you know, you had 2,000 agents available to pick from. But it's certainly something that she would have had to have dealt with.

Q So there is a resource component to this issue?

A There is, yes. Always is.

Q Okay. Okay.

BY MR. POWELL:

Q To what extent was Ms. Lamb responsible for allocating funding and resources to Benghazi security?

A She controlled her portion of the budget, which did a lot with travel and personnel. And then, for example, the Physical Security Division, they controlled a lot of that as far as the physical upgrades were concerned.

And if, I think, directorates or divisions had problems meeting some type of requirement at times, one or the other would come through to fund. But, you know, it wasn't that she had total control over all funding. There were certainly some physical security projects that she wouldn't have the responsibility to fill.

Q In your opinion, did she effectively manage resources and funding for security in Benghazi?

A I think the biggest issue would have been the personnel. I mean, I think everything else -- when we spoke about upgrades, I think most of what could be done was done, as far as physical security upgrades.

Q Just to be clear, what you're saying is that she was not effective in the management of funding and resources for personnel?

A I don't know so much of funding of personnel, but resourcing personnel.

Q Resourcing personnel. All right.

Do you believe Mr. Boswell was an effective manager?

A Uh-huh. He was engaged. I had a very good relationship with him. We had discussions on various issues. And he had a very good relationship within the Department with other bureaus and the Under Secretary.

Q What was his role with respect to security in Benghazi? What types of decisions would he be responsible for?

A He would primarily be, I think, the conduit to the Under Secretary. I mean, just like me, if he would have been aware of something, he certainly had the authority as Assistant Secretary to override a decision or make a decision. But, I mean, I think, again, overall, he wasn't and should not have been down in the operational weeds for operations in Benghazi.

Q You touched on this before but if you could elaborate, to your knowledge, what was the working relationship between Ms. Lamb and Mr. Boswell?

A It seemed -- it seemed positive.

Q I guess, could you describe their interactions? Would she, you know, report directly to him at times, or what was the --

A Well, yeah, I mean, I think when people speak about the chain of command, especially if you talk to someone who's former military, you think of this very highly structured system where, you know, everybody above you is informed of, you know, what you're doing. It's really, kind of, not that way. I mean, it's structured, but not as rigid, I would say, in the State Department.

So they may have had individual discussions with each other. I don't know, because, obviously, if I wasn't there, I wouldn't have known. But, I mean, Assistant Secretary as well, I would say, well, saw her every day. I mean, the seniors met for the 8 o'clock threat briefing every day and also attended the staff meetings. So I think

there was ample interaction between the two.

Q Did you observe anything that you would consider a problem in --

A In their relationship?

Q -- their interaction? Yeah. In their relationship or interaction.

A No.

Q What is Under Secretary Kennedy's portfolio? He has several offices working under him, not just DS; is that correct?

A Uh-huh. Uh-huh.

Q Could you give me --

A Oh --

Q -- a little overview, as you understand it?

A Well, I mean, he, of course, has Administration, Medical Services, deals a lot with Overseas Building Operations, of course DS, Chief Information Officer. So it's the real nuts and bolts of running a department. Most of the functional bureaus, you know, nonregional, would be under the Under Secretary.

Q Did Under Secretary Kennedy directly supervise Ms. Lamb? Or did she report, you know, principally to you and --

A No, no. He did not directly supervise her. She reported to me.

Q On May 8th of this year, Mr. [redacted] testified before the committee, and I wanted to introduce a portion of that transcript into the record as Exhibit 2.

[Bultrowicz Exhibit No. 2
was marked for identification.]

BY MR. POWELL:

Q Mr. [redacted] testified on page 176, I believe it's line 4204 at the beginning --

A Uh-huh.

Q -- he testified, and I quote, "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," end quote.

Is that accurate? Mr. [redacted] seems to be suggesting that you and Mr. Boswell played no supervisory role over a subordinate employee. Were you and Mr. Boswell somehow absent in managing your --

A No.

Q -- subordinate --

A No.

Q Was the Under Secretary for Management dealing directly with Deputy Assistant Secretary Lamb, as Mr. [redacted] suggests?

A He may have. That's something that I can't answer.

Q Okay.

A As I think I mentioned, Ms. Lamb had been around for 6 years. She did a lot of good work, programs in Iraq, Afghanistan.

There was obviously dealings with M, but I can't say whether or not they were dealing directly with each other.

Certainly, I mean, there were times where Mr. Kennedy would send an email directly to Ms. Lamb, but he CC'ed me, so I was aware of things like that. But I can't -- obviously, if I wasn't part, again, of a conversation or an email chain, it would be difficult for me to say they never had any direct dealings with each other.

Q But you did say on a -- would that be on a regular basis, if he were dealing with her, he would normally CC you on those emails?

A I mean, it didn't happen every day, but, I mean, I do recall, I mean, there have been emails where he would send her something and he'd copy me so I was aware of it.

Q To your knowledge, what was Under Secretary Kennedy's role in specific security decisions with regard to Benghazi?

A Well, I mean, there would be, of course, this whole discussion about the SST, him asking for the recommendation and getting that, and from that, talking with DOD.

And I know there were typically some meetings that the Under Secretary attended with the functional bureaus and the geographical bureaus, that they would bring up certain issues regarding posts. So, I mean, there may have been more interaction there on Mr. Kennedy's behalf, but I can't think of specifics right now.

Q What were Mr. [redacted] responsibilities with respect to effectively communicating security concerns and needs in Benghazi?

A It was a large responsibility for him to have. And I think,

in many respects, he did that in his cable requests. I think where maybe things became muddy or murky would be if the cable request went in but then during a telephone call or email exchange something different was agreed upon. You know, I think that would be, sort of, what draws confusion then is, well, I have this cable on such and such a date that I sent in asking for this, this, and this, but if there was a back-channel telephone conversation or email string where something else was agreed upon, you know, I think that has to, sort of, all be recognized.

Q This is a slightly different follow-on. What were his responsibilities with regard to making sure that those security needs were actually provided for, not just communicated, but making sure they were actually provided?

A Well, I mean, he has a big role to play in that, but, again, if he felt that he wasn't getting that, I mean, he couldn't send three people on his own to Benghazi. Well, I guess he could have, but it would have left him with a skeleton staff in Libya.

So, I mean, again, equal parts. I mean, I think, you know, there's a responsibility on both sides to say this is what I need, this is what we can provide you, or work within that to make it so everybody's needs are met.

Q Was he effective in his communications with Diplomatic Security in Washington?

A Well, I mean, he certainly had everything well-documented and recorded as far as the cable traffic is concerned. What I can't

speak to is what was going on behind the scenes. I guess that's, you know, my issue.

And, you know, I can see where he was probably frustrated. He had a tough job. He was basically starting a post up from scratch, restarting everything, major renovation projects, physical security upgrades, projects going on at your post, plus you have this special mission in Benghazi that you have to worry about too. So, a difficult job.

Q Did you or do you have any concerns about the way Mr. [redacted] interacted with his superiors related to security requests?

A I think going back to what I said earlier about determining what you need, but if, through discourse and discussion, you come to some other sort of solution, you know, recognize that.

Q Does DS have a responsibility be proactive? Must DS receive a request from an embassy or a post in order to appreciate security concerns or take action to increase security at a particular post? And with that, I will, you know, also say DS in Washington, specifically.

A I think, for the most part, we're reliant upon our RSOs, we rely on our posts, we're reliant on our EAC, unless, you know, you look at it and say, boy, this post is totally asleep at the switch. You know, if there's major issues and, you know, in the middle of a civil war they want to bring families back, you know, I think something along those points, DS is going to intercede and say, look, this is a problem; you should do this, this, and this.

But, I mean, again, basically, I think as I mentioned earlier in the morning, a lot is driven by that mission, by that emergency action committee, by those folks on the ground.

Q How do you think DS could become more proactive at post and then possibly working with DS in Washington?

A Well, at post, I think a number of years ago they made a real good move and had the RSOs report to the deputy chiefs of mission, rather than, I think under the old system, it used to be a management counselor that they would report to, so they were further down in the pecking chain. So I think by elevating the RSO to answer directly to the DCM, that was one step, I think.

And then the Department has made some changes since the attack. I think they've divided up, sort of, the portfolio for International Programs into normal International Programs Directorate and then a high-threat, which I think allows folks to, sort of, provide more focus on the posts in need of attention.

And, again, it may sound like a broken record, but I think what's really important is additional resources. And you go back to, sort of, that training flow and hiring additional people, having the people and the facilities to do the training while addressing day-to-day operational needs. I think that's critically important.

Q Let me ask you to turn to page 34 of the ARB. Well, actually, it's not that important, but --

A Oh.

Q -- please feel free to do so, that you turn the page. But

the ARB notes that DS did not issue a worldwide caution cable to posts related to the anniversary of the September 11, 2001, terrorist attacks.

To your knowledge, was Embassy Tripoli and Special Mission Benghazi aware of the anniversary in its security --

A Yes. I mean, I think there was even a discussion held with the Ambassador prior to his departure to Benghazi that, in fact, it was 9/11. And I think, based on that, sort of, a compromise was he, if I recall correctly, agreed not to move off compound that day.

Q Do you think further precautions should have been taken by the Department in reference to the September 11th anniversary?

A You know, we had a discussion about that, and we had been sending out -- as I think I mentioned earlier, there was a constant threat stream going, and we were sending out cables asking posts to heighten their security. [redacted].

And, in hindsight, you could have sent out a cable reminding everybody that it was 9/11. But believe me, everybody overseas recognizes the importance of that anniversary. And there was no credible threat reporting tied to 9/11.

Mr. Knauer. For?

Mr. Bultrowicz. Hmm?

Mr. Knauer. You said there was no credible threat report for?

Mr. Bultrowicz. Oh, for any of our overseas embassies.

Mr. Knauer. Okay. Including Benghazi.

Mr. Bultrowicz. Yes.

BY MR. POWELL:

Q Some might question whether or not it was safe to travel to Benghazi on September 11th. I guess, what are your thoughts on that in general?

A Well, you know, it's the Ambassador's call. I mean, one of my first overseas assignments, I was head of a detail for the Ambassador in Mexico City. And, basically, you could recommend against doing something, but, at the end of the day, it's going to be that Ambassador's decision whether or not he or she goes.

Q Do you think his RSO had a responsibility to step in and raise a question or advise him on whether or not to take the trip to Benghazi?

A I think they may have, but I'm not certain. But I thought that was part of the discussion and part of the, sort of, agreement to stay on compound the day of 9/11.

Q Is it common for Washington to be informed when an Ambassador travels within a country?

A No.

Q Is there any reason that Ambassador Stevens would be given more deference in that respect with regard to his travel in terms of letting anyone know about it?

A No. I mean, if somebody in Washington knew about it, it was probably through Ambassador Stevens himself.

Q You mentioned the intelligence. As part of its statutory

mandate, the Accountability Review Board examined the impact of intelligence and information availability on the attacks in Benghazi.

Specifically on page 38, let's see, the report found, and I quote, "intelligence provided no immediate, specific tactical warning of the September 11 attacks. Known gaps existed in the intelligence community's understanding of extremist militias in Libya and the potential threat they posed to U.S. interests, although some threats were known to exist," end quote.

A Uh-huh.

Q Based on your experience, can you discuss the challenges that incomplete information poses for security management at high-threat, high-risk posts?

A Well, I mean, it's a huge issue, and not only gaps in information or intelligence because you simply don't have the sources, but for us, it's difficult -- when I say "us," DS -- and I understand this is something that they've remedied since the attack. We quickly became one of the only, sort of, entities overseas that didn't have direct access to TS systems. That's where a lot of your intel reporting came, you know, through.

So we would have to be reliant upon, [redacted] to get, you know, the threat information. [redacted]

So it was not only, sort of, the intelligence gaps but the information gaps that you faced as an RSO overseas, being able to get

your hands in a timely manner on a lot of the information.

Q Given the known gaps that existed, to what extent should the bureau have relied on specific warnings, or the lack thereof, to inform security-related decisions and security posture?

A You mean such as the previous attacks or things of that nature?

Q I mean, if there are known gaps in intelligence, you know, and information you have access to, I guess, what effect do those known gaps have on your security planning?

A Well, I mean, I think it could have a significant impact. Again, depending upon what type of threat you're talking about, it would dictate what you plan for or what maybe you need to overemphasize in your security planning.

So, of course, the more intel and information you have, the better you are going to be able to be prepared to develop a mitigation plan. So, I mean, obviously, yes, there's an impact with those gaps.

Q Well, how can the Department and the DS Bureau specifically improve its situational awareness to prevent a future inability to connect certain dots?

A Again, I think they're moving towards that by getting access to Top Secret systems. I believe DS is now going to be deploying some intel analysts overseas so they can break them down even more, sort of, in a regional concept, and they could pay specific attention to posts, have them out there.

So, you know, again, I think they're moving in that direction.

I believe some of that was part of the ARB. Some of it was based off of survey teams that were sent out after the attack and the demonstrations, joint DOD-DS. So I think a lot of those recommendations are found in there, and they're acting on them, sort of, to close those information gaps.

BY MR. KNAUER:

Q How do you guys stay informed here in Washington?

A Our --

Q You've got a lot of countries, right? And so you're constantly having to evaluate what's going on and perhaps put very opaque pieces of information together. So how do you stay up to --

A Our Threat Investigations and Analysis Directorate, every morning they have their analysts work on the threats the night prior or the running threats through the week, and we get briefed.

BY MR. KNAUER:

Q Is this multi-agency?

A No, it's strictly DS.

Q Okay, but --

A But, oh, the sources?

Q Yes.

A Yes. They are pulling from all available sources.

Q Okay.

A And they provide daily morning briefings to us on these things.

Q To DS and --

A To DS.

Q -- do they provide those to other bureaus within --

A I think they are now. And I think, prior to that, they did sort of a threat analysis newsletter that I think had some wider distribution. But I think that was one of the things maybe found or a recommendation that was made by the ARB, that there has to be a little bit more of a lash-up between DS and the geographical or regional bureaus.

Because INR, of course, they have a role in, sort of, intelligence and threat reporting, but it's sort of a higher level of reporting, strategic analysis, where DS is more focused on operational analysis

of the threat.

Q I'm sorry, what does that mean, a higher level?

A INR, sort of, I meant sort of the geopolitical impact of threats. That's what INR is sort of dealing with most of the time, where, you know, DS is looking at specific threat information as it relates to an embassy or a consulate, you know, that type of thing.

Q Okay.

BY MR. KENNY:

Q Can I ask just a quick question?

A Uh-huh.

Q There was a comment that you'd made in our first hour.

A Uh-huh.

Q I'll sort of be reaching back here. And we appreciate your indulgence on this. But we were discussing the role that Embassy Tripoli played in relaying information and making requests and their advocacy on behalf of Benghazi. And you'd made a comment about the deputy chief of mission there, how he could have raised the request up a notch, I believe, is --

A No --

Q -- could have picked the phone up. Just trying to understand your comment.

A I don't think I said he could have. I said, in the past, when there has been, sort of, a logjam or difference of agreement, I have gotten calls from DCMs saying, this is, you know, what I need, or ambassadors have called the Assistant Secretary.

So, you know, not just RSO to DS, but there has been, you know, when we talk about advocating for certain things, DCMs and ambassadors have been known to pick up the phone and to make calls to DS and to the geographical bureaus. I guess that's what I was --

Q Yeah. But that advocacy at those senior levels within the mission, within the embassy, didn't take place here; is that correct?

A Not that I am aware of, not to me. I don't know if calls were made anywhere else.

Q And what would you have done had you received a call from the Ambassador, from the Deputy Chief of Mission, relaying these types of requests to you?

A Well, I would have gone back to the DAS of IP and the Assistant Secretary and talked about this. Because now you are -- again, you know that this is something that post would not feel that there is room to compromise or flexibility. So, of course, it takes on, again, an impact, you know, to take a look at it again and say, okay, we really need to find a way to accommodate this.

Not saying that right offhand we would, you know, we out of hand just would deny what an RSO asks for. But, again, going back to, you know, what really is the need? Is it five? Is it three? Are they saying they could do it with two? Do you have confidence in the local national bodyguards? Do you not?

You know, again, a lot of information is churning, changing. So it could be helpful. And it's been done in the past.

Mr. Ohly. We are at an hour.

Mr. Knauer. Can I ask one final question?

BY MR. KNAUER:

Q Just principally, what is the process that the DAS IP would use to get at those answers in terms of what resources are needed? Would this be mostly a conversation between IP and the RSO?

A IP, RSO. I am sure that Ms. Lamb had met actually with the DCM in Tripoli once or twice herself. So, I mean, not that she could only deal with an RSO. I mean, she could, as well, deal with a DCM or an ambassador. She had been around a long time; a lot of people know her. So, I mean, there was some familiarity there, as well, where I wouldn't doubt somebody could pick up the phone and give her a call.

Q Okay. Thanks.

Mr. Powell. All right. With that, the minority hour is concluded, and we'll go off the record.

Mr. Ohly. We'll take a 5-minute break.

[Recess.]

Mr. Ohly. We will go back on the record. It is now 3:01.

I appreciate your patience today. Just a few more questions on our side.

BY MR. OHLY:

Q We touched a little bit in the last hour with the minority, there was a little bit of discussion about interactions with Under Secretary Kennedy?

A Uh-huh.

Q A number of the witnesses at the May 8th hearing raised

questions or mentioned that he was involved in decisions related to security in Libya. I just want to clarify this. Do you agree that he was involved in decisions? And, to the extent of your knowledge, what decisions was he involved in?

A Well, again, he was certainly involved in the discussion whether or not the SST was going to be extended, because I think DOD reached out actually directly to Under Secretary Kennedy on that. There were probably, you know, other issues, but, I mean, I can't think of them specifically right now.

And it wouldn't be unusual, I mean, as Under Secretary for Management, to be involved somewhere in the process on these issues, be it, you know, upgrading physical security to evacuating a post. I mean, that's security, but it has a management component to it. And we are under M, Under Secretary of Management, DS is. So, I mean, it is not unusual.

Q Did you notice whether he took a particular interest in issues in Libya, or was it just a part of his management style that he was more involved in discussions at the DS level?

A I mean, I wouldn't say only DS, but, I mean, I would imagine any bureau that's under M, these type of issues, obviously there is going to be more involvement. You're talking about, you know, Libya, you're talking about Tripoli, you're talking about Benghazi.

I can tell you, again, it helps because it's a personal frame of reference, when I was in Iraq and we were doing the military drawdown, the transition, and we would have weekly planning meetings with main

State to talk about security and other things, Mr. Kennedy was always there. I mean, it's fitting of his position, of his role to be involved.

Q Okay.

BY MR. BEATTIE:

Q Just real quick on this, I think in the last round, I think I heard you say that Under Secretary Kennedy would at times have meetings where he brought in functional and/or regional bureau deputy secretaries to talk about issues in their area. Did I hear that correctly?

A Yeah. Yeah.

Q I mean, is that -- and, actually, about that, when that would happen, were the, sort of, line supervisors of those regional bureau or functional bureau DASes, were they in the room and participated in the meetings or otherwise brought into those discussions? Or was it more the Under Secretary calling in specific folks?

A No, I think these -- a lot of times, it was planned, regular meetings --

Q Okay.

A -- that would be held that in -- typically, for NEA, it would be NEA/EX, DS functional bureaus, either IP or Countermeasures, OBO, that type of thing. There would be always an agenda and --

Q Yeah. And let's just take, for example, let's just say he were to have a meeting with DS/IP, one of these regularly scheduled

meetings, is that something that you or Assistant Secretary Boswell would attend, as well? Or would they just maybe loop you in afterwards? Or how --

A Typically, I would get the readouts. Sometimes Assistant Secretary Boswell would attend, sometimes not. Mostly, though, I believe it would be the functional bureau. And I think depending upon what the agenda items were, it was decided which directorate from DS would attend the meeting for that week.

Q And, you know, I know you have been in the Department a long time and Under Secretary Kennedy has been Management Under Secretary for some time, as well, so I don't know if you have any visibility into this from a prior Under Secretary. If not, that is fine. But, in your experience, can you tell me, was that an unusual level of involvement for the Under Secretary? Or, I mean, would you describe him as pretty hands-on in management style or about normal? I mean, I am just curious, your impressions.

A I think Mr. Kennedy was hands-on where he needed to be hands-on as the Under Secretary. Obviously, he wasn't paying as much attention to Copenhagen as he was Tripoli. So I think it was, again, priorities, budgeting, that type of thing, that he rightly, sort of, prioritized and got involved with.

Q In the Department at the time, was Libya seen as a higher-priority issue, just given, obviously, the U.S. military involvement in Libya and, obviously, being a high-profile issue? Was Libya sort of seen as one of those high-profile issues, up there with

perhaps Iraq or Afghanistan, that the Department would be focused on in particular?

A I mean, I think there was a high level of interest. But, you know, again, every regional and geographical bureau, I mean, the same could be said for the AF bureau and wanting, you know, to get back into Mogadishu, or a lot of talks about reentry into Damascus and, sort of, the planning that we were doing there for that eventuality.

So there was a lot happening, a lot going on. It seems more often than not we would add a country or a post to the list rather than take one off. That's the way it seems it's been going the past few years.

BY MR. OHLY:

Q I want to continue a discussion about the SST just briefly.

A Uh-huh.

Q Were you involved or aware of the discussions about the structure of the SST mission, whether to extend, whether to not extend?

A Yes. And the first two times we extended, I thought it important, that the bodyguards, the guard force was still going through its paces.

The last time, again, I think I mentioned earlier, there was a discussion of, are they needed at this time? Do they need to go past August 4th based upon, sort of, the planning model, bringing in that organic State team? And, you know, that was the discussion, that it would not be needed, they would not need to be extended beyond August 4.

Now, I mean, a certain element of them were planning to stay anyway. And I think six did stay behind to do some mil-to-mil training

with the Libyans. But as far as the SST mission, it was determined that the extension wouldn't be required.

Q Do you know if the discussion of the mil-to-mil training was a new thing, or had that been going on for a while?

A I don't think it was relatively new. I think maybe a month or 2 before. Or maybe that was always their stated goal, that they wanted to sort of switch and pivot onto training the Libyans rather than doing the SST duties. But it's not, certainly, something that came up overnight. It was something that was planned out.

Q So I know you said you were involved. I think the description you provided earlier, that this was sort of -- Under Secretary Kennedy requested DAS Lamb's --

A Recommendation.

Q -- recommendation.

A Right.

Q Did she provide that through you, or did she provide that directly to him?

A She provided it to him, with a CC to me.

Q Was Assistant Secretary Boswell involved in that?

A No, I don't think he was on that exchange.

Q Okay.

A That was probably first week of July that that was discussed.

Q Okay. And you were more of a just someone that -- I mean, did you have intimate knowledge of, you know, what the resources were

in Libya at the time, or were you basing your concurrence, if you will, on the advice that she was providing?

A Well, this is actually how it happened. So Mr. Kennedy asked for Ms. Lamb's recommendation. And that was based upon -- and I forget what element in DOD had raised the question with Mr. Kennedy. But somehow in that discussion, bringing in a Marine security guard detachment came up as an alternative. So I saw that, and I shot back to Charlene, Ms. Lamb, and told her I don't think the Marine security guard detachment has the right skill sets to do this. If we're going to keep, or if we determine that we need to keep a military team in here, let's just keep the SST or a Marine FAST team, something along those lines. But, you know, again, that was based because Marine security guards, internal security, protection of classified -- totally different sort of skill set.

But that was only if we didn't think we could move towards that organic program. And based upon what Ms. Lamb laid out, we would be able to do that transition by a combination of local bodyguards, the repositioning of those security protective specialists that I had mentioned earlier, as well as high-threat trained DS agents.

Q So after you, you know, suggested, okay, if we are going to stick with something, we go with SST or FAST --

A Right.

Q -- did she sort of come back to you and say, well, I think we are okay with the plan?

A Yeah, she came back and said, we don't -- okay, yeah.

Q And you had no reason to question --

A No.

Q -- the advice she was providing?

A No. No.

Q Okay. Who had the final authority to make the decision to end the SST mission?

A The final authority? Well, I guess --

Q Within State.

A Well, ultimately, it would have been the highest person who had a say in it. So, I mean, I guess, if Mr. Kennedy would have come back and said, you know what, I don't see it, I mean, he certainly would have had the authority to say that. But I don't see where he would have any reason, you know, much like myself, to doubt what was being said, so --

Q Okay. There has been some reporting that some State Department personnel thought it would be embarrassing to request an extension of the SST. Was that ever something that was discussed --

A Absolutely not.

Q -- or something you are aware of?

A Absolutely not. I mean, look, we're DS, 2,000 strong. We're not the military. We have no, sort of, ego problem. In fact, the military more times than not has really helped us. There is no embarrassment there trying to go up against big green, so to speak.

Q Uh-huh.

A So not that I am aware of, no.

Q Okay.

A No.

Q Going back to the ARB report, on page 4, first paragraph of number 2 --

A Uh-huh.

Q -- says, "Systematic failures and leadership and management deficiencies at senior levels within two bureaus of the State Department resulted in a Special Mission security posture that was inadequate for Benghazi and grossly inadequate to deal with the attack that took place."

Do you agree with that assessment?

A Not 100 percent. And I'll tell you why.

So if those two more bodies would've been provided -- and, again, this has been speculation; people have talked about it -- what difference could it have made that night? I don't think anybody can really say with certainty. But you're looking at, sort of, the odds, of the number of attackers, the weaponry they had. I don't think you can hang it all on just two positions.

I mean, but, you know, again, I think this may have even been outlined in the ARB, is when you talk about expeditionary diplomacy and you talk about deploying to these types of places, there has to be a recognition that there is a threat that it could happen, especially if you're not going into a purpose-built facility where you have all of the resources and manpower that you do in Kabul or Iraq.

Was it adequate security? I think we could all say now, based

upon the type of attack it was, it wasn't adequate to repel, you know, that type of attack. But, you know, what could have been different? How much is part of the broader process of implementing expeditionary diplomacy? I think, you know, that's the question that you have to ask.

Q When you read this language, what's your takeaway of the use of the words "systematic failures"? Do you know what the systematic failures they're describing are?

A I don't, but -- no, I don't. Well, the only thing I could probably think about is, sort of, the communication flow. I mean, that, I think, was or is critical in the whole process here.

But, really, I don't know what specifically they speak to, because they are not talking about systematic failures in leadership and management; they're talking about systematic failures. So I'm not quite sure what that is.

BY MR. BEATTIE:

Q Just sort of following on to that, when you had your interaction with the ARB, I think you alluded to some concerns you had with the questions, the type of questions that might have been asked.

A Or maybe the ones that weren't asked.

Q Or the ones that weren't asked, would be a better way to --

A Right.

Q Based on the questions that you were asked, looking at it objectively, can you see how they -- at least as far as your interviews -- I know you don't know how the other interviews went. But

for your interviews, the questions that were asked, do you see a way they could get from those questions and the information that those questions would elicit from you to this systemic failure throughout the whole DS Bureau? Did they ask the right questions to be able to reach this finding, in your view?

A Probably if they were looking at the whole issue of resourcing and training availability, that type of thing. Because we did spend a lot of time on, sort of, the tug and pull, the grind and churn of TDYs and, sort of, managing that against other commitments.

I mean, up until, you know, 2 years ago, 10 percent of our agent workforce was in two countries, or three countries, Iraq, Afghanistan, and Pakistan. Then, as we mentioned, you know, the training float and everything else involved; before you know it, you are pulled very small. And we spent a lot of time talking about that.

So that may be something that they were thinking of. I think --

Q But would this then lead them to the finding that they made about you specifically, logically? I mean, do you see how they get to, you know, Mr. Bultrowicz --

A Look, they may have gotten to it -- you know, I was on the bridge at the time. Okay. So, you know -- and I think it was hard, especially for folks who had military background on the ARB panel, to sort of understand that the State Department isn't the military. You know, for example, you know, a lot of what we do is based upon voluntary basis. We can't force people to go in, for example, to high-threat training. That has to be something they need to volunteer for, which,

again, a lot of people were surprised to hear that. Or that, you know, when we try to send people over for long-term TDYs, we get the employees union on us.

So, you know, this, sort of, educating people a lot to some of the challenges that we have to go through. Maybe they looked at that and said, well, boy, you know, you've got to be stronger than that and just push through. But, again, it's just thinking out loud, and I am not quite sure.

Q Okay.

BY MR. OHLY:

Q In this same quote, they talk about two bureaus, so presumably it's DS and NEA?

A NEA. Uh-huh.

Q Did you interact with NEA or did your subordinates interact with NEA in any substantive way on Libya, Libya security issues? What was that dynamic?

A I think there was a lot of interaction between DS/IP and NEA/EX. I did not have a lot of interaction with my counterpart on NEA Libya issues.

Q Do you know if there was interaction, say, at the Assistant Secretary level?

A I don't know. I don't know.

Q But you do know that the folks below you were working closely with --

A Uh-huh.

Q -- the folks in EX?

A Yes. Yes.

Q And what was the purpose of that interaction, or what was the -- how did they relate to each other?

A Well, I know it was probably -- I would venture to say it was almost daily contact. I know they would meet, phone calls, emails. And a lot of it was hand-in-glove. Again, NEA/EX, it's a functional bureau. They are, sort of, the management side of it, working on facilities, getting funding -- a closer lash-up to what DS does. And so I think that's where they worked really well together and had pretty good lines of communication open.

Q Do you know if there was any interaction with the Maghreb office?

A I don't. I don't. I would be speculating.

Q But not at your level or not --

A No.

Q -- not, to your knowledge, any of your subordinates?

A Right. Right. Yes.

Q This was something that was discussed at our May 8th hearing, that the Department had wanted to establish a permanent presence in Benghazi. Was that something that you were aware of?

A No. As far as I knew, you know, the expiration date on Benghazi was at the end of '12. And, now, there had been rumblings and rumors that maybe they would want to extend the mission longer, but, again, that was just what that was at that time.

Q Who's responsible for really developing that decision, do you know? Say, the Department decides they want to extend to a permanent presence. Where does that originate? Does it originate at post? Does it originate in NEA? Does it originate at the seventh floor?

A Well, I think on the higher policy level, as far as establishing and recognizing, for example, this is going to be a U.S. consulate, I think it would at least start, at least, at the very least, at the Assistant Secretary level in NEA, but I would imagine even possibly higher than that, because it has such broad policy implications. So I think, from a policy perspective, you would have a high-level interest in that.

Q At what point would DS, sort of, become part of the discussion about, you know, okay, we are thinking about establishing a permanent presence in Benghazi or, you know, X, Y, Z location? When does DS become part of that discussion? Is it after somebody said, we want to establish a permanent presence here; okay, DS, how do we make that happen?

A That's pretty much how it would go. Now, you know, there might not be a concrete timeline set. And they might say, this is what we want to do, what do we need to do to make it happen?

And, again, usually a lot of consternation comes because, as you well know, we plan our budget 3 years out. It becomes sort of an unfunded mandate. Who is going to pay for it? Because, again, it costs a lot of money.

We went through that whole issue in Somalia, going back into Mogadishu. And, you know, to even get an independent presence started up, you know, it was just a staggering amount of money that we would have to be dealing with.

Mr. Ohly. Just a couple quick follow-up questions -- did you have anything else?

Mr. Beattie. Yeah. Are we moving on?

Mr. Ohly. Yes.

BY MR. BEATTIE:

Q Before -- just to press on that a little bit, because I think we really do need to try to understand the relationship between, sort of, the NEA side of the house and DS in regard to this new permanent presence.

So, you know, I think John described it really well, which is, you know, DS gets the message, we want to establish a permanent presence in this location.

A Uh-huh.

Q If there were a situation where DS felt that security was a real concern at that particular location, is it possible that DS could ever, sort of, change the mind, if you will, of those who are making that decision? Or is it more the typical interaction where DS is sort of left to execute the decision no matter what, you know, and find the resources to kind of make it work? Is that --

A Right. No, I think that the Department would at a minimum take into account DS's concerns. They still might go ahead and decide,

we think this is an overarching priority, you need to get it done. And then we have to figure out a way to do it.

Q Okay.

Mr. Ohly. I want to introduce, it will be Exhibit 3.

[Bultrowicz Exhibit No. 3
was marked for identification.]

Mr. Ohly. It's just a quote from the transcript of our hearing.

Mr. Powell. Can you clarify which hearing for the record?

Mr. Ohly. The May 8th committee hearing.

BY MR. OHLY:

Q And it's the quote that begins from Mr. Hicks at the bottom of 155 and continues on to the next page, 156.

A Uh-huh.

Q I will just read part of the quote. "After the attack -- attacks, [redacted] 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."

Were you aware of this cable referenced by Mr. Hicks when it came in?

A I would have to see the cable because I'm not quite certain what they're referring to.

Mr. Beattie. Is this the July cable?

Mr. Ohly. No. October 2012.

Mr. Bultrowicz. Because, again, that surprises me, because I think after the attack and then the subsequent threat in Tripoli red tape began to be cut, and there was a lot of activity in finishing up the upgrades that were going on in Tripoli.

BY MR. OHLY:

Q Okay. So you weren't aware of anything that came in from post after the attacks that had anything to do with physical security?

A No, no, there probably was. I can't specifically recall what cable you may be speaking about.

Q I was just going to ask if you noticed one that came in that wasn't well-received or people said, "Whoa."

A No. I mean, the only thing I could recall was probably some issues, technical issues for some of the requests. I think I recall, because of both the Ambassador and Sean dying of smoke inhalation, there was a request about a fire-suppression system, I think, in -- those villas in Tripoli of course didn't have any fire suppression. So I think it was more of a head-scratcher trying to figure out how can they do this, how can they install fire-suppression systems in the existing villas, things of that.

But, no, I don't recall that comment.

Q Okay.

Just a couple follow-up questions regarding the ARB. When you had your interview with the ARB -- we'll focus on the second one, which

was your one-on-one with them -- did you have counsel present?

A No.

Q Were you informed of your right to have counsel present?

A Yes. Yes, I was.

Q Are you aware of whether anyone from the Department was given an opportunity to review the classified ARB?

A Before it was --

Q After it was released.

A Well, I would imagine -- well, to review it before it was presented to the Secretary of State?

Q Yeah.

A I'm not aware of anybody who had that opportunity to do that.

Q How about after it was presented to the Secretary of State or to Congress? I mean, you've described how you didn't have access to the ARB sections relating to you or the classified ARB until last week in preparation for this interview.

A Uh-huh.

Q Do you know if other people within the Department did have an opportunity to review?

A Yes. I think sometime in December or January, after myself, Mr. Boswell, and Ms. Lamb left, I think, sort of, the acting acting director was able to see the classified portion of the ARB. It was couriered over. He sat down at a table, he read it, and when he was done, he gave it back and left.

Now, I don't think they had the segments in there regarding the

four individuals, myself and the three others. I don't think they saw that. But I do know at least one person who saw it.

Q You're not aware of anybody else?

A I think the Director General mentioned that she saw the report. Maybe a few others. But it wasn't -- I don't think it was broadly read or distributed for review.

Q Okay. Just to be clear, what are your current duties? Do you have any?

A I am assigned overcomplement to the Director General's office right now.

Q And what does that mean for your day-to-day?

A I have no duties. Like I say, I've worked on evaluations. That's always a big thing. And I had quite a number to do, so I do those at home. There was some other litigation that the Department was involved in, different things that I was interviewed on. Came in for interviews with the panels that were set up for the ARB implementation process. But no specific job description or job duties.

Q Okay.

Mr. Ohly. I think, Jon, you wanted to pick up there?

Mr. Skladany. Sure.

BY MR. SKLADANY:

Q When were you placed on administrative leave?

A December 21st.

Q So it's been, what, 6 months?

A Yeah, a little over -- it will be 7 months in July, July 21st.

Q What have you been told as far as how long that status will last?

A Until a decision is made.

Q Do you know --

A So, I mean, I don't know. I was not given a specific length of time.

Q Do you know how the decision is going to be made as far as what to do?

A No.

Q Do you know who is the decider?

A Again, I mean, it's just -- I would imagine maybe the Secretary. I'm not sure.

Q Do you know if the State Department is doing any sort of additional investigation or internal review to make the decision?

A No.

Q Do you know if they're relying on anything besides what's in the unclassified ARB report?

A No.

Q Have they given you any sort of --

A I mean, I would imagine that, in making their decision, other than the classified ARB report, they would look at your performance record, assignments, I mean, that type of thing. So I'm sure there is supporting documentation they're looking at, not looking

at solely the declassified ARB. I would think. I am not sure.

Q Do you have any idea if they are doing additional interviews or kind of crosschecking any of the findings in the ARB report?

A I'm not aware of that, no.

Q Is there any indication that your testimony today has any bearing on the decision to remove you from admin leave?

A Huh-uh. No.

Q Did the State Department -- I think you mentioned earlier that they made the unclassified ARB report available to you last week to allow you to prepare for today?

A The classified.

Q The classified part.

A Yes. Yes.

Q Did they make any other documents available to you to help you to prepare?

A Yeah. A number, four or five binders, I believe. It was broken down into documents that directly involved me, either I sent or I received, documents where I may have been mentioned, and also documents that I would've likely, during the normal course of my duty, may have seen them.

Q How did they make you aware that Chairman Issa wanted to interview you today?

A Through my attorney.

Q They contacted your attorney?

A Yes.

Q Okay. Do you recall when that was?

A Mid-June I think it was?

Mr. Bransford. Probably.

Mr. Bultrowicz. Yeah.

BY MR. SKLADANY:

Q Did they at any point -- I forget exactly when the various document requests from Chairman Issa and Chairman Chaffetz and Chairman Royce -- and I'm sure other people have requested documents from the State Department as well as from Congress. Did they ask you to try to identify responsive documents in your email system? Or is that something that they handled on your behalf?

A No, everybody -- well, I don't know what they've been doing, if there have been any requests after I left office. But prior to my departure, the requests came in for all documentation. So I, along with everybody else, dumped everything, all my emails, all my files, into the system for review.

Q Have they been working with you to cull through those? Or, since that initial dump, there has been no more additional requests for you to identify documents?

A Yeah, since that time, there has been -- I pretty much did a total dump of everything that I had, which mostly consisted of, you know, Word documents or emails that I would put into folders.

And then I think they made up their own independent searches, you know, keyworded my name or "Libya" or something along those lines. And I know it's probably still an ongoing process.

Q You mentioned a few minutes ago that -- I'm just looking to clarify what I heard. You mentioned that you thought that they were considering your entire record, your past performance and various responsibilities in making the determination.

A Well, I mean, I think you asked, do you know whether or not they are just solely basing their determination on the classified ARB? And so I'm really not sure. I would think they were also using past performance and assignments and things of that nature. I mean, I'm not certain.

Q So you're speculating?

A I'm speculating.

Q Is that your hope, that they're considering that?

A Well, I would hope so. I would hope that, you know, I'm not defined by 10 months of a 27-year career.

Q Uh-huh. Are there any other particular accomplishments or moments that you do think define you --

A Well, I mean, look --

Q -- more so than --

A -- I came on right out of college. I've worked my way up from a basic agent. Took increasingly difficult assignments in management, supervising, leadership, culminating, I think, you know, in 2010 serving in Iraq.

And so I've worked hard for where I got. And throughout my career, I never had issues with questions on management or leadership. I consistently received awards, performance awards, RSO of the Year.

So there is nothing that I would say stood out that was --

Q Your body of work you think shows --

A Right. Right. Right.

Q -- dedication and commitment and professionalism?

A Yeah, I'd like to think so, yes.

Q Do you feel like the ARB considered all that?

A I'm not sure. You know, maybe they felt that wasn't their mandate, to take a look at the whole person or the bigger picture. You know, maybe it was, you know, here's our guidelines, this is our criteria, this is what we're going to do, we're going to look at it this way.

Q Did they ask any questions about your career?

A I think early on, I think they had my assignment list. And one of them may have mentioned, okay, it looks like you've worked in a lot of different areas, you've done the right steps as far as career progression, things of that nature.

Mr. Skladany. I don't think I have any more.

BY MR. OHLY:

Q Just one follow-up off of what Jon was asking. What does the future hold? What do you see moving forward? Have you been given any indication of where you go from here and --

A No. Well, it's difficult. You know, where do you go from, you know, being the most senior agent in the bureau? I mean, typically you work yourself out of the job. You know, you've worked, you've got your time in, and then at a certain point you go over to the private

sector, leave the bureau and leave it to somebody else.

But that wasn't in the cards for me. So, you know, I don't know what the future holds for me, to be honest. It's difficult no matter how you look at it.

Mr. Ohly. Okay. I think that covers my hour. We'll go off the record.

[Discussion off the record.]

Mr. Kenny. We'll go back on the record. Thank you.

We just have a few more questions, and then I think we should be done.

BY MR. KENNY:

Q There was some discussion at the end of the last hour about some of the ARB's findings, some of the ARB's recommendations.

A Uh-huh.

Q Just to keep, kind of, those two ideas separate and clear, now that you've had the opportunity to read the portion of the ARB pertaining to you, what is your understanding of -- does the ARB make a specific recommendation regarding you, or is it more of a finding concerning your conduct?

A It was a finding, not a recommendation.

Q Okay. So just to be clear, the report, the work of the Accountability Review Board, they did not make a specific recommendation that you were to be relieved from your post; is that correct?

A Correct.

Q Okay. And so, I guess, to understand the process then, now this is a decision that the State Department is undertaking regarding your status. Is that your understanding?

A Well, I would imagine that -- and, see, this is something that I didn't know until last week, because I was originally told it was an ARB recommendation to remove the top three in DS. Now, the first inkling that I had that that may be not entirely true was when I heard Ambassador Pickering on one of the Sunday talk shows talking about recommending that two employees be relieved of their duties. And, in fact, we knew that four were.

So I would imagine that that decision to relieve me was made by the State Department.

Q I'll move on to a separate question, and this is just something else, a different issue that was discussed in the last hour. You were talking about the process by which posts could be made more permanent, the formal process for doing that.

And there was a question that was asked, how would that idea or how would that decision be made, where would that originate. And if I understood your response, it sounded like it was at a senior level within a regional bureau. But --

A At the very least.

Q Okay.

A I mean, because you are, of course, talking, again, major policy implications, bilateral issues. And this happens in a lot of normal countries. If we open up a consulate here, you're going to have

to give us, you know, something in Wisconsin that we want. You understand what I'm saying?

Q I understand. And I think what I am trying to understand is, so, then, from a policy standpoint, obviously that policy would need to be set at a high level, but the idea or the recommendation to make a post more permanent could certainly come from lower levels. Is that accurate?

A Sure. The recommendation could come from an ambassador saying, you know, this should be a permanent consulate, and I really want this. But that certainly is going to go up, you know, to the higher levels for a review.

Q And, to your knowledge, were there higher-level discussions about making Special Mission Benghazi a permanent post?

A Not until I saw the testimony, I think by Mr. Hicks. I wasn't aware of any discussions. I think he may have mentioned that the ultimate goal was to create an official consulate in Benghazi. But I was not aware of any discussions regarding that prior to that testimony.

BY MR. KNAUER:

Q Did you get feedback from individuals at post as to the usefulness of the Benghazi compound, like, from Ambassador Stevens or anybody else? Would you have been in a position or did you get any feedback regarding that post?

A No. You mean from the Ambassador or DCM or --

Q Yeah.

A Like, its utility or its worth being there?

Q Is that something that would get channeled up through DS?

A We were certainly aware of the fact that Ambassador Stevens supported a presence in Benghazi. It wasn't that he was sending, you know, emails directly to us saying, this is what I like, this is what I want. I mean, we knew it was something, I think, that he was advocating and certainly supported.

Q Do you know why he was advocating being in Benghazi?

A You know, not particularly. I know he was very much involved during the revolution trying to overthrow Qadhafi. He made a lot of contacts in that area, felt it to be strategically very important for the country. So I could imagine, you know, that was sort of the overall thought process. But, you know, nothing nuts-and-bolts specific.

Q Okay.

BY MR. POWELL:

Q Okay, I will just ask one final question. I think you mentioned earlier in response to, I think, one of my more specific questions the, I guess, the general need for more bodies, the critical importance of possibly the float, as you referred to it.

A Uh-huh. Uh-huh.

Q And, you know, I guess I just wanted to ask one last follow-up on that, the bodies and the resource issues. If you could, you know, elaborate on that, in terms of the resource constraints that DS is under and the needs for, you know, additional resources going

forward?

A Right. Well, suffice it to say I think the bureau is stretched thin. I mean, we have hired -- I mean, when I came on, I think, in 1986, we were probably 700 agents. We're now at 2,000.

But, you know, the whole paradigm sort of changed as far as how we operate overseas. Fifteen years ago, we would be closing a lot of these places down because of the threat. We're staying open now. We've worked now for over a decade in places like Iraq and Afghanistan. Looking to go back into Somalia, to go back into Syria. You know, you're going to have your challenges there. So it is a tug and pull, a stress on the resources.

You need a different skill set nowadays because the job has changed so much. It is not just, you know, protecting the Secretary of State in Butte, Montana, or what have you. You know, you're now operating in some very dangerous areas of the world. Sometimes you're going to be on your own. So you need a different skill set, different training, and that takes time.

You know, we've been trying to get funding for our own training academy. We have a makeshift training academy up in West Virginia, Bill Scott Raceway. And we're losing capacity, or we don't have enough capacity, because we keep on adding these countries that require high-threat training or FACT training, but we only have so many seats, so much space. So, again, while you're being pulled, you're also being sort of constricted on what can you do from the training and resources aspect.

So, I mean, you know, if you take anything away from it, our mission has changed within the past 10 years, where we operate, what we do. And everything else has stayed with us, too, as far as responsibilities -- criminal investigations, protection, counterintelligence. It's all an issue. And it puts a strain on the organization, which isn't that large if you think about it.

I mean, I don't know how many FBI agents they have assigned up to the New York field office, but probably over 1,000 or close to. So, you know, one field office is 50 percent of our agent workforce.

BY MR. KNAUER:

Q You had mentioned that 15 years ago there were a lot of places that we wouldn't be at because of the threat level.

A Uh-huh.

Q You know, somebody could sit back and say, you know, does it really make sense to be in some of these really dangerous places?

A Right.

Q And you've been at this for a long time. What is the value of having some of these outposts in some of these really dangerous parts of the world? What do we get out of this?

A I think we -- and, again, talking out of my league -- politically, I think we remain politically and diplomatically engaged, again, putting forward U.S. foreign policy interests. I mean, without that presence, you won't have any of that.

But that's why I think you have to go back and you have to take a look and say, what's our pain tolerance? What's our threshold here?

You know, what are we willing, you know, to risk? Because you can talk a lot about expeditionary diplomacy, but, you know, it does no good when at the first sign of trouble everybody is pointing fingers.

I mean, it's a dangerous job. Everybody knows that. I think people are dedicated to give as much support as you can. But you can mitigate the threat; you can never totally eliminate it.

And, I mean, sometimes the more things change, the more they stay the same. I mean, I gave you that example, you know, in Tajikistan. I've been on the waiting end of a military extraction team coming to get me. You know, I had a revolver and two boxes of ammunition. That was it, for seven people. You know, luckily, [redacted] actually got us out.

But it's been around for a long time. It's just sometimes people don't realize it, that employees in the Department and the bureau, you know, they face these risks every day.

But, again, engagement is key if you want to stay in the game, but you have to recognize the risk and, actually, then, I think, be prepared to fund, you know, programs. So you might not have the perfect security, but you have a strong base for it.

Mr. Powell. Thank you. And I think we can go off the record.

Mr. Ohly. One quick follow-up question.

Mr. Bultrowicz. Sure.

BY MR. OHLY:

Q One of the things that I think -- this is just playing off what you were just discussing -- that I think Mr. Hicks raised at our

hearing on May 8th was the idea of training for not just security personnel but other State Department personnel.

A Yes.

Q From your perspective, would that be a beneficial step for security posture, especially in these more remote locations?

A Absolutely. Absolutely. And that's what we were doing. The FACT training that I mentioned, Foreign Affairs Counterterrorism Training, that's for foreign service officers. So they go out for a few days, they get to do the crash and bang with the cars, they get to learn how to handle a weapon, how to shoot one if they need to, how to spot surveillance. Again, it's not perfect, it's not ideal, it doesn't make you an expert at anything, but it makes you probably more situationally aware.

So we do put people through that. But, again, it comes down to a capacity issue at some point. As you add more countries onto the list that need to take the training, you begin to burst at the seams in your ability to do that training.

Mr. Ohly. Well, I want to thank you for your time today. We appreciate it.

Mr. Bultrowicz. Thank you.

Mr. Ohly. With that, the interview is over.

[Whereupon, at 3:59 p.m., the interview was concluded.]

INTERVIEW OF ERIC BOSWELL

BEFORE THE

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, JULY 9, 2013

APPEARANCES

FOR THE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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FOR MR. ERIC BOSWELL

JOSHUA A. LEVY,
Stein, Mitchell, Muse & Cipollone LLP

Mr. Ohly. This is a transcribed interview of Ambassador Eric Boswell conducted by the House Committee on Oversight and Government Reform. This interview was requested by Chairman Darrell Issa as part of the committee's investigation into the attacks on into U.S. diplomatic facilities in Benghazi, Libya, and the subsequent ARB.

Could the witness please state your name for the record?

Mr. Boswell. My name is Eric J. Boswell.

Mr. Ohly. Good morning. My name is John Ohly. I am a senior professional staff member with the committee's majority staff.

I'll ask everyone at the table to introduce themselves.

Mr. Beattie. Brien Beattie with the majority staff.

Mr. Skladany. John Skladany with Chairman Issa's staff.

Mr. Powell. Jason Powell, minority staff.

Mr. Knauer. Chris Knauer, minority staff.

Mr. Kenny. Peter Kenny, minority staff.

Mr. Levy. Josh Levy, Stein, Mitchell, Muse & Cipollone, counsel for the witness.

Mr. Ohly. The committee appreciates your appearance at this interview and your decades of dedicated service to this country. It is extremely valuable. So we appreciate you taking the time to be with us today.

Before we begin, I would like to go over the ground rules and explain how the interview will proceed. The way the questioning proceeds, the majority will ask questions for up to an hour, and then the minority staff will have an opportunity to ask questions for up

to an hour. We will do our best to limit the number of people directing questions at you during any given hour to just those people who are staff and his attorney. We will rotate back and forth that way until we are out of questions, and it will be over.

We would like to take a break whenever it is convenient for you, whether it is every hour, if you need water or need to confer with counsel, whatever you need. We would like this process to be as easy and comfortable as possible.

This interview is unclassified, so if a question calls for information that you know to be classified, please respond only with unclassified information. If we need to have a classified session later, we can arrange that.

We encourage witnesses who appear before the committee to freely consult with counsel, and you do have counsel present today.

You have already stated your name for the record, but if you could please just do so again?

Mr. Levy. Sure. Josh Levy.

Mr. Ohly. Thank you.

As you see, an official reporter is taking down everything you say to make a written record, so we ask that you give verbal responses to all questions, yes and no, as opposed to nods of the head. I am going to ask the reporter to please feel free to jump in if case you do respond nonverbally. Do you understand this?

Mr. Boswell. I do understand it.

Mr. Ohly. Also. We should both try to not to talk over each

other so it's easier to get a clear record.

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

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

You should also understand that although this interview is not under oath, you are required to answer questions for Congress truthfully. Do you understand this?

Mr. Boswell. I do understand it.

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

Mr. Boswell. I do under that.

Mr. Ohly. And witnesses that knowingly provide false testimony could be subject to criminal prosecution for perjury or for making false statements. Do you understand this?

Mr. Boswell. Yes, I do.

Mr. Ohly. Is there any reason you are unable to provide truthful answers today?

Mr. Boswell. No reason.

Mr. Ohly. Okay. That is the end of my preamble. The clock

reads 10:02. We'll get started with the first hour of questions.

Examination

BY MR. OHLY:

Q Just to start I was hoping you could just walk us through briefly your background, educational, professional, and your progression with the State Department.

A Sure. Thank you for having me here. I am happy to be here, and I look forward to answering your questions completely.

My background is I'm a career Foreign Service officer. I've been -- I was in the Foreign Service for many years, close to 30 years, and culminating in a Presidential appointment, nominated by President Bush, Senior, renominated by President Clinton, as Director of the Office of Foreign Missions and subsequently Assistant Secretary of State for Diplomatic Security.

I retired from the Foreign Service -- resigned from that position and retired from the Foreign Service in 1998. I went to work for a United Nation's specialized agency, the Pan American Health Organization, as their top administrative manager in Washington. During a period in there, in the wake of the tragic terrorist attack on the U.N. mission in Baghdad, Iraq, I was asked to come to New York to work for Secretary General of the United Nations Kofi Annan for a brief period to examine the way the United Nations provided security and to make suggestions for improvement, which I did. I worked for them for 6 months and then returned to my job in PAHO.

I retired from PAHO in 2005 and went to work almost immediately

thereafter for the Director of National Intelligence. This was in the first year of the ODNI; it was just being stood up. And I was -- and I had a rather long official title: Deputy Director of National Intelligence for Security Policy. But in short that means I was the senior -- I was responsible for the coordination of security policies across the Intelligence Community. I did not have any operational responsibilities; I was at policy-level responsibilities. I did that for 2 years.

In the third year I should mention that there was the horrific attack, which I think you all know of, at Nisour Square in Baghdad, which was an attack that involved a large number of civilian casualties caused by protective security people protecting their State Department protectees.

I was asked an as outsider to be part of a special call it a commission committee to go to Baghdad and review the way security was provided in Baghdad. We were not there for -- to examine the incident itself -- that was a crime scene; the FBI was there -- but we looked at the way the Embassy was providing security in this extremely hazardous war zone.

We did that for 3 weeks during a very difficult period in Baghdad, and when we returned to Washington, we wrote a report to the Secretary of State, Secretary Rice. She accepted the report in its entirety. A certain number of changes were made primarily to intensify the oversight of the contractors that were providing bodyguard services or protective security services, as we call them.

After that I was -- not long after that, actually, I was asked if I would return to the State Department as Assistant Secretary for Security. It took about 7 months for that process to play itself out, but I was nominated by President Bush and confirmed in the last year of his administration, came back to be Assistant Secretary. I think I started in July of whatever year that was, the last year of the Bush administration. July 2008; is that right? And I expected to serve out that year. In fact, when the Clinton -- when the Obama administration came on board, Secretary Clinton decided to keep me on, asked me to stay on in that position, and I did for almost her full term.

In the wake of the Benghazi ARB, I resigned from my position as Assistant Secretary of State. I retained my other position as Director of the Office of Foreign Missions. The two are combined in one office, but they are, in fact, two separate nominations. I retained the foreign missions, one at the request of the Department, but shortly thereafter was put on administrative leave, and that's my situation right now. I'm on administrative leave.

Q That's very helpful, and I think we'll cover a lot of the parts of that in our discussion here today.

I want to start by talking a little bit about your role and responsibility. In the year leading up to the attack, you were the Assistant Secretary for Diplomatic Security; is that correct?

A That's correct.

Q In that role what was your responsibility or oversight of

issues related to security in Libya?

A I had all -- overall responsibility for security issues in Libya. As Assistant Secretary my job is the protection of U.S. people, facilities and information. That's my main job at all posts around the world. I also was responsible for the protection of the Secretary of State. Diplomatic security also has a significant criminal investigation function, and so we have field offices all over the United States as well doing criminal investigative work.

Obviously security in Libya is a major concern. The primary person responsible for security in his or her mission is, of course, the Ambassador. But I provide the security support that enables the Ambassador to do his or her work safely.

Q On a day-to-day basis, how involved would you be in discussions about security at posts? Do you have a lot of responsibilities as the Assistant Secretary?

A Yes, I think --

Mr. Levy. Let him finish.

Mr. Boswell. I'm sorry.

Mr. Ohly. That's okay.

BY MR. OHLY:

Q I was just going to say you have a lot of responsibilities as the Assistant Secretary. To what level would you be involved on a day-to-day basis?

A Every day as Assistant Secretary, I would have a meeting first thing in the morning, 8 o'clock in the morning meeting. It is

a secure video conference with my people that are in Rosslyn -- State annex in Rosslyn. I was at Main State. And every day we would go over the threats that had come in on the previous day and any other issues that came up that were security-related around the world.

That was a very intensive conversation. It was heavily attended by all the Deputy Assistant Secretaries, the intelligence staff for DS, the operations people, you name it. And the conversations were very intensive, so you might say that -- and I led the meeting -- so you might say that on a day-to-day basis, I was very well filled in and informed, and giving direction, overall direction, to Diplomatic Security's activities. I was assisted by three Deputy Assistant Secretaries of State and a bureaucracy underneath it.

Q That's helpful.

Along those same lines can you walk us through how decisions related to security are made in DS? You talked about the level of bureaucracy or the Deputy Assistant Secretaries. How do decisions work up the chain, and who is the final decisionmaker on those issues?

A I will try to answer that question. Decisions do come up the chain, and I am usually the final decisionmaker, but not always. There are some major decisions that go beyond security in which security plays a great role, such as whether to open or not a post, whether to -- whether to evacuate a post, or draw down, or other conditions under which a post operates.

The normal process, and particularly as it refers to the field, I mean embassies and the conflicts in the field, is that there is an

intensive "to-ing" and "fro-ing" between the Regional Security Officer, who is the top security professional at a post overseas, and who will have a security staff of varying sizes, sometimes very small and sometimes enormous. There are 100, for example, DS agents on the ground in Iraq; there may be only 1 at a tiny embassy.

Anyway, the embassies have a correspondence with various parts of Diplomatic Security, usually and mostly with the International Programs side, which is the side that's specifically oriented toward overseas. But there are other parts of DS, for example, the Countermeasures Directorate, which is responsible for physical security kinds of things; also responsible for such things as courier services, information security, that sort of stuff. But the main correspondent for the Regional Security Officer in the field is the International Programs Directorate back in Washington.

International Programs Directorate interacts with them about their needs, keeps in touch with them, visits them. And when there are issues requiring a decision, they move it up the decision tree. Some -- it depends on the kind of issue to be decided how far up the tree it goes. Is that helpful?

Q That is helpful.

Who are the individuals within DS principally responsible for Libya policy or Libya security decisions?

A Well, one, me. Below me, my Deputy Assistant Secretary, Principal Deputy Assistant Secretary, in this case Scott Bultrowicz. Reporting to him are other Deputy Assistant Secretaries: Charlene

Lamb, who is the Deputy Assistant Secretary -- was the Deputy Assistant Secretary for International Programs; [redacted], who is the Deputy Assistant Secretary for Countermeasures. There is also an Executive Director, who is the primary administrative official.

Below them, for example, below Charlene Lamb, she has a number of offices that report to her, one office for each of the geographic regions, for example. There is an NEA office, Middle East office, that would be Libya in there, several staff in that office, but one for each of the divisions, geographic areas, and there are also other offices that handle more specialized issues. For example, there is an Office of Contingency Operations that takes care of the real -- of the war zones, which is very, very -- a lot of work, very intensive work, very large American civilian presence, and a very large security presence. I'm talking Iraq, I'm talking Afghanistan, and I'm talking Pakistan, all three of our -- four of our posts in Pakistan.

There is another office that reports to International Programs, which is -- which basically deals with contractors. We do a lot of work with contractors, security contractors, whether they be guards or bodyguards or other kind of contractors, and they deal with that. That's a whole office thing of its own because of the enormous workload.

Q And in that reporting structure, is it a very rigid reporting structure? You know, decision by, say, Ms. Lamb, does that go through Mr. Bultrowicz to you, or do you sometimes interact --

A It varies. I'm sorry.

Q Do you sometimes interact directly with people that would

be under his -- in his chain of command, if you will?

A It varies, depending on the kind of decision. There isn't a rigid protocol for every decision. Some decisions are made at lower levels in the Department, and we count on the good sense of the people making the decision to make sure that it gets up to the right levels as it should be at the right levels.

So I wouldn't say it's a flat organization. It's not a dot-com. It's a hierarchical organization. The State Department as a whole is a hierarchical organization. But on the other hand, it is not rigidly bureaucratic either. I mentioned the meetings that we have every day, they are attended by people at all sorts of levels, and they make inputs at all sorts of levels. So there are some decisions that are made at lower levels, there are some decisions that are made at midlevels, and there are some decisions that are made at high levels, including me.

I should add that there is a process in country for an RSO. RSOs -- I should explain to you, RSOs in country, top security officer in the country, work directly for the Ambassador. The reporting chain is through the DCM, Deputy Chief of Mission, to the Ambassador. They also have, obviously, a sort of dotted-line relationship with DS back in the Department because they have to deal a lot. But the regular reporting relationship is to the Ambassador. The Ambassador is the top official in country. He's the CEO, if you like, responsible for all security issues.

The RSO will report to the DCM and Ambassador and will report to them on security issues at the post, and I would expect would report

to them if they are having any issues with the Department regarding security.

Q And how does DS interact with other bureaus specifically related to Libya? So would you interact with --

A So --

Q You go ahead.

A I'm jumping in, I apologize.

We interact frequently with the regional bureaus. I interact with regional bureaus, but it's usually done with the Regional Bureaus Executive Office, which is the administrative management office, but also with responsible desks. But that is done at a lower level.

I would say of all the regional bureaus in the State Department, our interaction is the most intense, I think, obviously, with Middle East Bureau and the Africa Bureau, those are the places, and the South Asian Bureau.

Actually I should specify South Asia, when Ambassador Holbrooke came on board, certain -- two countries were split -- several countries were split out of the South Asian Bureau and became his responsibility as the Special Representative for Afghanistan and Pakistan, and those countries essentially formed yet another bureau in the State Department. I had a lot of interaction with those people, I had a lot of interaction with the Middle East people, and I had a lot of interaction with the Africa people.

Q Who would you interact with in, say, the NEA?

A In NEA the only people I interacted with was, one, the

Executive Director, top administrative official.

Q Who would that be?

A [redacted] at the time. The Assistant Secretary and the Principal Deputy. At my level that's sort of where you deal with.

Q And who are those individuals?

A Jeff Feltman at the time we went back into Libya and his successor Beth Jones, Elizabeth Jones, Acting Assistant Secretary. Jeff's Deputy was Liz Dibble, Elizabeth Dibble, and she was retained as Principal Deputy by Ambassador Jones.

Q And what was the nature of the interaction between DS and NEA?

A I think it was quite extensive at the working level.

Q What were you all coordinating on, or what was the relationship?

A Well, for example, in preparation for returning to Libya -- this is just an example of the kind of interaction there would be -- as you all know, in I think it was February 2011, we had to evacuate our Embassy in Tripoli because my judgment was that we couldn't protect it, that there was a distinct threat from Qadhafi's own people. So we evacuated that Embassy, and we are very intensively -- DS -- very intensively involved in that evacuation.

Then there was sort of fallow period as the revolution started to take place. We didn't have any representation in Libya at all, no U.S. Government representation in Libya at all, and a decision was made at the top of the Department once the Transitional National Council

was established -- a civil war was still going on, but the Transitional National Council was established in Benghazi in the east of Libya -- a decision was made that it would be important to reestablish a presence there of some kind. We had not had a post there since the '60s. And so that was the genesis of Chris Stevens' special mission to Libya in the spring of 2011.

We were intimately involved in the planning for that mission. It was a risky thing to do. This was still a war zone. The fronts, as you know, went back and forth. And so we were involved in all aspects of the planning. We had a major significant security presence with him when he landed; in fact, most of his entourage were security officers for good reason. And we worked very closely with the Middle East Bureau about that. That's an example of the kind of close work we do.

As you can imagine, we worked also very closely with the Middle East Bureau on everything to do with Iraq. Notably the great challenge for us in the last couple of years was the transition out of Iraq of the U.S. military, leaving a very, very large U.S. civilian presence without any military -- without the cavalry to go to. And we already had a very intensive, very significant DS presence in Iraq, but it became ever more complicated. There are lots of things that the military provides that were not going to be there when they were gone, hospitals, air support, counter rocket support, since we had to produce all that ourselves. So there was a tremendous amount of planning, and all of this took place with the NEA Bureau and the Embassy in Baghdad.

Q So that at the end of 2011, when the decision was made to extend the Benghazi mission, were you involved in those discussions?

A I was not. The -- Benghazi was originally envisaged at a short-term thing. Our expectation in DS was that we were going to support Chris Stevens' effort for 60 days, 90 days, and that once an embassy was reestablished in Tripoli, if that was the outcome of the civil war, once the -- well, if the right side one in Tripoli, once an embassy was to be reestablished, we anticipated that Benghazi would go out of business.

The Embassy was reestablished in September, but the NEA Bureau asked us to keep a little presence in Benghazi, so a little longer a little longer. It was really quite incremental. A little longer, a little longer.

When the memo came up regarding the -- a memo from Assistant Secretary Feltman to Under Secretary Kennedy asking for the extension of the Benghazi mission for another year and asking the Under Secretary to make a couple of decisions about that, one, the overall decision to approve or disapprove, but also a second decision about what kind of property to maintain, I did not see that memo. That memo never got to me. It went up, I gather, on the 23rd of December. It was signed off on by various parts of Diplomatic Security, including -- the right parts of Diplomatic Security, including the Countermeasures Directorate. It was cleared by -- as I found out in retrospect, it was -- after the fact, it was cleared by my Deputy Assistant Secretary for Countermeasures who was acting for Scott Bultrowicz. It was

Christmastime. So I didn't -- I wasn't party to that.

Q Do you know if folks in DS had been consulted about the recommendations in that memo?

A Yes, they were. The memo was, in fact, cleared by appropriate parts of Diplomatic Security.

Q So would that memo originate in NEA from post? Who's the author of that, if you will?

A The memo originates in NEA.

Q Okay. Did you have any concerns about the memo or the recommendations contained within?

A I wasn't aware that it was coming up.

Q After it came up, and after you saw it, did you have concerns, or did you reach out and try to understand why you were not on the concurrence?

A I was not on concurrence, I think, because I was not there; I was on leave. When I learned that the decision had been made, I looked at the memo. I saw that the right people had been consulted -- within DS had been consulted on the memo. And we have a long-established system that when the boss is not there, number 2 guy is plenipotentiary, as we say, and he had the authority to make that clearance.

Q Okay. In the years leading up to the attack, you said you had these morning meetings, but how aware were you of the situation in Libya or security concerns in Libya?

A I think we followed the Libya situation very closely. Keep in mind, however, that it's a big world out there, and we have 180 posts

and some extremely high-threat ones, so we spend a lot of time concentrating on the high-threat ones. I would say Libya was one of them, but not the only one. There is Iraq, there's Afghanistan, there's Lebanon, there's Yemen, there's Pakistan, and all of those at one time or another were flashing pretty bright.

Q Did you at any point have concerns about the situation in Libya or the Department's ability to protect facilities?

A We focused carefully on the situation in Libya. Libya from the outset in 2011 was still a war zone. As you can imagine, we were very, very concentrated on that. And even after that Transitional National Council took over in Tripoli, it was a very unsettled part of the world. So, yes, we looked at it closely.

Q After the decision to extend through 2012, were there disagreements between personnel on the ground in Libya and those in Washington about what was necessary to ensure adequate security?

A I wasn't aware of any. I became aware after the Benghazi event from the testimony of individuals that there was some disagreement between the RSO in Tripoli and Washington.

Q And what do you make of those disagreements now that you've heard about them after the fact?

A I heard about them, and I looked into them. You know, being the DAS for International Programs is a big, tough job. You've got the whole world, and you've got to balance what kind of sources you apply to whatever parts of the world that are at issue.

I reviewed the decisions that Deputy Assistant Secretary Lamb had

made regarding resources and assistance to Benghazi and Tripoli. And, oh, by the way, it was very clear from the record that, you know, the vast majority of the things that were at issue between the RSO [redacted] and Ms. Lamb had to do with Tripoli. Benghazi was not mentioned very often.

Buy anyway, my conclusion, my personal conclusion, as Assistant Secretary was that the decisions she made were entirely reasonable and supportable.

I should add that, as I mentioned before, that when an RSO feels that he is having problems with the home office, not getting what he absolutely needs, there is a very well-established practice for dealing with it, a way to deal with that. He makes it clear to his supervisors, the DCM and the Ambassador, and raises it with them, and they have the opportunity to raise it with me.

I know every ambassador. I meet with every ambassador before they go to post. I meet with them frequently when that come back to Washington for one reason or another. I had met Ambassador Stevens before he went to post. I had not met him before, but I met him when he became Ambassador. And I knew Ambassador Cretz, the outgoing Ambassador, extremely well for a number of years. I met with Ambassador Cretz in February, I think it was, or March of 2012, and I met with Ambassador Stevens -- I hope I'm not going on too long here.

Q No.

A I met with Ambassador Stevens in May before he went to post. I think it was May. And they knew me very well, and they -- if they

had any questions or concerns about Diplomatic Security support, they could easily have raised it.

RSOs have various ways they can do this, including, for example, just having a meeting of the Emergency Action Committee. I don't know if you all are familiar with the embassy's Emergency Action Committee, but it is the body that includes most of the important agencies represented at the post that makes security recommendations to the Ambassador. And that's the on-the-ground -- they don't make the decisions; they make the recommendations to the Ambassador.

But that's the on-the-ground decisionmaking process, and it is very effective. Some EACs in low-threat posts meet barely once a year. Some EACs in other posts meet daily, particularly during a crisis. The EAC in Tripoli met from time to time, and the RSO had an opportunity to talk to the EAC and say, you know, I'm having a discussion, and I'm not getting what I want. You can write it up; would you write it up. And they -- I don't know if that discussion ever took place, but we never got an EAC cable complaining about lack of support.

On the contrary, when I met with Ambassador Stevens and with Ambassador Cretz, they ventured no complaints. On the contrary, they were extremely positive about the kind of support that DS -- extraordinary support that DS was providing to the Embassy.

Q So you don't recall any specific examples where Washington refused or failed to provide the personnel or resources requested by post?

A I don't recall any at the time. I, of course, became aware

of some of those discussions during the hearings after Benghazi, but I was not aware of any controversy between the Embassy and -- or the RSO and DS back in Washington.

Q And to be clear, you were not involved in any of the decisions about personnel or resources --

A Right.

Q -- made at the time; all of your knowledge has come after the fact?

A That's right.

Q There's been a lot of talk through hearings and elsewhere about the concept of normalization. I don't know that that's a true term of art. Can you provide some context about what normalization, as it's come to be called, meant in terms of Libya?

A Yes.

Q Or in the context of Libya?

A Yes, and I think that's an very important question, because it may not mean the same thing to different people.

When -- let me see, how am I going to do this? When the Embassy in Tripoli was reestablished in September of 2011, it had no place to go. The previous Embassy, the old Embassy, had been trashed by Qadhafi thugs and was unusable. The situation on the ground was extremely unsettled, militias flying around everywhere, no commercial air service, no strong central governmental authority, yet it was certainly in the U.S. interests, it was deemed to be in the U.S. interest to reestablish and open an embassy there.

To do that, we called on several extraordinary, abnormal, if you like, resources. One was the SST that you've all heard about. We also provided very, very high level of DS -- high number of DS agents to perform duties that are normally performed at a normal embassy by existing on-the-ground security staff working for an RSO. There was no such staff, so we had to provide American staff to do it until we could get sufficient, adequately trained Libyan guards, protective security people, technicians, support staff to do the work.

That's what normalization means: You go away from an abnormal embassy to a more normal embassy structure. In the case of Libya, that took a very, very long time, an abnormally long time, because of the fluid situation in Libya. The fact, for example, that the Libyan Government would not allow us to arm guards, and we certainly needed armed guards, it took a very long time to get them to agree to that, so we had to keep Americans on the ground doing that kind of function.

Normalization does not mean lowering the level of security, let me underline that. We have normal posts in very abnormal situations, posts that operate normally, Yemen and many others, in high-threat places; in other words, without this enormous additional American security risk. Does that help?

Q It does.

Based on what you knew about the security situation in Libya, do you feel that this was a prudent course of action, or this was proceeding as it should have?

A "This" being normalization?

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Q Being the transition to using local guards, reducing the number of DS or U.S. personnel?

A Yes, I do, and it was an objective all along from the very beginning. An SST team is never deployed for extended periods of time; it's a short term. In the case of Tripoli -- and I know the SST is controversial and has been the subject of a whole lot of discussion -- the SST remained in place from September 2011 to, I think, August 4, 2012. That's an extraordinarily long time for an SST. We are very grateful that the military was willing to put up with it. The SST has other responsibilities. SSTs have other responsibilities that they were not doing when they were in Libya. So we're very grateful to General Ham and others on the military side to have agreed to extend the SSTs -- the SST.

Likewise our Mobile Security Divisions, who are essentially our -- I guess I describe them as our sort of heavy teams, MSDs. We deployed three in Libya, in Tripoli, and we kept most of them for quite a long period of time. Those are always a temporary plus-up. They stayed in Libya much longer than they would have anywhere else, and that's simply because it took that much longer to get Libyan guards, security personnel and others, hired, trained and equipped. And the main function of the MSDs over time as they stayed there migrated from active protection -- absent any other kind of protection, active protection to training.

And finally, we were close to -- we drew down from three MSDs teams to two over time as Libyans got trained, Libyan guards got trained,

particularly Libyan protective security guards. These are bodyguards. Those are the ones that are particularly essential because movement in Libya was difficult.

Q Did you have any concerns at the time that the drawdowns were not being met with an adequate level of security, or did you feel, whether or not you were aware at the time, that the guards or the protective services that were being stood up in place of MSD or SST resources were on par with what the Embassy could expect from security?

Mr. Levy. I'm sorry?

Mr. Ohly. Let me rephrase that and make it more clear.

BY MR. OHLY:

Q Were you aware of what the capabilities or the resources were in Libya at the time the decisions were made to draw down other MSD or SST resources?

A Yes, not in great detail, but this was covered in cable and email traffic and cable traffic. And I was part of, and I received this, I read those things. I was aware of discussion about how the transition was going. I was aware of the frustration that we had with the Libyan Government because we couldn't train -- we couldn't even get a firing range to train. And by way of explanation, maybe I am just speaking for the Libyan Government, which I shouldn't be doing here, but the Libyans were very concerned about armed men, particularly armed foreigners, given the history there.

But I was aware. I wasn't aware of every decision. I was aware that we were gradually transitioning toward a Libyan force, a

normalization, if you like. And I certainly wasn't aware of every detail or when exactly it was happening, but I was aware that the process was going on, and I was aware that it was not particularly satisfactory for a period because we simply weren't getting the cooperation we needed from the host country government. And I'm also aware that the Ambassador and the Embassy spent an awful lot of time trying to get that and eventually did get that permission.

Q The February 17th Martyrs Brigade played a large role in protecting the U.S. diplomatic mission in Benghazi. Do you have any insight into how this unit came to play such an important role?

A Not an enormous amount of insight, but the 17th February Martyrs Brigade was one of a number of militias operating in Benghazi, and it was the militia that was deputized by the central government in the absence of any other force that they had -- deputized by the central government to serve, to carry out the government's responsibility for protecting the U.S. mission.

There were -- I knew that there were lots of militias in various shapes and sizes and names, a very confusing mixture. I knew that some of them were pro-Western, some of them are less so, and some of them actively anti-Western. But it was the Embassy's decision to accept that militia as the militia that would be helping us in [redacted] the temporary mission compound [redacted] in Benghazi.

Q Did DS -- or, to your knowledge, did DS or any other branch of the State Department do any sort of vetting of militias?

A We would intensively vet the guards that we hired directly.

That does not include the militias. We would not have vetted individuals in the militias, just as we wouldn't vet policemen in Paris standing outside our Embassy. But I am quite certain that there was a careful examination by the Embassy of whether they felt the February 17 Martyrs Brigade militia was the right kind of thing.

Q I'm going to introduce as Exhibit 1 the unclassified ARB just to go through a couple of passages there.

[Boswell Exhibit No. 1
was marked for identification.]

BY MR. OHLY:

Q On page 30, the last paragraph on the page, the first sentence says, "Another key driver behind the weak security platform in Benghazi was the decision to treat Benghazi as a temporary, residential facility, not officially notified to the host government, even though it was also a full-time office facility."

Some questions came up at our May 8th hearing about, you know, who can get waivers from OSPB and SECCA standards. Did you have any insight as to how that waiver process or the OSPB standards were applied to the mission in Benghazi?

A Some. First, exceptions to OSPB standards are my responsibility. Waivers to SECCA could some fall in my area, but most go higher than me by law. This was -- Benghazi was, in fact, a temporary mission facility. There was some discussion in the paper that the NEA Bureau sent forward regarding extending it as to whether there might be -- there was a discussion in an annex to the paper -- I had not seen

it, I saw it afterwards -- as to whether -- as to whether any waivers or exceptions would be required. There was no decision in that paper about that matter.

I should describe to you a little bit what the process is. For any kind of waiver or exception, it originates usually with a post. A post will say, we need an exception to OSPB standards for reason X, Y or Z; we can't find a property big enough. That request is fed to the Countermeasures Directorate in the State Department, which works for me. There is then a very intensive paper process of leading up to ultimately a decision document that either goes to me or higher.

There was no such decision document that came to me regarding Benghazi, and my assumption is that -- well, I wasn't looking for one, but my assumption is that there was no decision document because it was a temporary facility. SECCA and OSPB apply to permanent facilities that are notified to the host country government. It does not apply, it is my understanding, to temporary facilities, of which we have very few. Nevertheless we are all very aware of OSPB standards, and we try our very best to get as close as possible to those standards whether a waiver is necessary or not. We just try to get as close as we can, and we did in the case of Benghazi.

BY MR. BEATTIE:

Q Could I ask a follow-up to that?

In my hearing you say that in the case of Benghazi, because it was as temporary facility, it was essentially a nonwaiverable facility. Would that be a fair way to think about it? In other words, a waiver

would not be required?

A It is the latter, the feeling that a waiver would not be required because it was a temporary facility.

Q Okay. Thanks.

A By the way, waiver requests are reviewed by the State Department lawyer en route to me.

BY MR. OHLY:

Q So to your knowledge there was never -- who made the decision that it would be a temporary facility and not -- no waivers need apply?

A I'm not sure who made the decision that it would be a temporary facility. It was sort of understood that, you know, when Chris Stevens went into Benghazi in April, he was going be there for a short period of time, and that got extended. And even when you look at the -- I don't know if the word "temporary facility" is in the memo that went up to Under Secretary Kennedy. I think it was, but I don't know for sure. But when you extend a facility for 1 year, that's obviously not a permanent facility. A permanent facility is going to be in business for indefinitely.

Q So it was just assumed because of that that there would be no waivers?

A Yeah. It was extended. Its temporary nature was extended for a year.

BY MR. BEATTIE:

Q You said the memo that went to Under Secretary Kennedy,

though?

A Right, right. The December whatever it was memo that went -- to which I referred earlier, the decision memo regarding extending the temporary facility in Benghazi.

Q Does that mean it was the Under Secretary of Management's decision that it be a temporary facility?

A Yes, yes. It was certainly his decision to authorize the extension, so, yes, I guess --

BY MR. OHLY:

Q Moving to page 6, the third paragraph on the page, the last sentence reads, "Among various Department bureaus and personnel in the field, there appeared to be very real confusion over who, ultimately, was responsible and empowered to make decisions based on both policy and security considerations."

Do you agree with that assessment?

A I really don't agree with that assessment. I'm not aware that there was any particular confusion in that regard.

Q Can you provide any context to that?

A I certainly don't remember anybody ever asking who is deciding this and who is deciding that. I thought we were all reasonably well in the picture. So I don't think there was any real confusion about that.

Let me say, however, that I gather that there may have been some thinking about making the consulate -- the temporary mission in Benghazi permanent at some point. I was not aware of that thinking.

I thought it was going to go out of business in December.

Q Okay. That answers one of my follow-up questions. Did you have any knowledge of that?

A No knowledge of it at all.

BY MR. BEATTIE:

Q I'll just follow up on that. It's a finding of the ARB, but your testimony is that you weren't aware of this confusion. Do you have any insight as to how they might have reached that conclusion, that finding?

A It would be speculative.

Q Sure, I understand.

A It would be guesswork.

Q Do you have a speculation about it?

A I don't really have any -- I don't really know where that could have come from.

Mr. Beattie. Okay. Thank you.

BY MR. OHLY:

Q We'll jump to another passage. Back to page 30 ---

A By the way, could I add in response to your question, the ARB never asked me about that.

Mr. Beattie. Okay. I expect we will come back to that.

BY MR. OHLY:

Q Well, let's just go to it right now.

Mr. Levy. Are we on page 30?

Mr. Ohly. I'm going to follow up on what he just said.

BY MR. OHLY:

Q You said the ARB never asked you --

A Their line of questioning wasn't about confusion.

Q What did they ask you about?

A I couldn't possibly resurrect. I met with the ARB twice, first not long after -- the ARB sort of set up a meeting, not long after the ARB met -- originally met. And I met with them in maybe I think it was 2 weeks before they finally came out with their report, one of the last to meet with them in between.

Q Were these meetings in groups or alone?

A It was just me.

Q For both?

A Plus the ARB staff.

Q For both meetings?

A For both meetings. Yeah, I was the -- it's not the first time I've been before an ARB. In the first meeting my recollection was simply a general discussion of this sort of set-up, just as we have had here at the outset of this meeting.

At the final or the last meeting that we had, it was relatively brief, it was cordial, it was quite friendly. I don't remember exactly the line of questioning, but I do remember that there was no questioning about my role as a supervisor, none at all. There was no indication of what conclusions the ARB was coming to, not a clue of any of these, any conclusions. And there was -- as I say, I was talking about what was not asked -- there was no conversation about my supervision. I

don't remember any -- as I mentioned before, any conversation about confusion as to who was in charge of what, stovepiping, lack of transparency. And at the end of the meeting, we shook hands warmly, and Tom Pickering gave me a big hug because I've known him for a long time, and I left. And I was absolutely stunned when I saw the report.

Q So no questions about the actions of your subordinates, or your role in supervising them, or anything --

A Not that I recall, no.

Q -- in line with that?

A Yeah.

Q So you just said were you stunned when the report came out. Can you walk us through that?

A Sure. I received a phone call from Under Secretary Kennedy, and I don't remember the exact date, but that's the date the report came out. He said, the report is awful, and it has criticized you, Scott Bultrowicz, Ray Maxwell, who was a Deputy Assistant Secretary in the NEA Bureau, and Charlene Lamb, and has recommended that you be removed from your position.

When I heard that news, I was shocked. I went back to my office to think things over. I was in my office actually. I hung up the phone to think things over. And I called Kennedy back up, asked for an appointment, got it. I walked up there to his office and with my letter of resignation, which had I written out by hand. And so I resigned.

Q Can you provide a little context why you decided to resign there on the spot?

A Yes. I had worked for the U.S. Government for 40 years. I had been Assistant Secretary for three -- under three Presidents. I had been Assistant Secretary for 8 years total, including 5 years in some of the most difficult conditions we've ever been in, and I had brought my people safely through this, batting, if you like, a thousand. We had never lost an American under Chief of Mission authority, under protection of DS in any of these places. We had been through extraordinary attacks not only in the war zones, but in places like Sana'a, which has taken complex terrorist attacks; places like Pakistan, Peshawar, which remains, in my view, the most dangerous post in the country -- in the world, dangerous American post in the world. And I thought that we had -- we were the people responsible for putting together the systems that kept everybody safe.

When I learned of this finding, I decided I had little choice, I think. I decided to resign because I wanted to resign on my terms. I didn't feel that the -- I didn't feel that the verdict, if you like, was justified; that I wasn't going to be wait to be pushed. And so that's why I resigned. My resignation was not asked for, but I won't speculate as to what was going to happen next. I was, I should say, asked to stay on as Director of the Office of Foreign Missions.

Q And I believe you said earlier that you were then put on administrative leave?

A It was a time later I was put on administrative leave, yes.

Q So you were asked to stay on and then placed on administrative leave?

A That's right, days between that time.

Q That one's a little hard for me to wrap my head around. Can you provide some context to that?

A I don't have any other context. I was totally astonished.

Q Who informed you of that?

A Under Secretary Kennedy.

Q Who asked you to stay on?

A Under Secretary Kennedy.

Who informed me of that I would be put on administrative leave?

Q Yes.

A Under Secretary Kennedy.

Q Who asked to you stay on prior to being put on?

A Under Secretary Kennedy.

Q Did he give you any explanation for why you were being put on administrative leave?

A No.

Q Did -- I'm going to step back to your first conversation with Under Secretary Kennedy, when the ARB first came out. Did he provide any context or feedback about -- was he just conveying the information, or did he --

A He did say it was an awful verdict.

Q So he disagreed with the -- what it said about you?

Mr. Levy. I think he's told you what the full context of the conversation was.

Mr. Boswell. That's exactly right. That's everything that was

said.

BY MR. OHLY:

Q When he -- when you had your -- the third conversation, when he told you you were being placed on administrative leave, did you do anything to follow up with him and say, what; why is this happening; what is the decision here?

A I did not. In subsequent weeks I would call him occasionally to say, okay, what's going on.

Q How long ago was that?

A I think I -- well, I was put on administrative leave I can't remember exactly whether it was December or early January. I think it was December. And I probably followed up every couple of weeks for a while. I was told at that time that the Department was still evaluating how it was going to deal with the ARB, how it was going to respond to the ARB. That's all I was told, and we're still examining it.

Q I think you can probably understand my confusion of this sequence of events. I'm sure it's just as confusing for you.

BY MR. BEATTIE:

Q Yeah. I apologize if you were asked this already, but when you were asked to stay on as Director of the Office of Foreign Missions, I guess my question is obviously in your role as Assistant Secretary for DS, that relates very directly to the events in Benghazi. To help us understand the Director of the Office of Foreign Missions, what would be the relationship -- is there any relationship to security or --

A No, there isn't. Sorry, I didn't let you finish.

Q No, please, go ahead.

A OFM was until 1993 -- I'm sorry, 1996 -- a separate office, free-standing, reporting to the Under Secretary for Management. It's an office that exists by law; the Foreign Missions Act created it. It was not part of DS, in other words.

When I was asked during Bush 41 administration -- that's when it was -- to be -- sorry, I mean the Clinton administration, in 1996, to be Assistant Secretary for Diplomatic Security, the decision at the time was made to integrate for managerial reasons OFM with Diplomatic Security. So the then-Under Secretary for Management did not like little outriders on the organizational chart that reported directly to him, so he looked for places; where would OFM, a relatively modest office that, again, existed under law, where could it fit in. And the decision was made, I was already Director of OFM, and I was about to be Assistant Secretary for Security, we would combine the two.

And the two offices remained combined. The Deputy Assistant Secretary for Foreign Missions is separate from the other Deputy Assistant Secretaries, has a direct line to me just like Scott Bultrowicz does. He is the only Deputy Assistant Secretary with that line. Am I going on too long?

So from 1996 on, the Assistant Secretary for Diplomatic Security has also had the title Director of the Office of Foreign Missions. That's where the Ambassador title comes from, exists in law. But the two, while they're organizationally put together for managerial

purposes, it's cheaper to administer them out of an -- administer OFM out of an existing executive office, et cetera, et cetera, they're really quite separate, separate responsibilities and duties. It just didn't quite fit anywhere else.

Q So in your mind was there any reason you couldn't have carried on as Director of the Office of Foreign Missions notwithstanding the ARB report?

A No, there was no reason I couldn't carry on. I could carry on.

Mr. Ohly. Our hour is up. We will continue. Off the record.

[Discussion off the record.]

[Recess.]

EXAMINATION

BY MR. KENNY:

Q Back on the record. Time is now 11:12.

I'd like to take a moment to reintroduce myself. My name is Peter Kenny. I'm a counsel with minority staff. I'm joined here by my colleagues Jason Powell, Chris Knauer and Suzanne Sachsman Grooms.

I just want to take an opportunity again on behalf of all the minority staff to thank you for your willingness to come in and appear before us today. We think this is very helpful, and we appreciate your appearance here.

I'm going to ask you a series of questions. You may feel at times that we're revisiting topics that have already been already discussed or covered. I apologize in advance for doing this. Our

purpose, our intent in doing that is to fully understand your statements here today. And so again I just apologize in advance for that.

I would like to return, if I may, to the beginning of the last hour, where we were discussing the interplay between the Diplomatic Security, DS, Bureau and the regional bureaus. According to the Foreign Affairs Manual, specifically 1 FAM 262.2-2, our understanding is, quote, "The regional directors are" --

Mr. Levy. Can he see this?

Mr. Kenny. Sure.

Mr. Skladany. Are you going to mark that?

BY MR. KENNY:

Q While we are doing that, I can just begin with a more straightforward, simple question. Who within the DS Bureau serves as the primary liaison between the DS Bureau and the regional bureaus when it comes to security-related decisions?

A The -- I mentioned -- earlier in my statement I mentioned that the Deputy Assistant Secretary for International Programs has one office for each of the geographic bureaus, and the head of that particular office is the primary point of contact with the regional bureau. But contact, in fact, actually takes place at lots of levels between DS and --

Q I believe in the last hour you've mentioned some of the more senior-level context. I guess what we're trying to understand is maybe more on a day-to-day basis maybe who -- what roles within -- for instance within the International Program shop or office, who would

be interfacing with the postmanagement officers, with desk officers?

A It would be the regional office chief and his staff on a day-to-day basis.

Q And for Libya security-related matters, that would be within the Near East Affairs region?

A Right, of DS.

Q Within DS?

A Yes.

Q And who would the regional directors report to?

A They reported to Charlene Lamb.

BY MR. KENNY:

Q When emergency security support is determined to be needed or necessary at post, who is it within the Bureau that authorizes the deployment of these resources? For instance, the mobile security deployments.

A It is Deputy Assistant Secretary Lamb. She would almost certainly inform me when such a thing has happened, but that's within her responsibility.

Q And would she in fact have informed you?

A Yes.

Q Or did she inform you of the deployment of the three teams in Benghazi?

A Yes. She would also have informed her boss, direct boss, Mr. Bultrowicz.

Q Mr. Bultrowicz. Okay. And who within the DS Bureau or within the IP office would be responsible for determining the scope or the work priorities for the MSD teams?

A When they are deployed to Post, is that what you mean?

Q Sure. I think both scoping the work before they're deployed, if their work happens to change while they're abroad, who's monitoring the work of the MSD teams and advising on what their scope or their mission is?

A The MSD -- I am going to take a little bit of time to answer that question because it needs a full explanation.

Q Uh-huh.

A The MSD teams themselves do not work for the International -- for Charlene Lamb's Directorate. They are administratively under the Training Directorate, which is separate, though she makes the decisions about deploying them. Giving them direction as to what they are supposed to be doing would be a combined function of their home office in the Training Division and Charlene Lamb's people, they would work together.

Q Thank you. I'd like to -- well, actually, I guess, before we move on, you mentioned your interactions with the regional bureaus, at your level, at the NEA level, or at the Assistant Secretary and PDAS levels. What sort of discussions or conversations did you have?

Mr. Levy. As a general matter?

BY MR. KENNY:

Q Generally.

A It's really hard to answer a question like that because there are numerous conversations over a period of years, but generally the things we would discuss would be when a post is in some sort of serious crisis kind of situation. For example, discussions about whether to draw down staff in the face, shall we say, of an Arab spring.

Q And when you say staff, you're referring to diplomatic staff as well as --

A Embassy staff, diplomatic staff overseas, yeah. I'm not

talking about drawing down security staff. The security people are the last people to be drawn down as you can imagine.

Q So when it came to, say, the security posture or the number of security staff in a particular -- at a particular post, that wouldn't be an emergency-type situation in which --

A It wouldn't be a kind of subject of conversation between us.

Q I'd like to turn and focus more specifically on the personnel at Special Mission Benghazi, if I may. And I know we discussed this a bit last hour. I was hoping we could revisit some of those topics, some of those issues.

Ambassador Boswell, to what extent were you aware of requests for security personnel in Libya during 2012?

A I wasn't aware of requests for security personnel in Libya during 2012 except when it was formulated in a cable.

Q Okay. And then to what extent did you participate in discussions or decisions over those types of requests that were submitted that were -- you were aware of?

A Those decisions were made by Deputy Assistant Secretary Lamb regarding security personnel, security issues.

Q But those, you were aware of those?

A I was aware, generally aware, yes. As I say, from what I've seen in cable traffic.

Q Okay. And generally speaking, did you support the decisions or outcomes in those cases?

A I had confidence in Deputy Assistant Secretary Lamb. I wasn't aware of the day-to-day decisions that she was making with regard to Tripoli or Benghazi. I have reviewed those decisions in the wake of Benghazi, and I found her judgment, as I have found throughout her tenure, to be good on security matters and that the decisions were reasonable.

Q Okay. I would like to turn to Exhibit 1, which is the public report of the Accountability Review Board. I'd could ask you to turn to page 31, to the second paragraph from the bottom there. In this portion of the ARB it states, and I quote, "Although a full complement of five DS agents for Benghazi was initially projected, and later requested multiple times, Special Mission Benghazi achieved a level of five DS agents (not counting DoD-provided TDY Site Security Team personnel sent by Embassy Tripoli) for only 23 days between January 1-September 9, 2012."

Ambassador Boswell, is that true, that Benghazi only reached five DS agents for 23 days in 2012?

A I don't know that it's true.

Q So since the events in Benghazi, you've never gone back to assess what the levels of security staffing were in Benghazi during 2012?

A I am aware of a --

Mr. Levy. He didn't say that, by the way, but go ahead.

Mr. Boswell. Didn't say what?

Mr. Levy. That you have never gone back and looked at the

security levels.

Mr. Boswell. No, I didn't say that. The post -- the Embassy in Tripoli and the Department agreed in June 2012 that the correct DS agent security complement for Benghazi would be a minimum of three. And I believe that from that time on there was always a minimum of three in Benghazi, and on 2011 there were five -- on 9/11/2012 there were five.

BY MR. KENNY:

Q I'm sorry, the June 2012 decision that was made, who --

A It was -- it was -- it was put in a request from the post.

Q And that request was agreed to by?

A The request -- Sorry.

Mr. Levy. Let's go off the record for a second.

[Discussion off the record.]

Mr. Kenny. We'll go back on the record.

BY MR. KENNY:

Q This paragraph in the ARB refers to requests by the post multiple times, a full complement of five DS agents was requested. Just generally speaking, how would these types of requests be processed within the Bureau?

A The requests for five agents was made to Deputy Assistant Secretary Lamb by the RSO. I'm not aware that it was ever otherwise transmitted. It was made by the RSO to Deputy Assistant Secretary Lamb and she asked him for justification for each of those positions or each of those agents. And when he described what the agents -- and I'm summarizing here several conversations that would have gone back and

forth over a period of time -- when he described what the positions were for, she said, well, you're asking -- and I'm not quoting her directly, this is just my understanding -- you're asking for an agent to be driver as the agents have been doing up to now. We can provide you with authority to hire a local driver that you can clear and we don't need a full-time agent to be your driver. So that took care of one of the positions.

It turned out that another of the positions was being requested because of the [redacted] communications capability that they had in Benghazi, and essentially they needed an agent to babysit the equipment, be with the equipment at all times. The Department provided Benghazi [redacted], shipped it to them so they can lock up their equipment overnight and it didn't have to be babysat by an agent. So that left three positions for agents in Benghazi, and we had three positions and three agents in Benghazi from June on.

Mr. Knauer. Can I ask a qualifying question on that?

BY MR. KNAUER:

Q Secretary, on the driver position, would that driver position double as diplomatic security while driving?

A No, it's simply a driver. It's simply a driver. The driver would -- there would always be an agent, of course, in any motor movement in a place like Benghazi. These would be done by armored vehicles, probably more than one vehicle, and the agent would be directing the driver.

Q So would the driver go unarmed?

A Yes.

Q So he really would be just a driver?

A He's a driver.

Q Okay.

BY MR. KENNY:

Q And who had the responsibility within the DS Bureau for deciding whether to refuse or grant these types of requests for security personnel?

A At the RSO, when requests are coming from the RSO, as these did, it would be Deputy Assistant Secretary Lamb.

Q Okay.

A Again, when she asked for something, A, B, or C, I found in my review of these exchanges, when she asked for -- when the post asked for A, B, C, and D --

Q Uh-huh.

A -- she would sometimes go back and say, well, you can have A and B, but instead of C, we're going to give you E, different thing, the driver, the safe, you know, this type of thing.

Q It was an ongoing conversation?

A Ongoing conversation.

Q Okay. Also, on page 31, going over to page 32, we are at the last paragraph now, it states, and I quote, "From discussions with former Benghazi-based staff, Board members concluded that the persistence of DS leadership in Washington in refusing to provide a

steady platform of four to five DS agents created a resignation on the part of post about asking for more. The TDY DS agents resorted to doing the best they could with the limited resources provided."

Again, Ambassador Boswell, I believe you addressed this in part, but can I just ask, in response to this, why did the DS Bureau refuse to provide the five DS agents that the post had requested?

A Well, I have responded to that by saying there was a conversation between Deputy Assistant Secretary Lamb and the RSO and -- which resulted in the decision that it be three. But I want to emphasize, and I said this from the outset in the previous hour, I want to emphasize that when a post has a problem with DS and feels -- when an RSO feels he or she is not getting what she needs from DS, he or she needs from DS, and it's important enough, they elevate it. This happens. It doesn't happen very often. But I have extensive relationships with ambassadors, and there is a mechanism, there is a process for elevating this kind of disagreement, if it's a disagreement, and that process was not used by the RSO. I never heard from the Ambassador or the EAC, including a personal visit with the Ambassador about this kind of issue.

Q Now, on this last --

Mr. Knauer. Before you jump forward.

BY MR. KNAUER:

Q When did your meet with the Ambassador?

A Which Ambassador?

Q Cretz or Ambassador Stevens.

A I have known Cretz for many years and -- both in the Department and elsewhere -- and I met with him, I believe, in March or perhaps it was February 2012. It was essentially toward the end of his tenure as ambassador.

Q And Ambassador Stevens?

A And I should say I probably met with Cretz before that, before he went back into Libya in the first place, but I don't recall that. That would have been a year before, eight months before. I met with Ambassador Stevens before he went to post as ambassador, which was probably May or April of 2012.

Q But to be clear, they know at post that they have -- at post they know that they have a land line capability with your office, that if they have a security issue, that protocol allows them to pick up the phone and say, Secretary Boswell, I have this problem, and you will do what you can to respond?

A When you say "they," you mean the Ambassador?

Q Ambassador.

A Yes, they do. They are aware of this.

Q And you have had that occur in the past?

A I have had that occur in the past.

Q Okay.

A Can I add just one thing?

Q Please.

A We have -- not only do I meet with ambassadors before they go to post individually, every ambassador before they go, that's part

of their checklist to meet with me, but I also address the training classes for ambassadors, and I make this point during the training classes.

Q You explain to them that if you have a problem overseas, pick up the phone and call me?

A I do. I explain to them what the role of the RSO is and I explain what the role of the ambassador is, and I say if you've got any problems, you know who to call, it's me.

BY MR. KENNY:

Q When you say there was a well-established procedure for the RSO to elevate it to either the deputy chief of mission or the chief of mission, what's the source of --

Mr. Levy. He said well-established practice.

Mr. Boswell. Practice.

Mr. Levy. That was in testimony.

BY MR. KENNY:

Q Is that part of the RSO's training then, that if they have an issue with the DS Bureau, that they would elevate it through the chain of command at post?

A I don't know if it's part of RSO's training, but I think every RSO understands it because I know that RSOs have employed that with me.

Q And would part of this practice that you described, would it include the RSO working with the chief of mission or the deputy chief of mission to submit a formal front-end cable back to HQ?

A Yes.

Q Okay. So one of the allegations that we've heard on the committee was that Ms. Lamb had applied pressure through back channels to discourage requests from being submitted through these formal front-end cables. For example, former Deputy Chief of Mission Gregory Hicks told the committee in an interview that Ms. Lamb, quote/unquote, "spiked" an email request for security staffing at certain levels at post, which was then later submitted in a July 9 cable.

Mr. Levy. Can we see that testimony? Do you have a copy of it?

Mr. Kenny. One minute. I will go ahead and enter that as Exhibit 2.

[Boswell Exhibit No. 2
was marked for identification.]

Mr. Kenny. This is a portion of the committee's interview with Gregory Hicks on April 11, 2013. Referring to the email --

Mr. Levy. What page you on?

Mr. Kenny. We're on page 46 in the middle. I'll actually just give you a moment to read through.

Mr. Levy. Thanks.

Mr. Boswell. Okay. What's the question?

Mr. Levy. Read it all the way through.

Mr. Boswell. Oh, okay.

Mr. Levy. And again, just to be fair to the witness, this transcript refers to a document, to a cable, and if you're going to ask questions about the cable, it would make sense to have the cable

in front of him, too. And of course, to talk about the cable would be impossible in this setting.

Mr. Kenny. We can provide the cable. I'm not going to ask questions about the contents of that cable, so I'm more curious -- and what we'll ask about is the communications in the back channel between Ms. Lamb and Mr. [redacted].

Mr. Levy. Is the email that's referred in the transcript unclassified?

Mr. Kenny. Go off the record for one second.

[Discussion off the record.]

Mr. Kenny. Go back on the record.

BY MR. KENNY:

Q So I'm going to read now some excerpts from the portion that you just reviewed, and I'm on the middle of page 46 and I'm going to jump down.

A Uh-huh.

Q So, again, referring to the email that Mr. Hicks was discussing, he states, and I quote, "I saw the email come in to DS from [redacted] which DAS Lamb spiked."

Now, skipping down to the next page, the middle of 47. Quote, "She said don't send this. She sent it back to [redacted] and said, don't send this."

And skipping again just a few portions, quote, "I think she was telling him, the answer is, don't send this because you're not going to get an answer, a favorable answer," end quote.

Ambassador, are you aware of this allegation that this email took place?

A I'm not familiar with the email. I'm aware --

Mr. Levy. The allegation.

Mr. Boswell. I'm aware of an allegation.

BY MR. KENNY:

Q You are aware of this allegation?

A I'm aware of an allegation that [redacted] asked for certain things and was told don't ask for certain things.

Q And when --

A Does that answer your question?

Q And when did you first become aware that he was told not to ask for certain things?

A In the aftermath of Benghazi.

Q But you haven't seen this email traffic between Ms. Lamb and Mr. [redacted] Is that correct?

A I'm not aware of any email traffic. I haven't seen -- I don't know what email is being referred to here.

Mr. Levy. It's hard for him to know.

Mr. Boswell. It's really hard for me to do this. I'm just not aware of it.

BY MR. KENNY:

Q Do you think that Ms. Lamb should have informed you about this back and forth? You stated just before that you only first found out about this after the events took place.

A I think on the contrary, that if the post, the RSO had been told to spike something that it felt strongly about and the Ambassador felt strongly about, that they would have raised it with me. That the Ambassador would have raised it with me.

BY MS. SACHSMAN GROOMS:

Q Is that common for the DS person in headquarters in D.C. to have sort of a back channel conversation with the RSO at post and say, don't bother sending that up, I'm not going to approve it? Is that something that commonly happens in back channel conversations or is that unusual?

A I think it's unusual. I know that there is, if you like, back channel conversation that goes on routinely between an RSO and DS that covers things that they need, and it's entirely conceivable that somebody in DS would say it would be hard for us to do this, maybe we can try doing this instead. So that sort of informal conversation does go on.

Q But the kind of informal conversation you're sort of referring to, it's a more normal conversation, it's sort of a give and take --

A Right.

Q -- where the person at headquarters is trying to fulfill the request through maybe alternative means? Is that --

A Yeah. I'm not aware of any conversation that would say, don't even bother to send this in because it's going to be disapproved. This just wouldn't cross my screen. If something like that were

happening, an ambassador would raise it or I would expect an ambassador to raise it.

BY MR. KNAUER:

Q And again, work around, the RSO would go to DCM or the ambassador and say, look, I'm getting no cooperation from Washington, you need to call Washington and fix this?

A Exactly.

BY MR. KENNY:

Q In the transcript back on page 46, Mr. Hicks stated, and again, and I quote, "Ambassadors went ahead and sent the cable in anyway, but there was never any action on the cable because the decision had been made how they were going to move forward with security personnel issues," end quote.

To your knowledge, is that an accurate statement?

A No, it's not an accurate statement.

Q And how is it inaccurate?

A I have a good understanding of what security requests were being requested by the Bureau at the time -- by the post at the time this formalized request was made. The vast bulk of it had to do with security in Tripoli. The only reference to a request for Benghazi was for three agents. One agent TDY'd from the Embassy, one of the Embassy's RSOs, and other TDY agents for a total of three. This mentions four. That's not my reading of it. It was three.

BY MS. SACHSMAN GROOMS:

Q Is that your -- you're referring to an understanding. Is

that your understanding going back or was that your understanding at the time?

A At that time, from that time forward.

Q So at the time that that formal request came in, you were aware of that?

A Yes, absolutely. Yes.

BY MR. KENNY:

Q And did post agree with the three personnel, three diplomatic security agents at post?

A That's what they put in their request. Yes.

Q So to your knowledge, thereafter, did they ever request additional DS agents?

A No. For Benghazi?

Q Let's say -- start with Libya. Libya, broadly speaking.

A There were extensive conversations back and forth on the size of the RSO presence in Tripoli.

Q And can you characterize the nature of those requests?

A It was nonconfrontational, let's put it that way. There was just -- how many do we need for this, that, and the other.

Q Is it fair that the Embassy was requesting more personnel and the discussions were whether to grant those requests for additional personnel?

A To my knowledge, the Department complied with every request from the Embassy for personnel.

Q During which time?

A From that cable on.

Q From July to September?

A It was June, but okay.

Q June. Okay.

Just moving on now to -- this was a concept referred to as normalization we discussed about in the last hour, or discussed in the last hour. I would just like to ask a few general questions about this again. Is normalization, is that a DS Bureau term?

A I don't think so. I think it's a term that's understood in the Department.

Q Okay. Do you know where this term comes from?

A No.

Q When did you first hear it as it relates to diplomatic security?

A I couldn't tell you. I've heard it for years. I've been Assistant Secretary on and off over a period -- a very long period of time and I've heard it during that time.

Q And is there anything negative associated with the term when you hear it? Does it conjure up any sort of negative thoughts about the ability to provide security?

A It doesn't conjure up any negative thoughts and it doesn't imply any diminution of security.

Q Okay.

A In any way.

Q And further to that point, has this model of training,

sustaining local forces, has that been effective in other high-risk, high-threat posts?

A Yes.

Q Can you maybe elaborate on why you think it did not work in Benghazi?

A Because we did not have the intelligence that -- to indicate that an attack of the kind that took place, an attack by 60-plus armed men would take place in Benghazi. An attack of that kind is unprecedented in my experience. If we had had any indication -- and I don't mean hard intelligence, I mean any indication that such an event might take place -- there would have been a different kind of decision tree that we went through about Benghazi.

Q Okay. And to be clear again, there was no indication?

A There was --

Q That you saw?

A There was no indication and the ARB says as much themselves.

Q And had there been, would that have been the sort of intelligence that would have been flagged or raised to your attention during these daily briefings?

A Yes.

Q These morning briefings. Okay.

BY MR. KNAUER:

Q And so in the State Department, using the term normalization as it would apply to a security situation would not imply that the country itself is somehow safe or stable?

A No, it would not imply that the country itself was somehow safe or stable.

Q So you could have normalization related to security in a highly dangerous environment?

A Yes.

Q Such as Iraq?

A Iraq is different. It is a war zone, as is Afghanistan. And there the determination was made by the Department that we could not count on Iraqi forces -- there was, after all, a civil war going on, we're talking 2003 and subsequent -- could not count on Iraqi forces doing their normal governmental function of protecting foreign missions. As a result, we went to a different war zone, if you like, security model, which involved hiring non-Iraqi guards, non-Iraqi bodyguards, and to a considerable degree, while the U.S. military was there, counting on U.S. military for support.

Q So can you give me some examples of some normalized security situations --

A In high-threat Posts?

Q -- in the State Department.

A Sure.

Q In the high-threat countries.

A Yeah, I can give you some examples. They are numerous. Kenya, Mauritania, Mali, Niger, Thailand, Pakistan, all the Pakistani posts. [redacted].

Q Okay.

BY MR. KENNY:

Q Did you personally support this process or this policy of transitioning to the use of local forces, locally provided organic forced in Tripoli?

A Yes. As I say, it is standard practice around the world.

Q Did you also then support it in Benghazi?

A I did not because the issue didn't come up. Benghazi was a temporary post.

BY MR. KNAUER:

Q By the way, this is not some policy that one particular administration uses. Is this a policy that is typically part of the State Department fabric from administration to administration?

A Normalization is not a policy. It's a term.

Q Term?

A Yeah. And it's not -- it's been long understood for many, many years. It's not, to answer your question, not specific to a certain administration.

Q Bush 41 forward?

A Or further back.

Q Okay.

BY MR. KENNY:

Q And to your knowledge, in Libya, who determined -- who was responsible for determining when a transition would take place from emergency extraordinary type resources to these more permanent regularly provided security forces?

A On the security side?

Q Yes.

A That would be a combination of the ambassador and Diplomatic Security.

Q And who specifically within Diplomatic Security?

A Ultimately, me.

Q And how would that specific decision be reported up to you?

A Well, it wasn't one decision. It was a process toward normalization. A process toward normalization is one of the things that both ambassadors and I talked about when we met.

Q And who would determine whether the process would proceed as planned?

A It's hard to pin down. This would be a mutually arrived at decision.

Q Okay.

A By the Embassy and by DS.

Q And specifically who within DS then would be having those conversations about whether this process should continue?

A Who would be -- if I can rephrase your question. Who would be looking after the process?

Q Uh-huh.

A It would be the Deputy Assistant Secretary for International Programs.

Q Okay. And generally how would you assess whether locally employed staff, whether local guard force would be ready to be stood

up, whether that transition could take place?

A We would rely very heavily on the views of the RSO and the Embassy as the people on the ground.

Q Okay. Thank you.

A We would also rely on the views of the trainers. The Mobile Security Division teams that we have there from Washington were doing the training. They would obviously also assess the capabilities of the people they were training.

Q Okay. I would like, if I may, to move on to talk about from personnel now to the physical security, physical security upgrades in both -- in Libya. And, Ambassador, which functional bureau within the Department is mostly or predominantly responsible for ensuring the physical security at diplomatic facilities?

A It's two bureaus. At the physical security at -- the physical security posture, if you like, of an embassy or a consulate is the responsibility for the Office of Overseas Buildings Operations, the people that acquire and build buildings. They have a close relationship with Diplomatic Security, there are diplomatic secure engineers in OBO. It is OBO's responsibility.

DS also has a Physical Security Division, a physical security office, and we have engineers that do a lot of the physical security repairs and things like that, and so it's a combined function of DS and the Office of Overseas guys.

Q Okay.

A Okay. I would like to add that it is the office in DS that

does this work is the countermeasures division. There is a Deputy Assistant Secretary in charge of it. And as I mentioned earlier, it is the countermeasures division that initiates requests for waivers or exceptions if there is to be an exception.

Q Are there any other divisions or directorates within DS that have responsibility relating to physical security?

A No. The physical security people work closely with the International Programs outfit.

Q Okay. In the 2011-2012 timeframe, to what extent were you aware of requests for physical security upgrades at facilities in Libya?

A The only ones that would normally come to my attention would be ones in cable traffic, and I recall -- I'll be careful -- I recall that most of the exchanges, front channel exchanges between the Embassy and the Department concerned Tripoli.

Q But never through back channel?

A I won't say never through back channel. It could have been an email exchange. I never -- I was not aware of any.

Q You personally --

A By back channel, you mean email?

Q Sure.

A Yeah. Okay. I was not aware of email exchanges regarding physical security.

Q Okay. And for those requests that you were aware of, without actually discussing the request itself, to what extent did you

participate in the decisions or discussions surrounding those requests?

A I did not participate in those decisions. That would not have come to my level.

Q Okay. Whose level would that have stopped at?

A The countermeasures, the DAS is countermeasures and international programs. I think that would be the highest level. Obviously, again, if there was any problem, the ambassador would -- I would count on the ambassador to bring it to my attention.

Q Okay. And for any of those decisions that were made, were outcomes to those requests, did you support those?

A There were none that came to me for a decision.

Q None in Libya?

A In Libya.

Q Okay. Can you maybe describe for us why a request for physical security and upgrade would not have been approved? What were the factors in those types of decisions?

Mr. Levy. As a hypothetical matter?

BY MR. KENNY:

Q A general matter. What were the considerations that would go into that type of decision?

A Well, there were many considerations that would go into that decision. But, for example, if an Embassy wished to lease a facility for one purpose or another, perhaps for housing staff that couldn't fit in the Embassy, they would have to have an exception to one or the

other standards. I think it's highly likely that an Embassy asking for such a thing would be told by the Department this is not going to be approved. It's an exception to a standard that we hold very close -- that we pay a lot of attention to and it would not be -- it would not be wise.

Q I'm sorry, when you say the Department would say no, who --

A Diplomatic Security would not support it.

Q DS. There was discussion during the last hour about the types of policies and standards that applied to Special Mission Benghazi. Just given your experience, you were the chair of the Overseas Security Policy Board, can you just explain just real briefly what the Board does, the types of policies, standards, the agreements they develop and promote?

A Sure. The Overseas Security Policy Board is an interagency board, which is chaired by DS. It meets regularly, I'd say several times a year, and it has to do with standards, security standards. It is an attempt, and I think a very effective attempt, to get interagency agreement on standards that apply to all of them, all of those agencies which are represented overseas in embassies.

Q Okay. Turning specifically to the special mission compound in Benghazi, did OSPB security standards apply to that facility?

A I'm not aware that they did. I never got a request for a waiver for such standards.

Q You're saying you're not aware, but in your opinion, did

they apply?

A In my opinion, they did not apply because they -- in my opinion, the standards apply to permanent facilities, not temporary ones. Having said that, as I mentioned previously, in any place we have people we do our best to get as close, because OSPB standard is the standard for us, it's the gold standard, and we try to get as close as we can to it.

BY MR. KNAUER:

Q And isn't it the case that you're facing very limited options in many parts of the world?

A There are places where you simply can't comply with the standards and do business. For example, there could be a place where you can't get the setback that you need. To give you an example, our U.S. Embassy in Ottawa, Ottawa, Canada, which is a new embassy constructed maybe 15 years ago, relatively new embassy, is situated in a spot that does not have the 100-foot setback that is required, that is a standard. There was an evaluation done at the time of whether that waiver -- whether that problem could be mitigated. It was determined that it could, and so that's a waiver of a standard. It happens.

BY MR. KENNY:

Q And just out of curiosity, do you have a sense of how many diplomatic posts around the world don't meet the OSPB standards?

A I don't really have a -- I don't really have a sense, but I -- no, I don't really have a sense, but it's not unusual. It's not

unusual.

Q Is it a large number?

A I don't really know.

BY MR. KNAUER:

Q Is it more than 10?

A Oh, yeah, I'd say --

Q More than 20?

A Certainly. I've approved a number of waivers like that, yeah.

Q I guess what factors into this is that you have to make a decision as to whether or not you're going to do business in that region or not and you have to determine if it's important enough to do business there that you have to find a facility, in some cases even if it doesn't meet these standards?

A Yes. And you would do everything you could to get as close to those standards as you possibly could. In the specific case of Benghazi, we were aware that, you know, the villas they had rented would not meet. Everybody was aware of it. Ambassador Stevens was aware of it. The Department as a whole was aware that this did not meet standards. But what we did was put as much effort into it as we could to get as close as possible to the standards.

The most important consideration for Benghazi, the greatest threat that we were worried about -- well, there were two greatest threats that we were worried about. One is an attack on our vehicles when we are moving and the other is a car bomb or an IED of some sort.

The reason we had -- we went into a villa complex in Benghazi that was of the size it was, was to give us the best possible standoff against an IED, which was the common form of attacking something in that part of the world.

BY MR. KENNY:

Q So, would you say then the focus was less on determining whether an exception to an OSPB standard might be needed, the first priority would always be how can we bring a facility up to snuff, up to these types of standards?

A We do everything we can to bring a facility -- can I just -- I didn't overhear -- we do everything we can to bring ourselves up to standard, that's the standard we try to meet.

Q Referring now to the Secure Embassy Construction and Counterterrorism Act security requirements, so-called SECCA requirements --

A SECCA.

Q -- these relate to collocation and setback. In your view, did these apply to the Special Mission Benghazi?

A No, they do not apply to Special Mission Benghazi. They apply to permanent facilities, embassies or consulates. They do not apply to --

Q And when we say a permanent, is it the timeframe, the fact that a facility might be on a lease or only authorized for a certain period of time, is that what would make a facility temporary? Does it need to be formally notified to the host nation as well?

A The Benghazi facility was never formally notified to the host nation. That's the point. It was not notified to the host nation as a diplomatic facility.

Q And because it wouldn't formally notified, it wasn't a, technically speaking, a diplomatic facility that would bring it under the requirements --

A Under SECCA.

Q -- under SECCA.

A Yes. SECCA also -- SECCA applies to newly acquired, newly constructed buildings. SECCA does not apply, for example, to Embassy Paris. SECCA can't. OSPB does.

Q Okay. Had a decision been made to make a post permanent? You had mentioned that there was a process one would have to undertake in order to seek a waiver or an exception. Could we just revisit that process? I think you had mentioned where specifically that would be initiated. Who specifically would initiate that process?

A It would be -- sorry. Did I cut you off?

Q Please.

A It would be initiated at a post or possibly in the Office of Overseas Buildings. When they were designing a building, I knew they wouldn't be able to meet a certain standard because of the configuration of the plot or something like that. They might initiate it, I imagine. But generally, an exception request is initiated by a post, and at some point in the process the post formally -- the ambassador formally signs off on it.

Q Okay. And just to be as clear as possible on this, there seems to be some lingering confusion about whether waivers or exceptions were required or sought in the case of Special Mission Benghazi. In your view, neither an exception to OSPB or a waiver to SECCA requirements was required?

A I never received a request for a waiver, and so -- and I did not believe that OSPB standards -- a waiver was or an exception -- exception is the term of art -- for OSPB standards. An exception, formal exception would be required.

Q So you didn't believe that an exception would be required for OSPB standards?

A Right.

Q And the SECCA requirements?

A Didn't apply.

Q Didn't apply.

A Not a newly acquired, newly constructed embassy or consulate.

Q Sorry to belabor the point, Ambassador.

A Sure.

Q Then a waiver was not necessary?

A A waiver was not necessary.

Q Okay. I would like to turn now and ask a few questions just about Charlene Lamb, who is the Deputy Assistant Secretary for International Programs.

A Uh-huh.

Q And just, I think we talked a bit about her responsibilities in the last hour, and just to kind of revisit the reporting structure. Who specifically did she report to?

A She reported to the principal deputy, Scott Bultrowicz, and I was her second-level supervisor.

Q To what extent did you directly supervise her on a day-to-day basis?

A I didn't directly supervise her on a day-to-day basis.

Q Okay. In an organization as large as the State Department or even the DS Bureau, how important was it for you to rely on your Deputy Assistant Secretary, such as Ms. Lamb, to perform those duties associated with their positions?

A I relied on them to do their jobs.

Q And could you have personally approved and reviewed every security-related decision at all 270, 280 diplomatic posts around the world?

A No.

Q Okay. Whose responsibility was it to make those decisions and review those?

A As I mentioned earlier, decisions are made at a variety of levels within DS, depending on the gravity of the decision, but --

Q But who principally for the overseas --

A The Deputy Assistant Secretary for International Programs. I am not saying that she would make every decision on every security issue raised by a post. It could happen at the lower level.

Q And was there expectation of your principal deputy, of your other deputies, that they would raise for your awareness certain matters requiring, you know, attention when it was necessary?

A Yes.

Q Okay. And was your experience that they did in fact raise those issues to your attention?

A Yes.

Q Can you describe Ms. Lamb's management style generally?

A Ms. Lamb was a very experienced officer. I did not know her before I came to DS this last time as Assistant Secretary. She was in place when I came. She has extensive field experience, background as a policeman before joining the foreign service. One of our most senior and most experienced field agents. She -- I felt her to be a very strong officer. She had, for example, primary responsibility for managing the transition in Iraq from a military presence to just us, which was an extremely complex and difficult transition, and she had the lead role for DS in that transition.

Q And did you ever receive or were you ever made aware of any complaints from staff about her management style?

A Not from staff, but I was aware that there was complaints about her management. [redacted] The complaints had to do with her management style. I never had reason to question her security expertise or her security decisions.

Q Can you characterize those complaints about her management style?

A Yes. The complaints were generally that she kept a lot -- she was rather turf conscious. She kept a lot of information to herself [redacted]

Q Is it fair to say that a strong management style might have been beneficial in certain circumstances but perhaps less helpful in others?

Mr. Levy. As a general matter or with respect to --

Mr. Kenny. Yes. Well, with respect to Ms. Lamb.

Mr. Boswell. It's really hard for me to answer that question. I have great confidence in Ms. Lamb and in her judgment?

BY MR. KNAUER:

Q Did you ever discuss the turf-conscious issue with the ARB itself? When I say turf conscious --

A I don't recall that.

Q Did they ask you questions about Ms. Lamb?

A I don't recall if they asked me questions about Ms. Lamb, Ms. Lamb's management style.

Q But did they ask you questions in general about Ms. Lamb?

A I don't recall that they did.

Q Okay.

BY MR. KENNY:

Q And what was Mr. Bultrowicz's response when you made him

aware -- or maybe let's start with, why did you feel it was important to notify Mr. Bultrowicz when he came in as principal deputy about these concerns?

A [redacted] I wanted him to be aware. Mr. Bultrowicz was coming in from the field. He knew Ms. Lamb, but he did not -- you know, he had been the RSO in Baghdad. That's where he came to the job from. And so when he came on board, I wanted him to be aware [redacted], namely that Ms. Lamb tended to close hold information [redacted] I remember asking him a couple of months later, how are things going with Charlene? And he said, they're going fine, we're working well together.

Mr. Kenny. Thank you. I believe that's our time, and we'll go off the record.

[Recess.]

Mr. Ohly. Back on the record.

BY MR. OHLY:

Q I want to go back to where we finished our last hour, the majority's last hour, talking a little bit about your experience at the ARB. I want to sort of step back to the beginning of that process.

When did you first learn that the -- about the ARB, that it was being convened?

A I can't remember exactly when I first learned of it, but it was my expectation, of course, from the moment Benghazi happened that an ARB would be required.

Q And when did you first learn that the ARB wanted to speak with you about the events of Benghazi?

A I don't remember it exactly, but it was very early on in their sitting, very soon after they began sitting. I don't think I was the first witness, but I was among the first witnesses -- interviewees, I guess you would say.

Q And what was the setting of that interview or --

A The ARB had a suite of offices assigned to them in the Department and a staff provided them by the Department, and we met in that -- in that suite of offices around -- I think I was at a -- I think I was at a table like this one with the members of the ARB lined up in front of me.

Q And you were the only person present for that?

A I was the only person, yes.

Q And what did you discuss in that first meeting?

A As previously mentioned, it was more a scene setter kind of meeting in which we discussed -- to the best of my recollection, because there is no transcript and I did not take notes -- to the best of my recollection we discussed many of the things that we have been talking about this morning, particularly in the first hour, sort of

what was the preparation, what were the sequence of events that took place from the time that the decision was made to go into Benghazi in the first place with the Chris Stevens mission, right through the ensuing year and a quarter, to the Benghazi event, to the attack itself. And I believe I gave them a sort of tick-tock, if you like, sort of as close as I could get to a minute-by-minute account of what actually happened that night --

Q Okay.

A -- to the best of my knowledge.

Q And did you -- were you notified in advance of their interest in speaking with you on that date?

A Yes.

Q And did you have counsel present with you?

A No.

Q Were you informed of your right to have counsel with you?

A No. I can say I was aware that there is such a right. I have appeared before ARBs before. But I was not officially informed at that time that I could have counsel.

Q Were you told that when you arrived or during the hearing?

A I don't remember being told anything about opportunity to have counsel.

Q And were all members of the ARB present?

A I believe so, yes.

Q Did they ask you -- you said it was sort of a description of, you know, a scene setter, if you will.

A Yes.

Q Did they ask you at all about your supervisory responsibilities or the chain of command, how decisions were made?

A I don't recall that they went into that. It was more a recitation really or a description of what actually happened.

Q So it was more about the events that night?

A About the event, and not of the -- of anything afterward, just the events leading up to that night and that night.

Q Okay. So maybe the year leading up to it and then --

A Yeah. I would say, and as I say, the best of my recollection is that they asked from the -- from April 2011, which is when Special Envoy Chris Stevens went to Benghazi, on.

Q Okay. But it was a general description of these are the, you know, events that took place. Did they ask you about, you know, post asking for specific security requests on X date or who approved?

A I don't remember them get into anything like that kind of discussion.

Q It was more big events?

A It was more introductory.

Q Okay. And then you -- after that interview, did you have any contact with the ARB prior to your second interview?

A No.

Q And when did your second interview take place?

A I think it was either late November or early December 2012.

Q And were you notified in advance?

A Yes.

Q Were you notified of your right to have counsel present?

A I don't recall any such notification.

Q Did you have counsel present?

A No.

Q And can you describe that interview?

A Very similar setup as to the first time around. I believe all the members of the ARB were there. There was also some ARB staff present, probably a note taker, though it was not transcribed. And so similar to the first time around in terms of setup.

Q And what sort of questions were you asked in that interview?

A I'm trying to remember because I don't remember exactly, but I think they asked some questions about the events. They probably -- I think they asked me some follow-up questions of the kind you're describing about security requests. But I don't remember otherwise where they went.

Q Did they ask you at all about your role in the decision making or supervisory authority over those who made decisions?

A I don't recall any such conversation.

Q Did they ask any questions about, you know, there may have been disagreements between the post and people back in D.C. or about any of the, quote, "confusion" or --

A I don't remember. They may have.

Q Okay. Did you feel that the questions were thorough and covered, you know, the extent of what you felt you had to share about

the events leading up to Benghazi?

Mr. Levy. At the time of the interview or --

BY MR. OHLY:

Q At the time of the interview?

A I felt that the conversation was, yes, was thorough. Yeah, I think I did. I think they were thorough.

Q Did they seem well prepared for the interview?

A Yes. I am aware that they had interviewed many people, including people directly working for me.

Q And how long was that interview?

A I'm estimating 40 minutes.

Q Okay.

BY MR. BEATTIE:

Q Who actually was asking the questions?

A Mostly Ambassador Pickering. I believe Ambassador Mullen -- or Admiral Mullen -- asked questions, too. I remember a question or two from Catherine Bertini. I don't remember any question from the Intelligence Community side, and I don't think I remember any question from Mr. Shinnick, the other member of the -- though he may have. The vast bulk of the questioning was by the two leaders and mostly Ambassador Pickering?

Q Was that the same at the first interview as well?

A I think it was a little more broadly. That's just an impression.

BY MR. SKLADANY:

Q What was the length of the first interview? I'm sorry if you said that already.

A Probably 40 minutes. May have been longer.

BY MR. OHLY:

Q Following your second interview, did you have any additional interaction with the ARB?

A None.

BY MR. OHLY:

Q What was your overall impression of the ARB process at the end of your second interview?

A I thought the ARB process had been thorough, coming as it did at a time when this particular incident was very much in the news and there was a lot of pressure on the ARB to come out with something. And I thought the questions were professional. I had a lot of faith in the ARB. I mean, it was very high-powered. ARB was somebody like Tom Pickering, who has been Ambassador many times, and, of course, Admiral Mullen, former Chairman of the Joint Chiefs.

Q Did your opinion change after the release of the ARB report?

A I think I can say -- I should say that I agreed with many of the things in the ARB. I did not agree with the section on accountability. I think the ARB got many things right, starting with the accountability for what happened in Benghazi lies with the terrorists; they are the people that are respondable -- responsible. That's finding number 1. I think the ARB accurately portrayed the environment that DS was operating in not just in Benghazi, but worldwide, and the shift of the environment in which DS and the State Department was operating from historic times, the fact that we are practicing expeditionary diplomacy and the increasing demands on DS.

Q But you did disagree with the section on accountability?

A I did.

Q Is that limited specifically to yourself or to others as well?

A It's limited to my -- I'm speaking only for myself.

Q Okay.

A Wait. Let me go a little further on that. I think the ARB was very rough on Charlene Lamb. While there were issues with her management style that I talked about, they were not, in my experience, issues with her security decisions. And anything to do with her management style did not affect, in my view, what happened in Benghazi, would not have affected. And so I think -- in my view, the ARB spent a little too much time on this.

I did not know Ray Maxwell, just didn't know him.

Q Didn't have any interaction with him?

A Didn't have any interaction with him, had no reason to -- didn't understand why the ARB had mentioned him. And as you know, the ARB mentioned Scott Bultrowicz only in one line that says he's Charlene Lamb's first-level supervisor and therefore shares in the responsibility.

On me, if I can continue just a little bit --

Q Absolutely.

A On me, the judgment was -- the judgment of the ARB was that I had inadequately managed -- I don't remember the exact term, but inadequately managed, supervised Charlene Lamb. I don't think that's accurate. I wasn't aware of that finding until the ARB actually came

out. It was no indication to me that I recall in my meetings with ARB about deficiencies in Charlene Lamb's performance. I don't think they talked about it.

There was some suggestion when I talked to the ARB that they felt that if there had been two additional agents, that it might have made some difference. That was just in conversation; they didn't put it in the report. I don't agree. I don't think any of the things that were at issue between Charlene and the RSO in Tripoli would have materially affected the outcome in Benghazi.

The ARB was also 100 percent correct in saying there was no intelligence to predict a Benghazi-style attack.

Q I know I've asked you this a couple times, but I just want to be crystal clear on it. When you met with the ARB in either situation, you weren't asked any questions about your supervision of Charlene Lamb?

A I don't -- I don't remember any such questions about my supervision of Charlene Lamb.

Q Did you feel the criticism of Mr. Bultrowicz and being her one line supervisor was unfair?

A I do.

Q Do you feel he was negligent in his supervision of her in any way?

A I think, as I mentioned during the previous hour, I was aware of concerns about Charlene Lamb's management style; not her security expertise, but her management style. It had been brought to my

attention [redacted]. [redacted]. I naturally, as her second-level supervisor, wanted to be aware of those conversations. I also relayed them to Under Secretary Kennedy at the time.

But -- and Charlene and I even had a conversation regarding not about -- exactly about her work performance, but the fact that she had been in the job for a number of years, a very long very period of time actually, for DAS. And we talked about some other possibilities for her. She wanted very much to stay in her job, she loved her job. She also had [redacted] reasons for not wanting to go overseas, which would have been one of the options. And ultimately we agreed that she would stay in the job for an additional year, which would have been to this summer. [redacted]

Subsequently -- not subsequently, but after the -- when Scott Bultrowicz came on board, as I previously mentioned, I relayed the concerns [redacted] about Charlene's management style and particularly her, if you like, hoarding of information. So he was aware of it. [redacted] indicated to me that he planned to work with her to work through it. And subsequently, maybe months later, some months later, maybe weeks, I don't remember, I asked him again how are things going with Charlene, and he said they were going okay.

Q I want to now sort of walk back to what we were discussing earlier.

Mr. Knauer. John.

BY MR. OHLY:

Q Go back to what we discussed a little earlier regarding when you learned that had you been named in the ARB. We jumped around a bit in that conversation. I just want to maybe do it in a little bit more sequential order. So can you just walk us through when you first heard that you had been named or held accountable by the ARB and what you learned at that point in time?

A Okay. I'll try to be as precise as possible.

I don't remember the exact day, but it was the day or the day before that the ARB released its report. They had briefed the Secretary of State and presented her -- I don't know if they briefed her personally, but anyway presented the report. I wasn't aware of what it contained.

I got a telephone call in my office from Under Secretary Kennedy in which he said words to the effect, it's awful, and they have singled out -- I don't think he used that term, but in any case identified four people under the accountability section, and you are one of them, and they are recommending that you not continue in your job. He said, they also identified Scott, and they spent a lot of time on Charlene, he told me, and also with DAS in the NEA Bureau, Ray Maxwell.

So I was surprised. I hung up the phone. I thought about things, [redacted] went back to thinking about what I should do and decided that I would have to resign, decided I wanted

to do it on my own steam -- under my own steam, and wrote out -- hand-wrote a letter of resignation to the Secretary of State. Incidentally that's the wrong person to address it to, it's to the President. But anyway I wrote out a letter of resignation. I called Kennedy, asked to see him, went up to him, and the first thing I did was present my letter of resignation.

He -- I had not resigned as Director of the Office of Foreign Missions, frankly had not even thought about it. He asked me to stay on as Director of the Office of Foreign Missions.

Q At that moment?

A I believe it was at that moment.

Q What was his reaction when you handed him the letter?

A I think sadness.

Q He didn't convey anything about you should review this first or --

A He did not. It was just sadness, we're really sorry it has come to this kind of thing. I am not quoting him.

Q Did you have an opportunity to read the report or passages about you?

A I asked for the opportunity to read the report. I had already resigned, I had submitted my letter of resignation. I said I thought it was only fair to read what they said about me, because I didn't know, so he said, of course.

I obtained a copy of the report, the full report. I was moving very fast; I did not read the full report. I went to the accountability

section, and I read that thoroughly, and then I thumbed through the rest of the report.

Q That was the day --

A The day of, day of. I think that was the day that the report was made available to the Department, but it may have been the following day.

Q So you did have an opportunity to review the classified version?

A I did. Again, it was a very quick review. I was concentrating on what they had to say about me.

Q Uh-huh.

We've been through this, but you disagreed with their characterization of your responsibilities, or what they said about you?

Mr. Levy. He's answered that.

BY MR. BEATTIE:

Q Can I just ask real quick? When Ambassador Kennedy and you had that conversation, you said he asked to you stay on as Director of Overseas Foreign Missions. Did he say anything about that, or did you say we would like to you stay on?

A No -- I think -- no, he did not.

BY MR. OHLY:

Q Other than what was written in the report, did anybody provide you with any additional information or context as to why you had been named in the report?

A No.

Q Did you attempt to speak with the ARB or anybody at the State Department to understand the criticisms?

A I did not.

Q To this day do you understand why you were singled out for criticism?

A I can -- I only know what they put in the report, which is that they felt that I had not adequately supervised Charlene Lamb. They were rather critical of Charlene Lamb's performance. There's a page and a half in the report about Charlene Lamb. There's maybe three lines about me, two lines about Scott Bultrowicz, and a somewhat longer section about Ray Maxwell.

Mr. Ohly. We have seen the classified, just so you know.

Mr. Levy. I think it's been declassified.

Mr. Boswell. I've been told that, but I haven't --

Mr. Levy. By the State Department.

Mr. Ohly. That portion.

Mr. Levy. The accountability section has been declassified.

Mr. Beattie. We've read the whole report.

BY MR. OHLY:

Q Ambassador Pickering has made some statements after the release of the report about they fixed accountability at the Assistant Secretary level, sort of where the rubber met the road, in terms of decisions. What was your reaction to that sentiment or his statements?

A I'm aware of those statements. The rubber does meet the road at the Assistant Secretary of State for Diplomatic Security.

Having said that, I've been Assistant Secretary for a very long time and a Foreign Service officer for a very long time. We have been through a lot of ARBs. We have been through some very tragic events. No ARB has ever singled out a person under the accountability section. I was puzzled by this recommendation because the ARB had at the same time said they found no dereliction of duty, no delinquency, so I found that was inconsistent.

Q You had mentioned earlier that you've been a part of an ARB in the past?

A Uh-huh.

Q What is your previous experience with ARBs?

A I have extensive experience with ARBs. One of the provisions of the ARB law is that a preliminary committee meet before and -- after an incident has happened and before the decision is made to convene an ARB. That's the Secretary of State's decision. So this preliminary committee meets to make a recommendation to the Secretary, and a charter member of that committee is the assistant Secretary for Diplomatic Security. So I was involved in ARBs from that perspective on several occasions.

Not only that, when I was not Assistant Secretary, when I was working at the ODNI, as I did for 3 years, there is by law a member of the air -- of the ARB that is named by the Intelligence Committee; also a member of the preliminary committee named by the Intelligence Committee. I was named, so I participated from the IC point of view in addition to the DS point of view.

There was also an ARB before which I appeared as a witness, and that was the 1998 Nairobi/Dar es Salaam. I had retired by then, I was no longer with the State Department, but I appeared as a witness. It was a different kind of ARB. I was sworn in, I was advised of the opportunity to have counsel, and I testified under oath.

Q Based on your experience can you contrast that with this ARB and how the process played out?

A Only to say that in one I testified under oath, as I believe all the witnesses did. In other words, it was somewhat more formal in that sense. And I was advised of the opportunity to have counsel, and I said I didn't want counsel. Otherwise they were similar, the sort of conversation that went on.

Q Why do you think there was that difference?

A I really have no idea.

Q Why do you think this ARB went -- and this is perhaps speculation, so if you're not comfortable answering, I understand, but if you do have an opinion you wish to share, we would appreciate it. Why do you think this ARB went down the road of accountability, naming specific individuals?

A It would be speculation, and I really am not comfortable with just guesswork.

Q Okay.

A All I know about that judgment is what I read in the ARB.

Q Okay. Going back to the statement about accountability lies at the Assistant Secretary level, why do you think that didn't

apply to other bureaus?

A I'm not aware that it doesn't apply to other bureaus. This sort of normal accountability chain for security incidents runs through the Ambassador, who is primarily the accountable official for what happens under his or her watch in his or her country of responsibility, through DS, and up through the chain of State Department. That is, DS, Under Secretary for Management, and on up.

Q Do you think that counterparts in other bureaus, such as Near East Affairs -- you said you interacted with individuals on the policy side as it related to security -- do you think they were more or less involved in decisions than were perhaps conveyed by the ARB?

A I had fairly frequent contact with the NEA Bureau on security issues, as I have previously stated, so I think they were involved with judgments about Tripoli and Benghazi.

Q I think part of what I am trying to understand is if you're being held accountable for your failure to supervise individuals under your chain of command, did you question at all why similar accountability wasn't held for different bureaus, that there was criticism of individuals in those bureaus?

A I didn't go in that direction. I'm aware that the ARB singled out one DAS in the NEA Bureau.

Q But you didn't think about it beyond that?

A No, I didn't.

Q Did you feel that there were any decisions related to security in Libya that involved individuals above you in the chain of

command?

A Involving security in Libya, yes. The Under Secretary for Security -- For Management was definitely involved in decisions involving -- lots of decisions about Benghazi. He's the one, after all, that authorized, gave the go-ahead for the mission in the first place and extended the mission. He approved the extension of the temporary mission.

Q Beyond him approving the extension, was he involved in any other discussions about Libya or decisions related to Libya?

A That I am aware of -- you have to understand that Libya was -- Tripoli and Benghazi were unaccompanied posts. It is the Department's policy and practice to handle unaccompanied posts in a particular way. Unaccompanied, I mean with no families. And so any decision about travel in and out, staffing levels was made by the Under Secretary for Management.

Q Is that staffing of security and political staff?

A All, all, all positions.

Q So any decisions on staffing would --

A Staff size, yes. He would personally approve them.

Q Okay. And you wouldn't be involved in the discussion?

A DS might be involved with his staff, I might be involved, yes.

Q Are you aware of any decisions that were made either by him or his staff about staffing in Libya that you were not involved in?

A There are certain kinds of decisions, like when visitors

want to go to the post, where his staff simply reaches out directly to a counterpart in DS. It doesn't come through me, it is a much more sort of informal, if you like, arrangement. His staff will tell him, we checked with DS, they have no objection, or something like that. But it's really a kind of low-level process.

Q Would there be any interaction between him and, say, Charlene Lamb?

A I don't think so. Of course, they knew each other very well. Pat Kennedy has long, long, long experience with Diplomatic Security. He was Acting Assistant Secretary for a long time. He's responsible for diplomatic security. As Under Secretary he knows all my DASes. He knows Charlene.

Q Do you know if he ever went to her directly for advice or recommendations?

A I suspect he might have, but not routinely. I have seen the criticism that there is some sort of direct pipeline. I'm not aware of it.

Q And this is maybe a bit repetitive of what we just talked about, but at the May 8th hearing this committee held, a number of the witnesses raised questions about Under Secretary Kennedy's role in decisions related to Libya. They suggested that he was very involved in decisions related to staffing and budget. Do you agree or disagree with that?

A I do agree. He was very aware of what was going on in Libya and was involved in decisions. Sure, I agree with that.

Q Was his involvement in Libya unique?

A Under Secretary Kennedy gets very involved in lots of decisions around the world, and particularly when they come to -- when it comes to drawn-down posts, posts with no dependents and like that, he's very, very attentive to them, which I think is right and proper. He has visited them, as I have, almost all of them. He pays very close attention to these kinds of posts. He has extensive experience himself in -- has spent plenty of time in Baghdad during the worst of times, so he knows conditions of high-threat posts.

BY MR. BEATTIE:

Q Just to go back to the time when you found out -- when you had the meeting with Under Secretary Kennedy --

A The meeting in which --

Q You submitted your resignation.

A Yes.

Q Either in that meeting or at a subsequent time -- let me put it this way: As I understand it, and correct me if I'm wrong, the ARB is an advisory body; I mean, it doesn't have the authority to actually demand the resignation of anyone, to fire anybody, or to institute any penalties. Is that your understanding?

Mr. Levy. That's a legal question.

Mr. Beattie. I am asking about his understanding.

Mr. Boswell. Sure. It is my understanding that they don't have any such powers.

BY MR. BEATTIE:

Q Did you have any -- were you provided any insight into the decisionmaking process for any of your subordinates in DS, Mr. Bultrowicz or Ms. Lamb, who didn't submit their resignations ahead of time, but were actually placed on leave? Did you have any insight into that decisionmaking process within the State Department?

A No insight. All four of the people that were put on administrative leave were people that had been named in the ARB. That's all I know.

Mr. Beattie. Okay. Thanks.

BY MR. OHLY:

Q I want to go back to our time lime which we didn't quite complete earlier. After you had your meeting with Under Secretary Kennedy, he asked you to stay on in your other capacity. About how long after that did you hear from him again?

A Days, but I don't remember exactly how long.

Q And he just -- days later you received a call from him saying you've been placed on administrative leave?

A I received a call from him that said, you're going to be notified that you are being placed on administrative leave, as are the three other people.

Q And who made that decision?

A I don't know.

Q Did he provide any context or any additional information?

A Beyond saying he didn't think it would last long.

Q Okay. It is now, what, 6 months later?

A Yes.

Q And you said you've inquired every couple of weeks as to what your status is?

A Correct. I wouldn't say every couple of weeks, but from time to time.

Q Okay. And no response?

A No response -- well, beyond saying it is still under advisement.

Q So what is your understanding of the process right now; what is happening?

A My understanding of the process is that at some point the Secretary of State is going to have to decide whether myself and the three others remain on administrative leave or not.

Q Why is it taking this long?

A I can't answer that. "I don't know" is the answer.

Q Have you ever seen something like this --

A No.

Q -- in your experience at the State Department?

A No, I have not.

Q Has the Department taken an adverse action against you?

A No, they have not, in the sense that I'm getting paid. I'm just not allowed to go to work. That is very painful for me.

Q So what is your day-to-day now? Are you able to access your email?

A I am able to access my email, but I don't do work. I can

read email. I -- much of the email on which I was on standard distribution since I'm no longer Assistant Secretary routinely does not come to me. I've been taken off, but that's completely understandable. But I do read email. I'm able to communicate with my colleagues by email. It doesn't happen very often; I'm not working.

Q What does this mean for your career moving forward. Say, you are taken off administrative leave, what does it mean for your -- what's next for you?

A I had always planned to retire at the end of the last administration. I had been Assistant Secretary for many years. It's a meat grinder of a job, and I had always planned to retire. That was well known. I had told Under Secretary Kennedy and others that at the end of the Clinton administration, having served two -- actually three administrations, I planned to retire.

I decided not to -- actually "retire" is the wrong word, the word is "resign," because I am already a retired Foreign Service officer -- but to resign my commissions as Assistant Secretary and Director of the Office of Foreign Missions, but once I was put on administrative leave, I made the personal decision that I did not want to resign a commission under these circumstances, that I wanted my situation resolved before I took another step.

When you asked me what the effect on my life, it has been a profound effect, a profoundly deleterious effect on my life. My Wikipedia entry, shall we say, is not remotely like what it was before Benghazi. I had planned -- had various plans to move on. All of those are on

the shelf. And so it is perhaps the most painful period of my professional life.

Q And you have been given no opportunity to, if you will, face your accusers or respond to the allegations against you?

A I have not.

Q Is there any avenue from which you can do that?

A I'm not aware of any.

Q There's no appeal process that you can go through or --

A Let me be -- well, one, to answer your question, there's no appeal process that I know of. I'm a bit disappointed that I wasn't -- didn't have a chance during the ARB, if they were coming to a conclusion, the conclusion that they did, to ask me about it and ask my views about that judgment. That would happen if you were being -- in any other kind of review done by inspectors or GAO or whatever, you get an opportunity to comment. I didn't get an opportunity to comment; I just saw the conclusion, surprised to see the conclusion.

Having said that, I read the ARB carefully, and there are many parts, in fact, most parts, of the ARB that I agree with. There are many recommendations that are constructive and proper. The Department has decided to adopt those recommendations, most notably ones that involve a shortfall in funding for diplomatic -- for diplomatic construction efforts. I think that's a very good thing; there were some additional resources for DS; the finding that the accountable people are the terrorists. Let's not forget this: The accountable people are the terrorists, not loyal government servants who are trying

to do their jobs in the best way they can; and the finding that there was no intelligence -- we haven't really covered that ground here, but there was no intelligence to predict, to give any kind of indication of an attack of that size and lethality. That attack was unprecedented in my experience as a Foreign Service officer, which goes back a long way.

Q Do you think that the recommendations of this ARB will lead to meaningful change? There's been previous ARBs. You were a witness in the late '90s, I believe you mentioned, for the Dar es Salaam.

A That's right.

Q Do you think it will have a meaningful effect on security, or will it be a report with recommendations and maybe that they'll follow through on for a few years, or will there be meaningful change?

A I think there will be meaningful change. I think most ARBs have made constructive recommendations. Most ARBs with which I am familiar, and I'm pretty familiar with a lot of them, have made recommendations, most of which were complied with. Some of them -- most, but not all. The Secretary always has the -- these are recommendations, as you said, I think you said. These are recommendation, and the Secretary has the option of accepting, or not accepting, or thinking things over.

But this ARB has made some recommendations which I think are constructive and are already being acted on, notably shifting of funds to provide for more DS agents; the recommendation to increase the number of places which have Marine detachments -- it's a very good

recommendation and will be very difficult for the Marine Corps to comply, but I think they will comply; the recommendation that there be substantial additional funding for diplomatic security -- construction, embassy and consulate construction.

You will recall that in the wake of '98, Nairobi and Tanzania, the Congress voted a steady-every-year amount of money to build new embassies with the objective of building about 10 at a time, an enormous program for the Office of Overseas Building -- 10 a year, not 10 at a time. Over the years that has diminished not because the money itself is any less, but because inflation has eaten away at it, and there was no provision in the original funding for any kind of maintenance for these new buildings. And even new buildings, particularly complex new buildings with complex structures in them, require maintenance. So that level of funding has been eaten away by inflation and maintenance requirements. This ARB recommended that funding be plussed up, and that we get back to 10 a year, which I think is a very good recommendation. It's a shame that it takes an ARB to bring this about.

BY MR. SKLADANY:

Q John covered a lot of what I wanted to ask about, but I just did want to pick up a little bit on what John was asking about a few minutes ago. You mentioned ultimately your understanding is Secretary Kerry will decide how to resolve your status. Did I hear that correctly?

A You did.

Q Do you know how he'll be making that decision? Is it based

solely on what the ARB found, or is there a supplemental internal investigation?

A I have no idea.

Q You mentioned earlier in the interview that over the course of your career, you feel like you've batted a thousand, I think is what you said, in terms of protecting various posts. Do you have any sense as to whether the entirety of your career is being considered as part of the Secretary's determination?

A I don't have any understanding of what is being considered.

Q All you've been told at this point is that it is still under advisement and at some point will be resolved?

A Yes.

Q As far as the process for making the determination, you've been given no --

A I don't know the process for making the determination. I have only been told that it is the Secretary's decision.

Q Has an Acting Director of the Office of Foreign Missions been hired?

A There is an acting, yes. He's not been hired.

Q It was from within?

A It was somebody down the chain of command, as would happen when there's an absence.

Q You mentioned that you have access to emails?

A Unclassified.

Q Unclassified emails.

A Yes.

Q As far as preparing for today's interview, did the State Department make available to you all the documents and emails you needed?

A Documents. I reviewed a large number of documents. That's what was made available to me. That's the only thing that was made available to me, documents.

Q And you've seen the unclassified ARB report?

A I have seen the classified ARB report.

Q I'm sorry, classified is what I meant to say.

A I've seen the classified ARB report, as I previously indicated, briefly at the time of my resignation as Assistant Secretary for Diplomatic Security, briefly. Subsequently I did not see it until I was notified that the committee was interested in interviewing me. At that time I asked to see the full ARB, and I was given access to it.

Q Do you remember how you were made aware that the committee wanted to interview you?

A Sure. I got an email from my email from a State Department lawyer, who notified me and transmitted Chairman Issa's letter or a copy.

Q And did they make documents available to you, or was that something you had to request as far as preparing?

A They made them available to me. I think we have asked, my counsel and I have asked, for whether there are any further documents.

Q Did they share with you just the emails that you had sent or received, or did they make other people's emails also available?

A They made other people's emails available as well.

Q And the same for documents that you prepared?

A Yes. The bulk of it was stuff that my name was on one way or the other, but other documents as well.

Q Do you feel like they were adequate as far as making documents and information available to you to prepare for today?

A I think it was quite exhaustive given the difficulty in putting together, which the committee is very familiar with -- the difficulty of putting together a vast quantity of documents.

Q You're probably aware there have been a series of congressional requests for documents, several from Chairman Issa, Chairman Royce, subcommittee Chairman Chaffetz, and probably some others, too. And I would -- I'm assuming, I'm fairly certain that some of those requests would have covered emails and documents that you created and that you've sent or received. With you on leave, do you know how they went about identifying the emails?

A I really don't know.

Q Did you participate at all in helping them identify emails responsive to the congressional --

A I did not. I was aware of the -- even when I was Assistant Secretary, before I went on leave, because several people have testified in front of Chairman Issa, in front of the committee, and I was aware of document requests, and there was an intensive team

operating, trying to be responsive and provide all the documents that the committee was requesting. I was also aware that the committee was asking physically for documents, and that the Department's decision had been to make them available to read, but not to keep.

Mr. Skladany. That is all the questions I have. Is that the end of our round?

Mr. Ohly. I may have a few more questions, and I think we can break for lunch.

Mr. Levy. Okay.

[Discussion off the record.]

[Recess.]

Mr. Kenny. We'll go back on the record. The time is 1:50 p.m.

BY MR. KENNY:

Q Ambassador Boswell, I just have a few additional questions for you, so we appreciate your indulgence, and, again, we want to thank you for your appearance here today. So thank you.

Wondering if we could discuss the December 2011 action memo that was approved by Under Secretary Kennedy, and I just have a real quick question on this. You had mentioned during the first hour, I believe, that the memo had originated in the NEA Bureau. Specifically it was put forward by the Assistant -- the then-Assistant Secretary Jeffrey Feltman; is that correct?

A Correct.

Q Sir, given your extensive experience within the Bureau of Diplomatic Security, you had seen perhaps similar memos such as these in the past recommending posts to be open or closed or --

A No. Benghazi is pretty much sui generis. There isn't -- formal openings and closings of diplomatic posts, yes, but not a temporary mission like this.

Q Okay. And for formal opening and closing of posts, would the idea or the policy that the U.S. should reopen a diplomatic facility or close it, would that generally tend to originate in the regional bureau?

A Yes.

Q And then it would come to Diplomatic Security for your concurrence, for your review; is that accurate?

A Right. I want to make perfectly clear that what we're not talking about is a new post, because in my experience there has not been a new post opened. We opened a bunch of new posts in the Soviet Union, in the former Soviet Union, when it disintegrated. But if you're talking about a post that, for example, has been evacuated and shut down like Tripoli, or if we were ever to open in Damascus, that would originate -- or reopen Damascus -- that request would originate in the Geographic Bureau and come through DS and probably other places, too, for decision by the Under Secretary for Management.

Q Okay. And just to be clear, you didn't participate in the 2011 memo, but is your understanding that the Bureau at, I believe, the Deputy Assistant Secretary level cleared that memo for DS?

A Yes.

Q I would like to turn -- briefly, now, you had mentioned -- or, sorry, we have been discussing the accountability section of the Accountability Review Board report.

A Uh-huh.

Q And in the now declassified portion where they discuss your conduct and your actions, the Board seemed to fault you for your management or lack of management over the Deputy Assistant Secretary for International Programs, and you had mentioned that you felt strongly that that was inaccurate, or you didn't agree with that

recommendation; is that correct?

A I was puzzled by that recommendation, and I didn't agree with it.

Q So what I would like to do now is I'd like to ask you about some testimony that was made before the committee, and during this committee's hearing on May this year, the former Regional Security Officer [redacted] testified that the Under Secretary -- that Under Secretary Kennedy worked closely with Ms. Lamb. I believe we discussed this issue or touched on it in the last hour, so I would like to introduce a portion of that hearing transcript into the record.

This will be Exhibit No. 3, I believe. And I'm going to quote from page 176, but I'll give you an opportunity to read through the entire exchanges. Please let me know when you're ready.

[Boswell Exhibit No. 3
was marked for identification.]

Mr. Boswell. Okay. I'm ready.

BY MR. KENNY:

Q Okay. So I'm going to quote now from a portion on page 176, and before our committee and during this hearing, Mr. [redacted] testified that, and I quote, The Under Secretary for Management in many ways was dealing directly with DAS Lamb. As her supervisor two levels ahead, obviously he has the 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, end quote.

Ambassador, [redacted] seems to be alleging here, or it's implying, that you were caught out of the loop. Is that accurate? Is Mr. [redacted] correct?

A Mr. [redacted] -- it is not accurate, and Mr. [redacted] is not correct.

Q Just a follow-up on that. Was there anything else about when you -- is there anything else that you heard during our May 8th hearing, specifically testimony by the former Regional Security Officer, that you thought was inaccurate in describing actions taken or how the DS Bureau operated?

A That's a pretty broad question. I remembered this statement that he made, this one that we just -- and I remember thinking at the time, that's not accurate.

Q Okay.

A And it's still not accurate.

Q Do you know why he might have made a statement like this?

A I don't know.

Q Okay. You had mentioned during the last hour that you didn't feel or you didn't think that the Accountability Review Board -- that the final report had focused enough on intelligence failures leading up to the attacks in Benghazi. And I was wondering, I would like to have that discussion with you now about where you feel improvements could be made.

Mr. Levy. First, before he answers the question, I'm not sure he used those words as a characterization of the ARB report, but ask

him any question you'd like.

BY MR. KENNY:

Q Okay. Ambassador, what role did the lack of intelligence play in the security failures in Benghazi?

A First, let me clarify that I never said that there were intelligence failures. I don't believe that there were intelligence failures. I said there was no specific intelligence warning of an attack of this kind.

Q And should there have been?

A That's where I've been.

It would have been helpful to have such a thing. Obviously the decision tree would have been different, as I mentioned, if we had intelligence that a large attack of this kind was in the offing. We did not have any such intelligence either from the Intelligence Community, or from the mission in Benghazi, from the NEA Bureau, or from Ambassador Stevens in Libya, from any of those places.

Q Okay. But you feel it's important to flag that there was a lack of specific credible tactical information about an impending attack?

A As I said previously, if we had had intelligence that such an attack was in the offing or being planned, we would have gone through a different decision pattern than we did. If we -- sorry.

Mr. Levy. Go ahead.

Mr. Boswell. If we had -- and we sometimes do get -- and I want to be careful that I'm not going into -- we sometimes do get specific

warning from the Intelligence Community, specific warning of an attack that may be imminent, and sometimes that attack occurs, and sometimes it doesn't, but we get specific warnings. We did not get any such thing here.

BY MR. KENNY:

Q And I apologize, I don't want to put words in your mouth, so if you didn't use the phrase "intelligence failure," I apologize. But to what do you attribute that lack of information or that lack of intelligence reporting about a credible threat?

A I don't attribute it to anything. There were a lot of people that knew a lot about Benghazi, a lot about Libya, starting with the Ambassador, who knew a lot about Libya, and no one ever thought that -- I mean, as I say this, this attack was unprecedented in my experience as a Foreign Service officer; not just as Assistant Secretary for DS, but a 40-year experience.

Q But in this instance, why was it that there -- in your estimation, that that information, that intelligence, did not exist, that that decision tree could not have taken place or been engaged?

Mr. Levy. Are you -- are you asking -- can you rephrase the question? I'm not sure it was clear.

Mr. Boswell. I'm not sure how to answer the question. Yeah?

BY MR. KENNY:

Q I guess what we're trying to understand is you're stating that there on the night of attack, or in the days or weeks leading up, there was no specific credible warning of an attack, and that's a

finding of the ARB. I'm asking for your understanding of why that was the case.

A I would have to guess -- well, one, the Intelligence Community can't predict everything accurately, and I certainly understand that. But what we didn't have was even any kind of indication, any kind of indication, that a mass assault by armed people was a possibility. There was no such trail in the security incidents that had taken place in eastern Libya or even in Libya as a whole in previous months with nothing like that. There were some attacks, attacks on motorcades. There was an occasional IED. There was a lot of Libyan-on-Libyan attacks. But there was -- there was no indication of the kind of attack that took place, not even a hint of the kind of attack that took place. Why? I can't really speculate. It would be entirely speculative of me to say. But the intelligence was simply not available to our government to the extent that -- regarding eastern Libya.

Let me also add that we were aware of threats. We were certainly aware of the situation generally in eastern Libya. We were aware of threats. The primary threat, as I said earlier in my statement, was an attack on one of our vehicles, which is what happened to the Brits and others, or an EID, or a large IED, especially a large IED, a VBIED or -- VBIED, V-B-I-E-D -- and we took measures to protect against that. We just didn't have any indication of an armed attack by a large -- of an attack by a large number of armed people.

Q Okay. Just one quick final question, and this is a broader

policy question, so feel free to kind of interpret it and answer it as you see fit. But we had discussed this notion, or I think it was raised at some point earlier today, about expeditionary diplomacy, and I was wondering if you could just discuss with us so that we can better understand how the Department, in your view, can effectively balance the need to conduct foreign policy safely and securely with the need to occasionally -- or go beyond the wire, so to speak, and connect with local populations. Can you just explain the importance of that and how the DS Bureau -- how that mission has evolved over time to help support?

A It's the central policy question that we have to deal with in DS, and the Department for that matter. I think I have very good perspective on which -- with which to answer that question because I have been Assistant Secretary twice, the last time in the '90s, before the term "expeditionary diplomacy" ever was coined. It was in 2003, in the wake of 9/11, the 9/11/2001, that -- that the United States Government made a decision that it would operate embassies in places where in my previous incarnation we never would have been, specifically war zones, war zones where there is active combat, and U.S. troops for that matter.

The greatest challenge we have had as a Department, not just of Diplomatic Security, is balancing the needs of being able to -- balancing the ability to function effectively, to do our job in these places with the requirements of security.

There are and have been extremely large embassies in Iraq and

Afghanistan and Pakistan now, and it's a tremendous challenge to be able to protect all those people and at the same time not -- enable them to do their work safely. So that's a very, very difficult balancing act.

Security, we can never provide 100 percent security, and I hope everybody understands that. We can never provide 100 percent security. We can just do the best we absolutely can, and I thought, frankly, we had done it over the years. I think it's a remarkable record for Diplomatic Security and the Department to have -- have experienced years and years of functioning in a war zone and in other embassies, and I cite Yemen as another great example, Lebanon, Damascus itself until we eventually had to go down, of being able to function without any mishaps, without any casualties, without any victims of people under Chief-of-Mission authority; that is to say, being protected by DS.

BY MR. KNAUER:

Q Secretary, what role does the balance of resources play in Diplomatic Security in terms of how you allocate staff and how you allocate hardware out to the field? I'm guessing there's not an unlimited pot from which you can pull from, so you probably have to make hard choices.

A We do have to make hard choices. The resources available to Diplomatic Security have been greatly increased since my time in 1998. I can really see the difference. Much greater number of agents, much greater -- more resources available, but also the challenges have

been multiplied exponentially; as I mentioned, trying to operate huge embassies in war zones, among other things.

So it's always a balancing act, and, frankly, you never have new money. It's always a balancing act, and the ARB correctly noted that, correctly noted the increasing strains on Diplomatic Security and the increasing difficulty of managing decisions on where to put the resources.

Q Do you think --

A Having said that, we would not put people in a place where we didn't think we had the resources to deal with them.

Q Okay.

A To protect them.

Q Okay.

A In the past, when I have been aware of a threat, I have -- which we could not defend against, I have been careful to recommend -- and there was never any disagreement -- to recommend that that post be closed. We did that in Tripoli because we thought that we couldn't count on the Qadhafi thugs, the Qadhafi regime, to keep its thugs at bay. We did that in Damascus. We closed Damascus even though it's very much in the U.S. interest to have an embassy operating, eyes and ears operating, in Damascus, but we couldn't protect it. And when the -- when that -- when we came to that moment in time, I recommended that we close it, the Under Secretary agreed, the Ambassador agreed, this was actually a communal decision, and we pulled. We pulled out. We closed. That's what we would do in such

situations.

Mr. Kenny. Thank you again, Ambassador. We know that some of these issues, I think, have affected you very deeply, very personally, so we really do appreciate your openness and forthrightness with us today. So thank you, and that will conclude our hour.

Mr. Ohly. Go off the record for a minute.

[Discussion off the record.]

Mr. Ohly. Back on.

BY MR. OHLY:

Q I just may jump around a little bit, but I just want to touch on a few areas we haven't completely covered.

A Uh-huh.

Q Just briefly I wanted to go through the night of the attacks and the immediate thereafter.

A Uh-huh.

Q When did you learn about the attacks, and what was your role that evening?

A The evening of September 11th, I was in a place called Truth or Consequences, New Mexico, on leave.

Q Okay.

A I received a phone call in my motel at something like 6 o'clock in the evening -- I couldn't swear the time -- from my executive assistant in the DS front office back in Washington, said we -- telling me we had a problem in Libya, there's been an attack on a compound, we have -- we don't know where the Ambassador is, and there may have

been some casualties, a very confusing situation. I just wanted to give you a heads-up.

A few hours later while I was asleep, I got a phone call, same person. She woke me up and said that there's been a very bad outcome, that the Ambassador is dead, there are three other people dead, the folks are being evacuated from Benghazi back to Tripoli, some of our people are wounded, and the situation is being managed by my Deputy, by Under Secretary Kennedy and the rest of the Department leadership.

At that point I knew I got to go home, and I spent the next day getting home, driving to Albuquerque and getting a plane back, and I arrived back home that evening.

Q And once you returned home, what was your responsibility there?

A Well, first I had to get briefed on what was -- on what had been happening, what the state of play was not only in Benghazi, but in Tripoli. We were very concerned about Tripoli. Tripoli is an embassy that in some ways is similar to Benghazi because it's rented facilities, a consolidation of villas, in fact, on two sites, just like Benghazi. So we were very concerned about Tripoli. But also things were starting to go haywire in other places. This was at the time, as you will recall, of what I call the odious video, the YouTube video, the blasphemous video that had led to -- I believe had led to the original demonstration in Cairo where people came over the wall.

I think it was the day after I got back, we had an attack on our embassy in Sana'a, Yemen, where demonstrators penetrated the

perimeter, did a great deal of damage, milled around inside the compound, and in subsequent days there were other such demonstrations. So I had my hands full. We had a near invasion of a compound in Khartoum, Sudan, where very large -- thousands of demonstrators -- in each case there was thousands of demonstrators -- saw thousands of demonstrators came up against the wall of this brand new mission, OSPB-compliant, SECCA-compliant, compliant-with-everything mission in Khartoum and tried very hard to get in. They did a lot of damage, but they didn't get in.

Similarly, and I can't tell you exactly the date, I'd have to come back to you on that, but it was very soon there was a similar attack by a mob on our embassy in Tunis, another brand new facility. A large number of demonstrators penetrated into the -- into the facility, milled around, did a lot of damage. It was a very alarming time.

In the end, in all of those places, the systems that we had put in place to protect our people -- and I want to underline this -- the systems that we put in place to protect our people succeeded. It was a near-run thing, but it succeeded. There were no American casualties in any of those. They were very, very severe attacks on our missions.

I can add that there were also enormous demonstrations in Pakistan. I don't want to undersell Pakistan in any of this. It was an area of great concern. I've said in the past and to you that I thought Peshawar was our most difficult mission in the Foreign Service. There were major demonstrations by tens of thousands of people against consulates in Karachi, in Lahore, and our embassy in Islamabad. The

Embassy -- the demonstration against our embassy in Islamabad by one count was 80,000 people. That focuses the attention when that happens.

Q In those immediate days when you were dealing with a lot of major issues going on, was there any specific understanding that what had happened in Benghazi was tied to the YouTube video or to what happened in Cairo?

A I knew only what the press was -- I had no other knowledge of what was going on. To this day I don't think the USG -- and we'll know when the FBI finally comes out with its report and investigation -- but to this day I don't think we have a good fix as the USG on what exactly caused that attack or was motivating that attack.

Q Was there any understanding that there had been a protest in Benghazi?

A I had seen press account for protests, but I was not aware -- I had no other information.

Q When you got back, no one within DS or otherwise, to the extent you can say in an unclassified setting, was saying there was, you know, a protest that led to this attack?

A No.

Q There's been a lot of public controversy about the September 16th talk shows and what was said on those talk shows. Did you have any reaction to the statements that were made?

A I didn't have any reaction to the statement. In fact, I confess that I didn't watch the talk show, the Sunday -- the famous

Sunday show. I didn't watch it. I didn't have any reaction to it.

Q Did you disagree with -- when you did hear the statements, did you feel they were accurate based on what you understood at the time?

A They seemed entirely reasonable based on what I understood at the time.

Q Okay.

A But, again, my understanding was exclusively from press and open source.

Q Okay. Going back to the public ARB report, on page 4 of the public ARB report, the first paragraph of finding number 2, "Systemic failures and leadership and management deficiencies at senior levels within two bureaus of the State Department resulted in a Special Mission security posture that was inadequate for Benghazi and grossly inadequate to deal with the attack that took place."

What's your reaction to that finding?

A I don't agree with the statement that the security posture was inadequate for Benghazi. It was adequate for the kind of threats that we -- that we expected, that we anticipated. I do agree that it was inadequate to deal with the attack that took place. I think that goes without saying, really. It was inadequate, but we had no warning of such an attack or any, you know, even supposition of something like that.

Q What do you make of the finding of systemic failures in leadership and management deficiencies at senior levels within two

bureaus?

A Well, you know, I'm really not quite sure what they're talking about here. I have seen the criticism in the accountability section of me for failing adequately to supervise my Deputy Assistant Secretary, but I saw nothing else in the report at all about inadequate supervision or anything else. It was simply that phrase in the accountability section. I didn't see any criticism -- I saw criticism of her, but I didn't see any criticism of other officials in any part of the report, so I find that a little puzzling.

Q And by "her" you mean --

A Charlene Lamb.

Q -- Charlene Lamb?

A Yeah.

Q It references two bureaus. Can you provide any context, based on your experience, what the -- I assume the other bureau is NEA?

A Uh-huh.

Q What the deficiency would have been there or what the systemic failure is there?

A I really don't know what they -- I didn't see any -- anything elsewhere in the report about systemic failure in the NEA Bureau. I'm sure they're talking about the NEA Bureau, but beyond saying that there was a DAS that they faulted, I didn't see any other --

BY MR. BEATTIE:

Q That was Mr. Maxwell?

A Mr. Maxwell.

Q Were you surprised that Mr. Maxwell was in the accountability section, based upon your interaction with --

Mr. Levy. I think he answered this before, but go ahead.

Mr. Boswell. I was a little surprised. I didn't know Mr. Maxwell.

BY MR. BEATTIE:

Q Why were you surprised?

A I didn't know him as a player on the --

Q Okay. I think you mentioned -- I don't know when it was, what round it was, but you did mention that you had interacted with Beth Jones on Libya policy. What would -- what was the nature of that interaction?

A I don't think I said that I interacted on Libya policy --

Q I apologize.

A -- with Beth Jones. I just had -- I knew her.

Q Yeah.

A I don't remember that -- whether we had any specific conversation about Libya, but we did have, of course, a normal business conversation. She has a tough portfolio.

Q Yes.

A So I'm sure we had conversations about other posts.

Q But just to be clear then, you don't recall any specific interaction with Ms. Jones on Libya policy?

A I do not.

Q Okay. What about with Liz Dibble on Libya policy?

A I had perhaps more frequent conversations with Liz Dibble, not about Libya, but on NEA issues in general. She was the PDAS for our Assistant Secretary Feltman. My normal interlocutor would have been Feltman. He was on the road a lot, That's the job of an Assistant Secretary, so there's the PDAS that operates as sort of the COO, if you like.

Q Sure.

A And I had many dealings with, you know, Liz Dibble. I don't remember any conversations specifically about Libya, but I'm fairly certain they would have taken place. I just don't remember them.

Q I believe you also mentioned earlier that as far as NEA's involvement in the security side of the house with respect to Libya, typically the NEA/EX office would be involved typically; is that true?

A NEA/EX was involved in management, housekeeping, if you like, so requests for additional funds, for coordination of requests even for more security help, or, you know, how are we going to rent villa X or villa Y, how are we going to fix it up, NEA/EX would have been involved with that. I am a former Executive Director of NEA. During the first gulf war, I got a Presidential citation for my work.

Q So you're very familiar --

A Very familiar with it.

Q -- with that work?

A Yes. It's the mother of bureaus.

Q With respect specifically to Libya --

A Uh-huh.

Q -- in the lead-up to Benghazi, what happened in Benghazi, did you, or, to your knowledge, did any of your subordinates, interact regularly with [redacted] in his role as NEA/EX, any of NEA/EX?

A You mean in the lead-up to 9/11 in Benghazi?

Q Yes, sir.

A I had occasional contact with [redacted]. Probably mostly just we were in the same meetings sometimes. I don't remember having any direct contact with [redacted] myself. I am quite positive that there was direct contact between [redacted] and other parts of DS.

Q And then finally, a gentleman named [redacted], who I believe worked for Ray Maxwell, to your knowledge, was he involved at all with security policy with respect to Libya?

A Not to my knowledge. I think [redacted] was the office director, which is the level under the DAS. I think I met him. He was probably present when -- in the meetings I had with both Ambassador Cretz and Ambassador Stevens. I couldn't swear to it, but I think he was probably present. Those would have been the only encounters I ever had with him.

Mr. Beattie. Okay. Thanks.

BY MR. OHLY:

Q And Ray Maxwell was not present in those meetings?

A Not to my recollection.

Q Okay. Is it safe to assume -- well, let me rephrase.

Would Charlene Lamb in her execution of -- as the DAS of IP, would she be interacting with the Executive Director's office, EX --

A I think so.

Q -- as far as staffing is concerned?

A And her people would be interacting with EX, yes.

Q Okay. Just one other quick thing I wanted to walk through. We briefly touched on it, but how was the decision to end the SST mission in Libya, how did that all evolve, and what was your role?

A I wasn't directly involved in it. The SST, as I mentioned before, is at short-term fix for a post under certain conditions. The -- my knowledge of the SS -- or my knowledge of the SST in this particular instance was that we requested SST support from the Department of Defense when -- when we first decided to reopen -- reopen Embassy Tripoli in September, I think it was, of 2011. Before we reopened, we sent an advance team. It did not include an SST. It was MSD agents and a facilities person to take a look at our existing -- our facility which had been ransacked by Qadhafi's thugs, ransacked and destroyed basically. They had to look at it to see if it was occupiable, if we could use it. They came back and said it wasn't. We couldn't use it.

We asked for the SST because we needed some capabilities that the SST provided that we did not have available. Those capabilities included not just close protection, although that was an important part of it, but also EOD capability, certain communications capability -- I don't want to go farther than that -- medical assistance. And the SST, which I think was 12 or 14 people, I can't remember exactly when, had that kind of capability, and -- and they came on board for a fixed period

of time.

As I previously mentioned, an SST would not normally stay an extended period of time, but this SST was extended on several occasions, I think for 3-month increments, simply -- precisely because it was difficult for us to replace them.

Eventually the SST got small. The people that did EOD, for example, explosive ordnance disposal, did their job, and then they were no longer necessary. They had a medical capability that was very valuable, but we eventually got a nurse in. Medical ability was always helpful, but we eventually got a nurse in to the post. And so ultimately, as I recall, it was extended three or four times through August 4th and then finally left.

Again, I want to underline that the SST's responsibility was for Tripoli. There were very brief forays by the SSTs to Benghazi, one in particular in which they did some close protection work for a motor movement off of Benghazi into a town that was quite distant, and we really appreciated the close protection assistance that they could give us. There was another time when the head of the SST, Colonel Wood, went to Benghazi on a military-to-military, not SST-related, mission. He was delivering some equipment.

Q Who were the decisionmakers relative to the -- either the presence or the mission of the SST?

A The ultimate decisionmaker is Under Secretary Kennedy.

Q Would NEA have a role in advising on the presence or --

A I don't remember that NEA weighed in on the SST. I think

they may have considered it a purely security kind of call.

Q Okay. But you had no direct knowledge of NEA's involvement --

A No.

Q -- in advising that?

A No.

Q And there's been some reporting that some felt it would be embarrassing to request an extension of the SST. Were you familiar with any discussion along those lines?

A I've heard that. I wasn't aware of any such discussion at the time, but I've heard that, yes.

Mr. Ohly. Okay. Well, sir, we really appreciate your --

Mr. Knauer. Can we just have 3 more minutes over here?

Mr. Ohly. Yeah.

BY MR. KNAUER:

Q Secretary, I want to get a bit more context around the September 11 time period when all of these events were taking place around the world based on that videotape, the cause protest and the cause, I guess -- the storming of various posts from country to country. I think you had mentioned Islamabad, Karachi, Sana'a, Yemen, Khartoum, Tunisia.

A Cairo.

Q Cairo. And Cairo took place prior to Benghazi, correct?

A Correct. Hours.

Q Hours.

And then these other events took place very quickly thereafter?

A Yes.

Q So I guess my question to you would be would it be understandable if a precise understanding of the reasons behind the attack in Benghazi could not be pinned down during the days or even weeks that followed?

A Pinned down by me is understandable, yes.

Q What about people in the State Department, I mean, with all of this going on?

A It was not the State Department that was -- that was responsible for deter -- Benghazi was a crime scene, so it was the FBI that was looking -- conducting the investigation into what happened in Benghazi.

Mr. Knauer. Okay. We're definitely done on our side. Thank you for your time.

Mr. Ohly. Ambassador, we want to thank you for your time today. This has been extraordinarily helpful, and with that, the interview is complete.

Mr. Boswell. Thank you for the opportunity.

[Whereupon, at 2:30 p.m., the interview concluded.]

INTERVIEW OF ELIZABETH DIBBLE

BEFORE THE

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, JULY 10, 2013

APPEARANCES

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JOSHUA L. DOROSIN, *Assistant Legal Adviser for Management, Office of the Legal Adviser*
THEODORE CHUANG, *Counsel*

Mr. Ohly. Good morning.

Ms. Dibble. Good morning.

Mr. Ohly. This is a transcribed interview of Elizabeth Dibble conducted by the House Committee on Oversight and Government Reform. This interview was requested by Chairman Darrell Issa as part of the committee's ongoing investigation into the attacks on U.S. diplomatic facilities in Benghazi and the subsequent ARB.

Could the witness please state your name for the record?

Ms. Dibble. Elizabeth Dibble.

Mr. Ohly. Thank you. My name is John Ohly. I am a senior professional staff member with the committee.

I will ask everybody else to introduce themselves.

Mr. Beattie. Brian Beattie with the majority staff.

Mr. Skladany. Jon Skladany with Chairman Issa's staff.

Ms. Sachsman Grooms. Susanne Sachsman Grooms. I am with the minority staff.

Mr. Powell. Jason Powell with the minority staff.

Mr. Knauer. Chris Knauer, minority.

Mr. Kenny. Peter Kenny with the minority staff.

Mr. Dorosin. Josh Dorosin, Legal Adviser's Office, State Department.

Mr. Chuang. Theodore Chuang, State Department counsel.

Ms. Dibble. Elizabeth Dibble, State Department.

Mr. Lewis. I am James Lewis, majority staff.

Mr. Ohly. The committee appreciates your appearance at this

interview. Your decades of dedicated service to the country offer a unique insight that is extremely valuable to the committee.

Before we begin, I would like to go over the ground rules and explain how the interview will proceed. The way the questioning proceeds is the majority staff will ask questions for up to 1 hour. After that, the minority staff will have an opportunity to ask questions for up to an hour, as well.

We will do our best to limit the number of people directing questions at you during any given hour to just those people on staff whose turn it is. We will rotate back and forth in this fashion until all questions are asked.

Ms. Dibble. When you say "rotate back and forth," between majority and minority?

Mr. Ohly. Yes.

Ms. Dibble. Okay.

Mr. Ohly. We would like to take a break whenever is convenient for you, whether it is every hour or even if you need to take a break in the middle of a round of questioning. You are welcome to confer with counsel at any time.

Ms. Dibble. Okay.

Mr. Ohly. Please just let us know. Because we would like to make this process as easy and comfortable as possible.

Ms. Dibble. Okay.

Mr. Ohly. This interview is unclassified. So if a question calls for any information that you know to be classified, please let

us know that there is information that is classified, what the nature of that information is, and respond only with unclassified information. If we need to have a classified session at a later date, we can arrange that.

We encourage witnesses who appear before the committee to freely consult with counsel. And you do have counsel present today. Could your counsel please state their name for the record?

Mr. Chuang. Theodore Chuang from the State Department.

Mr. Ohly. As you can see, an official reporter is taking down everything you say for the written record. So we ask that you give verbal responses to all questions, "yes," "no," as opposed to the nods of the head. I am going to ask the reporter to please feel free to jump in in case you do not respond verbally. Do you understand that?

Ms. Dibble. Yes, I do.

Mr. Ohly. Also, we should both try not to talk over each other so it is easier to get a clear record.

We want you to answer our questions in the most complete and truthful manner possible, so we will take our time and repeat and clarify questions if necessary. If you have any questions or you don't understand any of our questions, please just let us know. We would be happy to clarify or repeat.

If you honestly don't know the answer to a question or don't remember, it is best not to guess. Please give us your best recollection. If there are things you do not know or can't remember, just say so.

Ms. Dibble. Okay.

Mr. Ohly. You should also understand that, although this interview is not under oath, that by law you are required to answer questions from Congress truthfully. Do you understand that?

Ms. Dibble. Yes, I do.

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

Ms. Dibble. Yes, I do.

Mr. Ohly. Witnesses that knowingly provide false testimony could be subject to criminal prosecution for perjury or for making false statements. Do you understand this?

Ms. Dibble. Yes, I do.

Mr. Ohly. Is there any reason you are unable to provide truthful answers to these questions?

Ms. Dibble. No.

Mr. Ohly. Okay. That is the end of my preamble. The clock now reads --

Mr. Knauer. Hey, John? It is really hard to hear down here, so if you guys could be as loud as possible. Thank you.

Mr. Ohly. The clock now reads 10:10, and we will get started with the first hour of questions.

EXAMINATION

BY MR. OHLY:

Q Just to get started, can you give us a brief summary of your background and career at the State Department?

A Sure. Until June 28th of this year, I was Principal Deputy Assistant Secretary of State for Near Eastern Affairs. I began that job on September 6th, 2011. I think it was the 6th; it was the day after Labor Day.

Prior to that, for a year I was a Deputy Assistant Secretary in the Bureau of European Affairs at the State Department. Prior to that, for a little over 2 years I was Deputy Chief of Mission at the U.S. Embassy in Rome.

From 2006 to 2008, I was the Principal Deputy Assistant Secretary in the Bureau of Economic and Business Affairs. From 2004 to 2006, I was a Deputy Assistant Secretary in the Bureau of Near Eastern Affairs.

I have served overseas in Damascus, Islamabad, Tunis, and London. I have also spent a considerable amount of time in Washington working on a combination of economic affairs and Middle East and European affairs.

Q That is very helpful. And you said "until June 28th." What is your new title, or current title?

A Well, I am in transition now. In August, I will become Deputy Chief of Mission at the U.S. Embassy in London.

Q Great. Thank you.

It would be helpful if you can walk us through a little bit about NEA and their role in Libya. What is the relationship with post? How is information coming in? And what functions was NEA focused on?

A As the Bureau of Near Eastern Affairs, NEA is responsible

for the day-to-day conduct of our foreign relations with the countries of the Near East region, Libya being one of those.

Libya falls within what we call the Maghreb, which is the Arabic word for "western" --

Q Uh-huh.

A -- the western part of the world. The Office of Maghreb Affairs covers Libya, Tunisia, Algeria, and Morocco, so is one of several country directorates. The bureau is -- our work is broken down by country directorates, and then there are also functional directorates.

So, on a day-to-day basis, the bureau -- and I use "the bureau" sort of writ large, everyone ranging from desk officers to deputy office directors to the office director to the Deputy Assistant Secretary with responsibility for the Maghreb, to myself, and to the Assistant Secretary -- have interaction with our embassy in Tripoli -- you asked specifically about Libya -- potentially with the Libyan Embassy in Washington, and with the interagency community in Washington.

As, you know, the State Department is responsible for a portion of the conduct of foreign relations, but I suspect you are all well familiar with the interagency process and the number of other agencies involved in foreign policy, and then the national security staff as well.

Q Okay. That is great.

Can you walk us through a little bit about how NEA is broken up and what the different functions are and a little bit of the org chart,

if you will?

A Sure. Happy to.

Q And I apologize if some of these questions seem very basic.

A No.

Q We do have a general understanding, but it is helpful to hear it from you.

A And I know org charts are often a mystery.

There is the Assistant Secretary and then the Deputy Assistant Secretaries, of which I was the Principal Deputy. We have an office of -- or a Deputy Assistant Secretary for Maghreb Affairs, who supervises the Office of Maghreb Affairs; a Deputy Assistant Secretary for the Arabian Peninsula, who supervises the Office of Arabian Peninsula Affairs.

Prior to mid-2011, summer of 2011, those two offices were supervised by one Deputy Assistant Secretary. And then they were split in 2011, given the volume of work and given what was happening in the region, across the region.

There is an Office of Israeli-Palestinian Affairs that works very closely with the Office of the Special Middle East Coordinator, David Hale. You probably know of him.

There is an Office of Egypt and Levant Affairs, which covers Lebanon, Jordan, Syria, Egypt. That reports to a Deputy Assistant Secretary, with the exception of Syria because of everything that is going on in Syria. Robert Ford, who is still our Ambassador to Syria, oversees the Syria operations.

There is an Office of Iranian Affairs, which I supervised. There is an office, a very large office of Iraq Affairs, which is supervised by the Deputy Assistant Secretary for Iraq. Since my departure, the Deputy Assistant Secretary for Iraq also oversees, supervises the Iran office now.

There is a Deputy Assistant Secretary for Public Diplomacy, who oversees our press and public diplomacy operations.

There is an Office of Middle East -- the Middle East Partnership Initiative. That office and the Office of Regional Affairs both reported to another colleague of mine, Deputy Assistant Secretary.

And, finally, there is the Executive Office, which I supervised.

Q Thank you. That is helpful.

Did all of the Deputy Assistant Secretaries or all of the offices report through you to the Assistant Secretary, or were only specific offices under your supervision?

A Actually, technically, the only two offices that reported through me to the Assistant Secretary were the Office of Iranian Affairs and the Executive Office.

I was not the supervisor in terms of -- I don't know if you are familiar with our evaluation process, but that is how we -- I did not write the evaluation reports for the other Deputy Assistant Secretaries. They reported directly to the Assistant Secretary.

Q Were you still involved in some of the issues in those other offices?

A Well, as the Principal Deputy and as the person when the

Assistant Secretary was traveling, for instance, the person who took over for him or her, depending on what time period you are talking about, yes, I was. My responsibility was to be generally familiar with operations across the region, just as the Assistant Secretary was.

Q Okay. Great.

Of those offices, who were the principal players, if you will, or the primary officers focused on Libya specifically? Would it just be Maghreb and EX?

A Primarily. Primarily the Office of Maghreb Affairs. EX in terms of the management and administrative functions. The Office of Public Diplomacy, though, played a role in, you know, developing press guidance and public outreach and that type of thing.

They would be, I would say, the three primary ones, with the Office of Maghreb Affairs being most definitely the first among equals.

Q And what was their focus at the Maghreb Affairs? What was their focus on Libya? What areas did they cover, or what issues did they cover?

A They covered everything, the full range of our bilateral relations, from coordinating -- also, one other office I didn't mention is the Office of Middle East Transitions, which technically right now is sort of dual-hatted. It reports through the NEA Assistant Secretary to the Deputy Secretary of State to Deputy Burns. And that office had responsibility for assistance in all of our transition countries. So Tunisia, Egypt, Libya, Syria were the four primary ones that they were focused on.

The Office of Maghreb Affairs was, if you will, the belly button for dealing with the embassy in Tripoli on a regular basis, doing everything from coordinating visitors going out, preparing briefing materials for meetings that the Assistant Secretary or one of the Deputy Secretaries of State or even the Secretary of State would have with Libyan officials or interagency meetings on Libya, preparing the paper, as we call it; dealing with other bureaus in the State Department, Consular Affairs. If there was an issue -- you know, we had several Americans, journalists, who were held during the war. They were the ones -- the desk would work with Consular Affairs on trying to resolve, you know, their whereabouts and get them released. If there were requests for -- if we had a delegation traveling and they needed visas, the desk would provide a letter to the Libyan Embassy.

So, really, the full range of issues that come up. At the same time, they were also providing the same kinds of things for Tunisia, Algeria, and Morocco.

Q Okay.

Specifically as it relates to the security decision-making process, what was the NEA Bureau's role in that? And how do you interact with the other bureaus in that process?

A Diplomatic Security has the lead on security issues. The interaction -- as the ARB report pointed out, things were stovepiped. And NEA focused on the policy side of things, DS focused on the security side of things.

There was an area of crossover. Our Executive Office dealt quite

closely at the working level, in particular, with DS because when we were -- for instance, just as an example, when we were reopening the embassy in Tripoli after the war -- our original facility had been trashed and looted during the war, so we couldn't move back into it. So our administrative folks, our management folks worked closely with DS, with OBO, the Office of Overseas Buildings, to identify a facility, which turned out to be the former chief of mission residence, but to make sure that there were upgrades done and to outfit it for operations as an office as opposed to just a residence.

The desk officer would work with DS, as well. And then occasionally, you know, there were times when either the Executive Director himself or one of us would have a conversation with DS. But there was this stovepiping.

Q And when you are interacting with DS, what level are you interacting with? When EX, for example, is interacting with DS, who are they interacting with?

A I am not totally familiar with the DS structure. I mean, there are area folks who deal with the Near East. Depending on who in EX was doing the interaction, it was sort of post-management officer to their equivalent, their desk officer. The Executive Director would deal with one of the DASes there.

Mr. Beattie. I am sorry, who was the Executive Director at that time?

Ms. Dibble. [redacted], who is still our Executive Director.

BY MR. OHLY:

Q Did you ever have interactions with DS on Libya?

A On Libya? Not that I recall, no.

Q Okay. And if you did have interactions, what would that level be, or who would you be interacting with?

A Again, it sort of depends.

Q Uh-huh.

A If we were in a -- I could deal with my counterpart, the PDAS there. I dealt with -- I am trying to think on Libya specifically. I do recall on Syria, when we were in the process of closing the mission there, dealing with the DS Assistant Secretary. But I do not recall any specific interactions we had on Libya.

Q Okay.

Mr. Ohly. Did you have anything further?

Mr. Beattie. Yeah.

BY MR. BEATTIE:

Q I am just trying to understand. You have described, I think, very well the way it typically works when things are normal in the world, which in that part of the world we know that --

A They are never normal.

Q Yes, they are never, perhaps, completely normal. But we have been told -- and this is not just the State Department, throughout government -- sometimes when there is a crisis, sometimes there is a task force that comes together and pulls people together kind of just to deal with the crisis.

Specifically during the revolution against Qadhafi, what

happened with Libya policy in the State Department, in NEA? Did things kind of run as per normal, or was there, like, a task force that was set up to kind of deal with the crisis that then handed off to -- do you understand what I am asking?

A Yes, I understand what you are asking. I was not in NEA when the revolution started.

Q Sure.

A I know there was a task force, especially as we were working to basically bring our people out, to get our people out.

Because I was in the Bureau of European Affairs and I had responsibility for Western Europe and the ferries, for instance, that were chartered to pick up people from Tripoli, were chartered out of Malta. Malta was one of the countries I covered. So I am familiar from that perspective with what happened.

Yes, there was a task force.

Q When you came on as PDAS in September, did that task force still exist or had it already --

A No, it had folded. The task forces are usually to get through a crisis, for a crisis period. We have one operating right now for Egypt, for instance.

And a true task force runs 24/7, and it is fairly labor-intensive, and it is what you want when there is a crisis going on. So the idea is you bring everyone together -- the regional bureau, the Bureau of Consular Affairs, Diplomatic Security, the Pol-Mil Bureau. So you have everybody in one room in the operations center so that you can

get information out in real time and in in real time, and it is all coming into the same place. It is centralized.

Q So when that basically stood down, if you will, that Libya task force, then what happened with Libya policy after that in NEA and in the rest of the bureaus you interacted with?

A Well, it reverted back to NEA and to the Office of Maghreb Affairs under the supervision of the then-Deputy Assistant Secretary.

Q Sorry, who was that?

A That was [redacted] at the time.

Q Okay.

A You are talking about the period of the revolution itself?

Q Yes.

A Yes.

Q Okay. Thank you.

BY MR. OHLY:

Q We have talked sort of generally about the structure of the Department, and it has been very helpful -- or the bureau, excuse me, and it has been very helpful.

In your role as the PDAS, what were your specific responsibilities as they related to Libya?

A I did not have specific responsibilities relating to Libya. I had general responsibilities regarding the functioning of the bureau, you know, as a whole.

I would say the one thing that -- or one of the things that the PDAS has responsibility for is personnel. You know, when we are

choosing new office directors, we are choosing new deputy chiefs of mission, down to the desk officers, that was something that I supervised. I didn't do it by myself, but, as the PDAS, I had the lead on that.

Q Did you have any role in Libya policy or helping coordinate Libya policy?

A Well, to the extent, yes, that the bureau -- I mean, as I said, when the Assistant Secretary travels or is out of the office, I am the Acting Assistant Secretary. So, yes, I am familiar with and have a role in the formulation of policy, the implementation of policy across the board.

We meet on a daily basis; the DASes meet with the Assistant Secretary every day. Every other day, approximately, the office directors meet. We have a morning meeting, and we go over what is happening, what needs to be addressed that day, you know, what are the hot issues, you know, what we need to deal with.

So, in that context, I would have been dealing with Libya or involved in dealing with Libya.

Q Okay. In the year leading up to the attack, what was your visibility or awareness of security concerns in Libya?

A I mean, it was clear that Libya was a dangerous place and that the revolution had -- you know, the revolution hadn't ended, it was still ongoing. And the successive interim governments in Libya were trying to get a handle on security, a handle on the militias, a handle on the huge amount of weapons that were sloshing around the

country, a handle on border security.

This was one of the things, the challenges that the government, the interim government, was facing: standing up a police force, standing up a national military, preparing for elections, dealing with the oil sector. And, you know, these were -- across the board there were a number of challenges.

So I was certainly aware of the kind of large-scale challenges, security challenges, facing Libya. I was not involved in individual decisions or individual security arrangements for either the embassy in Tripoli or the special mission in Benghazi.

Q Okay.

After September 2011, when the Department is starting to move back, getting back into Libya, and then in the fall of that year, fall/winter --

A 2011?

Q -- 2011, you are having discussions about reestablishing or whether to continue in Benghazi, whether to maintain a presence there. Were you involved in those discussions at all?

A Yes.

Q And how did that all develop? What was the sequence of events that led up to that memo to Under Secretary Kennedy?

A Are you talking about the December 27th memo?

Q Yes. I guess I am trying to understand how that decision was made.

A We sent -- the office in Benghazi had been operating since

April of 2011, when Chris Stevens was sent in by steamer, by boat. He was there throughout the summer.

Then, when it looked like Tripoli was about to -- well, when Tripoli fell and Qadhafi disappeared, the decision was made that we were going to send people back to Tripoli to our embassy. We first sent the DCM, [redacted], who had been the DCM before. And then Ambassador Gene Cretz went back in September to raise the flag and reestablish the embassy.

Chris Stevens continued in Benghazi. And nobody knew Libya better than Chris. And Chris strongly recommended that we maintain a presence in Benghazi temporarily for a year because the government was just getting on its feet. It was an interim government. It was composed of many representatives from eastern Libya who were sort of the fathers of the revolution. So the east was important, politically.

And so I recall an email from Chris shortly before he left laying out the reasons why he thought it was important that we continue to maintain temporarily a presence in Benghazi. And we discussed it within the bureau. Obviously --

Q When you say "we," can you --

A Well, that would have been the Assistant Secretary, who was Jeff Feltman at the time; the DAS, who at the time was Ray Maxwell; the Office of Maghreb Affairs; the Executive Office, because there were certain costs involved in maintaining a presence there.

And then this idea was socialized more widely within the building. I don't recall if it went to an interagency, you know, discussion. I

did not attend the interagency policy committee meetings on Libya, so I don't know. It may well have been discussed there.

But on the basis of the recommendation from Chris and the strong support of Gene Cretz, who was the Ambassador in Tripoli, and our discussions, we put forward the proposal to keep it going for another year.

Q You mentioned the interagency policy coordinating meeting. Who would represent the Department or NEA at those meetings?

A Normally, that would have been the DAS, so Ray Maxwell, or possibly the office director.

Q And the office director would be?

A [redacted].

Q [redacted].

So that proposal originated in -- it would originate in NEA?

A Yes. We drafted the memo, uh-huh.

Q And at what point would it be shared with other offices or other bureaus?

A Well, a memo like that would go through extensive clearance. You don't produce it one day and send it up the next.

Q Right.

A So by the time it went to Under Secretary Kennedy for approval, various people within the State Department had chopped off not only on the concept but on the memo in particular. And I don't have the clearance page in front of me, but I can guess, you know, who saw it.

Q Understood.

When that memo went up, what was your understanding of sort of what the security posture would be to maintain a presence in Benghazi?

A Well, the memo includes an attachment that lists the security upgrades, basically, that would be made, and that is all costed out.

Q And who came up with those recommendations?

A I don't know who came up with the specific recommendations and the costs. I don't know.

Q Would that have come through NEA?

A I mean, I can guess, for what that is worth, but it would probably be a combination of DS and NEA.

Q And in NEA, would it be EX?

A Yes.

Q Okay.

As the year progressed, did you have concerns that the security resources that were sort of envisioned in that memo were not reaching Libya?

A No.

Q Did you have visibility into it?

A No.

Q So you weren't following that, you know, whether the number of DS agents that had been requested --

A No.

Q Was anybody in NEA following that?

A I don't know.

Q If there was somebody in NEA following that, who would it have been?

A I don't know. It could have been the combination of the Office of Maghreb Affairs and the Executive Office.

But, generally, the decisions on the specific provisions, logistics of security were left to DS. They were the experts, not -- you know, I certainly can't say I am an expert on security and, you know, couldn't say whether X formulation was better than Y formulation. And I don't think anyone in the Office of Maghreb Affairs or, frankly, the Executive Office would have been qualified to make that judgment either.

Q For things like staffing and processing of visas, would that have all -- even if it was DS personnel, does that still come through EX?

A DS has its own personnel process. It is very separate. It does not -- so anything to do with security personnel would not come through EX. For --

Mr. Chuang. NEA/EX.

Ms. Dibble. NEA/EX, yeah. Thank you.

For political officers, economic officers, management officers, the human resources officer, that kind of thing, yes, it would come through NEA/EX.

BY MR. OHLY:

Q Okay. But for DS staff that were -- how about processing

visas? If DS staff were being sent over, would that all go through DS, or would that --

A Well, DS doesn't process visas. If you are asking a question of --

Q If there were issues getting visas for people going in-country.

A They would probably go over -- I honestly don't know the procedure for how they request visas. We do visa letters, "we" meaning the individual country offices, do visa letters to the embassy in question. But we don't actually procure visas.

Q Did you have or were you aware of any concerns from the personnel in Libya that they weren't getting the resources they needed? Or did you or anybody in NEA have communications from post saying, hey, we don't have the resources we need or we don't have the personnel we need?

A I did not have any communications myself, no. I can't speak for others in NEA.

Q Had you heard of any of this, or had you heard speak of it, you know, around the office?

A You know, at this time, you are talking February-March of 2012, we were dealing with security situations in a number of countries across the region. This is at the time when we were evacuating our embassy in Damascus. We, you know, were very concerned about the situation in Yemen, the security situation at our post there.

So security writ large was a tremendous concern, you know, and

the security of our posts was a tremendous concern, but not to the point or not to the level, I guess, where I was involved with how many DS agents should be at this post and how many should be at this post.

Q And I wasn't limiting it to any specific time frame. I am just curious if at any point from, you know, the time of establishing an extended presence in Benghazi or throughout that year leading up to the attacks, if you heard any concerns about the resources that we had in Libya.

A In Libya, not in particular, no. I mean, if you ask me, did I hear concerns about security resources across the board? Yes. I mean, we were -- because the security posture post-Arab Spring had changed so much at a number of our posts, this was something we were grappling with.

BY MR. BEATTIE:

Q So just to -- I am just trying to understand, you know, the structure of NEA and how it relates to DS. So, I mean, just to go back -- I am sorry for being repetitive, but I want to make sure we are clear.

You had mentioned that NEA/EX -- who I believe at the time Mr. [redacted] was the Executive Director, correct?

A Uh-huh.

Q You said that he dealt with staffing issues. Were those staffing issues things like principal officers and that sort of thing? Is that the staffing issues that NEA/EX was involved with?

A No, I am sorry, maybe I misspoke. NEA/EX is our -- contains

our HR, our personnel people.

Q Yes.

A And so they deal with both foreign service and civil service personnel both in Washington and overseas. I mean, that is the central -- when someone is assigned to an NEA post, they are the ones who handle the assignment, if you will.

Q So, then, if -- I am just trying to think of an example of what that would look like as it relates to Libya. So would NEA/EX deal with posting foreign service officers in Tripoli or in Benghazi as an NEA post? Is that how that would work?

A Let me see how to explain it better.

Post-revolution, we had a much more limited footprint. The post was -- basically, we were limited to the number of beds we had. When we first reopened, we had people sharing rooms. And, at one point, they were, you know, sort of four to a room, which is not really --

Q Sure.

A -- how you want to spend a long term. And we had competing demands for what kind of people we should have at post.

Q Sure. You had a limited number of beds.

A Limited number of beds. You have a requirement for political reporting, for economic reporting. You need a consular officer. We needed -- we had a nurse there. And then we had TDYers who wanted to -- from, you know, other agencies who had very legitimate business.

So there was a balancing of staffing that was handled by NEA/EX,

yes.

Q So, for example, if you have X number of beds in a post, like in Benghazi, and you would have, like, say, a political officer there sometimes? Would you have a political officer there?

A Well, actually, I was referring to Tripoli.

Q Oh, okay.

A Benghazi was basically a small -- I mean, you had one, what I will call, substantive officer there, and you had a communicator, and then you had security.

Q So what would you call that? I mean, when you said "substantive officer," is there a title for that position?

A Well, we were calling the position the Acting Principal Officer.

Q Okay. And did NEA/EX play a role in assigning whoever that individual would be to Benghazi?

A In choosing the person? No.

Q Who would choose the person?

A We basically went out for volunteers, and we identified people who had either served in Libya before or who had served elsewhere. In some cases, other bureaus volunteered people. We had someone from the Bureau of Conflict and Stabilization Operations in there for part of the time. We had someone from the Bureau of Political Military Affairs in there for part of the time. We utilized people who had served in Tripoli previously.

And that was primarily handled by the desk itself.

Q Okay. So the desk in -- I am sorry, where is the desk?

A In the Office of Maghreb Affairs. Sorry.

Q Okay. So NEA/EX didn't play any role in that?

A In choosing, no.

Q What role did they play in assigning that person?

A Well, I mean, it is helping with the logistics of getting the people --

Q Okay.

A -- into post.

Q Got it.

And then, for example, let's take Benghazi again as an example. You have a limited number of beds. There were some other personnel that would go there, like, say, DS agents. Did NEA/EX play a role in getting space, logistics for those persons?

A Well, I mean, there were no space constraints, really, in Benghazi.

Q I see.

A The space constraints were in Tripoli.

Q Okay.

A And the DS agents who were chosen to go in were chosen by DS.

Q Okay. So NEA/EX didn't really play a substantive role in the --

A No.

Q Okay.

A No.

Q In security postings.

A No.

Q Okay.

BY MR. OHLY:

Q I am going to pivot slightly but stay on the issue of security. I am just curious about what sort of visibility or involvement you had with the role or the mission of the SST team from DOD. Did you have any visibility into their presence and what their role was at post?

A At the beginning, no. I mean, the SST team was sent in when we reestablished the embassy. They went in, a small team.

And I am not an expert on SST teams, but I am told or my understanding is that this is -- "team" is a bit of a misnomer. It is kind of cobbled together.

Q Uh-huh.

A And they provided some unique capabilities that were deemed necessary when we were reopening the embassy -- explosive ordnance disposal, medic, that kind of thing.

I was not involved when the team went in in the beginning. I was involved in the spring of 2012.

The SST was meant to be a temporary fix, help in Tripoli. Now, they were in Tripoli, too, not in Benghazi. And along with the MSD, Diplomatic Security MSD team, it is sort of an extraordinary measure that you take when the situation on the ground is extraordinary.

And, in the spring of 2012, Embassy Tripoli was hearing that the SST might be pulled, and Ambassador Cretz felt strongly that it needed to continue its presence. He dealt directly with General Ham, who at the time was the AFRICOM Commander. And there was some back and forth, but the upshot of Ambassador Cretz's discussions with General Ham was that General Ham agreed that the SST team would stay through the beginning of August -- it was the 4th or 5th of August; I can't remember the exact date -- the idea being that the team would be on the ground through the elections, because the elections were held in July.

Q So all of the sort of coordination of their mission or their presence or extension, that was all done through post with DOD?

A No, it was done -- it was kind of dual-tracked. Done post to DOD, but, in order to request the continuation of the SST, there has to be what is called an ExecSec, a memo from the Executive Secretary of the State Department to the Executive Secretary of the Department of Defense to request this. And the SST, as I recall, was kind of renewed in 30-day increments. So the Department, the Office of Maghreb Affairs, and -- I am not sure if the Executive Office was involved in that or not, basically in preparing the paperwork.

Q Okay. That was going to be my next question, whether you or anybody in NEA that you were aware of was working with DOD to sort of coordinate how this was going to play out.

A It would have been coordinated at kind of the working level, but it would have come up -- anything like an ExecSec, you know, a formal memo like that, that comes up from the bureau, in this case NEA,

to the Executive Secretariat on the seventh floor would have been generated at the working level and would have gone through the usual clearance process.

For a paper like this, it would have been cleared through the office director, cleared laterally in the building, cleared by the DAS for the Maghreb, and then would go up through me.

Q Would post reach out to you or others to sort of look for guidance on, "Hey, we are thinking of extending this"?

A Post reached out to me by email a couple of times when it looked like they were running into problems extending it.

Q Can you elaborate on that? What sort of problems?

A Well, at one point, post seemed to hear -- and I don't know the source of where they heard this. I am assuming from -- I guess I shouldn't assume anything, but through their RSO, that there were concerns in DS about extending the SST.

And the DCM at the time, [redacted], and I had some exchanges of emails in which she asked for our help in sort of breaking this loose. And I brought in our Executive Director to deal with it. I do not recall dealing with DS directly myself.

Q Okay. So you brought in the Executive Director to work with DS --

A With DS.

Q -- to resolve --

A Yes.

Q -- whatever issues. So if I am understanding it correctly,

post had concerns about their ability to protect themselves without the SST, or that they needed the SST to extend?

A The Ambassador and the DCM felt, at the time, that, while -- I think there was an email from Ambassador Cretz that said, while the situation is improving, we are far from, you know -- that things are far from normal at this point.

Q Uh-huh.

A Because, as I said earlier, this was a revolution that was still in progress and a government that hadn't been able to stand up on its own two feet yet.

So, yes, the Ambassador felt that he wanted the SST and the MSD teams to be extended.

Q And so they reached out to NEA to convey those concerns?

A To have us reinforce them, yes.

Q Was that fairly standard, for the Ambassador or the DCM, if they had concerns, to reach out to NEA?

A Yes.

Q To your knowledge, would they ever go directly to DS, or was it normal for them to report through NEA?

A I don't know if they ever went directly to DS or if, through their RSO on the ground, they went to DS that way. I don't know. But, you know, normally, it would be the normal chain or sequence is to go through the bureau, yes.

Q And who they report that to at the bureau?

A It would come to -- well, it could come to a number of

people, I think. And a number of people were copied on this email. It was probably -- I mean, I know it came to me. I don't know if Ray Maxwell was on distribution, if [redacted], the office director or, you know, the desk officers were on distribution, as well.

Q Would post typically reach out -- I mean, do they reach out based on a reporting structure or who they have the best relationship with or who they, you know, trust to get something done?

A In general, posts, their normal reach-in point is the desk and the office directors and the DAS. But, in a number of cases, on a whole range of issues, a post could reach out directly to me, could reach out directly to the Assistant Secretary. There is no hard and fast rule or no right way or wrong way to do it.

Q Uh-huh. Okay.

Do you recall any other instances, other than this one that I think we have been discussing briefly with the SST, where post was reaching out to NEA to say, we are having trouble with DS, or, you know, we feel we need to extend the SST? Were there other discussions about that?

A Off the top of my head, I don't recall any other instances where post reached out to me, no.

Q How about to other folks in the NEA?

A Not that I recall. I am not aware of them. Maybe that is a better way to put that.

Q Uh-huh.

So let's move forward to the July time frame, and there is discussion about not extending the SST. Were you aware or involved

in those discussions at all?

A Well, the understanding that Ambassador Cretz had reached with General Ham was that it would be extended to August. And I don't believe anyone was ever talking about extending it beyond August.

[redacted]

Q [redacted]

A [redacted]

Q And when you say post, who at post was -- what was the time frame of that request?

A Time frame is sort of late spring. I recall communications from the DCM at the time, [redacted]. And then this was something that Chris Stevens picked up on when he arrived as Ambassador. He arrived in May. So Cretz transitioned out, there was a minimal gap, and Stevens took over.

Q Uh-huh.

A [redacted]

BY MR. OHLY:

Q Did it have to get any sort of approval in the State Department?

A You know, I'm not sure what the whole approval process. [redacted]

Q Okay.

A I mean, I would assume it would have to have State Department support, but it clearly did from the Embassy.

Q So, I'm sorry, I cut off there.

A What was I saying? Oh, that --

Mr. Chuang. What was the question?

Ms. Dibble. What was the question? Yes.

BY MR. OHLY:

Q I'm sorry. I thought you were still talking and I cut you off.

A No.

Q So it was caught between -- it was still in process with DOD and the Libyans.

A And the Libyans.

Q And that was -- and that timeframe is still the spring or are we in the summer?

A We're in the summer at this point.

Q [redacted]

A [redacted]

Q So I understand Ambassador Stevens was supportive of continuing this --

A Yes.

Q -- this mission. Did NEA have any input on ending the SST -- no, drawing down from -- I believe there was a drawdown in numbers at this point. Did NEA have any input on that?

A No, not that I am aware of. I mean, we knew the team was going to draw down. And then this proposal was to keep some of them there. And we were aware of that. That was something that Chris Stevens had worked out with General Ham.

Q Okay.

Mr. Ohly. All right. We'll go off the record?

[Recess.]

Mr. Powell. Back on the record.

On behalf of the minority staff of the committee, I'd like to thank you for your appearance here. Although we previously introduced ourselves, I'll introduce us again. My name is Jason Powell. I'm with the minority staff, minority counsel. I'm joined here by my colleagues Peter Kenny, who is also a counsel, and Chris Knauer, who is our senior investigator, and our chief counsel, Susanne Sachsman Grooms. I'll be the primary questioner, but I may defer to my colleagues to jump in and fill in gaps?

Ms. Dibble. Sure.

Mr. Powell. So before we get started, I also want to apologize in advance if I seem repetitive over some ground that my colleagues from the majority have covered. But we may want to ask a question in a slightly different way or clarify something for the record.

Mr. Dibble. Uh-huh.

Mr. Powell. So before that, I would -- before we begin, I'd just like to thank you for your service to our country.

BY MR. POWELL:

Q And with that I will note the time as 11:15 ---11:17, it looks like. Sorry. There was a glare on the clock there. And to begin.

[redacted]

A [redacted]

Q [redacted]

A [redacted]

Q And I also wanted to follow up on one point. You mentioned that posts had reached out to NEA for assistance in getting the SST extended. Did post ever reach out to NEA again regarding security to ask for help or to say that their needs weren't getting met?

A I mean, we had several interactions on the SST side of things. You know, there were a series of emails because it took -- it did take a little while to sort all that out. But I never received a request from post for assistance on any other matter, no -- any other matter relating to security, I should -- you know, to things they needed.

Q Okay.

BY MS. SACHSMAN GROOMS:

Q I'm sorry. When was the sort of last communication that you had with post about the SST?

A It was probably early August of 2012. There was an exchange with Ambassador Stevens. There was a concern on his part about rules of engagement for the SST. And he called me and asked me to reach out

to other NEA chiefs of mission to find out if they had ever encountered this. This is as they were still trying to work out the privileges and immunities for the team members.

And just to put it in context, I mean, Libya was not and still is not yet functioning as a normal state. So he wanted to be sure that things were -- you know, that everything was done correctly in terms of the rules of engagement for the team members and whether they -- this involved the carrying of weapons. And he reached out to, as I said, he reached out to me. I forwarded something to or sent a message to all of our chiefs of mission. And I know our ambassador in Cairo, who had been ambassador in Pakistan, responded, Anne Patterson, responded to him, giving her experience.

Q And other than the -- so sounds like you had communications with Stevens about the privileges and immunities issue. And you had had a reach out from [redacted] --

A Uh-huh.

Q -- I guess a year earlier.

A In the spring. It was in the spring. Same year.

Q When she was having some difficulties with DS and asked you to intervene. Other than those two, did you get any other requests from posts for assistance on security?

A Not that I recall, no.

BY MR. POWELL:

Q I wanted to follow up on a couple more questions about the general organization of the NEA. How many people, in general, work

for NEA?

A I should know this, but I don't off the top of my head.

Q Roughly.

A A couple hundred in Washington.

Q And can you just clarify for me the distinction between, I guess, the roles of the office directors versus the deputy assistant secretaries?

A The office directors are responsible for the day-to-day management and supervision of the desk officers, who do the -- I mean, the bulk of the work, frankly, in terms of producing memos and things like that.

The deputy assistant secretaries are kind of the first policy level, if you will. They would represent the Department in interagency meetings, not working-level meetings, but sort of the next level up. I mentioned these IPCs, these interagency policy committees. If, for instance, a foreign visitor is in town and is meeting with the Secretary of State, it's usually the deputy assistant secretary who participates in the meeting as the Bureau's representative. So it's the next sort of level up, responsible for coordination and implementation of policy.

Q What was -- I think you answered this question before, but I just wanted to ask it again. What was your role with respect to Libya as a whole and with regards to Benghazi, specifically?

A My role was as the number two in the Bureau. Across-the-board policy -- providing across-the-board policy oversight in the absence of the assistant secretary. I did not have

a specific role with regard to Benghazi or a specific role with regard to Libya, but got involved in things on an as-needed or as-asked basis.

Q And I think you mentioned that Libya would be under Deputy Assistant Secretary Maxwell's --

A Yes. During the time I was in NEA, yes.

Q Okay. Well, Mr. Maxwell has told the committee that despite his title as deputy assistant secretary for Maghreb affairs, he only played a minor role with respect to Libya. He suggested that most of the responsibilities fell -- for Libya fell upon you. And I just wanted to enter a short selection from the transcript of his interview with --

A Sure.

Q -- the committee. That's Exhibit 1.

[Dibble Exhibit No. 1
was marked for identification.]

BY MR. POWELL:

Q And I'm going to refer you to the second sentence at the top of page 12. Mr. Maxwell told the committee, and I quote, "I came to the job, and the PDAS pulled me aside and said, 'Ray, don't worry, because this is a whole lot at one time. I am going to continue to take the lead on Libya because' -- I'm speaking in her voice -- she said she would take the lead on Libya because she had covered Libya in the intervening month when I wasn't -- when nobody was there, and she had covered Libya from her previous position." End quote.

And Mr. Maxwell is referring to you as the PDAS, isn't that

correct?

A Yes.

Q And I just would like to get your response to this. Were you the lead with respect to Libya for a short period of time? For the entire time? I think you answered this question previously, but I just wanted your response.

A I well, I came to NEA after Mr. Maxwell did. So I couldn't have -- I couldn't have taken --

Q Oh, so this -- he would have been referring to a different --

A I'm not sure what he's referring to here. When I was in the Bureau of European Affairs, I was asked by Deputy Secretary Burns to coordinate the U.S. participation in an international effort, the Libya Contact Group, which met roughly monthly at the ministerial level to basically coordinate with our key allies on Libya policy. This is while the revolution was still ongoing, before Qadhafi fell. And I was asked to do this because of my role as deputy assistant secretary for Western Europe, and most of the countries with which we were coordinating were in Western Europe.

But I started in NEA after Mr. Maxwell. So in the intervening month, I don't know what he's -- well, I can guess that he's talking about the month of August after [redacted] left and before he arrived. But I wasn't in NEA, and I certainly do not recall a conversation of this type.

Q So just to be clear, who was the point person with respect

to Libya at the NEA?

A With respect to Libya writ large it was Ray Maxwell.

Q And just to be clear that I'm being clear about the time period of 2012?

A 2011.

Q Okay. So through 2012 who was the point person?

A Okay. This time period seems to be --

Q So this time period is 2011.

A I mean, I see here he says, "For the month of August, the PDAS, Elizabeth Dibble, had covered the Libya portfolio because she had covered Libya in her previous position as DAS in EUR."

In August 2011 I spent two weeks at the Jersey Shore and the other two weeks in EUR wrapping up. So I was not in NEA.

Q Who was the point person within the NEA for Libya during 2012 leading up to the time of the attack?

A Ray Maxwell.

BY MS. SACHSMAN GROOMS:

Q And you don't remember anything about that conversation?

A No, I don't.

Q I'm sorry, I'm sort of belaboring the point, but I just want to make sure we're all clear. Are you saying that conversation didn't happen?

A I do not recall having a conversation with Ray Maxwell, certainly not to say that I would take the lead because I had covered Libya in the intervening month, because in the intervening month that

he seems to be referring to here I wasn't in NEA.

Q And so you never had a conversation with Ray Maxwell where you told him that you would take the lead on Libya in any context?

A Not that I recall, no. No. I mean, in looking, he goes on and he says other people were involved in Libya. Sort of like any major issue, you do have someone who does assistance, someone who does -- you know, the Pol-Mil Bureau was involved because of the MANPADS issue, et cetera, et cetera. But, no, I never -- maybe if I could give a little context. Until -- through the end of July of 2011, the Libya portfolio, the Maghreb portfolio had been handled by [redacted], who was a deputy assistant secretary. She had also had the portfolio for the Arabian Peninsula, which in years past, although the geography isn't exactly logical, they were two of the quieter portfolios. You know, not involving Egypt, not involving the peace process, not involving Iraq. So they were together. They had been together for years and years.

But in 2011, when the Arab Spring erupted, you had revolutions in Tunisia and Libya, you had tremendous unrest in Bahrain, and you had a political transition underway in Yemen. So it became a huge portfolio. And when assistant secretary -- when [redacted] -- it was clear that [redacted] was retiring, assistant Secretary Jeff Feltman decided that he would split the portfolios and hire one DAS for the Maghreb and one for the Arabian Peninsula. And that's what he did.

BY MR. POWELL:

Q I'd like to go back for a moment to the role that NEA played

with respect to security. To the extent that it played any role, you know, I think you mentioned that the desk officer, [redacted], would be -- would have communications with DS and do some coordination. I was wondering if you could elaborate on if there would be anybody else who would routinely coordinate --

A When you're talking about security, I think it's important to make a distinction between sort of security in Libya writ large, you know, the Libyan Government's ability to control its borders, to integrate the militias into, you know, a national armed forces, and I would sort of characterize those as policy issues, as opposed to the operational aspects of the security at our Embassy in Tripoli and the Special Mission in Benghazi. And DS had responsibility for the operational aspects of the -- our facilities in Benghazi and Tripoli.

What the Executive Office -- because the management platform has to support everybody. You know, you need to have beds for not just the political officers and econ officers, but the DS agents, the security agents, and these various teams, the SST team, the MSD team, the Executive Office got involved in those arrangements, yes.

Q And, you know, I think I would like a little bit more clarification on the Executive Office. I know that you had discussion previously. But I think, you know, just understanding, you know, what it is. I think you mentioned, you know, as far as the logistics, it takes care of the HR function. But, you know, is it, you know, the housekeeper of the --

A It's the office that makes sure that basically the trains

run on time, the money flows, the people flow. There are post management officers who have responsibility for individual posts, individual countries. And, for instance, the memo that was mentioned, the December 2011 memo on extending Benghazi was drafted by one of the post management officers who have -- they are kind of the counterpart to the desk officer who have visibility on all of the administrative issues, problems, concerns, budgetary things for an individual post. All the things that the management platform is responsible for providing. Cars. Do we have enough fully armored vehicles at a post. You know, in the case of our Embassy in Tripoli now, we have a contractor who provides life support services, meaning food, sanitation, housekeeping, that kind of thing. So all those things would have come through or been handled by the Executive Office.

In addition to the human resources side of things there's an extensive IT unit that, you know, makes sure that our computers are up and running. Shipping, when things need to be shipped to a post. I mean, when we were reestablishing Tripoli, it was a huge logistical challenge. How do we get in what we need to stand up an embassy when we knew an embassy, our previous embassy, had been looted. So we couldn't rely on anything on the ground, and where services on the ground were uncertain. So how do we get enough fully armored vehicles in ahead of time? How do we make sure that there are generators that are operating in case the electricity doesn't work.

Does that help?

Q Yes, very much.

BY MR. KNAUER:

Q Can I, before you get off that subject, you said their function is sort of to make sure the trains run on time. Is this generally an administrative role, then?

A Yes, it is. I'm sorry, I should have clarified. It is an administrative role.

Q So they're not going to be where the expertise comes in terms of a security matter?

A No. No.

Q Would they liaison with this expertise --

A Yes, with diplomatic security, yes.

Q But they're not the ones with the blueprint trying to figure out how many widgets you need here, how many widgets you need there.

A No. And just as on the facilities, they would be the liaison with overseas buildings. On security issues, they would be the liaison -- they would rely on the experts who are responsible for knowing, as you say, how many widgets are needed or, you know, how many fully armored vehicles you need for an embassy population of X.

Q So they could also be dealing with issues, I think they call it life services --

A Yes.

Q -- such as food, water --

A Yes, that's exactly what they did. Food, water --

Q -- those kinds of things.

A Yes.

Q And sanitation and whatever other day-to-day needs.

A Right.

Q Along those lines okay.

BY MS. SACHSMAN GROOMS:

Q Were they in the processing piece? Were they also doing decision making about that stuff? Are they making the decisions about --

A Which contractors to use? I mean, they handle all of -- they would handle all of that. But they are mostly the --

Q So let me try this. It's like how many bodies need to be in a particular place on the -- I guess, on the DS side, they are talking to DS, right?

A Correct.

Q How many bodies need to be in place on the NEA, side who are they talking to?

A They would be talking to the desk and they would be talking to the DAS and they would be talking to me. You know, like how many people do we need to carry out the function that we're supposed to be doing in post X.

Let me give you an example that might be easier to illustrate. Tunis, which was a fully functioning embassy until September 14th, 2012, fully functioning with dependents, with kids, with, you know, a full contingent of people. Then the Embassy was attacked and we went to ordered departure. So all nonessential personnel and family members left. And then the post went unaccompanied.

So we're at -- the post now is a fraction of the size it was a year ago at this time. And this is something that the Executive Office, which is also the liaison with the undersecretary for management, who is an important -- you know, that's an important player in all of this. But if we are trying to figure out what the footprint of an embassy should be now that the conditions have changed so dramatically, it would be the Executive Office that is kind of the node for synthesizing all the information and then for presenting it. I mean, in this case, in the case of Tunis it is the undersecretary for management who has kind of determined, okay, this is the number we can be at.

Q Okay. But the Executive Office itself isn't making a decision --

A No.

Q -- on budget or on sort of --

A Well, no, the -- you know, the budget is assigned. We get our budget centrally from the Department. In coordination with the PDAS and the assistant secretary, we sit down, the Executive Office sits down with us and they say, all right, we have $100,000 in travel budget, for instance, and this is how we propose allocating it because of the needs of the bureau. You know, 50 percent should go to the front office, and, you know, 25 percent to the Iraq office and everything else divvied up, as an example. And they would present that to us, but they would not make the final decisions, no. They are implementers, if you will.

BY MR. POWELL:

Q Okay. And just to be clear on a question that I believe you've already been asked and answered, did you play a specific role with regard to physical security, security staffing, and making those kinds of determinations in Libya or Benghazi specifically?

A No.

Q Did Ms. Jones play such a role?

A No.

Q What was Acting Assistant Secretary Jones' role with respect to Libya and Benghazi during the 2012 time period?

A She started in NEA in mid-June of 2012. So from then on she was involved. She was, as you saw on -- we discussed the SST and the, you know, extension [redacted] she was involved in the discussions on the rules of engagement for the team, that kind of thing.

She was, as the assistant secretary, she has, you know, responsibility for the whole Bureau. She visited Tripoli. I don't know when. She could tell you exactly when. Just as she visited all of the posts. She tried to get out early and, you know, touch base directly with all of our ambassadors and their staffs. I mean, as assistant secretary she's responsible for the development, formulation, implementation of policy, and making sure that the Bureau runs.

With respect to her Libya, her responsibilities were, you know, were the same. I mean, the same as if you're talking about Cairo or you're talking about Benghazi.

Q Can I jump back to Mr. [redacted] for a minute. Who did he

report to?

A He reported to me.

Q And what kinds of interactions did you have? How often did he report? What was the structure?

A Well, he was considered a de facto DAS in that he attended all our morning meetings where the DAS's gathered and would participate in those. And he and I have a -- or had a standing weekly meeting to discuss issues of concern or budgetary, things that needed -- that needed attention.

Q I'd like to introduce another short segment of Mr. Maxwell's interview with the committee as Exhibit 2.

[Dibble Exhibit No. 2
was marked for identification.]

BY MR. POWELL:

Q Beginning on page 46, line 9, Mr. Maxwell said, and I quote, "The reporting chain for security issues was the Executive Director [redacted] to PDAS Liz Dibble to the Assistant Secretary Beth Jones. I'm not in that reporting chain." End quote. For the record, in the quote Mr. Maxwell referred to Executive Secretary [redacted], was the executive director. [redacted] and not [redacted]?

A Yes. Yes, it was [redacted].

Q Let's see. I believe you explained some of the types of security issues that Mr. [redacted] would deal with and coordinate with DS on, but is what Mr. Maxwell said about the reporting structure regarding the security issues in Benghazi accurate.

Mr. Chuang. Can you read the portion you're asking her about? There's a lot here.

Mr. Powell. It's page 46, line 9. "The reporting chain for security issues was the Executive Director [redacted] to PDAS Liz Dibble to the Assistant Secretary Beth Jones. I'm not in that reporting chain."

Ms. Sachsman Grooms. You can take a couple minutes to look it over.

Ms. Dibble. I guess I'm a little puzzled. There really wasn't a reporting chain for security issues.

If you're talking about the reporting chain, [redacted] did report to me, yes, and I reported to the assistant secretary. But security -- and again, you know, this was pointed out in the report itself, decisions on security were stovepiped pre-Benghazi. And decisions on specific, you know, whether to put assets in Benghazi or in Bujumbura were made by the Bureau of Diplomatic Security, not by the regional bureaus.

I mean, this is -- and this is sort of -- it's not just an NEA issue. It's across the board. The convention was that regional bureaus did not have control over the security resources, control over the security people, and therefore control over security. And it's -- I mean, it's a flaw that has been pointed out in the report. Things have changed since then. Now all the assistant secretaries and the DAS's have specific -- in our work requirement statements there is specific language on security responsibility. You know, shared

responsibility is the term that is used. We have tried to be -- to open up additional channels between -- I can only speak for NEA, but between regional bureaus and the Bureau of Diplomatic Security. We are invited to their morning -- they have a morning roundup of threats, and a representative from NEA attends those. DS representatives are invited to attend our staff meetings twice a week, you know, when our office directors are there.

So we're trying to improve the lines of communication. I mean, it's tragic that it took something as awful as Benghazi to do that. But the truth of the matter is before we were these two separate, you know, the policy side of the house and the security side of the house.

BY MR. POWELL:

Q I am going do move on to another piece of that transcript. Mr. Maxwell during his interview, he was asked on -- he was asked about how the ARB's accountability should be applied. And Mr. Maxwell offered his views over who within the NEA, if anyone, should be held accountable for any failures. Here's what he said on the same page, 46, line 13 beginning. Quote, "So, if someone from NEA had to be held to account, in my opinion, it should be [redacted], Liz Dibble and/or Beth Jones. That's my opinion." End quote.

To be clear, I understand that the reason why Mr. Maxwell was named in the ARB was not for a specific security failing with respect to Benghazi but because he was not reading his daily intelligence. That said, do you believe that anyone should be held accountable within the NEA for security failures in Benghazi?

A No.

Q How do you respond to the fact that Mr. Maxwell thought that if anyone had to be held to account it should be -- should have been you, Ms. Jones, and/or Mr. [redacted]?

A Well, I can't speak for Ray. He has to, you know, speak for himself. But in reading -- just in reading what he said here, he -- because he believed that there was some sort of reporting chain, which I don't believe existed on security issues, and because he was not in it, he clearly believes that he should not have been held responsible and that one of the three or all of the three of us should have been. But, I mean, if I can say, I don't believe Ray should have been held accountable.

Q Talk about him a little bit more. What were his responsibilities?

A As the DAS for the Maghreb, he was responsible for conduct and implementation of our policy with Libya, Tunisia, Algeria, and Morocco. He was responsible for supervising the Office of Maghreb Affairs. And he was responsible for representing the Bureau and the Department in interagency meetings, in -- he traveled, for instance, to AFRICOM to participate in a number of conferences as our NEA -- as NEA's rep. He was -- you know, that's basically the job of a DAS.

Q What were -- you may have answered that question in that answer -- but what were his specific responsibilities with regard to Libya and Benghazi in 2012?

A I think I did answer it. It's the same. I mean, his

responsibilities for Libya and Benghazi would have been the same as his responsibilities for Rabat and Casablanca.

Q Was he made aware of his responsibilities either orally or in writing?

A Yes. He had a work requirements statement that I believe he signed in the assistant secretary's -- well, first Jeff Feltman and then Beth Jones signed. We all have work requirement statements that are established. We establish them in consultation with our supervisors. And they set out both continuing responsibilities and specific goals or specific responsibilities that we are -- that we're supposed to be following or achieving. They are done on a yearly basis, and they form the basis for our annual evaluation report.

Q So then when you first come on staff and then every year after.

A Correct. Correct.

Q Can I turn your attention back to Exhibit 1?

A Sure.

Q An excerpt from page 12. Mr. Maxwell -- and I believe you also referenced that you -- noted that previously in your answer to my previous question, but Mr. Maxwell listed you and several other people as being responsible for Libya. He described his portfolio as being carved up. On line -- beginning, I believe, on line 25 he says, and I quote, "Initially, I took it sort of personally that they asked me to take this job and they carved it all up, so it's not going to be much of a job, but you learn from years and years of experience that

you don't fight those turf battles from the start." End quote.

Mr. Maxwell claimed that he had very little responsible for Libya. Was it all carved up as he suggested?

A In any -- any time there's an issue that is of great policy focus -- where there's great policy focus and attention, there are a lot of cooks in the kitchen, if you will. You know, Egypt, for instance, as an example right now. We have a DAS for Egypt, but, you know, DOD plays a huge role, Political-Military plays a huge role. Secretary of State's office plays a huge role, the national security staff.

So it's not that the portfolio is carved up, but there are a number of offices and bureaus and sometimes agencies that have equities in the formulation and implementation of that policy. So were there a lot of players on Libya? Absolutely. But that's sort of normal. You wouldn't expect one person to have the expertise on everything ranging from economic development to counterterrorism to pol-mil affairs. It's the nature of these jobs.

You know, I've done -- this is my fourth DAS job, and it's always been the case. When there is a country or an issue that is of vital national security interest and importance, yes, you're going to have a number of people. I, rather than looking at it as the policy -- the portfolio was carved up, I would look at it as the DAS has the responsibility for being kind of the conductor, the orchestrater, and to make sure that the various equities are balanced going forward, not that, well, I don't have control over this so it's not really mine.

This is me personally, but I would take the total opposite approach to it.

Q And essentially people who provide input and people who you can go to for input. Correct?

A Yes. Yes. Because there were so many people who -- I mean, he lists a number of them here -- but so many different bureaus that had equities in Libya. I mean, this was one of the challenges we were facing with staffing and the beds, was that so many people wanted to get their people into Libya to help, you know, implement policy that we actually had a kind of a rolling chart that had, okay, these are X number of TDY beds, and, you know, we'll get someone from Treasury to do their thing this week, Energy will do this week. I mean, it's -- I think it is just a reflection of how complex the portfolio was.

Q So I take it from that that you would not agree with Mr. Maxwell's statement that the deputy assistant secretary for Maghreb affairs was not much of a job, and I'm quoting him there, while he held that position?

A I would not agree with that, correct. And as I mentioned, it was so much of a job that it was split after his predecessor left.

Q And you said that he -- he didn't report to you, he reported to Ms. Jones directly?

A First to Jeff Feltman and then to Beth Jones, yes.

Q What kind of interactions would you have with Mr. Maxwell?

A Ray was a friend of mine. I saw him -- I mean, became a friend of mine. I did not know him before we started working together.

But we saw each other on a regular basis every day at staff meetings. He would come into my office sometimes to chat. I would go down to his office. We had a lot of interaction.

Q And although I have already mentioned it, do you know what the ARB report said about Mr. Maxwell?

A Yes, I do.

Q Were you aware that Mr. Maxwell had stopped going to daily intelligence briefings?

A No, I was not.

Q And just to be clear, the ARB report did say that he stopped going to his daily intelligence briefings. Is that correct?

A I don't have the report in front of me, but, yes, that's what I recall it said.

Q Well, can I ask, what were these morning intelligence briefings? Who put them together?

A We have a small -- we have a [redacted] in the NEA front office and we have briefers [redacted] who come every day. And they are there from 7:30 to 8:30 every morning with binders of intelligence. There is one on -- there was one that was Iraq specific and one that was, you know, general, across the board with tabs for the different sections of the region. And the DAS's came in at their leisure, whenever they could, whenever they wanted to, rather. There was no specific time. It wasn't like we all sat there from 7:30 to 8:30. People came in starting at 7:30, some people came in at 8:00, I usually made it in by, you know, 8:10, 8:15, and read through the day's reports.

So I wouldn't know if he -- because he could have been there before me. I very rarely saw Beth Jones or Jeff Feltman there because they tended to read right at 7:30 and I was one of the later readers, I came in later.

BY MR. KNAUER:

Q Can I ask a real quick question? Why did you go to those intelligence meetings?

A To keep current on the events in the region.

Q Were they important?

A Yes. And it was what the -- I mean, there is a mountain of intelligence on almost any issue. What the briefers did was to pare that down on a daily basis, and it was a combination of raw intelligence reports and finished products from the IC. Because of my responsibilities for Iran, I did a separate weekly briefing on Iran. But it is an important way to keep current and know the context of what is going on.

BY MR. POWELL:

Q And following that line, would these be very important for keeping tabs on the security situation in Libya, and Benghazi specifically?

A You know, there was -- when you look at a series of daily reports, raw intelligence, which is a snippet, whether it's signals intelligence or human intelligence, you get a little piece. You get a snapshot, if you will. And what's important is to kind of take a step back every once in a while and look and see how those snapshots might fit together.

So, yes, we had -- they did provide an assessment over time of the general security climate to the point where we did -- NEA did, drafted by the Office of Maghreb Affairs -- a memo, an information memo to the Secretary of State in August of 2012 that talked about the general deterioration in the security situation writ large. We weren't focused on security at either of our facilities, but this was in the context of the Government of Libya, which had just been through elections, being able to maintain control over the security within its borders.

Q So with regard to the briefings, they would be important in gaining a situational awareness of, say, the region that you were in?

A For me they were, yes.

Q Okay.

A And for not gaining, but for maintaining and updating the situational awareness.

Q I would like to introduce another short selection from the transcript of Mr. Maxwell's interview with the committee as Exhibit 3.

[Dibble Exhibit No. 3
was marked for identification.]

BY MR. POWELL:

Q I am going to direct your attention to page 66. Referring to the daily intelligence updates, Mr. Maxwell said, beginning on line 22, and I quote, "Nobody told me it was my job to go and do the daily briefings, to do the readings." End quote.

As the deputy assistant secretary for Maghreb affairs, would it have been expected of Mr. Maxwell to read these daily intelligence reports to stay abreast of developments in Libya?

A Yes. It is not in any of our job descriptions that we should go and read intelligence, but from the time we are starting out as desk officers to deputy office directors to office directors there is an opportunity to read intelligence. And it, again, gives you the context and sometimes the back story for what is happening in a country, and it's invaluable.

So while this was provided for the DAS's on a daily basis, the other office -- the other people in the Bureau had an opportunity to go up to the Bureau of Intelligence and Research where books are kept, it is a SCIF area because you have to read intel in a SCIF, they could go up and read there and to my knowledge most of them do. But no one I don't think ever says it is your job to go and read intelligence. Frankly, at this level it's -- I think it's expected.

Q Well, I guess to my point, how would he know that it was his responsibility, or was this an assumed thing?

A I am trying to figure out how he wouldn't know it was his responsibility. Ray was an office director in NEA before he took the

DAS job. I don't know what he read then. But certainly when the read room and the books are available, and sometimes in our follow-on DAS meetings we would talk about, well, gee, did you see the piece X in the funny papers, we called them, it was clear that everyone was reading intelligence. I mean, I guess I would say when you are a senior foreign service officer and you are a deputy assistant secretary you shouldn't need to be told that keeping abreast of intelligence in your country is part of your job.

BY MR. KENNY:

Q Can I just jump in for one second? You had just used the term "funny papers." In doing so do you mean to connote some sort of meaning that the intel contained in these reports was somehow less significant?

A No, no, no. That was just our sort of internal code for it, sorry. The read book, I should have said. That was a Jeff Feltmanism, sorry.

BY MR. POWELL:

Q To your knowledge did he ever -- did Mr. Maxwell ever notify anyone or ask permission to stop going?

A No. Not to my knowledge, no.

Q Did anyone ever instruct him not to go to the briefing?

A No. No.

Q I would like to introduce another short selection from Mr. Maxwell's transcript as Exhibit 4.

[Dibble Exhibit No. 4

was marked for identification.]

BY MR. POWELL:

Q Beginning on page 25, I believe line 26, Mr. Maxwell told us that he told the ARB that he had some briefings and speaking engagements and, quote, "I told them that I made the decision maybe July-August timeframe, that I didn't need that spectacular sensationalism from the intel briefings from the morning readings bouncing around in my head during question-and-answer sessions with these briefings." End quote.

You read the same readings. Do you agree that this was spectacular sensationalism?

A No, that's not how I'd characterize intelligence.

Q For a position as senior as Mr. Maxwell's, deputy assistant secretary, was this a legitimate concern for not reading his daily intelligence briefings?

A That he didn't want -- this is up through line 3? Which quote are you talking about?

Q "I told them that I had made the decision" -- it's beginning on line 26 -- "I told them that I made the decision maybe July-August timeframe that I didn't need that spectacular sensationalism from the intel briefings from the morning readings bouncing around in my head during question-and-answer sessions with these briefings." End quote.

I believe I am referring to the speaking engagements and the briefings that he said he had scheduled around that timeframe.

A And the question was?

Q And my question is whether or not for a position as senior as his, would that have been a legitimate concern for him not to go to these -- do these intelligence readings and daily briefings because he had speaking engagements on the side, because he didn't want classified information in his head during question-and-answer sessions during a speaking engagement?

A In my view, no, that's not legitimate. We all do -- at this level we all do a lot of outreach. We do speeches, we do media interviews, we do briefings on the Hill. We do all sorts of things. And we -- you know, yes, you have to be careful about what you say to whom, but it's pretty clear what you've read, at least to me, it's pretty clear to me what I read in intelligence and what is unclassified.

Q And now that you know this, do you think this was odd?

A Yes.

BY MS. SACHSMAN GROOMS:

Q If you had known at the time that he hadn't been reading his intelligence, what would you have done?

A I suppose I would have flagged it for Beth Jones, who was his supervisor, and suggested that she chat with him, counsel him.

Q And you had said before that you didn't think that Mr. Maxwell should have been held responsible. Could you just explain what you were talking about in that context and why?

A I don't think he was responsible for security in Libya, and so to be held accountable for security breaches, lapses, failures,

however you want to characterize them, I don't think is right, for him to be held accountable, because he had no decision authority, he had no -- he had no impact, no control over the allocation of security resources. And he is not, as I am not, as none of us were or are in the NEA front office, experts on security and what mix, what is the optimal mix of people versus security assets. You know, that's something that we leave to the professionals. So that's what I was referring to.

Q What about being held accountable for not reading the daily intelligence?

A Well, this is the first time I am seeing anything other than he didn't do his daily intel briefings. I am not sure that that is directly related to what happened in Benghazi because I don't see the link there, and I am not quite sure why the -- how the ARB, I mean, if he said some of these things, it does strike me as odd and off and not what one would expect from a senior officer. But, again, that's not -- it doesn't fall into lack of -- you know, dereliction of duty or anything with regard to Benghazi.

Q And I don't think the ARB --

BY MR. POWELL:

Q Well, if I can make one more point and wrap it up. Are you familiar with the distinction that the ARB drew with the people who were noted in the report and the people who they recommended removal?

A Yes. Yes. I mean, there was a difference between those who were cited in a negative way, and of those four, two, they

recommended that two be relieved of their duties. Mr. Maxwell was not one.

Mr. Powell. With that, our hour has concluded. We can go off the record.

Ms. Dibble. Okay.

Mr. Ohly. We will reconvene at 1:00. Forty minutes.

[Recess.]

Mr. Ohly. It's now 1:04. We'll go back on the record.

BY MR. OHLY:

Q I want to just follow up on a little bit at the end of the last hour talking about Mr. Maxwell. Were you aware whether Mr. Maxwell had access to any other sources of information or intelligence that he was using to keep up to speed?

A No, I'm not. I mean, he would have had access to the cable traffic that we all have access to, but I'm not aware of any other intelligence, access to intelligence information, no.

Q Okay. Did he ever demonstrate a lack of situational awareness or an inability to do his job?

A No, not that I recall.

Q Based on his not coming to read the information?

A [Nonverbal response.]

Mr. Chuang. You have to answer out loud.

Ms. Dibble. No. Sorry. Not that I recall. Thank you.

BY MR. OHLY:

Q I think you mentioned that some of the context or at least

the material that was provided through the daily reading book was incorporated in the memo to the Secretary on security or the context -- you I think mentioned that memo to the Secretary on security in the context of the reading book. I just wanted to clarify that.

A No. No, no, no. If I gave that impression I did not mean to, because that was -- well, it was a classified memo. It was not -- did not include the intelligence information.

Q Okay. So it wasn't based on the context that developed from that?

A No. No. Not at all. Or I shouldn't say not at all, but, no, it was not.

Q And do you recall if Mr. Maxwell was a part of that memo or wrote that memo?

A I believe, and I'd have to take a look at the clearance page of the memo, but the normal procedure would have been -- I know that the memo was drafted by the Office of Maghreb Affairs. I am not sure who within the office drafted it. It may have been a bit of a group effort. But it came up to the front office. He would have seen it. I know I saw it. And it was something that we -- that they worked on for a little while. It wasn't something they sat down and, you know, an hour later, bang, the memo came up. It was something we discussed, the idea of doing such a memo, and then it was drafted and refined and polished.

Q When you say "we," can you provide some context on "we"?

A I am trying to recall if it was -- if we discussed this at

a morning DAS meeting or a morning meeting where the office directors were present, but it would have been the NEA front office. I can't recall exactly who was in the room. But a normal procedure for something like this would have been the assistant secretary, the DAS's. And if we were getting together with the drafters themselves, they would have been there. I honestly don't recall, though, whether we had a session with the drafters.

Q Do you have any awareness of whether Mr. Maxwell's subordinates, whether it was Mr. [redacted] or anybody in the Office of Maghreb Affairs, would also look at the daily briefing book -- or the reading book?

A They would not have seen the same exact book that we saw. Our daily intelligence briefings [redacted] and the briefers [redacted]. They basically sit there with the books. It's not like it is an oral briefing or anything. They are there if we want to ask questions. [redacted].

And the intelligence that others in the Bureau, sort of below the DAS level, have access to is through the State Department's Bureau of Intelligence and Research. And having never compared the two, my impression is that the contents would be similar, but not exactly alike.

Q I think you mentioned that the briefing books over time collectively could help provide -- I'm sorry, the reading --

A The read books.

Q The read books over time could help provide some context. But overall, do you find them to be helpful or useful?

A Yes, very much so.

Q I know you also talked at the end a little bit about if you had been aware that Mr. Maxwell wasn't reading this material that you would have recommended that his supervisor, Beth Jones, speak to him about it. Do you think not reading it would warrant administrative leave?

A No. Absolutely not.

Q I want to go back to -- I am going to start anew with the ARB and your experience with the ARB. When did you first learn about the ARB and that it was going to take place and that they wanted to speak with you?

A It is pretty much standard procedure after an incident like this for the Secretary of State to convene an ARB. I don't recall when we first heard exactly that there would be an ARB, but we assumed there would be. And then I received a letter asking for me to appear before the ARB on I believe it was the 5th of October. And that was -- actually I think they probably called first before they sent the formal letter, but it was a group meeting.

Q And when you say they called, was it --

A One of the staffers, I believe.

Q Okay. And so the group meeting, who was present for that group meeting?

A Assistant Secretary -- Acting Assistant Secretary Jones; [redacted], our executive director; Ray Maxwell, the DAS for the Maghreb; [redacted], the office director for the Maghreb; and me.

Q And what was the discussion in that first meeting?

A We answered questions that were posed to us by the members of the Board.

Q What was the general subject matter? What were they interested in learning from you all?

A There was discussion of what happened that night. There was discussion of -- going back to the decision in April of 2011 to put Chris Stevens in Benghazi as the special envoy, Chris' qualifications, his unique qualifications to do this job. As I recall, we talked about the revolution as it unfolded and then the return of the Embassy to Tripoli. And then we were asked about the decision to extend the office in Benghazi for another year, the decision that was the subject of the memo that we discussed earlier. And then there were questions about security and responsibility for security.

Q And do you recall what was told to the ARB?

A On -- if you could --

Q On the issue of security.

A I recall a discussion in which we were asked -- and this was -- because it was a group, it was not that one particular person was being asked questions, but who was -- security resources for Benghazi, who was responsible for assuring that Benghazi had the resources it needed, how decisions were taken on security resources.

Q And who was providing the answers in the group setting?

A It was a combination of all of us.

BY MR. BEATTIE:

Q I know it was a while ago, but what was the general response that you all gave to the ARB when they asked these questions about resourcing security?

A That this was -- the responsibility was with the Bureau of Diplomatic Security.

BY MR. OHLY:

Q Did you ever have a second interview?

A No.

Q So that you only were interviewed the one time as part of the group?

A Correct. Correct.

Q And how long was that interview?

A The group interview was I think about an hour and a half.

Q Okay. Do you think that the interview was thorough and that you all were able to convey all the information that you felt needed to be conveyed to the ARB?

A Yes.

Q Did they seem well prepared for the interview?

A Yes, they did.

Q Did you have any follow-up interactions with the ARB members or staff after that interview?

A No formal interactions at all.

Q Formal or informal?

A Well, I mean, some of the -- like the chief of staff, the staff director is now my counterpart in the Bureau of Democracy, Human

Rights, and Labor and is also a colleague and a friend. But not interactions on the ARB, no.

BY MR. BEATTIE:

Q I'm sorry, who is that?

A [redacted]

BY MR. OHLY:

Q And I guess I meant between the end of the meeting and the end of the ARB?

A No. No.

Q What was your overall impression of the ARB process?

A My impression was that it was thorough, that it was -- they were very methodical in how they looked at the issues. I mean, this is based on my -- on the session in which I participated in. They had obviously done their homework. And that, you know, this was not an easy process for anyone, but that it was something that -- it was definitely something that needed to be done.

Q What was your reaction to the report when it came out?

A Much of the report is factual. As I said earlier, I did not believe that Ray Maxwell had responsibility for security and thus should be dinged for it. There were parts of it that I felt perhaps missed the larger context in which we are operating now.

Q Can you elaborate on that?

A Things changed in the way we conduct our diplomacy in the period after Iraq, and we are now operating in places where 15 years ago we would have been pulling people out. Instead we are putting

people in. And the phrase "expeditionary diplomacy" really does mean something. And at least in the Near East world, things have gotten much harder and, frankly, much more dangerous. You know, 30 years ago Beirut was the anomaly, it was the exception, and now we have more posts that are under some sort of restriction -- or we're probably 50-50 now. But even Cairo, which had always been our big -- you know, it was the center of the -- the beating heart of the Arab world, as they say, is now on ordered departure. Tunisia, where I served, is an unaccompanied post.

So things have changed. And what I wasn't sure came through in the report was how much things have changed since Iraq and how we as foreign service officers are being asked to operate in a different context and world than we were certainly when I joined.

Q Do you think that the report could have gone further in examining that or the recommendations drive towards that point, but not fully convey that? Let me rephrase.

A Yeah, I'm not sure.

Q Did the report go -- I know you said it wasn't clear in the report -- did the report go -- could it have gone further to look at that issue and to provide recommendations that address that issue?

A Yes, probably.

Q In your opinion, what would those recommendations be or how would you personally have addressed that?

A I think a recognition that, you know, when we are going into a new place or back to a place where we have had to evacuate because

of civil strife, we are not going to be able to go into a facility that meets the excellent standards and the standards that eventually we hope to aspire to for all of our posts. But you can't wait for an Inman-style embassy to be built in every place before sending people back in if you want to be on the ground and have an influence on events. And that is what I think was perhaps not spelled out as much in -- it was not spelled out in the report, that the context has changed.

And it is even different in a place like Libya or in a place like Syria than it was in Iraq or Afghanistan, because we had the U.S. military in Iraq and Afghanistan and they provided the security umbrella, if you will, for us to operate that we don't have. When we don't have boots on the ground, it's up to us to protect ourselves.

BY MR. BEATTIE:

Q Is there also a point there about with Iraq, armed security contractors, not U.S. military but private security contractors --

A Yes. Yeah. I mean --

Q -- which I understand were not available in Libya?

A Correct. Correct.

Q And why was that?

A Well, I mean, I think a lot of the armed security contractors in Iraq, and this is out of my area of expertise, but a lot of them were former military who had served in Iraq and who knew the environment. We didn't have a similar -- there isn't a similar pool of people from which to draw.

Q I guess my question was more to we had heard that perhaps

the Libyan government had concerns about armed security contractors in Libya specifically. Is that true, if you recall?

A I don't recall. The Libyans, though, throughout the period of the revolution one of the things that came through was how proud they were, and the Libyans weren't going to let us in any arena do things that they thought impinged on their sovereignty.

For example, the British were heading this international effort, the Libya Coordination Group, to coordinate assistance and everything. This is actually before the fall of Qadhafi. And the Libyans were totally furious at this because they said, wait a minute, this is our country, this is our revolution, and who are you to tell us how we should do things?

So part of that is also we have to operate in the context of the local environment, and it's different from country to country in the Middle East. It's different in Tunisia than it is next door in Libya.

BY MR. OHLY:

Q Who is ultimately responsible for sort of looking at this and saying, okay, we need a presence there, but we don't have the ability to be there safely?

A The decision to go back into a country is -- it's a State Department decision, but ultimately it's an interagency decision, because it's something that would be considered by the Deputies Committee, I would imagine, you know, because there is -- again, because of the equities of other agencies, DOD and others.

Q But at what point do the policy objectives and the security

resources have to intersect? I know I am not being entirely clear on this, but I can understand the importance of being in some of these places. But who is responsible for saying, okay, we don't have the security resources we need or we feel like we're understaffed here or undermanned? Whose call is that to make that --

Mr. Chuang. Understaffed on the security?

Mr. Ohly. Yes.

BY MR. BEATTIE:

Q Maybe to help, the balance.

A How to balance the priorities with the realities?

Q Perhaps the very legitimate policy imperative to be in a place with perhaps the reality on the ground that maybe you don't have a functioning host nation to partner with on security or that you can't bring to bear some of the resources you mentioned, like the U.S. military or armed, you know, private security contractors that State may make use of in other places that are similarly dangerous. Who is responsible in this new world for balancing that?

A I would say in post-Benghazi we are all very aware that this is a shared responsibility and that, as you say, as we're looking at implementing the policy imperatives, we also need to make sure that we have the security platform, the necessary security platform on which to -- out of which to operate. So it is shared. I don't know that it would -- if you are asking me to pinpoint a single person, no. But at the end of the day it is within the State Department, but also the State Department, it's incumbent upon the State Department to go to

the interagency, because other agencies have resources that we can draw on that are necessary to -- that may be necessary to carry out our operations.

BY MR. OHLY:

Q In the pre-Benghazi world? You sort of described how it works in the post-Benghazi world.

A It was stovepiped.

Q Can you elaborate on the stovepiping? I mean, DS was responsible for one portion. Where was the rest of it stovepiped?

A Well, it was that -- the policy priorities were being defined by NEA and, frankly, by the interagency, and then we were trying to fit that, if you will, giant square peg into this smaller round hole of existing resources, because you know -- you guys probably know better than I the budget realities and where we get our money from ultimately. And so there -- and there is a lag between when you request resources and when they appear in an agency's account. So in the meantime, you know, there is a fair bit of robbing Peter to pay Paul going on to make things match.

Q Moving forward with your experience with the ARB, after the report came out, when did you first learn that individuals had been cited for criticism?

A I learned the morning that the report was going to be released that there were individuals, including one of my colleagues, who was going to be.

Q And how did you learn this?

A I received a call from Cheryl Mills, who asked me to come up to her office and gave me a copy of the classified version of the report, because, of course, the personnel stuff doesn't appear in the unclassified version, and she had me stay and read it there. And as I recall, Beth Jones was -- she was traveling, she was not in the office that morning for some reason. Otherwise Beth would have gotten the call from Cheryl. But this is one of these cases where the PDAS takes over for the assistant secretary.

Q And what was the purpose of having you read it at that point?

A So that I knew -- so that NEA new. And she told me I could -- I should brief Beth, but I was not to discuss this further, that NEA knew what was in the report and how our Bureau and DS were being characterized.

Q And what was your reaction when you first read it?

A A bit of shock.

Q Can you elaborate?

A As I said earlier, I didn't believe that Ray Maxwell had -- should be held accountable for whatever security failures occurred in Benghazi.

Q Did you raise that concern with her or anybody else?

Mr. Beattie. You mean Ms. Mills?

Ms. Dibble. With Cheryl Mills? No, I did not. We did not really have a conversation on this. I wasn't asked my opinion.

BY MR. OHLY:

Q Did you talk about it with Ms. Jones?

A Yes, I did.

Q Can you explain that conversation?

A Well, part of the -- when I was called up to read the report Cheryl Mills also said that we would need to -- NEA would need to reassign Ray to other duties. There was never any mention of anything beyond reassigning him within the Bureau to other duties. And I reported that back to Beth Jones.

Q And was that solely based on what was in the ARB?

A Was the --

Q The reassignment.

A Yes. Well, I believe so. I believe so.

Q Do you recall if the ARB recommended reassigning him or removing him from his position?

A It did not. As I recall, it recommended relieving two of the people who were not named by name but by position from their duties, and the other two came in for criticism, as we discussed earlier the criticism of Mr. Maxwell, but it did not recommend that they be -- that those two be relieved of their duties.

Q And what was your reaction to the -- that he would be relieved of his duties?

A Sadness, I suppose. Ray was supposed to retire and he was supposed to retire at the end of September. And after Benghazi he came into my office and said, I can't retire now, I can't leave now in the middle of this, so I am going to stay. And I said, that's great, thank you very much. So, I mean, he had postponed his retirement in order

to stay and help the Bureau. So sadness.

Q Did you ever question the decision or talk to Beth Jones or anybody else about we don't think this is fair?

A Beth and I discussed the decision. I don't recall if I used the words it's not fair, you know. I don't recall the specific conversation, because it was then Beth who called Ray in to inform him of this.

Q Do you know when that took place?

A I think it was the same day, that afternoon.

Q Okay.

A Or later in the morning. I don't remember the timeframe.

Q You had said she wasn't in the office.

A She wasn't in the office the very beginning of the morning, yeah, yeah, because this was first thing in the morning.

Q I just wanted to clarify that.

A Yeah.

BY MR. BEATTIE:

Q You had said you felt when you were in Ms. Mills' office you couldn't state an opinion about it. I mean, was there a reason for that? I mean, if you felt strongly. You said felt shocked by it.

A Well, at the time when she called me up and -- she called me on the phone and said please come up, and we had this short discussion, but at that time I hadn't read the report. She actually had me sit in Secretary Clinton's office to read the report. Secretary Clinton was out ill with her --

Q I remember, sure.

A -- illness at the time, and their offices were adjoining. So I sat there and read the report. And then at the end came back and handed it to her and her comment was, it's harsh, isn't it? And I agreed.

BY MR. OHLY:

Q So obviously you or to your knowledge Ms. Jones didn't have any input in the decision on --

A No. No.

Q Did you subsequently have any conversations with Mr. Maxwell about what you had been told or --

A After he had a conversation with Beth Jones I believe I went to him and said I was sorry that this was happening. He was cleaning out his office. He asked -- and I don't remember if it was a phone call later or if this was in person, I don't know -- he asked if he could come in over the weekend to finish cleaning out his office. And he was -- at that point he was taking some annual leave. I know he missed our annual holiday party, but decided that he would stay home and take some annual leave. This was all before this whole issue of administrative leave came up, so he was taking annual leave. And I talked to him by phone at least once over the Christmas break.

Q At the time that this all happened, what was your understanding of what would happen to Mr. Maxwell?

A That he would be reassigned to a non-DAS position in NEA. That he would stay in the Bureau. And we hadn't gotten to the point

of figuring out what that might be. There was never really a discussion of that.

Q Was he supposed to just sort of move his stuff to a different office or --

A Yes.

Q Did that happen?

A Well, he moved his stuff out of his -- of the DAS office. I don't recall --

Q Was that the day of?

A That was the day of or the next day. I can't remember now.

Q Okay. But he didn't move it into a different space?

A No, not that I recall.

Q Do you know why?

A No.

Q To your knowledge, what is his current status with the Department?

A I believe he is still on administrative leave, as far as I know.

Q Do you have any personal opinions or theories as to why he may have been singled out?

BY MR. BEATTIE:

Q Or knowledge, direct knowledge.

A No, I have no direct knowledge, other than what I have read in the report, and then there is a little more context in what he said he told the ARB itself, because he was one of two of us who were asked

to come back to speak to the ARB alone, or one on one, you know, one person and the Board.

BY MR. OHLY:

Q He was one of two --

A Beth was the other one, Beth Jones was --

Q So no one else from NEA went back to speak to the Board?

A I know the Board spoke to the Executive Office, but I don't know the configuration, the post management officers. I also know they spoke to the desk officers and the Maghreb office, I don't know if [redacted] participated in that or not. I mean, all of their appointments were handled directly by the Board themselves and they respected everybody's privacy.

Q Right. But of the principals, if you will, in NEA?

A Of our front office?

Q Uh-huh.

A Beth and Ray were the only two, because I remember we had just finished a staff meeting and Ray asked, are we all being called back to the Board today or is it just me? And I said no, I am not. Beth said, oh, I am.

Q Did you ever discuss the disciplinary recommendations with anybody on the ARB?

A No.

Q Do you feel that any others were unfairly criticized by the ARB?

A I don't have any insight into the inner workings of the

Bureau of Diplomatic Security, so, no.

Q Do you think the -- I think we've briefly touched on it, but I may ask it a slightly different way. Do you believe the report does enough to assure a similar tragedy doesn't happen in the future?

A I think the report has been of tremendous help in identifying some of the weaknesses that existed, and we are, as Secretary Clinton said, we are implementing the recommendations of the report. So I would hope that we wouldn't see something like this again certainly. It's hard to lose friend and colleagues.

Q I understand.

BY MR. BEATTIE:

Q Does the ARB itself have the authority to put someone like Ray Maxwell on administrative leave? Is that an ARB personnel decision to make or do they not, to your knowledge?

A To my knowledge, no.

Q So it would be a State Department bureaucracy, if you will, decision? Someone in the State Department would make that?

A Yes, I believe so.

Q Okay. I think you may have alluded to this earlier, but just to be clear, do you have any insight into whose decision in the State Department it was to put Mr. Maxwell on administrative leave as a result of the ARB finding?

A No, I have no direct knowledge. I believe he was informed by someone from the Bureau of Human Resources.

Q I thought you said Ms. Jones informed him.

A Well, no. That was --

Mr. Chuang. Are you talking about administrative leave or being removed?

Ms. Dibble. You're talking administrative leave, which is different.

Mr. Chuang. Which one are you asking about?

BY MR. BEATTIE:

Q First administrative leave.

A No, we were not involved, nor were we consulted.

Q It would have been HR?

A Yes.

Q But then the decision to have him clean out his desk?

A Well, that was first.

Q Yeah.

A And that was conveyed to him by Beth Jones.

Q Do you know whose decision it was to make that call?

A No, I don't.

Q Okay. But the direction came from Ms. Mills?

A Yes.

Q Okay.

You're a supervisor essentially at the State Department, is that fair to say?

A Yes.

Q I'm just trying to determine what the purpose of administrative leave is in the State Department, typically?

BY MR. BEATTIE:

A That's a tough question. I don't know. I mean, it's -- I have never placed anyone on administrative leave, and I've never had anyone who was working for me on administrative leave. It is, you know, sometimes used, I believe, if someone, for instance, loses a security clearance or something like that. But I don't know.

Q Do you have any insight into how -- have you ever heard of anybody being placed on administrative leave for as long as Mr. Maxwell has been placed on administrative leave?

A No, I don't know -- I don't really know much about administrative leave. So, no.

A Okay.

Mr. Ohly. I am going to introduce the unclassified interview report so we can talk about a few sections. This is Exhibit 5.

[Dibble Exhibit No. 5
was marked for identification.]

BY MR. OHLY:

Q Page 4.

A Four.

Q I think we've touched on this, but I just want to go through it specifically.

A Sure.

Q The first paragraph, finding number 2.

A Uh-huh.

Q "Systematic failures and leadership and management deficiencies at senior levels within two bureaus of the State Department resulted in a Special Mission security posture that was inadequate for Benghazi and grossly inadequate to deal with the attack that took place."

What was your reaction to that finding?

A I suppose that I would agree with the second part of the sentence, that the security posture was inadequate for Benghazi and was inadequate to deal with the attack. I would not necessarily agree that it was due to systematic failures in leadership and management deficiencies in the two bureaus at the State Department.

I think if you go down to the next paragraph of the report, it hits the -- you know, that's the nub of it, that things were stovepiped.

Q Uh-huh.

A But leadership and management deficiencies, I think, are broader than -- that is something different than stovepiping.

Q Yeah. It just stood out to me that they point to at senior levels in two bureaus.

A Uh-huh.

Q And if I understood you correctly, you went back for -- or you only went for the one group interview, so there wasn't a follow-up with you at a very senior level within NEA. So I would feel if they had concerns with the leadership with senior levels in NEA, they would

come back to you. Did that strike you at all?

A Unless they didn't have concerns about my leadership or that it -- I mean, I did not have responsibility for day-to-day security. And that may be -- that may be the reason. I don't know. I don't know why they didn't call me back.

Q Okay.

Mr. Beattie. But, obviously, they did, you know, find Mr. Maxwell, you know, culpable for something. I mean, do you feel that the finding with Mr. Maxwell speaks to a systemic failure of leadership and management deficiencies as it relates to security in Benghazi?

Ms. Dibble. No, because Mr. Maxwell wasn't -- in the context of the way the State Department, not just NEA but across the board, in which we were operating, you know, a year ago, the regional bureaus did not have oversight over implementation of security measures. And because of that, I don't think he should be held responsible for what happened in Benghazi.

BY MR. OHLY:

Q One of the things that came up at the committee's May 8th hearing was Mr. Hicks testified about the desire to establish a permanent presence in Benghazi. Were you aware at all of discussions to establish a permanent presence in Benghazi?

A No. That was news to me.

Q That was news to you. In his testimony, he also talked about that this was something that was a priority for Secretary Clinton, that she had discussed this with him in May -- with Ambassador Stevens

in May. Was that something you were aware of?

A No, I was not.

Q Do you know if that was ever discussed within the Department? Was that the first time you had ever heard about establishing a long-term presence in Benghazi?

A Well, we had -- at the time, we had already extended the mission in Benghazi through the end of 2012. And, frankly, our focus in the summer of 2012 was getting past the Libyan elections and helping the Libyan Government, the new interim government, get on its feet and start acting like a government. We were trying to help to build capacity, providing bits of assistance as seed money.

So, no, I do not recall any time when we were talking about extending Benghazi indefinitely or turning it into a permanent installation. At the time, you know, we were still trying to get things up and running in Tripoli in a way that, you know, that -- our embassy there was functioning as a normal embassy. So we were pretty focused on Tripoli.

Q I am going to introduce an email. Just give us a minute. We have to extract it from the locked bag.

A Is this a classified email?

Q It is not a classified email.

A It is just, when you pull something out of a lockbox --

Q That's part of our process that you don't need to worry about.

A Yeah.

Q I can't share copies.

Mr. Knauer. Yeah, I was going to say, how are we going to do this?

Mr. Lewis. Identify the cite, so they can research it later.

Mr. Ohly. It's a chain that -- the most recent email in the chain is September 20th, 2011, from [redacted] to Libya management issues.

Mr. Beattie. Let's go off the record for a second.

[Discussion off the record.]

Mr. Ohly. Okay.

[Dibble Exhibit No. 6
was marked for identification.]

BY MR. OHLY:

Q Maybe I can try to describe the chain as I understand it. The first email is September 6, 2011, email from --

A Chris.

Q -- Chris Stevens. I think you had mentioned a recommendation from him to extend Benghazi or keep it open?

A Uh-huh.

Q Are you familiar with that email?

A Yes.

Q And then the chain is a series of emails discussing this. There is some at the end where it's, I believe, you and Mr. Maxwell and Mr. [redacted] and Mr. [redacted], [redacted], and [redacted] discussing, you know, what the plans are for the future of Benghazi. There's some discussion of the Secretary wants to keep this open for

a long time. If maybe I can read --

Mr. Chuang. Longer-term than that, I think.

BY MR. OHLY:

Q Maybe I can read it. Mr. [redacted] asks, he says, "[redacted]," referring to [redacted] --

A Uh-huh.

Q -- "do I remember correctly that the Secretary had views about keeping Benghazi going?"

And Mr. [redacted] responds, "Not sure. Along the lines of what Chris has laid out, i.e., another 6 months or so? I am not sure if she had views of anything longer-term than that?"

Mr. Maxwell responds, "I remember Jeff or somebody very important saying that S definitely wanted Benghazi to continue operations for some time to come, that specifics were mentioned."

And you responded, "I raised with Jeff. He thinks Chris needs to stay in Benghazi until Jalil has relocated more or less permanently to Tripoli. He also thinks we should not rush to shut down operations with there. This is in keeping with what the Secretary said."

Do you remember that exchange at all or --

A Yes, I do.

Q -- what the discussions were at the time?

A Well, this is right when we were reestablishing the embassy in Tripoli.

Q Uh-huh.

A And Jalil is Abdul Jalil, who was from Benghazi. And the

discussion was, it makes sense to keep an operation going in Benghazi because Jalil and others who were at the heart of the revolution were from the east, from Benghazi, and would be traveling back and forth.

And this is me telling everyone that Jeff Feltman thought had Chris should stay in Benghazi until Jalil has more or less permanently relocated to Tripoli.

Chris did stay there through November of that year. And he lays out quite eloquently here his views, Chris's views, of why it would be important to keep a presence in Benghazi for an indeterminate -- I mean, I think he says at least 6 months. And this formed the basis of what eventually became the memo that went up to Pat Kennedy in December recommending that we keep the operation going till the end of 2012.

Q And was this something that was discussed at Jeff Feltman's level and above within the State Department, the decision whether or not to be there? Is that something that people above him would weigh in on?

A I don't know. I can't say what conversations Jeff had precisely. But, yes, I mean, I believe that he would have had discussions with Under Secretary Kennedy, then-Under Secretary -- I guess he was Deputy Secretary Burns at the time, and others, you know, other senior officials to move forward on this.

I mean, you know, Qadhafi had just, I believe, at this point, just been captured, or had just been killed. He had already been captured. So this was all unfolding very much in realtime.

Q And just for clarify's sake and so we are all clear, when you say, "This is in keeping with what the Secretary has said," is that your direct knowledge of what the Secretary's opinion was?

A Well, no, this is -- I am quoting Jeff Feltman here, who says, "He also thinks we should not rush to shut down the operation there. This is in keeping with what the Secretary has said."

Q I just wanted to be clear whether that was --

A Yes.

Q -- his message to you.

A Yes.

BY MR. BEATTIE:

Q Could we just go back to the discussion of the ARB?

A Uh-huh.

Q Just a couple of housekeeping questions.

The one meeting that you were in, the group meeting, do you recall who asked the questions? Was it members of the ARB? Was it staff of the ARB? Do you recall? I know it was a while ago, but --

A It was members --

Q Okay.

A -- of the ARB. And it was different members asked different questions. There were several staff people present, but they did not ask any questions.

Q Okay. Do you recall if all the members of the ARB asked at least a question, or were the questions dominated by a particular member or two?

A As I recall, Ambassador Pickering probably asked the most questions. Admiral Mullen asked a number of questions. Dick Shinnick jumped in. Catherine Bertini jumped in. I'm trying to remember if Hugh Turner, who was representing the IC, asked questions. I don't, I'm sorry, on that.

Q That's fine. And do you recall, were the interviews transcribed?

A I do not believe they were.

Q Do you recall, was there some way that what you said was recorded? Were there notes taken?

A The staff members may have been taking notes. Actually, and the members of the ARB were making notes themselves.

Q Okay.

A There was no transcription like you have here or anything. No.

Q Okay. Were you or was the group sworn in before you were asked questions?

A I don't remember.

Q Okay. That's fine. And have you ever been involved in a prior ARB, either as a staffer or a member or perhaps being questioned by an ARB for a prior ARB?

A No, I have not.

Q This is your first experience with an ARB?

A Yes, it was.

Q Okay. Thanks.

Mr. Ohly. We're approaching our hour. We're going to go off the record now and turn it over to our colleagues.

[Recess.]

Mr. Powell. We can go back on the record.

Thank you again. And I'm going to turn this over to my colleague, Mr. Knauer, for a moment.

Mr. Knauer. I think we're going to jump back and forth.

BY MR. KNAUER:

Q Secretary, we had talked back and forth in previous rounds about the intelligence that Mr. Maxwell was not reading. And you had mentioned that you did, in fact, read that intelligence. Is that correct?

A Well, I read intelligence. I can't say that what I was reading was exactly the same thing that he would have been reading. For instance, I am read into several compartments that others are not read into. So I guess what I'm just trying to clarify is it's not exactly the same thing, probably.

Q Yeah, the daily intelligence reports, though.

A Correct.

Q Okay.

A Correct.

Q And as it says, daily intelligence reports, are these things that you attend daily?

A Yes, pretty much so.

Q And why daily?

A Because, well, that's how we chose -- that's how NEA chooses to do it. Other bureaus, sometimes they set up times twice weekly. But, frankly, if you do it daily, there's less to read at once and you sort of keep more current. It's just something we got into the habit of doing.

Q Would you say that the daily intelligence reports were essential to keep you abreast of events in the Maghreb?

A I would characterize it as they provided an additional insight into events in the Maghreb and across the region because of the sourcing of the reports. I mean, our eyes and ears on the ground in any country is our embassy, but sometimes intelligence reports picked up things that our embassy staff don't have access to.

Q And I'm guessing your days are filled with many activities. Is there a reason why you decided not to just stop reading intelligence to free up time? In other words, is it important enough to read the intelligence that you're willing to take that portion of the day and actually read it?

A Yes.

Q And you had also mentioned that you were shocked, I think was your word, by the ARB finding that somebody in NEA was named?

A No, I don't think I said I was shocked that someone in NEA was named. I think I said that the report was harsh and that having Mr. Maxwell singled out for security lapses that led to the events in Benghazi was not something that I thought was right.

Q Was it proper for the ARB to name or to at least flag

Mr. Maxwell in the issue of not reading the security?

A Frankly, it's hard for me to comment on that since I was not there when he was interviewed on this. So I'm not sure what motivated the ARB to focus on that. But if it is -- I can only surmise, based on the report and what Mr. Maxwell said, that it came up in his interview.

Q Okay.

And I want to go back to the end of the last hour, when we were talking about the extension of the special mission compound. What was the role of Ambassador Stevens in those discussions? It's my understanding that Ambassador Stevens was extremely knowledgeable on the Maghreb; is that correct?

A Yes, and Libya in particular, having served there previously.

Q And was he a key player in advising NEA on what he thought was a good direction for the United States Government with respect to Libya?

A Yes, absolutely. His views carried a lot of weight in NEA.

Q And what was his opinion then on having that presence in Benghazi? You had touched on that before, but could you elaborate more on that?

A Could you specify what period, what time frame you're talking about?

Q Let's say the November 2011 time period.

A So as he was leaving Benghazi?

Q Correct.

A Yes, as -- and I think the email exchange was a little earlier, but --

Q I'll be more specific. Moving up to the Kennedy memo that we've discussed.

A Chris Stevens's views weighed heavily into the bureau's decision to request an extension of the mission. Chris argued very eloquently that it was important for the United States to keep in contact with people in the eastern part of Libya, which had been the cradle of the revolution. And given that the leadership of the interim government was primarily from the east and was traveling back and forth between Tripoli and Benghazi and other parts of the east, he felt it was important to maintain those contacts.

Q And who would have listened to him in the State Department? Would he have had --

A Everybody.

Q Everybody? And why is that?

A And not just in the State Department, in the interagency. You know, the national security staff was very interested in hearing what Chris's views were because he was recognized as one of, if not the premier expert on the current situation in Libya, having served there previously as DCM charge and then having been sent back as envoy during the revolution.

And then the intent, which is what happened, was that we were going to nominate him as Ambassador to replace Ambassador Cretz.

Q And I think you said his opinions carried significant weight.

A Yes, they did.

Q And so he thought it was very important to be in eastern Libya, Benghazi specifically, correct?

A Yes.

Q And did that ever change? Did he ever say, you know, I think it's time that we no longer have a presence in --

A No, not that I'm aware of.

Q So the reasons for being in eastern Libya, Benghazi, in 2011, it's your view that those would have just carried forward.

A Yes. Certainly during the election period in the summer of 2012, it was very helpful to have our mission, our special mission in Benghazi, reporting on electoral politics or electoral events coming from there.

You know, Libya is not -- it's not one picture; it's sort of a mosaic. It's a very tribal society. And so you can't just rely on what you hear in the capital to understand what is going on in the country.

Q Okay.

And then just one final area. We were talking about the ARB, the process, the report. And I suppose in these kinds of reports there's always something that somebody can say, maybe they should have done this or maybe they should have done that. But is your opinion of the ARB that it generally accomplished what it was supposed to accomplish

under law?

A Yes.

Q And it made north of two dozen recommendations. Have you had a chance to look at those recommendations?

A Yes, I have.

Q Do you think they are sound?

A Yes. I've got them here. I --

Q I mean, from somebody who's been at the State Department as long as you have been, do you think if those are implemented they will make people safer?

A Yes. And -- yes.

Mr. Knauer. Okay.

Jason, I'm done. Thank you.

Oh, I'm sorry, I had one more quick question.

That email that was floating around, our one exhibit?

Mr. Chuang. Exhibit 6.

Mr. Ohly. Let's go off the record for a minute.

[Discussion held off the record.]

Mr. Knauer. Back on.

BY MR. KNAUER:

Q Back to Exhibit 6. We were talking about this exhibit. And on the exhibit is certainly Ambassador Stevens and many other names, including yours and Mr. Maxwell. He's also on this chain of emails.

And the only question that I have is, there was some confusion as to his role vis-à-vis Libya. And I'm just wondering, it would

suggest to me that if he is part of this chain that he was clearly -- that Libya itself was in his wheelhouse, that this was part of his job, to really be on top of Libya. And I'm just curious what your reaction to that is.

A Yes, I would agree. He was the DAS for the Maghreb, which included Libya, so he certainly had a role. And he weighed in in this chain, as you can see, as well.

Q And so would it be fair to say that key people in Libya, such as the Ambassador, certainly thought that Mr. Maxwell was a key player in Maghreb affairs?

A Yes.

Q Okay.

Mr. Knauer. I'm done. Thank you.

BY MR. POWELL:

Q I would like to move to where you were the night of the attack.

A Okay.

Q Could you tell us where you were and what was your role?

A I had been out of the office in a meeting elsewhere in the building and came back around 4:30 or so and heard --

Q May I clarify, 4:30?

A Oh, p.m.

Q P.m., eastern time.

A Eastern time, yeah. Must have been eastern daylight, because it was September.

And I came back from the meeting. And I can't remember who told me that Beth Jones had just had a phone call from Greg Hicks, who was the DCM in Tripoli, to say that the mission in Benghazi was -- I don't remember the words that were used -- under attack and that Chris was proceeding to the -- or Ambassador Stevens was proceeding to the safe haven.

Q And what did you do after that?

A There were a group of us gathered in the front office, and Beth Jones did a series of phone calls with Greg Hicks to, you know, get updates on the situation. And we basically stayed in the office. And I can't remember -- our staff assistants were there. Ray Maxwell was there. I'm trying to remember who else was there in the front office as we were getting updates in realtime from Tripoli.

Q But you participated in the communication and coordination --

A Yes. I didn't -- the phone calls -- we were trying to -- one of the things in a crisis is you don't want various multiple people calling in. You know, you want one sort of point of contact on each end. So on our end, it was Beth Jones; on the Tripoli end, it was Greg Hicks.

And then one of our staff assistants was basically taking everything down and sending emails to update various people in the building, in the State Department, as to the status.

Q Are there any misperceptions or misunderstandings that you've heard about events on the night of the attack that are in the

public record that you would like to correct or you think should be corrected?

A I guess I'm not sure what you're asking.

Q Just in general, anything you've taken note from, say, our hearings that we've held, other hearings on the Hill, things that are, you know, generally perceived in the public record that is a misunderstanding about what occurred the night of the attack that come to mind for you to respond to?

A I'm not sure -- I'm not quite sure what you mean. No, I mean, it was a confused situation. And Mr. Hicks was in Tripoli talking to Benghazi. There was some misinformation that was conveyed, including by the Libyan authorities, during the course of the night. So the picture was not a clear one. But there's nothing that -- no.

Q I would like to direct your attention back to the ARB, Exhibit 5.

A Okay.

Q Page 37, in the last sentence of the first full paragraph on page 37, the ARB says, and I quote, "Throughout the crisis, the Acting NEA Assistant Secretary provided crucial leadership guidance to Embassy Tripoli's DCM, and Embassy Tripoli's RSO offered valuable counsel to the DS agents in Benghazi," end quote.

Lower, it says, quote, "The Board found no evidence of any undue delays in decision making or denial of support from Washington," end quote.

And turning now to page 38, in the last sentence of the first full

paragraph on that page, the ARB said, quote, "The Operations Center and the Diplomatic Security Command Center (DSCC) were exemplary in eliciting information from Tripoli- and Benghazi-based colleagues without overloading them," end quote. And I think that last sentence refers to what you referred to earlier about having a point person and not overwhelming communications.

And, you know, I just want to ask you, do you agree with the ARB that the response to the attack was well-coordinated?

A Yes, I do agree.

In addition to the phone conversations that Beth Jones was having with Greg Hicks, the DS Command Center, which is what's mentioned here, DSCC, was also in touch with DS colleagues in -- I don't know whether they were just -- they were talking to Tripoli or they were talking directly to Benghazi, I'm not sure there. But I think the lines of communication were clear. People remained calm.

I can't comment on Embassy Tripoli, the RSO's role. I'm sure he did a great job. But I did see Beth Jones in action, and she was terrific. I mean, Beth has been through a number of crises and is very organized and matter-of-fact and stays calm. She's the kind of person you want in a crisis.

Q Mr. Hicks told the committee that there was a 2:00 a.m. call on the night of the attacks in Benghazi involving senior State Department officials, including the Secretary and Ms. Jones, and Mr. Hicks mentioned that you may have been on that call.

And I was wondering, are you aware of that call? Are you aware

if it took place? And if so, were you on that call?

A I was in Beth Jones's office for much of that evening. And for a time, you know, for at least some of the calls, she had her phone on speaker, so I was able to hear it.

I am -- although I'm not recalling a specific call that involved the Secretary of State. That's why I'm hesitating here. It could very well have been, but I don't recall a phone call to that effect.

Q Okay.

A There were a lot of phone calls going back and forth.

Q I'm going to move -- moving later, off the night of the attack, according to Mr. Hicks, some weeks after the attack, Under Secretary Kennedy ordered Mr. Hicks to evacuate all nonessential personnel from the Tripoli compound. Are you aware of this order from Mr. Kennedy?

A I don't think it was several weeks later. I mean, it was in the immediate aftermath. There was a decision, and, I mean, technically, I guess, they come from the Under Secretary, who approves the designation of a post going on ordered departure. But that was certainly not a controversial decision. The idea was to reduce our footprint, and we moved -- or people were moved from Tripoli to Frankfurt. And the wounded, of course, were removed, were taken out, as well. So it was to reduce the footprint, get the numbers down.

BY MR. KNAUER:

Q I'm sorry, what was the date of that?

A I want to say it happened September 12th. It was right

after. I mean, we were getting people out immediately.

Q Was there another evacuation of Tripoli later on, 2 or 3 weeks later?

A Not that I recall. I mean, we were -- no.

One of the things that happened that morning, morning their time, night our time, was that -- you know, we had two compounds in Tripoli, one ours and one belonging to another government agency. And they consolidated, for security reasons, they consolidated into one compound. And then, eventually, you know, we're back at two compounds.

But I'm not -- maybe I'm missing something, but I don't remember a second evacuation, no.

Q Okay. To your knowledge, then, there's only one reduction --

A Yes.

Q -- of footprint, and that took place within days --

A Yes.

Q -- of the attack.

A Yes.

Q And how many people were evacuated?

A I don't know the numbers off the top of my head. I mean, at the same time we were evacuating people, we were bringing in -- there was a group of FAST Marines who came in, and we were augmenting as well. So I'm not -- I don't remember, I'm sorry.

Q Would NEA have been part of that evacuation?

A Yes. And that probably would have been managed by -- not

probably -- it would have been managed by the Executive Office, who would have been keeping tabs, count, on how many people and where they were. I mean, obviously, we want to know where all our people are at all times.

Q So who determined who would evacuate? So who determined, for example, who would be on a plane to leave and who would stay behind?

A That was worked out -- I recall a phone call between Ambassador Jones and Mr. Hicks in which they went over exactly who was here and who was there. I mean, I recall seeing a handwritten list of, okay, these are the people, these are the people who are staying, these are the people who are going.

Q Was there anything controversial in that evacuation?

A No, not that I recall. No.

Q Would that evacuation have been seen as an order from Foggy Bottom?

A Well, it was ordered departure, is the term that we use when we reduce personnel to essential personnel only and we bring dependents out.

Q Was there pushback on behalf of Tripoli, saying, no, we don't want these people to leave or we want to keep the footprint to look like this? Was there --

A No, I don't recall any pushback. There may have been -- and I don't recall, but it's entirely possible that there may have been concerns over individual people or skill sets that they wanted to retain. But, no, I don't think there was pushback on the concept of

reducing our presence.

Q What about the people themselves? I mean, was it ever a controversial issue as to these people should stay because they have these roles and these people should evacuate because they are nonessential or anything along those lines?

A No, it's pretty well-determined. I mean, again, in that individual cases, maybe people had concerns. I'm not aware of them.

Q Okay.

A But it's pretty -- every embassy, every post has an emergency action plan that sets all this out in advance. I mean, it's not a mechanical operation per se, because there are always exceptions and tweaks that are made or, you know, someone is already away from post when an evacuation occurs, but, you know, we're not inventing this on the spot. That's why we have these plans, and that's why we familiarize ourselves with them and practice, basically.

Q Okay.

Mr. Kenny. Did you support that decision at the time?

Ms. Dibble. To draw down?

Mr. Kenny. For the drawdown.

Ms. Dibble. Yes. Yes.

BY MR. POWELL:

Q At our May 8th hearing, Mr. Hicks testified that Assistant Secretary Jones visited Tripoli in October. Are you familiar with that visit?

A Yes.

Q Okay. You referenced that she had visited all posts earlier. Was that part of that, or was that a --

A I believe that she was in Tripoli over the summer, as well, but I may be mistaken. She may not have gotten to Tripoli, and then that was her first trip. I don't recall.

Q Do you recall why she made the trip in October?

A Well, it was -- I mean, we had a post that had been traumatized. We were trying to underscore to the Government of Libya that it had a responsibility to help investigate and to facilitate our own investigation into the tragedy in Benghazi. So it's a perfectly usual thing for an Assistant Secretary to do a trip like that.

Deputy Secretary Bill Burns was in Tripoli shortly after the events happened. He actually was there to attend a memorial service that the Libyans organized for Ambassador Stevens. So part of this is a show of senior support for our folks on the ground.

Q Was there a ceremony for Ambassador Stevens at the time that Assistant Secretary Jones was there, do you know?

A I don't -- I don't know.

Q The committee has been told that as part of Ms. Jones's visit she had substantive meetings, that she was meeting with everybody. Are you aware of those meetings? Did you discuss these or -- you know, are you aware of any such meetings?

A I'm aware that she had meetings when she was there.

Q Okay.

A She's in a much better place to discuss the meetings than

I am -- to discuss her meetings, because I was not there.

Q Right. Did you discuss, you know, in advance a reason for these meetings? Or what was the --

A Well, she had --

Q -- what was accomplished?

A -- meetings with -- she had internal meetings and external meetings. And internal meetings -- you know, in a crisis, you want your leadership to display concern about the welfare of the employees, and that's in large part what she was doing.

Q Was there anything she was going there specifically to learn or, I mean, follow up on or information that she was attempting to elicit, or was this --

A No. No, not that I know of.

Q Okay.

I'd like to introduce a short selection from the transcript of our May 8 hearing as Exhibit 7.

[Dibble Exhibit No. 7
was marked for identification.]

BY MR. POWELL:

Q Okay. And I'd like to direct your attention to the bottom of page 156. Beginning on line 3734, I believe, Mr. Hicks testified, and I quote, "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," end quote.

Did Ms. Jones or Mr. Hicks ever recount such a conversation to you? To your knowledge, did Ms. Jones ever communicate anything to that effect to Mr. Hicks?

A Yes, I am aware that Ambassador Jones had that conversation with Mr. Hicks. And I am also aware that there were concerns expressed by staff members about his management style.

Q Can you discuss some of those concerns?

Ms. Dibble. Is this where we are getting into personnel stuff?

Mr. Chuang. I think you can answer the questions.

Ms. Dibble. Okay.

Greg Hicks did a marvelous job the night of the attack. He reported back to Washington, kept us totally informed. He had excellent contacts with the Government of Libya and pushed them, to try and get answers out of them. So I just want to state that for the record, that he did a marvelous job that night.

However, in the days and weeks after the event, we started receiving reports from people at post -- and these were phone calls that came to the Office of Maghreb Affairs, to the desk officers, to the office director -- complaining about his management style, that his management style was making an already tense situation worse.

BY MR. POWELL:

Q Just can you, you know, elaborate? What about his management style?

A That he was not inclusive. When he went to see Government of Libya officials, didn't take anyone with him. And the purpose of taking someone with you is so that you have a note-taker and that you have someone who can follow up, you know, so that things don't fall through the cracks. That he was not inclusive in his decision-making. That he made some decisions that surprised the people who were being affected by them, or decisions about issues that weren't in his, you know, direct area of expertise.

And so it was making an already very stressful situation even more stressful. These reports came back to -- we got these reports from Washington, and it was not from one person who -- you know, you can sort of discount if one person is unhappy. But, as I recall, there were at least three people from Embassy Tripoli who expressed concerns to different people in the Office of Maghreb Affairs about his style and how it was adding to an already stressful situation.

And one of the tenets, frankly, of good leadership is that you address problems; you don't sweep them under the rug. And that's exactly what Ambassador Jones was trying to do in her counseling of Mr. Hicks.

BY MR. KNAUER:

Q Are these senior individuals that were raising concerns?

A There were reports of some other agency representatives who had concerns, although they were not reported directly, so that's sort of thirdhand. The people who reported directly were junior to Mr. Hicks. I mean, at the time, he was the senior State Department

official there.

Q I mean, senior enough that it would register as a material concern that you really needed to look into?

A I mean, frankly, if I hear from the most junior officer at a post that there's a problem, I take it seriously. You know, it's --

BY MR. KNAUER:

Q Well, is this common?

A It's not common, but it happens, and especially in a place that's under this kind of stress. People react differently to stress. And so it was -- there was enough there that Ambassador Jones and I talked about it, and I know she was concerned, and she addressed it directly with Mr. Hicks.

Q And to be fair to Mr. Hicks, he had just gone through a very traumatic period.

A Absolutely.

Q Were you able to sort of factor that into whatever discussions you were having with people, to, you know, be able to say, look, this is probably something that is a result of these very difficult days and weeks as a result of the attack, and let's let some time go by? Or were these rising to a level where you thought that this was really something that you had to get on top of, and if so, what was the process to sort of sort all of this out?

A I mean, it was the latter really. I mean, recognizing that he had been under a tremendous stress and was not getting much sleep, but everyone else was under basically similar circumstances. And I think -- I mean this is a question that's probably better addressed to Ambassador Jones, but I think the thought process was to nip it in

the bud before it becomes worse, before it festers.

Mr. Knauer. Okay.

BY MR. POWELL:

Q I mean, I guess he asked about some of these issues, but can you tell me some people who were expressing concerns, to your knowledge, or in any of the other agencies?

A No, I don't.

BY MR. KENNY:

Q Maybe just to elaborate a bit further, you had mentioned specifically that he had made a series of decisions that were outside of his area of expertise. Could you give us an example, perhaps, of one of those decisions?

A There was some announcement that he made, and I can't recall exactly what it was, having to do with a security issue that had not been run by the RSO, for instance.

Q Okay.

Mr. Powell. We've discussed this earlier, but for the record, I want to introduce the December 27, 2011, action memo signed by Under Secretary Kennedy as Exhibit 8.

[Dibble Exhibit No. 8
was marked for identification.]

Mr. Kenny. Just to be clear, this is a partially redacted document. It's also available on the majority's Web site.

BY MR. POWELL:

Q And, really, I'm showing you this now just to direct your

attention to the very end. It appears that Mr. Maxwell signed the memo at the end.

A Yes.

Q Is that correct? Mr. Maxwell told the committee that he only signed the memo because you were on vacation. He said that while you were on vacation he would sign off on all memos in your place. Is that true? Is that why he signed the memo?

A He did not sign off on all memos in my place. Normally he would have cleared this anyway, and then it would have gone to me. But he was not acting PDAS or anything, so that he would not have cleared all memos, no.

Q But is that why he signed this memo?

A I was not -- the reason -- I don't know why. I mean, he signed this memo because it was in his area of expertise, or his area of responsibility, because it had to do with Libya. I did not sign the memo because I was not there, but I would not agree that he signed it instead of me, no.

BY MR. KNAUER:

Q Would it have been appropriate for him to sign it?

A Yes, it would have. I mean, anything like this would come up through the -- was generated in our Executive Office, and there are several people there who cleared it. It was cleared by the Maghreb office, and then it would have been cleared in general by -- because it dealt with Libya -- by the DAS for the Maghreb, by the DAS for Libya, and then ultimately had I been there it would have gone through me.

Q But had you been present, would Mr. Maxwell have also signed this?

A Yes.

Q Okay.

Mr. Kenny. And when we see DS here on the clearance list, to whom does that refer?

Ms. Dibble. Diplomatic Security.

BY MR. KNAUER:

Q Why would they be on this memo?

A Well, because there is -- I think there is an attachment that's missing that sets out the security upgrades and the costs that would be required to make the upgrades, just as OBO, the Office of Overseas Buildings Operations, would have cleared it because it has to do with a facility. You have RM, which is Resource Management, because it has to do with money. You have the A Bureau, the Administrative Bureau. These things usually also go through -- at that point we had two deputy secretaries of state -- both of their offices.

The under secretary for political affairs, that's P. It was cleared by the person who was the acting principal officer in Benghazi at the time. And it was cleared by someone on Under Secretary Kennedy's staff.

Q And does it go through all these places because this is where the component expertise resides?

A Yes. It's because they all have equities in this recommendation. And this is an action memo.

Q Right.

A So when Under Secretary Kennedy or whoever is the recipient of an action memo gets a memo, he or she wants to know that everybody, all the offices that have equities in this are okay with it.

Q So if DS had a major concern about the security aspects raised in this memo, is the process such that they could say, okay, I'm not going to sign this?

A Yes.

Q And they have a right of refusal to either resolve the issue or discuss the issue or do something to rectify what their concerns are --

A Yes.

Q -- prior to it being signed?

A Yes.

Q Okay.

BY MR. POWELL:

Q Mr. Hicks told the committee that after coming back to

Washington and receiving ongoing negative feedback from Assistant Secretary Jones, he sat down with you apparently to discuss his career. Did you meet with Mr. Hicks?

A Yes, I did. On more than one occasion.

Q What was the timeframe for those meetings?

A That would have been November-December 2012.

Q And can you describe the purpose of those meetings?

A He was back initially on leave, well deserved leave after everything he had been through, and was trying to decide whether or not he was going to go back to Tripoli. So he came to me as, as he termed it, a mentor -- I was a mentor and a friend. I had worked with him in the past, not super closely, but we knew each other. He is also an economic officer, as am I. And so he came to me for advice on an onward assignment.

Q Mr. Hicks told the committee that he accepted something called curtailment. Curtailment, as I understand it, is a process that allows a State Department foreign service officer to curtail his or her overseas assignment earlier than scheduled but with no negative consequences for future postings?

A Correct. Correct.

Q Mr. Hicks said that he talked with you about how he could move forward after curtailing. Do you recall that conversation?

A Yes, I do.

Q Can you tell us what you discussed?

A He -- we talked about possible onward assignments for him

and other jobs. This gets a little down into the weeds, but to give you the context, we have in the foreign service something that's called the 5/8 rule, where we can only serve in the United States for 5 consecutive years, and then we have to go overseas. We can get waivers of that up to a total of 8 years, and the waivers are given on a 1-year basis, usually for things like medical reasons or whatever, something that really precludes you from serving overseas.

At the time of his arrival in Tripoli, Mr. Hicks had been in the U.S. for 5 years, so he was up against the so-called 5/8 year rule. That would have not have been an issue had he stayed his full tour in Tripoli. However, when he curtailed, because he had only been in Tripoli a couple of months, that didn't -- he was again subject to the 5/8 rule.

So one of the things I did was I got in contact with my counterpart in the director general's office to see about trying to get him a waiver of that 5/8 rule. I also offered to try and find him another job. He had -- this was -- November-December is our sort of prime job season for openings the following summer. So I -- he and I talked about jobs that he was interested in, and I contacted my counterparts in different bureaus. There was one in Warsaw, I think one in Brazil, and one in Australia that he was particularly interested in. So I contacted my counterpart in our East Asian and Pacific Affairs Bureau and explained the situation, wrote him an email with a strong recommendation of Greg, and my counterpart said they understood the situation and would look favorably upon his candidacy, but he had to bid on the job. That's

the other -- this is really weedy here, probably more than you need to know, but you bid on jobs, you put in basically an application.

So I talked to Greg, and I said, I think this job is -- this job you asked me to weigh in on your behalf is yours if you want it, but you have to bid. And he said, well, let me [redacted] over the weekend, and he came back to me --

BY MR. KNAUER:

Q Sorry, which job?

A This was in Australia. It was a job at the same -- it was an economic job, so it was in his cone, his area of expertise, and it was at his -- the correct grade.

Q What does that mean?

A We, kind of like the military have -- we have an up-or-out system, and Greg was what we call an 01 officer, which is the same grade as a full colonel, an 06 in the military system. So in order to be considered an eligible bidder for a job, you have to be the right grade, and you ideally should be the right cone, political, economic, administrative, consular, or public diplomacy. This was an 01 econ job, Greg was an 01 econ officer, and for Australia there's no, obviously, no language requirement needed. So he was -- you know, he fit the criteria. So he got back to me the next week and said that he had [redacted] decided against it.

So I did say I would help him find a job. I did help him find a job, but he didn't take it.

BY MR. POWELL:

Q Well, Mr. Hicks -- I think you mentioned some other postings that you had talked about, and Mr. Hicks had indicated to us that the Australian position was the only position that you were willing to support him for. Is that incorrect?

A No. It was the only position where I basically got a strong nibble, where the other -- I mean, in the other cases either the job was already filled or the Bureau had other candidates who they felt were better qualified.

Q And Mr. Hicks told us that the Australian posting had less responsibility than a job that he had a decade earlier in his career, implying among other things that that Australian job would have been a demotion. Would you consider that to be a demotion? I think you explained the criteria, but --

A Yeah. Well, I don't know what other job he is referring to. No, it wouldn't have been a demotion, because it was his conal expertise, economic, and it was his grade. The DCM job in Libya is also an 01 job, so it was the same grade.

Mr. Kenny. Would the DCM job in London also, or in larger posts, also be similar?

Ms. Dibble. No. It's the size of the post. We have DCM jobs that are 02 jobs and DCM jobs that are the equivalent of a two-star, which is London, Paris.

BY MR. POWELL:

Q Mr. Hicks said he applied to a job as deputy chief of mission in Honduras, but he was not considered for that job. Do you know about

this or why he wasn't considered?

A I don't know about that job at all. I don't know that he -- I was not aware that he had applied for that. The process for selecting a DCM is a little different.

Q Why, in your opinion, has Mr. Hicks had difficulty finding his next assignment? Could it have to do with timing, qualifications, lack of support?

A I don't know which jobs he's gone after. I mean, that's the other thing, that there needs to be a match between the jobs that people are aspiring to and their grade, their qualifications, et cetera, et cetera.

Q I'm not necessarily referring to a conversation that you had with Mr. Hicks, but Mr. Hicks told the committee that he had been very clearly given the impression that he was not to consider leadership positions overseas. Do you know anything about that?

A No. I think after the experience in Tripoli and some of the managerial issues that arose, albeit out of a very difficult situation -- not everyone is cut out to be a DCM.

Q Did you ever give him that impression or intend to give him that impression?

A I don't recall having a specific conversation. I know he wanted a place where he could bring [redacted], and that was -- because when he bid on Tripoli, it was a 3-year accompanied assignment, and he thought he was going to be able to bring [redacted], and that was very important to him, and I understand why that was very

important to him.

BY MR. KNAUER:

Q Is that an accompanied post now?

A Which, Tripoli?

Q Tripoli?

A No, it's unaccompanied.

Q Okay.

BY MR. POWELL:

Q What is Mr. Hicks' current position and what are his responsibilities?

A My understanding is that he has what's called a Y tour, which is a temporary assignment in the office that does intergovernmental affairs. It's sort of the liaison with State and local governments who are, for instance, planning a trade mission overseas. I can't remember the acronym for it. The last I spoke with him, that's where he was.

Q Is his current position a demotion?

A It's not a -- I mean, it's not a demotion. For one thing, we carry rank in person, not in position, where the foreign service is very different than the civil service. So he's still an 01 officer. And for a Y tour they're not -- because they're temporary jobs, they're not graded. So, you know, he's still an 01. Whether he considers it a demotion I don't know.

Q Does Mr. Hicks still qualify for an overseas posting?

A Yes, he does.

Q Has he been retaliated against because of his curtailment?

A No. No.

Q Is he eligible for another deputy chief of mission posting?

A He would certainly be eligible to bid, sure.

Q Mr. Hicks raised the possibility that his career options have been limited because he asked questions about Ambassador Rice's comments regarding Benghazi and the way he handled visits by Congressman Chaffetz and Senator Corker. Did these have any bearing on Mr. Hicks' current job status, to your knowledge?

A No.

Mr. Powell. I think at this point we will conclude our hour. Off the record.

Ms. Dibble. Okay, thanks.

[Recess.]

BY MR. BEATTIE:

Q I've got 3:16 p.m., but I don't think it will take the whole hour, just a fraction of the hour.

A Okay.

Q First I just wanted to go back to that Exhibit 6 email, just a minor housekeeping thing from the last hour.

A Uh-huh.

Q I'm going to just hand it to you here just so you have it. My apologies, I only have one copy of this.

So I just want to clarify, on any of this email chain where the email is from Ambassador Stevens, could you just tell me, just look

at the email and tell me if Ray Maxwell is on any of the "To" lines from Ambassador Stevens directly? You can just take your time.

A No, Ambassador Stevens sends this big email which goes to the desk, the ambassador. No, this one is the first one.

Q Yeah, that's the first one.

A That's the first one.

Q This is not a trick question. I'm just clarifying the record.

A Yeah, I know. And then here he forwards it on to, again, to [redacted], who is already on it, [redacted], and to [redacted], who was already on it.

Q I'm sorry, who's [redacted]?

A [redacted] was the post management officer in the Executive Office. And then [redacted] forwards it on to Ray and me, copying [redacted] and his deputy, saying he wants to socialize -- he's forwarding this to socialize Chris' thoughts. So that's when it goes to Ray.

Q Okay. And is it also true -- could I just ask one more question about this?

A Uh-huh.

Q Is it also true that Ambassador Stevens, he emails you on here, correct?

A Yes, he does.

Q You're on the "To" line?

A Yes.

Q But not Ray Maxwell?

A Correct.

Mr. Chuang. Well, which line are you referring to? Just to clarify so we're not --

Ms. Dibble. Sure. Here.

Mr. Chuang. Saying on the original one?

Ms. Dibble. Yeah.

Mr. Beattie. Okay. Just wanted to clarify.

BY MR. BEATTIE:

Q Okay. And if I could move on.

A And as I also mentioned --

Q Yes, please.

A -- this was my first day in NEA.

Q Yes, I recall. Thank you.

Okay, if I could move on. I know we talked about a little bit, and I don't remember exactly which hour, about the SST.

A Uh-huh.

Q And the extension, various extensions, and the decisions that went into those extensions. It's been reported that personnel in the State Department may have thought that it would be embarrassing to request an extension of the SST the last time. I'm wondering if you were aware of that sentiment?

A I was not aware of the sentiment from the -- from hearing about it in the State Department. I recall the email that you are referring to that came from Tripoli, I believe, and I don't recall whether it was the Ambassador or the DCM at the time.

Q Sure. Sure.

A Saying that DS did not favor the extension of the SST or the MSD team.

Q Okay. I can actually -- I can help you.

Mr. Chuang. Should we mark it?

Mr. Beattie. Yeah. Exhibit 9.

[Dibble Exhibit No. 9
was marked for identification.]

Mr. Beattie. This is a unclassified email.

Mr. Ohly. I'll just give you a moment to familiarize yourself.

Mr. Chuang. Okay, just to clarify, is it classified or unclassified? I thought I heard you say classified.

Mr. Beattie. Here, why don't you -- I stated that it's unclassified.

Mr. Chuang. Unclassified, great.

Mr. Beattie. But if you want to confirm it, that's fine. Reverse chronological again.

Ms. Dibble. Okay.

Mr. Ohly. Let's go off the record, let both sides have an opportunity to review it.

[Discussion off the record.]

BY MR. BEATTIE:

Q Okay. So everyone has had a chance to review the document. I'm just going to read relevant portions into the record. So I have a July 9, 2012, email from [redacted]. Could you just say who

is [redacted]?

A He was the -- at the time was the acting DCM. He was the head of the Political Section in Tripoli.

Mr. Chuang. Actually just to clarify, what date are you referring to?

Mr. Beattie. July 9, 2012.

Ms. Dibble. July 9, so he would have been -- that would -- because [redacted] left the end of June.

Mr. Chuang. Okay, just wanted to make sure.

Ms. Dibble. Greg got there the end of July. He is also now the DCM in Tripoli.

Mr. Beattie. Thank you.

BY MR. BEATTIE:

Q Now to my eye it looks like initially this email is forwarded to what appear to be other colleagues at the Embassy. Is that your understanding?

A Yeah. I don't recognize all of the names. It's other colleagues at the Embassy, and it is [redacted] was in Benghazi at the time, [redacted] was the desk officer, and then it was copied to the NEA Mag distribution list.

Q Is that the Maghreb distribution list?

A Yes.

Q Okay. And then it appears as if [redacted] forwards this on, on July 10, 2012, and he forwards it to you?

A Uh-huh.

Q And you only.

A Yeah. I don't know that he didn't forward it to others separately.

Q Sure, no, of course, understood. Of course. I guess what I'm hoping to understand is a little bit of context here. It says, there's a bullet here that says, "Note from Chris, can brief you later." And then there's a bullet beneath which reads, in part, "We've had an extensive back and forth with DS on this. DS (at the DAS level) is reluctant to ask for an SST extension, apparently out of concern that it would be embarrassing to the Department to continue to have to rely on DOD assets to protect our mission. They prefer that we rely on Department-provided assets but have not been clear on what they can offer us. Wanting to preserve our equities with DS, we decided to send in a front channel request for security assets, attached, without specifying where those assets should come from. However, we wanted to underscore for you that we have an important nonsecurity-related interest in keeping the SST mission alive." I think I'll stop there.

Just a couple of questions. So we initially discussed your awareness of a sentiment about it being embarrassing to the Department to request SST extension. Could you just, now that you've seen this and refreshed your memory, could you comment on your awareness of this and --

A I don't --

Q -- what it means?

A -- recall this specific email from [redacted].

Q Sure.

A This was July 9th. The OI that came in overnight on the 9th, so actually exactly a year ago today, the 10th, that obviously [redacted] forwarded to me. My understanding was that the SST -- General Ham had agreed to extend the SST through the beginning of August to get through the elections, which were right around this period. Actually they would have taken place right before this came in.

Now, they had to -- there was sort of a pro forma request that had to come in monthly to extend it. I mean, he had agreed in principle to extend it through August. It was 120 days, there was an earlier exchange with Ambassador Cretz on this.

What I don't know is if this is referring to the pro forma monthly extension that was required, because to my knowledge there was never an idea of extending the SST beyond the 120-day mark, the August mark.

What this is referring to is they obviously sent in a cable separately on security, you know, their security requests, and I'm assuming that went through the regular channels, that they didn't specify where the security assets -- this is what they need, but they didn't specify where they would come from.

What they are doing here is flagging that the portion of the SST, what they wanted to do -- I mean, they clearly say the 16-person SST mission comes to an end in early August, and they were concerned, as we discussed earlier, [redacted] and they didn't

want to -- [redacted] they didn't want to lose that continuity by pulling out the whole team.

So this is what they're referring to, that the SST, in addition to checking the, you know, meeting the security needs, [redacted]. And that is in effect what happened, because there is later correspondence between Ambassador Stevens and General Ham that then Ambassador Stevens forwards back to the Bureau that says that General Ham has agreed on leaving some of these guys there as -- and we were -- that was where the rules of engagement issue came into play and the P's and I's, the --

Mr. Ohly. Privileges and immunities.

Ms. Dibble. Privileges and immunities, thank you very much, that still had to be worked out with the Libyan government. So this is a month before, more or less a month before that other exchange, which, as I recall, was early August with Chris Stevens.

BY MR. BEATTIE:

Q Sure, okay. Well, it's helpful. [redacted]

I guess my question I have is, one, does this -- is the note from Chris this, to your knowledge, or is this something -- referring to something else?

A No.

Q I know you said you don't -- may not remember this email.

A I don't remember reading it, but an OI is an official informal, and this is the way embassies communicate with the desk and vice versa.

Q This would be the fabled back channel discussion or not? Is this a back channel -- considered back channel?

A No, it's not a back channel, it's just a way --

Q What do you consider this?

A This is -- it just goes -- it doesn't get wide distribution. It just goes to the desk. It's a way for -- and they -- this is probably not even a cable anymore. OIs used to be done, before email, they used to be done as cables. Now they're done as emails. It's a way that the desk and the post communicate, especially when you have a time difference and you can't just pick up the phone all the time. So they -- what Washington does at the end of the night, at the end of our day, is we'll send something overnight that they get when they wake up, and then they send something back to us that we have when we wake up the next day. So that's what this is.

Q So it would have been presumably from post?

A It would have been from post, because this is from post. This is -- see, this is his email, this is [redacted] from post.

Q Sure.

A And I don't know how [redacted] knew that this is a note from Chris, but presumably in his discussions --

Q Mr. [redacted] may have been privy to other information that wasn't --

A Yeah, because this was actually -- the original was sent on the 9th and presumably -- well, I shouldn't say presumably, but I am supposing that [redacted] had discussions with post, and that's how he knows this is from Chris.

Q Okay. And do you have any insight into, when they refer to "DS (at the DAS level) is reluctant to ask for an SST extension," [redacted], I mean, just extending the SST, specifically the security provision function, apparently out of concern that it would be embarrassing to the Department, do you know who specifically, are they referring to a specific individual there, to your knowledge?

A I don't know. No, I don't know.

Q Okay, thanks. I guess one last question on this unless you have something else. Who is [redacted]?

A [redacted] is the office director for Maghreb Affairs.

Q Okay. Does he directly report to you?

A No, he reported to Ray Maxwell.

Q Okay. Now, I know, you know, you said earlier he may have sent this to other people, we don't know, but he did send this one to you. Did you regularly speak with [redacted] directly about Libya policy?

A No, not on a regular basis. It also could have been that Ray Maxwell was out of town then.

Q Sure.

A I don't know. I'd have to check the calendar.

Q Sure. Do you know, was [redacted], how involved was he

in Libya policy?

A Extremely, because he was the office director.

Q Okay.

A He's actually out there now as our charge.

Q Sure, yeah, I had heard that.

A Well, no, he was out there as our charge. We now have an ambassador.

Mr. Beattie. Anything else?

Mr. Ohly. On this?

Mr. Beattie. Yeah.

Mr. Ohly. No.

Mr. Beattie. That's it on that.

Ms. Dibble. I don't -- you know, as I said, I don't recall this, I don't recall any follow-up on my part on this. What I do recall is the SST, and then the 1208 [redacted], because that's sort of the policy angle of this whole piece.

BY MR. OHLY:

Q This is something we've touched on a couple times today, but I just want to revisit it one more time.

A Once more with feeling?

Q Just read a portion of the introduction of the unclassified ARB, Exhibit 5.

A Okay.

Q It's the last paragraph on the page.

Mr. Chuang. Page 1?

BY MR. OHLY:

Q Page 1. It says, "As called for by the Act, this report examines: whether the attacks were security related; whether security systems and procedures were adequate and implemented properly; the impact of intelligence and information availability; whether any other facts or circumstances in these cases may be relevant to appropriate security management of U.S. missions worldwide; and, finally, whether any U.S. Government employee or contractor, as defined by the Act, breached her or his duty."

Do you think the finding about Ray Maxwell sort of fits into that description of what the ARB's mandate was?

A I don't think the ARB found that anyone breached her or his duty. I believe that was a conclusion that's in the classified version of the report. So no.

Q Thank you.

BY MR. SKLADANY:

Q I just have a couple questions, and I think we're nearing the end of our questions.

After the attacks, in the months after the attacks, requests from Congress for documents started coming in to the State Department, and as you're probably aware, about 25,000 documents have been made available to Congress in camera. I'm trying to get -- you know, some of the documents are emails to you, from you, where you're cc'ed. Some of them we've looked at today. So I'm trying to get a sense of whether you assisted in identifying documents that were responsive to the

congressional requests or whether somebody did that on your behalf?

A Under the -- somebody did that under the --

Q On your behalf.

A Oh, on my behalf, I'm sorry. In order to be thorough and make sure that we got everything, we had our systems people basically suck everything out.

Q Did you run any searches of your own emails for responsive documents or was it handled entirely by the IT folks?

A It was handled by the IT folks, and then, you know, I saw what was produced.

Q And so at some point those documents were turned over and they became part of the 25,000 documents --

A I guess so.

Q -- that were made available to us?

A Yeah, I guess so.

Q And then on May 17th Chairman Issa requested that you be made available for an interview. Do you recall being notified that your name was on that letter?

A I saw the letter, yes.

Q Do you remember how you saw the letter?

A I believe it was emailed to me.

Q Do you remember approximately how far after May 17th it was brought to your attention?

A It was either that day or the next day, yes.

Q Do you recall at which point you began preparing for the

interview?

A I was informed by my esteemed colleague from the L Bureau that we would have to begin preparing, and we had several informal meetings in my office in which they described the process and the discussions that were underway with you all. In terms of preparation, I mean, if you consider that preparation, that's when it started, yeah.

Q Do you recall at what point you started to review documents to prepare for the interview?

A No, honestly, I don't. One of the -- I mean, one of the challenges of preparing for this is that I had a job that was keeping me fully occupied 12 hours a day, so we were fitting this in, in kind of bits and pieces and snatches.

Q Sure. As part of preparing to be interviewed, I suppose that the documents that you identified in your own in-box that were responsive to the congressional requests, you reviewed those as part of preparing for the interview?

A Yes, I did.

Q Did you review additional documents?

A No, only ones in which I was either a sender or a recipient.

Q Do you feel like you had adequate time to prepare?

Mr. Chuang. Or cc'ed.

Ms. Dibble. That's what I mean, yes. Not just a "To," a "cc," yes.

BY MR. SKLADANY:

Q Do you feel like you ultimately had adequate time to prepare

for today's interview?

A I'm not sure there is ever adequate time, but I don't have that much time anyway, so --

Q I just asked that because at a press conference, I think it was around the time that Chairman Issa issued a subpoena for a deposition with you, the State Department spokesman made a comment that there had been some delays because there was an interest in making sure the witnesses were adequately prepared. And so I just wanted to get your sense as to whether or not you were adequately prepared.

A Well, again, given that I was working a job that did keep me fully occupied 12 hours a day, and we were doing this in snatches, yeah, it did require time.

Q Do you recall when Chairman Issa issued the subpoena for a deposition, did that -- had you already been preparing in terms of reviewing the documents prior to the subpoena being issued? That was June 24th.

A June 24th? We had already met. I don't recall in terms of --

Q Did the subpoena being issued accelerate or change the way you were preparing in any way?

A It made my day. I don't know that it accelerated, but, I mean, it sort of underscored that this was, you know, that this was out there, yes.

Q Did you consider hiring a lawyer when the subpoena was issued?

A I considered it, but I ultimately obviously did not.

Q Can you explain why?

A I trust my colleagues in the Bureau of Legal Affairs.

Mr. Skladany. Those are all the questions I have. Did you guys have any more?

Mr. Knauer. I just have -- can we follow up?

Mr. Skladany. Did you want to take a break?

Ms. Dibble. No. I'm fine.

Mr. Skladany. It seems like we might be almost done here.

Mr. Knauer. Exhibit -- was it Exhibit 6 -- what's the exhibit that was in the bag, there's only one copy of, the first one?

Ms. Dibble. Yeah, that's -- it's 6.

Mr. Beattie. That's 6.

Mr. Knauer. Exhibit 6. Can I have that for just one quick second?

Mr. Powell. We'll go off the record for a moment.

[Discussion off the record.]

Mr. Knauer. We can go back on.

BY MR. KNAUER:

Q So, Secretary, the originating document from Mr. Stevens, Ambassador Stevens, beginning there, can you just generally describe what that original document, what the content is about?

A Yes. It is -- this was right before we were sending people back into Tripoli to establish -- reestablish an embassy there. And Chris Stevens, who at the time was the special envoy in Benghazi, raised

the questions of -- he flagged that we would soon have to consider the question of what to do with the office of Benghazi, and he said that he thought in his opinion it would be wise to keep it running for at least 6 months.

And he sets out his arguments quite coherently and eloquently. He talks about the political, economic, and public diplomacy reasons to continue to have contact with the TNC, the Transitional National Council leadership; to engage with the new Government of Libya entities -- the oil companies were always headquartered in the east because that's where the oil was -- to continue to sort of have a finger on the pulse of events in eastern Libya given some of the tribal influences there; to monitor the resumption of oil production in the east; and to demonstrate continuing U.S. interest in the eastern part of Libya, which had been the forgotten part of Libya under Qadhafi. Qadhafi purposefully tried to strangle, basically put down eastern Libya.

And then he lays out some programmatic reasons. We have projects that were already underway, USAID projects in terms of capacity building and civil society. We had activities that our Bureau of Political-Military Affairs were undertaking in terms of destruction of MANPADS. He talks about other assistance projects, like education. He notes who else is going to be in Benghazi. It wasn't just us. The Italians, Turks, Egyptians, Swedes, Sudanese, and Syrians already have consulates. The British and the French were considering operations there as well.

And then he lays out what would be needed. We already had this 13-acre walled compound. We already had, as he said, security and communications upgrades are in place and underway. The compound housed -- would house up to 22. They already had a contractor to provide life services. And then he sets out his vision of how the place would be staffed.

So what he is basically saying is the eastern part of Libya will remain an important part of the new Libya, so we should at least temporarily maintain a presence there. Because we've had this office there already, we're kind of halfway there already.

Q And I notice that that email gets forwarded through a chain?

A Yes.

Q And who are the -- who are some of the people on that chain in senior positions?

A Well, he forwards it himself, just to underscore his thoughts on staffing, he forwards it to the desk, the DCM in Tripoli, who would have -- who was just about arriving, hadn't arrived yet, and management people. And then [redacted] forwards it to Ray Maxwell and to me; also to the head of our Executive Office, [redacted], and to his, [redacted] deputy. And then there is an exchange back and forth that includes [redacted], [redacted], Ray Maxwell, and myself.

Q And why is Mr. Maxwell on that chain?

A He was the DAS for Libya.

Q And would you say that his presence on that chain was because his portfolio was Libya?

A Yes.

Q And that that chain would indicate the importance of Mr. Maxwell vis-à-vis Libya?

A Yes.

Mr. Knauer. Okay. I'm done.

BY MR. KENNY:

Q And when you summarized the arguments put forth by Ambassador Stevens, in your view did many of those arguments then form the basis for the December 27th memo to the Under Secretary?

A Yes, they did.

Q So when you mentioned before that EX had drafted initially the December memo, would that have meant including and incorporating the Ambassador's comments into that memo?

A Yes. I think if you recall the memo, it's an action memo, and it has two things for the Under Secretary to check, and then --

Mr. Powell. That's according to Exhibit 8?

Ms. Dibble. Yeah. And then the background basically lifts large portions of what Ambassador Stevens had written in his -- in that email and fleshes them out into full sentences as the background of why this was important.

Mr. Kenny. Thank you.

Mr. Powell. Lastly, just to clarify for the record, you mentioned having read the personnel findings in the classified portion of the report, and since State is here, I would like you to confirm that that portion has been unclassified.

Mr. Dorosin. You're referring to the personnel --

Mr. Powell. The personnel -- the personnel findings --

Mr. Dorosin -- of the classified ARB?

Mr. Powell. Yes.

Mr. Dorosin. My understanding is they have been marked sensitive and unclassified.

Mr. Powell. And with that, I think we're done.

Mr. Ohly. We want to thank you very much for your time today. This has been very helpful, and with that the interview is complete.

Ms. Dibble. Thank you.

Mr. Skladany. Thanks very much.

[Whereupon, at 3:52 p.m., the interview was concluded.]

INTERVIEW OF ELIZABETH JONES

BEFORE THE

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, JULY 11, 2013

APPEARANCES

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Mr. Ohly. This is a transcribed interview of Ambassador Elizabeth Jones, conducted by the Committee on Oversight and Government Reform. This interview was requested by Chairman Darrell Issa as part of the Committee's investigation into the attacks on U.S. diplomatic facilities in Benghazi, Libya and the subsequent ARB.

Mr. Ohly. Could the witness please state your name for the record?

Ms. Jones. My name is Anne Elizabeth Jones.

Mr. Ohly. Good morning. My name is John Ohly. I'm a senior professional staff member with the Committee's majority staff. At this time, I'll ask everyone else at the table to introduce themselves.

Mr. Beattie. Brien Beattie, with the majority staff.

Mr. Skladany. Jonathan Skladany, with Chairman Issa's staff.

Mr. Powell. Jason Powell, with the minority staff.

Mr. Knauer. Chris Knauer, minority.

Mr. Kenny. Peter Kenny, with the minority staff.

Mr. Dorosin. Josh Dorosin, from the Legal Adviser's Office at the State Department.

Mr. Chuang. Theordore Chuang, counsel from the State Department.

Mr. Lewis. James Lewis with the majority staff.

Mr. Ohly. The Committee appreciates your appearance at this interview today, your dedicated -- decades of dedicated service to this country offer unique insight that's extremely valuable to the Committee.

Before we begin, I would like to go over the ground rules and explain how the interview will proceed. The way the questioning will proceed is the majority will ask questions for up to 1 hour. Then the minority will have an opportunity to ask questions for up to 1 hour. We'll go back and forth in this manner until all questions have been asked. We'll do our best in that time not to speak over each other, and we'll limit it to only staff of the staff that's asking questions at the time.

Ms. Jones. Okay.

Mr. Ohly. We would like to take a break whenever it's convenient for you, whether it's every hour or even if it's in the middle of a round of questions. If you need to confer with counsel, we encourage you to do so at any time.

Ms. Jones. Thank you.

Mr. Ohly. We want to make this process as easy and comfortable as possible. This interview is unclassified, so if a question calls for any information that you know to be classified, please let us know and answer with any -- answer with only unclassified information. If we need to have a classified session, we can arrange that at a later time.

Ms. Jones. Good. Thank you.

Mr. Ohly. We encourage witnesses who appear before the Committee to freely consult with counsel, and you do have counsel present today. Could your counsel please state his name for the record?

Mr. Chuang. Theodore Chuang from the State Department, and Josh

Dorosin from State Department as well.

Mr. Ohly. As you can see, an official reporter is taking down everything you say and make a written record, so we ask that you give verbal responses -- yes, no -- versus nods of the head. I'll ask the reporter to please feel free and jump in in case you do respond nonverbally. Do you understand that?

Ms. Jones. Yes, I do.

Mr. Ohly. Also, we should try not to talk over each other, so it's easier to get a clear record.

Ms. Jones. Right.

Mr. Ohly. We want to answer your question -- we want you to answer questions in the most complete and truthful manner possible, so we will take our time and repeat and clarify questions, if necessary. If you have any questions or do not understand any of our questions, please let us know.

Ms. Jones. I will.

Mr. Ohly. If you honestly don't know the answer to a question or do not remember it, it's best not to guess. Please give us your best recollection, and if there are things you don't know or can't remember, just let us know.

Ms. Jones. I will.

Mr. Ohly. You should also understand that although this interview is not under oath, but by law, you are required to answer questions from Congress truthfully. You understand that?

Ms. Jones. I do.

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

Ms. Jones. Yes, I do.

Mr. Ohly. Witnesses that knowingly provide false testimony could be subject to criminal prosecution for perjury or for making false statements. Do you understand this?

Ms. Jones. Yes, I do.

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

Ms. Jones. There's no reason, no.

Mr. Ohly. Okay. That is the end of my preamble. The clock now reads 10:03, and we will get started with the first hour of questions.

EXAMINATION

BY MR. OHLY:

Q To start, it would be helpful if you could just walk us through your background and experience with the State Department and your return to the State Department.

A All right. I joined the Foreign Service as a Foreign Service officer in October 1970. I had some basic training for a couple of months, and I started my first assignment in Kabul, Afghanistan, in January 1971. I was there for 18 months, working as a junior officer on rotation through the sections of the embassy in Kabul.

I went back to Washington and worked in the office of Near East Public Affairs for about a year, at which point, I was asked to go to

Cairo, to Embassy Cairo -- I'm sorry, it was not Embassy Cairo. It was U.S. Interest Section Cairo at that time as a consular officer. It was an urgent vacancy because the consular officer had resigned.

I arrived in Cairo in August of 1973 and remained in Cairo, first as consular officer and then I moved into the political section after the 1973 war broke out and the Kissinger shuttles began. I went into the political section in about December of 1973.

I remained in Cairo until 1975, at which point I began Arabic training in Beirut, Lebanon. Because the civil war broke out in Beirut not too long after I arrived, I arrived in August of 1975, civil war broke out, and we moved the entire school to Tunis in November of 1975.

I did my Arabic training in Tunis for about 9 months, and as an experiment, several of us were sent to Cairo, to American University of Cairo, to finish our second year of Arabic training in Cairo, so I did that from the summer of 1976 to 1977.

In 1977, I went to, as political officer, to American Embassy, Amman, Jordan. I was the second person in a two-person political section. I was there for 2 years, was then assigned to U.S. Interest Section Baghdad, where I was deputy principal officer for -- it was an assignment for 2 years. When the Iraq-Iran war broke out, we had to evacuate most of our dependants from U.S. Interest Section Baghdad. [redacted], I left in November of 1980 and moved back to -- was assigned back to Washington to the Near East Bureau and started in as the Lebanon desk officer in the summer of 1981.

I remained in that office as a Lebanon desk officer for a year

and then as deputy director for the office for 2 years until 984, when I was assigned to the U.S. Mission in West Berlin. I actually -- [redacted] -- to U.S. Interest -- U.S. Mission West Berlin. I was on leave without pay for the first year because there was not an available job for me, and I started in 1985 as head of the economic commercial section in the U.S. Mission in West Berlin, where I stayed for 3 years.

From there I went to Pakistan as deputy chief of mission, where I remained for 4 years, 1988 to 1992 and was transferred then to U.S. Embassy, Bonn, Germany, as deputy chief of mission. I remained there until late January of 1993, when I was asked to come back to be executive assistant to Secretary Warren Christopher, and I remained in that job for about a year and a half. When I was -- when my [redacted] was assigned to the embassy in New Delhi, [redacted] to Embassy New Delhi, where I brushed up on my Russian because I had been selected as ambassador to Kazakhstan.

I went to Kazakhstan as ambassador in 1995 and remained there for 3 years until 1998. I came back to the Near East -- the Near East Bureau in 1998, where I was principal deputy assistant secretary for 2 years. At the end of those 2 years, I was asked to be special advisor for Caspian Energy Diplomacy, a job which I did from 1998 -- I am sorry, from 2000 to 2001, when I was asked by Secretary Collin Powell to be Assistant Secretary for Near Asian Affairs, a job that I did for 4 years from 1991 to -- sorry, 2001 to 2005.

In 2005, I had been in the Foreign Service for 35 years, so I

retired from the Foreign Service. At that point, I went into the private sector to a consulting company for 6 years and was asked by Ambassador Mark Grossman to come back to help him in the office of Pakistan, Afghanistan -- as special advisor for the office of Pakistan, Afghanistan Affairs, which I began in October of 2000 -- I can't remember, if it was 2010 or 2011, 2011.

I did that job until May -- until June of 2012, when I was asked to replace on an acting basis the Assistant Secretary for Near Eastern Affairs, Jeff Feltman, a job which I began on June 18, 2012, and that's the job I've been in since then.

Q Thank you. That was very helpful. Who asked you to come back as the Assistant Secretary for the Near Eastern Affairs, or how did that play out?

A I was asked by Cheryl Mills if I would be willing to be considered for that job. I told her I was willing to be considered for that job, and I don't know the conversations that took place after that. But then I was called by someone, I don't remember by whom, to say, okay, you're the one who has been chosen, please start on June 1. I said, I had a ministerial in Kabul that I needed to participate in with Deputy Secretary Burns, and could I please start on June 18th? And they said yes.

Q Okay. And when you started as the acting assistant secretary, what was your understanding of the situation in Libya at the time or --

A My understanding at the time was that there was an intense

effort to get ready for the July 7 elections, that I was -- I was briefed on the international observer missions that would be available. We talked almost every day in the morning staff meetings that I chaired about arrangements for -- what the situation was on the ground in terms of security because there was a tremendous amount of concern about security for polling stations all across the country, which -- which ones would be honored and would be protected, how they would be protected, which militias would be in charge in which areas of the country. There was -- and we also discussed which congressional delegations would be on the ground, either before the election or after the election, but the intense focus was on the elections, security for the elections, was it -- was it going to be possible to conduct a free and fair election in Libya on that date.

Q And when you say "we," can you be more specific as to who is having these discussions?

A The primary person who was briefing me every day on the status of the arrangements for discussions was Deputy Assistant Secretary Ray Maxwell. He was -- he was in touch with Embassy Tripoli on a regular basis as well as -- as was the desk, country director and the desk officers. So that -- that was how I was getting most of my information, as well as from some of the reporting cables from Embassy Tripoli at the time.

Q And that was focused on the security situation as it related to the election?

A It was focused more on arrangements for the election.

Q Okay.

A On what the expectations were for who was running their safety as well as -- as well as -- as what the arrangements would be if there were threats to polling stations, would the polling stations stay open longer, would they close and would potential voters be moved to other polling stations, how would all of those kind of arrangements work, as well as what were the areas in which various of the international monitoring groups, election observer groups, where would they be going.

Q Were there any discussions at that time about the security of U.S. facilities in Libya?

A No.

Q Just mostly focused right at the beginning on preparations for the elections?

A Correct.

Q Okay. In the first few months, what was your role in sort of coordinating Libya policy generally within NEA?

A Well, of course, as acting assistant secretary, I was responsible, in general terms, for coordinating Libya policy, but because of the intensity of the Syria -- because of the intensity of the fighting that was developing in Syria, I was asked to spend a considerable amount of -- I was asked by the Seventh Floor to spend a considerable amount of my time on Syria. That involved quite a number of foreign trips. I had seven foreign trips in the period of time between the date I started and September 11.

Five of those trips were focused on Syria, four were with Secretary Clinton, one not related to Syria was with Secretary Panetta, because the day after I started in NEA, I was asked to be a State Department representative on the delegation to the funeral of the Saudi crown prince.

Q At that time -- so you were traveling a fair amount?

A I was traveling a fair amount. The way we work in NEA, as in the regional bureaus, is that each deputy assistant secretary has primary responsibility for coordinating policy, for managing the desk, for communication, coordination with the embassies for which they are responsible, and as there are issues that need to be raised to my level, they are the ones who do that.

Q To the extent that NEA had a -- had a role -- let me rephrase.

What was NEA's role in security at U.S. embassies or U.S. facilities, I should say, in Libya?

A The Near East Bureau has very little responsibility and capacity to determine security at embassies overseas. That responsibility at that time lay virtually entirely with the Diplomatic Security Bureau.

Q To the extent that NEA is involved in security in any way, what would that be?

Mr. Chuang. Is that, right, prior to Benghazi?

BY MR. OHLY:

Q At that time.

A At that time, if -- if there had been an issue that the

ambassador was dissatisfied in terms of the response he was getting from the Diplomatic Security Bureau, he -- he or she could have raised it to the NEA bureau and asked for, for support from the NEA bureau in working with Diplomatic Secretary colleagues to address whatever the security issue was.

Q Who would they have raised it to?

A Normally, it would be raised to the desk and the deputy assistant secretary, and they would determine whether or not it needed to be raised to the principal deputy assistant secretary level or to the assistant secretary level.

Q You say "normally." Are there abnormal situations?

A The only -- the only other time that it would come to the assistant secretary is if the ambassador himself raised it to the assistant secretary or to the principal deputy assistant secretary.

Q After you started as the acting assistant secretary, were you aware of any communications from post about being dissatisfied with DS?

A I was not aware of any communications about dissatisfaction with DS, no.

Q Concerns about security?

A Not about -- no, not about security in that respect. I knew there was a discussion about whether a military team would stay.

Q Well, I was going to get there. I want to ask you about your understanding of the role of the SST and your participation in those discussions after you started as the acting assistant secretary.

A I had no participation in discussions about the SST.

Q About military units in Libya or military mission in Libya?

A I had one discussion by email with Ambassador Stevens about the rules of engagement that would -- that it was necessary to establish rules of engagement with the remaining military team who was going to remain to do what we call the 1208 training, but I had no discussion with anyone about the SST and any aspect of it.

Q Were you aware of the plans to draw down the SST and transition to a different program?

A Yes, I was.

Q Did --

BY MR. BEATTIE:

Q If we could just go back one second. You were discussing the normal way that the ambassador -- if the ambassador personally had any concerns about the interaction with DS with respect to security, that the ambassador could raise it with -- with you directly or with the PDAS. Did Ambassador Stevens do that specifically with regards to Libya?

A He did not.

Q He did not. Okay. Thank you.

BY MR. OHLY:

Q Were you involved at all in the discussions of whose authority the new mission would be under or the military mission would be under?

A I was not involved in any discussions, no.

Q Okay. When you raised the issue of the rules of engagement, what prompted that discussion?

A What prompted the discussion was my recent experience in the Office of the Special Representative for Afghanistan and Pakistan, in which we had gone through a very, very difficult situation in Pakistan because the rules of engagement had not been clearly established [redacted]

Q Do you recall how this -- how it was resolved in this -- in Libya or how events progressed?

A I do not know how. I do know the details of the arrangements that Ambassador Stevens made. I asked him to be sure he was clear on what arrangements would be appropriate, and he suggested that he reach out to some of the missions in the region to get -- get from them some examples on how they have resolved and addressed this question of ROE for various members of the missions, but I do not know the results of that consultation.

Q Okay.

BY MR. BEATTIE:

Q Did you review at the time -- I know you said you weren't involved in the decision on any of the SST mission. Did you have any personal view about it? Were you even monitoring it? Did you have any concerns about a given security situation in Libya at the time?

A I knew, it was an issue, and I expected that it would be

raised to me if there was any time that I -- that my staff or the embassy wished me to get involved in discussing the problem or addressing the problem in some way.

BY MR. LEWIS:

Q I a quick question. Do you normally get involved in discussions between combatant commander authorities versus chief of mission authorities in the Near East Bureau?

A Normally, I leave that to the chief of mission to work out directly with the combatant commander, and when there are issues that the ambassador wishes advice on, then he would come back to -- to the Near East Bureau, to the regional bureau to ask for -- to ask for advice or to ask -- to ask for advice but also to ask for -- for examples of how other chiefs of mission may have resolved a similar issue.

Q If there was a debate at post between the chief of mission authority and the combatant commander authority which was raised to the Chairman of the Joint Chiefs of Staff level, would you be aware of that?

A Only if I was told by my staff that it was an issue.

Q Okay.

BY MR. OHLY:

Q Stepping back to just sort of the structure within NEA for managing Libya and security policy. Can you just walk us through -- you've done this briefly, but what the roles of, say, the Office of the Maghreb were, what was the role of EX in dealing with Libya and security resources?

A Okay. Security resources are controlled entirely by the Bureau of Diplomatic Security, and over the years in engagements that I had had over the years with the Bureau of Diplomatic Security, I had learned that Diplomatic Security virtually always wins any fight over resources. The executive bureau, Executive Office, excuse me, of the Near East Bureau is the one that is responsible for managing and working with all embassies to manage any platform issues, any buildings issues, any staffing issues, any resource issues.

They can -- the Near East Bureau Executive Office, any regional bureau executive office can work to coordinate with Diplomatic Security, can support a post request with the Bureau of Diplomatic Security to advocate for the post to get the resources that the post wishes to have and to do the best they can to try to put into context the requests from a particular post.

The Office of the Executive Director, of course, is managing these kinds of requests from all the embassies in the bureau, in the regional bureau, so is also mindful of how to balance those resource requests, but the goal of an executive director, an executive directorate in a regional bureau is to as much as possible support post requests and to put those into context in conversations with the Diplomatic Security Bureau to try to get as much -- as many of the resources that have been requested as possible.

Q So if post is requesting X number of security personnel, would that be EX working with Diplomatic Security to try to provide those, or is that incumbent on Diplomatic Security?

A It's incumbent of Diplomatic Security to make the determination on whether those resources are available, number one, and number two, whether those resources are appropriate. The executive office in the regional bureau can help them understand what the context is. So, in trying to answer the question, are those resources necessary, are they appropriate, there may be issues that the executive office can fill in on, can explain to help DS make a better decision. DS, Diplomatic Security.

BY MR. BEATTIE:

Q In the sort of normal course of that relationship, that back and forth between EX -- NEA/EX and DS, how much latitude typically does -- whether there is a post managing officer in EX or the executive director that rises to that level, how much latitude do they have push back DS? Let's say there's a request for post, we need X number of agents and for whatever reason, DS doesn't seem inclined to provide the requested number, how much latitude does EX have to push back on them, if you will?

A They have latitude to push back. It also relates to how strongly the post feels about it, number one, what the context is that the post is providing, how -- what is it -- what is it that they can't accomplish if they don't have X resources, so there is latitude to push back. But as I say, we've learned over the decades that DS wins.

Mr. Beattie. Sure, thanks.

BY MR. OHLY:

Q Then the Office of Maghreb Affairs, do they have any role

in the security side or is it more security at post or was it --

A I don't know, in this particular instance, whether the Office of Maghreb Affairs was involved in any part of the discussion of DS resources at the embassy. I just don't know.

Q Okay. Did you have any discussions with DS about resources at the -- security resources at the embassy?

A During that period, no.

Q At any period?

A After 9/11 I did.

Q I understand. In that period prior to the attacks, did you have any discussions with State Department leadership regarding Libya, specifically security in Libya?

Mr. Chuang. Security of the post or security for the country?

BY MR. OHLY:

Q Security generally and then specifically security at the post?

A I had no discussions with anybody about security at the post, as I've already said, with nobody in the embassy, with nobody in the bureau, with nobody in anyplace else in the State Department. We certainly had conversations about the security situation in Libya because we were working up training programs to increase the capacity of the Libyan government to -- to establish security within the country and to work with them on a political level to -- on ways that they might bring the militias under the control of the federal government, under the control of the central government. That was the primary goal of

Ambassador Chris Stevens. It was one that we were very -- were very focused on. It was why we advocated for and got the 1208 training for the Special Operations Forces. That was the goal of that effort.

BY MR. BEATTIE:

Q Was there ever any -- in the context of those discussion about general security, obviously Libya was -- had a situation where it obviously had a very weak central government and a lot of weapons in the hands of militias, which we were discussing. Did those discussions ever verge on the topic of perhaps this is such a difficult situation that we ought to consider scaling back the U.S. presence in Libya in response to that, to the security environment that was there?

A No, we already had a very limited presence.

Q Sure.

BY MR. OHLY:

Q When you're talking about coordinating all these training programs and trying to put them together, who was involved in those discussions?

A The lead in those discussions for the Near East Bureau would have been -- was Ray Maxwell as the deputy assistant secretary with the country directorate and the desk. They would have been in consultation. I'm not -- I don't know specifically that this was the case, but normally they would have been working with the Political Military Affairs Bureau on the various authorities that would have been -- with authorities in the funding that might have been available for this kind of training, and they, together, would have been working

with the interagency teams on how to get the approval for this funding -- for this training, not just the funding.

Q And did these training programs extend beyond the sort of mill-to-mill or military training, was it other training -- training programs in other policy areas, justice, other aid programs?

A There wasn't -- there is an office that works for the deputy secretary, run by Ambassador Bill Taylor, the Office of Middle East Transitions, who was responsible for developing training programs in law enforcement, in democracy, in democracy development, in transitional justice, those kinds of programs, that office was responsible for developing those kinds of programs, getting the funding, seeking the funding for those kinds of programs, coordinating support with the interagency for those kinds of programs, that was the office responsible for that. That office worked with NEA, but it was -- came under the deputy secretary of state.

Q Okay.

BY MR. BEATTIE:

Q Could you talk a little bit about, in any agent interaction with U.S. posts in Libya, was there any distinction between the nature of its interaction with Embassy Tripoli versus the special mission in Benghazi? In other words, was there a different type of interaction between the bureau given the Benghazi status as sort of a special mission?

A I'm not aware of any details on how anybody in NEA communicated with the office in Benghazi. All of my interactions were

with -- with Ambassador Stevens in Tripoli. In any case, that office came under the authority of Ambassador Stevens, so any issues that I might have had with the office in Benghazi, I would have discussed with Ambassador Stevens.

Q We heard in the past that at some point, and this may in fact be before you came on as acting assistant secretary, but we heard that at one point Benghazi issues may have been handled more out of Foggy Bottom than as it normally would have been done through the embassy. Are you aware of that at all and did that shift over time, to your knowledge?

A How do you mean "handled out of Foggy Bottom"?

Q We were -- we've been told that -- out of headquarters, I'm sorry.

A State Department you mean by Foggy Bottom.

Q That's correct.

A Not the metro station.

Q That would also be interesting, but no, we have not heard that. And are you aware that perhaps Benghazi issues may have been handled more out of State Headquarters at some point rather than sort of -- I take it the normal relationship is to handle it through the embassy; is that correct?

A It is correct that any constituent post is handled through the embassy.

Q And was that, to your knowledge, always the case with Benghazi or was Benghazi different?

A I have no awareness that Benghazi was ever different.

Q Okay.

A Other than what I was -- what was reported to me when the embassy was not open and Ambassador Stevens went into Benghazi.

Q Sure. Thanks. And in your interactions, or I should say NEA's interactions with DS with regarding -- with regard to security policy, did you have any direct interaction with your counterpart, Mr. Boswell, Ambassador Boswell?

A I had no interactions with Ambassador Boswell about security at Embassy Tripoli.

Q Any general interaction?

A Or at the mission.

Q Any general interactions with him with regard to Libya policy generally?

A I would not normally have had a conversation with the assistant secretary of Diplomatic Security about policy.

Q Sure.

A So I would -- no, I did not.

Q Just to characterize it, you didn't typically interact with Ambassador Boswell on a day-to-day basis or --

A I saw him on a very regular basis at senior staff meetings.

Q Sure.

A I interacted with him on a regular basis about a variety of issues. I don't recall that any of them was about Libya.

Q Thank you.

Mr. Ohly. What was your understanding of how Libya was handled prior to you becoming the acting assistant secretary, beginning, you know, 2011 through 2012? How it was -- who was lead coordinating the policy?

BY MR. LEWIS:

Q Excuse me. Especially in light of the fact that you had this large NATO mission that was taking place on Libya, so for the record, it would be nice, to know what your knowledge was in regards to how State Department headquarters managed those resources in addition to the diplomatic facilities, because there was no permanent presence in Tripoli during that engagement with the military?

A I have no -- I have no information, understanding of any of that.

Q I know, Madam Ambassador, you didn't take the appointment until June of 2012.

A Correct.

Q And some of the operations were handled out of the European Bureau and then it was from the Near East Bureau. Do you have any knowledge in regards to how that transition took place in regards to bringing it back to NEA after 2011 in the engagement of the U.S. military in Libya?

Mr. Chuang. What timeframe are you referring to, the transfer?

BY MR. LEWIS:

Q The transfer of responsibilities. There wasn't a permanent posting in Libya during that engagement. There was a

combatant commander who was put in charge of military operations. There was also close coordination of UCOM/CENTCOM resources that relates to going into Northern Africa, and so there was a certain structure put in place at the State Department to manage those resources. When the military engagement was over, those responsibilities went to the more traditional model, which would have been through -- because there was no deputy assistant secretary of the Maghreb during the engagement in 2011, if I am correct.

A Maybe I can help you.

Q Please.

A I have no specific knowledge of transferring authority about Libya from the European Bureau to the Middle East Bureau.

Q I wouldn't characterize it as authority, more of a question of responsibility than authority in that particular case.

A I have no -- I have no information that there was responsibility for Libya policy ever in the European/Eurasian Bureau.

Q And who had responsibility in regards to the coordination of operations in Libya as it relates to the military engagement of NATO forces?

Mr. Chuang. During what time period?

BY MR. LEWIS:

Q Clearly while NATO forces were engaging in Libya.

A That would have been NATO.

Q That would have been 2011.

A That would have been NATO who was responsible for that.

Q And who would have responsibility for the coordination in regards to Libyan nationals, in regards to host nation as well as forces that were engaged in the Qadhafi forces?

A I -- I think I don't understand your question.

Q We're trying to get a good feel, Madam ambassador, as to how the State Department managed its communications in Libya without a post in Libya.

A I have no knowledge.

Q Chris Stevens was clearly on board before he was named the ambassador. There is some confusion in regards to your principal deputy assistant secretary, Liz Dibble, the responsibility she had in regards to Libya while she sat in a different bureau and then when she came over to Near East Bureau. We're trying to get a better understanding as to how that was managed and where those resources were applied because much of the coordination from the State Department did happen in a European Bureau because of the European engagement in Libya, while at the same time there had to be engagement in the Near East Bureau as it relates to the host nation personnel. I don't know how best to characterize rebel forces, or other forces that were engaged and Qadafi forces, we're trying to get a feel how the State Department was operating during that timeframe. I do understand that that precedes you taking the Office of the Assistant Secretary of Near East Affairs in June of 2012.

A Right. You're asking a very detailed question about -- about how two different bureaus functioned with each other

and any interagency. I have no information at all about how that worked.

Q Okay. Thank you.

BY MR. OHLY:

Q What was your understanding of the status of the U.S. mission in Benghazi when you started as the acting assistant secretary?

A I knew we had an office in Benghazi that was considered to be important to continue reporting contact with militias there, and that because that was the birthplace of the revolution, that there were a tremendous number of important Libyans who main- -- still maintained their residences there that was important -- that were important for us to stay in touch with so we could better understand the dynamics between the -- between eastern Libya and the capital in Tripoli.

Q Okay. Prior to the attacks, were you aware of any plans or discussions to extend our presence in Benghazi beyond 2012?

A We had discussed -- I had discussed with Liz Dibble the -- the principal deputy assistant secretary that we needed -- that she and I and Ray Maxwell knew that the authority to maintain the special office in Benghazi was given until the end of December 2012 and that in the fall, we needed to sit down and think through, among ourselves and with Ambassador Stevens, whether it was appropriate to continue that mission, were we getting out of that mission what we needed to get out of it, given the costs involved, and so we had planned to have that conversation in the fall.

Q Did you ever have any discussions with Ambassador Stevens

about plans for extending the presence or a permanent presence in Benghazi?

A I did not.

Q Were you aware that that was something that post was interested in or discussing?

A I had not discussed it with the post.

Q Were you aware of any interest from the Seventh Floor or Secretary Clinton in a permanent presence in Benghazi?

A No.

BY MR. BEATTIE:

Q Had you ever talked to Jeff Feltman, your predecessor, about permanent presence in Benghazi?

A No.

Q Okay.

BY MR. OHLY:

Q There has been a lot of discussion about the idea of normalization in the context of Libya. From your perspective, what did normalization mean in the context of Libya?

A I did not have any conversation with anybody about normalization of Libya, so I can tell you what it means to me, but I didn't have a conversation with anybody about what normalization might have been other than to -- that we needed to discuss these issues in the fall.

Q Okay. Can you say what it meant to you?

A Usually, when we talk about normalization, we're

talking -- we talk about normalization of embassy staff and embassy procedures. It has to do with the embassy as opposed to the policy.

Q Okay. And what would normalization of embassy staff and what would that mean?

A It could have meant any number of things. It could have meant increasing staff. It could have meant increasing programs. It could have meant increasing the number of other agencies who were at post to implement programs. It could have meant asking, authorizing adult family members to come to post, those kinds of things.

Q But you were never aware of or involved in any discussions about normalizing the security posture?

A Correct.

Q Who was ultimately responsible for making decisions about security in Libya, at the State Department?

A About --

Mr. Chuang. For the post?

Ms. Jones. About --

Mr. Chuang. For the post?

BY MR. OHLY:

Q For the post.

A You talking about embassy security or security in Libya?

Q Embassy security?

A For embassy security, the responsibility lies primarily with Diplomatic Security, and when there are issues that we think Diplomatic Security hasn't addressed in a way that we think is

appropriate, then we always have the capacity to go to them and discuss it.

BY MR. BEATTIE:

Q Would you say the bucks stops with the assistant secretary of Diplomatic Security?

A I find it difficult to answer that question. They -- they controlled the resources. They controlled both in terms of the budget and the personnel and the equipment. In that respect, the buck stops there. But as I say, we have the capacity to complain and try to change the decision, but as I say, we do that rarely because it's so difficult to change a DS decision.

Q If there were such disagreement, would there be somebody that could referee that disagreement?

A Well, in the first instance, I would go to the -- to the assistant secretary of DS and explain my concern, my -- well, I would advocate my position. If I -- if either one of us felt strongly enough about -- if we had not, if we were not able to resolve the disagreement to the satisfaction of either one of us, if we were not able to reach a compromise, we could certainly refer that to the under secretary for management. That would normally be what would be done.

Q Just to be clear, that did not happen with respect to Libya?

A It did not happen. I didn't know that there was an issue that I needed to raise with the assistant secretary for Diplomatic Secretary.

Q Much less the under secretary for ministry?

A Much less the under secretary for ministry.

Q Can I ask, and maybe -- let me just ask this, along the same lines. When there is a perceived policy imperative for there to be a U.S. presence in a particular location but there are security challenges associated with that, who is responsible for ensuring that there is a balance struck between those two imperatives, if you will?

A Are you talking about then or you talking about now?

Q Why don't we start with then. I'm sorry, by then, just for the record, you mean pre-Benghazi?

A Before 9/11?

Q Yes, ma'am.

A If there is a policy -- if we determine, as the regional bureau, that there is a policy imperative to open a post, to increase the personnel in a post, to move a post, we would develop the policy priorities, the policy requirements, we would work through the interagency with interested other agencies who would have a say or would like to have a say in that -- in that kind of a policy decision. Normally that would be, of course, the national security staff, the Department of Defense, the joint -- the Joint Chiefs, those would be the normal ones. We would also go to the CIA, to -- and depending on what the issues were, we could go to Department of Homeland Security if there were issues there, treasury, the whole range.

At the same time, as we are -- depending on what the situation in the country is, as we are developing the policy outline, the policy framework for why we wanted to do any of these things, establish a new

post, expand a post, we would go to our DS colleagues and say, here's what we're thinking about doing. Well, sorry. First, I would go to my executive director and say, here's what we're thinking about doing, let's talk about the -- the administrative requirements, first of all, how are we going to have the budget to find a building for the embassy, the housing, or its budget for the cars, all that kind of thing?

Q Or the villa, as the case may be, with Libya, right?

A The building.

Q Yeah. Sure.

A And I would ask them to, as they work up all the administrative platform issues, to work with Diplomatic Secretary on what are the security issues related to the platform, related to what kind of cars we need there, do they have to be fully armored, partially armored, what is to -- to ask our intelligence and research bureau to work with the analysts, the security analysts in the Diplomatic Secretary Bureau on what their -- their analysis of the threat situation there is as pertains to U.S. Government officials, Americans.

And so, as we're working the policy framework, we're also working the administrative -- the administrative framework and the security aspects to the administrative framework. All of this, as I am doing my policy framework, I know that there is a very big budget component to this, and so that's why I have to start as I'm developing the policy framework. I might spend a couple weeks on that just to see if anybody -- if there is any there there with my interagency colleagues on do we even try for this, and then go to my management experts on

the budget resources, personnel, positions. And as the plans develop, would go to my congressional relations colleagues to say, what do you think about going to the Hill for the additional budget that we'll need? Do we have the budget? If we don't, do we need to go to the Hill?

Q With respect to our preference in Libya, both in Tripoli and in Benghazi, that policy imperative that we ought to be in both places, was that something that primarily arose out of the NEA bureau, or how involved was -- for example, you mentioned interagency. How involved was the interagency in that discussion, that decision?

A I don't know.

Q Because it --

A It predated my -- my starting in NEA.

Q And how would you characterize, after you came on in your position, your interactions with interagency with respect to the continuing policy imperative to be in Libya both in Tripoli and Benghazi?

A I don't recall any interactions on that. That would be the kind of thing that we would have addressed as we did our own thinking, which we planned to do in the fall. We would have done our own thinking. Then we would have worked it with our interagency colleagues to get their take on what was -- what they believed to be necessary or no longer necessary in Benghazi.

Q Sure. Not to put words in your mouth, but those discussions -- are you saying those discussions would have taken place at the initial decision to engage or to establish the policy imperative,

and then it would be sort of on autopilot from that point on or how would you describe that?

A In this situation, because there was a memorandum that said, you're authorized to keep the Benghazi office open until the end of December 2012, we knew that we had to make a decision and a full recommendation as to, should this office stay open or not?

Q And as far as Post Benghazi, how has this changed?

A How has what changed?

Q We were discussing the pre- Benghazi development of the policy imperative and any attempt to balance that need for security. I think you alluded to the fact that this may have changed somewhat in the post-Benghazi world that we now have a different way of looking at this; is that correct?

Mr. Chuang. Are you talking about in the new post or new location or some other decision point?

BY MR. BEATTIE:

Q A situation like Libya where you have a weak host nation, a lot of insecurity and instability, whether it's Libya specifically or another example, have we -- have we changed the way that we do business to balance the policy imperative of being there with security?

A When you asked that question before.

Q Yeah.

A It was on if there was a disagreement between the Near East Bureau and Diplomatic Secretary, how would that be adjudicated or how -- to whom would we --

Q I have think I phrased it -

A Would we refer, and I answered that, was it then, and you said then. It would go to Under Secretary Pat Kennedy. Now, as a result of the ARB and recommendations in the ARB, it is explicit that when there is a disagreement, that those decisions go both -- the adjudication of those issues go both to assistant sec- -- sorry, Under Secretary Pat Kennedy and the under secretary for political affairs, who is the -- who is the under secretary to whom the regional bureaus report.

Q Sure.

A In other words, so that -- so that the policy equities are equally represented in the adjudication of the issue.

Q Okay. Thanks.

A So the -- so the policy -- the policy issues are equally -- are equally representative, represented, and so that responsibility for deciding on security matters, policy and security are now equally shared, more equitably shared between the two under secretaries responsible for those two silos, if you want to put it that way, in the State Department.

Q Okay. Thank you.

BY MR. OHLY:

Q Were --

A You asked another question.

BY MR. BEATTIE:

Q Yes, ma'am.

A I answered the question from before. You asked how would we make that decision now.

Q Yes.

A After. We have a very good example of exactly how we've proceeded in answering exactly that question, in determining how do we think about reopening Embassy Damascus, and we've gone through essentially the process I described with -- with a much more integrated discussion between the regional bureau and the policy community and the Diplomatic Secretary and administrative group so that we have -- we have eight Syria working groups. There is one that I chair every week. I chair that working group leads every week, and there is one working group on Embassy Damascus.

Q That was my next question. So this has been formalized somehow that there's a -- there's a working group of some kind that focuses on this that maybe did not before; is that --

A No. Let me explain it better.

Q Sure. Thank you.

A I didn't make this clear.

Q Appreciate it.

A There is no working -- there's no working group on all these issues. There was a working group on Syria.

Q Yes.

A That was started in July. That has nothing to do with the ARB.

Q Sure.

A That has to do with Syria policy and the need to address what we consider to be eight big chunks of issues with Syria, one of which is the return of Embassy Damascus. And an element of return of Embassy Damascus is having personnel closer to Syria who were dealing with Syrian issues and working with opposition who come out of Syria and how to establish the secure buildings and platform, et cetera, for those people, so that's -- but that's not at all related to Benghazi.

Q Sure.

A Or Libya. That's just how we work now on those issues in a much more integrated fashion.

Q And do you have insight into -- is that process different from what happened a couple of years prior with Libya?

A I don't know what happened --

Q I suspect that might have been your answer, but I had to ask.

A -- With Libya.

Q Thank you.

BY MR. OHLY:

Q Did you have any knowledge or are you aware of whether NEA was aware that Ambassador Stevens planned to travel to Benghazi in September?

A I was not aware. I don't know who else in NEA was aware.

Q I expect the answer to this question based on the first, but did you have any sense of why he was going?

A I didn't know he was going so I didn't know why he was going.

Q Okay. I want to move to the night of the attacks.

A Uh-huh.

Q And if you could just walk us through that evening, what your roles and responsibilities were and your involvement that night.

A I had been intensely engaged all afternoon in working with Embassy Cairo because of the demonstration there that resulted in demonstrators climbing the walls into Embassy Cairo at Embassy Cairo's compound, which was the first time this had happened. We were extremely upset about that. We were very worried that under President Morsi, the security services weren't as dedicated as they should be to embassy security, so I was on the phone with the charge. Ambassador Patterson was in Washington. I was talking to her in Washington. I was talking to the charge to give him direction and encourage him. You used to call him minister of defense, minister of interior, the minister of foreign affairs; we were calling various of those people from Washington. I was calling the Egyptian ambassador, who had just presented his credentials. He had been in Washington for a couple of days.

So, I was very intensely occupied with that. Just as I had word from the charge in Cairo that the ministry of interior forces had come, that they had finally taken down the ladders that the demonstrators had put on the walls next to the embassy, one of -- my staff assistant came and said, Beth, Beth, Beth, come quick, Embassy Benghazi -- or Benghazi is under attack.

So, I said, What do you mean Benghazi is under attack?

He said -- he said, Greg Hicks has called. Ambassador Stevens is in Benghazi. He called and said, We're under attack.

I called. I sat down instantly -- I'll come to that in a minute. I sat down and called Greg Hicks and said, Tell me what is going on. I have this report from my special assistant, from the op center; what's going on? He said, I talked to Chris 20 minutes ago. Chris called me. He said, We're under attack.

I said, What do you mean we're under attack?

He said there are people firing guns at us, firing weapons, firing at us. And I said, Where is Chris?

He said -- he said that the RSO told him that they had taken -- that Chris had said, We're going to the safe haven, and the regional security officer in Tripoli have reported, yes, the security officers in Benghazi had taken the ambassador to the safe haven.

I said, Okay. You talked to him 20 minutes ago. Call him again.

He said, I've been trying. He doesn't answer the phone.

I asked, Who else was in the -- in the building, where was Chris exactly, who else was in the building. He explained that Sean Smith was, that's the communicator, that there were three RSOs there and that they would -- they were moving the two to the safe haven and that the others were trying to protect the building.

I immediately notified by email as many people as I could think of off the top of my head on the Seventh Floor, that I had spoken to Greg, that this is what the situation was, that -- that I would continue to stay in touch with him. In the meantime, I had a secure call from

my CIA counterpart saying the same thing, We're hearing that Benghazi is under attack. I said, Is your annex under attack, which I knew to be a few minutes away.

He said, No. And I continued to be in touch with him, the -- my CIA colleague and my staff. I decided to not work out of my office initially but work closer to where the secure phone is, which is on the other end of the suite and stayed in very close touch with Greg essentially all night long till the next morning.

The -- what I did in the second phone call, I believe it was with Greg, I said, Okay. Who are you talking to in the Libyan government?

He said, I've talked to -- I've forgotten, the chief of staff of various of the senior people.

I said, Talk to the President, talk to the Prime Minister, don't just stay with the chief of staff. Talk to the senior people yourself and ask them for help. Tell them they've got to get their people up there, not -- get their people up there to go over to the compound to render assistance to get the -- get the attackers out of there, and I kept asking, Have you heard from Chris? Have you heard from Chris?

No, we can't find him. No, he's not -- no, he's not answering. That was the first. And I don't remember the timeline anymore. It seemed like forever, but it probably wouldn't that long.

Q Uh-huh.

BY MR. OHLY:

A We then started hearing -- we heard from -- I was on the phone with Greg the entire -- back and forth the entire time. Greg then reported that the RSOs in Benghazi had reported to the RSO in Tripoli. He was standing next to him, I could hear them talking to each other. That one the RSOs had gotten out, the one inside the building, that he had -- in the meantime, we'd been told the building was on fire and we'd been told that there were mortar attacks on the building. It turned out not to be true, but that was one of the early reports.

That the -- one of the RSO's had gotten out, that the smoke was very thick, that he thought that the communicator and the Ambassador were with him, but they didn't come out with him, that he'd gone back in, that he'd found the communicator dead, believed to be dead, couldn't find the Ambassador. And at that point, I remember Liz Dibble and I looking at each other saying, this isn't good.

We kept asking to keep calling Chris' cell phone, the one we knew he had. The RSO was reporting that they were still taking fire, that they couldn't get into the building, that they kept trying to get into the building, but the smoke was too thick, that they were -- at one point there was -- I recall reporting that people were going to come over from the annex to help them, which in the end didn't happen.

And the RSO in Tripoli told Greg, who told me, that they were going to evacuate the compound because the attack was still underway and they needed to get themselves out.

I asked where could -- you know, kept saying, where could Chris be, where could the Ambassador be? And at one point one of my staff said, you know, Chris lived in that compound for months. It's a big compound, it's a lot of space, there's vegetation, maybe he found a way out of the building and he's hiding somewhere and he doesn't want to let himself -- doesn't want to let anybody know where he is because the attackers are all still there.

So we were actually very hopeful that that might be the case, that he had, you know -- and we all said, that would be Chris. He would know the compound. He would know how to hide himself. He would know how to take care of himself in such a terrible situation.

The group got to the annex within -- and we were just still working with the -- I was talking to Greg, he was calling the Libyan Government. I was giving ideas on who else to call in the Libyan Government. In the meantime I was calling Ambassador Aujali in Washington to say, I need you to go in with phone calls or whatever and get help, get this attack stopped. This is a terrible thing. Terrible thing for Chris, it's a terrible thing for Libya, I kept saying to him. How can you possibly allow this to happen?

And within a period of time -- and again, I don't remember the timeline well enough -- but in about an hour we heard that the annex was under attack and that there had been -- that there was direct-hit

mortar fire, that four had been wounded, four of our guys had been wounded, and that it was a very, very heavy firefight with, in the way it was reported back to him, obviously well-practiced, well-armed extremists, is how it was put; that with the mortar fire it was clear that this was planned, because you don't have two mortar -- I don't know these things, but this is what I was told -- that you don't have two mortar attacks with direct hits unless they know exactly in advance how the trajectory's going to go, that in normal situations, whatever that meant, that a mortar -- mortar attacks, they come in and try to find where the direct hit is. And so there are several mortar fires first before the direct hits, but in this case it was direct hits.

Within a few minutes we were told that it was no longer four wounded, it was two killed and two wounded, that one of the wounded was extremely seriously wounded, and that, you know, please send help, please send help.

Of course, I was on the -- I was hearing all of this from Greg, and he was talking to the station chief and the RSO in Tripoli, and they were talking to -- they, the station and the RSO were talking to their various contacts in security. I didn't know the details of any of that.

Eventually the attack stopped. And as soon as we had -- as soon as we -- you know, the attack stopped so we could think about how to get everybody out of there, we asked about planes to come up from Tripoli. And I was talking to Pat Kennedy about the possibility of planes coming from Europe, are there any planes close enough that could

come directly into Benghazi to evacuate the wounded -- and the people, not just the wounded. And he was telling me that it wasn't possible to get the planes in in time, that it would take X number of hours, I don't remember the hours, but that in the meantime the Embassy had succeeded in chartering a plane that could get up there. And it was a relatively small passenger, 17 or 18 seats, or maybe even 11. It wasn't very many. It wasn't nearly enough for the number of people that we knew to be in the compound, or I was told were in the compound.

At the same time, Greg reported to me that the Libyan Government had offered to send up one of its planes that was waiting at the airport. I don't remember what size plane they said it was. And then I had the word back from Greg, yes, the Libyans have offered a plane, but they don't have a crew, so the plane can't fly, so much smaller plane would be the one to go up. And that's what happened.

In the meantime, as we're trying to work on getting a plane up there and working on getting the medevacs organized -- should the medevac come to Benghazi, should the medevac come to Tripoli, could we get people back in time to save their lives, to get on the medevac -- we were also still trying to find Chris.

And one of my staff, who'd been in Benghazi for quite some time, got on the phone himself, he just had the phone number of one of our senior locally engaged staff from Benghazi, and he'd been on the phone with him a few times during the evening trying to find out what was going on, who were these people, and he said that he had word -- sorry.

Throughout the evening, we were getting these odd phone calls.

I shouldn't say we. Greg Hicks were getting these odd phone calls from Chris' cell phone saying -- at one point saying, we have a phone call saying that Sean Smith is still alive, may be still alive, which we thought was just weird, because our colleagues had recovered him. And then we thought, well, maybe there's some miscommunication then, maybe he wasn't actually dead and maybe they've resuscitated him.

And so in the middle of all of this, we of course had been in touch with the charge, the deputy charge in the Hague, which is where Sean's family was, to ask them to go make the notification to Sean's wife and children -- to Sean's wife -- that he had died, and we stopped that notification as we got this weird phone call.

Then we got one or two other phone calls saying -- in the meantime, the Libyan President was reassuring Greg that -- at one point said, we know where Ambassador Stevens is. He's in intensive care, but he'll survive. And we said, well, you know, who knows. Maybe that's true. But we kept asking them and we kept -- and somebody called from the hospital to say, yes, there's a tall blond American here. And we said go back, you know, hit redial and say, if there's a tall blond American there, send us his photograph on your cell phone, show us, you know, is this really Ambassador Stevens, and, you know, what's his status? And they called a couple times, they got the guy on the phone, and he never sent a photograph and never confirmed one way or the other.

So in the course of the evening my colleague who'd been able to reach the locally engaged staff member reported that the hospital where it was reported that Chris's body -- Chris had been taken, we didn't

know it was his body then -- was the hospital also that the attackers, the wounded attackers were being taken to, and that it was, therefore, unsafe [redacted] -- there was some other word, I think maybe it was a reserve general -- who had known Chris well.

And [redacted] asked him to go to the hospital, because he figured he could get through without being kidnapped or killed. And he went to the hospital and called our staff member to say he had been allowed into the intensive care unit and that it was Chris and that he was dead, which was the first confirmation that we had as to what had happened. He didn't -- wasn't able to say anything about how he'd died, but because of some bad experiences I'd had in my various previous war zones and things, I said we are not going to consider this confirmed until an American official has seen Chris and has -- and can tell me definitively that this is Ambassador Stevens and that he is dead.

And I said I believe [redacted], but just because of some of my experiences, we must have an American official be the one. That's the person I'll believe.

The plane in the meantime had finally gotten up there. They'd finally been allowed out of the plane. It took several hours for that to happen. And the wounded people --

Q Excuse me. Off the record for a moment.

[Discussion off the record.]

BY MR. OHLY:

Q I'm sorry.

A And we got the wounded and as many as possible onto the first trip back to Tripoli to get them back to a hospital in Tripoli, where some of our people had good contacts at the best hospital there. They did that.

The plane came back. And as the plane -- and we knew the timing of when the plane could get back, [redacted] to say please do whatever it takes with your friends and colleagues and contacts in Benghazi to get Ambassador Stevens transported to the plane, to the airport in time, so we can return him to Tripoli and so that he can be returned to the United States.

And they were able to do that. It was extremely difficult. It was a very close call. But they did make it back to the airport in Benghazi in time. After everybody left, had been loaded on, they were able to make it just in time for Ambassador Stevens to be loaded on that plane also, and he was also returned to Tripoli.

In the meantime, we had the medevac planes coming in and got the extremely good news, it was the only good news we had all night, that the medical staff, the Libyan medical staff in the hospital in Benghazi -- excuse me, in Tripoli -- were very good and that they had stabilized the two wounded, that they would survive, and that one of the Embassy staff member -- one of them [redacted], and one person in the Embassy [redacted] and she had

been whisked out to the airport to give blood, which saved his life, basically. And that was the consular officer.

So we were able to evacuate, we were able to do the medevac. In the meantime, several other things were happening. In the meantime, we had word from Greg that -- start early in the evening -- that Ansar al-Sharia had claimed responsibility for the attack. And so we were researching with our intelligence and research colleagues what their profile was in Benghazi -- in eastern Libya, not just Benghazi. So we were working on that on one -- in one level.

Separately, as we were in the middle of trying to get the plane up there and get people on the plane and get the medevacs in from Frankfurt, a Web site announced -- I think it was called the Libyan Councils -- announced that they were going to attack the American Embassy in Tripoli. So throughout the evening as we're trying to deal with planes and wounded from Benghazi, we are -- and working with Greg on how do we -- who is this group, nobody's ever heard of them before -- and how do we make sure that people in Embassy Tripoli are safe?

At that point we're in three different locations, and we make the decision, after Greg consulted with his colleagues there, to move people out of the building that was being used as the Embassy itself, move them all into what was called the residential compound, in the first instance. And then it was very quickly decided, no, the best thing is to move them all into one compound so we only have one space to protect if there really is an attack against the Americans, against

Americans that night.

That said, we made the decision based on consultations at post. They asked not to have to move everybody from the -- moved everybody from the Embassy to the residential compound, but then we moved people from the residential compound to the other compound in the daylight. Because they would have people driving vehicles that they weren't familiar with driving, they didn't want them to drive the vehicles in the middle of the night and compound the problem by people having accidents on the way from one site to the other. So we did that at the crack of dawn. As soon as light started to break we moved everybody to that other compound, and we decided on an evacuation of nonessential staff.

So we had all these different actions going on at the same time, all of which I was working with Pat Kennedy, with Greg Hicks, with the other agencies at post to make sure we were doing all these movements in ways that made sense, that didn't contradict each other, that we had the vehicles going out to -- that we had enough people at the hospital to receive the wounded, that those people didn't get mixed up with who was coming out to the airport -- luckily the hospital was near the airport -- for the evacuation, that all of that was carefully managed so that everybody was in the right place at the right time with the right security to get to the airport in ways that made sure that everybody was secure.

And, of course, in the meantime we're working all of this with our Libyan government colleagues, contacts, at the very highest level

to make sure that they knew what we were doing, they knew why we were doing it, and that they provided the security that we needed in order to move safely from one place to another, to protect our buildings and to get the wounded stabilized and out to Frankfurt.

Q Well, thank you for that.

Mr. Ohly. We'll go off the record.

[Recess.]

EXAMINATION

BY MR. KNAUER:

Q So it is 11:26, and we are back on the record.

My name is Chris Knauer. I'm going to be the primary questioner on the minority side. My colleagues here, I think you met earlier --

A Yes.

Q -- Peter Kenny and Jason Powell.

So first of all, I want to thank you for coming in. I want to thank you for all your years of service.

A Thank you.

Q I listened to your long resume of places that you've served, and you've clearly served in some tough spots around the world, so it's a very impressive resume.

A Thank you.

Q I'm going to go over lots of different subjects, and some of my subjects are going to be subjects that the majority side already covered, so there will be redundancy. I think we say this in almost every interview, there will be redundancy, but I think that we need

to ask the questions so that we can also get some information that we need as well.

And also at the outside do want to comment on what clearly was a very long night for you on September 11th. When did you go in to work that day?

A I had gotten to work at 6 in the morning. And I stayed all night. I stayed all night. Didn't sleep. But, you know, in a situation like that, you don't get tired.

Q But you started with the Cairo situation. What time did that start?

A That was probably about noon our time. So I had a relatively normal morning and then Cairo all afternoon. And then around 4 o'clock, it seemed to me a little after 4 o'clock is when I heard about the attack in Benghazi. And from then on was in my office.

Q And so that rolled all through the night. And what time did you go home?

A That rolled all through the night. I went home on the 12th probably at 7 or 8 at night.

Q Again, thank you.

So I wanted to talk a little bit more about the role of the Near Eastern Affairs division and sort of what are its roles and responsibilities.

A The primary role of the Near East Bureau is to develop policy for the countries in the region for which we're responsible and to coordinate that policy with all of the interagency actors that are

interested in participating in any policy matter that might be interesting for them in that country. So that can go from anything to do with the kind of military training that we've been talking about to working with the Centers for Disease Control on health pandemic, for example. Or it can go to drug enforcement training, democracy work. So the full range of issues that, as we put it, that the American people are interested in us pursuing, or interested in pursuing, as part of American interests and principles in countries overseas.

The regional bureau, NEA, I always think of us as the center, so the body of the octopus, so that we are reaching out to all of these other agencies as we formulate policy for a particular country or in a particular set of issues for the region. We're reaching out to them to understand their interests, their goals, their programs, their budgets, and then pulling that in to form into a cohesive framework that we can operationalize as we work with our Embassy, which is the platform through which we operationalize these policies.

And, of course, an Embassy platform run by an ambassador, the President's representative, includes representatives of all of these agencies who are interested in having programs that they are pursuing and managing, implementing with their budgets in the country in which the Embassy is located.

Q And so information that derives in the field moves up the chain how?

A It depends on the information that comes from the field. If it's a policy issue that the Ambassador and the senior staff are

gaining insights into through meetings with some of the cabinet members, opposition leaders, depending on how sensitive that information is, that will come in the form of a cable to the Department. And if it's very sensitive, it has very limited distribution. If it's not quite so sensitive, less limited distribution. And then if it's of general interest to many, many agencies, and that's often the case, it will have no limits on the distribution.

The distribution of cables is determined by a code that's put on every cable that determines which general category of parts of the State Department and parts of the U.S. Government that a cable might be distributed to and be available to.

So in those little codes, they're called tags, anything that starts with a P is political. That's what will come to a regional bureau, to the desks, to the DAS's. And if it's considered important enough, interesting enough, it will be selected by my staff assistants to come to me. If it starts with A, for instance, administration, it's very unlikely to come to a regional bureau other than to the Executive Office. That's how it works.

Q And we're talking about security and who within the State Department played what role. Who is primarily responsible for the technical aspects of protecting a facility within the State Department?

A The Bureau of Diplomatic Security is responsible for any technical aspect that pertains to security at a mission overseas.

Q And that's where the expertise lies?

A That's where the expertise lies, that's where the resources

are, that's where some of the security analysis is done.

Q And the security that you are talking about insofar as NEA interacts with relative to a country, that's more macro level? You had mentioned elections, for example?

A Right. So a regional bureau would be interested and work on what is the atmosphere in the country in terms of security, does the population feel safe enough to go to vote. That would be very, very important. Has there been enough confidence built among the population by the host government that they have taken into account what is needed to make sure that polling stations are secure, that criminal elements, other, anyone with weapons are not permitted within X number of feet or meters or whatever it might be, or that other arrangements have been made to assure that voters can get safely to and from a voting -- a polling station. That would be for an election. That's how security would be discussed.

In general terms in countries, I can think of many in the Middle East, the population is very concerned about their personal security. Is it safe to cross Tahrir Square for women or are there just too many gangs prepared to rape women. So that would be a big -- that would be a security issue that would be a host government security issue.

If you're in Iraq, is it safe, who's generating all these car bombs and other attacks? Why is it that soccer fans are being targeted in cafes in Iraq?

Q Okay.

A Those kinds of issues is what a regional bureau would focus

on.

Q So to be clear, NEA does not go out with a clipboard and evaluate how high a wall is or how many armored vehicles are needed or present or how many diplomatic security staff a compound, a special mission compound or Embassy itself should have. Is that correct?

A That's absolutely correct. We have no expertise in order to make those kinds of judgments.

Q And so you would rely, again, on Diplomatic Security to do that?

A Yes, we would.

Q And I think you had mentioned that if there was a problem in the field, there was an opportunity for a DCM or an ambassador to raise that concern through a bureau such as NEA?

A That's correct.

Q But would a security matter like that, would that typically first go through DS?

A It would first be addressed by DS, with the height of the wall. The Office of Overseas Buildings would be involved in that as well.

If there were a disagreement, if the Embassy thought that Diplomatic Security wasn't taking their concerns into account sufficiently, or the Office of Overseas Buildings wasn't taking their concerns into account sufficiently, they would then go to the Executive Office, the post's management officer in the regional bureau, in NEA in this instance, say please help us out, we don't think we're

getting -- either they haven't been responsive at all or the answer we've gotten isn't a good enough answer, can you please help us out? Here are the considerations that we'd like you to be sure to raise. And sometimes that's done directly between the executive director, the post management officer in DS. Sometimes they would bring in, in a secured telephone conference, post management.

Q And would the DCM or the Ambassador know that there were multiple channels by which to raise security concerns if they thought that their needs were not being filled?

A Absolutely.

Q Okay. And you have served in posts. Would that typically go -- if you thought that you were understaffed and you're in a post, would you know that you had the opportunity to raise this with the deputy assistant secretary for DS or the assistant secretary for DS if you needed to?

A Yes, I would know that. I would know that I could also raise it with the regional bureau if I thought it was sufficiently important.

Q Okay. I want to talk -- do you have some questions?

Mr. Kenny. Just one quick follow-up on this point. In the last hour you had mentioned that the Bureau of Diplomatic Security always wins, I believe was your words, these types of discussions or negotiations over resources. I'm just wondering, would that have affected your decision on whether or not to reach out to the Bureau of Diplomatic Security on behalf of a request from post that was made either directly to you or your staff?

Mr. Chuang. She didn't make a request, though, or she didn't consider that.

Mr. Kenny. I'm saying would it have.

Mr. Chuang. Oh.

Ms. Jones. If an ambassador or DCM or the deputy assistant secretary or the executive director had come to me to say, I really need you to engage on this, I would do that, knowing that I might not win, but knowing that it was -- if my staff thought it was important enough for me to raise, I would have done that.

BY MR. KENNY:

Q Is this sense that the Bureau of Diplomatic Security always wins, is that something that's a widely held belief? Would an ambassador, for instance, also be aware of that?

A It's very hard for me to speculate. I can say that in the people I talk to, my colleagues, yes, it's widely held. It's a widely held belief. It's a widely held belief then.

Q Before the attacks?

A In that period, yes.

Q So in other words, if a senior official at post were informed or told by a senior official within the Bureau of Diplomatic Security that security resources would not be provided as requested, that would be the sort of thing, then, that that senior official at post would have interpreted as perhaps a final decision?

A It's hard to speculate, but I can only speak about myself. If I had been told by the assistant secretary of Diplomatic Security

that they had looked at every possible way to resource my request and that they just couldn't do it, I probably would have accepted that unless I didn't believe it and asked the assistant secretary to help me out.

Q Okay. I guess what I'm trying to understand is at post, if they're being told by the Bureau of Diplomatic Security that resources would not be provided as requested, would it have been normal course for them to reach out to the regional bureau to help facilitate that?

A I don't know. I don't know in every instance how often a regional security officer would raise his resourcing questions to more senior management in the mission, in the Embassy, and that would be a decision that would be made by the regional security officer in terms of did he or she want more help either with DS or ask the regional bureau to go to DS.

Q Thank you.

BY MR. KNAUER:

Q So I want to turn now to some of the key players that were in NEA that we've heard about and just get a better understanding of what their roles were relative to Libya. I'm going to start with your principal deputy assistant secretary. That was Liz Dibble?

A That's correct.

Q Okay. And when did she take that position?

A She took that position before I started. I'm not sure I know when exactly she took the position.

Q Roughly? Was she there a year, 2 years?

A I don't know if she'd been there a full year before I started.

Q Okay.

A I just don't know.

Q And what were her responsibilities in that position?

A Her primary responsibility as principal deputy assistant secretary was to oversee the -- help me oversee the work of the other DAS's, to be sure that we knew as much as possible what was going on, to be an alter ego for me when -- if I was very busy on X issue, she would do Y issue, which became very important as we had competing interagency, very senior interagency meetings.

But her other primary responsibility was personnel, personnel assignments, and assuring she would do all of the preliminary conversations, meetings with people who would like to be considered as ambassador for one of our posts, as deputy chief of mission for one of our posts, as a DAS in one of our -- in our front office, or as one of our country directors. She sometimes saw people who were interested in other positions at our embassies, but she was the primary manager of our personnel resources in the Bureau and outside the Bureau.

She also had responsibility for Iran, as she was the DAS for Iranian affairs. We didn't have a separate DAS for Iran after Philo Dibble died. Liz took that on.

Q And, again, the people under Ms. Dibble would be mainly handling political affairs for Libya, as opposed to security affairs?

And when I say security, as we defined earlier.

A Right.

Q Not the physical security evaluations, but elections and so on.

A Only in the following respect. The DAS for the Maghreb was my report. So she didn't supervise any of the other DAS's, I did, but she -- but through daily meetings, staff meetings involved the DAS's and country directors, we kept -- we both knew at all times what the various issues were that the DAS's were bringing to us that required attention, our attention, or that required discussion with our seventh floor, with our senior leadership, or discussion within the interagency.

Q Okay. And Mr. [redacted], now, he's the executive director?

A He's the executive director for the Near East Bureau and the South-Central Asia Bureau and the special representative for Afghanistan and Pakistan.

Q Okay. And the executive director, what is this role? We've heard it referred to as administrative, making the trains run on time. Is this largely an administrative role?

A It is an administrative role, absolutely. That's the person who has oversight, can make the technical work on personnel assignments, oversees the budget for the Bureau in Washington, oversees the budgets for all of our embassies. So it's personnel within the Bureau and personnel at each of our embassies and consulates, and

coordinates with other regional bureaus on administrative policy matters.

Q So his bailiwick could include everything from sanitation issues at --

A Uh-huh.

Q -- a compound, to personnel, to whether or not there's sufficient electricity --

A That's right.

Q -- being made available?

A That's exactly right.

Q But they're not -- that person is not a specialist in security, for example --

A No.

Q -- physical secure?

A No. No, because that's all DS.

Q Okay. And so would it be fair to say that to the extent that they do get involved in any particular issue, whether it be health, whether it be security or anything else, it's more of a liaison role?

A With security it's definitely a liaison role. On the physical plant, are there enough generators, are there enough -- what is the sanitation situation on the compound, he has direct responsibility for that with the mission. So his budget is used to -- his budget and the budget for the missions, the embassies, handle those kinds of issues.

He has no budget for security. That's all in DS. He has no

budget for security, he has no personnel resources for security. That's all handled by DS. Whereas he has direct responsibility for the management counselors and for the staff in the management offices of each embassy, as well as for the executive director for his bureau, and then he coordinates with, in this case, Liz Dibble, the Personnel Bureau on managing the assignment. So we'll decide on which people we'd like to assign to certain places, and then he works that with the management.

Q Okay.

A Director general people.

Q And then the deputy assistant secretary for the Maghreb, Raymond Maxwell?

A Correct.

Q What were his duties? What was his role?

A He's the one primarily responsible to manage the policy, the policy formulation for the countries for which he's responsible. So the octopus that I described earlier, he's sort of the primary -- he's the octopus for those countries working on what are the policy inputs from the interagency, what is the policy implementation at the post, and what is the feedback from the post on any issue that's related -- that the post would like to discuss with the desk and with him.

Q Okay. And did Libya fall under his purview?

A Yes.

Q Okay. So I understand that the deputy assistant secretary

for Maghreb affairs was actually a relatively new position that was split from a previous position?

A That happened before I arrived, but it was explained to me that it was split because there was -- because the Maghreb that had been very quiet, of course, was the center of several of the Arab spring revolutions and that it was a so much busier portfolio that one person couldn't handle the two parts of the Near East Bureau that the previous DAS had been responsible for.

Mr. Knauer. Okay. I'm going to enter -- have we done any exhibits or is this Exhibit 1?

Mr. Powell. Exhibit 1.

Mr. Knauer. I'm going to make this Exhibit number 1. And this was from our interview with Mr. Maxwell.

[Jones Exhibit No. 1
was marked for identification.]

BY MR. KNAUER:

Q And if you can refer to page 11, line 26. I'm just going to read this. It's a fairly long quote. Tell me when you're there.

A Yeah.

Q Okay. "And what were your responsibilities for Libya in that position?" That was a question that was asked of him.

A Okay.

Q Answer: "Well, that's an interesting question as well. I came to the job, and the PDAS pulled me aside and said, quote, 'Ray, don't worry, because this is a whole lot at one time. I am going to

continue to take the lead on Libya because,' unquote, I'm speaking in her voice -- she said she would take the lead on Libya because she had covered Libya in the intervening month when I wasn't -- when nobody was there, and she had covered Libya from her previous position as a DAS in EUR.

"But there were -- it was covered in an interesting way. In fact, if I could refer to a list of folks I had, this was -- a big piece of it went to Bill Taylor, who was the Special Envoy For Middle East Transitions. So, he handled governance and assistance.

"A big chunk went to Andrew Shapiro, who was the assistant secretary for" -- I think it's a typo right there. It says Paul Mill?

A Oh, pol-mil. Political-military affairs.

Q Political-military. "He took control of the MANPADS piece and assistance for military sales piece.

"[redacted] and [redacted] in the Economic Bureau carved off the energy and the finance sectors.

"Dan Benjamin, the Special Representative or whatever it was for counterterrorism, carved off the counterterrorism section?

"Who have I left off?

"There are other small pieces, small dogs and cats here and there.

"Initially, I took it sort of personally that they asked me to take this job and they carved it all up, so it's not going to be much of a job, but you learned from years and years of experience that you don't fight those turf battles from the start. You just kind of accept it as the status quo?"

So my question is, does that sound accurate? Was his portfolio carved up like that to the extent that it wasn't much of a job?

A I can't speak to what happened when he first started, because I wasn't there. I can speak to what my expectations were of him and what his work requirement statement stated and what the normal function of a deputy assistant secretary is, which, of course, I believed was clear to him.

As the deputy assistant secretary in a regional bureau, he is responsible for managing the policies of every single one of these issues that he's mentioned. He is the center of the octopus for all of these. They may contribute their expertise on the particular issue, but he is the one who oversees all of it and is responsible for putting it into a framework that is sensible and implementable.

So I would say that, contrary to it being carved up like that, he's responsible for a huge chunk of U.S. Government interests in a country that's quite important now to the United States.

Q Okay. And if I could also draw your attention to that same transcript, page 13, line 4, the question gets asked again, and the questioner says, "So, what were your responsibilities?" And that's referring to Mr. Maxwell.

A Uh-huh.

Q And he answers, "My responsibilities were Morocco and Western Sahara, Algeria, Tunisia, and bits and pieces of Libya that had an impact on the overall region, border security. In fact, I chaired a working group that focused exclusively on Libya's borders

with its neighbors in the Middle East, with its neighbors in the AF Bureau because Libya has a lot of borders and a lot of offices.

"So, again, I took it rather personally that the portfolio had been all carved up, but -- I think it's important to add this part here -- frankly, it made some sense at the time, because, you know, I was a newly minted DAS?"

So, again, does that sound accurate, that the portfolio was carved up?

A No. It doesn't sound accurate at all.

Q Was Mr. Maxwell ever provided a job description of his duties either orally or in writing? Would he have known what these duties were?

A I don't know if he was given a job description. Certainly he provided a work requirement statement that outlined his responsibility for managing Libya policy.

Q Okay.

BY MR. KENNY:

Q And who provided that work requirement statement?

A The work requirement statements -- he provided it to me as his supervisor, and it's an agreed document as to what the goals and objectives are that that person is going to accomplish in the performance rating period.

Q And to your knowledge, nothing in that work requirement statement ceded authority on specific matters to other --

A No, it did not.

Q -- duties?

Mr. Knauer. Did you --

Ms. Jones. And it --

Mr. Knauer. Oh, I'm sorry.

Ms. Jones. And it would not have, because that would have been ceding my authorities, and that would never have happened.

BY MR. KNAUER:

Q Did you read the ARB with respect to the accountability section as it related to Mr. Maxwell?

A I read -- I was given -- I read the ARB. There was one page that was not available to me, but I did read the paragraph. I was given the paragraph to read that related to Ray Maxwell.

Mr. Knauer. Okay. And for the record, the accountability section is unclassified, was made unclassified.

Mr. Dorosin. It is sensitive but unclassified.

Mr. Knauer. Okay.

BY MR. KNAUER:

Q In his interview with the committee, Mr. Maxwell said at some point he decided not to go to the daily briefings, which was apparently where daily classified information would be assembled for key officials to read. And I'm going to refer you to that. We'll make this a new exhibit, Exhibit 2.

[Jones Exhibit No. 2
was marked for identification.]

BY MR. KNAUER:

Q Page 26, line 12. I'm going to quote it. It says, quote, "I read the cable traffic that came in every day through the classified open net.

"But I told them" -- in brackets, the Accountability Review Board is who he was referring to -- "that I did stop going to the morning briefings because it was just -- you go in and there is a binder and you read a book and it's just craziness. But all that said, my immediate supervisor, Liz Dibble, was there, and she read it all; and the Assistant Secretary, Beth Jones, was there, and she read it all.

"So, it's not like if there was something that was there that I hadn't read nobody would see, because other people read it as well."

Ambassador, what were those morning briefings and who put them together and why were they important?

A We have an arrangement with the CIA to have their briefers bring us every morning, they arrive at 7:30, all the overnight intelligence that relates to our region and any analytical pieces that they have written on our region. They come at 7:30 every day. They sit in a classified room in the front office. And each of the DAS's is responsible for reading the intelligence every day in these -- that are in these binders. There's one binder on most of the region and there's a separate binder on Iraq and Iran just because that's the way the CIA divides up how they provide the intelligence.

There is a responsible analyst, two analysts, one for the one book, one for the other book, so that any questions can be raised. If there's any piece that seems incomplete or about which any of us has

additional questions, the analyst can take those questions back and provide an answer the next day or get their colleagues to provide written analysis that addresses the questions that we've asked. But that is how we see the intelligence every day on anything related to our region.

Those briefers are there from 7:30. I believe they leave around 9 o'clock. I'm not sure exactly when they leave. So each of us is able to go in and out, depending on what our morning schedule is, to read the intelligence.

In addition, of course, all of us have the option to go to INR any time during the day and ask to see whatever the latest is on whatever issue that we'd like to review. And beyond that, the Intelligence and Research Bureau at the State Department regularly will call the responsible DAS or the principal deputy assistant secretary or me and say, I have a piece just in, very important, and they bring it down and we read it in the classified space.

Q And you do this daily?

A I do this -- we all do this daily.

Q Okay. And is it your opinion that those briefings were key to gaining situational awareness of the various countries that were within a particular DAS' purview?

A I believe they are, yes.

Q Was it Mr. Maxwell's job duties as deputy assistant secretary for the Maghreb to attend those morning briefings?

A Yes.

Q Was he told to attend those? Did he need to be told to attend those?

A I did not tell him to. It never occurred to me that I needed to tell him to review the daily intelligence. And I didn't know until hearing about this -- I didn't know until I heard about the ARB that he wasn't reading intelligence.

Q Did that --

BY MR. KENNY:

Q And -- sorry -- that's because these binders were provided for a period of time, so when you would go in, you wouldn't necessarily see --

A I wouldn't necessarily see who else had seen it, that's correct.

BY MR. KNAUER:

Q He had referenced the fact that you and Ms. Dibble would actually attend those briefings. Did you have some special arrangement that you would cover for Mr. Maxwell?

A No. On the contrary, I was hearing from him every day in the run-up to the elections about the election preparedness. He was clearly in charge of Libya issues and reporting them to me in detail.

Q Okay. Is there some other mechanism by which you would get informed on intelligence that would sort of supplant these daily briefings? In other words, could you just do this once a month, once a week on an as-needed basis?

A From my perspective, it would be difficult to do them less

frequently than once a week -- than once a day -- just because there's so much information. And in a regional bureau, we deal with -- we deal often with what's going on right now, and the more we understand from our intelligence briefings what the foreign officials with whom we're interacting are thinking, discussing, believing, the more we can guide, the more we can shape policy, we can shape their attitudes to bring them into accord with what we believe to be our mutual interests.

Or if we discover through intelligence that they have an idea that's way out in left field, we can try to understand why that might be the case and try to bring them back to something that's much more reasonable and get them back on track to working with us in a collaborative way on whatever the issue might be.

BY MR. KNAUER:

Q Okay. In his interview with the committee, Mr. Maxwell said that you were the person that told him that he was a named person in the ARB report, and he said that Cheryl Mills had instructed you to dismiss him and that you had told him that this would be a temporary situation, suggesting that he would eventually be brought back on. And so I just wanted to walk you through those events. And I'll begin by asking, were you the person that went to Mr. Maxwell and said that he would be dismissed upon Cheryl Mills' orders?

A Maybe I'll tell the story, because it's not --

Q Okay.

A That's not quite accurate.

Q Okay.

A I was traveling. I came back the day that the talk about ARB was provided to -- or the day after -- Secretary Clinton. Because I was traveling in the morning, I had a message from Cheryl Mills to call as soon as I arrived, but I didn't speak to her. She wasn't available. And Liz Dibble told me that she, in my absence, had been asked to speak to Cheryl Mills in which Cheryl had told her that because of this passage in the ARB about Ray not reading intelligence, that the Secretary had decided that Ray should be removed from his responsibilities as DAS, but that he would remain in another capacity

in NEA.

I asked Ray to come see me that day after getting that instruction and explained to him what I had been told, that it was because he had not been reading intelligence that this -- the decision had been made, that I was very surprised that he hadn't been reading intelligence. And he -- but that, from what I understood, that the arrangement was that he would be removed from his DAS responsibilities but that he would remain in NEA.

I told him that, as far as I was concerned, he was a good and valuable colleague, that we would definitely find useful, honorable work for him to do in NEA, that there were many, many issues that were important to us, that -- he expressed at that point a particular interest in working on Sahel issues, the border -- the North Africa Sahel issues, and I said, well, that might be a possibility and that I would certainly pursue that and that we would definitely have a nice office for him and that he should please stay with us.

Q Were you able to discuss with him the aspect for which the ARB included him in the report?

A I did. I asked -- I said I was very surprised to hear that he hadn't been reading intelligence, and he said that the reason he hadn't been reading intelligence during that period was that he had planned to retire on September 14th, which I knew. I knew he -- he told me when I first met him that it was nice to meet me but he would be leaving in a couple of months to retire from the foreign service.

He said that because he was retiring, that he had stopped reading

intelligence because he didn't want to mix up what he knew about it, about the countries for which he was responsible, that was unclassified with what was classified, and that since he was going into retirement he would still be possibly working on these kinds of issues and he didn't want to make a mistake and include something that's classified in something he might say in a talk at a think tank or in a paper he might write.

Q Did you find that to be a satisfactory reason for not reading the intelligence?

A I didn't, and I told him. I said, but we all read intelligence every day and we all still speak to think tanks and write unclassified press guidance every day and none of us gets it mixed up, I said, including you Ray, I've never heard you get it mixed up.

Q So --

A I also asked him if he told the ARB that he was going to be retiring on that Friday and he said he had not.

Q But it was your expectation that he would be able to at least remain --

A Yes, that's what we were told.

Q -- on the payroll of the State Department. Who told you that?

A Cheryl Mills had told Liz, who had told me, because I was not able to speak to Cheryl that day.

Q Do you know how he was placed on administrative leave then? Were you part of that?

A I was not part of the decision on that. I was told the following. I don't remember the timeframe exactly but it was still before Christmas. I learned from Ray that he had been put on administrative leave. Sorry. I don't think that's quite correct.

I heard from the director general's office that a decision was being made to move the four to administrative leave, and I talked to the deputy director general about what that meant. And he said it doesn't mean anything different from being -- from what we had told them originally, that nothing at all would change. It was just a way to regularize their status.

And I said, well, does it mean that they can come to work. And he said he thought they still could but he was going to check for me. This was on -- in the middle of the next week, I believe.

Then on a Saturday morning, I had a -- I can't now remember if it was an email or a call from Ray saying that he was extremely upset, that he had gotten a letter that he had been asked to sign saying he was on administrative leave and that this meant that he had to give up his badge and his -- and his BlackBerry access, his computer access. And I said, no, that's not at all what I was told, that none of that was meant to happen, that that was quite the contrary to what I'd been told, and that I would get it fixed.

So I called several people, Director General, Pat Kennedy, people like that, and said, this is not at all what the understanding was, this is not at all what I was told when you asked me to remove Ray as DAS but he would stay in NEA. This is not at all what you told me was

the case when you said that this was going to be changed to administrative leave. I strenuously object to this. This is not at all what was agreed and this is not -- this is not appropriate, from my perspective, in this situation. And we got it changed so he did not lose his badge and he did not lose his computer access.

Q And to be clear, to your understanding, it wasn't the ARB that was recommending that these individuals be placed on administrative leave, this is something that came from the Department itself? Is that your understanding?

A That was my understanding. At that point I had not read the classified ARB. I had read the unclassified. And of course, this was not present in -- the issue of the personnel issue was not in the unclassified. So I -- the only reason that I knew of by -- as explained to Liz -- was that the Secretary herself had been upset to hear -- to read that Ray Maxwell had not been reading intelligence for quite a while and that this was not acceptable.

Q And what's your understanding as to what the process is now insofar as Mr. Maxwell is concerned? Is this something that you're privy to?

A I have -- I have no understanding of it at all. I just know that -- what I've been told, which is that he still remains on administrative leave, that they all remain on administrative leave. But it's not a process that I'm privy to.

Q Did Mr. Maxwell periodically communicate with you after being placed on administrative leave?

A Yes. I called him several times to see how he was doing, to see what help we could give him, to ask if there was anything in his office that I could bring him. I told him that I would pick anything up he wanted if he didn't want to come into the building. He said, no, he felt free to come in. I said, please, absolutely, feel free, you have many friends here, we're all friends, and look forward to seeing you.

Q And to be fair to Mr. Maxwell, I think you said that he was quite capable as a foreign service officer generally?

A Yes. He was a very good colleague. He, as I said, was a -- you know, briefed me regularly in the staff meetings, was -- contributed in conversations in staff meetings on a variety of issues and was a -- was a well-respected, well-liked member of the front office team.

Q So he -- I suppose then you supervised him then for a very short amount of time?

A I did. Because he had told me he expected to retire on September 14th, I didn't expect that we would be colleagues for very long. But after September 11th -- and of course he was with us that evening trying to work on all of the issues that I outlined -- he came to me the next day or the following day, I don't remember exactly when, and he said -- he said, Beth, I can't retire on Friday. I can't leave you in the lurch with such a terrible thing having happened to Chris and to Embassy Tripoli. I need to stay and help you with Embassy Tripoli. And I said thank you, and he stayed on.

And within a few weeks told me that he had submitted his -- resubmitted his retirement papers for, I believe he said, the middle of February, and I said that made sense to me.

Q Okay. All right. So, I think my colleague John had spoke at some length about the night of the attack, and I did want to ask you just a very brief question about there was apparently a 2 o'clock call that took place that involved possibly you and Secretary Clinton to Embassy Tripoli. Is that accurate? Was the Secretary on a call to Embassy Tripoli that you were also on?

Mr. Chuang. Which night? The night of the --

Ms. Jones. The night of the 11th, 12th? I don't recall being on a call with Secretary Clinton --

Mr. Knauer. Okay.

Ms. Jones. -- and Greg Hicks, it would have been. No, I don't recall that.

Q Okay. As the night wore on, was the phone just essentially left almost in permanent communication with Tripoli?

A Yes.

Q I mean, do you have that capability that you have an open line that just essentially stays open, or is this -- or calling every 5 or 10 minutes? I'm just curious how that works.

A Yeah. No, that's a good question. I didn't have an open line.

We did two things. I stayed in my office with my front office team and with my staff assistants and with -- Ray was there. We, at

the same time, started a task force in the Operations Center, so the Libya desk officers were up there helping manage some of the more routine issues, getting the evacuation going, working with EX on those kinds of issues and sort of doing the -- helping us with the nuts and bolts on implementing the things that we were deciding that we needed to do.

Because DS kept the open -- Diplomatic Secretary kept an open line -- actually, I don't know that it was an open line. They had communication directly with the RSO. I basically worked primarily with Greg Hicks on his cell phone because that worked better in terms of Embassy communications and I could reach him wherever he was -- wherever he was in the compound when he was moving around. So I communicated by my office manager dialing him directly on his cell phone.

So it was not an open line, but it was -- I don't know that we talked every 10 minutes, but it seemed like it was every 10 minutes. It was close to that.

Q Now, I think we've heard some very positive things. In fact, I know we've heard some very positive things about Mr. Hicks' performance on the night of the attacks.

A Yes.

Q Do you care to comment on how Mr. Hicks performed?

A He did a really good job that night, an excellent job. He was very communicative with me. We agreed -- I agreed with Pat Kennedy that I would be the primary point of contact with Greg so that he wasn't

trying to receive calls from everybody in the National Security Council and the seventh floor, that if they had questions, that they would feed them through me so that Greg and I were the primary conduit of -- primary discussion.

Greg asked me questions about -- he said, I haven't been here very long, I haven't been in a situation like this before, what do I do now, several times, and I made suggestions. I had him on speaker phone in every conversation so that -- so that I had somebody who was typing a summary of our conversations to keep continuous reporting going to our senior management, to the National Security Council, and was giving him advice on who he should speak to and the kinds of things he might press for, and taking from him requests. For example, I was asking him, in order to get the flight clearances for the medevac planes coming in, are you having any trouble getting that from the Minister of Defense, do you need a high level phone call from somebody here -- the Secretary of State, Secretary of Defense -- to anybody. Everybody is quite prepared to make any of those phone calls that you need. And he would -- he gave advice back to us on that.

He, especially as we got into issues on the evacuation, he was very consultative, collegial, and worked very well with all of us, for which I complimented him many times and for which he was complimented by Secretary Clinton in a subsequent phone call several days -- quite a few days later.

Q And Mr. Hicks was having to make a lot of fast decisions -- I guess you guys all were having to make a lot of fast decisions -- all

with the possibility that Tripoli itself might be a potential target?

A That's right. That's right. So as we were trying to deal with and work on all of the issues involved in Benghazi that I described earlier, when it became -- when we saw that there was a threat against Tripoli as well, that launched a separate set of actions, that I described, that Greg and his team were having to manage as well.

Q Without getting into any sensitive space here, how do you -- how did you evaluate the seriousness of the threat to Tripoli?

A We couldn't evaluate it. We didn't know the organization. We quickly decided in conversations that we didn't know the -- we didn't know the organization. But that didn't mean that there wasn't some militia that had suddenly renamed itself the Councils of Libya, and because it was dark, we didn't have -- we didn't have as much capacity as we might otherwise have to roam around the city to see if there were any groups heading in the direction of our facilities.

And even if we had had that information, that ability, we still would have thought, we don't know where this is coming from, we don't know who these groups are, if there can be a mortar attack against the annex in Benghazi, maybe there could be a mortar attack against our facilities in Tripoli. We had no intelligence whatsoever on any of that. And so, knowing nothing, we decided we had to take as much precaution as we possibly could, including an evacuation of nonessential personnel, so to keep only emergency personnel there, and including combining our -- combining people into one facility to -- for added protection so there was only one facility that we would have to

ask the Libyan government to help us protect.

Q Were you concerned about whether or not you had an adequate security posture in Tripoli that night? I mean, were these part of the discussions, do we have the ability to be safe?

A That was a discussion that the RSO was undertaking with DS. And I knew -- Greg told me that the RSO was working with DS on exactly those kinds of issues, and I didn't get into the details with him.

Q Okay.

A I didn't get into details with him, but it was Pat Kennedy, who supervises Diplomatic Security, who talked to me, and we were consulting about what is the best posture for Tripoli, should they -- and again, talking with Greg and with the RSO and the people who understand threats, the station -- moving people out of the -- out of the work -- the work area, the chancery area to the residential compound so they would at least be consolidated there and then making the decision at the break of dawn to move all of those people to the annex.

So that was a conversation that the RSO was having with Diplomatic Secretary, with Pat Kennedy, who was then feeding back to me for the security reasons that they've all discussed, details I don't know, let's do it that way.

Q Okay. Now, your day starts with Cairo?

A Yes.

Q And this was a protest --

A That's right.

Q -- over the video --

A Right.

Q -- that we have heard about ad nauseam?

A Right.

Q They put ladders up against the wall. They potentially -- did they breach the wall?

A They did. There were people roaming around the garden.

Q They breached the wall. And then that bleeds right into Benghazi?

A That's right.

Q And then suddenly you have later that night potential threat on Tripoli?

A Right.

Q Did you think that they were all related? Was it a fog at that point in time? Was it easy to tease out one from another?

A We didn't know what had sparked what happened in Benghazi. Because of the way, sort of the initial report when Greg -- the report I had, which was Benghazi is under attack, that was all it said, I called Greg and I said, tell me what Chris said. He said Benghazi is under attack. I said, what does under attack mean? He said there are people shooting.

I didn't ask if there was a demonstration because I was more focused on what do we do now, not what just happened, what do we now, looking for Chris, is the building on fire, is there reports then of a mortar attack, who's on the compound, how do we get Libyan security

there, is there anybody who can help us, those kind of things. So there wasn't a discussion that evening about was there a demonstration or not.

In Tripoli, when we saw the Web site claim that these Councils of Tripoli were going to -- were going to -- were calling for an attack on the Embassy, I believe the language was attack, so I was thinking -- we were thinking mortar attack, guns, that kind of thing. But we also knew that the possibility of demonstrations was not that night. There was no discussion of demonstrations that night. But within days after that there were discussions of routes the demonstrations could take.

And the reason that became important is that the attack in Benghazi -- in Cairo and Benghazi was on the 11th, bleeding into the 12th for us, and very much the 12th for Libya. On the 13th, our Embassy in Sana'a was attacked and very badly, very, very badly damaged, and on the 14th our Embassy in Tunis.

Q And what was the basis for those attacks?

A The basis for the attack -- at that point, the basis for the attack in Sana'a and Tunis, as I recall it, were the videos.

Q Were the videos.

A That was much clearer in the attack in Tunis. It was less clear in the attack in Sana'a. And there were many other embassies that were -- in which there were demonstrations and the potential for -- well, there were demonstrations. I think we counted in that -- in those several days -- Friday is always the most dangerous

day for demonstrations. But over that weekend and into the next week, I think we counted 27-some demonstrations at 12 of my posts just in NEA, and there were many other demonstrations in other Muslim-majority countries because of the video.

Q So to be fair, was that a fairly confusing period?

A Yes, it was very -- it was -- it was --

Q When I say period, I mean days, weeks?

A Yes, absolutely.

Mr. Knauer. Okay. I think we are at the end of our hour, so we'll go off the record.

[Recess.]

BY MR. OHLY:

Q I just wanted to follow up a little bit about what we were talking about in the last hour with respect to Mr. Maxwell.

A Okay.

Q And his responsibilities. You said that he would brief you on Libya issues, I think you mentioned, in the runup to the election?

A Correct.

Q Did he brief you on issues after the election?

A He briefed on a few issues that were still relevant to the elections after the elections. He was also focused on getting ready for two strategic security meetings, one with Algeria, one with Morocco. So the focus of our conversations tended to move toward those two events coming up.

Q Sort of border security, North Africa generally, or those

two events specifically?

A Those two events specifically, but because they're strategic consultations that involve every possible element of the relationship with Morocco and the same thing with Algeria, it would have been all of those, the whole set of issues that obtain in our bilateral relationship, which of course can include border issues.

Q And in that period prior to the attacks was anybody else briefing you on Libya?

A No. The meetings -- I was generally briefed in staff meetings with the senior staff, so in every one of those meetings the DAS's are present. In some meetings the country directors are also present. So there might have been an occasion when the country director would have said something. But generally it was Ray Maxwell who did the briefings on each of the North Africa countries.

Q Who was the country director?

A [redacted]

Q Thank you. I'm going to introduce the unclassified ARB as an exhibit. It's Exhibit 3.

[Jones Exhibit No. 3
was marked for identification.]

Mr. Ohly. There is a paragraph on the first page, the bottom of the first page. I'll give you a moment to read it and then I will read it myself.

Mr. Chuang. The last paragraph on the first page?

Mr. Beattie. "As called for by the Act" is where it starts.

Ms. Jones. Right.

BY MR. OHLY:

Q I'm going to read it for the record. "As called for by the Act, this report examines: whether the attacks were security related; whether security systems and procedures were adequate and implemented properly; the impact of intelligence and information availability; whether any other facts or circumstances in these cases may be relevant to appropriate security management of U.S. missions worldwide; and, finally, whether any U.S. government employee or contractor, as defined by the Act, breached her or his duty."

To your knowledge, did the ARB find that anybody breached their duty?

A I don't recall the exact language in the ARB on that, but the general tenor of the ARB that I came away with is that no one breached their duty, no.

Q Okay. But the report did make specific personnel findings and/or recommendations about four individuals at the State Department.

A I do not recall that it made specific recommendations about specific individuals, no.

Q Okay. As his supervisor, just reading the information that you were given about Mr. Maxwell, do you believe the conduct of Mr. Maxwell which the ARB cited in its personnel finding or accountability finding on him contributed to the lack of appropriate security and loss of life in Benghazi?

A No.

Q Do you believe that Mr. Maxwell's conduct merited his being relieved of duty and placed on administrative leave?

A No.

Mr. Chuang. Those are two different questions, but you may want to break them up.

BY MR. OHLY:

Q Okay. As his supervisor, do you believe that Mr. Maxwell's conduct merited his being relieved of duties as DAS?

A No.

Q Do you believe, as his supervisor, that his conduct merited his being placed on administrative leave?

A No.

Q Why do you believe -- or in your opinion, do you know why the ARB -- let me rephrase. What was your reaction when you learned that he had been named for those reasons in the ARB?

A What I knew, what I was told, because at the time I had the conversation -- was asked to have the conversation with Ray, I had not read the classified. So I did not know what it said. I was told what it said. I did not believe that that warranted his removal as DAS, no.

Q Did you question anybody about that?

A No.

Q At any point?

A No.

Q Did you ever have a conversation with anybody, other than

Liz Dibble, who passed the message to you?

A I'm sorry, conversation about what?

Q You learned, if I recall correctly from your first hour, or previous questions, that you learned from Liz Dibble, who learned from Cheryl Mills, that the Secretary had determined that he should be relieved of his duties. Is that correct?

A That he should be removed as DAS.

Q Removed as DAS.

A That is correct.

Q Did you ever have a conversation with Cheryl Mills or anybody other than Liz Dibble about that decision?

A In what timeframe do you mean?

Q Prior to him being placed on administrative leave?

A Let me just talk about that day first.

Q Uh-huh.

A I had no other discussions with anybody that day other than with Liz Dibble and with Ray Maxwell about this. When the situation with Ray changed to -- from removing him from his DAS duty and being -- I was told he was to be reassigned in NEA -- when that changed, I spoke with the deputy director general to ask what had happened, why was this. I don't recall if I spoke to anyone else about it at that time.

Q As his supervisor, do you feel it would have been appropriate to be consulted on any decisions about whether to relieve him of his position or place him on administrative leave?

A In this circumstance, I could understand why Secretary

Clinton was taken aback that Ray had not been reading intelligence in an area of his responsibility, and I did not question her judgment that this was her decision on how she wanted to handle this aspect of the ARB.

Q Had you learned that Mr. Maxwell had stopped reading the daily read book, absent the ARB, on your own, how would you have handled the situation?

A I would have insisted that he read it every day and ask him why not.

Q Would you have sought any sort of administrative remedy or suspension or --

A I wouldn't have needed to. He would have -- I had no reason to think he wouldn't have done exactly as I asked.

Q Okay.

BY MR. BEATTIE:

Q In the course of an average day in the NEA Bureau, are the read books that the CIA brings over in the morning, are those the only source of intelligence that you and the DAS's have access to?

A No.

Q Can you describe the other sources of intelligence that you would have access to during the day?

A We have a Bureau of Intelligence and Research that gets -- that also gets intelligence information, some of it the same as, and they regularly, when they see something that comes in that is relevant to any of our countries or our region, will call and ask to

come brief us or tell us that there is information in INR, and we can come there and read it.

Q Okay.

BY MR. OHLY:

Q I want to go back now and talk a little bit about the ARB and the process.

A Okay.

Q When did you first learn that there would be an ARB convened?

A I knew, from my own experience, that an ARB would be convened. The minute I knew that any American officials had been killed in Benghazi, I knew that an ARB would be convened.

Q Did you have -- I know that Diplomatic Security, perhaps some others, would craft a recommendation for an ARB. Is NEA part of that?

A I don't know.

Q Okay.

A There are two parts to that question. I don't know that a recommendation to convene an ARB is required, number one, and I don't know if NEA was involved in it if there had been such a requirement, because I know that there's legislation that requires an ARB.

Q When did you first learn that the ARB wanted to speak with you?

A I would have learned by a letter that I received from Ambassador Pickering and Admiral Mullen saying that they wish to interview -- I don't remember if it was just interview me or interview

colleagues in NEA. I don't remember what it said. But certainly I knew that I was one of them.

Q Do you remember how many times you spoke with the ARB?

A I spoke with them twice.

Q Can you walk us through each of those settings.

A The first meeting with the ARB was with several of us. It wasn't just myself. It was basically the NEA front office relevant to the question. I don't recall how long the meeting was. It was with every member of the ARB present. And they asked a series of questions, and I do not remember the questions. They would have been about what happened that night, that kind of thing, but I don't remember anything about the questions.

Q Do you recall who specifically from the NEA front office was in attendance?

A Yes. I was there, Liz Dibble was there, Ray Maxwell was there, [redacted] was there, and [redacted] was there.

Q And who -- did any person from NEA sort of lead the responses to questions?

A No, not necessarily, because each of us had a different set of expertise, mine being more recent and the others being longer, and so we all answered questions.

Q Can you elaborate on that a little bit. Where did people's expertise lie?

A Questions from the ARB about what happened before June 18th I couldn't answer, for instance.

Q Who handled a lot of those?

A Those were handled by Ray Maxwell, [redacted], Liz Dibble, and [redacted], by all of them.

Q When was the -- how long after the first interview was your second interview. Do you remember?

A I don't remember. A couple weeks. I don't remember at all.

Q Did you receive notification in advance?

A Yes, I did.

Q Were you notified of your right to have counsel present?

A It was probably in the letter. I don't recall it specifically.

Q Do you recall if you were informed at the beginning of your interview whether you had the right to have counsel present?

A I don't recall.

Q Do you recall the content of the second interview?

A Not really. It was more detail on the same kinds of things. I don't remember the detail at all.

Q Did they ask you any questions about Ray Maxwell or the specific individuals under your supervision?

A I don't recall. I just don't have any recollection of the specific questions.

Q Did you feel that the interviews were thorough and that you were able to convey all the information you wished to share with the ARB?

A Yes, I did.

Q During the course of the ARB review did you have any discussions with ARB members or staff outside of an interview?

A No.

Q From a process standpoint overall, what was your impression of the ARB?

A From everything I recalled from my own experience is that it was very thorough, there were very thorough questions. I recall having to explain some things because some of the members of the ARB didn't know how we do things, so --

Q What types of things?

A For example, why would NEA not have been involved in an issue involving DS funding?

Q Do you recall any other specific issues?

A Why was it -- there was one question that was asked is why didn't I know that Chris had gone to Benghazi -- Ambassador Stevens had gone to Benghazi. And I said because ambassadors don't have to ask for permission to move around their country.

Q When you first read the ARB report, I believe you said it was the unclassified version?

A Correct.

Q And what was your reaction to the report?

A My reaction to the report is that it was very tough.

Q Can you elaborate on what was tough?

A I thought it was, well, very tough. I thought that there

were many things mentioned in the ARB that were very difficult to know ahead of time that in hindsight were easy to point to as mistakes.

Q Can you give any specific examples?

A I'm not sure I can. It's been a while.

Q Did you feel the recommendations were appropriate?

A I would say yes.

Q You seemed to hesitate for a minute.

A Well, it's because I'm trying to recommend the recommendations. I want to be sure that I'm being accurate.

Q Yeah. If you would like to take a moment to review the unclassified version, just skim through it, refresh your memory.

A Well, what I do remember is there are 29 recommendations listed in here.

Q I understand.

A We broke them down to 65, because there are several elements to each one. So knowing that there are 65 different issues, I'm not sure that I can recall that I have a judgment on each one.

Q Okay. Did you have an opportunity -- when did you first have an opportunity to read the classified ARB?

A I didn't. I read it this week.

Q Okay. Was it provided in advance of preparation for this interview?

A Yes. Well, I asked for it. I had an opportunity -- I had plenty of opportunities to read it, and each time I had scheduled to read it, it was overtaken by a different -- by a crisis that I had to

deal with right now. I didn't have the luxury of sitting down and reading it.

Q So you had requested to read it prior to this past week?

A Absolutely. And it was scheduled to -- I had scheduled to read it many times.

Mr. Chuang. It might be helpful for you to clarify whether she read all of it or whether there was any part that was not made available to her.

BY MR. OHLY:

Q Did you read the entire classified ARB?

A There was one page or maybe two pages that were closed, so that I was not able to read them. I was given a sheet of paper that had only the paragraph in it relating to Ray Maxwell that appeared to be at least part of what was covered over.

Q So you had not read any of the other sections. Would that be other -- can you characterize where that material was in the report?

A I don't -- I mean, no. It was in the middle of the report.

BY MR. BEATTIE:

Q Do you recall reading anything about personnel accountability for State Department employees other than Ray Maxwell?

A No.

BY MR. OHLY:

Q Okay. I want to go to page 4 of the unclassified ARB report, and the first paragraph of finding number 2.

A Right.

Q It reads, "Systemic failures and leadership and management deficiencies at senior levels within two bureaus of the State Department resulted in a Special Mission security posture that was inadequate for Benghazi and grossly inadequate to deal with the attack that took place."

I just wanted to get your reaction to that finding.

A My reaction is that I wish I'd known what the situation there was. I wish I'd been told.

Q Do you believe there were leadership and management deficiencies within NEA?

A I do not.

Q The finding refers to two bureaus at the State Department. Do you believe NEA to be one of those two bureaus?

A Yes, I do.

Q Did you ever seek clarification on this finding?

A No.

BY MR. BEATTIE:

Q Do you believe that with respect to Ray Maxwell, do you believe that the -- do you believe what the Board found about Mr. Maxwell's conduct that it put in the report, was that at all related to a systemic failure or a leadership and management deficiency that

was at all responsible for the security posture that was inadequate in Benghazi?

A No. The issue that was reported about Ray in the ARB about his failure to read intelligence is a performance issue. However, because it's been determined that there was no intelligence that could have told us that this attack was underway, it wasn't material.

Q Could I just -- just to kind of carry on with that, I just had a couple follow-up questions to step back on, on your meeting with the ARB. I believe you said your first meeting was a group meeting, correct?

A Correct.

Q And I apologize if I just missed it. The second meeting, was that a one-on-one meeting?

A Not one-on-one. It was -- I was by myself.

Q Sure.

A But the entire ARB was there.

Q That's what I meant. Thank you. And I believe you may have said at that meeting -- let me put it like this -- at neither meeting were you asked about your supervision of Mr. Maxwell. Is that correct?

A I believe that to be the case. I don't recall any question about --

Q Sure.

A -- personnel issues.

Q Ex post, given what the ARB found about Mr. Maxwell, do you -- would it have been your preference, as his supervisor, you had

been consulted about the conduct that the ARB ultimately found by Mr. Maxwell to be problematic?

A I don't think I understand the question. How would I have been consulted?

Q If the ARB had asked you about Mr. Maxwell's -- would you have preferred that, as Mr. Maxwell's supervisor, they had consulted you about his performance matter issues?

Mr. Chuang. The ARB?

BY MR. BEATTIE:

Q Yes.

A Yes, because I could have told them that he had planned to retire within 3 days of the Benghazi attack happening.

Q Why is that relevant?

A I believe it's potentially, possibly relevant as to why Ray Maxwell stopped reading intelligence.

Q Could you elaborate on it?

A He told me, when I talked to him about it, that he had stopped reading intelligence in the weeks before he retired so he wouldn't get mixed up in public statements about what was classified and what was unclassified, about what he knew about the countries in his region.

Q Did you find that to be a sensible reason?

A I -- no, because I think it's quite easy to keep separate.

Q Did you tell him that at the time?

A I did.

Q What did he say?

A I was more -- he didn't say anything. But I was more concerned that he had not given that explanation to the ARB, because I thought that that would have given better context to the statement that he made to the ARB.

Q Thanks.

BY MR. OHLY:

Q And just to be clear, what was your understanding of the statement that he made to the ARB?

A That he had stopped reading intelligence in the weeks before the attack.

BY MR. SKLADANY:

Q Do you recall approximately how long your second interview was with the ARB?

A I know it went very much longer than it was scheduled. I believe it went for an hour and 45 minutes, something like that. It was very long. Very long for what was scheduled.

BY MR. SKLADANY:

Q How long was it scheduled for, do you know?

A An hour.

Q An hour.

BY MR. OHLY:

Q Do you believe the ARB report does enough to ensure a similar tragedy doesn't repeat itself in the future?

A For me, the advantage of the recommendations in the ARB report starts to get at the siloing, the separation of Diplomatic Security from the regional bureaus. So after 9/11 and after -- and supplemented by recommendations in the ARB, we were able to get a lot more connectivity with our Diplomatic Security colleagues so that we had more -- we had -- we could have discussions about these kinds of issues as situations developed and as planning needed to be undertaken for a security situation or a security platform.

Q Do you think it goes far enough to make that happen, or are there things that you wish they might have included?

A I can't say that there's anything in there that I wish might have been -- been included. And as much as the recommendations really support the idea of breaking down the silos, the Diplomatic Security silo, it does take the people involved, it takes us to make sure it happens and to -- and to make sure it continues to happen and isn't

just a one-time fix, because it has to be -- you have to fix the system and you have to fix the attitude that the system can be made to work where we talk about work on these things together in a much more effective way.

Q Are you familiar with previous ARB's?

A I know about the previous ARB's and I've --

Q Have you participated in previous ARB's?

A I've been interviewed by previous ARB's, yes.

BY MR. BEATTIE:

Q Which ones?

A The one when the Marine barracks was blown up in Lebanon when I was a Lebanon desk officer.

BY MR. OHLY:

Q How was your experience with this ARB compared to that ARB? Were there any differences?

A I guess the only difference that I can recall is that I don't remember anything about the ARB result of the Lebanon one. I was pretty junior then.

Q I understand. Do you recall if the interviews were transcribed?

Mr. Chuang. For which?

BY MR. OHLY:

Q For the previous ARB that you participated in.

A Sorry. The Lebanon ARB?

Q Yes.

A I don't remember.

Q And do you remember if your interview was under oath?

A I don't remember. You mean the Lebanon interview, was that under oath. I don't remember.

BY MR. BEATTIE:

Q The Benghazi ARB was not under oath. Is that correct?

A That's correct.

Q Nor was it transcribed?

A It was not transcribed the way this is transcribed, no.

Q Do you recall how it was recorded for posterity?

A I don't know. I know people were taking notes. I don't know if there was more than that.

Q Who did -- this is a housekeeping question from earlier. During the -- both interviews that you participated in with the ARB on Benghazi, do you recall which members of the ARB did most of the questioning? Was the questioning dominated by any of the -- many of the members in particular?

A I would say at least half of the questions were -- were asked by Admiral Mullen and Ambassador Pickering, but Hugh Turner asked a few questions, the public member asked a couple of questions. I don't remember which exactly which one -- I don't remember her name.

Q Ms. Bertini?

A Yeah. And -- and Dick Shinnick asked several questions, but I would say the -- half, the preponderance, were the two chairs.

Q Thank you.

Mr. Chuang. For the record, was that question about the first inter -- the group interview or the individual interview?

Mr. Beattie. Both.

Mr. Chuang. And was the answer --

BY MR. BEATTIE:

Q Was the answer consistent --

A Sorry. I was -- I answered on my individual interview.

Q Yes.

A That was -- that was my recollection --

Q I understand. Thank you.

A -- of the individual interview.

In the group interview -- in the group interview, I have a recollection that the public member wasn't there, but I could be wrong. I just don't remember her. The -- but the questions were asked by -- there were more questions asked by more members of the -- of the ARB. It wasn't as focused on Ambassador Pickering and Admiral Mullen in the first one, as I recall, in the bigger -- in the group one.

BY MR. OHLY:

Q Going back to my question with your experience with the previous ARB, I'm sure you're familiar there's been a number of ARB's in the past. ARB's make recommendations every time.

A Uh-huh.

Q Sometimes those recommendations may help for a while, but then we may experience similar problems down the line. I think there were some similarities drawn between some of the recommendations in

this ARB and the Dar es Salaam, Kenya, ARB.

A Uh-huh.

Q Do you feel that this ARB does enough to help ensure these are lasting improvements?

A I think it does, not least because -- well, both because the recommendations are detailed and -- and easy to understand. They're well documented. They're well explained, and because of the system that was implemented immediately to -- to understand each of the recommendations, to break them down into the 65 from the 29, and assign responsibility for -- for completing each of the recommendations, and meeting on a very regular basis with everybody who was involved with any part of it so we all knew what everybody else was doing and knew how everything we were trying to do fit in, and so we could have discussions about, okay, if the -- if the goal is to break down the -- the -- the impression, or the fact that DS is hard to engage with, what kinds of things do we all think would work and be appropriate to -- to -- to make fulfilling that recommendation a lasting improvement.

Q So you think it goes beyond just providing, say, brick and mortar solutions to security?

A Yes.

Q Okay.

A Yes.

Q I want to go back to where we finished our -- our last hour, and you touched on it a bit with my minority colleagues, the period

of time after the attacks. I just want to be clear. In the night of and the days following, the few days following, did you ever suspect there had ever been a protest or demonstration prior to the attacks?

A There wasn't a great deal of discussion about -- about exactly what happened, primarily because we were so busy working on how to take care of the people who were there, getting ready for the -- for the return of the four caskets and ceremony at Andrews, and -- and working to make sure that all of my other embassies weren't going to -- all of my other embassies had the security arrangements in place to prevent anymore disasters.

Q So is it safe to say in the -- in the days after, you were more focused forward than --

A Yes.

Q -- what had happened?

A Yes. There -- that's right.

BY MR. BEATTIE:

Q I believe you said -- I heard you say I think right at the end of our first hour that on the night of the attack, you had heard somehow that Ansar al-Sharia had claimed somehow responsibility for the attack?

A That's right.

Q Do you recall how you heard that or where that information may have come from?

A Greg Hicks told me that on the phone, that he had seen some claim of responsibility by Ansar al-Sharia. I don't recall how he saw

that, but that's how I heard.

Q Had you -- had you heard about this group, had any information about this group prior to your conversation with Mr. Hicks that night, or was this a new group to you when you heard it from him in Libya specifically?

A We knew that Ansar al-Sharia was active in the region.

Q Yes.

A I didn't have specific information about what platform they might have or what activities we might have been able to document in intelligence terms about what their activities in Libya had been, which is why I immediately asked our Intelligence and Research Bureau to go through all of their -- their -- their files, their -- their intelligence reports to see what they could track down in terms of what -- what had been known about Ansar al-Sharia in Libya.

Q Sure. Did you -- did you at any point, for whatever reason, revise your assessment of whether Ansar al-Sharia had any responsibility for the attack in the days after you spoke to Mr. Hicks about them?

A I didn't know if they -- I knew -- Greg said they took responsibility for the attack. I had no judgment on whether they had undertaken the attack. Taking responsibility and undertaking the attack are two different things.

Q Understood. I guess my question is, were you apprised of any information that changed your understanding of their claim of responsible -- they had, in fact, claimed responsibility?

A Yes. A couple of days later, I heard that they had withdrawn their claim of responsibility.

Q So a couple of days after September 11?

A Correct. I don't remember which day. It was the 12th or the 13th.

Q So can I just -- I'd just like -- I have a document I'd like to introduce --

A Sure.

Q -- and just ask you about. It's related to this -- this topic.

Mr. Beattie. Actually, why don't we go off the record.

[Discussion off the record.]

[Jones Exhibit No. 4
was marked for identification.]

BY MR. BEATTIE:

Q So I'm going to introduce an email as Exhibit 4. This is an email from [redacted] sent Wednesday, September 12th, 2012, at 12:46 p.m. It's sent to a number of recipients. I'll just read them off: Victoria Nuland, [redacted], William Burns, Wendy Sherman, Joseph Macmanus, S special assistants Jacob Sullivan, Patrick Kennedy, Cheryl Mills, [redacted], [redacted], [redacted], NEA staff assistant DL, [redacted], Gregory Hicks, Raymond Maxwell, [redacted] -- I apologize -- [redacted] --

A [redacted]

Q [redacted]. Okay. [redacted]

A [redacted]

Q [redacted] I apologize. Elizabeth Dibble, [redacted], NEA Libya desk, NEA DAS DL [redacted], Philip Gordon, [redacted], Beth Jones.

And the subject is Libya update from Beth Jones. And the text reads, from -- I apologize. Yes. And the classification is, in fact, unclassified. And the text reads, from Acting Assistant Secretary Jones, I spoke to Libyan Ambassador --

A Aujali.

Q -- Aujali at about 9:45 a.m. and told him that we would like to help him ensure that our wounded in the hospital in Tripoli are not disturbed by the investigation that Libyan officials are apparently beginning to conduct. I said, We appreciate the Libyan desire to conduct an investigation, but I vehemently stressed the importance of allowing our wounded to recover in peace without the slightest disturbance. I thanked him for the excellent care that Greg Hicks told us the wounded are receiving from Libyan doctors. I also emphasized the importance of Libyan leaders continuing to make strong statements. Aujali noted that his President and Prime Minister had apologized publicly to the American people and the families of the victims. 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. Aujali said the people of Libya are shocked by the attacks and deeply saddened by the loss of Chris Stevens. He is the man of Libya. He

said he fervently hopes that this attack will not affect the relations between our two countries. The Libyans sincerely appreciate what the United States has done and is doing in Libya. I informed him that it was too dangerous for our personal to remain in Benghazi and let him know that we have pulled everyone out.

That was the email. I just have a few questions. Could -- first, could you clarify who [redacted] is?

A He's my -- my special assistant.

Q Okay. So I think our understanding when we saw this email was that he was relaying a message from you to the recipients on your behalf. Is that correct?

A That's correct.

Q Could you just explain why it was necessary for him to relay it, rather than you send it directly?

A I was making so many phone calls and receiving so many phone calls, that I needed help in recording these conversations and getting them to the broad distribution that I needed to have them go to. And we realized in the course of the evening of -- of the 11th and morning of the 12th that the fastest way to do that is for me to be on speaker phone in these conversations and have someone at the computer summary -- writing the summary of the conversation so that it could be reported as close as possible to the time that the conversations occurred.

It saved a tremendous amount of work on everybody's parts that I didn't have to either be so delayed in writing -- in typing it up

myself or trying to report all this in many phone calls with all of these people.

Q Understood. Thank you. And in the email, you said that you spoke with the Libyan ambassador. I take it, just to be clear, that's the Libyan ambassador to Washington?

A Correct.

Q And this was at 9:45 a.m. on September 12th --

A That's right.

Q -- the morning of the 12th, Washington time?

A That's right.

Q Okay. Now, we talked a little bit earlier about Ansar al-Sharia and your awareness of claims of responsibility --

A Right.

Q -- their claims of responsibility for the attack in Benghazi. At the time that you had this conversation with the Libyan ambassador, that was -- that remained the most current information you had. Is that correct?

A Yes, that's correct.

Q Okay. Had you received any indication at this point that led you to a different conclusion?

A No.

Q How did the Libyan ambassador react to the -- that information?

A He said -- he reacted in a receptive way. He didn't comment one way or the other on it. My purpose in -- in -- in stating that

to him was my -- my worry that -- well, I knew that we needed to investigate what happened, and we needed to have Libyan cooperate -- Libyan government cooperation in order to conduct an investigation. And I wanted to -- to lay down a marker that -- with him that he would convey to his colleagues in the Libyan government that to claim that this would have been done by Qadhafi loyalists was an avenue that was probably incorrect, and that -- and that it was likely, from this report, that Islamic extremists had undertaken this -- this attack, and that we wanted to be sure that they knew that their territory was being used by these kinds of people and that -- and -- and it was a way to -- to lay the groundwork for a better -- a better cooperative investigation and to remove the possible resistance that our territory can't possibly be used by Islamic extremists; it's just all those old Qadhafi loyalists who are doing these nasty things. So my purpose was to lay the groundwork for the -- for -- for an appropriate investigation going forward.

Q Without getting into anything classified, did you have reason to believe at the time that there were Libyan extremists -- or excuse me, Islamic extremists operating in Libyan territory?

A Yes.

Q Now, you said earlier that subsequent -- well, let me ask. You received countervailing information about Ansar al-Sharia's responsibility -- claiming responsibility subsequent to this. Is that correct?

A I received word that they had -- they had rescinded their

claim of responsibility. I still had no idea who'd done it.

Q In your experience, extensive experience in this part of world with Islamic extremist groups in general -- how do I phrase this? Would you be able to take a counterclaim, so if a group like Ansar al-Sharia claimed responsibility and then someone else claiming, you know, speaking -- to speak for the group then said this group is not responsible, would you take that as a definitive statement or would it still be possible that members of the group might be in some way responsible?

A Well, I would not take it as a definitive statement. I would take it as an interesting point of information.

Q Okay. Thank you. And again, not without getting into anything -- anything classified, can you say whether -- once you learned that someone said that Ansar al-Sharia may not have been responsible, did you -- did you still have reason to believe that Islamic extremists may have been involved in the attack?

A I didn't know who was involved in the attack. That was something that was being looked at intensively by the intelligence community. I wasn't really involved in that, in that review.

Q Were you privy to any of that information?

A It was discussed, yes. I was privy to the discussions. But the issue of Islamic extremists in Libya came up primarily because of the border control issues that we knew were a problem, that all of us had been working on, including, as you know, Ray Maxwell.

BY MR. OHLY:

Q The night of and the days after you were involved in a lot of conversations, it sounds like you were more in touch with Greg Hicks in Libya?

A Right.

Q Were you involved at all in discussions with the military and the deputies committee, folks at the White House?

A There were quite a number of -- of interagency meetings, quite a number of interagency meetings. I participated in many of them. But it's my understanding that --

Mr. Chuang. Well, are you talking about classified meetings, or just in general, were their communications about these issues? Maybe we should take it step by step and then she can identify what's classified and what's not.

BY MR. OHLY:

Q Let's start with generally whether she was participating in these discussions, classified or unclassified.

A Yes, I was.

Q And to the extent they can be discussed in an unclassified setting, the substance of these conversations, or --

A The problem is it's very difficult to discuss that in an unclassified setting.

Q Okay.

Mr. Chuang. You mentioned -- you kind of -- you mentioned military, you mentioned deputies. Maybe you should just break these things down so you can get a better understanding of --

BY MR. OHLY:

Q Okay. Did you have any direct interactions with the military?

A I had no direct interactions with the U.S. military. Is that what you mean?

Q So with the, perhaps, Libyan military?

A No, not with the Libyan military.

Q Okay. Did you have -- were you a participant in conversations with other State Department personnel and the military, whether you were a direct participant or not?

A I was an -- well, yes, I was involved in interagency meetings and the military participated in that, yes.

Q Did you participate in meetings with the White House absent the military or other agencies?

Mr. Chuang. You mean directly speaking to White House personnel?

Mr. Ohly. Uh-huh.

Mr. Chuang. Without -- outside of an interagency meeting?

BY MR. OHLY:

Q Yes.

A No.

Q So any interaction with the White House would have been in an interagency meeting. Is that --

A Yes. That's right.

Q Okay. Was any of the interaction with the military outside of an interagency meeting?

A No.

Q Okay.

BY MR. BEATTIE:

Q Did you attend any National Security staff meetings on September 11th or 12th specifically related to the attacks in Benghazi?

A When you say a "National Security staff meeting," what do you mean?

Q Did you participate in any meetings with staff of the National Security staff?

A I participated in no meetings that was exclusively with National Security staff, no.

Q Did you participate in any deputies committee meeting?

A Can I --

Mr. Chuang. Well, and I think part of it is maybe you're not asking the right question. I mean --

Mr. Beattie. Sure. Feel free to help me out.

Mr. Chuang. You had asked about interagency meetings, and I think that's what -- she indicated that she had interagency meetings that included NSS or what have you.

Ms. Jones. Yeah.

Mr. Beattie. I was just trying to break it down --

Mr. Chuang. Yeah.

Mr. Beattie. -- to be more constructive.

BY MR. LEWIS:

Q I'm sorry. Does that mean that you did attend the deputies

meetings on September 11th and into the morning of September 12th?

A There were no deputies meetings on September 11th.

Q And into the morning of September 12th?

A I don't think there were any.

Q Okay.

A At least there were none that I attended, that I participated in.

Q Okay.

BY MR. BEATTIE:

Q Were you aware that --

A Could I -- could I confer?

Mr. Beattie. Yes. Go ahead. Take your time.

Mr. Chuang. Well, okay. So maybe -- maybe part of the issue here is you said "attended meetings." My under -- could we go off the record for a second? Would that be okay?

Mr. Beattie. Yes.

[Discussion off the record.]

BY MR. OHLY:

Q I'll rephrase the question. Did you participate in any SVTS the night of the 11th or 12th that --

Mr. Beattie. The night of the 11th or on the 12th.

BY MR. OHLY:

Q Or on the 12th that were interagency that may have been considered or referred to as deputies committee?

A I did not participate in any meeting on the 11th that -- of

a SVTS or a deputies committee or any meeting on -- any interagency meeting on the 11th. I don't recall that I participated in any on the 12th, but I could have. I just don't remember.

BY MR. LEWIS:

Q As a follow on, without going into the substance, are you aware of the substance of those meetings and what was discussed in these meetings subsequent or concurrent to them happening?

A If there had been a SVTS on the 12th, I would have been there. I don't recall that there was one on the 12th. I believe they were on the -- they were later in the week, but if there -- if there was one on the 12th, I was likely there.

Q Okay.

A I just don't remember.

Q More for describing what's happening, there's a major incident happening in Libya; the normal course of events would be to convene a deputies meeting to discuss the response to that event. Is that correct?

A That's correct.

Q So it's reasonable to presume that a deputies meeting did occur upon notification of the event in Libya?

A It's reasonable to expect that. It's unlikely that it would have occurred while the event was underway. In other words, it's unlikely that it would have been a full-blown deputies committee SVTS while we were trying to get airplanes in to evacuate the wounded.

Q Would it be reasonable to expect that they would try to get

as many of the deputies committee attendees together on a conference call to discuss the unfolding events, without it being a formal meeting that is normally scheduled for the deputies?

Mr. Chuang. If you know.

BY MR. LEWIS:

Q If you know. Or --

A I don't know. It's certainly -- I'm -- I'm -- I'm -- it's certainly reasonable and likely that there were many -- many conference calls, certainly many secure calls, possibly in the form of conference calls that night. I just don't know.

Q But it's your understanding that if such a conference call existed or transpired, you were not a participant in that?

A I was not a participant on the 11th. I don't remember when all of the SVTS D.C. started. They could have been on the 12th. I just don't remember.

Mr. Lewis. Thank you very much.

BY MR. OHLY:

Q I just have a couple minutes left in my hour.

A Please.

Q There has been a lot of discussion about the talking points that were used on September 16th by Ambassador Susan Rice. I just want to know if you were involved in the preparation or discussion of the talking points in advance of September 16th.

A I was not.

Q And what was your reaction to the statements made by

Ambassador Rice on September 16th?

A I did not hear her testimony on September 16th. I did not read any transcripts of her testimony. I did read press reporting about her testimony, and I was surprised by it.

Q Can you elaborate on your surprise?

A I was -- the press reporting was focused on her saying that it had been a demonstration. And I was surprised that she was reported as having been forthright about a demonstration as opposed to still being uncertain as to exactly what had happened.

Q Was that contrary to your understanding of what was known at the time?

A My understanding of what was being discussed at the time was it was unclear what had happened, that there was some assessment that it was a demonstration and that there were other assessments that it had been a complex attack.

Mr. Ohly. I've approached my hour.

BY MR. SKLADANY:

Q Just one follow-up question. Earlier I think -- I forget if you were describing your own analysis or if this was something that somebody else had told you that the -- the attacks appeared to have been well practiced and that the use of the mortar -- the people who used the mortar appeared to have been trained to use a mortar. Do you recall at which point you became familiar with that set of facts?

A There are a couple of things to say. One, I didn't have any view on who had been trained to use mortars. I used the word

"trained" in terms of the mortar being trained on a --

Q Oh. Okay.

A -- target. That night, the way it was discussed among us was that -- and with colleagues around the building, that it would be unusual if mortars were able to hit their -- their intended targets without -- without practice mortars to hone in on what the intended target was; that normally, I was told, one would expect to see mortar fire around the target that then eventually hit the target as the -- those using the mortars gained experience on what they were hitting and what the -- what the arc, whatever the right term is, is needed in order to hit. That's -- it was -- it was that discussion that I heard that night.

Q So, in the case of Benghazi, the -- the mortar fire's more precise than what you would expect if it was an amateur or a novice using the mortar?

Mr. Chuang. Talking about her opinion, or what she was told?

BY MR. SKLADANY:

Q What you were told.

A I -- I had no opinion. And it was not a question of whether it was a novice or -- or someone who was inexperienced. It was a -- it was a question of had there been time to plan what trajectory was necessary from wherever the shot was being taken in order to hit that target.

Q I see. Okay. I get it now. Thanks.

BY MR. OHLY:

Q Just one last clarification. When you say "us," who are you referring to? You said we were discussing this.

A Oh. In -- in -- those of us in the NEA front office that night.

Mr. Ohly. Thank you. That's our hour. We can take a 5-minute break.

Ms. Jones. Thank you.

[Recess.]

Mr. Knauer. Okay. It's 2:15, and we're back on the record.

Let me -- let me just start off with the Exhibit 4 that we used in the last session here. I want to enter into the record a portion of a May hearing transcript. And I guess it would be Exhibit No. 7. This is hearing transcript page 50, line 112.

Mr. Powell. Exhibit No. 5.

Mr. Knauer. Oh, I'm sorry. Exhibit 5.

[Jones Exhibit No. 5
was marked for identification.]

BY MR. KNAUER:

Q And if you can go to line 112 on page 50, and I'm just going to read a portion for you. It's a series of questions from Mr. Gowdy to Mr. Hicks. And Mr. Gowdy asked this of Mr. Hicks:

"Mr. Gowdy: 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.

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 been released, Mr. Chairman, including the one that I'm 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'm 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 the Benghazi -- after Benghazi, but 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."

Did you watch our hearing at all?

A I'm sorry. Did I?

Q Did you watch our May 8th hearing?

A I did not.

Q Did you read the transcript?

A I read some of the transcript, not all of it.

Q Are you familiar with this issue?

A Yes, I am.

Q Okay. Is this issue that was discussed, since we didn't have the emails, is this the same email which is Exhibit 4?

A Yes. I believe it was.

Q Okay. Do you have any comments on what was said at the hearing in terms of that particular email?

Mr. Chuang. Talking about the --

Ms. Jones. I'm not --

Mr. Chuang. -- portion that you just read?

BY MR. KNAUER:

Q That or the email. The portion that I read or the email.

Q Well, let me ask -- let me ask it this way. At the time this email was written in your name, did the administration know definitively that Ansar al-Sharia was behind the attacks?

A No, we didn't know. We knew only that Ansar al-Sharia had claimed responsibility for the attack, which is a point of information, but it's -- and it goes into the analysis of what might have happened, but it isn't by any means a definitive statement as to who was responsible.

Q Does this -- I'm sorry. Does this email that is Exhibit 4 represent a definitive position of the government that this was an attack by Ansar al-Sharia?

A No, it -- it did not. What I was -- my effort in having this conversation with Ambassador Aujali was to get on the record for

him that it was not a useful avenue for his government to pursue to say that the attacks had been undertaken by Qadhafi loyalists; that -- that I was worried that if they maintained that it -- this was undertaken by Qadhafi loyalists, that we would not have the level of cooperation in the investigation that we needed to have in the possibility that Islamic extremists had been responsible for the attack.

Q So, at the time you wrote that email or had that email written for you in your name, it's unclear who was behind these attacks?

A That's correct.

Q And is it also the case that within either hours or the next day, that Ansar al-Sharia denied responsibility?

A They withdrew their claim of responsibility, that's right.

Q Okay. And is it both possible that -- well, let me strike that.

How much weight do you put on these initial claims from terrorist groups when they either say they are responsible or are not responsible?

A We take it as something -- an avenue to pursue, certainly nothing that's definitive; something that gives us an opportunity to look at -- at that claim, at that group and to see if there are people involved with that group who might have associates who are known bad actors who might have been involved in -- in the attack. It just -- it gives us -- it gives us a point of departure for an -- one of many points of departure for a possible -- for the investigation that was sure -- surely coming.

Q So at the time that email was written on your behalf, this is a snapshot guess at that point in time?

A That's right.

Q Amongst a number of other possible scenarios, actors and so on?

A That's right. But as I say, my primary goal was to make sure that the Libyan government didn't get stuck in the track of this being -- of old Qadhafi loyalists being responsible for this. I wanted to make sure that they kept their mind open to the possibility that there were others -- others -- others possibly involved in this.

BY MR. KENNY:

Q Can you just explain that concern a bit more, that the government might have blamed former elements of the Qadhafi regime? Did you -- were you worried that it was somehow politically convenient for them to do so?

A It wasn't so much that I was worried that it was politically convenient for them to do so, politically convenient in terms of their own inter-Libyan relationships.

I was worried that it was a little too quick and convenient an excuse for them to -- or convenient a target for them to -- to use as the group that -- the elements that had been responsible, when -- when I wanted to be sure that they kept an open mind to the possibility that -- that any kind -- any number of other groups, Ansar al-Sharia being one of them who had claimed responsibility at this point, could be one of them. I -- I was preparing the -- the way I like to put it,

foaming the runway, getting -- getting them ready for the kind of variety of -- of -- of issues that would come up in an investigation.

Q And what would have been the consequence of them having not kept an open mind? Why was this an important concern to ensure their level of cooperation?

A Because I wanted -- I wanted to ensure their level of cooperation. So the more I could -- I could keep them from closing their minds, the more we were -- we -- the more we could hope for good cooperation on an investigation.

BY MR. KNAUER:

Q And can you again summarize the events that you were dealing with in the Maghreb region with respect to the day preceding the writing of this -- this email, the Cairo attack, to the Benghazi attack, to the threat on Tripoli, and then the follow-on issues that happened in other Maghreb countries, or other countries under the State Department's purview, and then put this -- this in context to those events?

A There were -- there was the -- the demonstration in Cairo that breached the -- the compound walls of the embassy that were --

Q And relative to the writing of this email, that took place when?

A That took place on the 11th. The writing of this email was about 24 hours later.

Q Okay.

A A little less than 24 hours later. Then the attack on

Benghazi happened the evening of -- of the -- of September 11th. Then the threat to Embassy Tripoli happened later the same evening, very early the next morning into the 12th. At the -- on the 12th, we were then, because of what had happened in -- in Cairo and because we didn't know what had happened in Benghazi, we were worried about the -- the news reports that were broadcasting a lot of footage of what had happened in Cairo as a result of the video and were concerned that this would produce demonstrations against other -- others of our embassies in Islamic countries.

And sure enough, on the -- on the 13th, we had the attack in Sana'a against our embassy, on the 14th, an attack against our embassy in Tunis. And in the meantime, we had been -- I'd been canvassing all of our embassies in terms of what their security posture was, what the security cooperation was from their host governments, what the -- what the information was so far in the demonstrations heading to -- to their embassies. But this was mostly focused in all -- in these on reactions to the video.

Q Okay. So to be very clear, in writing the email that was Exhibit 4, your mention of Ansar al-Sharia was not a definitive understanding of who was behind these --

A That's right.

Q -- attacks?

A That's right.

Q Okay. I just wanted to ask you a few other follow-up questions. Did you think that the ARB was a thorough investigation?

A Yes, I did.

Q Did you think it was tough?

A I thought it was very tough.

Q Some have referred to it as a whitewash. Do you think it was a whitewash?

A I think it's the opposite of a whitewash.

Q Some have suggested that it was designed to protect people within the State Department. Did you see any evidence of that?

A I saw no evidence of that at all.

Q Do you want to clarify, or elaborate?

A I don't think I --

Q That's fine if you don't.

A No.

Q Do you think that the recommendations that it made will turn out to make diplomats serving overseas, if implemented, safer?

A I don't know. I hope so.

Q Okay. And at the time they interviewed you, do you know if the ARB members knew that Mr. Maxwell wasn't reading his intelligence? In other words, did they know that that information -- had they uncovered that information prior to speaking with you on your second interview, do you know?

A They did not discover that information from me. I didn't know that information until I was told it as the -- it came out of the ARB.

Q Right. But when they sat down with you, did you know if,

in fact, they had in fact already learned of that information, or is it possible that that could have been learned subsequent to your interview?

A It's -- I do not know whether they knew it at the time of my interview. It could -- they could easily have discovered it subsequent to my interview, yes.

Q Okay. And was the Maxwell not reading his security issue, do you consider that a serious matter?

A I do consider it a serious matter, but I consider it a serious matter in substantive terms for the full range of issues that -- for which he was responsible would have added considerably to his understanding of the situations in which he was working.

Q So was it at least appropriate for the ARB to flag that matter?

A Yes, it was.

Q Okay. And you had also talked about the trained mortar fire that you had learned of. Because the mortar was precise, did that give you any definitive understanding of who was behind that attack?

A That gave me no definitive understanding of who was behind it. And as much as I explained what I understood at the time, I think it's important to understand that none of the people I was hearing about this from are trained military experts. This was those of us in the front office of NEA talking about what it looked like to us. This was not a matter of -- I was not talk -- I was not talking with trained military officers.

Q So by using the word "trained" mortar fire, there's not some definitive position at the State Department at that point in time that that somehow gives you clear indication as to who's behind these attacks?

A No. It -- it informed my understanding of what could have happened, but it was certainly not definitive.

Q So is that just another data point?

A It's another data point.

Q Okay. It's our understanding that in your interactions with Tripoli following the attacks, there were press inquiries to people in Tripoli. Is that accurate?

A There were press inquiries. I don't recall if they were -- came to Tripoli first or to the State Department first, but yes, there were press inquiries.

Q Okay. Did you give a directive to tell individuals not to speak to the press or guide them in terms of how to interact with the press?

A I don't recall specifically doing it that time. Normally, I would ask that press inquiries be handled by the State Department.

Q If someone from the press was -- was contacting somebody in Tripoli on those events, how would that generally be -- how would you have recommended that that be handled?

A Normally, the public affairs officer would contact the public affairs offices in Washington, tell them they had this inquiry, and ask whether Washington wanted to handle it or would they like it

handled at the post.

Q So I want to talk a little bit more about the Sunday morning talk shows and some of the issues that arose in our May 8th hearing from that matter. So, at our May 8th hearing, Mr. Hicks said that the comments made by Ambassador Rice on the Sunday morning talk shows impact our ability to quickly move an FBI team to Benghazi. This was because Ambassador Rice's comments contradicted those of President Maghreb.

And are you aware of those statements that Mr. Hicks made?

BY MR. KNAUER:

A I am now.

Q Was Benghazi a serious security matter following the attacks?

A I'm sorry, how do you mean?

Q Was Benghazi, was the crime scene a serious security risk? Was it a safe place to go to immediately following the attacks?

A Because we had no one in Benghazi after the attack, it was very difficult for us to know what the security situation there was. What we were being told by Libyan Government colleagues was that the security situation was very difficult there. It would be difficult for us as well as it was difficult for them. And we were hearing the same kinds of things from other diplomatic colleagues who were in Benghazi.

Q Okay. At a May 8th hearing, Mr. Hicks references a phone call that he said he had with you where you seemed to be upset about him raising questions about what Ambassador Rice said on the Sunday morning talk shows. I want to mark this section of our hearing transcript as Exhibit 6.

[Jones Exhibit No. 6

was marked for identification.]

BY MR. KNAUER:

Q I'm going to read from this as well. So on page 76, beginning at line 1760 -- tell me when you're there.

A Yes, I'm ready.

Q So here Mr. Jordan is doing the questioning. He says: "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 then says: "And, again, what kind of response did you get from Beth Jones when you asked that question?

Mr. Hicks said: "I don't know."

Mr. Chuang. Mr. Hicks said she said.

BY MR. KNAUER:

Q States that "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 that line of questioning."

Are you familiar with that phone call and did it take place and what was discussed?

A I had many, many, many phone calls with Greg Hicks. I do recall speaking to him that day about the interviews, yes.

Q And were you upset with him?

A Not at all.

Q Did you tell him to stop talking about that?

A Absolutely not.

Q Okay.

A There would have been no reason to.

Q Okay. Mr. Hicks also said that his career began to go downhill after he had complained to you about the comments Ambassador Rice made on the Sunday talks shows. And I'm going to now mark a portion of the May 8th hearing transcript as Exhibit 7.

[Jones Exhibit No. 7

was marked for identification.]

BY MR. KNAUER:

Q And I'm going to begin on Page 139 at Line 3300. And here is what was said at the hearing. And this was from Mr. Gosar to Mr. Hicks.

"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. 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?

"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."

So Mr. Hicks said that he began to receive counseling from you,

Ms. Jones, about his management style. And did something change in the way you dealt with Mr. Hicks as a result of that particular phone call?

A Nothing changed in the way I dealt with Mr. Hicks as a result of that phone call, no.

Q Okay. Has he been retaliated against because he voiced concerns about Ambassador Rice's performance on those talk shows, to your knowledge?

A Absolutely not.

Q Did Mr. Hicks' views have any bearing on his employment status or his future job prospects as a result of those phone calls?

A Absolutely not.

Q Is there anything that you have heard in the public record regarding that discussion at our hearing that you want to elaborate on or clarify? Again, I don't know how much of the hearing you have been able to review either online or by reading the transcript, but --

A His characterization of our conversation is inaccurate. I did tell him -- he asked me why it was that Ambassador Rice had said what she said in the interviews. I said I don't know, which was a truthful statement because I had not been involved in any aspect of the talk show discussion -- the talk shows.

I don't recall whether the conversation continued about the discussion, the ongoing discussion about the cause of the attack in Benghazi, but there was discussion about was it a demonstration, was it an attack? And I knew very well that the Embassy believed it to

be an attack. I believed it to be an attack. So Greg Hicks and I were in complete agreement.

Q According to Mr. Hicks' testimony at that May 8th hearing, you visited Tripoli sometime after the attacks. I understand that part of the reason for that visit was to attend a ceremony for Ambassador Stevens. Is that accurate? Did you visit Tripoli after the attacks?

A I visited Tripoli after the attacks. I was there October 1st through 3rd. I had planned to go earlier, but Deputy Secretary Burns was able to go earlier, which was great, and he was there in time for a ceremony that was hosted by the Libyan Government. We had the ceremony that you mentioned there. It was scheduled to occur while I was there. So that worked out very well, yes.

Q Okay. So what was the reason for going on that visit?

A I had several reasons for going on that visit. First, it's my practice to go to posts that have had such a traumatic experience which, of course, Tripoli had had. I also wanted to visit Tunis and Cairo, who had had attacks as well in that timeframe. So I took the opportunity to visit Cairo, Tunis, and Tripoli on that trip to check in with these embassies, to work with the staff of these embassies, and to connect with the host governments about the investigation and the attacks as the kinds of things one might -- the kinds of actions we might take bilaterally to prevent these kinds of attacks in the future and to explore ways that our bilateral relationship could be enhanced to work more collaboratively on the kinds of issues that would have produced these kind of attacks.

In Tripoli, in particular I was worried about the morale issues at the mission, and I wanted to spend -- that's why I spent longer than longer than there at the other posts on this trip, to be able to spend some time not only with host government officials, but with Embassy staff.

Q I'm going to talk about another portion of our May 8th hearing, and I would like to mark this next exhibit as Exhibit 8.

[Jones Exhibit No. 8
was marked for identification.]

BY MR. KNAUER:

Q And if you can refer to the bottom of page 156, line 3734 beginning. So here is what Mr. Hicks said at our hearing, quote: "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."

So my question is, did you pull Mr. Hicks aside and tell him that he needed to improve his management style?

A I wouldn't called it pulling him aside. I had a sit-down session with him in Tripoli. This was the third counseling session I had had with him about his management and leadership and communications problem. The first counseling session I had with him, the first discussion I had with him was on September 14th. I had a subsequent one with him on September 23rd, both of those were by

telephone, and then this conversation was in person in Tripoli.

Q Did you find that people in Tripoli were, in fact, upset? Was there an issue?

A There were several issues, yes.

Q Can you elaborate?

A The issues revolved around Greg Hicks, his inability to communicate effectively with his staff. He had the practice of going off to meetings by himself, not communicating within the mission as to what he was doing, why he was doing it, how anybody in the mission might be able to participate in the mission of the mission. He had a preemptory delivery in the way he communicated with people, cut people off. He gave no credit to others for being able to do anything, and of course they felt they couldn't do very much because they didn't know how to participate since he was going off on meetings without communicating with them.

He did not report back on what had happened in the meetings, although people learned what had happened in the meetings once he'd sent in a reporting cable to us as to what had occurred. And they felt that -- they believed that he was -- didn't value their participation, that he was focused only on his own accomplishments and achievements.

One of the things that people talked about that had been particularly distressing is that when the President had called him to thank him for his leadership on that terrible night, when the Secretary called him to thank him for his leadership on that terrible night, he didn't convey that to the staff as something that they all shared and

talked about it in terms of what he had done rather than what the staff had done. The kinds of things that a good leader would have done, he didn't do.

In the previous conversations I had had with him, one was on September 14th, I said I was hearing that there were communications difficulties, that he hadn't yet appointed an acting deputy chief of mission, and that people were -- they didn't know what the chain of command was, they didn't know who to go to if they couldn't find Greg, they didn't know how instructions were going to be issued. The locally engaged staff didn't have any instruction.

The person who eventually -- at my instruction, I didn't tell him who to name as acting DCM but said he needed to name an acting DCM -- was then forbidden by Greg from communicating with the locally engaged staff about where they should go, when they should come back to work. The kinds of things that put the staff in perpetual turmoil were what I continued to hear.

I had the first conversation with him on September 14th to say, I'm hearing these things, it's a bad couple of days, I understand that there is turmoil, let's talk about some of the devices, some of the things that you can do to demonstrate that you are the leader, that you value people's participation, that you want to bring them all in together, and talked him through a few of the things that he might try to do.

We then heard within a week that not only had he not -- he had appointed an acting DCM, but not only had he not done any of these

things, but that it was getting worse, that even though I had discussed with him the importance of inclusivity, the importance of taking somebody as a note-taker, the importance of bringing them in on the discussions so that they had a sense of why they were there under these difficult circumstances, that he wasn't doing any of those things and was not passing on the kudos that he was getting for his and the mission's performance.

So I had another much longer and -- when I called him on the 23th of September I said, I'm going to have a difficult conversation with you because I'm hearing very, very difficult things. People are very upset with your leadership, management, and communications style. The kinds of things we talked about when I talked to you on the 14th aren't having -- you don't seem to have internalized and implemented any of those things. Talk to me about what you think the problem is.

He said he was very surprised -- this was on the 23rd -- very surprised, that he thought he was doing very well, that he didn't think he had any problems with the staff, that he was communicating very effectively. And I said, well, you may believe that, but I'm giving you the advice now that it is not coming across that way and that I would suggest that you examine how you are speaking to people and watch their reaction to see how what you intend to convey is being received, because I'm hearing, I'm being told, that it is being received very badly, and that he really -- that in order to be an effective leader he really needed to pay attention to these kinds of things if he was going to be successful as charge in the Near East Bureau.

Q Were you hearing these criticisms from one or two people or was it more than that? Can you characterize the volume of persons?

A I was -- before I got to --

Q Let me also ask, I don't know how many people are in Tripoli at that point in time when you say that you first started to hear of these complaints. So --

A At that point there were about, all told, about 50 people in Tripoli, but about half are in a different compound. So say 25, plus another 30, 40, maybe 50 locally engaged staff.

I was hearing -- these statements were being made to the desk officers. I didn't know who was making these statements. I was -- the country director came to Ray Maxwell and me and said, we've got a problem, the initial problems that we were hearing about haven't been rectified. We have got a serious problem in Tripoli. Here is the dimension. Here are the kinds of things we're hearing. And I said, well, I'll have another conversation with Greg right away to see if we can't -- if we can't help him understand the kinds of things that he needs to -- he needs to do in order to be a successful leader, particularly in a circumstance like this. We all understood this was a difficult circumstance and that people were upset.

When I went to Tripoli, I asked to speak to -- and Greg knew this -- I asked to speak to each of the staff members or as many as were available. And one of the people I spoke to first [redacted], who often has the best, or has a good understanding of what's really going on in morale terms in a post. [redacted]

[redacted]

Q And I don't know how to evaluate what you heard in terms of its impact on a functioning post. Can you give me some perspective on what those kinds of things that you were hearing mean in terms of running a post and whether or not there were material complaints?

A When you have a situation like that in which the leader is one who is seen as not consulting with any of the experts, the subject matter experts in their area, who is going off on his own and not coming back to tell people what he is doing and give them direction on how they might be contributing, you have no sense of cohesive mission. And people begin to think that there is no reason for them to be there and there is no reason -- that is the benign -- that is a benign result -- but then you get into discipline problems, there is no reason to pay any attention to him. And that gets us into potentially very difficult issues about obeying security requirements and that kind of thing.

So, for example, one of the issues that many people, the staff that I interviewed related, is a security -- he called a town hall meeting about security issues without having talked, without having

consulted at all with the regional security officer in charge.

Q Why is that an issue? What is a town hall security meeting, first of all, and then --

A Okay. A town hall meeting is a meeting that the chief of mission calls for all staff to discuss either a particular issue or to discuss a set of issues, to give instructions, to give context and to get feedback from staff on how they're feeling, to give an opportunity to ask questions in a bigger, sort of everybody together in one place.

Q Is that different than a EAC?

A Yes, completely different, yes.

Q Okay.

A And to call a town hall meeting on security issues without having consulted with the regional security officer ahead of time, the regional security officer is invited to the town hall meeting on security issues about which he knows nothing. And then Greg proceeded in that meeting to explain that a safe place to safe haven in the event of some sort of an incident at the mission or an attack on the mission would be in vehicles. And the RSO was completely horrified. Everybody else was horrified. They said that we have never been told that, we have never been told that that's appropriate.

And the RSO was very upset that here's the then number two person in the mission giving completely contradictory, contrary security instructions about which he hasn't discussed -- he hasn't discussed anything with the RSO. So it's that kind of thing that made people

very nervous about him, wondering what, you know, could we really trust his judgment, that kind of thing.

Q I think you said the RSO was horrified. How did you know the RSO was horrified?

A This is what was related to me.

Q Did you have a chance to interview the RSO?

A I did.

Q Okay. What did the RSO say? Did he confirm this?

A He confirmed that. He confirmed that he had a very hard time communicating with Greg, that he -- that Greg would want him to do things or undertake things that hadn't been discussed. The RSO wanted to discuss things with Greg, Greg wouldn't be available, and there was just dysfunction, disconnect in terms of the mission pulling together on issues that were of concern to the RSO. I started hearing things from the defense attache, I started hearing the same kinds of things [redacted] when I was there, that they were concerned about Greg's imperious posture, his failure to coordinate with them, communicate with them.

Q You talked to the defense attache?

A I did.

Q And who was that?

A I don't remember his name.

Q Okay. Were the issues that you were hearing early and then as you describe on your visit and perhaps in between, were these safety issues for Embassy staff or could they be --

A They were --

Q -- could they impact safety?

A They could. Whenever there is a leadership problem, you worry about the cohesiveness of the entire mission, and that relates to getting the collective judgments of all the people. You don't have a whole staff like that because just for fun, you have them because you want to have their input, their thinking, their wisdom pulled together, and having a leader who decides then what the way forward is on a particular issue. But particularly in a place like that, quite small place, pulling people together and getting their thoughts is a big part of leadership, and then explaining, pulling together the thinking, and then working out what is the way forward, what is the plan, what are we going to do next?

Well, I think, you know, the next step is that we need to see the opposition leaders, we need to see the prime minister, we need to do the justice minister on this issue, we need to see the defense minister on that issue. The defense attache is going to go with me to this meeting, the political officer is going to go with me to that meeting, this other political officer who knows the justice affairs is going to go with me to that, let's pull together the thinking on the kinds of things we need to ask about. That's what would normally happen in a mission, and none of that happened.

Q And did these concerns take on a special importance because of the environment in which Tripoli was really then in, in terms of security?

A If I had heard these kinds of leadership problems in another post where there were no security issues, I would have also been concerned and would have had the same kinds of counseling sessions. The fact that there were security issues at this post was also very important, particularly in, as I said, in assuring that people trust what the leadership is telling them to be worth following those instructions.

Q And you had mentioned that you had spoken to the defense attache. What did he say?

A It was a brief conversation. I said, how is it going with Greg? And he said, you know, it's hard to understand the directions he's going. And he said, how quickly are we going to get an ambassador in here for some leadership?

Q Okay. And I want to move to another portion of our hearing which touches on this, on page 157.

Mr. Powell. Exhibit 8. It is actually page 156, beginning on line 3741.

Mr. Knauer. Thanks.

BY MR. KNAUER:

Q I will just read the quote. "Mr. Hicks" -- and this is Mr. Hicks saying this, quote, "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, quote, 'I don't know why Larry Pope would

want you to come back,' end quote. And she said she didn't even understand why anyone at Tripoli would want me to come back."

Larry Pope is who at this point?

A Larry Pope was a retired ambassador who we asked to go into Tripoli, because he carried the title ambassador, to provide leadership at Embassy Tripoli when we could see that my counseling efforts with Greg Hicks weren't getting through.

Q And did, in fact, the meeting he is referring to in this testimony at our May 8th hearing, in fact, take place?

A This meeting took place. He has described it in a very different way from the way it occurred.

Q I'm going to give you an opportunity to describe it. But was there such a meeting between you and Mr. Hicks following Mr. Hicks' visit to San Francisco?

A Yes. I was in San Francisco, as well, for Ambassador Stevens' memorial service. I talked to Greg there as well, and we agreed that we would meet in Washington, which would be -- which would normally be the case whenever there was a chargé in Washington.

Q Okay. Do you want to -- you have the quote in front of you -- do you want to provide your understanding of what took place in that meeting and the characterization of your words?

A I don't recall saying any of those things and I wouldn't have said any of those things as quoted here. What I did say is that I recalled to him that we had had several counseling sessions about the difficulties he was encountering in his leadership,

communications, and management style in Tripoli, that I was concerned that he had not been able to make any changes in the way he behaved with his team, that I wasn't -- and I asked him if he could give me any insights into why that was the case.

He told me again that he didn't believe that he -- he thought that people were fine, that he couldn't imagine why there was any difficulty. And I said, but we have talked about this twice on the phone and twice in Tripoli. Now I'm talking about it again. What is it about what I've been saying that isn't getting through to you that there is a problem and that your staff sees you as an inadequate leader?

And I said it could be that this kind of job is one that you, Greg, are just not suited for. I said, you're very well known as a very good economist, that's maybe the kind of -- the line of work that you should concentrate on. It's perfectly appropriate in these kinds of situations for you to ask for curtailment and that unless -- I said, unless you really think that you can change the behavior that I have outlined to you now on multiple occasions, that he really, I said to him, he really should think about curtailment.

Q Did you say, quote, "I don't know why Larry Pope would want you to come back," end quote?

A No.

Q Did you say, quote, "And she said she didn't even understand why anyone at Tripoli would want me to come back," end quote?

A No.

Q Did any of your concerns with Mr. Hicks result from anything

involving Mr. Chaffetz's visit to Tripoli?

A No.

Q Did anything with respect to what you're saying to Mr. Hicks on his management style relate to any aspect of Mr. Chaffetz's time spent in Tripoli --

A No.

Q -- or how he interacted with Mr. Chaffetz?

A No. From everything I heard, Greg worked well with the CODEL.

Q Just as a final question in this area, did you ever retaliate against Mr. Hicks for anything that he did relative to Mr. Chaffetz's visit?

A Absolutely not.

Q What's Mr. Hicks doing now?

A I don't know what he's doing now.

Mr. Knauer. Okay.

Go ahead. Did you have something?

Mr. Kenny. Uh-huh.

Mr. Knauer. Go ahead.

BY MR. KENNY:

Q Secretary Jones, at the end of the last hour you discussed your reaction, your response to when you first learned of Ambassador Rice's statements on the Sunday talk shows on September 16th?

A Right.

Q And also what your beliefs were at the time. Just to be

as clear as possible, you did not participate in any way in the drafting or the development of the talking points relied on by Ambassador Rice?

A That is correct.

BY MR. KNAUER:

Q And I'm sorry, I said it would be my last question in the area we were previously discussing, but you had mentioned that you were hearing complaints about Mr. Hicks and began consulting with him in earnest --

A On --

Q -- on September 14th?

A September 14th.

Q And was September 14th prior to the talking points issue with Ambassador Rice?

A Since I didn't know the talking points were being developed, I don't know whether it was prior to.

Q But Mr. Hicks said that he had had a conversation with you after the talking points, after Ambassador Rice was on the Sunday talk show.

Mr. Chuang. Maybe you should recall for her when the Sunday talk show was, what date?

Mr. Kenny. September 16th.

BY MR. KNAUER:

Q September 16th. Okay. Yeah. So it was prior to that?

A I had multiple conversations with Gregory Hicks every day for weeks. So I recall especially the conversations that I had that

were counseling sessions because, because I know it's important to know when you've had those kinds of conversations with people.

BY MR. KENNY:

Q Returning to the development of the talking points in the week leading up to September 16th, to your knowledge did those talking points, were they originated from within the State Department?

A I don't know anything about the talking points. I don't know where they started. I don't know how they got written. So I don't know.

Q So are you familiar or aware with any documents recently released by the White House relating to the development of the talking points?

A Yes, I have seen all of that, yes.

Q Okay. And based on your review of those documents, your reading those documents, is it your understanding that the talking points were originated in the State Department.

Mr. Chuang. I think you need to ask her if she's read those documents.

Mr. Kenny. I thought I just had?

Ms. Jones. I heard about the documents.

Mr. Kenny. Have you had an opportunity to review those documents?

Ms. Jones. I have not?

Mr. Knauer. I think we're done on our side for this round, depending on what you guys do next. So we can go off the record.

[Recess.]

BY MR. BEATTIE:

Q I'd like just to introduce another document, mark it Exhibit 9.

[Jones Exhibit No. 9
was marked for identification.]

BY MR. BEATTIE:

Q Ma'am, do you need to review this one more time or can I go just ahead and read this?

A You can go ahead.

Q Okay. So this is an email chain. It's an unclassified email chain. On September 11th, 2012, at 7:55 p.m., [redacted] at the State Department sends an email to NEA staff assistants, NEA Maghreb, and Mr. Raymond Maxwell, "Subject: The [redacted] compound in Benghazi's under fire." Text: "Through intel channels" -- presumably this was learned through intel channels -- "that is where everyone is now." This email was forwarded on by Ms. [redacted], whose title is NEA staff assistant, on September 11th, 2012, 7:57 p.m., and she sends it onwards. And it just says, "Thanks. Pass to PDAS, A/S, still in SVTC."

Ma'am, could you just clarify, are you -- first of all, is it your understanding you're the A/S, assistant secretary?

A Yes, I am.

Q And the PDAS would be Liz Dibble?

A That's correct.

Q And I know we talked in our last hour about your recollection of any security video teleconferences that may or may not have been with interagency personnel --

A Right.

Q -- on September 11th. You had said I believe at the time when we talked last that you don't recall any. Does this change your recollection at all or could you clarify this email at all to the best you can remember?

A I have no recollection of going to a SVTS that evening. I recall being at my desk on the phone the entire evening. So I just flat don't recall.

Q Okay.

A However --

Q Yes?

A Well, I don't recall.

Q Okay.

A So I can't speak to it. Sorry.

Q Okay. Thank you very much.

Just a little housekeeping. Can we go just back to the administrative leave issue? As a supervisor in the State Department with a lot of experience, what is your understanding of the purpose of administrative leave?

A When I was first told that a decision had been made to move the four into administrative leave, I asked, because I didn't know what administrative leave means, and I was told in this situation all it

meant was that they would not be coming to work, but that they would be getting full pay, that they would not -- and that the arrangements that I had discussed with Ray Maxwell to move him into a different position in NEA were no longer operative.

Q And who told you this? Do you recall?

A I don't recall specifically, no.

Q Okay. Have you ever had to put anyone on administrative leave before? Not in this situation, but in other situations in your experience?

A I don't believe I have ever, no.

Q In your experience, how long does administrative leave typically last?

A I don't know that I have any experience with administrative leave, so I don't know what the standard is.

Q Okay. Is it your opinion it's a fairly routine measure or is it fairly uncommon? Just your opinion.

A In my experience it's uncommon.

Q Okay. And is it your opinion that it is a personnel sort of means to an end or is it part of a process of disciplinary action of some kind?

A I don't know. I'm not a personnel specialist. The only other times -- I'm not sure that that was administrative leave. So I actually don't know.

Q Sure. I apologize if this is repetitive at all, but do you have any concerns with respect to Mr. Maxwell, how he's been treated

with respect to his administrative leave?

A I don't think any of them should have been put on administrative leave, including Ray.

Q Do you have any idea why Mr. Maxwell is still on administrative leave?

A I don't know.

Q And have you ever heard of anyone being placed on administrative leave for as long as Mr. Maxwell has been on administrative leave?

A I have so little experience with administrative leave I really can't say.

Q Sure. You alluded to that. Okay.

One other housekeeping with respect to Mr. Maxwell. Were you aware of any discussions of perhaps sending Mr. Maxwell to Tripoli, Embassy Tripoli, after the attacks in Benghazi?

A I'm sorry. Was I aware of? Say that again.

Q Sure. I apologize. Were you ever aware of any discussions about sending Mr. Maxwell, Ray Maxwell, to Embassy Tripoli after the attacks in Benghazi?

A Yes. We discussed what kind of assistance and leadership support Embassy Tripoli needed after Ambassador Stevens was killed. We wanted to be sure not to do anything that seemed to undercut Greg Hicks as charge. My initial idea was to have Ray go out to -- just to have an extra pair of senior experienced hands. But I then thought it through and decided he was too senior, that it wouldn't be possible

for the deputy assistant secretary to go out there and be second fiddle to a more junior colleague and it just wouldn't be right to do it that way. And so decided that what made more sense is for [redacted] to go out, who wasn't as senior, who it would look more appropriate that it would be [redacted] there. And the added advantage of [redacted] going over Ray is that [redacted] had served in Tripoli, in Libya, and spoke Arabic and Ray did not.

Q Notwithstanding the concerns you've alluded to about Mr. Maxwell's seniority, did you have confidence in Mr. Maxwell, if you were to have sent him out there, to work on the ground in Tripoli?

A Absolutely.

Q Why is that?

A Why did I have confidence in Mr. Maxwell?

Q Yes.

A Well he was my DAS for the Maghreb. He certainly had demonstrated to me that he knew the issues. And I knew he had good experience in senior positions. I knew he came out of the management track, which in these kinds of situations can be a great benefit. But I couldn't square the circle on the level, number one. And the other, as we were considering this, he didn't bring with him the personal title of ambassador, which is why we felt we had to go to somebody who had that title. So I couldn't bring him in as charge over Greg and have that and concoct an explanation that looked reasonable.

Q Understood.

Mr. Chuang. Are you referring to a different time period?

Because we were talking about [redacted] versus Mr. Maxwell and now you are talking about a potential charge or ambassador.

Ms. Jones. Okay. It is basically -- thank you -- it is basically the same timeframe, because when something like this happens, the immediate question is, is the person who's left in charge as charge, is that the person who'd stay in charge? And I knew this in particular because I had been the DCM in Pakistan when Ambassador Raphel was killed, and a decision was made to immediately send in an ambassador. Which I told Greg. I said this is an absolutely reasonable thing to consider, and so that's why we're thinking about what's the best way to get you the help you need in the right timeframe -- quickly.

So we had two goals that we were trying to accomplish. One was to get senior help to Tripoli, to Embassy Tripoli for Greg, and to do it in a way that didn't undercut him. And second, if we decided that we needed to have somebody to go in, in a more senior level, and that would have been a decision that was made at a higher level, this is NEA talking now, we needed to have somebody -- we believed that the best way to proceed would be to have somebody who had the ambassador title. And had Ray been an ambassador someplace else, he would have been an easy choice, but he hadn't been.

Mr. Beattie. Thank you very much. That helps.

BY MR. OHLY:

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

A Okay.

Q And then I'm going to pass on to my colleague John, who has a few that he'd like to finish up with.

One of the things that was discussed or that witnesses testified at the May 8th hearing, they raised questions or suggested that a number of relevant decisions about Benghazi or security in Libya had been made by Under Secretary Kennedy. Did you have any visibility into any decisions made by Under Secretary Kennedy?

A I'm sorry, the timeframe was?

Q This is just generally, any decisions made by Under Secretary Kennedy about security in Libya during the period that you were the assistant secretary?

A I can't point to any decisions that I knew of explicitly that Pat Kennedy -- that Under Secretary Kennedy had made up to 9/11, other than the memo that extended Benghazi through the end of 2012. I knew about that, of course, because I was talking about how we needed to decide that issue, whether an extension was appropriate or should we do something else. So I knew about that decision but I didn't know -- I can't say I knew of any other Under Secretary Kennedy decisions up until the events began on September 11th.

Q And did you have any discussions with Under Secretary Kennedy after you became acting assistant secretary about Libya or security in Libya or military assistance in Libya?

A Not that I recall, no.

Q Okay. And you had mentioned earlier, and I think you just touched on it again, that you had talked to the PDAS, Elizabeth Dibble,

and Ray Maxwell about getting together in the fall to talk about the future of Benghazi?

A Right.

Q Do you know when you had that conversation with them?

A I don't recall specifically, but it was during summer. It was sometime after the elections, sometime in the summer.

Q July, August?

A Probably August. That's what one says in August, let's talk about this in the fall.

Q Okay. Another thing that's come up from a few witnesses at the hearing and elsewhere was that there were some questions about the independence of the ARB. Did you have any concerns about that?

A None at all.

Q Had you had any professional interaction or relationships with the members or the staff of the ARB? I know a lot of them came from State.

A Yes. The executive -- the person who was appointed as executive director, I guess she was called, of the ARB, [redacted], was someone I knew quite well having been the chief of staff to the deputy secretary until fairly recently, so I had had daily interactions with her, and I've known her through the years because she came out of NEA.

Dick Shinnick, who was on the ARB, is someone I had known for many years. I never worked directly with him, we never served at a post together, but he was the kind of person one just knew because he was in jobs that we all had interactions with at various times.

Ambassador Pickering was my ambassador in Jordan when I was junior -- the junior political officer in Amman in the 1970s, and I worked for him -- I worked for him then for a year before the new ambassador came in. And then, when he was under secretary for political affairs and I was the principal deputy assistant secretary for NEA, I had interactions with him then. I didn't report directly to him either time but we had reason to be in meetings together and that kind of thing.

Q And did you have any discussions with these individuals that you had previous professional interactions with outside of the context of the ARB?

A No.

Q During the course of the ARB?

A No.

Q Thank you.

BY MR. BEATTIE:

Q Just to clarify, so no prior professional interaction with Admiral Mullen or Ms. Bertini or Mr. Turner?

A Hugh Turner, I did know Hugh Turner, but I had known him very briefly when I was in Arabic training in Beirut. You know, he sort of knew a lot of people I was in training with and I kind of knew him then. So I knew the name. He became quite senior, again out of the Middle East, the NE crowd, so I knew of him, but I hadn't known him particularly well, and I did not know any of the others.

On Ambassador Pickering, when I was in the private sector I served

on two boards, two nonprofit boards with Ambassador Pickering.

BY MR. OHLY:

Q And that was the period immediately before coming back to the State Department?

A Correct.

Q Thank you.

BY MR. SKLADANY:

Q I'm going to ask questions about more recent things, kind of less related to Benghazi and more related to the congressional investigation and preparing for today. So just kind of changing gears entirely.

A couple weeks ago a State Department spokesman, I guess it was the daily press briefing and he was asked a question about the interviews that Chairman Issa requested, and he stated that the State Department had an interest in making sure the witnesses had time to be prepared to be interviewed. And so I just wanted to get your sense of whether you had time to adequately prepare for today's interview.

A Yes, I did.

Q Were documents made available to you to help you prepare?

A Yes, they were.

Q There were a number of congressional requests for documents since 9/11.

BY MR. SKLADANY:

Q There were a number of congressional requests for documents since 9/11. Do you recall participating in the process to identify documents that were responsive to those requests?

A I didn't participate directly in identifying the documents. I gave access to my staff to find all the documents that were responsive to the requests. And I made my staff available to review all those documents and for weeks.

Q The documents that you used to prepare today, were those -- the documents that your staff had identified, were those the same?

A The documents I used to prepare today were identified by the legal team, not by my staff.

Q Were they emails to or from or CC'ed you? Or were they also emails and documents that you had never seen before?

A They were emails to me and from me and emails on which I was CC'ed.

Q Exclusively?

A Exclusively.

Q Do you remember when you were first notified that Chairman Issa wanted to interview you?

A I don't recall the date. I saw the letter right away.

Q I think the letter was on May 17 that had your name on it, and we requested that you be made available for an interview. So when that was delivered to the State Department, it was at about that time that you found out that --

A That's right.

Q -- Chairman Issa wanted to interview you?

A That's right.

Q And do you recall when you began preparing for today's interview?

A Yes. I began preparing in earnest on July 1. I was on overseas trips prior to that, so it wasn't possible to prepare before then.

Q Those are all my questions.

A I'm sorry. I should say, I was given the documents before that weekend. Monday was July 1. I came back from a trip on the Friday before, which I believe was the 27th or 28th. And I got my book of documents then and prepared over the weekend. So I started that Friday -- or I got the documents that Friday.

Q I guess I should ask, too, I think it was on June 24 that Chairman Issa issued a subpoena to compel a deposition. Do you recall being made aware of that?

A Yes.

Q Was that the same day that it was issued?

A I don't recall. I was traveling overseas, so I was in a very different time zone.

Q Did that change the way you were preparing?

A No. We had already made all the arrangements to prepare.

Q Okay. I think that's all my questions.

BY MR. KNAUER:

Q I just have one more down here.

There were a bunch of questions asked about the ARB and the relationships the ARB had with interviewees at the State Department.

A Right.

Q Do you know of any inappropriate relationships in terms of persons getting a free pass because they knew somebody on the board?

A No. Not at all.

Q Do you feel like because you were on a board with Ambassador Pickering or you knew -- I'm sorry -- the deputy chief of staff or chief of staff --

A [redacted]

Q Yes. Because you knew her, that somehow you were given a pass?

A No, not at all.

Q Do you know of anybody who was given special treatment because they had a previous interaction, professional or friendship, with somebody on the ARB?

A Absolutely not, no.

Q Okay.

Mr. Ohly. We want to thank you very much for your --

Mr. Powell. Actually, I have one more. Sorry about that.

BY MR. POWELL:

Q I just wanted to clarify one thing. You said that you didn't think anyone -- any of the four people who were placed on administrative leave following the release of the ARB should have been placed on administrative leave. And I just want to clarify for the record based on something you said earlier, do you know what was found or recommended by the ARB on the three individuals other than Mr. Maxwell?

A I have no idea. I don't know whether the ARB recommended something on him either, on Ray Maxwell.

BY MR. KNAUER:

Q Well, you had said -- I thought you had said that you didn't think that they should be placed on administrative leave.

A That's correct. But I don't know what the ARB recommended on what should happen to any of them.

Q So is it possible that if you did know that your opinion may change, that you --

A It's possible.

Q Okay.

A I'm speaking from my experience and working with them.

Q Their character?

A Correct.

Q Okay. Gotcha. Thank you.

Mr. Powell. Thank you.

Mr. Ohly. We want to thank you for your time today.

Ms. Jones. You're welcome?

Mr. Ohly. You have been very generous.

And with that, the interview is over.

[Whereupon, at 3:45 p.m., the interview was concluded.]

INTERVIEW OF LEE LOHMAN

BEFORE THE

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, JULY 30, 2013

APPEARANCES

FOR THE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

JOHN OHLY, *Senior Professional Staff Member*
JONATHAN J. SKLADANY, *Deputy Chief Counsel for Investigations*
BRIEN A. BEATTIE, *Professional Staff Member*
JAMES LEWIS, *Senior Policy Adviser*
JASON POWELL, *Minority Senior Counsel*
CHRIS KNAUER, *Minority Senior Investigator*
PETER J. KENNY, *Counsel, Democratic Staff*

FOR THE U.S. DEPARTMENT OF STATE

THEODORE CHUANG, *Special Counsel*
ROBERT CHOO, *Attorney Adviser*
Office of the Legal Adviser

Mr. Ohly. This is a transcribed interview of [redacted], conducted by the House Committee on Oversight and Government Reform. This interview was requested by Chairman Darrell Issa as part of the committee's investigation into the attacks on U.S. diplomatic facilities in Benghazi, Libya, and the subsequent Accountability Review Board report.

Could the witness please state your name for the record?

Mr. [redacted]

Mr. Ohly. Good morning. My name is John Ohly. I'm a professional staff member with the committee's majority staff. I'll ask everyone else at the table to introduce themselves as well.

Mr. Beattie. Brien Beattie, with the majority staff.

Mr. Skladany. John Skladany, from Chairman Issa's staff.

Mr. Kenny. Peter Kenny, with the minority staff.

Mr. Powell. Jason Powell, with the minority staff.

Mr. Knauer. Chris Knauer, with the minority staff.

Mr. Choo. Robert Choo, from the State Department.

Mr. Chuang. Theodore Chuang, from the State Department.

Mr. Lewis. James Lewis, with the majority staff.

Mr. Ohly. The committee appreciates your appearance at this interview, your public service and dedicated service to this country. It offers unique insight that's extremely valuable to the committee.

Before we begin, I'd like to go over the ground rules, explain how the interview will proceed. The way the questioning proceeds is the majority staff will ask questions for up to an hour, and then the

minority staff will have an opportunity to ask questions for a period of time if they choose. We will do our best to limit the number of people directing questions at you during any given hour. We will rotate back and forth that way until we're out of questions and the interview is over.

If you'd like to take a break, whenever it's convenient for you, even if it's during an hour of questioning or if it's in between rounds, if you need water, if you need to use the restroom, check messages, please, just let us know. We want to make this process as easy and comfortable as possible.

The interview is unclassified, so if a question calls for any information that you know to be classified, respond only with unclassified information. If we need to have a classified session at a later date, that can be arranged.

We encourage witnesses who appear before the committee to freely consult with counsel, and you do have counsel present today. Will counsel please state your name for the record again?

Mr. Chuang. Theodore Chuang from the State Department.

Mr. Ohly. As you can see, an official reporter is taking down everything you say to make a written record, so we ask that you give verbal responses to all questions, yes and no, as opposed to nods of the head. I'm going to ask the reporter, please feel free to jump in in case you do give a nonverbal response. Do you understand this?

Mr. [redacted] I do.

Mr. Ohly. Also we should try not to talk over each another so

it's -- we get a clear record. We want you to answer our questions in the most complete and truthful manner possible, so we will take our time and repeat and clarify questions if necessary. If you have any questions or do not understand any of our questions, please let us know and we will be happy to clarify. If you honestly don't know the answer to a question or do not remember, it is best not to guess. Please give us your best recollection. If there are things you don't know or don't remember, please say so.

You should also understand that although this interview is not under oath, you are required to answer questions from Congress truthfully. Do understand that?

Mr. [redacted] I do.

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

Mr. [redacted] I do.

Mr. Ohly. Witnesses that knowingly provide false testimony could be subject to criminal prosecution for perjury or making false statements. Do you understand this?

Mr. [redacted] I do.

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

Mr. [redacted] No.

Mr. Ohly. Okay. That is the end of my preamble. The clock now reads 10:01, and we will get started with the first hour of questions.

Mr. [redacted] All right.

EXAMINATION

BY MR. OHLY:

Q At the outset, I think it would be helpful if you could just give us a brief walkthrough of your background and experience with the State Department.

A All right. I joined the State Department in 1977. I had been a bank examiner for the Federal Reserve Bank of Philadelphia prior to that and did a succession of assignments overseas and domestically, finally retiring in 2007. Subsequently, I was asked to come back on a number of different assignments, and in January of 2010, I was asked to come back for what was supposed to be a very short period of time as the -- as the deputy in the -- the bureau in NEA-SCA/EX for NEA, and I did that for just about 2 -- I guess a little more than a year, and then I was asked to do this job as executive director.

Q As the deputy, were you sort of one step down from the director?

A Right.

Q And in your previous experience with the State Department, what was your area of focus?

A The -- probably the easiest way to do this is to just run through the various assignments. My first assignment was in Switzerland. I did 2 years there. I was a general services officer and then had a similar assignment in the Hague for the department, then realizing that this was not the true experience of the Foreign Service, sent me to Sana'a for 2 years.

After that, I went to the Foreign Service Institute, where I was the head of the admin -- what was then called the Administrative Training Division and taught management officers, as they're now called, how to do what they do. I'm sorry. There's a -- there's a gap there. The first -- after I left Sana'a, it was a post management officer in NEA-SCA/EX for 2 years and then off to the Foreign Service Institute.

Subsequently I went to Amman, Jordan. I was there for 3 years. I arrived about 2 weeks before the Gulf War started, and so endured through that.

Mr. Chuang. Could you speak up for --

Mr. [redacted] Oh, I'm sorry. My apologies. It's a perennial problem. Please let me know.

And I was there for 3 years, then came back for about 10 months of training. Subsequently went out to La Paz for a year. Was then asked to leave La Paz and go to Cairo for 3 years as the management counselor there. Did that for 3 years.

Left there and went to London for 3 years as the management counselor. Came back and worked in senior officer assignments and ultimately was the deputy in the unit within our HR operation that assigns essentially everybody to their assignments overseas.

After that, I left the position, and I became the deputy assistant secretary over what's now called Global Information Services. Did that for 4 years and then I retired.

After retirement, I was asked to come back, as I was working on

the information-sharing program that was a very hot item after the -- the 9/11 attacks, and continued to do that for about 9 months. Then I was off for a while.

Came back and worked in one of the offices of the Bureau of Administration, and then subsequently was asked in 2010 to come and do this job.

BY MR. OHLY:

Q And who requested that, asked you to come back?

A His name is [redacted]. He was the executive director.

Q So you've said that your title leading -- sort of in that year leading up to the attacks in Benghazi, your title was the executive director of --

A Yes.

Q -- NEA EX. Is that correct?

A Uh-huh.

Q Can you walk us through a little bit about what that role meant and what your responsibilities were in that position?

A Sure. Our responsibilities break down into, I guess, four -- four areas and then one that is a little -- a little harder to describe. The four areas are finance. We provide financing for the post both in the NE bureau and the SEA bureau, and I need to explain to you what the breadth of this is.

Essentially, we're responsible for the finance, personnel, what you would think of as the General Services Administration kind of services minus the -- the buildings operations, which is done by a

separate part of the department, for all of the posts from Morocco to Bangladesh, including Iraq, Afghanistan, Pakistan, the Arabian peninsula, the Levant and so on. It's a total are of -- let's see. What do we have? We have 25 embassies, and I believe it's 18 consulates.

And as I said, we're responsible for the finance. We handle -- handle the money that is distributed to the post for their ongoing operations. We don't handle money that is associated with the overseas building operations, in other words, the construction of any -- at any missions or major enhancements to them, and we don't handle any money that is used for security upgrades or anything like that.

We have the -- on the HR side, we manage the assignment process for Foreign Service officers going to these posts, with the exception of consular officers, who are handled by the Consulate Bureau, and Diplomatic Security agents, who are handled by the Bureau of Diplomatic Security. General Services is largely a liaison function, where we are reaching out to posts and helping them with everything from allowances to transportation issues.

Q With respect to Libya generally, what was your -- your role and responsibility?

A Well, what we were doing was -- there's two pieces to it. One is -- one of the things that we do is evacuations, and so when we -- Libya was evacuated initially, we were sort of at the forefront of that.

When we returned in Benghazi, we were intimately involved in that, because our money was used for much of the transportation and much of the preparations to get into Benghazi.

Q And when you say "we," I just want to be clear.

A Oh, I'm sorry, NEA-SCA/EX.

Q Okay.

A No. It's the bureau money as opposed to the money from any of the other bureaus.

Q Thank you.

A Uh-huh. And when we ultimately moved back into Tripoli, we were intimately involved in that as well. And, in fact, the supervisory post management officer from my office was the lead management officer going back into Tripoli.

Daily contact with post on the issues that -- that I have just listed. And to a certain degree, we're the conduit of information going back and forth on departmental and management issues. So the -- and -- and that pretty much is -- is what we did with -- with Tripoli -- or I'm sorry, with Libya specifically.

Q Can you be a little bit more specific about what NEA EX's role was in security -- security-related issues in Libya?

A Uh-huh.

Mr. Chuang. And can you clarify, talking about security for the post or security for the country?

Mr. Ohly. Security for the post.

Mr. [redacted] Right. We were very much in support of Diplomatic

Security as they -- as they put their agents into, first, Benghazi and then, ultimately, Tripoli. We provided them with -- tried to get them visas, and perhaps we can get into that in a few minutes, but tried to get them visas. We were running the aircraft that was moving back and forth between, well, Malta at one point and Benghazi, and so we would line up the various agents with the transportation that was available. We made sure they had enough money.

We were working every day in Benghazi in particular with the information management officer who was there, because he was doing a job that was very unlike the kinds of things that he would otherwise do, so he needed daily guidance on how to get done what he needed to get done.

We also were sort of the sponsors of daily, or not exactly daily, but several times a week, we had teleconferences with both Tripoli -- well, actually Tripoli when they started up, but Benghazi occasionally as well. And Diplomatic Security would be on the line. The office -- the Overseas Building Office would be on the line. Sometimes we'd have allowances if we thought that was appropriate, and so on.

BY MR. OHLY:

Q Is it fair to say that you all were sort of the hub of coordinating OBO, DS, post and making sure everybody was on the same page and getting the resources they needed?

A Initially, I think that's probably right, but as the posts began to establish themselves and got set up in such a way that they

could operate with less hand holding, then OBO would tend to deal directly with people at post, as would DS, they would tend to deal directly with the people there.

Q And are we talking about Tripoli being -- Tripoli as post or are we talking about the Benghazi facility?

A Actually talking about both. One of the oddities about it was that when we set up Benghazi, it was -- it was almost managed separately than Tripoli until they got well established, and subsequently it was -- it was linked together.

Q What would be the time period where you say they were well established?

A I guess towards the end of 2011 they began to settle down.

Q Is this around the time the decision was made to extend the presence?

A Uh-huh.

Q Were you involved in that discussion and how that came to be?

A Yes. The -- the initial review -- well, the initial question of whether or not we would extend came up -- or stay there came up because we were looking at the logistics and financial aspects of continuing in Benghazi, and we raised the issue with the NEA front office with a variety of people and said we need to come to closure on this; there needs to be a decision made. We then became the office where the information about the extension in Benghazi was accumulated in a decision document that ultimately went to the undersecretary for

management.

Q So you said you raised it with the front office. Is that you personally or is that your office?

A I don't -- I don't actually remember the detail about who raised it. It could just as easily have been me saying, you know, we need to get on this, and we need to make a decision.

Q And who would have that -- who was that reference to, or who was that --

A It would have been -- well, I'm sorry. There's another piece of this, too, and that is that we were getting input from the post as well that they wanted some -- some decisionmaking about how this would be stabilized and where we were going, but the -- the assistant secretary, who was Jeffrey Feltman at that point, would have been involved. The -- and really everyone who was in the chain of command on the policy side.

Q Can we walk through that a little bit, the -- sort of the overall structure of the NEA --

A Sure.

Q -- and how information was coming from post, who -- who had responsibility for what --

A Uh-huh.

Q -- and who was handling what within NEA?

A Sure.

Mr. Chuang. Can you give him a time frame for that?

BY MR. OHLY:

Q Let's start with September 2011 and moving forward --

A Okay.

Q -- through the end of the year, and then we can move from there.

A I think the constant contact on the policy side would have been the desk, which would have been the Office of Maghreb Affairs. And simultaneously, we were also, as I said, in contact with them on various management issues, but on policy side, the chain of command really would have been from the desk to the office director, there was a deputy in between, and then to the deputy assistant secretary and then to the assistant secretary.

Q So the policy side would go up through the -- when you say "the deputy assistant secretary," is that -- are you referring to Raymond Maxwell or Elizabeth Dibble?

A No. I -- Ray Maxwell. I'm sorry. And the other piece here would have been Elizabeth Dibble as well as the PDAS, because she was part of the overall chain.

Q And did your office report directly to Elizabeth Dibble or to --

A I --

Q What was your report regime?

A I reported to the assistant secretary through the PDAS.

Q So was it more of a dotted line through the PDAS?

A Oh, no. It was --

Q It was a direct line?

A It was a direct line, yeah.

Mr. Chuang. We're talking about EX, right?

Mr. [redacted] EX, yeah.

Mr. Ohly. Yes.

BY MR. OHLY:

Q In your responsibilities, who would you be interacting with sort of on a daily basis discussing, you know, issues in Libya? This is, again, this period of September 2011 to the end -- to the decision to extend.

A Right.

Q Who were you interacting with on that decision, say, in Maghreb?

A Right. It would have been [redacted], who was the office director, or -- and really that's probably where most of the day-to-day contact would be. But, again, once the -- the policy considerations were something that I wasn't part of, and I was waiting for that decision to get made, because once that got made, then we put together all of the logistical aspects, the managerial aspects of establishing the post and what was needed for the posts.

Q Did you have any insight into how the policy decision was being made or who was making that decision?

A I certainly was privy to the conversations about the pros and cons, but ultimately, who made the decision? I guess, well, certainly on the policy side, it would have been the -- the assistant secretary.

Q I think you mentioned briefly that you had chaired regular meetings or that NE -- EX chaired regular meetings?

A Well, they were teleconferences.

Q Teleconferences?

A Uh-huh.

Q When did that begin?

A Oh, almost immediate -- well, not even almost. As soon as people were on the ground, so that we could give them the advice that they needed to operate.

Q And you said they were weekly for Tripoli and --

A I know they were -- they were more frequent for -- it -- it tended -- it tended to -- the frequency tended to drop off the longer they were there and the more they got established, then the less they needed us.

Q Okay. And I think you said that DS and OBO would attend those meetings. Who else would attend those meetings?

A It depended on what the issue was. If we had a particularly thorny issue with local staff, for example, we would bring in the people from overseas employment. And it really depended on what was out there, but the main players were OBO and DS and us.

Q Would Maghreb be a participant in that?

A They -- they often were. There were times when they couldn't make it, but they often were in the -- on the phone call as well.

Q And at what level were these conversations taking place?

Is this at your level, or is it individuals working on --

A Oh, it would be both. It would be people underneath us, because we were trying to deal with the mechanics of keeping the post going.

Q And were those discussions ever focused on security matters or security resources?

A It depended on who was -- was on the call. If DS was on the call and the regional security officer was, they might go into that, but I -- I believe that they also had separate -- I'm almost positive that they had separate telephone calls as well, as did OBO with the facilities managers at post.

Q And I apologize for jumping around.

A No, no, no. That's fine.

Q We're just trying to get a clear picture of how the -- how the different offices interacted, so I'm just going to go through a series of questions --

A Sure.

Q -- about how you interacted with the different folks within NEA. So --

Mr. Chuang. Are you still talking about that last quarter of 2011?

BY MR. OHLY:

Q Well, if you can walk us through how you interacted with them in that last quarter of 2011 and if that changed over time or how that evolved, please be as specific as possible.

A Sure.

Q So let's start with offices of Maghreb. What was your interaction with them related to security in Libya, security at U.S. facilities in Libya?

A Okay. Essentially, with -- with the -- with the Office of Maghreb Affairs, one of the things that we were trying to work out with them, which was a neuralgic problem, was getting visas for regional security officers going in. This was not only a problem for them; it was a problem for everybody going in. There -- sometimes people would wait 3, 4 weeks or more to get -- to get a visa. And the Office of Maghreb Affairs was pushing very, very hard, both at the -- at the level of the ambassador here and encouraging and doing what they could to get the Libyan government to realize that this was something that we were deeply interested in.

In terms of security issues, that pretty much was it, to be honest.

Q So they weren't as involved in sort of the day-to-day making sure posts had the assets or part of the facilities they needed. That was more you coordinating with OBO or DS?

A Well, yes, at that point. But then, as I said, later on, as we began to move, as they got more stable, what would happen is we would -- we would have fewer and fewer telephone calls, and DS, OBO would talk directly to their people.

Q What was the role of the post management officers and for security in Libya or their interaction with the post?

A Essentially, it was the liaison function. In other words,

we -- we were -- we were trying to determine what it was that posts needed to operate effectively. And our focus was -- tended to be on the money, on the human resources, on the -- things like food. We spent an enormous amount of time both in Benghazi and Libya working out the details so that they could get food. Contracting, particularly in Benghazi, the -- the information management officer was not a specialist in that area, so what we would do is we'd arrange somebody from the Office of Acquisitions to parachute in and do negotiations for a various services. And so that -- that was the -- that was the real nature of the -- the exchange.

Q If the post had concerns about things like the number of DS agents that were showing up at post or that -- you know, security facilities that they had or the capabilities that they had, would they funnel that through the post management officer, or how did that --

A If post had concerns about -- well, if post had concerns about it, it would be the regional security officer, and most of the conversation would take place with his counterparts in Diplomatic Security. We became aware of the fact that they were having -- well, it's not even that we became aware. We knew they were having difficulties getting people in, because everybody was having difficulties with visas. And at one point, this moves on a little bit if you want to into February, the numbers got so low, that the information management officer was very concerned about his ability to protect classified information.

And so I put in a call to Charlene Lamb, and I said, you know,

we are really concerned about this. What can we do? At that point, she said that the undersecretary, as we both knew, had authorized five positions for the post, then she was doing everything she could do, she said, to fill those, but we acknowledged there were visa issues.

In addition to that, the -- the other concern really was that as -- let me -- let me think back here. The -- the other issue was, as I mentioned before, there is -- there was a sort of bifurcation of the way that DS managed each one of the posts. It managed Benghazi almost as a separate issue. And she said to me that they were going to make Benghazi the responsibility of the regional security officer in Tripoli, all of which sounded good. And that was -- that was the conversation.

Q When did that conversation take place?

A It was February of 2012.

Q And since we're on the subject of your interactions with DS, how did that take place over the course of -- let's again do the same, sort of walking through end of September through the following year, so the year leading up to the attacks --

A Right.

Q -- your personal interactions with DS.

A Right.

Q How frequent was that, and who would you interact with?

A I didn't interact with -- with them until later in the year, and I think it was, say, March. I'm not exactly sure, but when we had a -- an issue with the SST team that was there. And the reason that

I did was that the issue had been raised by the -- the ambassador about the movement of the SST team. The -- he sent an email to the PDAS and said, what can we do about this? And we talked about it. I called Charlene Lamb and I --

Q To clarify, when you say, "movement," do you mean movement within country or their presence at post?

A No. Their presence at post. There was -- there was supposed to be an arrangement where they were going to move out and someone else was going to move in. And so I called Charlene Lamb and said, you know, the ambassador's concerned about this; is there something that can be worked out? And at the end of the day, the decision was made that they would stay in place.

Q Was that your only other interaction?

A Direct personally, yes.

Q How about individuals working for you? Were you aware that they were interacting with DS or --

A Well, they would be interacting with DS in terms of support. If, for example -- well, go back to the visa issue, or if there was something else that they needed, they had to get equipment in. The SST team for example not only had to get their equipment in, but there was a point at which they had to get their equipment out. And we were flying the aircraft. The post management officers really were the managers of the movements of the aircraft, and so they would constantly be talking to DS about what their needs were.

Q Did you ever have any interactions with anybody other than

Charlene Lamb, whether it be her supervisor, Scott Bultrowicz, or Ambassador Boswell?

A No. Not that I recall at all.

Mr. Knauer. Can you guys speak up?

Mr. [redacted] Oh, I'm sorry. No. Not that I recall at all.

BY MR. OHLY:

Q Who would NEA EX, whether it's the post management officer or you, be interacting with on a day-to-day basis at post about security? Was it the RSO? Was it the ambassador?

A We wouldn't be interacting with anybody about security specifically. There may be a collateral issue, but Diplomatic Security would be dealing with the security issues at post with their -- with their RSO's.

Q How about if they were not getting the support they felt they needed from the Diplomatic Security? Would they come to you or to anybody within EX to raise those concerns?

A They conceivably could. I don't remember that anyone did come -- certainly nobody came to me, to the best of my recollection.

Q Did you interact with any other bureaus or offices outside of NEA or DS regarding security issues for U.S. facilities in Libya?

A I'm not sure I understand exactly.

Q Any other areas of the State Department that you interacted with, any other offices or bureaus?

A Concerning security?

Q Concerning security, whether it's --

A Right.

Q -- you know, getting agents into the country or the number of -- planning for the number of agents you're going to have or getting --

A Right.

Q -- facilities constructed or funded.

A I understand. Oh, facilities constructed or funded. If it was facilities that --

Q Or upgraded.

A Yeah. Or upgraded. We would have -- we would have been talking to OBO quite a bit about it, about the construction of the facility and the enhancements in Benghazi as well as in Tripoli. And our role there would have been to, again, facilitate it, make sure that people could move back and forth. They got the engineers in that they needed. They got the equipment and the supplies in and so on.

Q Now, I know we have talked a little bit about this, but I'm going to come back to it --

A Sure.

Q -- and maybe try to do it in a little bit more systematic fashion. Can you walk us through your recollection, let's start with the leadup to the memo to extend --

A Uh-huh.

Q -- of how that came to be and then your recollection of what transpired over the following year, any concerns that you had with, you know, security at post or how events were progressing in Libya?

A Uh-huh. The conversations -- well, I -- I sort of laid out the conversations that we had about the extension of the -- of our presence in Libya generally, and it started with a recognition that we needed to formalize this, and then moved on to a question of the policy issues that were driving the size, composition of the post.

The other side of this was just the number of people that we could have on the ground, too, because that's the tough interplay. If you limit the total number of people you have on the ground, then the policy objectives that you can achieve are limited. And those were set, and so we -- we had to -- to work within those -- those constraints.

So the -- our role was to bring in the -- the policy justification, which was created by the Office of Maghreb Affairs, and then all the other components of that -- that memo. And basically, it went through a clearance process, where everybody looked at all of it and they said, okay, fine, we're ready to go forward, and we went forward ultimately to the undersecretary for management.

Q Do you recall who in the Office of Maghreb Affairs was responsible for drafting that policy justification?

A Well, I don't know who drafted it, to be honest with you. I mean, we got the clearance, and I don't remember who actually cleared on the document from Maghreb Affairs.

Q Okay. And so, then, your role is to make sure, to coordinate all the --

A We're consolidator for something like that.

Q For the resources that were recommended in that memo, say,

25

five DS agents for Benghazi that were recommended in that -- the final memo, where does that number come from?

A The number was originally put in there by DS. And when -- by Diplomatic Security.

Q Do you recall where in Diplomatic Security that originated, or if it was --

A I don't honestly know. I mean, they -- they worked it internally in -- within their bureaucracy, and then we got the text.

Q So, moving forward, that memo is -- is put together, you all are working with post and DS, I assume, on what facilities to occupy? Is that -- did your --

A We're working --

Mr. Chuang. Are you talking about Libya or -- Tripoli or Benghazi or --

Mr. Ohly. Benghazi.

Mr. Chuang. Okay.

Mr. [redacted] We were working with OBO, DS. And, frankly, we were working with M's staff as well. M was deeply involved in the -- the selection of the properties.

BY MR. OHLY:

Q And specifically who in M's staff? Or when you say "M" --

A Oh, I'm sorry. The undersecretary for management.

Q All right. Now are you referring to him personally or his staff when you say "M"?

Mr. Chuang. On what question? They were doing what?

Mr. Ohly. Involved in selecting the facilities.

Mr. Chuang. Selecting the facilities.

Mr. [redacted] They were the ones that we spoke to mostly, although I was at least in one meeting where the undersecretary himself was looking at the -- the schematics and looking at which property would be selected and so on and offering opinions, but the staffers were not -- were not -- were constantly providing input to us; not in the -- the sense of them having a personal opinion, but they were conveying the wishes of the undersecretary?

BY MR. OHLY:

Q Is that a normal arrangement --

A Uh-huh.

Q -- for M to be involved in selecting the facilities?

A When you say, "normal," what do you mean?

Q Is that common for the State Department?

A In a situation like this, it's -- it's consistent with -- with past practice for the undersecretary to be involved.

Q Past practice throughout your experience --

A Uh-huh.

Q -- at the State Department?

A Well, I think it -- it really is -- it depends on the undersecretary. Some -- some get more into the detail than others.

Q I guess we have heard that Undersecretary Kennedy is very involved in -- in the details. Would you say he was more involved in the details on this --

A Yes.

Q -- decision than --

Mr. Chuang. Could you just clarify, when you say the decision of -- we're talking about selecting a facility.

Mr. [redacted] Right.

Mr. Chuang. And my understanding is the facility was the villas that they were already using. So are we talking about which of the villas to keep? Which decision are you referring to, because there were several villas they ended up consolidating, I think.

Mr. Ohly. The makeup of the facility that they were occupying, what they were going to continue to occupy.

Mr. Chuang. Continuing to occupy.

Mr. Ohly. Whether or not --

Mr. Chuang. Because they already occupied the --

Mr. Ohly. Whether or not to continue occupying that facility.

Mr. Chuang. Okay.

Mr. [redacted] Yes.

BY MR. OHLY:

Q So Undersecretary Kennedy and his staff conveying his desires was heavily involved in that discussion?

A Heavily.

Q So we've sort of gotten to the point of the memo.

A Uh-huh.

Q And the memo's been issued.

A Okay.

Q Can you walk us through --

A Sure.

Q -- the -- let's start with the first quarter of 2012 and your recollection of any --

A Right.

Q -- discussions you had.

A Well, as I mentioned, the conversation that I had with Charlene Lamb based upon her concerns about -- or my concerns about the protection of classified information was -- occurred in -- in February.

The next time I had personal interaction was over the SST, and that was inspired by the ambassador's email. And in between, we were -- we were watching what was going on, but by that point, DS was dealing very directly with its own people, and so we weren't involved in anything like day-to-day discussions of security.

Q Were you aware of what the conditions were at post, for example, the number of agents that were there? Did you at any point have concerns that that was too low or they weren't getting any of the resources they needed?

Mr. Chuang. You're again referring to Benghazi?

Mr. Ohly. To Benghazi, yes.

Mr. [redacted] Right. I knew that the number was fluctuating up and down and so on, and -- but -- but I did not intervene and say to anybody this number is too low, we have to do something about it, because it -- it was not affecting classified material that we would be

responsible for, one of our responsibilities. And it also was -- well, it didn't. And the -- the number that they were getting in was -- varied so much. I mean, it would go up and go down and go up and go down, depending upon the -- the visas that they could get, the volunteers that they could get to go in as well?

BY MR. OHLY:

Q Were you aware of concerns from others within NEA, whether it was individuals under your supervision in EX or in other divisions or branches that had concerns about the security posture in Benghazi?

A I don't recall anyone coming to me and saying that, that they -- they had concerns. The -- the only time that this was broached to me, as I recall anyway, was in February.

Q So in -- it's our understanding that in April -- around the April time frame or sometime in the spring, there was only one agent at post at the time, and there may have been some attacks or demonstrations at the post at the time, but that wasn't something that you all would have looked at from EX and said, we're not getting the people in there we need, or going to DS and said, why don't we have more than one person?

A No. My concern -- well, no, we did not.

Q Whose responsibility is it to get those -- get those numbers in there and make sure that the -- they had the number of people they needed?

A Diplomatic Security.

Q EX's only role for that would be getting the visas processed

and helping them with transportation, but not any other side of it?

A Huh-uh. No. The people who -- who would go in on temporary duty assignments are all employees of Diplomatic Security.

Q Were you aware of any disagreements between the personnel on the ground in Libya and those in Washington about what was necessary to ensure adequate security at either at Tripoli or Benghazi?

A Disagreements, no. And let's -- I just need to make sure I understand the question exactly. The question being the numbers that were posited by Washington as being adequate versus the number that the people on the ground would be necessary?

Q Either what they thought was necessary or what they were receiving, or the upgrades that were being funded or any -- any of those --

Mr. Chuang. When you talk about upgrades, you're talking about physical security?

Mr. Ohly. Physical security.

Mr. Chuang. Can kind of break it down into people and physical security just so --

BY MR. OHLY:

Q Let's go with people first, and then we can go to physical?

A Right. I knew that there was -- there were conversations going on about getting TD wires in place, but to be honest with you, that's something that was happening in Tripoli. It was happening in Peshawar. It was happening in Sana'a. It was happening everywhere. The -- the pool of people that could be drawn for this was somewhat

limited. So I was aware of it, but -- I was aware of it.

The -- the other issue of the facilities having adequate equipment and so on, very different situation. I mean, we basically said whatever they need in the way of money that we can actually spend, they should have. And I'm not -- and Diplomatic Security has its own pots of money to do this. I'm not aware of any time when Diplomatic Security said that they couldn't have money to do things.

Q I'm going to introduce the public ARB report as an exhibit, and I'll ask you some questions based on it.

Mr. [redacted] Sure?

[[redacted] Exhibit No. 1
was marked for identification.]

BY MR. OHLY:

Q On page 4 of the unclassified ARB, the second paragraph under number 2 that begins, "Security in Benghazi."

A Uh-huh.

Q The last sentence of that paragraph states, "Embassy Tripoli did not demonstrate strong and sustained advocacy with Washington for increased security for Special Mission Benghazi."

A Uh-huh.

Q Do you agree to that -- with that conclusion?

A I don't know the basis upon which they drew it, but I -- there was not -- I was not aware of a drumbeat of concern.

Q Would that concern have come through EX, or would it normally have gone through a different channel?

A It would have gone through Diplomatic Security.

Q Is there any reason it could have come through EX?

A Sure. If the ambassador had been -- well, it could have come through EX, but if the ambassador was extremely concerned about it, he could reach out to the assistant secretary. He could reach out anywhere in the department.

Q Would it be more common for an ambassador to reach out to the assistant secretary or perhaps someone within Maghreb Affairs, or would EX be --

A Not necessarily.

Q -- the --

A Not necessarily. And before ambassadors leave, particularly for assignments like this, they have an interview with the undersecretary for management, they have an interview with the assistant secretary for Diplomatic Security. And Pat and Chris had known each other -- I'm sorry. The undersecretary for management and the ambassador had known each other for years, so it was a very cordial relationship.

Q Did -- was it your understanding that they did sort of keep in touch on a regular basis? And you're referring to Pat --

A Kennedy.

Q Undersecretary Patrick Kennedy and Ambassador Stevens?

A Right. I don't know that they did, but I know that the relationship was sufficiently cordial that they could have easily.

Q Also on page 4, the beginning of the finding number 2, it

states that, "Systemic failures and leadership and management deficiencies at senior levels within two bureaus of the State Department resulted in a Special Mission security posture that was inadequate for Benghazi and grossly inadequate to deal with the attack that took place."

A Uh-huh.

Q Do you agree with that assessment?

A No.

Q Can you elaborate on your disagreement?

A I think -- I think it's unfair to the -- well, let's go back to what the sentence says. It says, "resulted in a Special Mission security posture." I don't know what a "security posture" means, but let's say that it means the -- the structure of the physical facilities and the number and composition of the security contingence in Benghazi and Tripoli, for that matter. I think it's unreasonable for them to have drawn the conclusion that the -- the assistant secretary for -- in the bureau of Near Eastern Affairs would have had sufficient expertise to be able to opine on whether or not it was adequate.

Q When you say, "the assistant secretary," are you referring to Jeff Feltman and Beth Jones?

A Uh-huh. Yes.

Q Do you know if the ARB made any findings or conclusions about the Assistant Secretary of Near East Affairs?

A I'm not a -- well, I mean, when it talks about the leadership of the bureau, that's the leadership of the bureau.

Q So when you're referring to the first part of it, the systemic failures --

A Uh-huh.

Q -- leadership and management deficiencies at senior levels, you -- you equate that to the assistant secretary?

A I'm assuming that. I'm assuming that's what they meant.

Q Do you think that NEA had any significant role in the security posture of the special mission in Benghazi?

A Let's go back to what we mean about the security posture again. We're talking about the number of agents on the ground, the training and composition of the guards, the fortification of the buildings, the security procedures that would be used to protect the facility. There's no expertise in NEA that could competently provide an opinion on any of that. That's what we depended, relied on Diplomatic Security to provide.

BY MR. BEATTIE:

Q So just to follow up on that, so are you aware -- was anyone in the NEA opining on security concerns, for example, the number of -- you mentioned the number of DS agents went -- went down at various periods. Would anyone in EX or in NEA be in a position to opine on whether that was an appropriate number of security professionals?

A Well, the -- would they be in a position? Would they be in a position to provide a -- an understanding and knowledgeable opinion on this or simply have an opinion on it? There's a distinction.

The question really here is how -- how low is too low, and how

long is it going to last, and what's the ambient threat at the time that the number goes down. So people may have had opinions, but I wouldn't say that they were necessarily well informed.

Q And you may have talked about this earlier, but you -- were you personally aware of concerns raised by -- by people at post in Benghazi about the number of DS agents on the ground?

Mr. Chuang. Other than the examples he's already mentioned?

Mr. [redacted] Right. Which was the one in February?

BY MR. BEATTIE:

Q Okay. Other than that?

A Right. I don't -- I don't remember anyone -- I mean, there -- there was a concern, because they -- they were coming back to Diplomatic Security and asking the question, you know, this is what we think we need and so on. Some of those cables, when they came in, I would have paid attention to, to a certain degree, but the response going back is not something that I saw or --

Q What about -- what about noncable discussions? Let's say on email, for example, that sort of --

A I don't remember --

Q Okay.

A -- an email that -- that dealt with this, certainly at any length. I think there was one, I guess, that [redacted] had put in and being concerned about --

Q Who's [redacted]?

A [redacted] -- what was [redacted] last name? He was the --

Mr. Ohly. [redacted]

Mr. [redacted] I'm sorry. [redacted], yeah. He was the principal officer at one point, and he had concerns about it. And I think that was either shortly before or maybe shortly after I had talked to Charlene about the overall situation. There wasn't a subsequent set of emails coming through from the principal officer at post on this, so --

BY MR. BEATTIE:

Q Were you aware of any concerns that -- these communications from post about the number of DS agents on the ground, were you aware of concerns this wasn't being addressed by DS?

Mr. Chuang. Other than what he's already described?

Mr. [redacted] Right.

Mr. Chuang. Go ahead.

BY MR. BEATTIE:

Q Yeah.

A The -- that they weren't being addressed? I had no reason to believe that they weren't being addressed.

Q Okay.

A It was a question of what they could produce.

Q Sure. And just to go back and talk about NEA EX, interaction with the Maghreb office, in your dealings with Maghreb over the entire period, I mean, from sort of -- we can break it down. We have the period when you stood up the Special Mission in Benghazi, and then we have perhaps the period when Embassy Tripoli reopened, and from

then on, was there a -- sort of a go-to person that you would deal with in Maghreb on Libya, particularly Benghazi?

A I might, or people in my office might. The most common person to deal with was the deputy director.

Q Who was that?

A Her name was [redacted].

Q Would you deal with [redacted] at all?

A Uh-huh.

Q Okay.

Mr. Chuang. Say yes or no.

Mr. [redacted] Oh, I'm sorry. Yes. And I sat in on meetings with him every day.

Mr. Beattie. Sure. Okay.

BY MR. OHLY:

Q I'm going to jump to page 6 and the last sentence of the paragraph right before finding number three that begins, "Among various Department bureaus."

A I'm sorry.

Q The sentence reads, "Among various Department bureaus and personnel in the field, there appeared to be very real confusion over who ultimately was responsible and empowered to make decisions based on both policy and security considerations."

Interested in your reaction to that finding or that statement by the ARB.

A The sentence is a little confusing: "There appeared to be

very real confusion over who ultimately was responsible and empowered to make decisions based on both policy and security considerations." If what that means is that there would be a nexus, there would be a point at which the policy priorities and the security constraints or risks would be evaluated, then I think that may actually be -- is that fair? It -- it certainly wasn't a well delineated set of responsibilities for anyone to bring all of that together.

Q Who would have been responsible for trying to bridge those gaps or --

A Well, the decisions that -- the major decisions on the composition of the security capabilities or the security arrangements at post were very much in the hands of Diplomatic Security and the undersecretary for management, who was paying a lot of attention to this.

To the extent that there was a question about the interplay of the policy and so on, that presumably would have gone from Beth Jones to the undersecretary because of the limitations that he had established for both the posts in terms of the total number of personnel.

Q Now, the undersecretary for management, NEA is not --

A No.

Q -- under that reporting chain?

A No.

Q Who does NEA report to?

A The undersecretary for political affairs.

Q And would they have had any involvement in that sort of interplay between the policy side and the security side?

BY MR. OHLY:

A I'm not aware of any.

Q And were either you personally or folks within NEA/EX -- I think you mentioned at the end of December you were working directly with M staff --

A Uh-huh.

Q -- were you aware of others within NEA that were working with M staff? Were you working through your chain of command to M or was it directly straight?

Mr. Chuang. On what?

Mr. Ohly. On anything. But let's focus on the decision to extend.

Mr. Chuang. On anything in the world or anything about Libya?

Mr. Ohly. Anything about Libya.

Mr. Chuang. The decision to extend, you said.

BY MR. OHLY:

Q Let's focus on that.

A The decision to extend. The way that it worked is after we amalgamated all of the input for the decision document, then it went through clearance. And so we would have gone to M staff and had them look at it and clear it. I mean, the chain is long of the number of

people who actually cleared that document. So in that sense, yes, we would have dealt with them.

We would have also dealt with them on -- dealt with M staff -- and occasionally M directly -- on other issues associated with getting this not just cleared, but implemented, and other aspects of the configuration of the post.

Q I'm going to jump one more place, on page 30. The beginning of the last paragraph reads, "Another key driver behind the weak security platform in Benghazi was the decision to treat Benghazi as a temporary, residential facility, not officially notified to the host government, even though it was also a full time office facility."

A Uh-huh.

Q We heard at our hearing, on May 8th this committee held a hearing, and heard some concerns from the RSO, [redacted], about the issue of waivers. And I just wanted to get your understanding of how that -- whether waivers were required, how the decision was made on the facilities and standards.

A The decision to -- well, where to start? The decision to be in those villas is something that you've probably gone over, and so I won't belabor that. But the villas were the only things that were available at the time that even met the minimal standards. Remember, Chris Stevens had just gotten off a ferry with cars, he had gone into a hotel, there had been a bomb that went off. We had to find something and something quick. And, I mean, the Department has a whole had to find something.

Q And you're talking in the late part of 2011 as well.

A Right. And so after we became established there, the question then is how would this be secured. And Diplomatic Security sent in specialists who went through the place and did what they could do to secure it as well as reasonably could be expected.

Q And, again, what time period?

A That would have started -- that would have started almost immediately after they went into -- in fact, even before we went into the villas. Because at a certain point our people [redacted], I think, 2 weeks while people were looking at the villas to make sure that they could at least meet some minimal standard.

Q And this is in Benghazi?

A This is in Benghazi.

Q Was there ever a discussion, for example, when the decision was to extend the presence in Benghazi and to consolidate the configuration, was there ever a discussion of, hey, do we need to revisit the issue of waivers or standards?

A Not that I was aware of. Diplomatic Security manages not only the standard-setting process, but the waiver process as well.

Mr. Ohly. I'm just about at my hour, so we'll go off the record.

[Recess taken.]

EXAMINATION

BY MR. KNAUER:

Q 11:06, and we'll go back on the record.

Mr. [redacted], thank you for coming in. My name is Chris Knauer.

Jason Powell is to my left, and Peter Kenny. We're all on the Democratic side. I think we introduced ourselves earlier.

Much of my questions will, in fact, be redundant. I had a hard time hearing down there?

A I'm sorry.

Q So I'll probably be asking things that you've already answered, so I apologize for that.

So let's start a little bit from the beginning. Tell us what the Executive Office for Near Eastern Affairs Bureau does. What are its roles?

A We're responsible for finance for the management of funds for the posts in both the Near Eastern and South and Central Asian Bureaus. The particular kind of money that we manage is called Diplomatic and Consular Program appropriation. That doesn't include money for construction of buildings, and it doesn't include money for diplomatic security upgrades or operations.

Q So -- go ahead.

A And I was going to say, and so that we do on the financial side.

We're responsible for foreign service assignments in the sense that we manage the process. Selections are made for people going to post by the -- well, within the Bureau. That does not include the consular officers who are selected by the Office of Consular Affairs, and it doesn't include the regional security officers who are selected by the Bureau of Diplomatic Security.

Q So if there was a need to build a higher wall, that would not come out of your funds?

A Well, in this particular case it did. And it did because the building -- OBO's money is used -- I'm sorry, Office of Overseas Building Operations -- is used for permanent facilities. And because this was not a permanent facility, they needed additional funding to do it. And, as I recall, we funded the wall upgrade.

Q And how are you guys organized? Do you have a staff?

A The way that -- again, remember, there's South/Central Asia, and then there's a separate unit that deals only with Iraq, and then the rest deals with NEA.

In addition to myself, there is a deputy for all of NEA and a supervisory post management officer and then four post management officers for the 14 embassies, and I forget how many consulates there are. So each post management officer is handling multiple posts.

Q And I think you already addressed this, but it's my understanding that the Executive Director supported both the NEA Bureau and the Bureau of South/Central Asian Affairs since 1992? Is that accurate?

A Well, yes and no. In 1992, the NEA Bureau, which used to be both Bureaus, was split apart because there was interest in the part of Congress to have a separate bureau for South and Central Asian affairs. But at that time the decision was made that the Executive Bureau could cover both because the issues that -- the management issues related to South and Central Asia were so minor.

Q And I think some of the people that we've talked to up to this point have said that the Executive Office is mostly an administrative office. Would that be accurate?

A That's correct. In fact, before the name changed, that's what our officers were called, administrative officers.

Q And this will be a redundant question, but can you give us some examples of the kinds of decisions that the Executive Office would be responsible for making?

A We would determine how much money should be allotted to each post for it to operate, and by operate I mean, you know, turn on the lights, pay allowances, pay salaries to local staff, that sort of thing. We would make decisions about people who are going in management positions to the various posts. And then -- and those were -- as such, those were the decisions that we made or make.

Q And I think that we heard that you guys were responsible for life services, food and water, sanitation, staffing support. Is that accurate?

A But we don't make decisions about those. For example, the acquisition of the -- well, the contracting for food services, that's done through the Office of Acquisitions. But what we would do is facilitate that, and, in fact, we got in touch with them and sent someone out there who could actually do it on the ground.

Q So let's talk about security. What is the NEA Executive Director's role with regard to providing security for diplomatic posts?

A We don't have a role directly for providing security to

diplomatic posts. We're in support of the Bureau of Diplomatic Security as they do that.

Q All right. Is the Executive Office considered an expert on diplomatic security matters?

A We very much are not.

Q And who within the Department, then, is primarily responsible for making security-related decisions for diplomatic posts?

A It would be the Bureau of Diplomatic Security.

Q And is that where the expertise lies within the State Department?

A It is.

Q So with regard to Libya, what would Diplomatic Security's role be with respect to security at post? And when I say post, I mean both Tripoli and Benghazi. What are their roles and responsibilities?

A They would determine whether the physical facility was adequate in the circumstance of the -- or circumstance of post operations in an environment like that one. They would determine what upgrades would be needed to bring it to the standards that they felt needed to be achieved. They would determine how many security people needed to be on the ground, not only the RSOs, but also the security guards that might be hired. They did training for the security guards if there was a need for that training. They brought in security engineering officers who worked for them to do installations of special equipment that would be required for -- to enhance the security,

special lighting, detection equipment, and so on.

Q And so within Libya itself, while you were in the Executive Office that dealt with Libya, who did you understand to be most responsible for physical security in Benghazi? Who is the most responsible person on the ground in Libya during the period, say -- I think we were covering September 2011 forward to the attack?

A Well, in a legal sense, the Ambassador is responsible for security on the ground. But the person who has the expertise and the most -- well, has the expertise is the regional security officer.

Q And what is the role of the regional security officer then? What do they do?

A Their role is to determine the configuration of physical and procedural security measures at a post and to, you know, and to manage the resources associated with providing that security.

Q And the regional security officer, I'm going to called him an RSO, that person is trained in this capacity?

A Yes.

Q As their background?

A Yes.

Q And they have expertise to essentially assess what is needed at post?

A They either have the expertise or they can call on specialized expertise through the Bureau of Diplomatic Security.

Q Who do they deal with in Washington? So, for example, if an RSO needs additional staffing, who do they deal with?

A They would deal with the Office of International Programs within Diplomatic Security.

Q And who occupied that office?

A There were a number of people who --

Q Who is the head of that office?

A Oh.

Mr. Chuang. During what time period?

Mr. Knauer. During the September 2011 period forward.

Mr. Chuang. Till September 2012?

Mr. Knauer. Yeah.

Mr. [redacted] There were three individuals. One was [redacted]. The other one was -- god, name just jumped out of my head. I can't come up with it. And ultimately I guess [redacted] was -- I'm not so sure that he was responsible for the office as a whole or whether he was simply responsible for the desk associated with the Maghreb.

BY MR. KNAUER:

Q Okay. And to the extent that you interacted with the RSO or the Diplomatic Security Bureau, in what capacity would you interact with them?

A Well, in addition to the two specific examples that I've given, if they had a specific issue that needed our support, they needed to have equipment flown in, for example, or they needed to have -- one issue that was of concern also would always be allowances at post. One of the things that we did is to manage it so that we made sure that people who were on the ground were receiving the proper allowances for

being in a dangerous situation. That would be the nature of the exchange.

Q What's an allowance?

A For instance, if you're in a post like that, you get danger pay. And it would be that sort of pay that would go to people for being in a hazardous environment.

Q So your office would not be providing expertise in terms of evaluating physical security needs or personal security needs.

A No.

Q Does Executive Office make assessments on how many security personnel should be placed at any post?

A No.

Q I think you already answered this, but I'll ask it again. Does Executive Office make assessments as to what physical security is needed at a post, such as whether it has sufficiently high walls or appropriate setback in the case of vehicle bombs?

A No.

Q You guys don't go out with clipboards and other experts and do those evaluations?

A No. Diplomatic Security has those experts, and they are the people who tell us what it is that it needs to be.

Q Okay. Does the Executive Director have a budget for allocating resources to post for physical security-related items such as physical hardware or armed security personnel or does that come out of Diplomatic Security?

A It comes out of Diplomatic Security.

Q And does the Executive Director have the authority to commit physical security-related resources to a post, such as DS personnel or walls, lights, fencing, and so forth?

A No.

Q And if post had a security need, does it typically go from the RSO directly to the Diplomatic Security Bureau for the request?

A Yes.

Q Okay. I think it came up earlier, but if are the RSO feels like he or she is not having their needs filled, what does the RSO do to pursue a workaround?

Mr. Chuang. To his knowledge.

BY MR. KNAUER:

Q To your knowledge. Is there a system in place?

A Well, there is an accepted way of dealing with that, and that is you go to the Ambassador.

Q Okay. And then what is the Ambassador supposed to do?

A It depends on the nature of the problem.

Q If it's security related?

A Well, typically it would go -- typically it would go to the Assistant Secretary for Diplomatic Security, could go to the Under Secretary for Management, or could even reach out to the Assistant Secretary in NEA, although that becomes circular because the Assistant Secretary will then turn it around and send it to the Assistant Secretary for Diplomatic Security. We have no expertise.

Q Do you know if the Ambassador ever had to do a reach-out to ask for additional security while you were in your position? When I say reach out, to call Washington, for example, and communicate with somebody from the Diplomatic Security Bureau?

A I'm not aware that the Ambassador did, either Ambassador did. Although, as I pointed out, when Gene Cretz was in the position, he did ask the Assistant Secretary a question associated with the removal of the SST team, which we turned around and sent to Diplomatic Security.

Q Okay. And I think you were asked this a bit earlier, but did you as the Executive Director know that there were security needs at the post in Benghazi? When I say security needs, I mean physical and/or personnel.

Mr. Chuang. Needs in general --

Mr. Knauer. Needs in general.

Mr. Chuang. -- or needs that were not being met?

Mr. Knauer. Yeah, needs were not being met. Was this something that you were aware of? And if so, was it a peripheral awareness or was this something that you were frequently hearing?

Mr. [redacted] Oh, I was -- I knew that there were -- I knew that the number of people who were in Benghazi would go up and down, I was aware of that, simply because we were dealing with these issues associated with getting them into post. And in terms of the physical security, there was a constant attempt to enhance security over time, and we were aware of that.

BY MR. KNAUER:

Q And talk a little bit more about the visa issue. What was causing that? What was causing it and what was the impact on security?

A Oh, in -- the problem was that because this was a new government -- and now we're talking about the -- well, obviously, the timeframe from their arrival in Benghazi on -- because it was a new government, it was not well organized, and consequently the Embassy here ran into all kinds of problems issuing visas. To a certain degree, they didn't feel they had the authority, I understand. I was getting that secondhand from the Office of Maghreb Affairs. But they didn't feel they had the authority to do it.

The structure -- and it's not uncommon in other countries for the Ministry of Foreign Affairs to have to grant authority for a visa to be issued, unlike in the United States where you go to an embassy and you can get a visa.

Then they ran into very silly but practical problems. They had foils that didn't work at one point. I guess they got damaged or destroyed.

Q What's a foil?

A A foil is the thing that you put the visa into the passport with, and it shows that it's a proper visa. And they had problems like that. There were a number of them. And the Office of Maghreb Affairs, which deals directly with the Embassy here, was constantly trying to get them through.

Q Okay. I want to turn now to your interactions with certain

persons that we have certainly heard about or interviewed already in the course of this investigation, or have testified before our committee, and just get an understanding of how you interacted with these individuals.

What was Deputy Assistant Secretary Charlene Lamb's role in providing security in Libya?

A She was -- she was the -- probably the -- well, she was in charge of the -- of overseas operations. The organizational structure in DS was that there was an Assistant -- Deputy Assistant Secretary responsible for physical security. And then she was responsible for all overseas, essentially overseas security, the RSOs, and their operations at post.

And then above the two of them would be Scott Bultrowicz as the Principal Deputy Assistant Secretary, and then Eric Boswell and me.

Q And you had mentioned a couple of occasions where you interacted with Charlene Lamb. Was that frequent that you interacted with Charlene Lamb or was it relegated to those two occasions?

A It was those two occasions.

Q And who was, to your knowledge, Ms. Lamb mostly working with in Libya regarding security matters?

A She would have been working either through her desk or directly with the regional security officer.

Q Okay. And what about Regional Security Officer [redacted]? Did you work with Mr. [redacted] on security matters?

A No. I have seen -- I guess I saw cables that he had written

and so on. But I don't remember a conversation with him.

Q Okay. So it wasn't your day-to-day activity to --

A Oh, no, no, no.

Q Okay. Now, what role do you understand Mr. [redacted] to be playing with respect to providing security in Benghazi?

A After the conversation that I had in February with Charlene Lamb, she said that he was going to be assigned responsibility for security in Benghazi. As I mentioned previously, they were -- the two posts were somewhat managed out of Washington until they could be stabilized. And in an effort to enhance the security, she said she was going to centralize the management in Mr. [redacted] hands for Benghazi. That's consistent with the way the posts are organized overseas, a RSO typically is responsible for all the consulates in a country.

Q So Mr. [redacted] would have principal responsibility for all physical security needs in Benghazi starting when? When was this?

A This was February. And I don't know exactly when they told [redacted] that there was a formal -- that he was going to be responsible for it. But at the time that I had the conversation with her, she -- I think she replied that it had already been done.

Q And would the conversations then between the RSO and the Bureau of Diplomatic Security then be between the RSO, in this case Mr. [redacted], and a point person in Washington?

A Right.

Q Okay. So it wouldn't necessarily go back through Tripoli

through some other chain to get over to Diplomatic Security, it could literally be from the RSO to Diplomatic Security?

A Oh, yes. And, in fact, is all over the world every day.

Q Okay. And what about NEA? Would NEA play a role in processing security requests or would this generally be from the RSO directly to the Bureau of Diplomatic Security.

Mr. Chuang. What do you mean by processing requests?

BY MR. KNAUER:

Q Did NEA have to at all be --

A Approved.

Q Either approve a request or, you know, the person that prepared a request, or whatever, or is this the RSO directly to Diplomatic Security?

A Directly to Diplomatic Security.

Q Okay. And I don't know if you can comment on this, but did you understand Mr. [redacted] to be effective in advancing security needs up the chain to Diplomatic Security?

A When you say effective, what do you --

Q Effective. Did he -- was he able to present what was needed at a particular post and did he, in fact, get what he was asking for? Was he effective at least in making the case that he needed certain things? Again, I don't know if you have an opinion on this at all or if you were plugged into whatever his communications were with --

A Right. I don't have a sufficient amount of knowledge to be able to comment on that.

Q Okay. And what about Mr. Raymond Maxwell? Did you work with Deputy Assistant Maxwell on Libyan issues? If so, in what capacity?

A Well, as the Executive Director, I was doing all the things that I described previously with the post. And he was the -- he was the DAS for the area. Most of the --

Q I'm sorry, he was the what?

A Deputy Assistant Secretary, DAS --

Q For the area?

A For the area.

Q And what were his job responsibilities?

A As with almost every -- well, as with the deputy assistant secretaries, their focus is on policy, not on day-to-day operations.

Q So he's not a security expert?

A No.

Q Okay. He's not trained in evaluating physical security needs. Is that correct?

A That's correct.

Q And that was not the role he played?

A That's not the role he played.

Q Okay. I want to introduce a short selection from the transcript of Mr. Maxwell's interview with the committee as Exhibit -- I guess this would be 2.

[[redacted] Exhibit No. 2
was marked for identification.]

BY MR. KNAUER:

Q Just draw your attention to page 38 and 39.

Mr. Maxwell commented on your responsibility for post security and your accountability related to the attack in Benghazi. Beginning on page 38, line 26, Mr. Maxwell said, and I quote, quote, "A lot of people wondered, frankly, how [redacted] escaped investigation and accountability. He was Executive Director. The Executive Director is one in charge of finances, of staffing, and of security, and he reports to the PDAS."

A Uh-huh.

Q "But there was no mention of him in any of the -- he was completely overlooked," end quote.

Is that accurate? During 2012, prior to the attack on the post in Benghazi, were you, quote, "in charge of security," end quote?

A No.

Q How do you respond to Mr. Maxwell's comment? Do you want to clarify?

A Oh, yes. The Executive Director is one in charge of finances, that's true, of staffing, that's true. Although it's not Diplomatic Security staffing and it's not consular staffing of security. I'm not -- I'm not responsible for security. And he reports to the PDAS. Well, yes, I do, that's correct. The security piece is just incorrect.

Q So the PDAS is not responsible for security either?

A No.

Q Okay. And that would be --

A It was Dibble.

Q And what about Assistant Secretary Jones, was she responsible for security?

A Well, when you say responsible --

Q Physical security.

A Physical security, no.

Q Okay. And we've made reference to the -- we call it the Kennedy memo, but there is a December 27, 2011, memo titled under subject line "Future of Operations in Benghazi, Libya."

A Uh-huh.

Q I want to introduce that memo as Exhibit 3.

[redacted] Exhibit No. 3

was marked for identification.]

BY MR. KNAUER:

Q So are you familiar with this memo?

A Yes.

Q What was this memo for?

A Oh. It was to define our intentions with regard to extending in Benghazi. Funding needed to be obtained if we were going to be extending there for a considerable period of time. Staffing would need to be obtained. And it was simply a way of consolidating our intentions in one document and then getting the necessary approvals.

Q Okay. And did you, in fact, sign this memo?

A I did.

Q And so what was your role with respect to the memo itself?

A We were responsible for consolidating the views of the offices within NEA and also within the rest of the Department with regard to the extension. Because it wasn't just a question of whether there was a policy imperative to extend, but also a question of what it would look like. And that's what this was meant to define.

Q When you say consolidate, what does that mean?

A Well, if you look on the back, you'll see a wide number of people who have cleared. What that really means is that they have provided extensive edits or sometimes whole sections of text that went into the memo. For example, Diplomatic Security, [redacted] was the Acting Assistant Secretary at that time, and he cleared off on it. And I remember that DS -- well, DS had an enormous amount to do with the provisions in here.

Q I'm sorry, what do you mean by that?

A In other words, they provided text for the sections that deal with security.

Q Okay.

A The Office of Overseas Building Operations provided the text or edited whatever it was that we originally put together for the villas in terms of the costs and so on.

Q And are all of these individuals who are represented on this memo there because they somehow have some equity in this decision? So DS is there because they have security equities in this matter?

A That's correct.

Q Okay. And by signing this memo, is this a process that the State Department uses to in a sense okay or bless the decision to move forward --

A Yes.

Q Go ahead.

A Yes, it is.

Q Okay. So if I see DS there, it means that DS examined this from a security perspective? Is that what that means?

A That's what it means.

Q All right. What if DS decided that this was something that they didn't think we should do because the security risks were too high? What would happen?

A There are two -- well, the way that it works is that if one of the principal bureaus -- and particularly Diplomatic Security with regard to this memo, because Diplomatic Security works with the Under Secretary for Management -- if they disagreed and they wouldn't clear on it, we couldn't actually have sent it forward. Because the Under Secretary for Management would push back and say, you need to get this cleared. Or, alternatively, you need to provide a split memo. If you have a different view, then that needs to be detailed here. It's called a split memo.

Q Is that almost like dissenting views?

A Yes.

Q Okay. And so is the process such, then, that they can -- I

don't want to say veto, but by not signing the memo, what would happen if they said, I'm not going to sign the memo?

A We would have to go back to them and see if we could negotiate different language. And it happens every day that we are involved in that sort of thing. Different provisions. If, for example, we had said something that was outrageous from a security point of view in the initial draft, they could have come back and said, no, we won't clear this and this is what we want instead.

So it's -- they would provide the text that they want. When these documents move around the Department, they get heavily edited by all of the affected bureaus.

Q And to be clear, this I'm guessing isn't just a paper exercise?

A Oh, no.

Q What did you say?

A No, it is not.

Q So is Diplomatic Security, in fact, kicking tires and really evaluating what the security parameters of that particular facility in question -- in this case the Benghazi compound -- that they are actually evaluating that and making sure that they meet certain needs with regards to moving forward before they sign off?

A Yes. Or they certainly should. And all offices in the Department understand, particularly in a memo of this nature, that it is a very serious document.

Q Okay. And this is a memo that is prepared for the Under

Secretary -- for Under Secretary Kennedy - M. And is this the process, then, that he would use to advise him as to an important decision, such as moving into a compound, that he looks at the memo and sees that all of the key persons have, in fact, looked at the facility and signed off on it?

A It's more than even that. Certainly that's true. But if you look at this -- let's see, where is it -- M staff, [redacted], okay, in other words, this was looked at by his staff and probably he had input on the text of it before it even got to him for a formal decision.

Q But would he be relying, for example, on [redacted]?

A Yes.

Q That [redacted], in fact, was sort of the expertise that would do the security-related evaluation of the facility?

A Yes.

Q Okay. And that's their job?

A That's their job.

Q Diplomatic Security. Okay.

And by the way, I noticed, did you sign for Mr. Feltman?

A I did, yes.

Q Okay. Why did you sign for Mr. Feltman?

A Because they needed this upstairs. And I had talked it over with the Assistant Secretary, and he knew what was in here. And the PDAS was out. And so it had to be signed, so I signed off on it.

Q Okay. We had talked a little bit -- did you have a question on that?

Mr. Kenny. When you say it was needed upstairs, can you just --

Mr. [redacted] Oh, we were trying to move the decision forward. And so, you know, it takes a long time to get the clearances. And so we had to get it done. And he was not -- yeah, it was just after Christmas and it needed to move forward. So I signed off on it. And, of course, told him afterwards, although he knew what the text was.

Mr. Knauer. And we had talked a little bit about, in the previous round, about the genesis or the motivation behind this particular memo. And when I say this memo, I mean the December 27, 2011, memo prepared for Secretary Kennedy. And I want to introduce an exhibit. I'll make this Exhibit 4, which is an email from Ambassador Stevens to I guess then Ambassador Gene Cretz.

[[redacted] Exhibit No. 4
was marked for identification.]

BY MR. KNAUER:

Q There's some others on there as well. I'll give you a chance to look at that, and my colleagues a chance as well.

And I'm just going to start on the last email, which is the email -- it's hard -- it's kind of hard to do this the way these are produced. But it's pages 46 and 47 at the bottom.

A Uh-huh.

Q And this is the email from Ambassador Stevens to Ambassador Cretz. Elizabeth Dibble is on there, then cc'd John C. Stevens again.

A Uh-huh.

Q Have you seen this email before?

A No.

Q Okay. If you'd go to the first set of bullets where it says, "Political/economic/public diplomacy," the third bullet down says, "Monitor political trends (Islamists, tribes, political parties, 'federalists', militias) and public sentiment regarding the 'new Libya'. The revolution began in eastern Libya and the views of these 2 million inhabitants will certainly influence events going forward."

And then if you go to the final bullet on that same section, it says, "Demonstrate U.S. interests in the eastern part of Libya." And it's redacted. "(Blank) have said that the U.S. presence in Benghazi has a salutary, 'calming' effect on easterners who are fearful that the new focus on Tripoli could once again lead to their neglect and exclusion from reconstruction and wealth distribution."

And these appear to be Ambassador Stevens' reasons for extending to keeping Mission Benghazi operating. Do you see where he says as the Department stands up its mission?

A Uh-huh.

Q Do you see that?

A I do.

Q Okay. So if you then go to the December 27, 2011, memo, and you go to the beginning of the third paragraph, much of the language in Ambassador Stevens' email of September 6, 2011, appears in this paragraph.

A Uh-huh.

Q Do you see that?

A I do.

Q They say, "have said the U.S. presence in Benghazi has a salutary, 'calming' effect on easterners who are fearful." It's either identical or very close to it. Do you see that?

A Uh-huh.

Q I guess my question is, what was Ambassador Stevens' view on being in eastern Libya? Do you know?

A I don't know in detail. I know, having been in meetings with him that he thought it was extremely important. And these reasons are consistent with what I understand.

Q Do you know why he thought it was important?

A Let's see. I never had a conversation with him specifically about this.

Q Okay.

A Yeah.

Q Okay. And would it be -- do you know if his views, in fact, shaped this memo?

A Oh, I'm sure that they did, because the piece that would have come -- this piece would have come from the desk, and the desk would have reflected the views of both him and the other people in NEA.

Q And what was Ambassador Stevens' -- what was the weight attached to his views on what to do in Libya? Did you understand his -- excuse me --

Mr. Chuang. Libya or Benghazi?

BY MR. KNAUER:

Q Libya as a whole, but then Benghazi in particular, was he expert in this area?

A He was the most expert person in the Department. I think that was generally acknowledged.

Q And did people listen to him in Washington --

A Yes.

Q -- at the State Department?

A Yes.

Q Yes?

A Yes.

Q And I'm sorry, what kind of weight would his views hold?

A Those conversations would have been on the political side. And so I've never been -- I was never in meetings where I could assess how much his input swayed the conversation.

Q And I think you said something to the effect of you were in charge of consolidating views for this moment.

A Uh-huh.

Q And did you know that you were consolidating a particular set of views, like would you have known this is what the Ambassador was asking for or this is what this person thought was important?

A It might have been -- it might have been mentioned, but I don't recall it specifically. And when I say I was consolidating it, it was the staff that was pulling it together. And it was -- they were pulling it together -- let me go back to this -- as I said, from a variety of people. But one of them was NEA/MAG, [redacted], and

she was the Deputy Office Director for Maghreb.

Mr. Knauer. Did you have anything else?

BY MR. KENNY:

Q So I guess one thing that we wanted to just clarify. So the draft, you see the drafted portion on the clearance page, the last page of the memo, that appears to be a person within your shop. So, again, just when we talk about your consolidating information from the various --

A Right.

Q -- offices, various bureaus, the memo itself, did it originate within EX?

A We started the draft because it was going to the Under Secretary for Management. Typically, if it was going to the Under Secretary for Political Affairs, the desk would do it. And so what the post management officer would do is to put some skeletal information in there or, in the case of things that we were -- we had some specific knowledge about, but very solid information, and then from all these people solicit input. And so they would bring the text forward. And she would take it, put it in the document.

Q Okay. But it was done at the request of the MAG, then, on the policy side.

A They contributed the piece that was essential for this, yes.

BY MR. KNAUER:

Q I want to go back to finding number two on the unclassified ARB.

A Uh-huh.

Q And that's on page 4.

A And my colleague had asked you a question about the systemic failures in leadership -- let me just quote it. Quote, "Systemic failures and leadership and management deficiencies at senior levels within two bureaus of the State Department resulted in a Special Mission security posture that was inadequate for Benghazi and grossly inadequate to deal with the attack that took place."

And I don't want to paraphrase what you said, but you had commented on that. Can you -- I had a hard time hearing what you were saying.

A All right. The question was, what was my opinion on this? My opinion was that, based on what I knew, it was unreasonable for the charge to be made that the people in NEA -- let's see -- the people in NEA to render an assessment of the security posture, which is not defined.

And so let me say that from my perspective what that means is the composition of the security staffing, the procedures, and the physical security provisions, that was inadequate for Benghazi and grossly inadequate to deal with the attack that took place. I don't think that there's anyone in NEA Bureau who could have assessed that.

Q And that's because that's not NEA's responsibility?

A That's right.

Q And that's because they're not expert at security?

A That's right.

Q And they're not the ones that go out and do these

evaluations. Is that right?

A That's right.

Q And for the record, have you read the entire ARB, the classified portion?

A I haven't read any of that.

Q So you don't know who they held accountable and for what?

A No.

Mr. Knauer. Okay. I think I'm done here. Did you guys have any additional questions?

Mr. Powell. I will ask one additional question, just to clarify when you were discussing coordinating -- the period of time where you coordinated between post and DS and OBO. I just want to be clear for the record that the time period in which you coordinated between those two offices and post was roughly the last quarter of 2011. Is that correct?

A It would have been from -- essentially it would have been the time from the arrival of the people in Benghazi through probably towards the end of 2011, it would begin to trail off a little bit. And we were probably still doing some of the coordination into 2012. But it was less necessary because Tripoli was beginning to form itself into a proper organization.

And then when the transfer took place that Benghazi was to be managed out of Tripoli, then the need diminished even more. Which is not to say that we weren't calling them. And, in fact, with Benghazi we were talking to the information management officer because the

responsibilities that he had were not consistent with his training. He wasn't trained to be a contracting officer, he wasn't trained to do a whole variety of things. And so he needed sort of daily inputs on that.

Mr. Knauer. Okay. I think we'll stop here.

Mr. Ohly. Off the record.

[Recess.]

BY MR. OHLY:

Q It is 3 after 12 o'clock, 12:03. Back on the record. I want to just revisit that email exchange that we were just talking, Exhibit Number 4 that was introduced by the minority. And I want to look at page 45 as it existed. It is an email at the top of the page, the names are redacted, the title is there as executive director NEA-SCA/EX, at the top. Would that be you at this time, September 20th, 2011?

A Yes.

Q And the text of the email doesn't have all the "to" and cc's, but do I remember correctly that the Secretary had views about keeping Benghazi open?

A Uh-huh.

Q Do you recall what prompted that question or --

A It may have been that there was a conversation about keeping Benghazi open, and there may have been -- there was some reference to secretarial view. What I wanted to do with that, if I recall, is to make sure that whatever view Secretary had got reflected.

Q And I think you had said, I am not trying to catch you off guard here, but I think you said you hadn't seen the email from Chris Stevens before?

A I don't remember this piece, but obviously, I guess I did.

Mr. Knauer. Could you speak up.

Mr. [redacted] I am sorry. I didn't remember seeing the balance of it, but since I am on the chain.

Mr. Chuang. Can I, just to clarify, as you know, we, in providing these recently, the Department had redacted names of personnel below the assistant secretary level, with the exception of people who had previously been interviewed. So I don't know specifically which ones he's on at this point looking at this, but I think there's a possibility he was when the name's redacted. So if the portion he was asked about was an email where his name does not appear in the redacted version, but it may possibly have been in the unredacted version.

Mr. Ohly. Okay.

Mr. Chuang. So he wasn't looking at his name when he said that.

Mr. Ohly. Fair. I just wanted to clarify if this was him on the chain.

Mr. [redacted] Uh-huh.

Mr. Ohly. And if you recall what prompted your question about where you had heard the Secretary had views.

Mr. [redacted] Could have been, I am in staff meeting, all kinds of meetings, it could have been any of those. But I don't remember a specific document, or any specific exchange with me, it was just collateral information.

Mr. Ohly. Off the record.

[Discussion off the record.]

[[redacted] Exhibit No. 5

was marked for identification.]

BY MR. BEATTIE:

Q So you have had a chance it look at this, but I will just characterize it a little bit. This is an email from Ambassador Stevens to a series of people in Washington, including yourself --

A Uh-huh.

Q -- in October 2011. And he is generally discussing the issues with the leases, and the life services contract that they are dealing with at the mission in Benghazi. It very reasonably asks you and others on this chain about, he says here in brief, I'll quote, I think this presents an opportunity to revisit the future of the Benghazi missions, what we want it to look like the next 6 months to year, how many villas will we need for operations here. And you write back to him later that day, October 27th in an unclassified email, I should have said that as well. And you said, "Chris, I agree that we need a serious cost benefit discussion concerning our presence in Benghazi. I will talk to the FO about organizing one. [redacted]"

One housekeeping question, FO, is that the front office?

A Yes.

Q So just a few questions about it, did you all have that cost benefit discussion?

Mr. Chuang. Let me see the document.

BY MR. BEATTIE:

Q Sure. What format did that discussion take if you did have that that kind of discussion?

A I don't remember the specific meaning about it. A couple of times I brought up the issue of the cost of operating posts and the benefits as something that needed to be considered. But I don't remember a specific meeting on this.

Now what easily could have happened -- let's see, what easily could have happened here is that would translate into the document that you ultimately saw as the decision document because that really is the cost benefit analysis.

Q And NEA/EX's roles, your roles specifically in sort of facilitating that discussion, was that sort of central to your role as head of NEA/EX?

A Facilitating in a sense that we would bring the views together in a document that everybody could look at and then we could move forward to the decision makers.

Q That's helpful. And which decision makers would be involved in that discussion that you facilitated?

A Well, the implication of what you are saying facilitating strikes me as it means that I would be sitting in a room with a group of people and running a meeting, and that's not really what would happen.

Q What would happen?

A What would happen is that the front office, I would suggest that the front office this needed to be done. They would say something to the effect of yes, let's make this happen, and then a document and an action memo, which is what ultimately came out of it would be

produced.

Q And who -- when you say "front office," what does that mean?

A It would mean the assistant secretary and typically the principal, the deputy assistant secretary. Although in this case, it may have just been the principal deputy assistant secretary. I just don't recall the specific meaning.

Q So that would have been -- PDAS would have been Ms. Dibble I take it at this time?

A Right.

Q Who is in the assistant secretary role, is it still Mr. Feltman at that time?

A Yes.

Q I know he left at some point.

A Yes.

Q And what about Maghreb? Would Maghreb be involved in that front office discussion?

A Uh-huh. Essentially when it went to the front office and they would pull all of the people in who had equities, and that would be the conversation.

Q So who would represent Maghreb in those discussions?

Mr. Chuang. When you say Maghreb, do you mean the office of Maghreb or --

Mr. Beattie. Yeah, no, I do not mean the region geographically, but the NEA Maghreb office.

Mr. [redacted] To be honest with you, I don't know who they brought

in to have a conversation.

BY MR. BEATTIE:

Q Okay. So I understand there was no specific conversation. Do you recall anything about the process, the discussion? Is this something that happened over email? I think we are trying to understand how the office works.

A Right. It could have been a conversation that they had with Ray and [redacted], and the question would be, that's how they would probably have gotten that piece together and started it.

Q Okay.

A But I wasn't privy to it.

Q Okay. And so [redacted] is the office director for Maghreb?

A Uh-huh.

Q And I had a question since you brought it up, I think -- I notice when you wrote back, it should say when Ambassador Stevens wrote to Washington, it looks like you are on this email, and [redacted] what was her role?

A She was a post management officer.

Q So that she was your subordinate?

A Uh-huh.

Q What would that role be?

A She was the equivalent of a desk officer from my operation, and so her role would be to -- we would -- it is not during this time particularly we tended to spread the information around to as many

people as possible if they had issues so that we could pick up an email, like everybody does, pick up an email chain.

Q It's very collegial?

A Very much so.

Q Sure. And then I see Mr. [redacted] is on here. I notice then that Mr. Maxwell is not on this email. Was that -- does it surprise you that he's not on that email?

A Let's see who is on here. Not surprising. It doesn't have anything to do with policy.

Q Okay, but Mr. [redacted] is on there, correct?

A He is, but he would be on there -- the tendency is to simply throw the office directors on for anything that relates to the area.

Q Sure. What would be Mr. [redacted] role in general, and was he sort of a, with respect to Libya --

A Uh-huh.

Q -- whether it is Tripoli or Benghazi?

A The desk officers who are handling the day-to-day exchanges with proposed one-policy issues worked for the deputy, and then they ultimately worked for him. And their role, really, is to know everything about what is going on at their post.

Now the truth is that there are certain issues when we get into the nitty-gritty of some of my issues, they drop off because they have no interest, they have no expertise, and consequently, we don't burden them with more emails.

Q Sure. And then what about DS, is DS involved in this -- I

am not sure if they are on the email or not. Would they either be involved in this sort of discussion about cost benefit?

Mr. Chuang. The email exchange or the subsequent discussion about --

Mr. Beattie. Both, both, both. I don't know if they are on there or not?

Mr. [redacted] Let's see. No, they are not on here, but it is not surprising that they wouldn't be.

BY MR. BEATTIE:

Q Because?

A It's about a real estate -- real estate aspect of their presence.

Q Oh, I see. So the cost benefit discussion you are talking about is strictly with respect to the real estate aspect of it or is there a policy aspect involved as well?

A Well, no, the cost benefit is -- let me see what it says -- no, it is the policy aspect as well.

Q And that would be things like what is the U.S. -- what is the imperative for the U.S. to have a mission in a place like Benghazi?

A Uh-huh.

Q Sorry.

Court Reporter. Yes or no, please.

Mr. [redacted] Oh, I'm sorry.

Mr. Beattie. Take all the time you need.

Mr. [redacted] Yeah, I think the comment that I made really keys

off of the paragraph in his piece where it says, I think this presents an opportunity to revisit the future of the Benghazi mission, what we want it to look like. And obviously we are at a point now where we have to make some commitments, financial commitments for real estate and so it is the ideal time to have that discussion.

BY MR. BEATTIE:

Q Presumably, the Ambassador's looking at it. I mean, he's looking at it from the totality I would take it --

A No, actually he was looking at that time from the point of view of the real estate deal.

Q Okay.

A One of the things that you have to -- it is important to understand is that especially -- let's see when this was. Chris was a special representative.

Q Yes.

A He wouldn't have been the ambassador at this point.

Q Yes, sure.

A And it were essentially two of them and the security people who were there, and he was deeply involved in the real estate negotiations as well as everything else that was going on. So this does not necessarily imply that it was a high upper level issue. He was interested in conveying to us the complications of the real estate problem that he had.

Q Sure. Presumably the real estate discussion, in order to evaluate whether there -- the government ought to expend funds for a

particular piece of real estate, there has to be some discussion about whether we have an imperative to be there, correct?

A Yes.

Q And so when would that factor into this sort of discussions, maybe not on this email but would it?

A It would have been something that in -- in conjunction with the other email. But this is September 20th, this is before.

Q Sure, sure.

A And so this started the ball rolling on the question of how are you going to be there, what is it going to look like. This is just another aspect of it.

Q Okay. Great. And one last question about this, it doesn't relate to this directly, but when these conversations were ongoing, were you involved or were you aware of discussions about the ability of DS to appropriately resource security for Benghazi as part of the decision to discuss whether to continue it or not, was that part of the discussion? I am not asking about this email, I am just asking in general.

A Right.

Q You said there was a ball rolling for what we are talking about.

A At this point, I don't remember a conversation about that aspect of it.

Mr. Chuang. At this point meaning what time period?

Mr. [redacted] October.

BY MR. BEATTIE:

Q Would it happen at some point?

A Well -- I am sorry, what happened at some point?

Q The discussion about whether DS could appropriately resource the security if Benghazi were to continue as a U.S. presence.

A Well, they signed off on the document that said, in effect that they felt they could.

Q But you weren't part of those discussions?

A No.

BY MR. OHLY:

Q We have talked a lot about the decision to extend to December. I want to jump forward in time.

A Sure.

Q We heard some testimony in our May hearing that there were discussions about establishing a permanent presence in Benghazi. Were you aware of any discussions about extending Benghazi beyond December 2012 or to establishing a permanent presence in Benghazi?

A I knew the question was out there, would we want to stay beyond the time frame that was authorized in the decision memo. One of the -- so yes, I was aware.

Q Do you recall how you became aware?

A No. I mean, it was probably in the course of a meeting that I was at somewhere and I heard it. There was no direct -- there was no direct conversation with me where someone sat down and said, look, we need to talk about this particular aspect of it.

Q Okay. Do you recall approximately around what time it was that you started to hear discussion of an extension or permanent presence?

Mr. Chuang. I don't think he has mentioned permanent presence. He just said extension.

Mr. [redacted] Yes, extension.

BY MR. OHLY:

Q So you never heard a discussion of a permanent presence?

A I don't remember a conversation about permanent presence. It would have been probably in -- well, it probably would have been in the time framed around August, that's -- but my memory is fuzzy here, so it can't be relied on.

Mr. Chuang. August of what year?

Mr. [redacted] That would be 2012.

BY MR. OHLY:

Q Part of what was conveyed in testimony at the committee's May hearing was that one of the reasons that Ambassador Stevens was traveling to Benghazi was to help bolster the justification for a permanent presence, or an extended presence in Benghazi. Were you aware of that at all?

A No.

Q Were you aware of whether Secretary Clinton had an interest in extending the presence in Benghazi?

Mr. Chuang. In 2012?

Mr. Ohly. In 2012?

Mr. [redacted] In 2012, no.

BY MR. BEATTIE:

Q Can I just follow up? Off the record.

[Discussion off the record.]

[[redacted] Exhibit No. 6
was marked for identification.]

BY MR. BEATTIE:

Q So we have an email here, it's June 17th, 2012 from [redacted] to you.

A Uh-huh.

Q Could you just clarify for the record who [redacted] is?

A He is -- he was the management officer at post.

Q I am sorry, which post?

A He was in Tripoli.

Q In Tripoli, okay, thanks. And so I am going to just read a very short portion of this, it is a longer email but he says "One issue that is suddenly taking on greater urgency is that of our longer term presence in Benghazi. We would like to keep a presence there indefinitely."

I know we had just talked about your awareness of a discussion about a permanent presence --

Mr. Ohly. There is also another sentence, I will just follow up. We would like -- he asks, we would like to know the Department's thoughts, what the Department's thoughts are on this on a fairly high

level. We aren't asking for any firm commitment at this time only whether we can discuss or whether there is already some sort of over-my-dead-body decision about continuing embassy presence in Benghazi. We appreciate your thoughts on this.

BY MR. BEATTIE:

Q Do you recall this?

A I do.

Q To close the loop on reading email, you wrote back to him the same day and you said, "[redacted], Your timing couldn't have been better. I am having my first meeting with the acting AS tomorrow, great point to raise, [redacted]."

So could you just maybe explain to us your understanding at the time to the extent that you can, and this is unclassified, we just want to talk about your understanding about what Mr. [redacted] -- what his motivations were in saying that we wanted to keep a presence there indefinitely.

A First, if I can, I would like to talk about what it means to have a permanent presence. A permanent presence means a facility which meets security standards which are rigorous, we are talking about tens, if not hundreds of millions of dollars to put something like that together, so that's not what he meant. The question is a more permanent and more permanent establishment that was continuing, as I recall.

Q Would that be continuing past the -- let me ask it this way, at the time that this was written, my understanding is that Benghazi post was due to expire the end of that year 2012?

A Uh-huh.

Q So he's referring to extending it beyond --

A Uh-huh.

Q -- that expiration date?

A Yes.

Q But your testimony is he is not necessarily talking about a permanent long-term U.S. presence in Benghazi; is that your understanding?

A That's my understanding.

Q Okay. If I could just -- and you said that his timing was good and you were having a first meeting with the acting AS, was that Ms. Jones?

A Yes.

Q And do you recall did you have that discussion with her?

A I believe I did. I believe I mentioned that the issue of the continuation of Benghazi needed to be resolved.

Q And what was her response or views on that?

A She was just brand new on the job, she was just taking on issues, there was no immediate reaction as I recall.

Q What were your views on that?

A It was a question of mission need.

Q Mission need, who in the Department would determine what the mission need was?

A Well, ultimately for a decision like that, it would go up to, presumably, the seventh floor to be signed off by the Under

Secretary for Political Affairs, Under Secretary for management at least.

Q Had that been the case -- I know we talked earlier about the initial decision to extend for 1 year?

A Uh-huh.

Q Was that a decision that also went up to the 7th floor?

A Uh-huh.

Mr. Chuang. Would you answer yes or no?

Mr. [redacted] Oh, I am sorry, yes.

BY MR. BEATTIE:

Q Is that a fairly typical procedure that it would rise to that level?

A Yes.

Q And subsequent to your discussion with the acting Assistant Secretary about this extended or more permanent presence in Benghazi, where did the discussion within the Department go from there? Was this an ongoing issue that continued to be discussed to your recollection?

A It wasn't something that I recall being constantly discussed, but the decision must have -- the conversation must have ultimately developed to the point where we were able to pull together the necessary information. Oh, I'm sorry, I'm putting two things together from another year.

To be honest with you, at this point, other than to say that it was out there and it was an issue that we had an interest in that needed to be resolved, that I am not aware where else it went, particularly

on the policy side, because that's the side that really needed to really make that determinations.

Q So you don't know where -- was there a resolution research or --

A No.

Mr. Beattie. Do you have any other questions about this?

BY MR OHLY:

Q Did you ever have any follow-up with Mr. [redacted] on his question?

A I don't -- I don't remember specifically having follow-up with him.

Q Okay. I want to change gears a little bit.

A Sure.

Q And talk a little bit about the ARB.

A Uh-huh.

Q Were you interviewed by the ARB?

A I was.

Q And when did that take place?

A Shortly after they began the process at the Department, and I don't remember the specific date, I am sorry.

Q Was it a group interview or was it an individual interview?

A It was a group interview.

Q Did you receive notice in advance?

A Yes, I got a letter.

Q Was it presented to you as a formal inquiry about your role

in the events surrounding the Benghazi attacks?

A The first meeting with them was, if I recall the text of the letter, it said something to the effect that they the board had interest of interviewing me because it might be able to provide useful information. I can't remember it in great detail.

Q Were you informed of your right to have counsel?

A I believe I was.

Q Did you have counsel?

A I did not.

Q You said it was a group interview, who else was in the group?

A Assistant Secretary Jones, Principal Deputy Assistant Secretary Dibble, Deputy Assistant Secretary Maxwell, [redacted], office director, and me. I think that was its full complement.

Q And do you recall the discussion or what questions were asked?

A The focus tended to be on what had happened the night of -- the night that the event took place, and then other questions about the political situation beforehand.

Q When you say "the political situation," what are you referring to in Libya?

A Oh, in Libya, of course.

Q So you said it was largely focused on the night of the attack?

A Uh-huh.

Q Did you have much to impart about what transpired the night

of the attack?

A I didn't say one word.

Q Did you say one word throughout the entire interview?

A No.

Q Do you recall who did answer most of the questions?

A It was mostly Assistant Secretary Jones with, I think there were -- there was some description by Liz Dibble, particularly when it came to what was happening the night of the attack.

Mr. Knauer. Will you speak up, please?

Mr. [redacted] I'm sorry. It was mostly the assistant secretary and some comments by Ms. Dibble, the PDAS, concerning the night of the attack.

BY MR. OHLY:

Q Was there any discussion or questions about how NEA operates or how decisions are made within NEA, who is responsible for what?

A Not at that meeting.

Q Was there anything else covered other than the political situation and the night of the attack?

A Not that I recall.

Q Do you recall which members of the ARB were present for the interview?

A Ambassador Pickering, Admiral Mullen, Richard Shinnick, two others. There was an outside expert, or an outsider who had come in for this purpose, and I don't recall her name and someone who was from the agency, and I don't recall his name.

Q Were you all asked any questions about security requests made by Embassy Tripoli for additional security personnel?

A I don't remember a question like that at the meeting.

Q Do you recall who conducted the interview or who asked the questions?

A The questions tended to come from Ambassador Pickering and Admiral Mullen.

Q Do you recall about how long the interview was?

A I am going to say just slightly more than an hour.

Q Did you have any follow-up interactions with the ARB after that first interview?

A Oh, yes. There was a subsequent interview that focused just on EX. And so I was there, my deputy for NEA was there, post management officer was there, supervisory post management officer was there.

Q So it was a second group interview?

A Yes.

Q And do you recall about how long the first interview that took place?

A I really don't. Perhaps a week, but something in that time frame.

Q And I think you just listed the titles, but can you just give us the names of the individuals that were present for that interview?

A Sure. My deputy was [redacted]; the supervisory post

management officer was [redacted], the post management officer was -- I think [redacted] was there. There was -- I am sorry, there was also one other person, the person who had taken over the portfolio, but just a few days before [redacted].

Q Were you notified in advance of this interview?

A Yes.

Q Was it same process with the letter?

A I don't recall a letter. There may have been, but I don't recall whether there was one or not.

Q Like last time, were you informed of your right to counsel?

A I believe so.

Q And did you have counsel present?

A No.

Q What questions were asked in this second interview?

A Essentially the same sorts of questions that you are asking now, what is the structure of EX, what was her role, what did we know, what interactions took place, that sort of thing.

Q Were you able to convey all the information you believed was relevant to their review?

A I think I could, yes, or did.

Q Did you do most of the talking in the second interview?

A I would say only about 50 percent of it. My colleagues also contributed.

Q And do you recall about how long that interview was?

A Perhaps -- I think it was more than an hour, but I -- I would

have to go back and check my records.

Q Did the members and staff of the ARB seem well prepared for your interview?

A Uh-huh.

Mr. Chuang. Yes or no.

Mr. [redacted] Yes.

BY MR. OHLY:

Q Did you feel the questions were thorough?

A I thought so.

Q Did you subsequently not feel they were thorough? You seem to have hesitation when you said --

A Well, I -- no, no. I mean they asked the same questions, they just took an hour to do it so it was rather compact.

Q Following this interview, did you have any follow-up interactions with the ARB members or staff?

A Yes. At the end of the meeting -- actually, it was at the end of the second meeting. I think it was Admiral Mullen, in particular, said that the purpose of the -- their purpose was to determine what had happened on the ground, and to see if there were opportunities -- there were aspects of it that could be used to assure that this sort of thing didn't happen again. And if we had any follow-on thoughts, we would be welcome to come back.

So after those of us who were at the meeting went back to the office, we thought about it for a little bit and because it was a very structured interview, it became difficult for us to freelance, if you

will. So we called them up and we said, can we come back and talk to you? And they said yes.

At that meeting, the members were Richard Shinnick, if I recall correctly, the representative of the agency was there and the woman who was running from the outside. And we talked to them about the things that we thought we could contribute to their overall inquiry.

Q Can you elaborate on what you thought you could contribute or what information you conveyed?

A What we thought would be helpful -- couple of things. One is, we asked -- I asked at that point and I had asked at the previous meeting that the board understand what Benghazi was and what it wasn't. It was not the way that the -- it was an unusual situation and extrapolating from the situation in Benghazi to the Department -- to missions worldwide as a whole, would not be something that really would make sense, because the other posts in very different situations. But more than that, what we really wanted to convey is that we thought it would help and improve the situation if there were means available to make sure that diplomatic security information and their information was brought together more effectively, because we clearly saw stovepipes in the way they were operating.

And also that the -- it was that and something else -- and somewhat more formal mechanism for balancing risk reward would be incorporated, or it could be adopted by the Department because we thought that would be useful.

Q I think you just said that stovepipes in the way they were

operating?

A Oh, well, it was just the flow of information needed to be enhanced is really what I meant.

Q Between DS and NEA?

A DS and all of the Bureaus.

Q This third interview, if you will, was it transcribed? Were any of them transcribed, let's start there?

A I don't -- there were people at the meetings with notebooks, and were -- there was no one doing this sort of transcription.

Q This was maybe staff taking notes?

A Yes.

Q And that was consistent with all three meetings?

A Uh-huh, yes.

Q Was there any additional information other than what you conveyed that you shared at the time?

A No, that was the thrust of what we wanted to say to them.

Q Were you ever asked any questions about the rules of other offices within NEA or other individuals in NEA?

A I don't remember being asked if either of the meetings were -- we had an exchange.

Q And do you recall how long the third interview was?

A It was probably an hour.

Q Following that interview did you have any follow-up with the NEA?

A No.

Q And do you recall approximately how long before the conclusion of the ARB that third meeting took place?

A I don't, I would have to go back and look at the calendar.

Q During the course of the ARB review, did you have any conversations with either members of the ARB or ARB staff outside of a formal interview?

A Any conversations. I ran into Richard Shinnick in the cafeteria, and just asked him how he was doing, but other than that, we did not talk about anything official.

Q Not related to the ARB?

A No.

Q What was your overall impression of the ARB process?

A Given its objectives, it seemed to be effective. They were asking the questions that needed to be asked, given what they said they needed to do.

Q You seem like you have a "but" there.

A No, I don't really. It is just that what I am trying to do is to -- is to react in relation to what they said their purposes were. And it seemed to be to get out all the information that needed to be gotten out. Certainly from my perspective. And also remember they were interviewing other people as well.

Q Did you feel it was fair and objective?

A I did.

Q And what was your reaction? Have you read the unclassified interview?

A Yes, I have.

Q And I believe you stated earlier that you have not read the classified?

A That's correct.

Q Have you requested an opportunity to read the classified?

A No.

Q After reading the unclassified version, what was your reaction to the report?

A I thought some aspects of it were correct, one in particular was the -- there is one recommendation in there for a process to do what we recommended which is to develop a more formal way of evaluating risk versus the policy objectives. And they recommended that there be greater integration of information between diplomatic security and a region of heroes. And I thought that that was right. I didn't agree with the assessment of the responsibilities. I think that's pretty much it.

Q Can you elaborate on the latter point?

A Well, I think I had already said that I felt it was unfair to expect the Assistant Secretary for NEA to render authoritative opinions on the security provisions at post.

Q Was there anything else in the report that you recall disagreeing with or --

A There were some specific recommendations if I recall correctly. If I could look at it.

Mr. Chuang. Exhibit 1.

Mr. [redacted] Going back to the specific accountability personnel reflects what I'd said previously. And actually what I was thinking about was the follow up to the -- the department follow up to this that incorporated a number of specific number of recommendations. And there were some there that we just didn't see, I think made good sense.

BY MR. OHLY:

Q But you don't recall specifically which ones. I know there's dozens.

A Right. One of them, for example, is that everyone in the world should have smoke hoods which are very expensive and very difficult to maintain. And in most of our missions around the world certainly, there are fire suppression systems, so the kind of incident that happened in Benghazi would be very unlikely to happen.

BY MR. BEATTIE:

Q A few more minutes to follow up again after lunch on this topic. You talked about, one of the issues that you saw coming out of the ARB was the need to balance policy imperative being in a place with security situation on the ground. I think that's something we heard from other individuals that we have spoken with. I think that's something we have seen looking at this for some time in a lot of the documents. I am just curious, your perspective on that issue. Is that -- obviously, the State Department plays a role in that, but the State Department isn't the only entity in the national security and foreign policy structure of the United States Government.

Do you have any perspective on -- did the ARB do enough to

address -- the ARB talks about security being a shared responsibilities and you need to balance these things. And perhaps the ARB -- do you think the ARB did enough to address this issue, one relates just State Department's, and also as it relates to the interagency sort of role in balancing the policy imperative being in place versus security situation on the ground?

A I am sorry, I am missing the question.

Q Sure. The question is do you think the ARB did enough? First of all, do you agree that the national security interagency process plays a significant role in balancing the policy imperative of being in a place like Benghazi with security concerns of that -- do you agree with that? Plays a role in that?

A I haven't been involved in any of the conversations associated with this sort of thing at the NSS level, or even for that matter, the subfloor level.

Q Sure.

A And so I don't know how the process works. What we were recommending is that whatever process it was, that it be more formal so that everyone could rally around it and say here is the document, here is how we looked at it and here is what we did.

Q Sure.

And so with respect to what happened in Benghazi, when Benghazi was initially set up, I take it it was a less formal process; is that correct?

A Yes. There was no document that was produced that was

formal assessment, that I was aware of anyway?

Q Sure. And also it seemed we have observed that the issue of the SST team that was being provided by Defense Department is a component of this discussion about the security situation in Benghazi. In your role as the Deputy Director of the EX and then the head of EX, how much visibility did you have into the discussion about SST, multiple extensions of SST, whether SST needed to be extended beyond what it ultimately was? Were you involved in discussions in general about SST?

A No, because the SST was part of the overall security component that was managed by EX. In other words it was one aspect of -- they had MST teams down there as well, mobile security division teams as well and a variety of others. And it is not something we would discuss with them, they would put the components of it together because they were responsible for it and they also had the expertise.

Q So NEA/EX had no role at all with respect to SST would extend, or even be present at post?

A What do you mean when you say role?

Q Did you have to make any decisions or provide any input to the decision to send SST or was that completely out of your hand?

Mr. Chuang. Other than the one conversation he already mentioned?

Mr. [redacted] Right.

BY MR. BEATTIE:

Q Which conversation?

A Oh, this is one where Ambassador Cretz sent an email back

to the front office saying I put in this request to extend the SST, I am not sure why it is that they are reluctant to do it. And I believe Liz Dibble comes back and says, I am meeting with [redacted], we have a weekly meeting and we will talk about it. And we did, and I called Charlene and said look, the Ambassador needs -- is concerned about this, is there something that you can work out, you can explain to them in the way of how you intend to structure this after the SST team. And at the end of the day, the SST did not leave.

Mr. Ohly. If I recall earlier, you said that was around March.

Mr. [redacted] I think that's right.

BY MR. BEATTIE:

Q I believe you also said there was a February discussion that you alluded to in our first hour about perhaps concerns with [redacted] in Benghazi; is that right? Let me go back to that for a minute --

How much time do we have? I have?

Mr. Ohly. Off the record.

[Discussion off the record.]

Mr. Knauer. It's 11:37. We're back on the record.

Mr. Ohly. 1:00 -- 1:37.

BY MR. KNAUER:

Q Excuse me. 1:37. Feels like later.

We've -- we've talked about the Special Mission compound and how it got established --

A Uh-huh.

Q -- and the Kennedy memo that was associated with that.

A Uh-huh.

Q And I'm wondering if you could -- you had mentioned something along the lines of Ambassador Stevens first arriving in Benghazi, getting off the boat.

A Uh-huh.

Q Can you talk about that in terms of sort of what was there going into eastern Libya, what was there going to Benghazi, what the options were?

A Yes.

Mr. Chuang. Options for what?

BY MR. KNAUER:

Q Well, options for establishing a presence, a physical presence.

A We knew we were going into a very uncertain environment.

And when I say "we" here, I mean the department as a whole, although in -- EX had a -- an important role to play, because we managed the transportation and the initial setups and things like that when -- although we haven't done many insertions, but certainly in evacuations.

We knew we were going into a very uncertain environment, and one of the considerations beforehand was, what happens if we have to leave very quickly? And that led to a decision to rent the ferry that we ultimately rented and to put USAID vehicles on it along with State Department vehicles so that we could quickly get on -- get onshore, get to a place that we thought was secure, but also we'd have a way of getting away very quickly.

So during the course of about 2 week -- or several days after they rolled offshore, they were uncertain about where they would ultimately go. They talked to the -- the groups that they were -- had the -- having exchanges with, the opposition, and were convinced to go to a hotel where other diplomatic --

Q I'm sorry. When you say, "opposition," you mean --

A Opposition to Qadhafi.

Q These were the Libyan fighters --

A Right.

Q -- that were aligned with the United States, or that were --

A Well --

Q -- seen as -- well, not aligned per se, but were seen as --

A In opposition.

Q -- people that you could reach out to that had some common interest to ours?

A Right. And what we found was that we were welcomed, although it was a -- it was not a completely secure environment, and so our people set up initially in a hotel -- and for the life of me, I can't remember the name of the hotel -- for --

Q Was it the Corinthian?

A It probably was, yeah. The -- for a period of a couple of weeks, and then there was an explosion just outside -- in the parking lot of the Corinthian, and everyone looked at this and said, this doesn't make a lot of sense for us to be here. DS made an assessment and they said, no, we can't defend this place, we can't -- there's nothing that we can do with it. We have go to somewhere else. And [redacted] in the meantime, the -- I think -- well, Chris certainly and [redacted], if I recall correctly, who was with him, the two together, they were looking around for properties, and they ultimately found villa A, which is what we called it, and subsequently moved into and -- and were able to go in and -- DS was able to go in and give it some basic security.

Q And so you said Chris and who was doing this?

A [redacted] was the other person who was in there with him initially.

Q Okay.

A It's a junior officer.

Q Got it.

A And then from that point on, the -- the exercise was to find additional space if we were going to get larger in Benghazi. And at the end of the day, there were three villas under -- well, there were three villas that we actually rented, villas A, B and C. And then much later in the year, we actually skinnied down to two villas. Does that tell you what you --

Q Yes. And for those of us who haven't been to Benghazi or tried to set up a post, what -- what are the challenges in general do you face when you're trying to go into a city where you haven't been for quite some time? And I ask that generally, but then more specifically --

A Right.

Q -- what were the challenges with the way Benghazi's laid out and with whatever real estate offerings were there?

A The answer can be quite elaborate, so you tell me if I'm going in the direction that you don't necessarily want to go.

The first thing is money, what do you do about money. And so we sent Chris in with, if I recall, 60,000 in cash to set up and to be able to pay for things that he would need to pay for there. We knew that credit cards were not going to be -- be viable, and we didn't have any banking relationships established. So that was really important for us, because we wanted to make sure that they could set themselves up fairly quickly and they wouldn't run out of cash.

The other one was, how do you set up telecommunications. This is a place that has not been the center of the -- at the center of the

telecommunications revolution. And so we put together something called a BIC kit, which is Basic Internet Connectivity. [redacted] So getting that in place and getting that arranged was part of the complications of getting them all set up to go in.

When you go in to find a property, what you need to find is something that, first and foremost, meets Diplomatic Security standards. And fortunately, the people who were there were quite knowledgeable about that, so they could give us a -- give Chris a sense of what would work and what wouldn't work.

Q You said, fortunately, there were people there to do that?

A I -- I said fortunately. There -- well, fortunately in the sense that the RSO -- I think one of the principal RSO's had been heavily involved in this before, so he was able to provide guidance on what villas would work for DS and what villas wouldn't work for DS. And then they moved in. And everybody knew at that point that it was -- it -- it needed lots and lots of enhancements for -- to, number one, make the villas livable and, number two, make them safe.

Q So, then, to be clear, once you decide, when I say "you," once the United States government decides that they're going to have a presence in a country, I'm guessing it's -- it's a little bit more complicated than just off-the-shelf real estate, that it's a series of challenging options from which to pull?

A Oh, absolutely. And remember that Benghazi, I'm not sure that we -- I'm trying to think back. I mean, we've evacuated from any number of places, but I'm not sure we've ever gone into something in such an expeditionary way as this by ourselves without having military along with us.

Q Okay. We were talking about some references earlier to our May hearing held before the committee. Did you have a chance to look at any of that hearing or --

A No.

Q -- or read the transcript?

A Of the May hearing?

Q Yeah. The May of this year hearing --

A Huh-uh.

Q -- where Mr. [redacted], Mr. Hicks --

A I saw some of it on television, but I didn't read the transcript.

Q One of the -- one of the areas that we were all certainly concerned about was concerns that people were upset with Mr. Hicks because he had raised concerns about the ambassador's talking points that --

Mr. Chuang. Which ambassador?

BY MR. KNAUER:

Q Sorry. Susan Rice on the Sunday talk shows, and there was some discussion about what had happened.

A Uh-huh.

Q And in subsequent conversations that we have had in the process of investigating this, we have learned that there were at least some concerns about Mr. Hicks's management style.

A Uh-huh.

Q And that was also raised at the hearing by Mr. Hicks himself. There were concerns that he thought -- that he had had with Assistant Secretary Jones, that she had, in fact, consulted him about his management style. I'm just wondering, you're -- you're also part of NEA and your position as the EX office, did you hear any of these concerns --

A I --

Q -- about Mr. Hicks?

A I did. I heard concerns about his -- about him being erratic, about him being somewhat imperious from the management officer on the ground.

Q And can you elaborate a bit more on what that -- did someone pick up the phone and call you or is this third hand, or how did this come about?

A No. I think I was talking -- for some reason, I was talking to [redacted]. And perhaps even [redacted] called me, I don't know, but I -- I -- I recall the conversation very clearly, and he was concerned about -- about the impact that -- that Greg was having on the post and about morale. And that's something that we, EX, worries a lot about, and so I was -- I was very concerned.

Q What -- what did he say, if you can go into some more detail?

I'm just curious.

A Oh, he was -- he was -- well, he was erratic, he was imperious. And as I recall, the biggest problem was that, you know -- I think that's as far as I can go with it. I don't remember the specifics, but the -- in summary, that's it. I don't remember the detail.

Q And then what do you -- what did you do with that information?

A I talked to the -- the PDAS and the Assistant Secretary about it saying that we may have a problem here and that it needed -- it -- it certainly needed to be addressed.

Q I'm -- I'm curious. What -- what did the impact of having those kinds of problems at post have in terms of the day-to-day functioning of the safety and security of the personnel there?

A Well, if you have someone like that, and especially someone who is in charge, it can degrade morale even in the best of posts in the world, but when you're in the -- a place like Tripoli, it makes it even worse. One of the things that we -- it's hard to characterize it for you, perhaps, but we -- it's been called repeatedly Kabul without the amenities. And I can't tell you how far down the food chain that really amounts to.

At one point, we had to buy bunk beds for people, because we had so many requirements for people to be in the -- in the facility. We didn't have enough space. Now, this is Tripoli, of course. And when you're in that kind of confined environment and under some threat, it's -- having a leader who is erratic is not productive.

Q So you felt that this is something that had to be communicated up the chain?

A Yes.

Q And addressed?

A Yes.

Q And do you know how it was addressed?

A My recollection is that, and I don't believe I was in -- I don't believe I was in the room when this conversation took place, but I believe that Beth Jones called him and counseled him on the -- on the way he -- his management style was being received.

Q Do you know of any -- was -- do you have any information that Mr. Hicks was retaliated against because he was raising concerns about Ambassador Rice's comments on the Sunday morning talk show?

A I have no knowledge of that.

Q Okay. We talked about your view on the ARB and about its degree of thoroughness. Did you think it was a thorough report?

A I -- given the objectives that they had, which seemed to be reasonable, and the way that they -- the way they approached it and the information that they got seemed to be thorough.

Q Do you think it was in any way a whitewash or went easy on the State Department?

A Boy, it sure didn't feel that way.

Q Why is that?

A I well, I mean, take a look at the report. It wasn't -- from our perspective, it was penetrating. It was specific. It was

critical, and many of the -- well, I quibble with some of the recommendations. Some of the recommendations were -- were right. I mean, so I perceived it as a -- as a good evaluation.

Q Do you have any knowledge that it engaged in any favoritism or improperly protected certain people from accountability?

A No, I have no knowledge of that.

Q Do you know of any improper relationships with the board members of the ARB that somehow influenced the outcome of the report?

A What do you mean by "improper relationships"?

Q That -- that somebody knew somebody on the board and therefore they got a free pass?

A Well, if you -- for the other people know, but Thomas Pickering is -- spent his entire career at the State Department and Richard Shinnick as well, so I -- so they would -- they knew all of the players, or many of the players anyway. And Thomas Pickering, obviously, knew -- well, I shouldn't say obviously, but he knew Beth Jones, and I think he knew Ms. Dibble.

Q Right. You don't know of any improper elements that came --

A No.

Q -- as a result of that relationship?

A I do not.

Q Okay.

Mr. Knauer. Peter, do you have anything else that you want to cover?

BY MR. KENNY:

Q Yeah. Actually, if we could go to the ARB --

A Sure.

Q -- just for one moment. I'm on page 33. I was hoping we could just clarify. You, at the beginning of our first hour, of the minority staff's first hour, mentioned that certain moneys for physical security upgrades at the Special Mission in Benghazi --

A Uh-huh.

Q -- did in fact come from NEA EX?

A They -- as I recall, it did, yes.

Q Okay. So the portion of the ARB to which I'm referring to now is the section on physical security. And the paragraph here, it refers to -- it makes a general conclusion, but then identifies some of the upgrades that took place over the course of 2012. And the sentence I wanted to read is kind of in the -- buried in the middle of the paragraph, and it begins, because OBO does not fund security upgrades for, quote, temporary facilities, DS also identified nontraditional funding streams to fund physical security upgrades and worked with the IMO's, NEA, and embassy Tripoli to move funds and supplies to Benghazi.

A Uh-huh.

Q And I would just like to ask, I guess, first, is that an accurate representation of the events that took place?

A Yes.

Q Okay. And to the extent that it mentions that DS was the

entity that was responsible, or the entity that did in fact identify these -- these funding streams, does that also kind of comport with your understanding of what DS' role would have been in regard to physical security?

A Oh, yes.

Q Okay. And when they mention the nontraditional funding streams here, I guess I'm trying to understand the statement that you'd made earlier. Does that -- you -- is that consistent, then, with what the ARB found when you say that EX provided these funds --

A Right.

Q -- seemingly at the request of DS?

A Yes, because there are certain physical security expenditures that are not made out of DS money. They're made out of OBO money for -- in permanent facilities, but because OBO is constrained, it can't spend money on temporary -- a temporary facility. We had to find money for DS to do what they needed to do, and so that became NEA money. And so we put that into the pot, but normally, we wouldn't have funded those types of expenditures.

Q Okay. So it's not standard practice, then, for NEA EX to provide money for physical security --

A No.

Q -- to other posts, other embassies?

A No.

Q But here --

A It was --

Q -- you did --

A -- extraordinary.

Mr. Kenny. Okay. Thank you.

BY MR. KNAUER:

Q I guess one clarifying question. We were talking about the concerns about DCM Hicks. Just what was the time in frame in -- in which you received those complaints?

A Well, obviously, after -- after 9/11, but I -- I can't -- I can't give you -- I mean, after 9/11 when --

Q But was it a day or was it more weeks?

A Oh, no, no. It was more weeks.

Q Okay.

Mr. Knauer. Okay. I think we're done for now.

Mr. Skladany. Go off the record for a minute here.

BY MR. OHLY:

Q It's now 1:56.

I want to go to the post-ARB period and the issue of accountability.

A Uh-huh.

Q When did you first learn that specific individuals had been singled out for criticism by the ARB?

A Boy, I don't know that exactly, but -- in terms of absolute time, but what -- what happened was rumors began to fly around the department that certain people were being reassigned, and that's -- that's when I -- we could figure out what happened.

Q Was this right around the time that the report came out or --

A No. I think it was a bit later than that.

Q So you came -- you first became aware that individuals had been -- had been identified by the ARB through the -- through the water cooler talk, if you will, or rumor mill?

A Right. Well, I mean, the -- we became aware that certain people weren't in their jobs anymore. And given who they were, Charlene Lamb and -- and Scott actually wasn't in the first tranche -- Eric Boswell and Scott later on, we presumed -- or I shouldn't say "we." I presumed that it was as a result of the ARB recommendations.

Q You said there was a later tranche. Were there some that were out of their position, or to your knowledge they were out of their position earlier than others?

A I believe that Charlene and Eric -- Charlene and Eric were out almost immediately, and then I think later on Scott Bultrowicz. And I'm not exactly sure about that. I think the timing is roughly the same for Ray Maxwell.

Q What was your reaction when you learned that those four individuals had been identified by the ARB?

Mr. Chuang. Just to clarify, I don't think he said that he -- he presumed that, but he didn't know that, because he hadn't read the report, he was just going off the individuals.

BY MR. OHLY:

Q When you learned that these individuals were no longer in

those positions, presumably, from your inference, by the results of the ARB.

A For the people in Diplomatic Security, I didn't know what information the ARB had accumulated, I didn't know what their involvement on any specific decisionmaking might be, so the -- the justice of those decisions was something that I just had no idea about.

When I looked at Ray Maxwell's situation, I had a much better sense of how much he was or was not involved in this, and it struck me as being unfair.

Q Can you elaborate on that?

A Well, he just wasn't involved in making decisions about the security of what was going on at post, because nobody in NEA was making those kind of detailed decisions.

Q Was he making any decisions related to security at post?

A Not that I was aware of.

Q In your day-to-day responsibilities as the director of EX, did you have any interactions with Ray Maxwell about Libya or U.S. posts in Libya?

A Day-to-day? Occasionally. It would depend on the specific issue. I would tend to have more interaction with [redacted], but occasionally I did.

Q Do you recall any specific examples of what you would interact with Ray Maxwell on?

A No, I can't.

Q At the time of your interview with the ARB, did you have

any indication that they were looking at Ray Maxwell or his role in the decisionmaking process in NEA?

A Not more than anybody else.

Q In subsequent months, have you come to gain any clarification as to why Ray Maxwell was placed on administrative leave?

A When you say "additional clarification," do I know why he was placed on administrative leave?

Q Yeah. I know you have not read the classified ARB report --

A Right.

Q -- but has any information come to your knowledge that clarifies why he was -- what information the ARB included on him?

A Right. No, I did not.

Q Do you think it was appropriate for Mr. Maxwell to be singled out by the ARB?

A If I was on the ARB, I would not have chosen him as someone that should have been identified, because I didn't believe that he had -- I didn't believe that he had made any decisions related to the security of the mission which would -- which would warrant that sort of action.

Q Now, it's our understanding that he has been placed on administrative leave and remains in this status to this day. In your time with the State Department, do you -- have you ever come across administrative leave? Are you familiar with that process?

A Yes. Yes.

Q Can you explain the administrative leave process?

A Well, it's usually used where there is behavior that requires the Department to ask -- well, to remove someone from their day-to-day job. And in the course of my career, I have heard of it being used, but it became very -- but -- so I've heard of it being used. I never realized the -- the specific procedures until we had to go through it with Ray.

Q And what are the specific procedures?

A The way that it works is that a letter is prepared. It's signed off by the -- one of the deputy assistant secretaries of central HR in the Department, which essentially says that the person is suspended.

And in the specific case of Ray, there were -- what I understand were specific requirements, things like turning in your badge, turning in your BlackBerry and so on and so forth.

Q Did you ever have any conversations with Mr. Maxwell about his placement on administrative leave, or about his removal from his position?

A I delivered the letter to him at his home.

Q Can you describe that conversation or --

A Yes. Somewhat before Christmas. And I didn't want to just send it to him, so I -- I took it down to the apartment complex where he was living. And I called him beforehand to tell him I was coming, and I told him that I needed to do this. And I delivered the -- the letter that specified administrative leave. And I told him about the details of it, about the BlackBerry coming back and so on.

He said, okay. I can understand administrative leave and all, but I'm not going to give up my BlackBerry, and I don't want to give up my badge.

And I said, that's fine. And we sat for a while and talked, and then I left.

Q And why wouldn't -- why were you the one to deliver it to him?

A Because I've known Ray for a very long time, and this was a very ugly thing to have to deliver, and I felt that it was something that should be delivered by someone who was -- someone he had known for a while.

Q Did you think administrative leave was an appropriate step for Mr. Maxwell, based on your experience of how you've witnessed it in the past?

A The rules associated with whether an administrative -- with whether administrative leave is applied or not are complicated, and it really depends upon the actions that have been found, the actions that the authorities, in this case, the central human resources system, determines are applicable, so it's rule bound as much as anything else.

Q So who makes the decision to place someone on administrative leave?

A Well, I don't know who made the absolute decision, but the document that I received was signed by the deputy assistant secretary in HR, who handles this sort of thing.

Q Do you have any concerns with how Mr. Maxwell has been

treated?

A Well, I think I said earlier that I didn't think it was -- that he should have been held responsible, because he didn't have anything to do with the security of -- making decisions related to the security of the post, so, yes, I mean, inherently. If -- if the view of the ARB was different, then, you know, that translated into whatever action was taken, I presume.

Q Do you have any visibility into why it has taken 8 months to evaluate the status on administrative leave and -- and others?

A I don't. Once -- once the action is necessary and my office has taken, then all of it -- all subsequent actions are taken by the -- by what we call central HR, and it's the Office of Employee Relations.

Q And the actions by your office is simply informing the individual that they've been placed on leave? Is that correct?

A That's correct.

Q Do you have any role in a review process after that stage?

A No.

Q So, at this point, you have no visibility into how the review proceeds within HR?

A No.

Q Have you ever had any experience with administrative leave that you have some visibility into how that process plays out?

A No. I -- I've seen it applied, but not -- not from the HR side, so I don't know the details that they go through.

Q Have you ever heard of anyone being placed on administrative leave for this length of time?

A No. Is that true? Actually, it's not true, because if people lose their security clearance -- well, depending on how it works out, if someone uses -- loses their security clearance, they can be on administrative leave for a considerable period of time. It just depends on the circumstances.

Q Do you feel that the ARB report lets any individual or function of government off the hook, whether it doesn't go far enough in certain areas?

A I don't know. I haven't seen the -- I haven't seen the classified side, so I don't have any way of assessing the more detailed analysis that they may have made, so I can't assess that.

Q Do you have any experience with previous ARB's?

A Let me think. Do I? There have been -- I'm trying to think about it. God, in NEA, there's so many -- so many situations like this.

I may have had a -- I may have been collaterally involved -- not involved even, but aware of an ARB proceeding, but certainly never as close as I have been in this job. And there's been no ARB, subsequent ARB while I was the executive director. Or not subsequent, but prior.

Q We had asked earlier about the ARB finding systemic failures in leadership and management deficiencies at senior levels within two bureaus at the State Department that resulted in a special mission security posture that was inadequate for Benghazi and grossly inadequate to be able to protect the place.

Would Mr. Maxwell's role or responsibility be something that was considered there in that finding, to your -- based on your knowledge of his -- with Libya?

A I -- to be honest with you, I can't answer, because I just don't know. I don't know whether -- I mean, I can make assumptions, but, you know, do I know? No, I don't know.

Q Ambassador Pickering has said that they fixed accountability at the assistant secretary level because that's where the rubber hits the road, that's where decisions are made. I'm paraphrasing.

Do you think that this was an appropriate level to fix accountability? Or maybe I should rephrase it that there -- were there others involved in decisions or more or less involved in decisions related to security by -- security in -- of U.S. facilities in Benghazi that were not named?

A No, I don't think so. The --

Mr. Knauer. I'm sorry. What?

Mr. [redacted] Oh, I'm sorry. I said, no, I don't think so. No.

BY MR. OHLY:

Q At our May hearing, some of the witnesses raised questions about Undersecretary Kennedy's level of involvement in decisions related to Benghazi. Based on your experience, I think you mentioned him a few times earlier, but was he involved in a -- in decisions related to security in Benghazi?

A Yes.

Mr. Chuang. What -- what kind of decisions are you referring to?

Mr. Ohly. Security of U.S. facilities in Libya, including Benghazi.

Mr. [redacted]. Yes.

BY MR. BEATTIE:

Q So I want to go back to what we just didn't have time to talk about before we broke for lunch. And I apologize for presenting a couple more documents.

Mr. Beattie. Could we just go off the record?

[Discussion off the record.]

Mr. Beattie. So a couple of emails. We're going to mark the first one Exhibit 6 -- Exhibit 7.

[[redacted] Exhibit No. 7
was marked for identification.]

BY MR. BEATTIE:

Q So this is an email, it's a chain of emails. So [redacted] on February 7th, 2012, emails [redacted] and [redacted]. Could you just clarify -- you said earlier [redacted] worked for you. She was PMO for Libya, correct.

A Uh-huh.

Q And [redacted], was he the principal officer at the time? Or what was his --

A He was the principal officer.

Q In Benghazi. Okay. And then, [redacted], who was that.

A He was the information management officer.

Q Okay. Thanks. So just to read in part, Ms. [redacted] writes, on February 7th, in her unclassified email, "Sorry, I can't stay. On the DS front, it is very clear that the DS front office will make the final decision about how to staff the gap, and it's left up to DAS Lamb for the final call."

And then Mr. [redacted] writes back to Ms. [redacted] on February 8th and says in part, "Thanks, [redacted]. [redacted] says you helped us out again with the drop arm purchase. For DS staffing, please let me know if there is anyone I can call. We had a short window yesterday when [redacted] was alone without an RSO in the compound due to simultaneous movements by me and the TD wires. We'll de-conflict so that does not happen again, but what that means, we will not be able to support any off-compound movements February 12 to 13. I will be restricted to a single movement at that time inside Benghazi city limits from February 14 to 24. We've heard that the agent scheduled to arrive February 13 is having visa issues. If he cannot travel as planned, we will be down to two agents from February 12 to 24 and restricted to compound."

And then Ms. [redacted] forwards this email on to, among others, you, and she writes, "Benghazi has been beating this drum for at least a week. Tripoli thinks they can send one MSD and one SST to support. There is a Benghazi express flight on Saturday, but DS in Washington, i.e., DAS Lamb, is sitting on the decision," unquote.

Let's put this back in front of you so you can refer to it. So

could you -- I just have a few questions about this. One, I guess, we'd just like to understand, to the best of your knowledge, the events surrounding this -- this incident. I think -- I know you touched on it a little bit, but hopefully, this provides a little more context.

A Uh-huh.

Q Could you just maybe describe kind of what was going on here and then also then why -- why -- to your knowledge, if you can speculate, Mr. [redacted] felt he wanted to reach out to Mr. [redacted] about it, to NEA EX about --

Mr. Chuang. You're asking him to speculate, you're saying?

Mr. Beattie. I'm asking him to provide his understanding, since he's a subordinate --

Mr. Chuang. If he has an understanding.

Mr. Beattie. If he has an understanding as to why Mr. Crowley reached out to his subordinate, Ms. [redacted], about the DS staffing issue.

Mr. [redacted] I think I mentioned earlier that there was a point at which the numbers got very, very low in Benghazi, and it was this time frame. [redacted] mentioned to me that there was a problem, and it was particularly a problem associated with the DS agents leaving the compound and leaving [redacted] equipment exposed. And that's the point at which I called Sharon -- Charlene and said, what are you going to do about this, because this is a problem? You're now -- in effect, you're now doing -- this is doing something which can have a material impact on our ability to get reporting done, our ability to process classified information.

And that's when she explained that she was changing the nature of the management structure so that [redacted] would be responsible for Benghazi and she was taking steps to make sure that there were more people that would be going.

Q So Ms. [redacted] says to you in this when she forwards it to you that DAS Lamb is sitting on a decision. Do you know what decision she's referring to there? I mean, it appears to me that it's about signing off on whether Tripoli can send MSD or SST to staff the shortfall. Is that -- that correct?

A I don't know.

Q You don't know.

A Let's see. I don't know. I mean, it sounds like it.

Q Yeah. I mean, just to -- for your own background, we've heard from Mr. [redacted] a couple of times, and I believe he may have -- I believe he said something to the effect of, you know, he was interested in sending, in fact, did in fact send at various times a couple of SST to Benghazi to staff shortfalls. But you don't recall if that's specifically what this is, or -- or it appears to you that it is?

A It seems. I mean, the --

Q Okay.

A -- the language suggests.

Q When you talk to -- to Ms. Lamb -- you did talk to Ms. Lamb?

A Yes.

Q You had a conversation with her about this. Did you -- what

was -- what was the nature of that conversation? How would you characterize it?

A I said that we were concerned, because the implications of not having sufficient staffing in Benghazi were -- would have a direct operational impact, either -- either the -- the IMO, who was trying to protect the classified, would not have a regional security officer with him because they were out doing things, or the principal officer would not be able to get out to do his work. What could we do about this?

Q And did you -- did you raise the issue with her about this apparent request by -- by Tripoli to send MSD or SST as an option?

A I don't remember doing that.

Q And so then, presumably, you don't recall if -- what her view was on that, on sending MSD and SST to Benghazi? Did she have a general view about it that you were aware of?

A It -- it wasn't a detail that we -- we would have gone into.

Q Okay.

Mr. Ohly. Let's introduce the other email that you looked at, but I think it's just additional --

Mr. Beattie. Yeah.

Mr. Ohly. -- context on this same thing.

[[redacted] Exhibit No. 8
was marked for identification.]

BY MR. BEATTIE:

Q I think you've addressed it already. It's Exhibit 8. It's

just an email from you to Ms. Lamb, telling her, as you indicated, that you suspect NEA front office will react to the recording stops. Do you have some time to discuss this tomorrow? [redacted], unquote. So you said you discussed it, and you characterized it. Thank you.

Mr. Powell. Could you read the date of that email for the record?

Mr. Beattie. Sure. February 12th, 2012, 9:23 and 55 seconds a.m., and it's unclassified.

Mr. Beattie. Can I just ask one more? You had said that -- and that will be exhibit, I apologize. It's --

Mr. Ohly. 9.

Mr. Beattie. 9.

[[redacted] Exhibit No. 9
was marked for identification.]

BY MR. BEATTIE:

Q I knew you had said -- you had said that that was one period in time that you were aware that there had been staffing shortfalls of DS agents in Benghazi. Could I just ask you about -- take a look at this email.

We can go off the record for a second.

[Discussion off the record.]

Mr. Beattie. All right. Back on. This is deposition -- or Exhibit 9.

[[redacted] Exhibit No. 9
was marked for identification.]

BY MR. BEATTIE:

Q This is an email chain, again. I'll just start here where it's [redacted], from NEA Maghreb, Wednesday, May 9th, 2012, emailing to a number of folks, including [redacted], who was your subordinate, PMO for Libya. [redacted] writes, "My understanding is that Benghazi in particular could benefit from DS agents on longer-term rotations. The current 45-day or less deployments cause major turnover and visa processing headaches. Looping in our PMO's [redacted] and [redacted] to weigh in on where CSO might be able to help."

First, could you just explain what CSO is?

A It's the Crisis Support Office, and it was established essentially to take -- to be involved in situations like this one, where it could mobilize a number of people with a variety of specialties and bring them in to assist. Unusual in this circumstance, but they went -- they did a lot of work in Africa, for example, and Darfur and so on.

Q And where does that office reside within the State Department bureaucracy?

A Let's see.

Q If you know.

A Yeah. CSO is actually part -- if I recall correctly, it's part of the G Bureau. It's just moved and so it -- but it's -- it's another -- it works under another undersecretary, but not M, not P.

Q Okay. Okay. And to your knowledge, do they have D -- I mean, they're not DS. Are they DS agents or do they have security people? I guess I'm just trying to understand how CSO might weigh in

to help with this -- this problem of rapid turnover of DS agents in Benghazi.

A CSO has its own assigned DS agents.

Q So presumably they -- they might -- they might be able to staff some DS agents from their shop, if you will, to help cover shortfall in Benghazi --

A Yes.

Q -- presumably?

A That seems to be the thrust of this.

Q Okay. Thanks. And then -- and then Ms. [redacted] sort of takes this email and forwards it on to [redacted]. And [redacted] is in DS, is that correct, to your knowledge?

A DSIP.

Q Okay.

A He's the desk officer, in fact, for Libya.

Q Would he be -- would he be Ms. [redacted] counterpart in DS?

A More or less.

Q More or less. Okay. So [redacted] writes to [redacted] on May 9th and says, "How far out do you have agents planned for Benghazi? Do you want us to explore getting some CSO assistance?"

So I guess one of the things we want to understand was --

Mr. Chuang. Can he look at it while you're --

Mr. Beattie. Yeah. Sure.

BY MR. BEATTIE:

Q So -- so Ms. [redacted] role in this, what's your

understanding of what she -- and I know you're not on this email, but she is your -- your report --

A Uh-huh.

Q -- is we're trying to understand kind of what -- what her role is, as you perceive it, in this process of trying to -- what she appears to be facilitating staffing the shortfall in a -- in a security area in Benghazi. Maybe it would be helpful to -- maybe to ask the question, is this a typical type situation that a -- that a PMO for a post would be reaching out to try and facilitate closing a DS staffing shortfall?

A Closing --

Q Yeah.

A Not a DS staffing shortfall. Actually, this is -- let's see. I think what she's doing is just picking up what [redacted] has suggested with CSO and asking [redacted] --

Q Yeah.

A I'm sorry. I'm missing that question here. She's -- she's simply passing it along to him as a suggestion --

Q Sure.

A -- because apparently they've been having some difficulty, is my supposition.

Q Okay. Is this unusual to you or is this typical, this sort of interaction where a PMO in any NEA DX is reaching out to someone in DS, raising an issue about a DS staffing issue? Does that happen all the time or --

A No, it doesn't happen all the time. I think -- I -- I don't know. I mean, it's hard to know what -- what her motivation was to do this.

Q Sure. Okay.

BY MR. OHLY:

Q I apologize for jumping around. I'm trying to just wrap up our last round here.

I just want to touch back on the issue of the SST and the DOD mission in Libya. I think we talked a little -- several times about the conversation you had in March related to the SST. Were -- do you recall any other discussions that you were involved in or any other interactions related to the SST or the DOD mission in Libya, how that was evolving?

A I believe it was in -- let me think. I believe it was in September -- not September -- June or thereabouts that the question of the SS team and its deployment came up again, and it came up because it was a suggestion that the SST could -- which was working for Africa at the time, [redacted]. And that raised issue --

BY MR. OHLY:

Q If I can clarify, deployed or remained in country?

A Well, yeah. [redacted]

This created problems for us, because when they were just -- when they were doing the security piece, they were covered by the Vienna Convention on Diplomatic Relations, and so they had privileges and immunities. This is particularly important for people like that. If you're shooting at them, you know, you want to make sure that you don't have a problem -- shooting at people -- you want to make sure that you don't have a problem later with the law.

And this hadn't been addressed. The issue is, if they move to this new function, do they get covered by privileges and immunities. And the answer is they really don't. And so we were asking the question, well, how are we going to reconcile this? [redacted]

Mr. Knauer. Can you speak up? I'm sorry. We can't hear anything you're saying down here.

Mr. [redacted]

[redacted] In this case, they -- "they" being AFRICOM -- simply intended to move them over to another set of responsibilities. And we wanted to make sure that they had privileges and immunities in some form or another. So I got involved in that conversation.

BY MR. OHLY:

Q So you were mostly focused in the conversation about privileges and immunities?

A That's right.

Q And why would you have been involved in that discussion?

A It's what we do. I mean, it's the part of this that we handle because the relationship is between us, the legal advisor's office, and the section of the Under Secretary for Management's office that deals with these sort of bilateral relationships.

Q And when you say "us," do you mean EX?

A EX.

Q Okay. So that was the only other piece of the SST. You weren't involved in any discussion about, are we going to transition [inaudible] should we extend SST into August as a security function? Were you involved with that at all?

A I don't recall any conversation about that.

Q So just on the privileges and immunities.

A Uh-huh.

Q On the first page of the unclassified ARB, which is Exhibit 1, the last paragraph, is a description of the report, on what

the report focuses on. I'm just going to read it for the record. "As called for by the Act, this report examines: whether the attacks were security related; whether security systems and procedures were adequate and implemented properly; the impact of intelligence and information availability; whether any other facts or circumstances in these cases may be relevant to appropriate security management of U.S. missions worldwide; and, finally, whether any U.S. government employee or contractor, as defined by the Act, breached her or his duty."

Are you aware whether the ARB found that anybody breached their duty, as defined by the act?

A I think it says in the report that they did not.

Q Do you believe that Mr. Maxwell's conduct merited his being relieved of his duties and placed on administrative leave? I know you've answered this before. Just wanted to clarify.

A Right. That wasn't -- my view was that -- my view was that he was unfairly -- or I shouldn't say unfairly -- but that he should not have been cast as someone who was making decisions about security provisions at post. And, consequently, if there were consequences of that perception, then I didn't agree with them.

Q So you have no knowledge of any actions that Mr. Maxwell would have been engaged in that contributed to the lack of appropriate security and loss of life in Benghazi?

A I'm not aware of any.

Q Do you believe that the ARB report does enough to ensure a similar tragedy does not repeat itself in the future? I know security

is not 100 percent, I understand that. But do you think it went far enough? Went too far? Went just right?

A There has been a huge sea change in the way that we deal with security in the Department. It's hard even to describe it, but let me give you some specifics. Before Diplomatic Security was off, and they did what they did, and the Bureau did what it did, and there was connection at a variety of levels over specific things, but the integration of the information was not as -- was not, obviously, as well knitted together as it should be.

Today, in the two that I'm aware of, in both the all-hands meetings for the Assistant Secretary for South and Central Asian Affairs and in the -- in two meetings during the week for the Assistant Secretary for Near Eastern Affairs, two representatives from DS are there, one of whom is the office director for high-threat posts. There is a flow of information back and forth. In addition, in both cases, the Assistant Secretary send their senior advisors to the daily threat briefing that is held in the Office of the Assistant Secretary for Diplomatic Security, along with his other agents.

The intensity of concern about any security issues is in quantum leaps larger than it was before because -- and I don't mean that there was no concern, but the point was it was regarded as something that was taken care of -- it was to be taken care of by Diplomatic Security. And now everybody in the building is involved.

Q Do you see this as a lasting change or is this a heightened awareness post-ARB, post the tragedy last year, we're going to, you

know, modify the way we do things for a little bit and then it'll go back to the way it was?

A I don't think so. Chris Stevens was -- Chris Stevens was a friend of an awful lot of people in NEA, and we were -- the pain that you could feel in the Bureau when he died left scars. And as part of those scars are that we're not going to let this happen again.

For example, I was in a meeting this morning with deputy assistant secretaries and office directors and a security issue came up. The assistant secretary essentially stops the meeting and calls the post to find out what's going on. And I think that will endure.

In addition, some of the recommendations that have been made by the ARB -- for example, the formalization of the risk policy imperative piece -- that will endure.

So I think that there will be -- that the ARB has made many suggestions that will have very therapeutic effects over time.

Q That's very helpful.

BY MR. BEATTIE:

Q Just on the risk-reward balancing issues, you said -- you referred to the formalization of it. How has it been formalized?

A Oh, it's in the process of being formalized. There's a team that's doing a sort of a format for quantifying a risk. And Diplomatic Security has this incredible 80-column spreadsheet where they have all numbers of factors that they put together in algorithms, and so on and so forth, where they're trying to evaluate the risk. The hard part is the policy side.

Q I'm sorry, meaning?

A The policy side being, in other words, what's the policy imperative to be in any particular location.

Q Right.

A It's just very hard. And so getting that balance right is -- so once you do that, once you define that, then the really hard part comes, where is the equation there? Where is the -- how do you get from knowing these two things to being able to balance them well? That's going to be a combination of a certain amount of process and agreed-upon approaches. And at the end of the day the last little bit of it, I think, is really going to be a gut call about just how important it is versus just how much the risk is.

Q Okay.

Mr. Ohly. One last question on the ARB. Did you think the scope of their review was appropriate or adequate? Was there any area you felt they could have gone into or areas where you felt they shouldn't have gone?

A There was nothing -- I mean, to the extent that I was aware of it, there was no place that I thought that this is really where you need to be, you need to go and see this bit of information. They seemed to get a relatively comprehensive look at it. The problem, of course, is that they were trying to do in 90 days what everybody else has been doing for years. So it's hard.

BY MR. SKLADANY:

Q Can I just ask one other thing about Ray Maxwell's

administrative leave status. Do you know if the decision to put Mr. Maxwell on administrative leave was based on anything outside of the ARB's findings?

A I have no idea.

Q The letter that you presented to Mr. Maxwell, did that -- did you read that?

A Uh-huh.

Q Did that go into at all the reasons for placing him on administrative leave?

A No. It's a form letter.

Q Does it describe what the administrative leave process is?

A Uh-huh. And it talks about having to turn over your BlackBerry and so on. And if I can, when Beth Jones found out that part of the process was that he had to turn over his BlackBerry and so on, she called the Director General of the Foreign Service and was none too happy with it. I was in the room at the time and she was -- yeah, I think it was -- and she was not happy about it. And she didn't want that to continue, and it did not.

Q So he was ultimately able to keep his BlackBerry and his badge?

A Right.

Q I'm assuming that by virtue of the fact that he's on administrative leave status, which is kind of a status that puts him in limbo, that there's somebody at the State Department making a determination whether or not to allow him to return to work, and, if

so, in what role. Do you know anything about how that process is playing out?

A I don't.

Q Are you involved at all?

A Not at all.

Q Has anybody asked you your opinion about what should happen to Mr. Maxwell?

A No.

Q Okay.

BY MR. OHLY:

Q Is there anything we haven't asked you about today that you feel would be important to convey? I know -- well, I'd say this in the context of you felt there were some things you wanted to add to what the ARB had asked you and I thought I'd open that door.

A I can't think of anything that we -- you've been rather exhaustive. I don't think there's anything more, to be honest.

Q I think that's all our questions.

Mr. Knauer. Can we just have 3 or 4 minutes? We don't need to go break or anything.

Mr. Powell. Unless the witness would like to take a break.

Mr. Ohly. We can go off the record for a moment.

[Discussion off the record.]

Mr. Knauer. So it's 2:53. We're back on the record.

BY MR. KNAUER:

Q There was an email, Exhibit 9. There was this email from

[redacted] to [redacted]. And this is where she's asking, quote, "How far out do you have agents planned for Benghazi? Do you want us to explore getting some CSO assistance?" Do you recall this?

A I saw it.

Q And [redacted] was your subordinate?

A She's a post management officer for the post. Yes, she is.

Q And is she a security expert?

A No.

Q Okay. So her job isn't to determine security needs and then procure those needs?

A No.

Q Okay. And then we were talking a lot about Mr. Maxwell, and you had mentioned earlier that you had not read the classified portion of the ARB. So is it fair to say that, again, you don't know what the ARB said regarding Mr. Maxwell? Is that correct?

A That's true.

Q So your views are based on --

A It's my views based upon my understanding of the situation.

Q Okay. Okay. Leave it at that.

With respect to Mr. Maxwell being placed on leave, since you didn't read the ARB, you don't know if it was the ARB that made a recommendation about leave or if this was a decision made at the State Department that did not involve the ARB and it was therefore made by some other place other than the ARB board. Is that correct?

A It is correct. And I think I said that. I don't have any

idea why he was placed on administrative leave because I couldn't see the classified portion; or, for that matter, I didn't know what the rationale for putting him on administrative leave was.

Q Okay. Thank you.

BY MR. POWELL:

Q So just to further clarify that, would your answer regarding the appropriateness of the decision to place Mr. Maxwell on administrative leave change depending on whether Mr. Maxwell was placed on leave because of an incidental finding rather than his role in security decision making?

A I'm sorry, the last part?

Q Because of an incidental finding rather than his role in security decision making? Would your answer change depending --

A Right.

Q -- on that?

A I would have to see what the facts were for my opinion to change.

Mr. Knauer. Okay, guys, we're done.

Thank you very much. Thank you for coming in.

Mr. Ohly. I want to thank you for your time today. I know it's been exhaustive. But we appreciate your insight.

With that, the interview is through.

[Whereupon, at 2:56 p.m., the interview was concluded.]

INTERVIEW OF WILLIAM ROEBUCK

BEFORE THE

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, AUGUST 5, 2013

APPEARANCES

FOR THE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

JOHN OHLY, *Senior Professional Staff Member*
JONATHAN J. SKLADANY, *Senior Investigative Counsel*
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Mr. Ohly. This is a transcribed interview of [redacted] conducted by the House Committee and Oversight and Government Reform. This interview was requested by Chairman Darrell Issa as part of the committee's ongoing investigation into the attacks on U.S. diplomatic facilities in Benghazi, Libya, and the subsequent Accountability Review Board report.

Could the witness please state your name for the record?

Mr. [redacted]

Mr. Ohly. Good morning. My name is John Ohly. I'm a professional staff member with the committee's majority staff. I'll ask everybody else at the table to introduce themselves as well.

Mr. Beattie. Brien Beattie with the majority staff.

Mr. Skladany. Jonathan Skladany from Chairman Issa's staff.

Mr. Powell. Jason Powell with the minority staff.

Mr. Knauer. And Chris Knauer with the minority staff.

Mr. Chuang. Theodore Chuang, State Department.

Mr. Choo. Robert Choo, State Department.

Mr. Lewis. James Lewis, majority staff.

Mr. Ohly. The committee appreciates your appearance at this interview. Your decades of dedicated public service offer unique insight that IS extremely valuable to the committee.

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

Mr. [redacted] Okay.

Mr. Ohly. The majority staff will ask questions for up to an hour

and then our minority colleagues will have an opportunity to do the same. We'll rotate back and forth in this fashion until all questions have been asked. We'd like to take a break whenever it's convenient for you, whether every hour or even in the middle of an hour. If you need water, if you need to use the restroom, check messages, please just let us know. We'd like to make this as easy and comfortable as possible.

Mr. [redacted] Thank you.

Mr. Ohly. This interview is unclassified, so if a question calls for any information you know to be classified, please respond only with unclassified information. If we need to have a classified session later, that can be arranged.

We encourage witnesses who appear before the committee to freely consult with counsel, and you do have counsel present today. Could the counsel please state his or her name for the record?

Mr. Choo. Robert Choo.

Mr. Ohly. As you can see, an official reporter is taking down everything you say to make a written record, so we ask that you give verbal responses to questions, yes, no, as opposed to nods of the head. I'm going to ask the reporter to feel free to jump in in case you do not respond verbally. Do understand that?

Mr. [redacted] I do.

Mr. Ohly. Also, we should try not to talk over each other, so it's easier to get a clean record. We want you to answer questions in the most complete and truthful manner possible, so we will try to

take our time and clarify questions if necessary. If you have any questions or you do not understand any of our questions, please let us know, we'll be happy to clarify and repeat. Is this okay?

Mr. [redacted] Sure.

Mr. Ohly. If you honestly don't know the answer to a question or don't remember, it's best not to guess. Please give us your best recollection, and if there's anything you do not know or can't remember, just say so.

Mr. [redacted]. Okay.

Mr. Ohly. You should also understand that although this interview is not under oath, that by law, you are required to answer questions from Congress truthfully. Do you understand this?

Mr. [redacted] I do.

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

Mr. [redacted] I do.

Mr. Ohly. Witnesses that knowingly provide false testimony could be subject to criminal prosecution for perjury or for making false statements. Do you understand this?

Mr. [redacted] I do.

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

Mr. [redacted] No.

Mr. Ohly. Okay. That is the end of my preamble. The clock now reads 10:06, and we will get started with the first hour of questions.

Mr. [redacted] Okay.

EXAMINATION

BY MR. OHLY:

Q This first round of questions, some of the questions may appear fairly basic, but it's just helpful to have your perspective and understanding on these issues.

A Sure.

Q To start, I'd just like you to walk us a little bit through your educational and professional background.

A I got a bachelor's degree at Wake Forest University and a master's there. I got a law degree at University of Georgia. I've spent most of my career in the Foreign Service. I was in the Peace Corps in Africa for 3 years before the Foreign Service.

Most of my career in the Foreign Service has been spent in the Middle East or in Washington focused on Middle East issues. I have served in Jerusalem, Tunis, Damascus. I was in -- I did Gaza political reporting while attached to the embassy in Tel Aviv. I served in Baghdad at the embassy there for a year. And I've served in Libya on several occasions for long-term TDY, temporary duty assignments, including 6 months as the charge d'affaires from January to June 2013.

Most of my career has been on -- focused on political reporting. That's an overview of my political -- political career.

Q And what is your current title?

A I am the Deputy Assistant Secretary for Maghreb Affairs.

Q And what was your title in the year leading up to the attacks

in Benghazi?

A I was the Office Director for Maghreb Affairs, one step down in the hierarchy in the State Department.

Q And then, for the period of time, from January to June, you were the charge?

A Right. I was officially the deputy assistant secretary, but appointed to go out as charge d'affaires in the embassy.

Q And when did you become the Deputy Assistant Secretary?

A In January --

Q In January?

A -- of 2013.

Q Okay. Can you just walk us a little bit through NEA's role in establishing or coordinating U.S. policy in Libya in the years leading up to the attack?

A In the period before the revolution, NEA tried to maintain as good a relationship as possible with Qadhafi. It wasn't easy, but, I mean, for a variety of reasons, but we tried to manage the relationship primarily because he'd given up his nuclear weapons and we were trying to bring him in from rogue state status.

After -- or you know, as a part of the Arab Spring that broke out in Tunisia in December 2010, we began to focus on these democratic-focused movements in the region, and --

Should I stop for a second?

Mr. Ohly. Go off the record for a moment.

[Discussion off the record.]

Mr. Ohly. We can go back on the record. Sorry.

Mr. [redacted] Once these sort of periods of unrest, demonstration, democratic movements started to break out first in Tunisia and then in Libya, we followed the events closely, we tried to shape them where we could. And when the revolution started in Libya, we worked with -- NEA worked with others in the interagency to try to shape our policy so that it would be supportive of that movement. We worked through or with our mission at the United Nations on the Critical Security Council's resolutions, 1970 and one other one, 1973, that were very important in that -- opening parts of that movement.

And we also worked closely with the opposition, the Libyan opposition, and created a sort of -- or not create, but we worked with the Libyan opposition. We met with them -- this was at the level of the Secretary -- in several meetings in the spring of 2011, to try to shape the diplomacy and help that movement as it was trying to overthrow Qadhafi. That's really how -- how we shaped it in the run-up to other developments. I don't know if you want me to go further.

BY MR. OHLY:

Q Please.

A In the -- in the summer of 2011 and into the fall, it was clear that Qadhafi was going to fall, and we worked on a variety of fronts, the diplomatic front at the international level, and also began planning for a return and a reopening of our embassy in Tripoli. And, of course, earlier on, in the spring of 2011 and into the summer, we worked on opening a small diplomatic mission in Benghazi to give us

eyes on in the -- into developments that were occurring there. And so these sort of -- all these different efforts were proceeding at the same time.

Q Who was leading the effort in NEA at, let's say, that period from the summer into the early fall? Who was responsible for sort of coordinating this within NEA?

A Well, the Assistant Secretary at that time, and the key person would have been Jeff Feltman.

Q And what was your role at that time?

A I was the Office Director for Maghreb Affairs, and I worked closely with Jeff and with the DAS, who would have been one step above me.

Q And who was the DAS that you worked closely with at the time?

A In the spring of 2011, with all this effort that the U.N. and meeting with Libyan opposition in various capitals, it was [redacted]. And I think in the -- I believe it was in the summer, late summer, maybe, of 2011, it -- there was a changeover, and Ray Maxwell become -- became -- as best I remember, became the DAS.

Q Was that a new position that Mr. Maxwell took over, or was that an existing position?

A It was an existing position that had been modified under the previous DAS, [redacted]. She had responsibility for Maghreb Affairs and for Arabian Peninsula, but it was -- it was thought that the Arab Spring had made that job too big, there was too much going on for one person to handle both of those regions, so it was sort of

sliced off, and the Arabian Peninsula part of it was given to another DAS, but the Maghreb Affairs part of it was an existing position.

Q Do you remember when that decision was made or who made that decision?

A Largely, I think it was a decision by the Assistant Secretary. I'm not sure exactly of that, but I -- just reading the bureaucracy, I imagine that's how it would have happened. I don't remember exactly when it happened. I think it was in the summer of 2011.

Q When that split happened, did that change your role or responsibility in any way?

A No, not really. I continued to report to the -- to the DAS and just, you know, the DAS no longer had responsibility for Arabian Peninsula.

Q It would be helpful for us if you could walk us through a little bit about the reporting structure within NEA and the roles and responsibilities within NEA for matters related to Libya. So what was, you know, the Office of Maghreb Affairs' role, what was EX's role, what was the reporting that occurred for those functions?

Mr. Choo. And -- and specify a period. What time period?

BY MR. OHLY:

Q Let's start with the end of the summer 2011 moving forward.

A Okay. I was the Office Director for Maghreb Affairs at the regional office. We communicated both at my level, also as desk officer level with our posts in the region every day through phone calls

and emails. Post would respond similarly. They also would send in cables periodically, which was a more formal way of communicating generally either on administrative matters or on political, economic developments.

The office -- it was a staff of 10 in my office that reported to me. I had one deputy office director. I reported to the DAS, and then it went up the chain to the Principal Deputy Assistant Secretary and the Assistant Secretary.

We worked very closely with the EX, Executive Office in NEA. That's a very important office that basically focuses on all the management issues for our -- all of our posts. They have a desk officer for each post, sometimes two countries, they will share a particular thing. That sort of mirrors our desk officer, but the focus is on management issues, personnel, staffing, things likes that rather than on political, economic developments.

We worked closely. I was in daily contact with the office director for EX. And, of course, they had their own chain basically answering to the Assistant Secretary, Jeff Feltman, also [redacted] did, but it was a very collaborative relationship.

Q How did you or your office, the Office of Maghreb Affairs, interact with EX on the issue of security in Libya? And I'm referring specifically to security of U.S. facilities or personnel.

A The regional office, my office, I mean, we consider ourselves, one of our functions was to be an advocate for post, so, you know, we were in daily communication with them. They were the eyes

on on the ground. We would get, you know, requests or input from them. Many times EX would be included on those notes, but not always. And so we consider ourselves as advocates for post and their requirements to EX, but as I said, we worked very collaboratively, and, you know, those requests would be discussed and aired, often in -- in cooperation with the Bureau of Diplomatic Security.

Q And were you -- and at your level, as the Director of Office of Maghreb Affairs, were you involved in a lot of that discussion? I think you said you had daily contact with post.

A I had daily contact with post multiple times. I had discussions with EX. With Diplomatic Security, I largely relied on, at least on a daily basis, with the desk officer and the deputy to work with Diplomatic Security officers to do things, but on particular issues, I would be in direct contact with them.

Q When you say "the deputy," do you mean your deputy?

A My deputy, yeah.

Q And who would that be?

A For most of the period that we're talking about, it was at [redacted].

Q Okay. And how did the Office of Maghreb Affairs interact with the front office with respect to security of U.S. facilities and personnel in Libya?

A Pretty much the way we interacted with the whole, you know, issues that sort of, you know, reached the level of having to be dealt with in the front office. I briefed my DAS every morning before his

morning meeting. I was in telephone contact with him all day and by -- and in email contact. And on some occasions I might see the Principal Deputy Assistant Secretary Or the Assistant Secretary if I was up for some meeting or in the -- on an email chain and was asked to respond, but generally, it went through the DAS in that way.

Q Okay. What was the role of the post management officers for security of personnel and facilities in Libya?

Mr. Choo. And we're talking about the same time period?

Mr. Ohly. Same time period.

Mr. Choo. Okay.

Mr. [redacted] The post management officers were, I referred to them earlier, they were basically the -- as I understand it, they're the desk officers who handle these posts, but focused on manage -- primarily on management and administrative issues?

BY MR. OHLY:

Q Okay.

A So they were like our desk officer counterparts, but focused on management and administration issues.

Q So I think you've talked about this a little bit, but I just want to be clear. In the year and a half, so let's, again, stay with the same time period, this end of the summer 2011 forward to the time of the attacks, what was your specific role and responsibility for Libya? What were you involved in? You said you had the daily phone calls --

A Uh-huh.

Q -- but can you just walk us through, you know, specifically --

A Sure.

Q -- what your -- your role was?

A I started calling post daily when events erupted in Libya in early 2011 at 7:00 in the morning, and I continued that. So, basically, every day I gave post a call. Once the mission was open in Benghazi, I would call there. Once the embassy was reopened, I would call both of them. I was in touch with them daily by email several times a day, follow-up phone calls. We would -- we would respond to their cables, and I would brief my DAS and others on particular issues that -- that came up that needed to be worked up at higher levels of NEA.

Q And who were you speaking with at the mission during these daily phone calls?

A At the embassy, once it reopened, I spoke with either the DCM or the ambassador. And at the mission in Benghazi, I spoke with Chris, basically the principal officer. Occasionally, I would speak with the political officer, like a low -- low -- much lower level officer if, for some reason, the principal officer wasn't available.

Q And did that continue into 2012 that you would -- you would speak with both the embassy and the mission in Benghazi?

A It did.

Q And during those calls, did you ever discuss security or security personnel with the folks at post?

A We -- we discussed -- yes. We discussed the overall threat environment, the political environment on a -- on a regular basis. This was -- this was one of the things that we talked about.

Q But, for example, if the folks at post were concerned about the number of DS agents that were on site or the, you know, strength of their facilities or the -- and maybe even that in the context of the environment that they were operating in, was that something that would be brought to your attention or --

A Yes.

Q -- would that strictly go to DS?

A No. It was part of the discussion.

Q And what would be your step when that information came to you?

A Generally, when we would get input like this from post, we would -- we would work the issue with EX. We would bring DS into the discussion and would see what could be done to address, you know, the needs of post. And as I mentioned earlier, our role primarily on the regional office was to be an advocate for post and to see if we could, you know, get them the assets that they thought they needed and to try to understand as clearly as possible what -- what those needs were and why they were asking for them. It was a political sort of policy-focused context in our office.

Q Did you ever have any concerns that post was not getting the resources that they needed or did not have the assets that they needed?

A In which period are you talking about?

Q Let's --

Mr. Choo. Yeah. Sorry. Go ahead.

BY MR. OHLY:

Q Let's -- let's focus on the end of 2011 and then in through 2012 leading up to the attacks, so the year leading up to the attacks. I know that's a very broad question.

A Yes.

Q There's a lot of steps involved, but if you can walk us through to the best of your recollection.

A What was -- repeat the question.

Q Were you aware of any concerns from post that they were not getting the assets that they needed or did not have the resources that they needed to operate effectively?

A Yes. We had occasion -- periodic communications from post, usually -- you're talking about Benghazi, right, or Embassy Tripoli?

Q Let's both -- let's start with Tripoli and then we'll do Benghazi. We'll --

Mr. Choo. Could we also, like, specify what kind of assets you're talking about?

Mr. Ohly. Either the physical security structures or security personnel necessary to operate effectively.

Mr. Choo. All right.

Mr. [redacted] For embassy first, let's see. You're talking

about in the period after they reopened, which is like --

BY MR. OHLY:

Q Yes.

A -- September of two thousand --

Q -- 11.

A 11.

Q -- to September 2012.

A Right. We -- we did get some -- some sort of input from post occasionally, periodically that -- you know, on -- on a particular front they -- they wanted more security or they -- some of this was sort of regular things that were a function of how long the assets had been given to them and, like, if it may have been an extra -- I mean, they went in basically when they reopened the embassy with special security that had been provided by DOD, and that was not indefinite, because normally DOD doesn't -- doesn't do that indefinite. That's other parts of the U.S. Government provided, so it was given with a time limit. So every -- I don't remember the exact phase, but every time that thing expired, post would have to come in and say, this is expiring, we would like to extend it, you know.

Q And you're referring to the SST?

A The SST is an example. And, you know, they're -- they're more sort of, you know, run-of-the-mill-type things that they would come in with, they're working on, you know, perimeter lighting or cameras or things, and they need this or that. And these things are just sort of par for the course. I mean, they would come in, and we

would -- when necessary, we would help them work those things through -- through their bureaucracy, but, yes, the SST was a particular focus, because it had to be extended every 120 or 60 days, something. I think sometimes the extension was varied. That's the embassy.

Q And with Benghazi?

A Very similar sort of rhythm to the whole conversation. Benghazi was a special case because it was a temporary facility; so a little different flavor to the overall conversation, but the same basic elements were there. They would come in with, you know, what their assessment of the political, security environment was, where they were with, you know, their security at post, what they felt they needed, and we would, you know, advocate for them with EX and DS.

Q Were you aware of any instances or can you recall any examples where they did not receive what they were requesting from you so that they were ad- -- you said you were being an advocate for them with DS and others?

A Uh-huh.

Q Do you recall any specific examples where they came to you with a request of, we would like X, and that was not delivered?

Mr. Choo. We're, again, talking about Benghazi?

Mr. Ohly. We're talk -- we're talking about Benghazi.

Mr. Choo. Yeah.

Mr. [redacted] There were periodic requests through two thousand and -- I wish I could get my numbers right. My years are blurring

together.

BY MR. OHLY:

Q Let's focus on the period after the facility was extended, so after December 2011, when the mission in Benghazi was extended through the end of 2012.

A Yeah. They -- the post occasionally came in with, usually through email, but sometimes a conversation on the phone that would indicate, you know, staffing levels for -- for DS. And, you know, it was, I mean, a challenge -- staffing that post was a challenge in general, not just on the security side, but also all personnel, because it was not a regular post. So we got periodic requests for more security staffing, and we got periodic requests for other types of staffing, and we tried to, you know, fulfill those requests or work with EX and DS to fulfill them.

There were instances where, you know, there was, I think, the numbers for DS, you know, dropped at one point, I think, from three people to two at a particular point. At another point, it dropped, you know -- earlier on, when the staffing was somewhat more robust, it dropped from four to three. These were periods where post would ask for more, you know, staffing and, you know, we would -- we would do what we could to -- to get that.

Q Were you successful in --

A We -- we were sometimes successful; often successful, but not always. When -- when -- when it dropped from three to two, we were -- we were generally successful getting it -- ensuring that it

was brought back to three, and that it was maintained. Getting it from -- from higher than that after, you know, late winter of 2012 was -- was a challenge.

Q Do you know what was driving that challenge or what caused that challenge?

Mr. Beattie. I'm sorry. Did you mean 2011, the year 2011?

Mr. [redacted] I'm getting confused on the years.

Mr. Choo. Are we talking about January, February of 2011?

Mr. Chuang. Yeah. Pick a month.

Mr. Choo. Yeah.

Mr. Beattie. No. Well, he -- the attacks were September 2012, so I just wanted to clarify.

Mr. [redacted] Sorry. Yeah.

Mr. Chuang. Well, I think you meant January, February 2012, whether you call it winter 2011 or 2012.

Mr. Beattie. Late winter. So I mean January, February 20 - 2012.

Mr. [redacted] Right.

Mr. Beattie. Okay. Thanks.

Mr. [redacted] Before the attacks.

Mr. Beattie. Right.

Mr. [redacted] Yeah.

BY MR. OHLY:

Q Let me just to clarify. So January, February, in that -- of 2012, it became difficult to get anything over three? Is that what

I understand?

A Yeah. I think that was the general time frame for the --

Q And do you know what caused that -- that difficulty or that challenge?

A I don't -- I don't know precisely. The -- I mean, my sense from the communications that we'd had either with EX or with DS was that it had to do with the fact that the mission was a temporary mission and that DS relied on temporary duty officers, TDY volunteers who were going out for 60- or 90-day rotations. And any time you're dealing with a temporary or special facility in the State Department, which is not on a regular bid list, it's not on a regular cycle for assignment and recruiting, that kind of thing, it's more difficult to staff it. You don't have a regular stream of officers bidding on these posts.

Q Did you have concerns about the numbers that they were getting?

A In what period?

Q In this -- after this late winter period moving forward to the time of the attack. Were you concerned that they weren't getting the security assets they needed to either, let's approach it from two angles, to be effective as a post or to safely protect the personnel at post?

A Yeah. Generally speaking, these requests came in, in the context of the staffing has dropped from, you know, this number to this number. Usually, it was, for example, from three to two. They generally came in, in the context of, this has occurred, and we cannot

operate effectively. This is a constraint on our ability to do our jobs. And that's the way we handled it. This was particularly true in the period that I've described, which is from January through spring, late spring 2012. And so we tried to, you know, get them more assets, get the diplomatic personnel so they could function. They wanted to get out more. They wanted movements. They wanted to be able to talk to people. That's the context in which these requests were made.

Q Going back to a little bit more of our general discussion, and I think we'll drill back into some of what we were talking about just now a little bit later, but back to understanding sort of the whole interaction of how NEA interacted with, internally, but also the rest of the State Department.

How were specific security-related requests, so requests for additional agents, requests for, you know, drop arms or specific security upgrades, how -- what was the process for the post to transmit those to the headquarters and then headquarters process those requests?

A I think it came in in different ways. It could come in to us in an email, which is relatively informal, and we would work it through NEA EX and with the action officer in Diplomatic Security. It could come in slightly more formally with a -- the post Benghazi would work through the RSO in embassy Tripoli, and then it would come in through embassy Tripoli either informally through an email or phone conversation, and that could be to us, or it could be the RSO directly with DS, or it could come in -- and the last way would be formally. It could come in as a -- as a part of formal request through a cable,

and that would come through the embassy. That would have been once the embassy reopened, of course.

Q And did you personally have any interactions with DS about security requests from post? And this is -- again, let's focus on the period late September 2011, after the embassy reopens, until September 2012.

A I did. I -- I had communications with [redacted], the action officer for DS. I had occasional email exchanges with others higher up in his -- his hierarchy, but generally speaking I went through him, and he worked those things up his hierarchy in Diplomatic Security.

Q Would you ever interact with Charlene Lamb?

A I had a few interactions with Charlene Lamb. They were focused primarily on what was needed to reopen our embassy, as I remember it, and they were in group -- group settings.

Q So that's September, October 2011?

A Let's see. We opened in -- we opened in -- the embassy again in September 2011, so it would have been a little earlier than that, but, yes, around that time period.

Mr. Knauer. Mr. [redacted], could you speak up a little?

Mr. [redacted] Sure.

Mr. Knauer. Thank you.

BY MR. OHLY:

Q Did you interact with any other bureaus or offices witness the State Department outside of NEA or DS regarding security in Libya in this -- let's start with security personnel or facilities?

A Any other offices inside the State Department?

Q Uh-huh.

A Not -- not -- not on security, I don't -- I can't recall anything I would have worked with anybody, any other offices on security or personnel.

Q How about other issues of policy, U.S. policy?

A On other issues, yes, it would depend on the policy issue. If it was human rights, we would talk to the Bureau of Democracy, Labor and Human Rights. If it was police, you know, training or something like that, we might talk to the -- to the bureau that handles those issues, law, I think it's law, INL, law enforcement bureau. It would just depend on which policy issue was involved. If it was the U.N. like, security council stuff, we'd deal with the Office of International Organizations.

Q Did you have any discussions with State Department leadership regarding Libya policy?

A I --

Mr. Choo. Again, we're talking about, not security, post security focus, but --

Mr. Ohly. This is policy in general.

Mr. Choo. Yeah. Okay.

Mr. [redacted] Generally speaking, I worked through the NEA front office, which is typically the way these things work. So I would have worked with the DAS and with the Assistant Secretary, and they worked the -- they worked any issues that were of a nature that needed more

senior level attention. So my input with what I would call senior policymakers at the State Department would have been through them or through -- you know, if we -- if our office produced a memo or something that went up, it would go through them and up, but --

Mr. Ohly. No direct interaction on your part?

Mr. [redacted] At that time --

Mr. Choo. Go on. Yeah.

Mr. [redacted] You know, it's rare for an office director to be in a lot of the meetings with the secretary or deputy secretary. There were occasions, generally more formal-type occasions, where somebody would visit, and I'd be sitting in a room while, you know, the Secretary might have a conversation with a Libyan official or an Algerian foreign minister, things like that, but that was fairly rare.

Mr. Ohly. That you weren't personally involved in any discussions with senior leadership about policy in Libya?

Mr. Choo. And, again, this is kind of broadly over that time period?

Mr. Ohly. Yes.

Mr. Choo. September of 2011, 2012?

Mr. Ohly. Yes.

Mr. [redacted] I think the Assistant Secretary took me to one briefing with about maybe seven or eight people that -- where the Secretary was -- was in the room on -- on Libya. I think it had to do with, you know, recognizing the opposition, at what point we would -- legally recognize the opposition. There was one conversation

with her and one conversation with, at that point, he was the under -- separate conversation with the undersecretary for political affairs on the issue of recognizing the Libyan opposition.

Q This is before we have reopened --

A Right.

Q -- the embassy in 2011?

A Yes. These were earlier conversations.

Q Were you involved in any discussions or interactions with the interagency regarding Libya?

A I was. As a matter of course, I -- at my level, office director level, there would be periodic interagency meetings on -- Libya. These were -- these involved State and others in the interagency. And then occasionally, not as a principal, I would sit -- I would sit, essentially back-benching at more senior meetings.

Q Like a deputy's committee meeting?

A Right.

Q And this is after September 2011?

A It varied. I mean, dep -- generally speaking, on -- in -- at the lower level meetings, I was -- I was included. At the higher level, deputy's level, that was very unpredictable.

Q In the period after 2011, so after we've reestablished the embassy, after September 2011, we reestablished the embassy, did you chair or attend any regular meetings on Libya or beyond the daily phone calls that you would have with the post?

A I chaired a meeting in -- I forget the time frame. Gene

Cretz, the ambassador, did these meetings while he was in Washington. And he went back out to become, again, the ambassador. I took over those meetings, so just -- he went out in September of 2011, and I took over that function and I chaired those meetings. I think we were doing them every day for a long period, and then they tapered off as the situation stabilized. They were generally State Department. That was State Department meetings but involved lots of stakeholders in the building.

Q And I think part of what we're just trying to understand is how the State Department established policy priorities for Libya.

A Uh-huh.

Q You know, who's responsible for those decisions, is it a collective decision, how is it falling down, is there interagency input. And to the extent you can walk us through your understanding of that would be helpful.

Mr. Choo. Again, can we break it down by period when the policy was formulated?

BY MR. OHLY:

Q Let's do the period of time from in the summer of 2011 leading up to the reestablishment of the embassy, and then from the reestablishment of the embassy moving forward.

A Some of it was issue specific. It would depend on what the issue was. Sometime -- and also the process would -- would vary. And the variance was not -- I mean, there were different reasons for it. Sometimes, we would be given a general policy indication from senior

levels. This is the direction we're going in, flesh it out, you know, work -- work the issue at the working levels and work it back up. And I'm sort of broadly characterizing the dynamic, but you'd get that.

Sometimes you might get something from post on a specific issue, and you would just work it, and it would go up that way, without any sort of policy guidance from senior levels that prefaced it. So it sort of depended on specific issues. Policymaking on Libya, like many things in foreign policy, it's complicated and, you know, varies a little bit. You can describe it in general terms.

Q Well, let's use a specific example. Let's talk about the decision to extend the U.S. presence in Benghazi through 2012.

A Okay.

Q Were you involved in the discussions of the value of extending the U.S. presence in Benghazi?

A I was.

Q Can you walk us through your involvement and how those discussions evolved over time?

A Sure. You know, we had -- we had sent Chris out as the special envoy to Benghazi. We'd opened that special mission up in, I think, April of 2011. So he was out there until November, and then we staffed it with, you know, other temporary principal officers through the rest of 2011 and spring, summer 2012.

As we moved to recognize the Libyan opposition as Qadhafi was falling, we began preliminary discussions on how to reopen our embassy in Tripoli. And as a part of that discussion, we needed to consider

what we were going to do with the mission in Benghazi. There was, you know, input from post, there was input from, you know, different people, Chris had a view on it. We had a view on it. Others had a view on it.

We had -- our primary role in those discussions was policy, shaping the -- shaping the policy and trying to make sure that -- that our policy concerns were factored in as we made decisions about extending the -- the mission.

Chris felt strongly that we should extend the mission. We supported that in NEA, Maghreb Affairs. We also believed that the Benghazi mission was very important, and so we -- we worked to support that as we discussed what we were going to do with the mission.

Q And when you say "we," who are you referring to?

A Maghreb, the Office of Maghreb Affairs.

Q And who would have been involved in the discussions about how that policy would be shaped or how you were going to support that mission?

A Office of Maghreb Affairs; the EX office, Executive Affairs; the NEA front office; Diplomatic Security; the Office of the Undersecretary for Management; the -- and to some degree, because they also had a mission in Benghazi, other agencies.

Q Who -- with -- so let's break it down more granularly. Who within NEA were the decision -- within NEA Maghreb Affairs were the decisionmakers or the folks with the opinions on how this was going to be shaped?

A In Maghreb Affairs? Well, me, of course, as the office director; my deputy; and also the Libya desk officer was an important player, because she had her hands on all the details and would have -- she would have fed information up to us. Those would be the key people in -- in Maghreb Affairs.

Q And in the EX?

A Post management officer, or officers, I think there were a couple people who were working that issue at the time; and the -- [redacted], the executive bureau office director.

Q And then the front office?

A Let's see what the time frame was. Basically, it would have been the DAS. I don't know exactly when the split was in the summer, but it would have been Ray's predecessor up to the time he came, and then it would have been Ray. And then the Principal Deputy Assistant Secretary and the Assistant Secretary at various points, you know, might have been involved in the discussion.

Q You don't recall specifically sort of who was sharing opinions of, this is what we need to do, or was it all being generated from post and then you all were figuring out how to make it happen? Or where was the guidance coming from on this? Was it coming from the undersecretary for management? Was it coming --

A Uh-huh. As best I remember, there was an understanding, you know, that -- I mean, the fact that we were reopening the embassy was raising the issue of what were we going to do with the -- the mission in Benghazi. And so you had -- you had post, you know, was -- was

making the -- was raising it, and it was also coming from Washington. I don't know -- I think it was a collaborative thing. We were aware we needed to make some decisions about it. I don't remember if it was -- to tell you the truth, if it was driven by funding streams, or I don't remember exactly what the -- the bureaucrat -- it was probably a bureaucratic driver for it, but I don't remember specifically if it was -- I don't remember what it was beyond the fact that we -- that sort of collectively realized that we needed to make some decisions about it, were we going to keep two missions open in a country as small as Libya with only 6 million people, or are we going to shut that one down and go to just, you know, having -- reestablishing the embassy?

And there was widespread, you know, consensus that the mission in Benghazi was very important. It gave us a window into, you know, Islamist movements that were important in the east, tribal factors that were much more important in the east. It had been the origins for the revolution, and a lot of the oil was in the east. We also had a very significant MANPADS effort that was -- had been focused in the east, because that's where we could get in first and do it.

So, for all those reasons, it was thought that keeping it -- that mission open was -- was important.

Q And this was -- everybody agreed that that was the right decision?

A I think there was widespread consensus it was important, yet, you know, I think, you know, decisionmakers were keeping an open mind. They were going to look at those -- you know, our input, that

was the policy input. As it -- you know, as it went up various levels, they were going to look at it from policy, and they were going to look at it from resources and see if it made sense to do it, you know, temporarily, or extend it or shut it or, you know, do something longer term.

Q From your perspective, what made sense at the time?

A To extend it for a finite period and then see where we were, which is essentially what we did, because of those policy concerns that I mentioned.

Q Did you think it -- and after it was extended for that sort of finite period, let's say the summer of 2012, what was your assessment of the decision to extend it? Was it to get it extended further, was it to extend -- you know, was the extension appropriate? You know, hindsight looking back.

Mr. Choo. What time frame are you talking?

Mr. [redacted] Are you talking before the attack or after the attack?

BY MR. OHLY:

Q Before the attack.

A Before the attack, my -- my basic view was we had gotten a good extension. Whether it should be extended beyond that or not, I didn't -- I don't think I'd come to any final views on it, but my reading of the -- the resource and bureaucratic landscape was that it was -- it was going to be difficult to maintain two missions in Libya. I had been involved in Iraq. I had seen the way we had had ambitious

plans to keep consulates open in Mosul and Basra and Erbil and Kirkuk and -- and how those had, you know, systematically been cut back, cut back.

So I -- I was skeptical that we were going to be able to justify, you know, two missions permanently in Libya, given the small population and the resources it would have taken, but I hadn't come to a real decision about it one way or the other in terms of should we do it or not. I know that, you know, Chris strongly supported doing it, but I was looking at it more being -- I was skeptical that the State Department would be able to do it.

Q Were -- were you aware that that was something that was being discussed in the summer or spring of 2012?

A Not -- there weren't a lot of discussions about it. I remember a formal, more quasi formal request came in from post in -- I think it was in August laying out their rationale for it in a certain degree of detail, but it -- was very preliminary. I don't think that the building had really considered it very much before September 11.

Q So you don't recall any discusses of whether to keep a permanent presence there prior to that point?

A In that period, you're talking about from the time that memo came in from embassy?

Q So, prior to the end of August, when the memo came in from embassy, were you aware of this discussion of, what are we going to do with Benghazi, is it going to be a permanent presence? Had that been discussed in the --

A Well, there was extensive -- there were extensive discussions about -- there was, you know, an extended discussion [redacted], and that had gone on for 6, 7 months. It was a long conversation. It made sense to do that as a way of prolonging the life of the -- but that was the -- as I remember, that was the primary sort of context of these discussions. And, you know, there was some movement on it, but at every -- every scenario that was developed, there were -- you know, there were problems with -- in one way or another about doing that.

BY MR. OHLY:

Q Were you aware of an interest from senior leaders at the State Department in extending the presence in Benghazi beyond 2012 prior to the memo coming in August?

A No.

Q So this is only something that had been discussed maybe within NEA or -- I mean, when you talk about the discussion of --

A Right.

Q -- [redacted], without getting into too much specific --

A Uh-huh.

Q -- would that have just been at a staff level with others?

A Yes. This was at the level of office director for NEA Maghreb Affairs, [redacted], and our counterparts.

Q But never --

A And that went on for, you know, several months at least.

Q But that wouldn't have been discussed with senior leaders in NEA or the front office?

A The DAS. I don't have a specific recollection, but, in general, my DAS would have been briefed. And Jeff, Assistant Secretary, probably, you know, would have known the outer parameters, that those discussions were under way, but not in any great detail.

Q And that is, when you are talking about Jeff, you are talking

about Jeff Feltman. So is this in the period prior to his departure?

A Correct.

Q And did those discussions continue after that point in time? So, say, up to June 2012, did those discussions continue after that period in time?

A The [redacted] discussions, as a way to sort of prolong the life of the mission, sort of petered out at a certain point. I don't remember a timeframe exactly. I think it was in the late spring, early summer of 2012.

Q Okay.

Mr. Ohly. We are approaching our hour, so we will go off the record.

[Recess.]

Mr. Powell. Okay. On behalf of the minority staff of the committee, I would like to thank you for your appearance here today.

Although we previously introduced ourselves, I will introduce myself again. I am Jason Powell. I am minority counsel with the committee.

I am joined by my colleague, Chris Knauer, and by our minority chief counsel, Susanne Sachsman Grooms. I will be the primary questioner, but I may defer to one of my colleagues to fill in the gaps in my questioning.

So before we get started, I just want to apologize in advance if any of our questions seem redundant. We just may want to ask you questions to cover some ground that has already been covered --

A Sure.

Q -- but just to clarify an answer on a particular question.

Lastly, before I begin, on behalf of the minority, I would just like to thank you for your service to our country.

And, with that, I will note the time as 11:15 for the record and begin. And I will actually defer to my colleague for a moment to get started.

EXAMINATION

BY MR. KNAUER:

Q Toward the end of the last hour, you had mentioned when my colleagues were discussing the notion of extending the special mission compound, and you had said -- I am paraphrasing, so I am going to use your words -- I will let you use your words. You said Chris was largely supportive of extending it?

A Yes.

Q Okay. And is that Ambassador --

Mr. Choo. I am sorry. We are talking extension into 2012 or beyond 2012?

Mr. Knauer. The discussion was the summer of 2012 and extending it further.

Mr. Choo. Okay.

BY MR. KNAUER:

Q And you had, I thought, mentioned that --

A Yes. Ambassador Stevens was a proponent of trying to keep the mission open as a second diplomatic mission in Benghazi for the

longer term.

Q And why was that? Why did he believe it should be extended?

A He thought that Benghazi was a critically important -- and the east in general, were critically important components to understanding Libya. And it was historically marginalized by Qadhafi over a 4-year period. And he felt it was important on a symbolic level to indicate that the United States was going to stay involved not only in Libya writ large but also in Benghazi and in the east.

And then for the other reasons that I mentioned: to have a window into the Islamist extremism that was developing primarily in the east but in other parts of Libya, to have a window into the tribal dynamics, which are very important, more so in the east than in the west. And we had a very important MANPADS collection effort going on in the east.

And then Benghazi had been the start of the revolution. It was where it started. And, historically, Benghazi has been a political trendsetter for Libya. Things that start in Benghazi affect all of Libya.

For all those reasons, Chris wanted the mission to stay there as a permanent second mission.

Q And would Ambassador Stevens' views carry significant weight within the Department?

A They would have. Chris was very respected, both generally as a diplomat but also as a person who knew the Middle East and served there in several tours. His views carried special weight.

Q And I also want to, at this point, introduce --

Mr. Powell. Exhibit 1.

Mr. Knauer. -- Exhibit 1.

[[redacted] Exhibit No. 1

was marked for identification.]

BY MR. KNAUER:

Q If you start on page 46, this is an email from Ambassador Stevens to several individuals which are redacted but who did include Ambassador Gene Cretz, Elizabeth Dibble, and then he CC'ed himself.

A Uh-huh.

Q And in this email he lays out a number of reasons why he thought that the special mission compound should be extended. Have you seen this email ever?

A I believe I have.

Q And in the email he says that one of the reasons why we should maintain a presence there is to "monitor political trends" -- this is the third bullet -- "(Islamists, tribes, political parties, 'federalists,' militias)."

Do you see that bullet?

A Uh-huh. Uh-huh.

Q Okay. And then he gives other reasons, as well.

I am just curious, what impact did his views during that period have in terms of extending the embassy or the special mission compound?

A This was in --

Q September 6, 2011.

A Yeah. I think this helped shape the discussion, not about

Benghazi as a permanent mission, but the extension of it, which was a decision that was actually taken in December, I think, of 2011. So his input here would have helped shape that discussion, and it would have been a strong voice in favor of extending the mission.

Q I am going to introduce a second exhibit, and this is Exhibit 2.

[[redacted] Exhibit No. 2
was marked for identification.]

BY MR. KNAUER:

Q We call this the December 27 Kennedy memo, but this was the memo that essentially lays out extending the embassy.

A Uh-huh.

Q Have you seen that before?

A I have, uh-huh.

Q So the question that I have is, much of the language that is in Ambassador Stevens' September 6 email also is in this memo. Have you seen that?

A I hadn't noticed specifically that it was his language, but, I mean, he gave a coherent and persuasive set of rationales for why it should be extended. And that argument, which he laid out in his email that we looked at on September 6, you know, and other emails and conversations we had had with him, you know, as I said, shaped the discussion and the decision to extend the mission.

But I think, in many ways, you know, I mean, I certainly agreed with his reasoning, and I think others in the Office of Maghreb Affairs

did.

Q And, again, during that September 2011 time period all the way up to the December 2011 time period, would his voice or his views carry significant weight with the State Department?

A Yes, they would have.

Q Was he seen in the State Department as one of the foremost experts on Libyan policy?

A He was.

Q Okay.

BY MR. POWELL:

Q Okay. I just want to back up for a moment to some of the ground that you may have already covered in your first hour. But could you just give us a little bit more background on the Office of Maghreb Affairs? What are its responsibilities within the Near Asian Affairs Bureau and the Department as a whole?

A The Office of Maghreb Affairs focuses on the four countries of the -- what we define as the four countries of the Maghreb: Algeria, Tunisia, Morocco, and Libya.

It became a much busier office as the Arab Spring unrest started in December of 2010. And although I focused attention on all four of those countries, my primary focus once that unrest started was on Tunisia and on Libya. And once the situation in Libya really became turbulent, Libya became the foremost focus for me, followed by Tunisia and, to a lesser degree, Algeria and Morocco.

And, as I said earlier, I reported to a deputy assistant

secretary. I briefed that person every morning personally and then also briefed in the course of the day by phone and by email.

Q And now you hold that position, Deputy Assistant Secretary?

A Right.

Q So could you, I guess, walk us through the role of the director of the office as opposed to the office -- or, as opposed to the deputy assistant secretary?

A The office director is sort of the manager of the office. So I was in the office with the desk officers for the four countries and a few other Civil Service people who also focused on various policy aspects of those countries. So I had a function that was not only to be knowledgeable and an expert on policy but also to run the office, the personnel, and mentor these people. There was a strong managerial focus to it.

The Deputy Assistant Secretary is a little bit more really focused on policy and on informing the rest of the NEA front office about what is going on, less so on managing the office or, you know, managing the people in the office. That is really the office director's job.

And the office director tended to be more directly in touch with posts, calling them every day, and sort of getting down more in the weeds on issues.

Q And you mentioned, there are 10 people in the office?

A Correct.

Q So it was the director, then a deputy, and then it would be relatively flat?

A Right.

Q So then, as office director, would you report directly to the Deputy Assistant Secretary? Is that correct?

A Correct.

Q Did you report to anyone other than the Deputy Assistant Secretary for the Maghreb while you were office director?

A I mean --

Q I mean as a direct supervision, structure. You know, on a particular issue or something like that.

A I would brief the PDAS or the Assistant Secretary on particular occasions when asked. Formally, I reported to the DAS, the Deputy Assistant Secretary and, as a matter of course, usually would report to others through him, although on a lot of email chains the PDAS or the Assistant Secretary might be CC'ed. But, generally, I reported through him.

Q And I realize some of this may be redundant, but what were Mr. Maxwell's responsibilities with regard to Libya and Benghazi specifically in 2012?

A Well, Ray was the DAS at that time, so he was my predecessor in this job. And he basically was the liaison between the office and the NEA front office, the PDAS, and the Assistant Secretary. And he would have had responsibility for whatever was going on in, you know, NEA Maghreb Affairs and, sort of, on the policy side of things, informing his senior people about what was happening either on the political front or in terms of, you know, the overall security situation

out in Libya, those kinds of things.

Mr. Choo. Are you are talking about the security environment?

Mr. [redacted] Yeah, the security environment.

Mr. Choo. Okay.

BY MR. POWELL:

Q And you mentioned, over time, 2011-2012, that the situation and, I guess, your focus as an office with regard to Libya specifically evolved over time. Did you have, I guess, conversations with Mr. Maxwell as far as your focus or responsibilities with regard to Libya? Was it changing? Was it -- can you explain some of those conversations, if you had those?

A The fact that I was focusing more on Libya?

Q Uh-huh.

A Most of it would have just been obvious from the fact that, when I went up to brief him, 80 percent of the briefing was about Libya, or 70 percent, whatever it happened to be. It became obvious that, you know, I was dealing more with Libya and, to a lesser degree, Tunisia than I was the other two countries. So it was more implicit than saying to him explicitly, "By the way, I am really focusing a lot more on Libya these days."

Did I make that clear?

Q Yes.

I wanted to talk for a minute about security. I think you indicated that you worked as an advocate for post with regard to any issue.

A Right.

Q If I am phrasing it incorrectly, correct me.

With regard to security specifically, though, when you would deal with DS, would it be more of a liaison role? Is that how would you describe it, in terms of bringing them into the conversation and serving as an advocate?

Mr. Choo. Now we are talking about security needs, right?

Mr. Powell. Security needs, such as providing security such as DS agents, physical security needs, hardware, that sort of thing.

Mr. Choo. Okay. Thank you.

Mr. [redacted] Sorry, can you repeat the question?

BY MR. POWELL:

Q Well, I guess I will ask you a different question.

A Okay.

Q It is our understanding that Diplomatic Security played the dominant role with respect to providing security -- DS agents, physical hardware, physical security. Is that correct?

A Yes.

Q Okay.

A They were the decision-makers.

Q Okay. And they were the experts on security?

A Correct.

Q Is the Office of Maghreb Affairs an expert on Diplomatic Security matters?

A No.

Q Does the office have any experts trained to assess how high a wall should be at a post or how many guards should be --

A No.

Q -- or things of that nature?

A No.

When I mentioned about being an advocate, I mean, we were primarily, on security issues and specific security needs at post, we were flagging -- you know, we were flagging it for DX and DS and saying, you know, "This is a concern. This is an issue. They are asking for it." We might provide some of the policy rationale for why it was important. But that was the type of role that we played in it. We weren't security experts.

Q So, essentially, these are the things that we are hearing from post and you are echoing those too?

A Yes.

Mr. Knauer. Can I jump in?

BY MR. KNAUER:

Q And this would be something that the RSO, for example, would have possibly assessed at post and then generally transmitted that concern to DS directly?

A Correct. In many instances, that would have been the way it would have happened, yes.

Q Okay. But you would, from time to time, be involved as an ancillary --

A Yes.

Q -- route? More of a liaison advocate?

A Right.

Q Okay.

BY MR. POWELL:

Q So, I guess, can you walk us through the role, what you understood it to be, the Diplomatic Security Bureau played with regard to security, providing security in Libya?

A Diplomatic Security -- and I should preface it first to say that, as we have already sort of alluded in general terms, I am not a security expert, and I don't know all the details of the way that Diplomatic Security does its business.

But, basically, in any embassy -- let's start with the embassy level or special mission level -- you would have the personnel at post who are charged with security, or Diplomatic Security personnel. At a real embassy, it is the regional security officer, the RSO. And that is what we had at the embassy in Tripoli. And, basically, they call them RSOs also at the special mission in Benghazi.

They are responsible for security. They are responsible for protecting the personnel. They are responsible for assessing the physical security and making recommendations back to DS about what needs to be done, one, to mitigate threat and, two, to bring the physical security up to the standards that are basically established by DS. They are in charge of supervising any local guards that they hire and training them and setting the general security posture at post.

Of course, they work under the ambassador or the principal

officer, but they do these things, you know, as a matter of course. And then, of course, they communicate back to an office in the Department of State, which is the Bureau of Diplomatic Security, with its own assistant secretary and front office DASes and a PDAS.

In the regional office, we work with them primarily at the action officer level and through and with NEA/EX.

Does that answer your question?

Q Yes, sir, it does.

Mr. Knauer. Can I jump in really quick?

BY MR. KNAUER:

Q And so, to the extent that you heard of a security issue, what would you do with it?

A Bring it to the attention -- you mean like a staffing issue or --

Q Yeah, a staffing issue.

A We would bring it to the attention of the -- I mean, as a matter of course, usually bring it to the attention of the Diplomatic Security action officer and to NEA/EX at the working level and at [redacted] level.

Q And what would [redacted] do with it?

A I mean, generally speaking, what our role was, our role in EX was to advocate for post, and DS would decide what they were going to do with it. And they would -- you know, we would get the answer, and we would give it back to post.

Q So it would go either from you to DS or to [redacted], who

would then send it to DS? Is that how it would work?

A Yeah. Usually, it would go just -- if it were something that came to us via an email or something like an informal note from one of the principal officers saying, we need more people, DS people, we would send it to the action officer in DS and NEA/EX at the same time.

Q Okay.

A It wouldn't be a chain. It would just be --

Q But, again, primarily the system is set up to have the RSO evaluate the needs and just communicate those directly within channels --

A Right.

Q -- to DS.

A Yeah.

Q And who -- go ahead.

A At the same time that we might be getting an informal email from the principal officer, because we are talking about Benghazi, his RSO would be communicating directly with DS on the same -- he might be and generally probably would be communicating directly to DS back in Washington on the same issue.

Q And that is because you are not an expert channel, or you are not a security expert so that would not be a primary channel as a standalone channel?

A That is right. We are not expert on security and we are not the decision-makers on security because we are not the experts.

Q And that is why DS would almost always be part of that chain?

A They would be part of that chain, or they would be part of a separate chain that would raise the same issue with them directly, which we may or may not be included on.

Q Okay.

BY MR. POWELL:

Q So I will just go back to something you said earlier. Practically speaking, you know, you were saying that the RSO is the person who is most responsible for providing the security in country in Libya?

A Yes. I mean, he is the expert. He does that, of course, in consultation with the chief of mission. He is not like a rogue -- but, yes, he is the expert. He is the one who is going to say, we need this or we need to do that. Generally, there is going to be significant deference to what he says by the chief of mission.

I mean, when I was out in Tripoli as the chief of mission for 6 months, I listened very carefully to my RSO. And in almost every instance, when he said he needed something or he wanted something, I represented those views back to Washington. Or if he said it was something local that needed to be done at post, I said, go do it.

Q Who in Washington during, let's say, 2012, leading up to the attacks, who would you say would have been the chief point person responsible within DS for determining how many guards or agents were needed at a post in Libya or Benghazi specifically?

A I am not really sure about that, from my vantage point. I

mean, my basic philosophy was, you know, flag the request, flag the requirements, and work it through DS, and let them work it through their processes and their personnel.

I am not quite sure -- I mean, and I have read about it in the newspaper later, things, but at the time I worked through the -- basically, my office worked through the action officer level of DS.

Q Does the Office of Maghreb Affairs have its own budget for allocating security-related resources at post for items such as physical hardware or armed security?

A No.

Q It does not. And who within the State Department has the authority or the budget to commit security-related resources to a post, such as agents or hardware or guards or lights or --

A Diplomatic Security has the resources for all of those functions.

Q Between September 2011 and September 2012, who were the RSOs in Libya that were most responsible for communicating the security needs to the DS Bureau?

A The RSOs in the embassy or in Benghazi?

Q I guess either. I think, from what we may have heard, they may have changed over time, that sometimes it would be the RSO that would be in the embassy or it may be an officer in Benghazi.

A I don't know. Some of the RSOs who were out in Benghazi -- I was out there for 1 month as the acting principal officer in October

of 2011, and the RSO at that time was [redacted]. Generally, the person I remember primarily as the RSO for much of the time at the embassy was [redacted]. And then at the very latter stages, from about, I think it was July 2012 through late fall of 2012, was [redacted].

Q So, while you were director of the Office of Maghreb Affairs, to the extent that the office interacted with DS on post security issues in Libya, who within DS office would you have interacted with? I believe you mentioned Mr. [redacted] before.

A Primarily [redacted]. I had occasional email exchanges with -- I forgot his first name; I think it is [redacted]. But predominantly it was through [redacted].

Q How was this done, generally? I think you mentioned emails, meetings.

A Email, phone call, meetings, in that order.

Q I believe you already answered this, but just to ask the question: Were you responsible for physical security or the assignments of DS agents to posts in Libya or Benghazi specifically?

A No, I was not.

BY MR. KNAUER:

Q I have a quick security question. To the extent that you were involved in any liaison or advocacy role on a security matter with DS, were you getting the same request over and over from post on a security matter? Say, personnel? Or were they often radically different? Or was it the same set of issues over and over?

A A lot of it was repetitive. It had to do with the level of staffing at different periods. I mean, it wouldn't be like -- it would be a concern, it would ebb, it be a concern again, somewhat repetitive.

We were part of the conversation for other types of security things, but generally more as just being brought in to be made aware of it, like for security upgrades that basically the RSO was handling through Diplomatic Security and EX. EX was involved in some instances because it involved management-type, I think, issues.

Q So on the staffing issue that you would bring to DS's attention, what would happen with that information? Would you get feedback from DS?

A We would get feedback. And they would generally explain what they could do. They would explain some of the challenges that might be involved in addressing the request, you know, fully at the level post would like. That type of input.

Q And who would give you the feedback? And how would you receive the feedback?

A Generally, we would get it from [redacted], and it would come either by email or he might call my deputy and provide it like that.

Q And would the people at post that were making that request also be notified of that response from DS itself?

A They generally would. You know, DS often communicates directly to the RSO through their email channels, and we don't get CC'ed

on it regularly, or certainly not all the time. So I can't say in every instance, but my presumption is that DS was communicating directly to post, to the security people at post, RSOs, and telling them that also.

Q Okay.

BY MS. SACHSMAN GROOMS:

Q From your vantage point, did it appear that the DS in D.C. was being responsive to the post's concerns about their needs for security at that time? And I am talking about the pre-attack time period.

A You are talking about, like, in the spring/summer of 2012?

Q Yes.

A I had the impression they were trying to be responsive.

Q In your conversations with post at the time, I am just trying to get a sense, was it that they felt like they were working through complicated issues with DS? Or did they feel like they were getting ignored by DS and that they needed you to step in and advocate on their behalf with DS, who was sort of ignoring them?

A Uh-huh. I am not sure what, you know, their thinking was. I don't know if I could put a clear characterization on it in those terms.

I mean, clearly they wanted us to weigh in, I think. In specific instances, the principal officer would, you know, send us an email and let us know about the security staffing levels and say, you know, "We are not able to do our job. I want you to be aware of it and see what you can do," something along those lines. So we would try to advocate

on their behalf.

Q And do you recall some of those specific instances?

A There were a couple with the principal officer, [redacted] in December of 2011 and another one a few months later where the staffing was, you know, an issue and was preventing them from doing -- he felt like, from doing their job.

And there were other instances later. I don't remember them specifically, but I am sure there were some other instances.

Q And, in those instances, what would you do?

A We would contact Diplomatic Security and NEA/EX either by email or by phone and convey post's requests and advocate for the request and then lay out why we thought it was important from a policy point of view to let them get out and do their work.

Q And when you went through NEA/EX, did you feel like NEA/EX then pursued that with DS? Or did it sort of drop there, or --

A Usually we didn't go through EX to DS. We went to DS and EX at the same time. But we included them in the conversation, because it was -- sometimes some of the various issues might have management-related issues that would accompany. But we didn't usually go through DS -- I mean, through EX. We would include them in the conversation.

Q I see. So when you were reaching out to advocate on their behalf directly to DS, you would include EX in because, say, they needed help with getting visas or something?

A Yeah. I don't remember the exact management issues that

were involved, but it wasn't really visa issues because we did that in our office. But it could have been similar-type things that would have been somewhat to the side of the actual diplomatic requirement -- I mean, Diplomatic Security requirement.

Mr. Powell. Something like beds for agents or something like that?

Mr. [redacted] Right. Yeah. For example.

BY MS. SACHSMAN GROOMS:

Q And, in that process, did you feel like DS was responsive?

A Did I feel like DS was responsive?

Q Yes.

A I felt like they were trying. I felt like they were trying. They were being creative, at least. You know, they were trying to identify assets to send out. But, you know, it was difficult to get, you know, full staffing out there, and it was a repeated challenge. I think they were trying, but they were facing challenges to do it.

Q And when you said it was a repeated challenge, was that because they never fulfilled the requests or because every time they fulfilled the requests there became sort of a new need for more people because it was sort of transitioning? Does that make sense?

A Uh-huh. I think it was a challenge because, I mean, I think they sort of generally would fulfill the level of staffing that was, you know, that was absolutely essential. And that was -- you know, you get involved, pressing hard to get it.

Q And was the challenging piece of it a resource -- was it

a body issue or a money issue? Or what was the problem that was being created? Logistics?

A I am not absolutely certain, because it was never fully explained. But the explanations that we got, it was -- I think, as I understand it, it had to do with the fact that the mission was a temporary facility, and so it wasn't -- we didn't have permanently assigned people there that were going through a regular human resources process. There was no stream of people. You know, we weren't being fed off of the great big stream of State Department Foreign Service and Diplomatic Security personnel who are assigned all over the world. So we were having to borrow people who were already assigned somewhere else.

And that was both true for principal officer and political officer and communications officer but also for the DS people who were out there. And so, in addition, we were using temporarily assigned people for 45-, 90-day rotations. And it was difficult to get volunteers sometimes to do it.

Q And you listed that you went directly to DS. What about your immediate superior? Were you involving Ray Maxwell or, I guess, his predecessor in that advocating?

A Yes, I would include them, in briefing them on the requirements and explaining the action that we were taking.

Q Were you asking, I guess, Mr. Maxwell to advocate himself, as in to take some actions? Or were you sort of giving him a briefing on the things that you were doing as you were presenting it?

A Primarily, it was briefing him. On occasion, I would ask him to intervene or to advocate, and I think he did that on a couple of occasions. But, generally speaking, we did it through the Office of Maghreb Affairs.

Q Do you remember what occasions he would have intervened in?

A I don't. I have a vague recollection that he called the PDAS over there for an issue related to staffing, but I can't remember what it was.

Q The PDAS in Diplomatic Security?

A Uh-huh.

BY MR. POWELL:

Q So between September 2011 and September 2012, who would you say was the primary point of contact between NEA and post in Libya on policy issues?

A Between --

Q An important point of contact within Washington to post.

A You mean the person, like, reaching out to them and talking to them?

Q Talking to them, yes.

A Probably me and then, to a lesser degree, Ray, Ray Maxwell. But I was really -- I mean, in terms of quantity of interactions, I spoke with them most often. In terms of, like, you know, the more senior person, it would have been Ray Maxwell.

Q Do you know who within the Diplomatic Security Bureau was the primary point of contact for posts in Libya on security issues?

A I am not sure, to tell you the truth, I mean, beyond what I have sort of been told.

Q I think you briefly mentioned earlier that you occasionally had interaction with Deputy Assistant Secretary Charlene Lamb. Is that correct?

A That is correct.

Q Can you describe those interactions? What would you interact with her on? What type of issues?

A The interactions that I remember were group settings where we were discussing the diplomatic requirements and other requirements for reopening our embassy or for extending the mission in Benghazi, those types of settings.

Q To your knowledge, was Ms. Lamb coordinating with someone on the ground in Libya at post?

A Yes. She worked very closely, I think, with [redacted], the RSO.

Q Do you feel like in your interactions or what you observed Mr. [redacted] was effective in advancing the security needs up the chain to Diplomatic Security?

A Yes.

Q Do you know who Mr. [redacted] interacted with most in Washington? I know you said that Ms. Lamb probably interacted with him most, but do you know who he interacted most with?

A I think it was Charlene Lamb, but to tell you the truth, I am not certain. I think it was -- you know, there may be an office

they sort of -- he feeds into, like Diplomatic Security International Programs. There may be, sort of, a group of people who he would -- [redacted] in that office would probably answer up a hierarchy. But I am not sure beyond that.

Q Changing the topic a little bit, have you reviewed the personnel portions of the ARB which are no longer classified?

Mr. Choo. No longer classified?

Mr. Chuang. They are SBU.

Mr. Choo. Right. Okay. Yeah.

Mr. [redacted] No, I haven't.

Mr. Powell. You haven't.

Mr. Choo. Okay. I was just thinking whether you were asking whether he reviewed the classified ARB or not.

Mr. Powell. The unclassified personnel portions.

Mr. Choo. Fair enough.

Mr. Powell. Portions related to --

Mr. Choo. I hear ya.

Mr. Knauer. I will ask it this way: Have you reviewed the classified ARB?

Mr. [redacted] I have not. I have seen only the unclass version.

Mr. Knauer. Okay. Pertaining to the personnel section, that part has been unclassified. Have you looked at that?

Mr. [redacted] No.

Mr. Knauer. Okay.

BY MR. POWELL:

Q Do you know what, if anything, the ARB said about Mr. Maxwell?

A I don't know it. The only thing that I have read is what I read in the paper, which was that there was criticism that he had not read the intelligence. I don't know if that is accurate. That is information I gathered from the newspaper accounts.

Q I am going to change topics again. Can you tell me where you were, what role you may have played the night of the attack?

A I mean, in summary fashion, I was with the Assistant Secretary all night in her office and into the next day.

Basically, I was in the NEA front office on something, I don't remember what, when the first news came in. I was talking to Ray or talking to somebody, and the first news accounts or the first information came in from post around 5 o'clock in the afternoon that the special mission was under attack. And from then until 6:30 the next morning, I was with the Assistant Secretary.

Q And it is our understanding that the Assistant Secretary was involved in pretty frequent conversations with Tripoli --

A Yes.

Q -- the night of the attack. And then she was the primary point of contact. Is that correct?

A That is correct. From the State Department. She talked to the DCM, and charge ultimately, Greg Hicks, numerous times throughout the night and also was the State Department's primary liaison, others in the inner agency.

Q So you were there through the communications and through the response?

A Yes.

Q And I think you mentioned that primarily the Assistant Secretary was in communication with Mr. Hicks?

A Correct.

Q I am going to introduce Exhibit 3 into the record, the unclassified ARB report.

[[redacted] Exhibit No. 3
was marked for identification.]

BY MR. POWELL:

Q Can I direct your attention to page 37, the last sentence of the first full paragraph says, and I quote, "Throughout the crisis, the Acting NEA Assistant Secretary provided crucial leadership guidance to Embassy Tripoli's DCM, and Embassy Tripoli's RSO offered valuable counsel to the DS agents in Benghazi," end quote.

Lower, it says, "The Board found no evidence of any undue delays in decision making" --

A Where are you now? Oh, I got it. Okay.

Q -- "or denial of support from Washington," end quote.

And then turning to page 38, the last sentence in the first full paragraph on that page says, and I quote, "The Operations Center and the Diplomatic Security Command Center were exemplary in eliciting information from Tripoli- and Benghazi-based colleagues without overloading them," end quote.

Do you agree with the ARB that the response to the attack was well-coordinated?

A Overall, yes.

Q There has been a lot of -- you mentioned that you have read press reports. There have been a lot of things that have been said publicly with regard to what may have happened the night of the attack. And I just wanted to give you the opportunity, if there are any public misperceptions or misunderstandings that you think need to be corrected or you would like to say on the record.

A Yeah. Well, I think the big thing, I think, that I would emphasize is that we were responding through the night to a very fluid -- evening and in the night, a very fluid situation with very incomplete, often conflicting, evolving information and were trying the best we could to respond to that in realtime. It was very difficult.

I guess that is it.

Mr. Powell. Since we are nearing the end of our hour, I think we will go off the record at this time.

[Recess.]

BY MR. OHLY:

Q It's 12:17. I want to go back, and we're going to walk through some of the things we've discussed using some of the documents and emails that we've gleaned through our review to understand some of these discussions in a little bit more detail.

A Okay.

Q I'm going to begin with an email from September of 2011, we'll mark it as Exhibit 4, and I'll give you a moment to review this.

[[redacted] Exhibit No. 4
was marked for identification.]

Mr. [redacted] Do you want me to look at the first page or the whole thing?

Mr. Ohly. I think I have an extra copy there.

BY MR. OHLY:

Q I think you may be familiar with the earlier part of this email chain. It was introduced earlier.

A Yeah, uh-huh.

Q I'm just going to describe it briefly. It begins with a September 6th email from Ambassador Stevens -- or at the time Special Envoy Stevens -- September 6, 2011, to a series of folks within NEA. I don't see Ray Maxwell on that email, the original one on September 6th. Do you know why Special Envoy Stevens wouldn't have included him

on that?

A I don't know why.

Q And then on September 14th -- I'm sorry -- on September 14th Ambassador Stevens emails you, [redacted], and [redacted] to provide some additional thoughts, and that crew, that group, including Gene Cretz, then have a discussion about staffing. I just want to get your sense of why Ambassador Stevens would come to that group of individuals with his thoughts on staffing.

A This top group you mean or --

Q Yes, the group that begins on the 14th and the discussion continues on until the 18th. So there's a series of several emails.

A It looks like he's -- I mean, he's responding to somebody's comment that -- I presume, I'm not sure exactly who he's responding to exactly. And the early part of it was where he laid out --

Mr. Choo. John, you're asking about the group, the district for the email on the 14th?

Mr. Ohly. The email on the 14th. He sends the initial outline on the 6th of his thoughts on the future of Benghazi, and then he reaches out to a smaller group with some additional thoughts.

Mr. [redacted] Right. And you're asking why?

BY MR. OHLY:

Q Yeah, why would he reach to that smaller group?

A Well, he's reached out to [redacted], who is the -- she was the DCM in Embassy Tripoli. At this point in 2011 she is back in the Department and is handling a lot of -- also working a lot of Libya

issues, including, you know, things pertaining to the Embassy. And they ran a little office at the time called -- informally we called it Embassy Tripoli on the Potomac. I mean, it was sort of -- they brought back like 8 or 10 evacuees from Embassy Tripoli, and they worked directly for Ambassador Cretz, who was also back and sort of, you know, worked with us in NEA/Maghreb Affairs on a lot of Libya issues. So she would have been included, included me as the office director, and [redacted], of course, was the key post management officer for Libya in NEA Executive, EX.

So basically he's -- this is not a decisional-level thing. He's musing at a policy level, a sort of action officer or slightly above, and throwing out some ideas and trying to, you know, get our reaction to them. So he doesn't want to, you know --

Q The strategic planning discussions would sort of happen at your level or with the folks that you would interact regularly with, not anybody above that level?

A Well, I don't know about strategic planning, but certainly in this instance he's musing and offering some suggestions. So he decided to pitch it at our level and get our reaction.

Q Okay. I'm going to introduce Exhibit 5.

[redacted] Exhibit No. 5
was marked for identification.]

BY MR. OHLY:

Q And this will be similar to Exhibit 1. It just has some additional context with names. Just wanted to clarify a few things

on this.

This, like the previous exhibit, is a follow-up of the September 6th email from Stevens where he initially sends his ideas to folks within NEA.

A Uh-huh.

Q It also includes his September 14th email to you and [redacted] and [redacted]. It doesn't include the rest of that discussion. But then on the 20th, so a couple weeks after he had sent his initial email, he sends an email to Ray Maxwell, Liz Dibble, [redacted], and [redacted] to socialize his thoughts, he described it as socializing his thoughts on the future of Benghazi. That prompts a discussion. Mr. [redacted] asks, "Do I recall correctly the Secretary had views about keeping Benghazi going?" You responded, "Not sure. Along the lines of what Chris laid out, i.e. for another 6 months or so? I'm not sure if she had views anything longer term than that." Mr. Maxwell responds, "I remember Jeff (or somebody very important) saying S definitely wanted Benghazi to continue operations for some time to come. No specifics were mentioned, though." And Elizabeth Dibble responds, "I raised with Jeff. He thinks Chris needs to stay in Benghazi until Jalil has relocated more or less permanently to Tripoli. He also thinks we should not rush to shut down the operation there. This is in keeping with what the Secretary has said." I just want to get your recollection. Do you recall this conversation?

A Not specifically, but, I mean, it seems very familiar now that I look at it again.

Q Were you aware there was some sort of interest above, you know, or at the maybe Secretary level of keeping Benghazi going?

A Of extending it.

Q Of extending it?

A Yeah. Yeah, I didn't remember specifically, and I'm not sure. I mean, we're sort of -- the email here sort of is a little speculative about exactly what it is she said. Just parsing through it real quickly, I mean, she seems to have given Jeff some indication that she doesn't want the mission to shut down precipitously, but Liz's -- Liz Dibble's recollection is that at least until Jalil relocates to Tripoli. I mean, that happened pretty quickly. Within, you know, I don't know, a month or so he had relocated, just like all the other TNC people. So we're not talking about a long extension.

BY MR. BEATTIE:

Q Actually, could I ask one question. It's our understanding you may have reviewed some emails prior to the interview, coming in today?

A Uh-huh.

Q Was this not one of the ones you reviewed?

A No.

Q Okay, I just wanted to check. Thanks?

Mr. Ohly. I would like to introduce Exhibit 6. This is keeping with the same subject.

Mr. [redacted] Uh-huh.

[redacted] Exhibit No. 6

was marked for identification.]

BY MR. OHLY:

Q I'll just explain a little context for the record. It begins with an October 31st, 2011, email from Stevens to you, Gene Cretz, and [redacted], where he lays out a couple models for the Benghazi mission.

A Uh-huh.

Q He suggests either a slimmed-down compound, so several staff plus four DS officers, one admin LES and guard force, consolidate the footprint, duration through September 30th, 2012, to give a little time beyond the elections.

A Uh-huh.

Q Or potentially a virtual presence, which would be no full-time staff on the ground. He favors the slimmed-down compound, option A. [redacted] agrees with that and provides some additional info about DS staffing. Stevens responds, [redacted], do you want to share the Benghazi proposal with Liz?"

A Uh-huh.

Q Do you know who he would be referring to there?

A Liz, Liz Dibble.

Q Why would he want you to share it with Liz Dibble versus, say, Ray Maxwell or --

A I don't -- I'm not sure exactly.

Q Okay. And then you responded that you've shared it with Liz, Ray, and EX Director [redacted]. Liz has briefed Jeff.

A Uh-huh.

Q Again, I'm just trying to get an understanding of, you know, who sort of the decision makers were on some of this process.

A Right.

Q It seems like a lot of it's going through Liz Dibble. Ray Maxwell's being included somewhat on some of the chains, but I don't see him weighing in much.

A Uh-huh.

Q And so I'm just trying to understand how that decision tree worked in this context.

A Uh-huh.

Q Do you have any recollection of how that played out?

A On this email chain or --

Q On this email chain or on the issue of moving forward with Benghazi, the decision to extend Benghazi in December 2011.

A I don't remember specifically where Ray intervened and where Liz or Jeff intervened. I mean, it was sort of a group of people, you know, dealing with it, and as you go up the hierarchy it gets a little more uneven about people jumping in and jumping out of it. But generally we tried -- on a lot of the Libya stuff I tried to include Ray, Liz, and Beth, or Jeff when he was the Assistant Secretary, and then if they wanted to get heavily, you know, involved in it, they would. If they didn't, it would, you know, it would be left to the lowest high person in the chain, so to speak, to keep it going. In this instance the original email didn't go to Ray, but I cc'ed him on the subsequent

one, and then he was involved in other parts of it.

Q And then you -- and I believe the chain continues, I know there's some discussion of [redacted], we won't get too into that. It's a nonclassified email chain, I'll just state that for the record. But you then would work with -- it seems like you worked with Mr. [redacted] and some other offices to get together to sort of set up conference calls and really do some of the ground-level planning of discussing different options and how they would work. Is that fairly accurate of how it would play out?

A Yes.

Q Okay. And then anything that came out of those discussions, would those be briefed up the chain?

A Correct.

BY MR. BEATTIE:

Q I'm sorry, did you say you included Mr. Maxwell on a subsequent, you cc'ed him? Was that on this email?

A Yes, somewhere in here it says I briefed Liz. There's no comma, but it's Liz, Ray, and -- that's Maxwell.

Q But he's not on the email chain per se?

A Let me see. No. It said to brief him, and I did. I said that I did, I shared his -- I shared the thing with Liz, Ray, and [redacted], and Liz has briefed Jeff.

Q He's not on the email chain, correct?

A I don't see his name on the email chain, no.

Q Okay, thank you.

Mr. Ohly. One more in this sequence. This is Exhibit 7.

[redacted] Exhibit No. 7

was marked for identification.]

BY MR. OHLY:

Q All set?

A I think so. I'll kind of look at it as you ask a specific question.

Q Okay. This chain begins with a November 29, 2011, email from [redacted] to [redacted], and yourself. "For your review, 11-28 Tripoli staffing discussion." She says, "Please see Mag's notes of yesterday's meeting with Liz," Mag meaning Office of Maghreb Affairs, I assume? We're on the next page.

A Yes, that's Office of Maghreb Affairs.

Q Let me know if this makes sense, confirms any action recommendations. Her notes go on to say, "NEA/FO wants to keep Benghazi up and running through December 2012 to ensure adequate coverage post-election developments." At the time do you recall who in NEA front office wanted to keep Benghazi up and running through December 2012?

A I don't have a specific recollection. My memory is that everybody up there supported it, Ray, Liz, Jeff. I don't think there was any opposition to it.

Q Okay. And Ambassador Stevens had originally recommended to September 30th, 2012. Do you know when it got extended to the

December timeframe?

A I don't know whether he specifically recommended at some point at least in a consistent way that it be extended to September 30th. He might have said that as -- he may have said that as a sort of a minimal, you know.

Q In the previous exhibit, in his option A that we were discussing, his October 31st option, he said duration through September 30th, 2012.

A Uh-huh.

Q This is on the first email of the --

Mr. Choo. This is Exhibit 6?

Mr. Beattie. Fifth page near the bottom, under option A.

Mr. [redacted] Got it, okay.

Mr. Ohly. And then just to be clear, on the last page, page 6, his personal recommendation would be option A.

Mr. [redacted] Through September 30th, 2012. Three months beyond projected TNC elections. TNC elections. I don't remember elections.

Mr. Choo. I'm sorry, so the question now is back on Exhibit 7?

Mr. Ohly. Right. It says, NEA front office wants to keep Benghazi up and running through December 2012 to ensure adequate coverage post-election.

Mr. Choo. Okay, got it.

Mr. Ohly. So I just want to -- I'm trying to understand the difference between the September suggestion by Ambassador Stevens and then NEA front office recommending December 2012.

Mr. [redacted] Where's the NEA front office recommendation?

Mr. Beattie. It's on page 2.

Mr. [redacted] What's the difference in the date? This was in December?

Mr. Ohly. Yeah, this is a month later, so it's --

BY MR. BEATTIE:

Q So maybe it would help, it seems clear to us that in the intervening period between this exhibit and this exhibit there had been a discussion that led to the decision being made to extend Benghazi 3 more months beyond what Ambassador Stevens' original or initial recommendation was. If you could help us understand what that decision process was.

A Yeah, I don't remember exactly. I think there were, you know, a group of people who were discussing it and kind of weighing, you know, what could be done within the limits of, you know, resources and --

Q Were you in that group discussing it?

A Yes, I would have been in that group. I mean, at this point I'm reconstructing things without having a specific recollection, but that would be the way I would remember it.

Q Who else would have been in that group?

A Well, I would have to look at the list of people, but, I mean, the general universe that you see on this email are the people at the working level who would have been involved in that.

Q But, just again, you don't recall the discussion that led

to the decision to extend it 3 more months?

A No. No. I mean, like I said, I sort of gave you the general sort of recollection I have, and it's more of a just sort of surmising. I'm trying to remember what the considerations were.

Q Sure.

BY MR. OHLY:

Q The same top paragraph says, "NEA should socialize this with the interagency before it goes up to Under Secretary Kennedy for approval." And by "this" it means the summary of the purposes for keeping Benghazi open and the footprint there, the staffing footprint?

A Uh-huh.

Q It says "ACTION: NEA/MAG will share this concept with PM/WRA and USAID." Do you recall who within NEA or within NEA/MAG was responsible for socializing this with the interagency?

A I don't recall specifically. It would have been either the desk officer or if any --

Q So it would have been working level, not at a senior level?

A I presume, based on what the email says, that it's the working-level folks agree.

Q Okay. Okay. And I'm also just trying to understand why would this staffing discussion be held with Liz, and would Ray Maxwell have been involved in this discussion or was he involved in this discussion that you're aware of?

A I think he was involved. I don't remember specifically. Generally the PDAS, the PDAS' involvement in specific issues in NEA

is a little unpredictable, but often with staffing, when it revolves back around to staffing of post, he or she tends to get more heavily involved in it. It's one of the areas that a PDAS is going to be very focused on.

Mr. Beattie. What about with Ms. Dibble specifically, was she typically pretty involved with Libya staffing discussions?

Mr. [redacted] I think she was involved in a general sense, as I said, with staffing issues, more so than other policy issues because that's traditionally what a PDAS would do.

Mr. Choo. What kind of staffing issues are we talking about?

Mr. Beattie. Staffing.

Mr. Choo. Yeah, in general or --

Mr. Beattie. Yes.

Mr. Choo. Not security specific?

Mr. Beattie. I asked him about staffing in general.

Mr. [redacted] Yeah, in other words, you're talking about overall numbers at post, that kind of thing?

Mr. Beattie. Sure.

BY MR. OHLY:

Q Now, the public ARB report, previous Exhibit 3, I believe, on page 30 the report states, and this is the third full paragraph on the page, it begins, "Further shortfalls."

A Uh-huh. Begins where? Okay.

Q It says, "Shortfalls in Washington coordination were manifested by the flawed processing by which Special Mission Benghazi's

extension until the end of December 2012 was approved, a decision that did not take security considerations adequately into account."

I just wanted to get your reaction to that finding. Do you agree with that finding?

A Well, my impression is that security considerations, as I remember it, were taken into account in the extension of Special Mission Benghazi.

Q Were they adequate in their considerations of security? Did you have concerns about the security?

A Well, I mean, at that time, based on the information we had, I think they were taken into account.

Mr. Beattie. Sorry, which time? The time the decision was made to extend?

Mr. [redacted] In the run-up to the decision and the decision, I think, yeah, in that period we were operating on, you know, the information we had at that time. The period from August, these discussions basically I think started in the summer, or I forget exactly when, the fall of -- one of these discussions in the fall of 2011. I mean, there'd been no spike in violence in Benghazi at that time. That spike in violence occurred in the spring, and, you know, there had been no targeting of westerners. So there was a specific context in which this decision was being made, and I think, you know, at that time, based on the information we had, that security concerns were taken into account and addressed properly with the information we had at that time.

Mr. Ohly. I'm going to move forward --

Mr. [redacted] I thought in the memo it says that security concerns were addressed. I forget the reference, but I believe it refers to security concerns in the decision. "If you agree with this course of action, NEA will work with DS to rapidly implement a series of corrective security measures as part of the consolidation of the State footprint," page 3.

Mr. Knauer. For the record, can you clarify what memo you're referring to?

Mr. [redacted] This is the December 27 decision memo on future operations for Benghazi.

Mr. Powell. That's Exhibit 2?

Mr. [redacted] For some reason I don't have an exhibit number written on here.

Mr. Choo. I think it is Exhibit 3.

Mr. Ohly. It's Exhibit 2.

Mr. Choo. Oh, you're right, Exhibit 2, yeah.

Mr. Beattie. And actually, just to be clear on that, Exhibit 2 -- or Exhibit 3 but page 2, this memo here.

Mr. [redacted] The Kennedy memo? You're saying Exhibit 2.

Mr. Powell. It's Exhibit 2.

Mr. Beattie. Apologize. It says, "With the full complement of five Special Agents, our permanent presence would include eight U.S. direct hire employees."

Just to be clear, at the time the decision was made I take it that you all felt that five agents was the appropriate number for staffing

security at Benghazi?

Mr. [redacted] That's correct. I think, yeah, that was the number decided on in the memo.

Mr. Beattie. Okay, thanks.

Mr. [redacted] Uh-huh.

Mr. Ohly. Moving forward to the February timeframe, I'm going to introduce a new exhibit. This is Exhibit 8. And I'll give you a minute to look at this.

[redacted] Exhibit No. 8
was marked for identification.]

Mr. [redacted]. Uh-huh.

BY MR. OHLY:

Q This is a chain of emails beginning on February 11th, 2012, from [redacted] to [redacted], Gene Cretz, subject DS Coverage in Benghazi. He describes the fact that Benghazi will be down to two agents, he says apologies for being a broken record, but tomorrow, beginning tomorrow Benghazi will be down to two agents. A third was scheduled to arrive Tuesday, but delayed due to -- TBD due to visa issues. Then it goes on to outline some of the issues that this creates for movements. Do you recall who [redacted] is?

A [redacted] is one of the people that went out as the acting principal officer in Benghazi after Chris left. I think initially it was [redacted], and then I believe [redacted] was the second person.

Q Do you recall this discussion or the concern about --

A I do vaguely. I remember the email now that I've seen it.

Q And [redacted], who was the RSO in Tripoli, responds, "In discussions with DS/IP/NEA, they plan to make the second ARSO position to Tripoli at least temporarily assigned to Benghazi to assist in continuity. That being said, it will be a long time until that happens. I'll speak with our SST personnel to see if they can free up one or two bodies for Benghazi. They had expressed a willingness to support while MSD is tied down with training. They are constrained to moving with another DS agent as far as the conditions, however that may allow for at least one movement," basically responding to the concerns raised by Mr. [redacted] in his email.

Then [redacted] forwards this chain to you saying, "RSO's response to [redacted] concerns about having site visit cancelled, DS and RSO are trying to make some additional resources available in Benghazi, but won't happen quickly."

A Uh-huh.

Q You responded to Ms. [redacted] explaining how the -- provide some recommendations on how to respond to the political officer, is that correct, suggesting he had meetings on compound?

A Right.

Q You then go on to say, "We can, will press from this end." That is also part of the answer to him. And by press I assume you're discussing trying to get additional agents. Is that correct?

A Yes.

Q Do you recall if you did press or when you say, "We will

press," is that you all trying to encourage DS?

Mr. Beattie. I'm sorry, you mean NEA?

Mr. Ohly. Yeah.

Mr. [redacted] Yeah, basically it would have been us in our role as advocates for post reaching out to DS in NEA/EX, you know, and, yeah, trying to get them to provide more staffing.

BY MR. OHLY:

Q So when you say push, you all would push NEA/EX in the hopes that NEA/EX could push, too?

A Well, we would reach out to DS and we would reach out to NEA/EX sort of, I mean, to keep them in the discussion, but basically it would be the two of us advocating to DS for more staffing.

Q The last paragraph of your email you say, "But" -- and this is not part of the answer to him -- "I'm skeptical we will get anything more than minimal DS support (3). If it drops longer term to two DS agents, we should drop the caveats in the email I will send to Liz, and we should recommend closing it to force the issue. Nothing really to lose if we lose the argument."

A Uh-huh.

Q What was the email you were planning to send to Liz?

A I don't know. There must have been something that [redacted] and I were drafting for Liz for her consideration, but I can't find a record of it, so I'm not --

Q Okay. So you looked for a record of --

A I did. This is one of the emails I had in my files, and

I read it and looked, and I was unable to find anything.

Q Do you recall what you were thinking in terms of, "If it drops longer term to two DS agents, we should drop the caveats in the email to Liz, and we should recommend closing it to force the issue"?

A Uh-huh.

Q What did you mean by closing? Closing the facility in Benghazi?

A Yeah. That's what I was saying, yeah. As far as I can tell, I did not send such an email, but it was -- that was definitely something I was thinking about as a way to sort of force the issue.

Q Because of issues with DS staffing you were concerned about --

A Right.

Q -- the number of agents. Is that safe to say?

A Right. Primarily because people out there were not able to do their work, they weren't able to move, they weren't able to do the contact work that they wanted to do.

BY MR. BEATTIE:

Q And just to be clear, I think you alluded earlier that there was later a spike in violence in Benghazi. Is this before the spike in violence?

A This is -- yes, this is a couple of months before the violence spiked.

Q Okay.

A That's what I remember. I mean, there may have been some

early incidents, but the heavier spike was later in the spring. But I've got to say, and as I think I've said before, the primary concern at this point earlier with DS staffing had to do with the constraints it was putting on post's ability to do its job.

Q Yeah.

BY MR. OHLY:

Q And why would that email go to Liz?

A Well, it didn't apparently.

Mr. Beattie. Well, why would it have?

BY MR. OHLY:

Q Why would it have? Why were you thinking of putting together an email to Liz?

A I'm not sure. It may have been part of the broader staffing issue for Benghazi. I'm not quite sure, to tell you the truth.

Q Okay. If it was part of the larger --

A Part of this may have been also that, you know, because she's the PDAS she could have intervened.

Q But you didn't, did you, at any point go to the DAS and say?

A On this? I didn't end up going, apparently I didn't end up going to either one of them as far as I can tell. I couldn't locate an email. I looked all through my --

Q And you don't recall any conversations with the PDAS saying DS coverage is becoming a problem, we should think about closing this down?

A Not specifically, no. Oh, about closing it down? I don't recall such a conversation, no.

Mr. Ohly. Speaking of the spike in violence that Brien just mentioned, this is Exhibit 9.

[[redacted] Exhibit No. 9
was marked for identification.]

BY MR. OHLY:

Q This is from April 2012. It begins with an RSO update regarding an IED attack on a U.N. special envoy to Libya. The most recent email in the chain is from your deputy [redacted] to [redacted]. Do you know who that is?

A I am not absolutely certain. I believe it may be a staffer on Under Secretary Kennedy's staff.

Mr. Beattie. Do you recall if she was special assistant to Under Secretary Kennedy?

Mr. [redacted] That sounds about right, yeah.

BY MR. OHLY:

Q And [redacted] says, "Many thanks. The IED directed against our compound in this incident today highlights the need for us to ensure we have adequate security resources in Benghazi by keeping all three billets filled as much of the time as possible. We continue to be frustrated by DS offering up very short-term TDYers that get caught up in the Libyan visa processing." Do you remember this time period or this discussion?

A Yes.

Q Are these the same concerns you had in February when you were discussing an email to Liz and it got down to we should --

A Basically.

Q -- consider closing it down to force the issue?

A Well, it's the basic -- it's the same basic security consideration that we have dealt with in several instances in emails.

I wouldn't want to tag it to some, you know, a specific statement on my part that was essentially never sent to anybody that I can find. But, yes, it does sort of capture the dynamic of, you know, trying to get additional security assets over a period of several months.

Q Now, she references keeping all three billets. If I recall correctly, and I think we just discussed it, in the December 2011 memo, there was a discussion of five DS agents in Benghazi.

A Uh-huh.

Q Was there a point at which five just completely went out the window and it was only going to be three? I believe in your February 20th email, which we just referenced, which is Exhibit 8, you said, "I'm skeptical we could get anything more than minimal DS support (3)."

Do you recall sort of where three became the norm?

A I don't recall specifically. It was basically in the period between, you know, late fall. In other words, the December, when the memo was signed, and early spring, about the time of this memo, which is in, what? This is April. In that first 3 months of 2012, I mean, it was -- staffing on the ground during this time was three, basically three DS agents.

Q Were you -- it was up to three most of the time?

A [Nonverbal response.]

Q To your knowledge?

A Yes. It was three most of the time.

Mr. Ohly. One more. This will be Exhibit 10.

[redacted] Exhibit No. 10

was marked for identification.]

BY MR. OHLY:

Q This is from June 11, 2012. It begins with an email from [redacted], who I believe at the time was the DCM, is that correct, in Tripoli?

A Yes.

Q She sends it to you and [redacted], the NEA-LIBYADESK, SES-O, [redacted], [redacted], [redacted], Tripoli RSO, [redacted], saying Follow Up on the UK Convoy Attack, just saying we've reached out to our contacts in the Libyan government. It proceeds with a discussion about what the post is doing to address this. Then you forward this discussion to Ambassador Stevens --

A Uh-huh.

Q -- [redacted] and [redacted], and you say, "Chris, I'm getting quite concerned about the security situation for our folks in Benghazi. Maybe we should talk on the phone tomorrow at your convenience, just informally touch base. We are at a possible natural break in the action coming up with [redacted] leaving. We can bring [redacted] and a few others into the conversation at this stage, but I would like your sense of things first."

A Uh-huh.

Q What were you -- what was your thinking at the time?

A There had been a substantial spike in violence. Most of it was Libyan-on-Libyan violence -- assassinations, abductions, some explosions, militia, inter-militia violence. But there had been the

beginnings of some targeting of westerners, and this was, I think, the second -- this was -- I forgot what prompted this, was it the --

Mr. Beattie. U.K.

Mr. [redacted] Was it the UK ambassador?

Mr. Beattie. Yes, sir.

Mr. Chuang. Look at the next page.

Mr. Choo. Next page.

Mr. [redacted] Yeah. So this was an instance where there was a targeting of a westerner. And so I reached out to Chris. I said, you know, we're concerned about security for the people out there, and we should think about what we're doing with our staffing. And I see from his response he agreed.

And so we -- [redacted] left, and I, as I remember, I delayed the arrival of the new principal officer for a period, as we sort of reassessed the situation out there, and then when I let him go he went first to Turkey and held for a few days, and we finally let him in just a day or two before the elections, just because the elections were so critical in July. The elections were on the 7th. I think he went in a couple days before that.

BY MR. OHLY:

Q So do you recall sort of what that gap was or how long that space was where you held somebody back or didn't have somebody there?

A It was a few weeks, I think. It was about 3 weeks, 2 or 3 weeks.

Q And do you know if the RSO team in Benghazi -- Ambassador

Stevens suggested one idea would be to use this time to allow our RSO team in Benghazi to continue to assess the threat environment.

A Uh-huh.

Q Consider ways to mitigate.

Do you know if that took place?

A I don't. I presume it did, but I don't. I can't confirm that.

Q Did you have any discussions with your leadership about holding people back and that the security situation was difficult at the time?

A I don't remember, to be frank. I don't remember. I mean, I would have -- I can, you know, reconstruct based on what I would have done or I think I would have done, but I don't remember specific conversations.

Q But if you felt the security situation was uncomfortable or was -- you know, had degraded to a point, you had the authority or the responsibility to sort of hold people back and say, okay, don't deploy, or could you even say pull back?

A Well, certainly with the principal officer, yeah, as a matter of discretion I could have told him not to go.

Q And is that what you did in this case?

A I did. Well, I did not concur in a couple instances where I was asked, you know, should he leave now. I didn't provide that concurrence until basically when he got there. It was a couple weeks, I think.

BY MR. BEATTIE:

Q But you don't recall sharing your concerns about the security situation with anyone in your chain of command?

A I don't recall specifically, no.

Q At this time did you revisit the idea of closing Benghazi in response to the spike in violence?

A Just what this email says, you know. I talked about it with Chris, you know, just a pause. Well, he talked about a pause. I just mentioned that we're concerned about the security situation, which was normal. I mean, we had a spike in violence, we had had some westerners targeted.

Q Yeah. And then actually if we could just go back to that idea in the previous exhibit about closing, potentially closing Benghazi. Was that an idea that you discussed with anyone else?

A I don't have a recollection of discussing it. My sense of the email is that I was, you know, gaming out some arguments about how to, you know, persuade people to provide additional security.

Q So was that an idea that you originated as an option, closing Benghazi in response?

A I certainly originated it in that email. It was my email.

Mr. Beattie. Thanks.

Mr. Ohly. We're approaching our hour. We'll go off the record.

[Recess.]

Mr. Knauer. So it's 2:13. We'll go back on the record.

BY MR. KNAUER:

Q My colleagues in the last round had made reference to two dates in particular. And I don't have the exhibits, because they're still out of the room, so hopefully you can recall it. If you can't, just let me know. There was a September 30, 2012, date about extending the Benghazi compound.

A Uh-huh.

Q And then there was a -- another -- I believe that was Exhibit 6. And then there was another exhibit that made reference to a second date, which was December 2012. Do you recall those two dates?

A Not --

Q Okay. If you don't, let's just wait until the documents arrive?

A Yeah. Yeah. Probably wait.

Q I'm going to turn it back over to Jason and let him --

Mr. Knauer. You know what? Can we just go off the record?

[Discussion off the record.]

Mr. Knauer. All right. So there were two exhibits, Exhibit 6 and Exhibit 7. And do you have the original exhibit so that he can see them?

Mr. Ohly. I think the originals I just gave Jason.

Mr. Powell. Right here.

BY MR. KNAUER:

Q It's on Exhibit 7 where it says Benghazi on the second page.

A Yes.

Q The Benghazi NEA slash FO wants to keep Benghazi up and running through December 2012.

A Right.

Q And then on Exhibit 6, it would be the second page from the back, and this is the email from Ambassador Stevens to you where he makes reference to Option A?

A Right.

Q And the date is September 30, 2012.

A Uh-huh. The date is September or October?

Q It's on October --

A Oh, down here, yeah.

Q -- 2011. Do you know if the ambassador thought one date was essential and the other one he disagreed with, or was he okay with extending this into that December time period, which the first email, or exhibit, makes reference to?

A I think his basic predisposition was to extend it as long as possible. I think he -- I don't know specifically with the September 30. I think he was probably trying to, you know, be tactical and propose something that would be acceptable to the widest number of people, but I think -- I agree with the premise of your question that, you know, both dates would have been acceptable to him. In fact,

he probably would have -- I think he would have preferred the date that was further, a further extension.

Q And that would be December 2012?

A Right.

Q And so where it says, "NEA/FO," the "FO" being the front office --

A Uh-huh.

Q -- wants to keep Benghazi up and running through December 2012 --

A Uh-huh.

Q -- would -- from your understanding of his views on this subject, would he have, then, concurred with keeping the mission open at least to that date?

A He would have, yes.

Q Okay. I also want to talk about Mr. Maxwell. He was your boss at the time?

A Correct.

Q Okay. And when did Mr. Maxwell take his position?

A I believe it was in the summer of -- the normal rotation cycle in the summer of 2011.

Q And was Mr. Maxwell generally informed on Libya issues?

A Yes. I mean, as a part of the hierarchy, and I report to him, I briefed him every day.

Q There was some reference to a discussion on some emails in which Deputy Assistant Secretary Liz Dibble was on but Ray Maxwell was

not on. Was that by design somehow to somehow keep Mr. Maxwell off certain emails?

A No. Not -- not to my knowledge. I don't think so. I think he was -- I'm not sure why he wasn't on that particular email chain, but as the email -- the substance of the chain indicates, I briefed him on the issue, so he was -- he was informed about it.

Q Were you ever trying to keep Mr. Maxwell out of the loop somehow?

A No.

Q Do you --

Mr. Choo. I'm sorry. Just to clarify, so the question relates to the email chain that was shown by majority counsel --

Mr. Knauer. Right.

Mr. Choo. -- in the prior round? Okay.

Mr. Knauer. There was a question why Mr. Maxwell was not on certain emails --

Mr. Choo. Right.

BY MR. KNAUER:

Q -- and so I just want to make sure that you address the issue of whether there was any effort to keep Mr. Maxwell somehow off of certain emails by design.

A No.

Q Okay. Did you know if anybody was trying to do that?

A I did not know of anybody trying to do that.

Q Did you ever hear of anybody trying to do that?

A No.

Q Okay. Were all efforts being made to keep Mr. Maxwell in the loop as much as possible?

A Yes.

Q I also wanted to go back to Exhibit 1, which was -- do you recall?

Let's make sure he has that.

And this is an email dated -- if you go to the very first email in order, which would really start on page 2, this is the email where Ambassador Stevens is laying out to a number of individuals the reasons to extend the special mission compound. Again, are you familiar with this email?

A Yes.

Q Okay. Do you know if Mr. Maxwell was also briefed on Ambassador Stevens's desire to extend the embassy? Would he have been involved?

A He would. Yes, he would have been.

Q Okay.

A In fact, on further parts of the email chain, he's actually on this email.

Q Well, that's what I was going to ask, if that, in your opinion, is what that signified, that he was being kept in the loop on that?

A Yes.

Q Okay. And then I want to go to the December 27 Kennedy

memo, which was --

Mr. Powell. Exhibit 2.

BY MR. KNAUER:

Q Do you have that from --

A No.

Q And briefly, can you just describe for the committee what this memo is designed to do? What's the purpose behind this memo? And this is the December 27, 2011, memo to Undersecretary Kennedy from NEA Jeffrey Feltman, who was Assistant Secretary at that point in time.

A Uh-huh.

Q What's the purpose of this memo?

A It's to make a recommendation to Undersecretary for Management Kennedy about the future status of the mission in Benghazi, and it recommends a continued U.S. presence there and -- through calendar year 2012, and it provides a recommendation about the size of the mission in terms of staffing.

Q Okay.

A And then it lays out -- in the background, it lays out the various policy and security factors, et cetera, that would need to be -- administrative, management factors that would need to be considered.

Q Okay. And if you go to the back page --

A Yes.

Q -- this is a list of a number of individuals who apparently cleared the memo, because that's what it says, "cleared."

A Right.

Q And I'll go through some of the names from top to bottom: R. Maxwell; [redacted] EX [redacted] PMO [redacted] for budget, [redacted] for M, [redacted] and it continues.

What's the purpose of having all these people on this memo?

A It indicates who has cleared the memo as it moved up through the chain.

Q Okay. And if your name is on that memo, does that suggest that you have knowledge of this subject?

A It would suggest that you -- the name suggests that you're somebody who should see the memo. Generally speaking, you need an okay. Although it could be an oversight, but the okay is what would indicate that the person actually saw it.

Q Okay. And Mr. Maxwell's name is on this memo --

A Yes.

Q -- with a very long set of signatures. Did he see this memo?

A I can't tell from the -- I can't tell from the notation if he did or not.

Q Okay. Is his name on this because, again, he was somebody that State Department considered to be in the loop on this?

A Yes.

Q Okay. All right. And there's also an individual, [redacted] acting for DS. You see that?

A Yes.

Q And is "DS" Diplomatic Security?

A Yes.

Q And does that mean that Diplomatic Security looked at this?

A Yes.

Q Okay. And the reason that they're looking at this is because they're evaluating it from a security perspective. Is that correct?

A Correct.

Q Okay. If anybody disagreed with this memo, are they forced to sign it?

A No.

Q Is there a process where you can dissent if you're at the State Department and you disagree with something in the memo?

A Yeah. There are several processes, but the basic process with something like this is you just withhold your bureau's clearance and you say we're not going to clear on it. And you can't be -- a memo like this to a principal like Kennedy or anybody else on the seventh floor would not move if a key office like DS did not clear on the memo.

Q Okay. And could this have -- memo like this have snuck around any of these individuals? There's no process like that, I'm guess -- I'm guessing. Is that correct?

A No, not on something like this that was going up to undersecretary for management.

Q Okay. And to your knowledge -- and, again, I think that you addressed this, but to your knowledge, was Mr. Maxwell familiar with this memo?

A I believe he was. He was familiar with all the issues behind it, and he had been briefed on it in various email chains and -- and verbally.

Q Did he ever disagree with the contents of the memo?

A No.

Q Okay. And then there was also a period that we were discussing in the last round about some of the security needs relating to personnel at the post. Do you recall that discussion? There -- there were instances where it was identified that there were not sufficient --

A Right.

Q -- security staff. And then those kinds of instances could be routed through NEA or flagged for NEA. Is that correct?

A Uh-huh.

Q Okay. And I just -- you know, again for the record, was it NEA's job to allocate those resources?

A No. No. We didn't have resource -- security resources, and we didn't make the decisions on resources. We were just trying to advocate for post with DS, but DS had the resources and DS allocated them.

Q Was it your job to solve that problem?

A No, not in a -- in a specific sense. It was our job just to be an advocate for post, which we tried to do, but the specific solving of that problem lay with DS.

Q And do you believe that key individuals at DS, namely the

Deputy Assistant Secretary For International Programs, was well aware of what the security challenges were from a personnel point of view?

A I believe so. I mean, I don't -- I know that the RSO was in regular touch with DS and the RSO personnel in Benghazi were in regular touch with DS.

Q And to the extent that NEA was ever flagged of these issues, did you forward them all to DS?

A We did.

Q And so is it your opinion that DS would have to have been aware of these concerns --

A Yes.

Q -- either coming from post or coming through NEA?

A Yes.

Q Okay. And, again, are you a security expert in terms of being able to identify physical security needs?

A No.

Q Okay.

A I'm not.

Q What about Ray Maxwell? Was he an expert in that regard?

A No.

Q Was that his job to do that?

A No.

Q What about Ray Maxwell's boss, Liz Dibble? Was that her job to do that?

A No.

Q Okay. And what about Assistant Secretary Feltman? Was that his job?

A No.

Q Okay. What about Assistant Secretary Jones? Was that her job?

A No, that was not her job.

Q Okay. And is the primary mechanism, again, to ensure that a post gets adequate resources, that you have a specialist on the ground, generally the RSO, and that that information is generally directed up through the chain at DS to solve whatever needs are required?

A That -- that's correct.

Q Okay.

BY MR. POWELL:

Q Can I refer back to Exhibit 9? You discussed in the previous hour this -- this email from your deputy to [redacted] --

A Right.

Q -- where it notes that, the IED directed against our compound in this incident today highlights the need for us to ensure that we have adequate security resources in Benghazi by keeping all three billets filled as much of the time as possible.

And I think there was a discussion in the previous hour about the three billets as opposed to, I think, five security positions outlined in the December 27th memo. And I just wanted to clarify that this email by no means acquiesced in -- in terms of a reduction of the number of

security positions that --

A Correct.

Q -- would be posted in Benghazi, security agents that would be posted in Benghazi?

A No. It doesn't.

Q Does not?

A It doesn't acquiesce. It indicates a frustration with it.

Q And it would be -- it would be DS that would have the decisionmaking -- the decisionmaking authority to change the number of DS agents that would be posted at Benghazi?

A Correct.

Q Okay.

Mr. Knauer. I'm going to make this -- this is a chain of emails involving several individuals. I'll mark this Exhibit 11.

[[redacted] Exhibit No. 11
was marked for identification.]

BY MR. KNAUER:

Q Tell me when you have that in front of you. Oh.

A Which exhibit? 11?

Mr. Powell. One second. Could we go off the record for a second?

[Discussion off the record.]

BY MR. KNAUER:

Q If you go to the first -- the bottom of the first page, and this is the Thursday, April 19, 2012, email. This is an email from Ambassador Stevens and it goes to you, [redacted], and then it CC's

a number of people -- [redacted], Greg Hicks. And then the ambassador's saying, Can the expert DS agents be used in Benghazi? They seem to suffer chronic shortages.

My first question is, did the ambassador also understand that Benghazi was suffering these shortages?

A He did.

Q Was he frustrated by that?

A I think he was, yes.

Q Okay. And that email, there's a response above that from [redacted], the Thursday, April 19 --

A Right.

Q -- 2012 at 9:36, and it's from [redacted] to the same individuals, but she's specifically addressing Chris. Is that Chris Stevens?

A Correct.

Q Okay. And she says, quote, "Chris, this would be something worth discussing with DS Lamb, DAS Lamb, when you meet with her next week. We need to find out how DS feels about this. They may be concerned about CSO taking over the RSO shop in Benghazi in terms of accountability and ensuring that Benghazi acts as a constituent post to Tripoli on security matters."

Is -- is he meeting with DAS Lamb because she is the person most responsible for determining Diplomatic Security needs and how to allocate them?

A Yes, for -- for Libya. I mean, he would have met with her

because he's -- he's interested in how she would handle those allocation issues for Libya.

Q Okay. And so, to your knowledge, even the ambassador brought this question to Deputy Assistant Secretary Lamb's attention?

A That's correct.

Q Okay. And then the final email in that chain, at the very top, this is Thursday, April 29, 2012, at 5:09, this is from Ambassador Stevens to the same individuals, and he says, quote, "I had a good meeting with CSO [redacted] and [redacted] this afternoon, basically reaffirmed their desire clash commitment to continue to add value," in, quote, "transitional," unquote, areas by providing staffing and strategy where we need it. We touched on the DS issue, and they said they're coordinating with the RSO shop, so presumably DS is part of the discussion. I'll mention to DS Lamb when I see her, too."

Do you know if Ambassador Stevens met with DS Lamb?

A I don't know for a fact, but I -- I don't remember. I presume they met, but I don't know that for a fact.

Q Okay. So -- but to your knowledge of how the system works, do you believe that generally this issue was well flagged for -- when I say "this issue," the issue of a need for additional security staffing -- was well flagged for Diplomatic Security at this point in time?

A Yes, I do agree with that. I think it was.

Q And for the remainder of the time up to the attack, do you believe that Diplomatic Security continued to be apprised of what the

needs were on the ground?

A Yes.

Q Okay.

A They were well apprised.

Q Okay.

BY MR. POWELL:

Q I'm just going to change topics.

A Okay.

Q People -- I think we had talked for a little bit in our, the minority's, previous hour about -- about the night of the attacks. And people have -- have told us that Greg Hicks performed very admirably the night of the attacks. And had you heard the same?

A I have heard the same, and I think that's -- from our perspective in Washington, that's an accurate assessment. I think general assessment is that he did an admirable job under very difficult circumstances.

Q And communicated well with the Assistant Secretary of that?

A He did. He kept the Secretary briefed and provided reliable information that we were able to use to deal with the issues before us. That was from our perspective at -- from Washington. It -- at a certain point later, we got input from post that he -- his performance was not perceived as admirably.

Q And, actually, I -- that brings me to a point that I was going to ask, that we -- we have heard, and actually Mr. -- Mr. Hicks told the committee at our May 8th hearing that there were concerns that

were expressed with regard to his management at the post.

Mr. Powell. And I'm going to introduce a short selection of that transcript as Exhibit 12.

[redacted] Exhibit No. 12

was marked for identification.]

BY MR. POWELL:

Q I will direct your attention to page 156, beginning on line 3734. Mr. Hicks testified, and I quote, "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 no indication that my staff was upset at all, other than the conditions we were facing," end quote.

And you -- you mentioned that you were aware of concerns that he was not performing well. And could you elaborate on some of those concerns that you heard?

A I -- I got an email from my deputy, who got it from the -- one of the officers at post on September 14, and she basically said that we are in desperate need of leadership out here and elaborated that Greg was refusing to appoint a deputy, an acting DCM, and that people at post were very concerned about his leadership and his refusal to appoint a deputy to take on some of the workload. I got that email on the end of the week. I reached out early the next week to the political chief and to the -- one of the officers in the econ section to find out what exactly was going on, why we would get a complaint

like that.

BY MR. KNAUER:

Q I'm sorry. Those posts are -- those people are where that you're reaching out to?

A In Tripoli at the embassy.

Q And who are -- who are those people?

A They're the head of the political -- you want their names.

Q Sure.

A They're the head of the political section, his name was [redacted], and the economic officer at the time was [redacted].

Q Okay.

A I called both of them separate -- separately and got a long list of complaints about Greg's leadership and management style and a range of examples that in their view indicated deficiencies in those areas and an indication that if something wasn't done, there were going to be curtailments, people were going to quit and -- or, you know, they were going to demand authorization to leave the embassy and curtail their service at the embassy.

I briefed Assistant Secretary Jones and Ray Maxwell about this, and a couple days later, we got another email from somebody else, a management officer, making the same complaints.

Q Management officer in Tripoli?

A In Tripoli. [redacted], I believe is his name.

Mr. Choo. Can I just clarify one thing? In Exhibit 12, the

question that was posed by minority counsel refers to after Congressman Chaffetz' visit. Can I just ask counsel to confirm from the transcript that that is the time period that Mr. Hicks is testifying to as to when he detected a shift in his treatment?

Mr. Powell. That is -- that is the time period that he was testifying to.

Mr. Choo. Right. Okay.

Mr. Powell. Correct. Again, I quoted that -- that segment just to indicate that he had -- that Mr. Hicks did testify that he had concerns that were expressed to him.

Mr. Choo. At that time.

Mr. Powell. About his management.

Mr. Choo. Right.

Mr. Powell. Just in general, at any time that there were concerns that had been expressed to him about his management, but that's what he was referring to, was after Congressman Chaffetz' visit.

Mr. Choo. Right.

Mr. Powell. So just --

BY MR. KNAUER:

Q Go on. So you -- you had received a third email from Tripoli?

A Right. Actually, we received a third and a fourth email. We received a third email from a -- well, actually, I'm sorry. This -- we received a second and third email. So there's an email from the consular officer and my telephone call to two officers unrelated

to those things. We got a second email from a secretary and then we got a third email from the management officer. That's within a span of about a week, September 14 through the following 7 days.

Q And what did you guys do with that information?

A I briefed my NEA front office. We started discussing what we could do to get somebody out there to take over the leadership of the post.

Beth, as I recollect, called Greg and told him after the first email, which was the 14th of September, that he needed to appoint an acting DCM immediately, which he did. He appointed [redacted] as his acting DCM.

We began to have discussions about how -- because we had already begun discussions with people about getting a more senior charge out there, somebody who was a retired ambassador, and we were trying to find out how fast we could get him out there in place, given the problems that were now evident. It was going to take too long. It was going to take more like 2 weeks to do it, because of personnel challenges. So Beth asked me to go out and be there for 2 weeks or however long until they could get a new charge out there. Not --

Q So -- so you went to Tripoli?

A And so I went to Tripoli for about 10 days.

Q Did you continue these conversations about his management style when you got to Tripoli?

A I did. I met with a range of people. I met with nearly everyone separately in small conversations on the political consular

management, other people. I met with people from the interagency. I met with all the key players on the other agencies at post. And all of them said that there was a serious morale problem that was attributable to Greg's leadership, and they offered specific examples of decisionmaking, judgment, et cetera, and several of them made clear that, you know, there were different options for handling this, but if he was left in charge, there would be -- there would be a significant number of curtailments that would have to be dealt with.

Q Did you feel as if --

Mr. Powell. May I ask? When was your trip?

Mr. [redacted]. I went out there, I think it was in early October.

BY MR. KNAUER:

Q Did you feel that these concerns had risen to the point where this had become a personnel security issue in terms of running the post in that post-attack period?

A Well, I came to the conclusion that it was a -- it was a very serious leadership issue and something had to be done to -- to address it, and that it was -- it was affecting all aspects of managing the post, and that included, you know, management, security, political, reporting, everything.

Q Do you have any reason to believe that these complaints or concerns being raised by these individuals you're hearing from were somehow tied to Mr. Hicks's interactions with Congressman Chaffetz on his visit or anything to do with that visit?

A No. I don't remember the specific chronology, but I think

that visit was -- what was the date of the Chaffetz visit, because I thought it was subsequent? I thought it was afterwards.

Q It was certainly later.

A It was later.

Q In, I believe -- let me get you the date.

Well, let me just ask you the question. Did you ever -- did you ever hear of anybody making complaints that were somehow tied to the Chaffetz visit as the reason for why they're making the complaints?

A No.

Q What about following the attack, Ambassador Rice had gone on the Sunday talk shows, and there was mention at our hearing that DCM Hicks' view of her performance could possibly somehow be linked to Assistant Secretary Jones' criticism of him. Did you have any reason to believe that Ambassador Rice's performance was the reason for the concerns about Greg Hicks?

A No, I have no reason to believe that. I mean, I -- I saw Greg's testimony on TV. That's the first I heard of that. All I know at the time is that we had an overwhelming amount of evidence from more than a dozen people at post from different agencies, different levels, different types of work, and all of them saying separately that there was a leadership, management issue with Greg, lack of judgment, inability to build consensus, form a team, include people, and -- and those were the reasons for the action, not something else that dealt with some remark he'd made to Assistant Secretary Jones in a phone conversation.

BY MR. POWELL:

Q Just one more point. I think you mentioned that the first concerns that you were made aware were on September 14th, which were -- was prior to Ambassador Rice going on the Sunday talk shows on September 16th. Is that -- is that correct?

A That -- that's correct. The first email was on the 14th.

Q You were interviewed by the ARB, correct?

A Yes. Twice.

Q Twice? Was it in a group setting or individually?

A I was interviewed once in a group setting with Assistant Secretary Jones and Liz Dibble, Ray Maxwell and [redacted], and I was interviewed once with my deputy in a solo setting. That second interview was by phone because of inclement weather.

Q Did you feel as though you had the opportunity to offer the ARB information relative -- relevant to its investigation?

A Yes. I was -- I had a chance in the group setting to answer questions and I answered questions for almost 2 hours solo with the ARB in the second interview. I mean, my deputy was there, but she didn't speak very much.

Q And I think you mentioned earlier that you have read the -- you have read the unclassified ARB report?

A I have.

Q Is there anything that -- that's missing from the final report that you -- you feel should have been added or that you would have added?

A You know, I -- I don't know exactly what, you know, all of the -- I don't know exactly what they heard from everybody, because I only gave my perspective on it.

Mr. Choo. By something that's missing, do you mean, like, facts or conclusions or --

Mr. Powell. I think in general, facts or conclusions, is there anything that you would like to highlight? I just wanted to give the witness the opportunity.

Mr. Choo. Okay.

Mr. [redacted] No, I'm not aware of things that were missing from the -- from the report.

BY MR. POWELL:

Q Can I get your thoughts on the ARB's recommendations. ARB made a number of recommendations that it's our understanding are in the process of being implemented. Do you -- I guess, can you comment on whether or not you think those recommendations, if implemented, would be helpful, and specifically would they be helpful in improving security there at diplomatic posts?

A I think, in general, the recommendations are helpful. I think most of them have been implemented or are in the process of being implemented. Of course, they were made in hindsight, but absolutely in hindsight, you know, they -- they were -- you know, constituted a rational set of recommendations on the security side, and I think they've largely been implemented.

Q And saying that, have you -- have you noticed -- have you

noticed progress or changes that have -- you know, that --

A Yes.

Q -- you've already found helpful?

A Yes. When I was charge in Tripoli for 6 months, for example, there were a huge number of security upgrades that are underway, many of them, you know, attributable either directly or indirectly to ARB, you know, recommendations; some of them attributable to, you know, further inquiries or studies the ARB said should be done on security, they were done and then they -- these security -- recommended security upgrades arose out of those studies, one between, I believe it's a committee they mentioned with DOD participation and -- and State, and those upgrades are underway, and they've vastly improved the security of the mission in embassy Tripoli. They've also recommended things to increase the connectivity between DS and NEA. And I've seen evidence of that since I've been back as the DAS.

Q Do you believe that anyone should be held accountable or should have been held accountable within NEA for any physical security failures in Benghazi? Or do you believe it was not NEA's role to assess or provide physical security needs?

A I mean, I think it's understandable, given the gravity of the -- of what occurred, that, you know, people were held accountable. I -- you know, I think it's understandable. I don't know if I'd go, you know, beyond that. I mean, the primary decisionmakers for the decision -- for the security situation -- for the security

environment, for the security staffing and other issues at post, both those posts, was in Diplomatic Security.

Q Do you think the ARB report appeared thorough?

A Yes.

Q Do you think the ARB was thorough in its investigation?

A Yes. It seemed -- I mean, like I say, I did not have access to their records or who they interviewed or what, you know, exactly they heard in their test -- in the testimony that was given, but judging from the way I was treated, they were thorough, and from what I heard about their treatment of others, they certainly seemed thorough. I mean, I was thoroughly questioned about, you know, my perspective on the situation there, so I think it was thorough.

Q Do you think that the ARB was in any way a white -- a whitewash or that it went easy on the State Department?

A Well, like I say, I don't have all the information that the ARB had. I can only give my perspective on it. I mean, it held -- I mean, it had -- I don't think it was a -- I mean, I think they thoroughly investigated it and they -- as I said, I think it was understandable, given the gravity of what happened, that they held some people accountable. And -- and I think that, you know, it's had serious consequences for -- you know, for those people, so I think it -- I don't -- I wouldn't call it a -- I think it was a thorough investigation, not a whitewash.

Q Do you think the ARB engaged in any favoritism or improperly protected certain people from accountability, from what you saw?

A No.

Q Do you know of any improper relationships with the board members of the ARB that may have somehow influenced the outcome of the report?

A No.

Q You have worked at the State Department offices here in Washington. You've just spent time at post in Libya. Do you, based on your experience, have any other recommendations to improve post communications or post security that you'd like to share with the committee?

A I don't -- I don't think so. Not right -- not right this -- in this environment. Nothing -- I'm drawing a blank. Sorry.

Mr. Powell. Well, with that, I think we will conclude our minority hour and go off the record.

[Recess.]

BY MR. OHLY:

Q I want to talk a little bit about the whole SST team and the DOD mission in Libya. Were you involved in any discussions related to the structure or the presence of the SST personnel?

A We were.

Mr. Choo. You're saying what time period?

Mr. Ohly. From the time they arrived until the time they departed.

Mr. Choo. Okay.

Mr. [redacted] Yes. The SST was a DOD team that

provided -- mostly to provide security for the embassy, and my office was -- worked with NEA EX. Whenever there was an extension of their presence, we co-drafted the formal memo that would go from our building to the Department of Defense through a memo called an Exec Sec memo to formally request an extension of their presence, and that involved very wide clearances and significant discussion, post with us, post with NEA EX, and all of us with Diplomatic Security and with the Pentagon, so it was quite an extensive discussion. And so, yes, we were heavily involved.

Q And how did those discussions evolve over time, the discussions about the presence of the SST team and their role?

A I mean, initially, it was a given that they would be there. There was no -- there was no other way to provide, as the embassies stood up again, September 2011, their presence was essential. It was not open ended. It was given, I think in 120-day increments in the beginning, I'm not certain about the exact time, but it was a temporary thing, and every time it expired, about a month and a half -- or a month before it was to expire, you had to go through the process of extending it.

As time went on from late 2012 -- late 2011 into 2012, you know, there began to be an effort to wean the embassy of the SST support and to normalize the protection of the embassy in the same way that the embassy was normalizing all of its functions and moving from an embassy that was being stood up again to one that was functioning the way an embassy anywhere would function. On the security front, that meant

that DS would provide the security for the embassy.

This was a long discussion over many months with a number of junctures where interim decisions were made to extend the presence.

Q We're going to introduce Exhibit 13.

[redacted] Exhibit No. 13

was marked for identification.]

BY MR. OHLY:

Q I'll give you a moment to look that over.

All set?

A Uh-huh.

Q This chain begins with an April 3rd, 2012, email from yourself to Jeff Feltman, who I believe at the time was the Assistant Secretary. Is that correct?

A Correct.

Q Subject is embassy staffing and TD wires, Embassy Tripoli.

A Uh-huh.

Q The top of the email summarizes the bottom line saying, quote, "government of Libya needs help. I've asked for it, Secretary and interagency agreed. Mag is working with embassy to get out as much of this assistance in a compressed time frame as makes sense. Post has security assets to support this TDY systems as long as it is managed. April will be a good month, with several TDY visits."

A Uh-huh.

Q Upfront, you talk about security. You say SST, the DOD security team scheduled to be there until August. General Ham offered

this longer-term option. Embassy just has to report every 30 days. They still need them. One DS MSD team of a half dozen has left but are scheduled to be replaced by similar number of regular DS agents in mid TO late April. So re your point about security leaving, not sure what you're talking about, except I know that DS, Washington, Charlene Lamb is pushing strongly to get the MSD teams out of Libya and replaced by regular DS agents. As I mentioned, this stage process is only under -- is already underway.

The next paragraph says, re point on TD wires. NSS and interagency pushing strongly to get people out there to help in critical areas and/or those PM El Keib has asked for Border Security, Wounded Warriors, TDR, Elections and Transitional Justice, et cetera. There has been a feeling building in past month that embassy is being too miserly in letting people come out. We have tried to manage that. Part of the problem is embassy capacity, security assets, beds, cars, officers, and VIP visits sucking away assets in part is inability of embassy to get enough traction at working level of GOL to allow it to set dates for training, have participants. I'm not sure if NF -- NSS folks complained.

And below is a list of the folks who were looking at it.

Jeff Feltman passes along your message to Pat Kennedy. It says, the high number of TD wires headed to Tripoli is a result of Libyan PM El-Keib's visit, NSS focus on North Africa, but the good news is that according to NEA, Mag DOD's SST security team is scheduled to be in Tripoli until August as long as the M keeps requesting the team at

30-day intervals, and the DS MSD team has left but is being replaced by similar number of regular DS agents as of mid, late April. So our impression is that we have the security front covered right now.

A Uh-huh.

Q Patrick Kennedy then responds --

Mr. Choo. In Tripoli? In Tripoli?

Mr. Ohly. In Tripoli. I'm sorry. Yes.

BY MR. OHLY:

Q Patrick Kennedy responds to Feltman and Liz Dibble that DS is getting reporting from absolutely reliable source that DOD not extending. Have spoken to Liz, who finally came back from multi-hour lunch, and she is going to get me some great data to use in double-checking this and explaining why DOD is necessary.

Feltman then emails, forwards this back to you, [redacted], Gene Cretz, [redacted] and Liz Dibble asking DOD not extending. Do you recall this --

A I do.

Q -- this conversation?

A Uh-huh.

Q Do you know, other than what's sort of described here, why NSS was pushing for more staffing, or was it a priority at the interagency to get more folks to Tripoli?

A The NSS, like a number of people in the interagency, wanted to get more assistance to the Libyan government on a range of areas, democracy in government, helping them rebuild their security

institutions, helping with civil society. And the way that we were structured to do that was to send out TD wires to do it for a few weeks at a time, and that was difficult, because the embassy was just getting stood up again; they had limited bed space and other ability to support these visits, so they were pushing back, and so there was some friction between post and interagency about, you know, how to properly manage that desire to get assistance out to the Libyan government.

BY MR. OHLY:

Q Was the DOD SST presence necessary to ensure adequate security for the staffing levels being pushed by NSS?

A I am sorry. Can you repeat the question?

Q Was the DOD SST presence, them being in Tripoli, was that necessary to ensure that the staffing that was being pushed by NSS, the numbers, the individuals being pressed had adequate security to be able to get out and, you know, fulfill the responsibilities that they were being asked to do?

A I think the SST team was an important part of that security. I mean, they were a vital component in it. DS also provided regular RSO, ARSO folks and MSD teams. And all that together provided the security for the embassy and the security for TD wires, movements, et cetera. And, yeah, that kind of -- taken together, all that security support was essential to allow the embassy to function and to allow the TD wires to get out there and to provide assistance to the Libyans.

Q Now did you provide this report to Assistant Secretary Feltman because he had asked you personally some questions?

A As I remember, he called me and asked -- my recollection of this is that he called me and asked me, you know, what were we doing to help the Libyan Government, and why weren't we doing more? Something along those lines. What were the problems or challenges to

doing more?

Q And your summary is based on conversations with people at post or --

A It is based on conversations -- whatever I knew about the situation from conversations with post and then conversations with various interagency players who wanted to go out and provide assistance, like wounded warrior stuff or whatever --

Q Would he come to you because you have the most sort of intimate or granular awareness of these issues of the state of play?

A I am not sure. He came to me because I am the office director and because we are old friends.

Q And do you know why -- did you have any visibility as to why Patrick Kennedy would be having Elizabeth Dibble looking into the DOD side of things? Why it was necessary or whether they were extending or not?

A Whether they were what?

Q Whether they were going to be extending or --

A I don't know exactly. Liz, before she became PDAS, had worked very closely on Libya issues in EUR because the Europeans had been heavily involved in the international diplomacy stuff. And she had worked with Pat on those issues. So there may have been some of that, that she was used to working with some on Libya. Beyond that, I don't know.

Q After she left EUR, did she stay fairly in touch on the Libya issues?

A When she came into --

Q When she came to NEA.

A Everybody in the NEA front office stayed well informed on Libya. It was such a big, big issue.

Q And then when Feltman replies back to a number of the folks in NEA Maghreb -- Ambassador Cretz and DCM [redacted], cc's Elizabeth Dibble. She had been on the chain.

Do you have any insight as to why Mr. Maxwell wouldn't have been included on that?

A I don't know.

Q Do you know if he was involved in the discussions about DOD and SST?

A I don't remember specifically. I presume he was. But I don't remember.

Mr. Beattie. Could I just ask one follow-up on this?

BY MR. BEATTIE:

Q Sir, in the initial email, when you talk about NSS and interagency pushing for various things, I am just curious, how would you become aware of those? Would interagency partners reach out to you directly, or are these things needing to be approved somebody at NSS who is coordinating that?

A Both.

Q Both.

Is there a particular point of contact at the NSS that you would interact with on Libya on this sort of thing?

A Yeah. There is like an action, action level officer over there. And then I also, of course, dealt with the particular offices in all these areas that -- they were all trying to provide assistance.

Q So, for example, would you interact with someone at DOJ specifically directly?

A Yep. DOJ, USAID. [IFIS] would have been -- is an independent agency that would have been through USAID. The chemical weapons stuff would have been through people in the State Department.

Q Okay. And these folks, they would reach out to you directly? How often do you think -- I am just curious. How often would you interact with the interagency partner on Libya during this time period?

A It was sort of a regular -- I mean, the time frame -- I mean, for a while, for like 8 months, I met with people -- I had a meeting every day but with some interagency people involved. But not necessarily all of these people. And then, you know, we were in regular contact. It was considered a crisis that was going on. So there was a tremendous amount of communication going on.

Q Sure. Thanks.

Mr. Ohly. Let me enter Exhibit 14.

[[redacted] Exhibit No. 14
was marked for identification.]

BY MR. OHLY:

Q This is an email chain that begins in late April of 2012, on April 29, 2012 and into early May 2012. And it begins with an email

from [redacted] to Elizabeth Dibble, CC'ed to Ray Maxwell, Gene Cretz, John Stevens, yourself -- the subject is: "Need guidance AFCOM SST [redacted]. It is an unclassified email. But it is a discussion of how to structure the DOD mission moving forward, [redacted]. She follows up on May 1 to the same group, saying, following our initial discussions on Sunday. AFCOM has clarified that the six SOF personnel already in country. For SST work would be transferred to the current X fort under COM authority to a new X fort under Title X COCOM authority. Does that change things at all from a policy perspective?

And you forwarded it to an individual in the -- two individuals in the OSD policy office. I am assuming that is the Office of the Secretary of Defense; is that correct?

A Correct.

Q Asking for their, quote, need your steer on the proposal below from post. And you received a response from Lisa Sampson with some discussion of, We are not ignoring this. I promise. Just trying to work the authority's piece to determine feasibility. As soon as I hear back from JS on go/no go, I will let you know. From a policy and operational perspective, I think it makes sense. We would be leveraging the capability already on the ground to quickly demonstrate support to the Libyans, hastening the vetting process and utilizing the cultural knowledge already acquired by our guys who had been there for months. My only concern is that this will raise Libyan expectations [redacted]

[redacted]. Don't think it is a show-stopper but something to keep in mind. Will get back to you with more soon.

There is some additional back and forth between you and post afterwards. But I just want to get a clear sense of what your responsibility was for managing the structure or the future of the SST [redacted]. Were you simply a liaison with the OSD office? Or were you sort of the focal point of conversation with them?

A I think I mentioned earlier, any time there were the SST folks involved, and we needed an extension, we had to ask for it through a formal mechanism exec sec memo. So these discussions are -- we are heavily involved in that here because we are having to help gin up that memo that is going to ask for it. And we are taking, you know, guidance from post on what they want in terms of extending the group.

Q And your sense at the time was that post did want to extend the group? Or were they more focused on shifting the mission of the group?

A They wanted to extend it for a substantial period. At a certain point, I think they realized -- and this was later than this memo. It would have been -- you know, later in the summer, they realized that, you know, changing -- in fact, in here, it is already evident that changing the nature of the mission was a good way to ensure that at least some of the people stayed on the ground and would help provide some security at post. [redacted]

[redacted] So keeping people on the ground also supported that mission.

Q But part of the motivation, at least as you understood it, was to have those assets on the ground from a security perspective [redacted]?

A I think so, yeah. Simply because they were -- they had been part of the security team. You know, they were armed and trained. [redacted], they could be an asset to help post. I think that was the thinking of Chris.

Q Were you involved or aware at all of independent discussions about drawing down the SSC team in the July/August time frame?

A I was aware of it, yes.

Q What was your awareness or impression of it at the time?

A We were trying to be advocates for post and also trying to give post a good feel for what the atmosphere was like in Washington so that, you know, they understood what the realities were.

Q When you say you were being advocates for post, did post want to extend the DOD presence?

A It depends on the specific time frame that you are talking about. I mean, Chris' general predisposition was to keep the SST guys out there.

Q [redacted]

A The predisposition I am talking about is for security. But I think he also recognized as the mission for -- at least a piece of

the SST change that it would [redacted] also to provide some security for post and be a rationale for keeping some of those guys at post.

Q Was there a concern about security if the SST team left, that the post would lack the adequate security resources?

A I think that is probably -- yeah. I think that is a fair description based on what I have seen from, you know, RSO emails and indications from Chris.

Mr. Ohly. This is Exhibit 15.

[redacted] Exhibit No. 15 was marked for identification.]

BY MR. OHLY:

Q This chain begins with a Monday July 9, 2012, 2:24 p.m. email from [redacted] to a number of folks who appear to be embassy staff with a CC to embassy Tripoli staff, with a CC to NEA Mag DL. The subject is Tripoli OI July 9. This includes a bullet that says, Action, security extension, 12 Tripoli 690, with some commentary provided by post that says, We have had an extensive back and forth with DS on this. DS at the DAS level is reluctant to ask for an SST extension, apparently out of concern that it would be embarrassing to the department to continue to have to rely on DOD assets to protect our mission. They would prefer that we rely on department-provided assets but have not been clear on what they can offer us. Wanting to preserve our equities with DS, we decided to send in a front channel request for security assets attached without specifying where those assets should come from.

However, we wanted to underscore for you that we have an important nonsecurity interest in keeping the SST mission alive. The 16-person SST ODA mission comes to an end in early August. [redacted] Apparently, the only way to keep the ODA team here [redacted] is to continue to make SST part of our Static Security Team, [redacted]. This is surely a mission and NEA equity but doesn't resonate with DS. So our suggestion would be to make the case with DS probably at the Boswell and/or M level to keep SST part of our team on policy grounds. We are making progress in training and arming LGF and are working hard to entice the government of Libya to set up a place -- presence at our two sites. Another 60 days of SST and DS TDY help will buy us the time we need to get our security up to where it needs to be. Please check the other systems for email from DOD requesting RSO. Inform DOD of the need for an extension. Their hard deadline is almost upon us.

You forward this paragraph the following day to Elizabeth Dibble. There is a bullet above the paragraph saying, Note from Chris. Can brief you later.

Just to clarify, is that your text that you have put in the "note from Chris, can brief you later"?

A I believe so.

Q Do you recall this situation or what was conveyed in this cable?

A I do, basically, uh-huh.

Q Do you know if you ever talked to the PDAS about this?

A I don't remember specifically.

Q And do you know why you would have sent it directly to her?

A No, I don't.

BY MR. BEATTIE:

Q Just to be clear, there has been some discussion at the committee's prior two hearings on this, too, on July 9, front channel cable on security requests. Am I correct in assuming that this note here would be in reference to that July 9 request?

A Yes. I believe so, yes.

Q Thanks.

BY MR. OHLY:

Q To your knowledge, how was the decision to end the SST mission in Libya made? It sounds from this exhibit like the post wanted to keep it alive. It was trying a number of avenues to try to keep the SST team in Libya.

Do you know what transpired after this time period and who made the decision to draw them down?

A The way I remembered is, I would have to go back and -- I don't recall all the details, but I mean, basically, they decided -- we decided --

Or I don't know what the memo recommending said. But the basic decision was that approximately six or seven of them would stay out of 16 [redacted]

[redacted]. So they stayed. It got that program off the ground. Eventually, they were bulked up by other people who came in to assist [redacted].

Q Do you know if post was comfortable with that arrangement?

A I think so. I mean, initially, they -- you know, earlier in the -- as is often the case, they wanted more. You know, this is the way -- this is life, with embassies and Washington. But I think they were basically happy with the way the discussions went. There was a lot of back and forth about what kind of authorities these guys would have. So post became more focused on solving particular issues related to it rather than relitigating how many were going to be there. They accepted the answer they had gotten and worked with what -- you know, worked to make that solution feasible.

BY MR. BEATTIE:

Q This line about DS at the DAS level being reluctant to ask for an extension of the SST, apparently out of concern that we were embarrassing the department. Do you know who that is in reference to at the DAS level there in DS?

A I think -- I am not sure. I think it is a reference to Charlene Lamb. That is probably some loose language and some surmising on my part. But I mean, they are -- you know, I was trying to describe a general sense I had of the bureaucracy at the time, which was --

Mr. Choo. Could you just clarify? This is not your cable, right?

Mr. [redacted] No. I guess this is from [redacted]. And I am just sort of putting a little gloss on it. Yeah, you are right. I think it is from [redacted]. He was the acting DCM at that time, I guess.

Mr. Choo. [redacted]?

Mr. [redacted] Yeah.

BY MR. BEATTIE:

Q But at any rate, irrespective of who this is in reference to, was embarrassment requesting SST extension from DOD, was that something that you were familiar with coming out of DS? Or was this news to you?

A I had an awareness that DS wanted to normalize the security operation at the embassy and they had been pushing for that for several months and that they felt that that was -- you know, the proper course of action. We had reliance on this special DOD force for almost -- at this point, it would have been almost a year. And their feeling was it was time to go to -- to normalize.

Q Yeah. Did you have any thoughts about that?

A Again, I mean, I was sort of trying to be an advocate for post. I was also, you know, looking at the realities in Washington and trying to understand them and give post a sense of that reality. My sense was that, as we moved from spring into summer, that this operation was probably running its natural course and that we needed to look at what -- you know what options were available. And the idea of keeping a core team of SST people there seemed realistic. But at earlier stages, we did advocate for post's view.

BY MR. OHLY:

Q I want to jump back to the discussion of your experience with the ARB. You said you were interviewed twice, is that correct? Once as a group and once with your deputy?

A Right.

Q Do you recall about when the first interview took place?

A I don't recall the dates. But I know it was near the beginning of when they started their work, within the -- I don't know the exact days. But I understand we were near the beginning.

Q Were you notified in advance of the interview?

A We were. I was given a letter indicating that I was going to be called.

Q Were you notified of your right to have counsel present?

A I was.

Q Did you have counsel present?

A I did not.

Q Can you give us a general description of that first round of questions or that first interview, what the discussion focused on?

A It was a meeting with the entire ARB. Ambassador Pickering, Chairman Mullen, the other members of the ARB, Bertini, Turner, Shinnick, were there. And there were some staff. On our side, as I mentioned, Ambassador Jones, myself, Liz Dibble, Ray Maxwell, and [redacted]. There were -- I don't remember all the questions. But there was a lot of questions about the general political and security environment in Benghazi in the spring and summer in the run up to the

attack on the mission in Benghazi. There was some discussion you know of the importance of the election. Actually, that was the second interview. I don't remember the specifics of the other questions. But I remember I did answer some questions, and the others in the room were also asked and answered questions.

Q Do you know if you were asked about the security requests made by Embassy Tripoli for additional American security personnel? Tripoli or Benghazi, I should say.

A I don't remember.

Q Were you asked about the threat environment in Libya in general or Benghazi, in particular, prior to the attacks?

A Yes.

Q During your second interview, were all the members of the ARB present? I know you said it was over the phone.

A Uh-huh. I was told they were all there. I believe. I got questions from both Mullen and Pickering, extensive questions from both of them.

Q And can you summarize the thrust of that interview or what they were focused on in that discussion.

A I don't remember the specifics of it. I remember them asking about -- again, about the political security environment. They wanted to know the significance of the election in July of 2012. They asked about the spike in violence that occurred in the spring. They asked why, you know, in August, we weren't more concerned, given the spike in the spring. Something along those lines. And you know, I

explained to them that, you know, we were concerned but that there had been this, you know, rise in our concern level in June, which is evident in those emails you asked about earlier, but that the election had created -- the election on July 7 had been very successful. It was considered free and fair, very high turnout, very little violence. And it created a little different narrative for a period in Libya, a new wave of optimism about its prospects. A sense that, you know, maybe Libya had turned a corner. So it eased some of the concerns about the security environment.

In addition to which, you had the month of Ramadan, which is generally a quieter month in the region. People are fasting. Things quieted down for that reason. And for the most part, the month of July and early August, any sort of residual violence that was there, it didn't target Westerners.

So, for all those reasons -- and I explained that to the ARB, that all those reasons had sort of led to an easing of concerns about security. Ambassador Pickering asked if I had read the intelligence or had been reading the intelligence while I was doing my job about, you know, threats and whatever.

Q What was your response to that?

A I told him that, yes, I had read the intelligence.

Q Did you ever have any discussions about that with Ray Maxwell? Did you ever discuss the intelligence that you were reading with Ray Maxwell or --

A You know, it is a little difficult in an unclass setting

to talk about it too much.

Q Right.

A But if there was something that was interesting, I would mention, you know, I had seen something that was worth his reading, and I would highlight it for him and give him, you know, if it was appropriate, an unclassified gist of a sentence or two.

Q But it is safe to say in the course of your daily work, you and Mr. Maxwell, if it necessitated, would discuss classified information?

A We would discuss classified information in an unclassified manner.

Q Okay.

A As I said, from time to time.

BY MR. BEATTIE:

Q When was your second interview, do you recall? I know it was some time ago. Your phone interview with the ARB. Do you remember when that was, the date?

A No. It was nearer to the -- several weeks, a couple of weeks at least after the first one, which I think was maybe the first week or week and a half of being constituted. So the second one was 2 to 3 weeks later. I don't have the exact dates.

BY MR. OHLY:

Q Were you asked at all about your roles and responsibilities or the structure of the NEA office?

A I think -- I am pretty -- I don't -- frankly -- sorry. I

don't remember the specifics but -- of the questions. But I believe that question was asked.

Q Were you asked at all about the roles and responsibilities of others outside of yourself? For example, Mr. Maxwell or Ms. Dibble or Ambassador Jones.

A I don't remember being specifically asked. It is possible.

Q I believe you answered this earlier. But how long was the interview?

A It was about 2 hours, as I remember.

Q Okay. Over the course of those interviews, were you able to convey all the information you believed was relevant to the review?

A I was.

Q During the course of the ARB review, did you have any discussions with ARB members or staff outside of an interview about the contents of the ARB or the subject matter?

A No. I saw Dick Shinnick once in the hall, whom I know from before, and we basically said hello to each other. I asked him how it was going. He said good, that it had been a difficult process or something like that.

BY MR. BEATTIE:

Q Was it just you when Shinnick saw you in the hall and asked you that? You were by yourself?

A He didn't ask me anything. He just said, Hello, how are you?

Q But it was just you in the hall, right? You weren't with

anybody else?

A No.

Q Okay.

BY MR. OHLY:

Q What was your overall impression of the ARB process? Did you feel it was fair and objective?

A Yes. I think they were trying to be as fair as possible. As I mentioned earlier, I think it is understandable that, you know, that they felt obliged to hold some people accountable.

Q Would you characterize it as, felt obliged to hold somebody accountable, do you think those individuals were accountable for security failures in Benghazi?

A I don't know. I don't have access to what the ARB had access to in making those judgments. I mean, they talked to 100 people, and they had access to documents and emails that I didn't have access to. They have sort of an awareness of looking at it. It is quite a bit more comprehensive than mine.

Q Based on your experience and your interactions with individuals that were held accountable, did you feel that they were intimately involved in decisions related to security at U.S. facilities and that their actions in some way contributed to inadequate security posture?

A You know, as I had mentioned, I think it is understandable that the ARB held people accountable. I think they had access to information several orders of magnitude greater than I did. And those

are the judgments that they came to. They were also based on being able to look back and to have extensive information, you know, after something has happened, which is a very different perspective from, you know, doing something -- you know, looking forward and not being able to see into the future. But given what the ARB had, I think it is understandable that they made those judgments.

Q As someone who worked directly for Mr. Maxwell, presumably he would have been aware of the same information that you were aware of or involved at least at a level similar to yourself in security decisions related to -- or decisions that affected security in U.S. facilities in Benghazi, is that fair? Or would you say he was more involved in those decisions?

A Say it again.

Q Would Mr. Maxwell, who was your superior, have been more or less involved in decisions related to -- that affected security at the post in Benghazi, to your knowledge?

A I think in terms of details, he probably -- you know, just in the nature of the level, he would not have been as involved in the details of some things. In terms of responsibilities, because of his position, his responsibility was greater.

BY MR. BEATTIE:

Q Have you read any of the classified --

A No.

Q Did you think it was appropriate for Mr. Maxwell to be singled out by the ARB?

A You know, I hate it for Ray. He was a good man, a decent man. You know, he was a good mentor for the office. He was very supportive of our staff. His primary focus, you know, in his career before he had come into that job had been on management issues.

I think it was understandable that the ARB held people accountable.

Q You said some people. But I want to focus on Mr. Maxwell.

A I don't have the information they had when they made that judgment. So it is difficult for me to say. I mean, you know, on a personal level, as I said, I hate what happened to Ray. It is a personal feeling, based on my relationship with him.

Q To the extent that you are aware of the reasons why Mr. Maxwell was identified by the ARB, I think you mentioned you had been made aware of this by news reporting. Can you just clarify again what you are aware of?

A I read that he was relieved of his duties. He was put on administrative leave. Is that what you mean? Is that what you are referring to?

Q Yes. The reasons why the ARB singled him out as an individual.

A The only thing I heard, I read in the paper, which was that he did not read the intelligence. I don't know if that is accurate or not. That is just something I read in the newspaper. I haven't seen the classified report, and I haven't had somebody brief me on the contents that relate to the personnel decisions.

Q Based on what you have heard -- at least through public sources, do you believe that conduct that merits either being sited by the ARB, is that something that contributed to the inadequate security posture in Benghazi?

Mr. Choo. That is kind of -- I mean, we can't even assume that that predicate is accurate, right? I mean, he said he doesn't know. I think he has answered the question several times.

Mr. Beattie. He is asking for an opinion.

Mr. Choo. Well, based on something that he may have read in the paper as the predicate?

Mr. Beattie. Are you suggesting that what was in the paper was inaccurate?

Mr. Choo. I am not making any statement on that.

BY MR. BEATTIE:

Q So if that statement is accurate, what would your opinion be about that?

A Can you rephrase the question? What are you asking?

Mr. Chuang. Just ask the one part. I think the last question had two parts. That may be why there is confusion.

Mr. Skladany. Why don't you just ask if failing to read the daily intel briefings would have a connection to the inadequate security posture in Benghazi?

Mr. [redacted] The only thing I would say is, you know, security was a huge consideration -- the security environment was a huge consideration there. Part of it you would gather from a lot of

different sources. Intelligence was certainly one of them. And that would be an important component in having a thorough knowledge of -- you know, of the security environment and of the threats that post faced.

BY MR. OHLY:

Q To put it a different way, was Mr. Maxwell in a position to make decisions that affected the security posture or the security profile at post in Libya?

A Ray was a member of the NEA Front Office. We were a policy bureau. I am a member of that same bureau. I don't make decisions regarding security.

Q So, presumably, Mr. Maxwell does not also make decisions about security?

A I would presume that.

Q Do you believe that Mr. Maxwell's conduct or the reasons that you have heard merit his being placed on -- being relieved of his duty and placed on administrative leave?

To put it this way, if you became aware, as a supervisor, that one of your subordinates had failed to read intelligence on a daily basis or have ignored something that you --

How would you handle that as a supervisor?

Mr. Choo. Just to inject for a minute. Just for the record again -- and I am not saying not to answer the question. But you have said that you are not aware of what the ARB considered. And so there are things that may have gone into that decision to place Mr. Maxwell on administrative leave that you are not aware of, okay?

Mr. Ohly. To be clear, it was not the ARB's decision to place Mr. Maxwell on administrative leave.

Mr. Choo. All right. Fair enough. Okay.

Mr. [redacted] I don't even know what the -- I have got garbled information from the newspaper accounts. So I don't quite know how to answer your questions?

BY MR. OHLY:

Q Have you requested an opportunity to review the classified --

A No.

Q Have you at any point requested an opportunity to review the personnel findings of the ARB?

A No. Well, you know, yes. I would say I have requested that.

Q Okay. Can you elaborate on that?

A At earlier stages, I asked NEA if it is possible to see the classified section, if it is possible to see the personnel parts of the report. And the basic answer was that it was classified. And at that time, when I asked, very few people had been given access to it.

Q Do you have a security clearance?

A I do.

Q Are you aware of whether the report is classified above your security clearance?

A I am not aware of what the classification is.

BY MR. BEATTIE:

Q Do you have a security clearance above a secret level?

A I have a top secret security clearance. My impression in talking about this issue was that -- I don't know that it was a classification based on intelligence, you know the type of -- or if it was just a classification based on personnel sensitivity. I don't know.

BY MR. OHLY:

Q Just from a personal level, with no direct knowledge of the reasons of why this has happened, but do you have any concerns with how Mr. Maxwell was treated?

A I told you from a personal level, I hate what was done to him.

Q Do you have any sense of why he is still on administrative leave? Or do you have any previous experience with administrative leave? Not you, personally, being placed on administrative leave, but are you familiar with the process?

A Not really. I mean, I have heard it described. I am not familiar with it.

Q In your years of service at the State Department, have you ever come across the use of administrative leave?

A Like I say, I have heard it discussed. I haven't been put on administrative leave, and I don't know anybody personally that I would have been able to talk to the details about with them who has been put on administrative leave.

Mr. Ohly. We are running up on our hour. So we will go off the

record.

[Recess.]

Mr. Knauer. Back on the record. It is 4:11.

BY MR. KNAUER:

Q In the last round, you had mentioned something to the effect of, they were asking a bunch of questions about Ray Maxwell. And you said that neither you nor Maxwell make decisions regarding security. Is that correct?

A Yeah. I was basically making a statement about people who work in the NEA Policy Bureau.

Q Okay. And that goes up the chain then. So Liz Dibble doesn't make security decisions, is that correct?

A Yes.

Q And is it also the case that Jeffrey Feltman, then acting secretary, would not be making security decisions, is that correct?

A Yes.

Q And is that also true of Assistant Secretary Jones, that she would not make security decisions, is that true?

A Correct.

Q Okay. We are also covering Exhibit 15. If you can look at Exhibit 15 again.

So this is a long email that gets forwarded. And it gets forwarded from you to Ms. Dibble. And it is in reference to decisions on extending the SST team. Is that correct?

A Correct.

Q Okay. And there is a reference to DAS level, DS at the DAS level. And I think you said that that was a Charlene Lamb?

A Yes.

Q If no one in NEA makes decisions on security, would it also be true that you guys didn't play a primary role in extending the SST in terms of making a decision to stay or not to stay?

A Right.

Q Is that accurate?

A Yes. We were essentially handling the paperwork side of it. In other words, we were helping draft the memo that would go from -- to the decisionmakers on the State side to the decisionmakers on the DOD side. But we weren't --

Q And when you say "we," you mean who?

A The Office of Maghreb Affairs.

Q Okay. And is that true with NEA as a whole?

A On this issue, yes.

Q Okay. Up the chain?

A Yes.

Q Okay. And again, that is because you guys are principally policy people, is that correct?

A Correct.

Q And is this a physical security issue that we are talking about, eg, the extension of the SST team?

A Yes.

Q And, again, that expertise resides over in the Diplomatic

Security bureau, is that correct?

A Right.

Q Okay. I also wanted to note for the record Exhibit 14. And this is the May 1 timetable. It was actually April 29, 2012, time period, which is that first email on page 2. This reference, the email that we are talking about here also is really the same subject, the extension of the SST team. Is that correct? Or it is about generally the issue of extending the SST team, is that correct?

A Correct.

Q Okay. I just want to note for the record that Ray Maxwell is, in fact, on this email chain.

A Correct.

Q And did you notice that?

A Yes.

Q Why is he there?

A Well, it would be something that he would be, you know, involved in. I mean, he is --

Q Or kept in the loop on?

A He was kept in the loop on it.

Q There was one email that he wasn't on. And then there is an email where he is on. I just want to, again, get your understanding. Is he being kept off by some nefarious design?

A No. No.

Q Okay. And then you were asked a bunch of questions on reading intelligence. Do you have a subordinate yourself? Do you

have somebody that is your deputy?

A Yes.

Q Okay. Does the deputy read intelligence?

A She does.

Q Do you also read intelligence?

A I do.

Q Why don't you just have her read the intelligence? Why do you bother to spend time reading intelligence?

A Because I want to have all the information that is available to do my job.

Q Is it possible that you could see something that is really important that she misses and vice versa, that she could see something really important that you miss?

A Yes.

Q Is that why you have two people reading intelligence?

A That certainly would be a function, one of the functions of it, yes.

Q Okay. So do you have any arrangement to have somebody read intelligence for you so you don't have to?

A No.

Q Okay. Did you have any arrangement with Mr. Maxwell that you were going to read intelligence for him?

A No.

Q So nothing formal or nothing informal?

A Absolutely not.

Q Okay. And is it possible that with Mr. Maxwell's background, he might spot certain things important from an intelligence perspective that you, yourself, might miss?

A It is possible.

Q And the contrary is also true --

A Yes.

Q -- that you could see something?

A Yes.

Q Okay.

A And when I mentioned earlier about talking about, you know, signaling intelligence things that would be of interest to him, I mean, that is basically it. It is like there is something in the book today; you should take a look at it. I mean, you know, beyond that, there was no detail provided in that.

Q Okay. Did you want to say something?

BY MR. POWELL:

Q If you were aware that somebody who had access to intelligence was not reading that intelligence, would you think that were appropriate to note in a general sense?

A I mean, I would just basically say that, you know, intelligence is an important part of our function. We are not intelligence officers, but we are political officers and diplomats. And intelligence helps form the backdrop of our decisions.

When I was out in Tripoli, for example, as chief of mission, I [redacted] read and stayed briefed on the

intelligence.

BY MR. KNAUER:

Q Now, you currently are the Deputy Assistant Secretary for the Maghreb, correct?

A Correct.

Q Okay. And you regularly read intelligence?

A I go in every morning from 7:30 until 8:00.

Q Okay. And even though you don't make decisions on security, do you think it's essential that you, in fact, read the intelligence?

A Yes.

Q Okay. And if you one day decided that you were not going to read your intelligence and not inform your superiors, would you see that as something that was inappropriate for the position you hold?

A I think yes. I mean, basically, I mean, I think it's a critical part of my responsibility to read the intelligence on a regular basis, daily basis. The intelligence is made available to us in the NEA front office in a special room, and the DAS's go in there in the morning and read it before their morning meeting.

Q I'm not asking you to opine on any -- on the legitimacy of decisions made by the Department or the ARB.

A Okay.

Q But do you think that if an investigation was occurring and

it was known that somebody in a senior position wasn't reading their intelligence, is it at least appropriate to flag that as an issue?

A As an issue for?

Q For management.

A Yes, I think it would be an issue to flag. I mean, the response to it might vary.

Q Sure.

A But, yes, it should be something that should be flagged.

Q And I'm just curious, we were talking about the way people have been dealt with, on administrative leave for a while. Have you at all followed the -- any of the reaction by Congress with respect to individuals that were held accountable by the ARB?

A I'm not quite sure of that question. You mean, have I read the paper and sort of been generally informed?

Q Yeah. I'm just wondering, there's been a spectrum of opinion from -- just say opinion over on this side all the way to why are they even on administrative leave and how come they're not fired? Have you followed that at all?

A I've seen it in the paper.

Q Do you think it would be fair to just outright fire these people or do you at least think there should be some due process or at least some process?

A No, I think there should be due process. And I also -- I mean, I'm not an expert on the ARB process. I don't -- what I remember of the ARB is that they did not find that people had breached their

duty or something along those lines.

Q But so there should at least be a process?

A Yes.

Mr. Knauer. Okay. That's all I was asking.

Did you have anything else? Go ahead.

Mr. Powell. Just to go back very briefly to the conversation we were having the end of our last hour about Mr. Hicks. I think you mentioned that a number of people raised some specific instances that were troubling, and I just wanted to follow up. Could you give us some examples of the specific instances?

Mr. [redacted] I'll give one or two. Several people noted that he called a meeting of the embassy team to talk about security matters, and at that meeting he raised a security procedure that he wanted implemented which struck most people in the meeting as poorly thought out. And it was clear that he had not consulted with his RSO before saying that this is the procedure that he wanted implemented, which was something about if, you know, if people needed to find a safe haven, they should go crawl in the armored vehicles. It just struck most people as just a poorly formulated security plan, and it undermined their confidence when they discovered that it was also something that had not been briefed to the RSO and that he didn't agree with. That's one example.

BY MR. KNAUER:

Q What was the basis for that, for his decision?

A I don't know. I don't know. To tell them to go into the

car?

Q Right.

A Yeah, I don't know. I don't know exactly what he was thinking, maybe that they were armored.

Q But this was not something that the RSO --

A RSO didn't support it and didn't even know about it, didn't know he was going to raise it. This is just one specific example.

Mr. Powell. Was there a concern that that caused a security risk to the personnel at that point, that he was making such a recommendation that had not been --

Mr. [redacted] Yes. And there were other instances. There was a sense that he was -- that he didn't listen to people. He made decisions, he didn't use the instruments that are normal for post leadership to use to build consensus and to keep people informed, such as the country team or the emergency action committee. These are the instruments that the chief of mission would use to keep his leadership at the post informed about what was going on, but also to consult them and to build consensus. He wasn't using those instruments. And he just struck people as capricious and always on transmit, not listening to what people had to say in providing input.

Mr. Powell. I think we can go off the record.

[Recess.]

BY MR. OHLY:

Q 4:33, we'll go back on the record. Just a couple quick follow-ups from the last round. I think you mentioned at some point

if you saw something in the book that you would point it out to Mr. Maxwell.

A [Nonverbal response.]

Q What book are you referring to?

A The intelligence book.

Q Then you later described in your current responsibilities you go every morning and read a set of intelligence. Is the book you were describing previously different than --

A No, it's a book of intelligence that is prepared every morning.

Q And so you had access to that prior to your current responsibilities?

A Yes. When you're a DAS in the front office, they bring it up in a special room, and you have access to it there. At my level as an office director, I had to go up to a room in another part of the building later in the day in the afternoon to read it.

Q In your current responsibilities, without getting into specifics, we're in an unclassified session, but outside of that morning reading that you described, do you have access to other sources of intelligence?

A I do.

Q And you have access to that throughout the day?

A Yeah.

Q Were you ever concerned that Mr. Maxwell lacked the information or knowledge to effectively execute his responsibilities?

Did he ever seem ill prepared or inept in his job?

A I think his primary -- you know, I think Ray was diligent. I think his primary focus before he became a DAS in NEA was on management issues. I don't recall specific instances where he was inept.

BY MR. BEATTIE:

Q Is it unusual for somebody who focuses on management issues to be in a DAS position in NEA or is that not unusual?

A I'm trying to think of other instances.

Q You've heard of the management cone per se as a foreign service officer?

A Sure. I mean, given the State Department personnel system, I wouldn't call it unusual. A lot of people do cross stuff from one cone to another, and so it wouldn't be unusual.

Q Would it be more typical to have someone from political or econ?

A It would probably be a little more typical to have somebody -- or, you know -- yeah, somebody doing political or econ work.

Q Thank you.

BY MR. OHLY:

Q Going back to Exhibit 3, the unclassified ARB, page 4, the first paragraph of Finding 2. I'll read it for the record, but it states, "Systemic failures in leadership and management deficiencies at senior levels within two bureaus of the State Department resulted in a Special Mission security posture that was inadequate for Benghazi and grossly inadequate to deal with the attack that took place."

I'm interested in your reaction to this assessment. Do you agree with this conclusion?

A With all the information of hindsight, yes. But, you know, going on what we -- the information we had at the time, we, you know, made decisions that were based on that information, and it was a very different information set. The basic paradigm for threat -- I'm not a security professional, but, I mean, the basic paradigm in the threats that we were watching out for in Benghazi and in Tripoli basically were focused on, you know, some sort of explosion, an improvised explosive device, a vehicle-borne explosive, something that would be, you know, on the perimeter or an attack on our movements. Nobody sort of had foreseen some sort of overrunning of the compound by large numbers of armed men. In fact, this wasn't a type of threat that had been an issue in the entire Middle East. We weren't postured for it. It wasn't just in Libya.

So, I mean, after it happened, looking back, you could say that we that the security posture was inadequate for that threat, but that threat at the time wasn't perceived as a threat, so --

Q That's understandable. As far as the first part of that, though, the systemic failures in leadership and management deficiencies at senior levels, do you agree with that? And, if so, what would you point to as those failures at senior levels?

A I don't know. I don't know what information they had to make that. I don't know who they talked to. I don't have the information that they had through 100 interviews to come to that

conclusion.

Mr. Beattie. Would failure of a senior leader to read the daily read book every morning or in the mornings, would that constitute a systemic failure at NEA?

Mr. [redacted] I don't know. I don't know what, you know -- I don't know what other information they had to provide a context for judgment, to filter that bit of knowledge into a larger, you know, context, and I don't know what that was. I don't have all that -- they interviewed 100 people.

Mr. Beattie. Okay.

BY MR. OHLY:

Q Also on page 4, the last sentence of the second paragraph, under Finding Number 2.

A Same page?

Q Same page. So it would be the fourth paragraph on the page reads, "Embassy Tripoli did not demonstrate strong and sustained advocacy with Washington for increased security for Special Mission Benghazi." Do you agree with that conclusion?

A I mean, that's a characterization. I would say that Embassy Tripoli's advocacy, you know, for -- Embassy Tripoli was, you know, primarily focused on Embassy Tripoli. Special Mission Benghazi was not a constituent post for Embassy Tripoli. The relationship was not formal the way it would have been with an embassy and a consulate somewhere.

I would say their advocacy was, you know, uneven. They advocated

for them sometimes, sometimes vigorously, and, you know --

Q And who was responsible for advocating for Special Mission Benghazi then?

A Well, I think we advocated for them, Embassy Tripoli advocated for them, and DS ultimately made decisions involving security.

Q So you all advocated for them, but DS ignored those, that outreach or advocacy?

A Ignored it in what instance? I've already laid out a lot of context this morning with discussions where, you know, there was back and forth, there were responses from DS. Sometimes they met what we said, sometimes they didn't. I don't think they ignored. I don't think ignoring would be the way I would characterize their response.

Mr. Beattie. Given NEA's advocacy, including your advocacy on behalf of Benghazi for security, you still, though, maintain that -- you don't disagree with the assertion that the ARB found it was a systematic failure in NEA that led to the security situation in Benghazi?

Mr. [redacted] I don't -- I mean, I think the report stands on its own. They had access to information that I don't have in making that judgment. I mean, I've laid out what we did the best I know it in the course of the day. I'll leave it at that.

BY MR. OHLY:

Q Okay. On page 6 of the same exhibit, last sentence of the paragraph that begins, "Communication, cooperation, and coordination," reads, "Among various Department bureaus and personnel in the field there appeared to be very real confusion over who, ultimately, was responsible and empowered for making decisions based on both policy and security considerations." Do you agree with that finding?

A I don't know what all they had at their fingertips based on who they talked to, to make that judgment. I mean, decisions about security are basically made in Diplomatic Security. They have the resources, they have the expertise, they make the decisions. We advocate, you know. And on policy concerns, you know, NEA's the lead bureau, and when you're making policy decisions, there are a range of people in the interagency who influence that and shape it.

Q At the time who was responsible for ensuring a balance was struck between policy imperatives to be in a particular location and the security risks of being in that location? Who was the sort of arbiter at the time of those two sides of the coin, if you will?

A I think there were, you know --

Mr. Choo. Just to clarify, is this at the time of the attack or --

Mr. Ohly. In the year leading up to the attack.

Mr. Choo. The year leading up to, okay.

Mr. [redacted] What was your question?

BY MR. OHLY:

Q Who is -- was the entity or individual at the State Department responsible for balancing those two sides, the policy and the security?

A I think it, you know, it came down to a collaborative effort between NEA and DS at working levels, at upper working levels, at senior levels. There was input, you know. But in the end the -- I mean Diplomatic Security made the decisions, and they were the security professionals. They were the ones who were looking at the situation on the ground and ultimately deciding how resources were allocated.

Q A number of witnesses at our May 8th hearing testified that relevant decisions related to Benghazi were made by Under Secretary Kennedy. Do you agree with this testimony?

A I think Under Secretary Kennedy at certain junctures had a decision-making authority. One of them was the -- I believe he's the decider in the memo to extend the life of the Special Mission in Benghazi. That's an example.

Q Do you know if he or his staff were involved in the crafting or the substance of that memo?

A The primary crafting of that memo was in NEA/Maghreb Affairs and EX, but it would have been thoroughly scrubbed by his staff. So at the staff level they would have had some input before it got to his level.

Q You said that was one example. Are you aware of other examples where he was involved?

A Benghazi, Embassy Tripoli, or --

Q Both.

A I don't have specific knowledge of instances where he was involved in decisions. We worked closely with his staff on things; [redacted] It was a long iterative discussion, and the staff were involved in that.

Q We talked briefly earlier about your role the night of the attacks and shortly thereafter.

A Uh-huh.

Q In those initial days, that first week after the attack, did you -- were you involved in any discussion or did you have any awareness of a protest prior to the attack or that it was a result of a protest? Was that something you were familiar with?

A What we learned from Greg Hicks, who talked to a range of people at the mission, was that there was not a protest or that people on the ground had not been aware of one.

Q When did you learn that?

A The day after. That would have been September the 12th. But there was disagreement in the interagency about what had happened, and people -- I mean, on the intelligence side -- disagreed about what had taken place, and that played itself out over 5 or 6 days or even a week after September 11th.

Q Were you involved in those discussions at all?

A I heard some of them.

Q How would you have come to that? How would you have heard

them? Were you part of SVTS or --

A Yes.

Q Okay. And did you convey -- did you or somebody in you chain of command or from the State Department convey in that setting that this is what we're hearing from the people on the ground?

A I don't remember. I think so from somebody.

Q And do you recall who that would have been at that point in time?

A I don't recall specifically, but the two points of view were thoroughly aired.

Q But it was clear to you from people on the ground within a day that there had -- the report from the people on the ground was that there was no protest?

A Like I said, there was a dispute among people who were looking very carefully at all of the evidence on the ground, and there was a legitimate disagreement about what had sort of been the precursor to the attack.

BY MR. BEATTIE:

Q You've done a turn at Embassy Tripoli now as a charge?

A Uh-huh.

Q Had there been a protest outside of the Embassy in Tripoli when you were charge, would you have been aware of it immediately?

A I might.

Q You might? And if you became aware --

A If it was 9:30 at night in a big compound, not guaranteed.

But the numbers were a lot smaller.

Q If you became aware of it, would you have reported it back to -- what was the procedure, would you report it back to Washington?

A It depends on if it impacts on security, what size it was.

Mr. Ohly. Mark one more exhibit. This is Exhibit 16. Just want to clarify.

[redacted] Exhibit No. 16

was marked for identification.]

Mr. [redacted] Uh-huh.

BY MR. OHLY:

Q I'm just going to focus on the second paragraph of this, if you're familiar with it. This is an email dated September 16th, 8:38 in the morning, from you to Beth Jones, subject Update 9-16-12, and you inform Ambassador Jones, quote -- excuse me, you're reporting a phone call that you had with Greg Hicks. And you say, quote, "He and the RSOs [redacted] are reconstructing what happened the night of the attack, detailed TDDs will be coming over soon. Their assessment from the RSOs on the scene is that there was no demonstration, there was a sudden overwhelming assault on the consulate."

I just want to clarify. You said you had heard from him the day after that this was their understanding, this is not the first time that you had heard that?

A That's correct.

Q Had anybody asked them to do this assessment or was this --

A I don't think so. I think they -- I don't remember exactly

what kind of information they had. I think some of the interagency, you know, foment about this whole thing was probably leaking back through different agencies back to people at post, and it was frustrating them. And so they're trying to weigh in and shape that, and so they came in with this. TDDs, of course, refer to intelligence, some things that would have come from other agencies.

Q After the statements made by Ambassador Rice, you had some visibility into the disagreements in the process leading up. What was your reaction to the statements that were ultimately made on the Sunday talk shows?

A I think that the first week after 9/11 there was significant uncertainty about what had happened and disagreement among key people who shaped opinion. And I don't mean people with ideas. I mean people with information. There was a disagreement about what had happened. So I, you know, I think that -- I mean, I wasn't, you know -- you're asking me about what she said on --

Q Uh-huh.

A Yeah, I wasn't -- I didn't see the talking points, I didn't -- I wasn't aware ahead of time what she was going to say. I think, you know, just looking at it later and assessing as somebody from the outside, to a certain degree they reflected that disagreement in the interagency that went on for, like, I would say, about 6 days and froze the interagency's ability to quickly come to a consensus and say clearly and starkly what had happened.

Q When you were informed on the 12th, were you -- did the post

or individuals at post reiterate the point in the days after the 12th that there had been no protest or they had no evidence of a protest?

A [Nonverbal response.]

Q And how was that information being shared?

A It was being shared through our channels, and it was being shared because other agencies felt that way, too, that people at post were sharing it with their people back in Washington.

Mr. Beattie. So that information was fed into the interagency process?

Mr. [redacted] Yes. Just to clarify, all that information was being fed into the interagency process. Both sides of the information.

BY MR. OHLY:

Q We talked earlier about you went out to Tripoli at some point. I think it was --

A October.

Q October.

A Right. I went out October approximately the 8th through the -- I think it was about the 8th through the 17th or 18th.

Q We also had heard earlier about there were complaints coming in as early as the 14th about concerns about Greg Hicks' management leadership.

A Uh-huh.

Q This is someone who was a DCM for the first time that had been on the DCM for 1-1/2 months and is now in a very difficult situation. If folks back in D.C. were getting these reports, why

didn't someone go out immediately to help try to alleviate this, some concerns, or provide some assistance?

A We tried to get somebody out immediately. We tried to get Ambassador Pope out, retired Ambassador Pope, and we thought we had him ready to go, but it ended up taking longer than we thought. I mean, I think they wanted to get somebody who was suitably senior, you know, to get out there. And so that also, you know, to find the right person, it also ate up some time.

Q He came after you arrived, if I understand correctly?

A Correct.

Q If there was an understanding that presumably that was known fairly early on that that was going to take some time to get him out there, why not send someone to assist Mr. Hicks at that point? Was there any discussion of that?

A I mean, the basic -- you know, the initial reaction to the emails was there's something wrong, we need to talk to Greg, he needs to be counseled, we need to try to solve the problem. The emails kept coming in. I did more investigating, and I laid out some options, you know, saying, you know, you could leave him in place, but you're going to have curtailments and major disruption at post. You can get somebody out there. A couple things, options like that.

You know, basically the decision was made to get somebody out to post, but it just took, you know, took longer than it should have. Yeah, it took longer than it should have. But the decision was made fairly quickly after that, you know, after I had investigated the emails

and called out to post, and then the emails kept coming that something needed to be done, there was a leadership issue out there that was serious.

Q But something fell through the cracks or didn't work its way fast enough back in D.C. to make something happen at that time?

A You mean basically that --

Q If you felt something needed to be done immediately or something needed to change at post, what timeframe did that happen? It sounds like it was not too long after the 14th or --

A We got emails from the 14th through the 24th, I believe was the timeframe. So, you know, we took a week or so to investigate it. Beth made efforts to call Greg on a couple of occasions and counsel him. You know, by the time we got the final email and made the investigation, so we're talking around 25 September, somewhere in that timeframe, it was pretty clear we were going to need to do something, and we moved, you know, as quickly as we could to implement those decisions.

Q We know that security's not 100 percent, you can't prevent every tragedy, but do you, from your perspective, where you sit now, and your experience, do you think the recommendations of the ARB report do enough or could go further to help prevent similar tragedies in the future?

A I think they go pretty far. I think they stimulated some administrative changes in the Department, and they stimulated the action of some -- formation of some committees who went out,

investigated, and made recommendations, and that in tandem with some things that were already in train, including the appointment of a special DAS, deputy assistant secretary, for high threat posts, I think all these things have improved the consideration of security requirements and issues surrounding these types of posts and making them more secure.

Q Is there anything you feel that could have gone further or things that you would like to see, whether or not it's in the ARB, but things you think need to be considered, too?

A I don't know. I don't have anything specific to recommend. I'm not a security professional, so it's a little out of my book.

BY MR. SKLADANY:

Q I just have a couple quick questions. Do you remember how you were made aware that Chairman Issa wanted to interview you as part of this investigation?

A I got a copy of a letter. It was sent to the Department, and my name was one of about -- I think it was about 10 people on the list.

Q Do you recall how soon after the letter was sent that you received a copy of it? Was it within a day or a couple days?

A It was within -- I was out in Embassy Tripoli, so it would have been a little delayed, but I got an email version of it. I don't know, I don't remember the exact date. Within I think it was 4 or 5 days or a week.

Q I think John asked you earlier if you had had a chance to

review some of your emails to prepare for today?

A I did.

Q Did you do anything else to prepare for today's interview?

A I just reviewed emails. My emails. And then talked to Theo and Bob. That's it.

Q Do you recall approximately when that preparation process started?

A About 3 days ago.

Mr. Skladany. I think that's all the questions I have. Do you guys have any more?

Mr. Knauer. Yeah, this won't take much time. You've had a long day, and I don't want to keep you here any longer than you need to be.

BY MR. KNAUER:

Q Last hour you were asked a question about access to intelligence books.

A Yeah.

Q And you look at these daily?

A Uh-huh. Yes.

Q You were also asked if you had access to other forms of intelligence?

A Uh-huh.

Q And the answer was?

A Some of the lower level intelligence can come in through the email system if it's below top secret.

Q And how long does it take you to read these books on a daily

basis?

A It depends on how much stuff comes in. I usually allot about 30 minutes.

Q So it's 2 to 3 hours a week?

A Yes. That's the high side because it might not take 30 minutes to get through it on a given day.

Q Okay. And again, just as succinctly as possible, why not just not read those intelligence books and rely on other forms of intelligence you may have access to?

A A lot of the stuff that we have access to through those books is sensitively collected, and there is no other source for that information. And it's critical, particularly with regard to security environment threats, threat reporting, but also understanding, you know, other things, political things.

Q Okay. So in your job as Deputy Assistant Secretary for the Maghreb, it's very important, then, to read those books?

A Yes.

Q Fairly frequently, daily if not, you know, whenever?

A Yes.

Q Okay. There was also a discussion about the night of the attacks, and you had made reference to the fact that there was some agency disagreement as to the basis or the predicate for those attacks. Is that correct?

A Yes.

Q Okay. And how long did that last within the agency?

A Six to 7 days.

Q Okay. Would you characterize those disagreements as honest disagreements?

A Yes.

Q Were these people that you respected and are they generally well informed of global security or geopolitical issues?

A Yes, they were the experts.

Q And so if there was disagreement, in your opinion, that disagreement could be legitimate in that there was a basis for it?

A Yes, absolutely.

Q Okay. Was there also disagreement within differing agencies as to the basis for the attacks?

A Yes.

Q Okay. There was also, I understand, the evening of the attacks on the Benghazi compound, activity in Cairo the same day. Is that correct?

A Yes.

Q Can you tell us what that was?

A I don't remember the details, but basically there was relatively violent unrest in Cairo that had been prompted by this film, an anti-Islam film that had gotten -- that had been publicized a month or so earlier, but it had gotten new publicity and wide publicity in the Middle East, there was sort of a delayed reaction to it. It was considered anti-Islam, against the Prophet Muhammad, and it was publicized in Egypt. And that prompted demonstrations against our

embassy there that were somewhat violent, and it created an atmosphere throughout -- later of threat throughout the entire region, not just Cairo, but a wide range of posts faced these threats.

Q Did Washington notify the other posts about this?

A Yes.

Q And without getting into any classified space, were they advised to do anything or pay attention to what was taking place in Cairo?

A Yes. And also to take security precautions, you know, on their own. There was very high level attention to it in the weeks from September 10, I think is when the thing started in Egypt, all the next week to 10 days later.

Q And so the attack in Cairo, would it be safe to say that it from a time perspective bleeds right into the Benghazi attack?

A Yes, it was in the same timeframe, and to a certain degree it colored in the initial few days, it colored how people looked at that attack.

Q And what do you mean colored?

A Because it was the first, and there was incomplete and sort of changing information about what had happened in Benghazi. You had this other thing that happened in Cairo, and there was some confusion about have you had -- was this the same thing, were these two incidents the same, were they different? The interagency was trying to sort that out. They were also trying to sort out the conflicting information from Benghazi itself.

Q And immediately following the Benghazi incident, were there other incidents at other posts around the world?

A There were. There were incidents in Sudan, in Pakistan.

Q Can you give me some timeframes and dates? Was this months later or --

A No, no, this was in the same -- this was the week. I'm talking about the week from September 11 through, you know, 18 or 19.

Q So all in the same week?

A Yeah.

Q And what was the basis for the other incidents at the other facilities?

A They were protesting this film, this anti-Islam film.

Q So would it be reasonable, then, if there are disagreements within the agency or within different departments or agencies at the U.S. Federal Government level that it would be hard to sort of tease out the root cause of one incident versus another?

A I think it made it more difficult, and it probably slowed our getting to ground truth on Benghazi, absolutely.

Q And do you know of anybody that -- you had mentioned that there was a dispute in the initial days after the Benghazi attack at the Department amongst professionals that you had respect for based on their background, correct?

A It wasn't in the Department. It was in the interagency.

Q Okay. You were also asked a question, why not act immediately after you started hearing complaints about DCM Hicks?

Would it have been a complicated undertaking to immediately send somebody out to take a position in a post that had just gone through that kind of an attack? I mean, was this something that you just had an off-the-shelf person available to do? I'm just trying to understand why it took a little bit of time?

A It would have been a little complicated. You had to find somebody who had some expertise in -- preferably about Libya, certainly regional expertise, and somebody who had the necessary level of expertise, had run a mission before as an ambassador or something at that level, had some Arabic. And so it took a little while to identify the proper person, to get them cleared back into the system, and able to go out.

Q And at the same time would it also have been fair to recognize that Mr. Hicks did, in fact, do a very good job on the night of the attacks and was probably going through a fairly traumatic period and that you wanted to give him at least some room to try to sort out these issues?

A That's correct.

Q So it would have been unfair to, the very first moment you heard of complaints, say, Mr. Hicks, we're replacing you?

A Right.

Q So would it be fair to say that you guys allowed some time to at least explore whether or not he could right the ship?

A Yes, I think that's a fair characterization.

Q And then my final question. You've been asked a bunch of

questions about the ARB and to opine on how they drew certain conclusions. And I know you've answered this once, but if you would just answer it for me again. Is it true that you have not read the entire ARB because you have not read the classified portion?

A Yes, that's true.

Q Okay. So like when on Finding Number 2 where the quote was read to you and the quote is, quote, "That said, Embassy Tripoli did not demonstrate strong or sustained advocacy with Washington for increased security for Special Mission Benghazi," you can read that but, again, you don't really understand the basis by which they are drawing these conclusions. Is that correct?

A I understand what is right there in that text right there. If there's something in the other annex --

Q To your knowledge was anybody from Embassy Tripoli ever held accountable in the ARB?

A No, not to my knowledge.

Mr. Knauer. Okay. All right. Done here.

Mr. Skladany. I just have one follow-up.

Mr. Beattie. Please.

BY MR. SKLADANY:

Q I think Chris just established that in your opinion in the days after the attacks up through at least September 16th there was some degree of dispute as to what the cause of the attack was. And then I think it was Exhibit 16 you were recounting what you heard from Greg Hicks. You said he and the RSOs are reconstructing what happened

the night of the attack. Their assessment is that there was no demonstration.

So at the very least as of September 16th there's a dispute as to what the cause was. When Ambassador Rice went on television on the 16th and said definitively that attacks arose from a demonstration, how did you react? Did it surprise you that she was so definitive at that point?

Mr. Chuang. You're leaving out the end when she said that it was still under investigation, which she said in most appearances.

BY MR. SKLADANY:

Q I'm trying to get a sense of your reaction, based on what you just told us, about what you considered the state of the understanding as of September 16th, if you had any thoughts.

A I mean for people who have been involved and seen the inside of things and knew how much sort of back and forth there was about the reality, you know, I found it interesting. I guess I kind of wrote it off that it was -- that this was Ambassador Rice. I don't know if you know her, but this is the way she speaks, she's -- [bangs table]. I thought maybe she had possibly overstated the thing slightly, but, you know, having met her a few times and heard the way she speaks, that's just the way she describes things. She's pretty, you know, crisp about the way she describes them. That's the way I took it.

Mr. Skladany. Okay. Thanks.

BY MR. BEATTIE:

Q Sort of on the same topic, I know there was a situation in

Cairo the morning of the 11th. There was a demonstration outside the Embassy in Cairo. Do you recall when that news came in, how did you, how did Washington, the State Department learn about that protest outside? Was it reported by post? Did they call it in and say there was a protest outside?

A The Cairo thing?

Q Yes.

A I don't remember. I presume -- I mean, I don't cover Egypt, so it's not -- I wouldn't have frontline knowledge on it. I presume it came in from post. Usually when things come in, when they're that open sourced, they come in from post, they also come in from press accounts.

Q Yeah, sure. I think there was some other, in the region, to this period, there were some other incidents. Tunis?

A Tunis was a little later.

Q Yeah, it was a little later. Was that a protest, did that start with a protest that kind of overtook the -- I don't actually remember exactly what happened. What happened in Tunis?

A It started as a protest, it got very violent, evidence that some people had used the protest as a pretext to attack the Embassy, and they tried for several hours to overrun it.

Q Tunis is in the Maghreb region. That is your region, right?

A Yes.

Q Do you recall how you learned of that? Was that a report from post?

A I think it came in from post. But, again, when those things are public like that, you'll get -- given media coverage the way it is, you'll get simultaneous stuff.

Q Sure. And I know you said there was some dispute in the interagency about whether there had been a protest or not in Benghazi.

A There was a dispute in an agency.

Q An agency. Correct, that's also my understanding. And I think you had also said, correct me if I'm wrong, I think you had said earlier that within a day you had spoken to people on the ground who said there was no protest. Is that correct?

A Uh-huh. Yes, that's correct.

Mr. Beattie. Okay, thanks.

Do you -- you guys okay?

Mr. Choo. You said you spoke to Hicks who was in Tripoli, not actually on the ground, and was there?

Mr. [redacted] That's right, sorry.

Mr. Beattie. That's helpful.

BY MR. BEATTIE:

Q Do you know how Mr. Hicks came by that information?

A He spoke to the RSOs who had been --

Q In Benghazi.

A -- in Benghazi.

Q Okay.

A That's what he told us.

Q So the information came from people who had been in Benghazi

to Mr. Hicks --

A Right.

Q -- to you, that's your understanding?

A Yeah.

BY MR. BEATTIE:

Q When you became aware that there was a dispute in an agency about whether there had been possibly a protest or not, how did you balance that with what you had heard from people who had actually been eyewitnesses to what was going on in Benghazi?

A I'm not -- I'm not sure I can go much further than what I've said in an unclassified --

Q I understand.

A -- environment. There were a range of indications about what had happened.

Q Sure. Sure. Where there is an eyewitness account --

A What's that?

Q Where there is an eyewitness account, do you place stock in that?

A I do. I place stock in all sorts of --

Q Sure.

A -- indicators.

Mr. Ohly. I want to thank you for your considerable time today. I appreciate your insight. And with that, the interview is complete.

Mr. [redacted] Thank you.

Mr. Beattie. Thanks very much.

Mr. [redacted] Okay.

Mr. Beattie. Appreciate your patience.

[Whereupon, at 5:26 p.m., the interview was concluded.]