
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

VOLUME 6 OF 11

Printed for the use of the Select Committee on the Events Surrounding the
2012 Terrorist Attack in Benghazi



Available on the Internet:
www.fdsys.gov

U.S. GOVERNMENT PUBLISHING OFFICE
WASHINGTON : 2016

22–350

For sale by the Superintendent of Documents, U.S. Government Publishing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2104 Mail: Stop IDCC, Washington, DC 20402–0001

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INTERVIEW OF FAST COMMANDER

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, SEPTEMBER 2, 2015

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

DANA CHIPMAN, *Chief Counsel*
MAC TOLAR, *Senior Counsel*
HEATHER SAWYER, *Minority Chief Counsel*
SHANNON GREEN, *Minority Counsel*
LAURA RAUCH, *Minority Senior Professional Staff*

FOR U.S. DEPARTMENT OF DEFENSE

EDWARD RICHARDS, *Office of General Counsel*
WILLIAM HUDSON, *Office of General Counsel*
Colonel JOHN OSTROWSKI, *Deputy, Marine Corps Legislative Affairs*
Colonel DANIEL GREENWOOD, *Marine Corps Liaison to the House of Representatives*

Mr. Tolar. This is a transcribed interview of Captain [REDACTED] [REDACTED] conducted by the House Select Committee on Benghazi. This interview is being conducted voluntarily as part of the committee's investigation into the attacks on U.S. diplomatic facilities in Benghazi in September 2012 and related matters pursuant to House Resolution 567 of the 113th Congress and House Resolution 5 of the 114th Congress.

Captain [REDACTED] would you please state your full name for the record?

Captain [REDACTED] [REDACTED]

Mr. Tolar. Thank you.

On behalf of Chairman Gowdy and this committee, we appreciate your time and willingness to come and talk to us today. Thank you very much.

Captain [REDACTED] Yes, sir.

Mr. Tolar. My name is Mac Tolar, and I am a lawyer on the committee's majority staff.

At this time, I would ask everybody else in the room to introduce themselves to the court reporter, please. We will start with Dana.

Mr. Chipman. My name is Dana Chipman. I'm also on the majority staff.

Ms. Green. Shannon Green, minority staff.

Ms. Rauch. Laura Rauch, minority staff.

Ms. Sawyer. Heather Sawyer, minority staff.

Colonel [REDACTED] [REDACTED] Deputy of Marine Corps
Legislative Affairs.

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

Mr. Richards. Edward Richards, DOD, Office of General Counsel.

Colonel [REDACTED] [REDACTED] I'm the Marine Corps liaison to the House.

Mr. Tolar. Thank you.

At this time, I want to talk to you a little bit about procedures and how we're going to kind of do the process today.

Generally, the way the questioning proceeds is each side, the majority and minority, will have 1 hour to ask you questions. At the end of 1 hour -- they'll be given an opportunity to ask questions for an hour. We'll rotate back and forth until all the questions are done.

Questions may be only asked by a member of the committee or designated committee staff members.

Unlike a deposition or testimony, a transcribed interview before this committee is not bound by the rules of evidence. You and your counsel may raise objections for privilege, subject to review by the chairman of the committee. If an objection cannot be resolved in the interview, you can be required to return for a deposition or a hearing.

That said, members and staff of the committee are not permitted to raise objections when the other side is asking questions.

As you can see, we have an official court reporter here today transcribing this interview. She's taking down verbatim everything that everybody says in this room during the interview. As such, I would ask you to please say "yes" or "no" when responding to questions. Try

to avoid nodding your head or saying "uh-huh" or "huh-uh" or things like that. Does that make sense?

Captain [REDACTED] Yes, sir.

Mr. Tolar. Perfect.

Also, I'm going to try and do my best not to talk over you when you're responding to me, and I would ask you to do the same.

Captain [REDACTED] Yes, sir.

Mr. Tolar. Thanks.

You're welcome to confer with your counsel at any time throughout this interview. Just let us know if you need to do so. We'll go off the record. We'll stop the clock and give you a chance to do so that.

We'll take breaks whenever convenient. This can be after every hour of questioning, after a couple of rounds, whatever you would prefer. If you feel like you need to make a head call or you need to take a timeout, just let me know; we'll stop it, and we'll go do that.

Captain [REDACTED] Yes, sir.

Mr. Tolar. Perfect.

I would ask that you answer all the questions in the most complete and truthful manner possible. We will take our time, and I'll try to go slow. I tend to talk fast, but I want to make a concerted effort to go slow and try to ask questions very clearly. If for any reason you don't understand what I'm saying or it doesn't make sense, just stop and let me know.

If you honestly do not know the answer to a question or do not remember, please don't guess. Give us your best recollection or simply

state that you don't recall and let us know who might be able to provide an answer to the question.

Captain [REDACTED] Yes, sir.

Mr. Tolar. Does that make sense?

Captain [REDACTED] Yes, sir.

Mr. Tolar. Perfect.

I'm going to ask you a few affirmation questions. I need you to answer "yes" or "no," please.

Do you understand you have an obligation to answer questions before Congress truthfully?

Captain [REDACTED] Yes, sir.

Mr. Tolar. Do you understand this obligation extends to congressional staff in an interview such as this one today?

Captain [REDACTED] Yes, sir.

Mr. Tolar. Do you understand that a witness who knowingly provides false testimony could be subject to criminal prosecution for perjury or for making false statements?

Captain [REDACTED] Yes, sir.

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

Captain [REDACTED] No, sir.

Mr. Tolar. Perfect. Thank you.

This interview will be conducted at the Top Secret/SCI level.

Basically, that's the end of my preamble.

Do you have anything?

Ms. Green. No.

Captain [REDACTED] we just appreciate you coming to talk with us.

Captain [REDACTED] Of course.

Mr. Tolar. All right. That said, the clock on the wall does not work. It spins around like crazy. I've got 10:06 on my watch, so let's go use that as our starting time. We'll do the first hour, and then we'll go from there.

[REDACTED] Exhibit No. 1

Was marked for identification.]

EXAMINATION

BY MR. TOLAR:

Q First of all, I previously marked exhibit No. 1 for the record. This is a copy of the DOD timeline that we may reference or look at during the course of the interview. You don't need to worry about it for right now, but that's what that is.

Captain [REDACTED] first, I want to just talk to you a little bit about your background as a Marine and your professional military education, et cetera. So would you tell us how long you've been a Marine?

A I commissioned in 2006, so a little over 9 years now.

Q And how were you commissioned?

A PLC program, senior and junior program.

Q What is your primary MOS?

A I'm an infantry officer, 0302.

Q Do you have any secondary or tertiary?

A I do. It's a weapons tactics instructor MOS.

[REDACTED]

Q Okay.

If you would, please talk to me about what kind of professional military schools and training courses you've attended in the Marine Corps.

A So, following the graduation of PLC and my graduation from college, I attended the basic school, where all Marine officers go. After completing the basic school, I attended infantry officer course. From there, I went to Third Battalion, Sixth Marines, did two tours with them to Iraq and Afghanistan.

Following my tour with Third Battalion, Sixth Marines, is when I moved to Norfolk and checked into Marine Corps Security Force Regiment. At Marine Corps Security Force Regiment, I attended their security supervisor leader course, their close-quarter combat instructor course before receiving my first platoon.

On that first platoon, we did a refuel/de-fuel mission in Portsmouth, Virginia. Following that, I received the platoon that we will talk about today. With that platoon, we went through a series of courses as a unit.

Q Check.

A After my time with FAST, I've attended expeditionary warfare school, weapons tactics instructor course, mountain warfare school, mountain warfare summer school, and as well as I've done a series of schools at Expeditionary Warfare Atlantic.

Q Check.

Talk to me for a minute about what the Marine Corps Security Force

Regiment is.

A The Marine Corps Security Force Regiment is a higher command that's in charge of not only FAST companies in the continental United States and overseas, but they're also in charge of Marine Corps Security Force battalions in Bangor, Washington, and Kings Bay, Georgia.

Q Okay.

At this point, let's kind of transition and get more into the weeds about the FAST platoon itself. What does "FAST" stand for?

A Fleet Antiterrorism Security Team.

Q All right. Talk a little bit about the mission of FAST, how it's structured, how it's organized, those kinds of things.

A FAST mission is to provide limited-duration security to strategic U.S. sites. It is structured. Under Marine Corps Security Force Regiment, there's three continental United States companies: Alpha Company, Bravo Company, and Charlie Company.

Each one of those companies is COCOM-aligned. So Alpha Company goes to FAST Europe; Bravo Company, Yokosuka -- that's through PACOM; and then Charlie, CENTCOM, they go to Bahrain. And then all three of those companies also service Guantanamo Bay to do the perimeter security mission at GTMO.

I was in Alpha Company, so I was COCOM-aligned with FAST Company Europe. We do tours, rotating through -- the platoon had done a tour rotating to GTMO. We had returned. And then we did our deployment with FAST Company Europe.

Q And the regiment is located in Norfolk. Who is the parent

commander? What's the chain of command for the regiment?

A At the time that we're talking about, it was II MEF. So it went FAST Alpha Company, FAST Marine Corps Security Force Regiment -- which is actually Yorktown, not Norfolk.

Q Okay.

A The company is in Norfolk. And then it was II MEF. It is no longer structured like that, but at the time it was.

Q How is it currently structured?

A Currently, my understanding is that it goes Marine Corps Security Force Regiment and then MARFORCOM, I believe it is.

Q Okay.

Talk to me about how many -- what's the TO of a FAST platoon?

A A FAST platoon, the commander is a captain. Generally, he is an infantry officer, but he can be an MOS outside of it. Sometimes you'll see other elements of the ground combat element --

Q Sure.

A -- being a commander of a FAST platoon, but generally he's an infantry officer.

His staff sergeant is generally an infantry staff sergeant who is his platoon sergeant, so generally an 0369. And then his three squad leaders, again, generally have a background of an 0311, which is a rifleman, but it could vary. Like, one of my squad leaders was a crash-fire-rescue Marine. We had two of those.

Q How many Marines are in the company --

A Fifty Marines.

Q Fifty Marines. Okay. Perfect.

Talk to me about what kind of communication assets you have as a platoon.

A Organic to the platoon --

Q Check.

A -- we bring SINCGARS, radios. We bring 117s, one --

Q One set of what?

A A PRC 117, a PRC 148, and then PRC 153s. Those are the three organic radios that we had.

Q Just very briefly, explain what each one of those is, what their capabilities are.

A Their capability -- our capability was to be able to talk HF, UHF, and --

Q Define that as associated with each one of the PRCs.

A Yes, sir. So PRC 153s is a UHF radio. PRC 117s, I believe we -- we were talking primarily over VHF communication, also has capability of talking UHF SATCOM. And then PRC 152s, VHF communication. That's what's organic to the platoon.

Q And then, when you deploy, do you have different assets that you take with you?

A The higher company has the ability to strap on other communications capabilities --

Q Okay.

A -- like a satellite phone --

Q Sure.

A [REDACTED].

Q Okay.

Talk about the weapons package that's organic to a platoon.

A Organic to a platoon are heavy machine guns, are two 50-cal machine guns, two Mark 19 heavy machine guns, four 240 medium machine guns -- how many did I have? -- 10 light machine guns, formerly known as the SAW.

And then every Marine has a personal assault rifle, either an M-4, M-16. My fire team leaders had 203s on their personal weapons. And then every Marine had a 9-millimeter sidearm. And then every Marine had a night-vision device.

BY MR. CHIPMAN:

Q Can I interrupt for just a second? I know we're in DOD speak, and that's something that you speak very well and I think Mac understands, but some of us don't understand it, as well.

A Yes, sir.

Q So "HF" is high frequency?

A Yes, sir.

Q "UHF" is ultra high frequency?

A Yes, sir.

Q "VHF" is very high frequency?

A Yes, sir.

Q A "TO" is a table of organization?

A Yes, sir.

Q A "SAW" is a squad automatic weapon?

A Yes, sir.

Q And I'm trying to think if I caught any other acronyms along the way.

So I'm going to try to see if we can develop for the record for people who don't understand this lingo to be able to read it and understand it.

A Yes, sir.

Q Thank you.

A So other weapons we had, designated marksmen had a 7.62 designated marksman rifle with an enhanced optic on it. And then also --

BY MR. TOLAR:

Q A sniper rifle?

A Yes, sir. They are not snipers --

Q Check.

A -- but, in layman's terms, it is a sniper rifle, and they are snipers in layman's terms.

Also, all the weapons have night-vision capabilities, and whether that's thermal, so they can see heat signatures, or the standard IR devices, so it's seeking out light.

Q And when you deploy your platoon for a mission, how long typically can you sustain operations before you need to be resupplied? What do you leave with? I mean --

A Typically, we were leaving with 3 days' worth of sustainment.

Q Okay.

A It's really depending on the mission and also the availability of cargo space inside of the aircraft that would take us from point A to point B.

Q Okay.

Talk a little bit about what the alert status is for a platoon when it's deployed overseas. So if Alpha Company is aligned with Europe, are you physically in Europe or are you physically in the States?

A I'm physically in Europe.

Q Okay. All of Alpha Company?

A Just the platoons. So the platoons do independent deployments.

Q Okay.

A So --

Q How long is that deployment?

A That deployment is 6 to 7 months.

Q And what is the alert status of that platoon that is on deployment?

A There's two platoons deployed at any given time, so it's called a 2.0 status. When those platoons are deployed to FAST Company Europe, [REDACTED]. So, when we are notified of a mission, I have [REDACTED] to get my Marines and all of our equipment packed and ready to go so that, whatever is going to transport us from point A to point B, that we are ready to load.

That sister platoon is on a [REDACTED] tether. And then we rotate, depending on where we all are, for doing theater cooperation missions or training outside of Spain. That just kind of varies, who's going to be on that [REDACTED] tether and who's going to be on that [REDACTED] tether.

Q Who decides?

A The company commander.

Q Check. And is a company commander a major?

A Yes, sir.

Q Okay.

When you are deployed to Europe, talk to me briefly about what kind of training you do, how you get around to these training sites, et cetera.

A So daily training, the easiest thing for us is the live-fire ranges or the urban complexes to do urban training on Naval Station Rota.

There is also training areas that the Spanish allow us to use. Some are 45 minutes away; some are a few hours away. At that time, if we use their ranges, we are subjected to their working hours, so we tend to use the ranges on Naval Station Europe.

Also, when we do theater cooperation missions, there's ample training opportunities in those countries. So, for example, my platoon went to Israel. There's great training areas for live-fire and combined arms training in Israel. Other countries in that area, somewhat more limited training, just based upon a host nation and what restrictions they put upon us.

Q

We all gather upon the grinder, which is a common area that's generally used for drill in the company headquarters area. At that time, all the Marines had already prepacked their bags. So "muster" is all 50 Marines there with their kit bags that have their sustainment items, whether it's underwear, toothbrush, toilet paper, what have you, to sustain them for that initial push.

Then we start palletizing and embarking all of our weapons systems. Depending on the mission, if we are going to hand-carry our weapons so we have some kind of defense when we land in the host country or if the host country says you have to pack your weapons, we have that flexibility built in. And I build my pallets in a way that I can quickly get to my personal weapon. So if the situation deteriorates on the ground, I can get to them quickly if originally we had to embark our personal weapons.

[REDACTED]

All the crew-served weapons, whether it's heavy machine guns, the Mark 19s, the 50-cals, the medium machine guns, the 240s, designated marksman rifles, all the extra stock weapons, et cetera, they all get palletized on weapons pallets, the bags get palletized on bag pallets, and then there's two ammunition pallets.

At the time when I was a FAST platoon commander, we did not own our contingency stock of ammunition. So the ammo was held by the Navy in their ammo supply points. They had to concurrently build our pallets of ammo to the specifications of what I wanted to load out in the aircraft. So if I'm going to take two aircraft, I would design my pallets in a way that would complement each other, so if one aircraft fell out, that I would still be able to execute the mission with one aircraft.

In order --

Q [REDACTED] [REDACTED]
[REDACTED]

A So it was something that was rehearsed in the past. It was -- it didn't slow us down.

Q Okay.

A So --

Q All right. Go ahead, please.

A So, when all the personnel pallets are built, at that time they're loaded on the back of 7-ton military vehicles via forklift and then driven down to the flight line, where we stage inside of a hangar, waiting for our transport to lift us to our objective.

[REDACTED]

Q

A So consumption of alcohol is restricted.

Q Okay.

A They can leave the base, but they are not going to leave the general vicinity of Rota, Spain.

Q You've got to be able to get back to the base in an hour, in 30 minutes, in 3 hours? Do you have such restrictions?

A I don't recall --

Q Okay.

A -- my exact parameters I gave them, but what I remember is that you are going to be back here within 30 minutes so that we can get all the other wheels turning.

Because there's a lot that goes into moving 50 individuals from point A to point B, a lot of inspections that need to happen, a lot of accountability that needs to happen to ensure that I'm not leaving a vital piece of equipment. And, I mean, things like toothpaste becomes vital in the sustainment of a personnel over 90 days.

And so a lot of little things need to be checked so that we don't -- and by ensuring the little things, we know the big things are taken care of.

Q Sure.

In terms of once the balloon goes up and you get the call, assuming things go like they're supposed to, how quickly can you be ready to

get on a plane?

A In this case, we were ready within 5 hours.

Q Okay. Is that typical, about what it takes to mobilize and get all your ducks in a row?

A Yes, sir.

Q Okay.

A So generally what we are waiting on is that support infrastructure to catch up to us. Because we have rehearsed this so many times ad nauseam that my Marines are just executing with muscle memory.

Q Are you familiar with the MSAUs, the Marine Corps Security Augmentation Units, the MSG?

A A little bit, sir.

Q Do you understand enough to talk about how it differs from your mission? And it's okay if you don't.

A No, I don't.

Q That's fine.

All right. Let's go back and let's talk about you and your FAST platoon. Tell me again when you actually joined the FAST Company.

A I joined Alpha Company FAST in March of 2011.

Q And prior to that is when you did your MSF training or some schools, prior to taking command of the platoon?

A Yes, sir. I believe that I attended that school in December of 2010.

Q Okay.

So March of 2011. So what I want to do now is talk to you a little bit about events and training prior to September 11. So, once you took command of your platoon in March of 2011, talk to me about any deployments you did for training as well as whether or not you had to respond to a real-world balloon-went-up kind of an event.

A So what I want to make clear, sir, is that in March of 2011, that was a different Alpha 5. So --

Q A different Alpha what?

A A different platoon.

Q Okay.

A So FAST platoons, unlike many other units in the Marine Corps, are born together, and then they depart together. So that platoon was disassembled in June of 2011, and then I assembled the new platoon that I then deployed with in later June, early July of 2011. I received half the Marines in late June and half the Marines in early July.

After I received those Marines, we started our FAST platoon predeployment training workup.

Q What is the designator for that Alpha platoon? What number was it?

A Fifth Platoon.

Q Fifth Platoon. Okay. All right, please go ahead.

A So, after we formed, we did something called our nonlethal school. And so we're going -- we're learning how to use nonlethal formations as a platoon, to how do you use the nonlethal ammunition

correctly, how do you use the CS -- sorry, I don't know what that acronym stands for -- and the OC spray correctly, and then get certified in the employment of those weaponry. That's a 2-week course.

Following that, we did our nuclear, biological, and chemical school, basically going over how to put on and off the suit properly, how to do decontamination sites properly. Again, that's another 2 weeks.

And I brought them to a series of live-fire training ranges to go through our initial qualifications and individual and team-level skills, what we consider 1,000- through 3,000-level training standards.

Upon completion of that, we deployed to Guantanamo Bay, Cuba, for 4 months, where we did a 4-month deployment there. One week, we would be on the fence line doing the perimeter security mission there, which is also a real-world training mission, if you will.

So Marines, we're patrolling, we're doing posts, post and relief. And so Marines are basically doing on-the-job training at that point because it's still a fairly new platoon. We're executing a real-world mission, but we're gaining proficiency in our ability to do that perimeter security mission.

Q Approximately, what were the window -- what window was that 4-month period?

A September to December.

Q Okay. Go ahead, please.

A When we were off the fence line, that was an opportunity

to continue on our training to build upon from our 3,000-team-level task up to our platoon-level training standards, going over dynamic takedowns of buildings, live fire, training evolutions, and then just basic infantry skills training.

Q Is there a MOUT facility at GTMO?

A There is not a designated MOUT facility, but there's an abandoned residential housing complex that I would use as my urban training facility.

Q Okay. Go ahead, please.

A After Guantanamo Bay, when we redeployed in December, we continued to build our proficiency on our platoon-level training tasks. And then, in early winter of 2012, we did our mission rehearsal exercise.

I'm sorry. Before that, we did a company readiness exercise, otherwise known as a CRE, company readiness exercise. And then we did our -- and that's when Alpha Company evaluates us on all of our core mission-essential tasks. And basically that's that continental United States company commander saying, "I certify this platoon commander and his platoon on their ability to execute the mission."

After I passed that training, then I move on to the regimental mission rehearsal exercise. Same type of thing, but, at this time, it's held at the regimental level, so there's much more oversight and supervision by senior officers and staff NCOs.

Q Okay.

A Again, they're going through checklists of pass/fail.

This platoon was the first platoon ever to go green, which is above 80 percent -- I'm sorry, above 90 percent on all mission-essential tests. So this was one of the best platoons that had ever come across Marine Corps Security Force Regiment.

Q Nice work.

A Thank you, sir.

After we completed our mission rehearsal exercise, we executed predeployment block leave, giving the Marines the opportunity to go home, see Mom, take care of the kids or whatever business. And then we deployed to FAST Company Europe for what was projected to be a 6- to 7-month deployment.

Q Approximately when was that, when you deployed overseas?

A June, I believe.

Q June of 2012?

A Yes, sir. May or June.

Q Go back real quick and talk to me just briefly about what type of nonlethal armaments and weapons you have.

A Yes, sir. So we carry the 12-gauge M500. It's a pump shotgun, and that's capable of shooting the beanbag round, the fin stabilizer rubber round, which is actually -- it's preferred over the beanbag, because if the beanbag doesn't have time to open up and then slow, it could be lethal, and so that's why we prefer the fin stabilizer. That's shot out of the shotgun.

Out of the 203 is called a foam baton, and then also the 203 can shoot CS crowd/riot-control chemical agents.

We also have the Stinger ball grenades.

Q Okay.

A And then we had handheld riot-control gas, CS. And then every Marine -- we carried enough CS that every Marine had CS on their body armor, and then we had large cans of CS to use on crowds.

Q All right.

So it's June of 2012. You're in Rota now. Did you have any real-world activations prior to September 11?

A Only drills.

Q Okay. And you said you deployed to Israel? Or did you do any training prior to September 11?

A With FAST Company Europe.

Q Okay.

A With FAST Company Europe, we did a 5-week package in Israel, mostly spanning the month of July. I had organized other training events in Italy, in Greece. Obviously not executed because of the contingency mission that arose, but we did execute one of those.

Q All right. So you go to Israel. You come back. It's getting close to September here, late August, September. Did you have any discussions about the impending anniversary of 9/11? Was that a topic of discussion for you all?

A No, sir, it was not.

Q Okay. Was there any kind of increased intelligence threat reporting in the days, weeks prior to September 11?

A No, sir, we had no indications or warnings.

Q At that time, were you monitoring or were you aware of the, kind of, rise and discord going on in Northern Africa with the Arab Spring and those kind of issues?

A I was aware of the bombing that happened in June in Libya. And, also, when we would do our daily intelligence briefs and then brief the Marines on hotspots throughout our area of operation, we would touch on the Arab Spring and what was happening throughout the world but focusing on where we could potentially deploy. But we never narrowed down on Libya, Tripoli, or Benghazi as, like, hey, this is what we're directly looking at.

Q [REDACTED]

A I do not recall the exact date, no, sir.

Q Were you on it for a week? A month?

A It was generally a week on, and then you would rotate a week off.

Q Oh, okay. So if both platoons were at Rota, you'd have a 1-week-on, 1-week-off typical rotation.

A Typically. Yes, sir.

Q Okay.

So you've trained your Marines. You've had this experience; you've been checked off. Based on all of that, did you believe your platoon was prepared to respond to a regional flare-up --

A Yes, sir.

Q -- if called to do so?

A Absolutely.

Q Did you believe you had all the necessary enablers, air assets? Were they readily available to support you if you needed them?

A Absolutely. Yes, sir.

Q All right. Let's talk about September 11. Talk to me for a minute about where you all physically were on September 11. Were you on base? Were you --

A Yes, sir. So, when we're deployed there, all my Marines are living in the enlisted quarters, which is right behind the company CP. And then myself and my platoon sergeant, we are in the Navy Gateway Inn, 250 meters up the road from the company CP.

So, that evening, I recall I was actually talking to my dad on Skype, watching the Armed Forces Network news channel, which rotates through news affiliates, and I think it was Fox News that night. And all of a sudden we see a consulate building on fire. And I said sarcastically to my father, "Well, I probability won't be in Spain tomorrow."

As soon as I hung up with him, I got on the phone with my commanding officer, and we had a short talk of, "Hey, are you watching the news?" "Yeah, I'm watching the news." "Hey, when do we want to recall the boys?" And he said something more or less in the lines of, "Make sure you do your laundry and you got enough soap."

A couple hours later, he was calling me, telling me he was going to go down to the commander of CTF 68, who is the higher headquarters of FAST Company Europe, and that I needed to start getting my Marines

together. This was around midnight, so it would be on September 12.

Start getting my Marines together at midnight on September 12. We didn't know what was going on. And a lot of them already had SA because they also had TVs in their room.

Q Did you initiate your recall roster --

A Yes, sir.

Q -- at midnight, more or less?

A Around midnight is when my platoon sergeant and I initiated the recall.

Q Okay.

Mr. Richards. And that was Spanish time, just for clarification?

Captain [REDACTED] Yes, sir, Spanish time.

BY MR. TOLAR:

Q Okay.

Let's back up a little bit. In terms of the Rota Naval Station, were there any air assets typically stationed at Rota?

A No, sir. No. What we always planned upon is primarily aircraft coming from Ramstein, because that's where the preponderance of Air Force C-130s were. And, if necessary, we had the ability to reach out to the C-130s that were disaggregated from the MEU if they were in vicinity of Naval Station Europe.

Q Were there any other Marines in Rota?

A I believe that there was a Marine Corps liaison to the Spanish. He's generally a Harrier pilot because that's the airframe that they fly. I don't think there's any other Marines in Rota.

Q Okay.

On September 11, were you aware that there was a Fourth Reconnaissance Unit in Sigonella?

A Yes, sir. So that Fourth Reconnaissance element and the other elements of recon that were part of the Black Sea Rotational Force actually participated in the theater cooperation mission in Israel with us. So we had done some training with them in the past, and I knew that they were within the area of operation.

Q Do you know what their mission was in Sigonella?

A I believe that they were doing theater cooperation missions. I believe that when we focused on Iraq and Afghanistan, the infantry battalions that generally did those, it was kind of a void. So you had Reserve elements going in and doing the Black Sea Rotational Force and then doing those theater cooperation missions within the area of operation.

Q Do you know where those Reservists came from in the States? Were they out of Louisiana, or where they were from?

A I believe they were out of Texas.

Q Okay. And do you know if they were on any kind of alert posture?

A I do not know.

Q Thank you.

On September 11, were you aware if DOD had any other assets in the general AOR that could typically respond as a quick-reaction-type force?

A I knew the DOD had a Commanders In-extremis Force, and I knew that they had a task force element within the AOR.

Q What do you --

A The area of operation.

Q What do you mean by "task force element"?

A [REDACTED]

Q Okay. Where do you believe those folks were?

A I believe that they were in Italy.

Q Where in Italy?

A I do not know, sir.

Q Thank you.

All right. So, on September 11, did you have your full complement of Marines, did you have your full TO?

A Yes, sir.

Q Did you have your full TE?

A Yes, sir.

Q Did you have any organic or dedicated air assets on September 11?

A No, sir.

Q Prior to September 11, had you ever been to Libya?

A No, sir.

Q Had you ever done any kind of contingency planning for Libya?

A No, sir.

Q For insertion into Libya?

[REDACTED]

A No, sir.

Q On September 11, were you aware of the protests that were going on in Cairo?

A I believe I knew of them, sir. I believe I saw them on the news.

Q Did what you see on the news alter your plans in any way or your alert posture?

A Egypt is not in our area of operation. However, because of the close proximity that it is to the countries that are in our area of operation, it was taken into consideration that that area of the world was getting more unrest and that our potential for a contingency mission was escalating.

Q All right. So you said you first learned about the attack on the SMC sometime around -- sometime the evening of the 11th. You were talking to your dad.

A Yes, sir.

Q All right. Were you aware that that Special Mission Compound even existed?

A No, sir.

Q When did you first learn that the Ambassador was missing?

A On the news that evening, sir.

Q Prior to midnight, you believe?

Ms. Green. Could I just clarify that all the times we're referring to are Eastern European time, which would've been the time that you were operating under in Rota --

Captain [REDACTED] Yes, ma'am.

Ms. Green. -- and is also local time in Libya.

Mr. Tolar. Yes. Thank you.

BY MR. TOLAR:

Q Do you recall whether or not you learned about the Ambassador was missing before midnight?

A I believe that that did not come out on the news until I had done my recall and that we were watching the news in the company CP.

Q You had mentioned that you talked to your company commander prior to midnight when you started seeing this stuff go down. Did he give you any specific guidance?

A "Be ready."

Q Okay.

Let's talk about September 12. So we've passed midnight, we've rolled into the 12th. When did you receive VOCO or a warning order that the FAST platoon was going to be mobilized?

A Around 0230 is when we got the official notification. So that was our official, [REDACTED] We already had some lead-in to it, obviously.

Q So, in hour --

A Yes, sir.

Q -- was it at 0239? Does that sound familiar?

A Yes, sir.

Q Okay. All right. Obviously, by that point, you'd already

initiated your recall process?

A Yes, sir.

Q Who notified you officially that you were being mobilized?

A My company commander.

Q Okay. And what was his name?

A Major [REDACTED] [REDACTED]

Q And how were you notified?

A In person, face-to-face.

Q What were your specific orders at that time?

A Prepare my platoon to deploy to Libya. We didn't know where exactly we were going, but we knew through open media sources of what was going on on the deck.

At that time, we started to make contact with the embassy to attempt to gain SA of what was happening and what our potential mission would be. We started to do the Marine Corps planning process, so intelligence preparation of the battle space and then problem-framing to figure out what our courses of action could be.

Q Were you aware on the 12th that any other DOD assets were being mobilized?

A My company commander told me that there was a high probability that CIF, Commanders In-extremis, were being mobilized, but, other than that, we did not know of anyone. Or I did not know of anyone.

Q Okay. Do you know what their mission was going to be?

A I do not, sir.

Q

A

So, as a tactical-level commander, my obligation is to ensure my Marines and equipment are ready for whatever mission that we're given and that my commander is facilitating all those communications, whether it's laterally to other units or talking to CTF 68, Sixth Fleet, NAVAF, NAVEUR, to the COCOM, and figuring out -- that's what my commander is facilitating for me in order to allow me to prepare my Marines, to make sure that all those checks that I was referring to earlier are happening, that we have full accountability of our personnel and equipment, and that we can go through our planning process of what we may or may not be doing.

Concurrently, that sister platoon is coming in, and now I'm able to basically bounce my ideas off a peer captain, so that, "Hey, if we go in here," or, like, "I'm thinking of taking down the objective," and that's two infantry officers combining our knowledge of what may or may not be happening, and that we're getting those intelligence dumps from our company commander, who's doing all that lateral communication, and then his staff is doing that lateral communication with other intelligence agencies or adjacent units throughout the area of operation.

Q What number was the sister platoon? What platoon was that?

A It was Alpha 6.

Q And what was the captain, the commander's name?

[REDACTED]

A [REDACTED] And his involvement started and stopped that evening. After I left, he had nothing to do with that. His platoon subsequently went to Souda Bay. And then, when the call came to go to Khartoum, Sudan, they attempted to go to Khartoum. After refueling at Cairo, they were turned around from the host nation of Sudan, and then they basically stayed in Souda Bay, Greece, for the next 90 days.

Q [REDACTED]
[REDACTED]
[REDACTED]

A Well, they're on [REDACTED] --

Q Check.

A -- but, as it happened, it's a working day, so the Marines are all around. So he was able to basically spool up his platoon. I can't say whether -- what his timeline was for his platoon, but I can say that him and his platoon sergeant and his leadership was in and around the CP facilitating our alert posture.

Q Subsequent to the VOCO -- actually, subsequent to your official mobilization notice and prior to your departure, what kind of updates and/or guidance did you receive and from whom? And I'm talking about your mission, the situation in Libya, et cetera.

A Everything came through my company commander.

Q Face-to-face?

A Yes, sir.

Q Okay.

[REDACTED]

[REDACTED]

A I didn't leave that company headquarters building for long periods of time. And then I was in the conference room, and he would basically come in, "Hey, I just talked to the Defense attache. The communication is intermittent. This is what I got. Hey, I'm not able to get a hold of this guy or that guy." But all my updates were coming through that company commander.

Q And what kind of updates did you receive in terms of intel, in terms of the situation on the ground?

A That we knew the Ambassador was unaccounted for, that the attacks were going on in Benghazi, but high probability was that we were going to go to Tripoli, which was ideal for a FAST platoon.

A FAST platoon is designed to put that layer of steel around a critical infrastructure of the United States to say to our enemy, "Don't mess us with." It's not to go in and do a hostage rescue. That's not the mission of FAST. And so for a FAST platoon to go into Tripoli is ideal, because the indications of warnings that it may be attacked is happening in Benghazi. And so --

Q I understand.

You don't have to refer to it, but basically the official DOD timeline that you have a copy of, both the warning order of VOCO that was issued as well as the official N-hour notification indicated that Fifth Platoon was going to go to Benghazi.

At what point do you recall that your mission changed from Benghazi to Tripoli?

A [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

So, as far as the, "Hey, you're not going to Benghazi anymore," I don't know if I was ever told, like, "You aren't going to Benghazi." I was just told, "Hey, possible thing that may come along is that, [REDACTED] you're going here, and, sister platoon, Sixth Platoon, you're going to go there." Most of my planning and preparation evolved around me going to Tripoli.

Q When was your platoon packed out and ready to get on a plane?

A I believe it was around 0545. I know it was before 6.

Q Obviously, your company commander is aware of that.

A Yes, sir.

Q Did they notify anybody up the food chain that at 0545 you're ready to go?

A Yes, sir.

Q Who would they notify?

A He would have notified CTF 68.

Q And, again, for the record, tell me what CTF 68 is.

A CTF 68 is a subordinate command to Sixth Fleet. At the time, it was basically a skeleton staff that facilitated communication for the elements of the Navy and the Marine Corps that were stationed at Naval Station Rota for the Sixth Fleet that was stationed in Naples.

[REDACTED]

BY MR. CHIPMAN:

Q Can I just interject one more time? I'm going to go through the -- "CTF" is combined task force?

A Yes, sir.

Q "COCOM" is combatant command --

A Yes, sir.

Q -- or commander? "CP" is command post?

A Yes, sir.

Q Verbal order of the commanding officer, that's what "VOCO" means.

A "MEF" is a Marine Expeditionary Force, a three-star command?

A Yes, sir.

Q "SA" is situational awareness?

A Yes, sir.

Q And a "TO" and a "TE." The first is a table of organization, and that's how many Marines you had assigned?

A Uh-huh.

Q And a "TE" is the equipment that you were assigned. And you indicated you had your full complement as well as your full equipment complement.

A Yes, sir.

Q Okay. Thank you.

A Yes, sir.

BY MR. TOLAR:

Q So, I'm sorry, was CTF 68 part of NAV 4?

A So -- yeah.

A We were notified that the C-130s were going to arrive Naval Station Europe -- or Naval Station Rota in vicinity of 0930 Zulu. They actually did not arrive until -- they departed Ramstein around 0800, and they arrived Rota around noon.

Captain [REDACTED] Yes, ma'am. 0800 Spanish time. And then they departed Ramstein at that time, and then they arrived Rota approximately noon Spanish time.

Q

I do not know what the timeline was associated with the aircraft to pick us up. I do not know if those pilots were on a tether. I don't know if their commander held them to some kind of timeline. I can just speak to what my platoon was held to.

Q Understood. So you're ready to go at 5:45. The planes arrive at 1200 noon that day.

A Yes, sir.

Q During that time you were waiting on the aircraft, what kind of planning and mission planning were you doing or what kind of activities were you all engaged in?

A So, at that time, we were starting to get satellite imagery of where we thought the embassy compound was. There was a couple of sailors that were part of the EOD team in Rota that had helped scout out possible locations for the new embassy and that they were trying to locate -- because we did not know where the embassy was. We didn't know what it looked like, we didn't know what the inside of it was, we didn't know where anything was.

And so they were pulling up satellite imagery of possible locations where this could be. And then I was walking through with my leadership of how we would secure it if there was enemy individuals inside, how we would have to clear it in order to set up our perimeter security, how we would get from the airport to the facility if we had to drive ourselves. So we were just continuing to go over mission prep, mission preparation.

Q Going back to the aircraft real quick, are you notified of

the tail numbers of the aircraft that are going to get you when you're pending movement?

A I do not know the tail numbers.

Q Okay. And what kind of aircraft came to get you?

A Air Force C-130s.

Q How many?

A Two, sir.

Q The C-130s arrive at noon. What time did you start the load-in process?

A We started to load immediately.

The Spanish were running flight ops that day with their Harrier squadrons, and so there was a communication barrier between the Spanish tower operator and what needed to be accomplished in order for us to get out the door.

Also, there was base regulations that prohibited us from loading as quickly as we needed to, as far as, like, where ammo can be stored on the flight line because of the net explosive value of all of my ammunition that we were going to be bringing.

So, for us to cross the runway, we had to coordinate with the Spanish, which took some time. For us to load our pallets of ammunition in the back of the C-130s took additional time because we had to move to a different spot on the tarmac. And then, after we were loaded, which was around 1300, so about an hour after the C-130s were there, we still did not lift off until around 1600 was when the first aircraft took off.

Q So you were loaded in an hour and ready to go.

A Yes, sir.

Q Why was there another delay to get off the ground?

A So we were told multiple times to change what we were wearing, to change from cammies into civilian attire, civilian attire into cammies, cammies into civilian attire.

There was also some talk of whether or not we could carry our personal weapons. I was basically holding hard and fast to the point where we were carrying our personal weapons. Like, we've got a very violent thing going on the ground where we're going, so we're going to be carrying something that can protect ourselves.

But, as far as what the Marines were wearing, that continually changed, and we had to make those changes inside of the aircraft.

Q How many times did you -- you initially were dressed in your utilities?

A Yes, sir.

Q How many times did you change out of your utilities into civvies and back?

A So utilities, civilian attire, utilities, civilian attire. So four. However you want to count -- four.

Q Where was this directive coming from?

A I was listening to the cranials on the C-130. So they're coming over radio calls.

And then, also, I had a Spanish cell phone in which my company commander was calling me, and if I wasn't receiving over the radio,

he was echoing it over the cell phone. He was in the other aircraft. So he was directing me to tell my Marines and my aircraft, "Hey, we've got to change again," back and forth, back and forth.

Q Gotcha.

Mr. Chipman. I'm sorry. I didn't catch that. You said you were listening to the cranials?

Captain [REDACTED] So, a cranial is a helmet with a radio inside it. Plugs into the aircraft's communication systems. And then I also had my Spanish flip phone that we could call each other back and forth on.

Ms. Chipman. Thank you.

BY MR. TOLAR:

Q Do you recall when you got the final word about the changeover in terms of uniforms? When was that resolved?

A I don't know if there was ever, like, a, "Hey, this is the final answer," like, we are finally in civilian attire. But the last thing that we were in was civilian attire before we went wheels up, and I said, "Okay, well, I've just lost cell phone service, so we're going to stay in civilian attire."

Q Do you know where that -- I mean, I know you're talking to your company commander. Do you know who was directing him?

A I do not exactly know who my commanding officer was talking to.

Q Do you know now who he was talking to?

A No.

Q Okay.

Talk to me about the weapons issue, too, in terms of the personal weapons issue. What was the discussion there?

A Well, the discussion is, when we get off an aircraft and we are carrying weapons in a foreign country, what is the perception? And where are we going into? Is this going to be received? What kind of second- and third-order effects are we going to have, carrying semiautomatic weapons in an airport? Just the perception of the host nation and how that may matriculate into something that we didn't want it to.

Q Were you on the first bird or the second?

A I was on the first aircraft, sir.

Q And how long after the first bird departure did the second one leave?

A There was a 1-hour delay due to engine malfunction. We made up the time in the air so that the lead bird only landed 30 minutes before the tail bird.

Q So you're on that one, and [REDACTED] is on the second one?

A Yes, sir.

Q Thanks. And you were in civvies with personal weapons?

A Yes, sir.

Q Perfect.

Do you recall how long the flight was from Rota to Tripoli?

A Four hours, sir.

Q According to DOD timeline, first bird landed at 8:56 p.m. in Tripoli. Does that sound accurate?

[REDACTED]

A Yes, sir.

Q Upon arrival, who was your point of contact?

A Upon arrival, I immediately got on my satellite phone and satellite communication, trying to establish a com link back to Rota. After we had -- we made a hasty 360 around the C-130 and started to get radio communications up.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The second aircraft then landed 30 minutes afterwards, a little bit geographically separated at the Tripoli International Airport. And that aircraft was met by the Defense attache.

Q What was the name of the gentleman that met you at the airport, the Caucasian male?

Mr. Hudson. And go off the record for a minute, please.

Mr. Tolar. Sure. We'll go off the record.

[Discussion off the record.]

Mr. Tolar. Let's go back on the record.

BY MR. TOLAR:

Q So you landed. You're met at the airport. Were you given an update at that time?

[REDACTED]

[REDACTED]

A [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Q Was transportation available and waiting for you upon your arrival?

A Yes, sir. The Defense attache had brought fully armored vehicles, Chevy Suburbans and Toyota Land Cruisers, to pick up the preponderance of my Marines.

Also, they had procured bongo trucks, which is, in essence, a flatbed pickup truck, one that you generally see in places like Iraq, Afghanistan. It's a very small flatbed pickup truck. And those were to put my pallets of food, water, ammunition, and baggage on.

Q What was the purpose of Major [REDACTED] being present?

A To facilitate my communication to higher so that I could focus on the mission at hand, that, you know, whether we were establishing a perimeter security or taking down and clearing an objective, that I could focus on that and that he would relay the higher and what we'd call "feed the beast," let higher know of what was going on.

When condition was set, after I had established my security and we had procured transportation for him to get out of Tripoli -- that, I believe, was on the 16th -- he then flew back to Rota, Spain. Because, at that time, I had been backfilled by a platoon from Norfolk,

[REDACTED]

Fourth Platoon, Alpha Company. And Sixth Platoon was in Souda Bay. So he needed to go back and take care of the larger picture.

Q But for all intents and purposes, you were in command, you were in charge.

A Yes, sir.

Q All right.

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

[Recess.]

[11:16 a.m.]

Mr. Tolar. Let's go back on the record. I have 11:16.

BY MR. TOLAR:

Q Captain [REDACTED] when we broke, we were talking about your presence in Tripoli. At this point, talk to me about, now that you're in Tripoli, you're the platoon commander on the ground, you're in charge, what is your chain of command now that you're in country in Libya?

A Still through Major [REDACTED] So what had changed on the 12th is, at the NAVAF-NAVEUR level, we moved from being TACON to NAVEUR to being TACON to NAVAF. Now --

Q Explain what "TACON" is.

A Tactical control.

Q Okay.

A And the commander of Naval Forces Europe and Naval Forces Africa is the same gentleman, Admiral -- it's escaping me right now, but it's the same admiral. It's just the staff is different. So we would just shift over there.

So it was still me to Major [REDACTED] Major [REDACTED] to CTF 68, to Sixth Fleet. And from Sixth Fleet, it just changed to Naval Forces Africa.

Q You're on the ground at the airport. Talk about your actions at the airport prior to departure from the airport. How long were you there, and what were you doing?

A I believe we were at the airport for about an hour. And, after we made linkup, the rest of the time was disembarking the

aircraft.

At Tripoli International, they did not have the organic ability to move an Air Force Lima pallet. It is a very, very large pallet, and they just did not have the heavy equipment necessary. So a lot of the equipment that we had palletized we had to move off by hand. For example, like, I brought all this water to sustain us for -- we brought enough water and chow to sustain us, I believe, for a week. And so now we have to move all of this by hand.

So it is several thousands of pounds of gear that we have to move into these open-bed bongo trucks. And, also, they got us one closed container, a small moving van, if you will.

Q Do you have to break down the pallet, basically?

A Yes, sir.

Q Okay.

All right. So you leave the airport about an hour later. You've got the entire platoon at this point?

A Yes, sir. The whole platoon is accounted for. We are moving as one convoy. And we were being escorted by the Libyan police, I believe they were. One day they're police, one day they're militia, one day they're army. It was Libyans with running sirens, and they had weapons.

Q How long was that movement, approximately?

A Twenty minutes.

Q Where did you go?

A We went to

Q Everyone went to [REDACTED]

A Yes, sir.

Q All 50 Marines.

A Yes, sir.

Q Perfect. Is there anything else -- so, now, by what time -- approximately when did you arrive [REDACTED]

A I believe it was around 2300 Libyan time.

Q So you're [REDACTED] at about 11 p.m. You've got all your Marines with you. What do you do for the next hour?

A I immediately survey what's going on, what's happening in my local -- what is the security posture. I start getting sentries up. We have a reaction force, otherwise known as RAF. So we stood up our reaction force and our backup reaction force, BAF, so that if we started to get threats around us that evening, that we could quickly react to it.

Also, we oriented ourself to the compound, figured out kind of what the dimensions were, what the closed-circuit television system consisted of, who was monitoring it, what the reporting structure was, what was the communication capabilities within the compound, who else is in the compound that is armed who can augment us in a fight. If we become overwhelmed or we need some additional support, who can help us out. And then, also, who do we need to protect and move into a safe location if we become under attack.

Q What constitutes a RAF?

A The reaction force is a squad-size element, so --

[REDACTED]

Q What's a squad?

A A squad is roughly 13 Marines. So, at any given time, you've got a squad on security, so 13 Marines on security, and then 13 Marines on that reaction force that are in their cammies, boots on, weapon within reach. Like, they can don -- from notification, they can don their gear, they can be anywhere within 5 minutes of the compound.

And that backup force, that's their rest time. That's when they're eating chow, that's when they're taking a shower, that's when they're working out. So their reaction time is slowed, but we always strived for them to be anywhere within the compound within 30 minutes.

Q What is a typical tour, in terms of time, for a RAF, the primary reaction force? How long are they on that watch or that duty?

A It depends, mission to mission.

Q All right.

So now it's September 12th. You and all your Marines are

You've done your initial threat analysis, et cetera,

Did you start receiving any kind of intelligence updates of the situation on the ground in Libya, in Benghazi, et cetera?

A What I was pushing for was what was happening in our local area -- where, what other compounds do we have, what is going on around us -- and then also what was going on in Benghazi. I did not receive very much.

Q Where did you get your intel updates from that you did receive?

A Any intel that I received on the situation was from the Defense attache.

Q On the ground [REDACTED] was he basically your primary point of contact?

A Yes, sir.

Q Did you have discussions with anybody else there about intelligence updates or anything else?

A I tried to get intelligence updates -- well -- and I got some partials of information from the Regional Security Officer but not very much.

Q And how did you communicate with the DAT, D-A-T?

A The Defense attaché, the DAT, we primarily spoke face-to-face. The Regional Security Officer, RSO, we primarily spoke face-to-face. And then he also had Assistant RSOs, ARSOs, that I would speak to face-to-face.

Q Did you have access to the Predator feed?

A Not on the 12th.

Q At what point did you have access?

A After we had retaken the villas, which later became the embassy, and set up the perimeter security, the ODA team -- operation -- I'm not exactly sure what "ODA" stands for. But, anyways, when we reestablished the security at the villas, that team was able to set up their communications suite, which was able to bring in Predator feed.

Q Okay.

[REDACTED]

Do you or anybody in your platoon monitor local social media sites while you're there?

A We did not. We relied on the Department of State individuals to monitor that, and then they relayed to us what they were seeing on it.

Q So what I want to do now is -- approximately how long was it before you went to the embassy to take a look at that compound?

A The next morning. So, September 13th, I did a leaders reconnaissance to the villas, which later became the embassy. From there, we looked at the current state of it. We actually went on the objective and walked through some of the buildings --

Q Let's save that, if you don't mind.

A Yes, sir.

Q We'll get back to that in a second. Let's talk about [REDACTED] first.

A Uh-huh.

Q So you're [REDACTED] Talk to me briefly about the compound, the infrastructure, what your assessment was of the situation [REDACTED] et cetera, both from a physical infrastructure, security, et cetera.

A [REDACTED]
[REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

Q So that was kind of the local guard force per se?

A Yes, sir.

Q Did you notice any Libyan militia or personnel in there?

A There was Libyan militia, military, police -- I'm not sure what role they were playing that day -- on the outer perimeter.

Q So did it appear that they had pretty well-developed security procedures in place [REDACTED]

A Yes, sir.

Q After doing your analysis, did you have any concerns about what you were seeing? For example, did they have any shortcomings from a physical security standpoint, weapons capability, vehicles, et cetera?

A [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q Did you discuss your concerns with anybody in [REDACTED]

A Yes, sir. My security concerns were discussed with [REDACTED]
[REDACTED] security personnel: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Q And who was your primary point of contact [REDACTED] for security issues?

A [REDACTED]
[REDACTED]

Q Do you recall whether it was [REDACTED]
[REDACTED]

A It was [REDACTED]

Q Okay. Thanks. What -- do you --

A [REDACTED]

Q [REDACTED]

A [REDACTED] was not my chief point of contact, as far as security went. [REDACTED] was my chief point of
[REDACTED]

□ □ □ □ □

████████████████████

A Perimeter security.

Q Elaborate a little bit about the physical improvements you

[REDACTED]

[illegible]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q How did you communicate inside [REDACTED] with your Marines?

A [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q Explain what "encrypted" means.

A [REDACTED]

[REDACTED]

[REDACTED]

■■■■■■■■■■

A Are we speaking on the 13th, sir? Is this --

Q Well, we're still -- I guess this is still the 12th.

A Okay. So, on the 12th, I want to --

Q No, I'm sorry. It's the 13th. Yeah.

A

1000000

[REDACTED]

Q Understood.

So most of our conversation going forward is all post the 12th. So you're making these improvements to physical security. How are you getting your intel updates, or are you receiving them?

A So my intel updates are primarily coming from the CIA and then Department of State individuals that are monitoring social media. And then, also, we're talking to the militia that are manning the checkpoints and perimeter security of atmospherics of what's going on.

Q Talk briefly about, now that you're up and established [REDACTED] kind of what the battle rhythm is, your day-to-day routine there. Don't get in the weeds, but just --

A So are we on the 13th, or have we --

Q Yes.

A Okay. So the battle -- there is no set battle rhythm, because we're still getting everything established. We're still trying to figure out how we're going to crack the nut of recapturing, if you will, the villas. So I didn't know the full scope. They were still deciding, hey -- we have this CMR complex, the chief of mission residence complex. We've got the villas. And we're currently located here.

They didn't -- "they" as in the Department of State individuals on the deck -- didn't articulate exactly what they needed to run or to get the diplomatic mission going again. So we were just kind of pulling information of, hey, what do you need us to do in order to get

[REDACTED]

[REDACTED]

your mission up and going so that we can facilitate you.

And that's when we -- hey, we need the villas, we need to get some stuff from the CMR, but we don't need to secure the CMR. And that allowed me to do my mission planning of, hey, this is the troop-to-task I need to recapture the villas and then set up the perimeter security and then start steady-state operations at the villas while maintaining security and the diplomatic mission [REDACTED]

And so then that allowed me to separate my forces appropriately and then assign a subordinate-level commander in charge of [REDACTED] while I move forward to the villas.

Q Did you provide a daily SITREP up your chain of command?

A Yes, sir.

Q In what format?

A On SIPR, a Word document.

Q Okay.

A A Secret classified network.

Q Once you all took over security [REDACTED] did you experience any security incidents, attacks, things of that nature?

A No, sir.

Q [REDACTED]

A No.

Q Let's go back and talk about the embassy now.

A Uh-huh.

Q When did you first do your reconnaissance of the embassy?

A The morning of 13 September.

[REDACTED]

Q And what did you do?

A So, on the morning of 13 September, I departed with what I recall was my commanding officer, the regional affairs officer, and an assistant regional affairs officer. We moved via fully armored vehicle -- I believe they were Chevy Suburbans -- from [REDACTED] to the villas.

We got to the villas, did a leaders recon: These are the habitable buildings, these are the buildings that are under construction, this is what the perimeter wall looks like, these are the existing cameras, these are the existing gates, this is the host country where the host country mans the gates. There was interior gates, did an initial assessment of that. And then the buildings around, roads leading to and from the villas for our avenues of approach, and then, if we needed to egress out, what would be routes that we would take to leave.

After we were completed at the villas, we went to the CMR and did a leaders recon at the CMR.

Q Let's stay focused on the embassy compound. So that's a big, walled compound with approximately how many buildings inside?

A It was over 20 buildings inside. And it was referred to as "the villas" because they were just that. They were a series of villas inside of a gated compound. I mean, each villa had a pool. So they were basically a series of little houses in a planned community. And they just deemed certain buildings as office space based on their space inside of them.

Q Was the embassy compound occupied by anyone when you arrived?

A The embassy compound had local nationals at the gate. But, other than that, I did not see or my Marines did not come into contact with anyone that had infiltrated the compound.

Q Are you aware that when the embassy compound was vacated and all the personnel moved to [REDACTED] that at that time they initiated their internal destruction process?

A Yes, sir.

Q Did you see any remnants of that as you did your inspection of the compound?

A I don't recall if I saw any of the classified hard drives that they had smashed. I know that I later had seen them. I don't know the exact date or time which I saw them, but I -- the computers were still around, but I don't remember if I saw, like, the destroyed hard drives.

Q Any other physical components of the compound that had been destroyed or manipulated in any way that you could tell?

A No, sir.

Q Okay.

Based on your analysis of the compound, did you have any initial impressions about the physical security there, what it was lacking, et cetera?

A The security of that building was extremely poor. The closed-circuit television system --

Q You said the "building." You mean the compound?

A The compound.

Q Yeah.

A -- was extremely poor. The closed-circuit television system at the villas, at the embassy compound, had huge gaps in its observation. So you could not see -- you could not get a good picture of what has happening 360 degrees around you.

Q So you were able to turn that on when you got there and see what --

A Yes, sir.

Q Okay.

A And then, also, talking the regional affairs officer, the RSO and the ARSOs, kind of going over, hey, what were your procedures prior to? Because I couldn't see them because they had vacated. And they didn't have anyone monitoring the system anyways.

So the system was halfheartedly put together, and it wasn't monitored. Basically, the whole compound was being secured by local nationals at the main gate and the back gate. And then I don't think that the outer perimeter was secured by the militia or the armory until post-September 11th.

Q Do you have an appreciation of how many personnel typically worked in the compound?

A No, because it was never at full staff when I was there. They only had essential personnel.

The observation from overwhelming buildings and terrain on that

compound was extremely significant, where an untrained marksman could easily have wreaked havoc on personnel within that compound. And, using indirect-fire weapons systems, you can use something called direct lay, where you can line up the tube of the mortar system with a target, if you can see it. And with the overwhelming terrain that surrounded that compound, it was a prime target for direct-lay and direct-fire weapons systems.

Q Did you discuss your concerns with the embassy compound with the RSO?

A To length. Yes, sir.

Q Did you make any specific recommendations to him about what needed to be done to improve the security there?

A I did. And I made a lot of recommendations. And what I ended up doing is taking charge and just doing it.

This was a new compound, so there were still walls that were unfinished. So there's huge open areas of this compound that people could just walk over. Or trees that were hanging over the fence that a child could climb over that there's no wire on top of.

Q Are you saying there's literally a gap in the perimeter wall you could walk through?

A Yes, sir. So there was walls that were unfinished --

Q Okay.

A -- in this compound.

While we were there, I had force protection material brought in from Spain -- wire, sandbags, engineer stakes. And, also, I procured,

[REDACTED]

like, razor wire and other natural barriers that I could put down in order to make an obstacle plan with a series of flash-bangs and other devices that we could -- and posts to observe them so that while those walls were being built we had some kind of force protection measure.

And then, during my time there, the walls were completed. They still had not fully procured like the neighboring buildings. So there was, for example, a neighboring building that butted right up to the wall of the embassy, and anyone could kind of just walk on top of that roof into the compound.

Q How tall was that building? Two-story? Three-story?

A A single-story building.

Q And, just to be clear, when it comes to your mission [REDACTED] or at the embassy, do you have any responsibilities outside of the wall?

A So we augmented convoys, so diplomatic convoys to, say, pick up the former Director of the CIA or the current Speaker of the House when they would come in town or the geographic combatant commander, General Ham, to secure his aircraft. We would go and we would augment other elements, whether it was [REDACTED] or, when the State Department brought in their Mobile Security Team, we would augment them.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q In terms of your recommendations for improvements,

[REDACTED]

basically you just did it. Did you get any pushback from State? Were they cooperative?

A They were extremely cooperative.

Q Okay.

A Whatever I needed, they facilitated if they could. If they couldn't, they were very straightforward. And I used workarounds. I became a master of doing more with less.

Q That's what Marines do.

Talk to me more specifically about the embassy compound and what kind of physical improvements you made.

A So physical --

Ms. Sawyer. Could I just ask a question? We're giving you a tremendous amount of leeway. We are now talking about the facility in Tripoli, which --

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

Ms. Sawyer. Yeah. Well, we can go off the record; that's fine. But, I mean, at this point in time, we are well beyond the mandate of this committee. I don't think -- we were never in a conversation on scope --

The Court Reporter. I'm sorry. Do you want me to take this down?

Mr. Tolar. We are off the record. Yeah.

Ms. Sawyer. I'd like to be on the record, actually.

Mr. Tolar. Okay.

Ms. Sawyer. Just back on the record.

You know, I just want the record to reflect we've allowed the

[REDACTED]

majority a fair amount of leeway to explore issues about what recommendations a particular individual -- and we appreciate your testimony. Do not take this in any way as not being appreciative of your willingness to answer whatever questions are imposed by the committee.

But, understanding that you are an individual, I assume that when you're talking to us about recommendations you individually made, you are not necessarily speaking on behalf of the Department of Defense with regard to what recommendations the Department itself made. Is that accurate?

Captain [REDACTED] I am only speaking of a FAST platoon commander whose job was perimeter security and maintaining the diplomatic mission in Tripoli, of what recommendations I made in order to facilitate that mission to continue.

Ms. Sawyer. Thank you.

So, again, I was not in any conversation on scope of interview that alerted either the Department of Defense or us, the minority, to the scope of getting into nitty-gritty questions about the two facilities -- now we've talked about [REDACTED] as well as the embassy, State Department facility in Tripoli, neither of which came under active attack.

You said there were -- you asked a precursor question, were there any security incidents that occurred while you were there on mission --

Captain [REDACTED] No, ma'am.

Ms. Sawyer. He indicated there were not.

[REDACTED]

So, you know, we want to allow you to ask the questions you need, but we would ask that you limit it to the stuff that this committee is charged with investigating.

Mr. Tolar. Anything else?

Ms. Sawyer. Nothing further at this moment.

Mr. Tolar. Okay.

BY MR. TOLAR:

Q Back to the embassy. So talk again about the security improvements, physical security improvements, you made at the embassy compound.

A We designated a safe haven, a centralized location for, if the compound came under attack, where people could go to. These buildings had a lot more glass around them, so I couldn't make a safe haven in every building like we did [REDACTED] So we designated one building, which was also our medical building, where my independent duty corpsmen and then the State Department's doctor was located and all of their equipment. So it was a good combined area.

On top of that building, we fortified it with I believe four layers of sandbags to withstand indirect-fire weapons systems.

We ordered I believe it was 3M film that would go out on both layers of glass so that it helps glass withstand blasts and also it keeps it from shattering. So, initially, we put it on that building, and, after that, we prioritized what buildings, whether it was the chief of mission's residence or the chow hall facility, the dining facility, or the tactical operations center. And then, from there, we moved on

and put that film on the residence glass.

And we also sandbagged up all the windows around the safe haven building, and then we would sandbag up the windows around the tactical operations center. We did not do the sandbagging around the Ambassador's building, the chief of mission residence, or the dining facility, out of request from the Department of State.

[REDACTED]

BY MR. TOLAR:

Q Again, those things you just mentioned, the CMR, the chief of mission residence, that is not in the compound?

A So the CMR residence when I initially got there was a different compound. However, after -- on the 13th, we retook and reestablished security at the villas. After we got that, on the 14th, we went to the CMR, and we got any mission-essential equipment that the Department of State had left behind.

I just put up the security. The Department of State took all our stuff out of there. I don't know what they left behind. After they got everything, we convoyed back to the villas, and then one of the buildings in the villas was now named this is the chief of mission residence, where the acting -- Greg Hicks took that building, and later on, Ambassador Pope ended up moving into that building.

Q Basically, as of the 14th, there was no security at the CMR.

A Again, local nationals manned the gates.

Q But you had no responsibility there at that point.

A No. We never -- the only time that we would go there was to do limited security, to get something that State had left behind.

Q Okay. So, as of the 13th, you now had control of the Embassy compound and had security there in perpetuity.

A Yes, sir. And just like [REDACTED] continuing actions building a defense in-depth, built multiple posts throughout it, built my tactical operations center, in which we monitored the closed circuit television systems, established a sergeant of the guard, corporal of

[REDACTED]

the guard, the reaction force, backup reaction force, berthing, et cetera.

Q At what point did you start moving marines over there to the Embassy?

A The 13th.

Q The 13 this.

A Yes, sir.

Q How many did you send over there?

A We brought two -- it was around 30 marines. So two squads, plus enablers. So communicators, my armor, myself. When Major [REDACTED] was still on the deck, he came over to the villas with me, and then he obviously left a couple days later. So I left just under 20 marines

[REDACTED] It really differed from day to day -- 19 to 20 marines -- and then I had a little over 30 at the villas.

Throughout the duration of the deployment, I received more enablers, like a joint communication team, which brought my own satellite communication; classified network and nonclassified network. That's the change in personnel that I would see throughout the deployment. Or when I would rotate out my explosive ordnance and independent duty corpsmen, we had a change of personnel. Other than that, my core platoon -- the core of my FAST platoon stayed with me.

Q And was your headquarters, so to speak, now at the Embassy?

A Yes, sir.

Q And that's where you opted out of?

A Yes, sir.

[REDACTED]

Q Did you periodically go back over to [REDACTED] to check on things?

A Almost daily, I would convoy over to [REDACTED] I maintained four vehicles for my platoon -- four fully armored order Chevy Suburbans -- in which I put in machine guns; AT-4s, which is antitank rocket; M-67 frag grenades, nonlethal, so that I could quickly go and re-force, reinforce, or move out of the villas. It was armed mobility so that I had two mutually supporting locations between [REDACTED] and the villas. And that was my organic capabilities.

I also always knew where the keys to the other fully armored vehicles were so that if I needed to start packing people up in the villas, I knew how to get -- how to move those vehicles. Or if we needed to start exfilling individuals from [REDACTED] and centralize at the villas, what vehicles I need to go and pick them up with.

Q Anything else about the Embassy compound in terms of its security or issues that you want to share with the committee?

A No, sir.

Q What kind of interaction did you have -- excuse me, before that -- once you all occupied the Embassy compound, did you have any kind of attacks or encroachments of any kind?

A No, sir.

Q Talk a little about the local militia, local police. Did you have much interaction with them outside the perimeter wall?

A No. Obviously, there's that language barrier. And I did not have any interpreters. So we relied on State or [REDACTED]

[REDACTED]

interpreters to mediate.

One incident -- this was not a threat on either one -- there was lots of celebratory fire. All the time. I mean, their wedding ceremonies start on one day and last like 5 days later. And part of the celebration was basically AKA-47s going off at the cyclic rate while driving circles around. And by an outsider, it may seem like an attack, when it is an actual celebration of two individuals uniting.

A stray round from a Tracer landed inside of [REDACTED] So in order to go through the appropriate steps to make sure that we were not being threatened, we would contact the militia. And in that instance, I would go through an interpreter [REDACTED] talk to the militia like: Hey, what's going on? Oh, we shot our antiaircraft gun that's on the back of our Toyota pickup truck in the air and we just caught one of the stray rounds.

Q Does the FAST team typically have any kind of language capability? Anybody designated for that role?

A No, sir.

Q Did you do any kind of cross-training of any kind with local militia or local police?

A I periodically put marines at the gate to cross-train the local guard force to make sure that they were conducting vehicle searches. I didn't like the way they were doing it, or sometimes how they would just move people through. So I had marines out there teaching them and mentoring them and developing them so that they could operate independently and that I could pull my marines back so they

[REDACTED]

██████████

were not so exposed right at the gate.

Q At some point -- and I don't recall the date -- but do you recall a team from the FBI coming to Tripoli?

A Yes, sir. That is actually the aircraft that Major ██████████ left on, is the plane that brought them.

Q Did you work with those guys at all in any way?

A Yes. So when they conducted interviews, we would put an outer perimeter -- because we would conduct the interviews down in the area of the Embassy compound that was under construction. And so we would provide them with a little additional security, give them their space, obviously, so they could conduct their mission.

Also, whenever we had additional individuals on the deck that were tactically proficient, like their hostage rescue team individuals that came with those investigators, we would integrate them with our security plan, give them an orientation of: Hey, if something happens, this is where I need you; this is where I expect that your individuals that aren't tactically proficient will move to so that we have accountability of them.

So they would be read in on those procedures. But as far as like going and conducting an investigation with them, that never happened. I never went to Benghazi with them.

Q Approximately how many FBI personnel came in that you're aware of?

A Four.

Q And did they bring any additional security personnel with

██████████

them?

A The hostage rescue team.

Q Did that include the four FBI guys?

A Yes, sir. I believe so. It might have been -- it might have been more. My interaction was primarily with the two HST agents and then the main investigator and his assistant, who was a linguist.

Q Did they have any other type of supplemental security that came with them?

A The HST?

Q In addition to that.

A No. Just those two individuals.

Q Did you form any kind of impression of that FBI team while working with them?

A Extremely professional, easy to get along with, very cooperative.

Q All right. Anything else about working with the FBI team you want to share with us?

A No, sir.

Q Approximately how long were they in Tripoli? Or, in Libya?

A They were there for the -- they were coming and going. The HST guys rotated out, but there was a continuous FBI presence for the 90 days that I was there.

Q And did they basically billet at the Embassy when they were at Tripoli, to the best of your knowledge?

A Yes. I put them in one of the rear buildings because they

had some communications equipment they had to set up. So they needed to get away from my communication equipment and the ODA's communication equipment.

Q Do you recall approximately when they arrived?

A I believe it was the 16th, because that is the day that Major [REDACTED] left.

Q And were they still there when you departed 90 days later?

A Again, they were coming and going, but yes.

Q Do you know what a FEST is -- a Foreign Emergency Support Team?

A No.

Q In addition to investigating -- before I go there, let me go back. You mentioned a couple of times ODA. What is an ODA.

Mr. Chipman. Is that an operational detachment?

Captain [REDACTED] Yes, sir. Sorry, the acronym was alluding me.

Mr. Chipman. And that's a Special Forces squad-size element?

Captain [REDACTED] Yes, sir.

BY MR. TOLAR:

Q Do you know where they came from?

A They were there when I got there -- when I got to Tripoli on the 12th?

Mr. Chipman. Was the size of that element, if you can recall? Were there four individuals?

Captain [REDACTED] It was like four or six individuals.

Mr. Chipman. Four or six individuals.

[REDACTED]

BY MR. TOLAR:

Q _____ Lieutenant Colonel [REDACTED]?

A It is, sir.

Q Thank you.

I want to follow up on one issue real quick, too.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

A Our first known aircraft support was that they were going to be in Rota around 11 o'clock in the morning on the 12th. That was the first time that we knew like, Hey, aircraft is coming.

This whole event was kind of surreal, if you will. As a marine, you train, train, train. And you train to fight. That's all you want to do. And like all your training is leading to this.

So when you go to a place like Iraq or Afghanistan, you kind of know beforehand like: Hey, I'm getting ready for this deployment that's going to happen 12 months down the road. So you can kind of anticipate it. But as a contingency force, you don't know when it's going to happen. And FAST experiences may vary. Like a FAST platoon may go its entire lifecycle without getting a mission. FAST Company Europe, it had been many years since they got a contingency mission, while FAST Company in Central Command got a couple of missions between Yemen and Egypt. And so, as a commander, when you start -- that balloon starts going up, it is kind of surreal, like: All right, coach is

[REDACTED]

putting me in. It's time to go and do this.

All this training and preparation, all the blood, sweat, and tears my marines have done, it is time. And so when we we're are getting this altogether and all the marines -- like the motivation level and everything is intensified -- that everything, the time-space analysis of everything becomes very elongated. So things that may take only minutes or hours, it seems like it takes hours and days because of your time-space analysis of what is actually going on around you.

So for when that I was told that aircraft were coming, it seemed like it was a long time. However, in the large scheme of things, in order to communicate through the joint community that we lived in in Europe, that retrospectively it happened in the time it should have happened. And that when we got into Tripoli, however, that there were snags and things that delayed us, it would have not changed the situation on the deck; that when we got there, we got there with ample time to go and secure [REDACTED] and to conduct the leader's recon and then secure the villas and establish those rings; that if we had aircraft aligned with us at 2:30 in the morning when we got that official notification and we were able to immediately get on those aircraft and fly directly to Benghazi, we couldn't have done anything. Because the flight time -- by the time that we landed in Benghazi, it would have been 6:30 in the morning; everything would have been done.

If you want to look at it when I activated my guys around midnight that night, again, the time-space by the time we would have gone on there would have been after 4 o'clock in the morning if we were aligned

with our aircraft.

Q Understood.

A So it is just -- it was a very unique situation that we were put in. And the timelines at some point seem like we were delayed in one way or another, but Murphy always gets a vote. And Murphy got a couple of votes that day, but all in all, the joint community came through, and we were able to get where we needed to get to in a good timeline.

Q In addition to investigating the events surrounding the attacks in Libya on September 11th, 2012, this committee is also tasked to determine what can be done to ensure attacks against American facilities overseas are mitigated, if not prevented, in the future. Knowing that, based on your experience of working with the State Department, in your opinion do you think the State Department views security, in terms of importance -- how do you think the State Department views security in terms of importance in their daily operations.

A So I believe a lot of things have changed. We live in a reactive environment, and we have finite resources. And that's what we saw on September 11th -- we had finite resources. After September 11th, you saw a realignment of when my platoon got back, we went to Ramstein, Germany, to be co-located with our aircraft. We experimented with different levels of alertness, and then we did multiple levels of drills with the Air Force to see how we can be more proficient and get flash to bang closer so that we can get on the

objective faster to prevent something from happening.

Also, what the team in FAST Europe has started doing, with cooperation from the State Department, is embassy visits. So if a facility or an embassy is seen as a high-risk area, FAST Company Europe will go and visit. They will walk through with the defense attache, with the RSO, and: Hey, this is how we would secure it; this is how we would disembark from the aircraft; things that you don't think of until they happen. So this is how we would disembark from the aircraft; this is how we would move from the airport to the compound. If the compound is being overran, this is our rally point where we would kind of get ourselves together before we went and maneuvered on the enemy and then recaptured it.

So all those things are starting to -- were starting to come together when I was leaving, and as I have been told, they are continuing forward progress.

Before September 11th, embassies like in Israel already allowed us or kind of asked us to come and do those things. It was convenient because we would already be in those locations because of theater cooperation missions and then we would just -- we were already on the deck in Tel Aviv, for example, so we could go visit with the defense attache and regional affairs officer and we would war game how we would do it.

Since September 11th, the cooperation of the State Department has allowed us to go and do those visits all over our area of operation.

Q Do you have any specific recommendations that you feel like

[REDACTED]

the State Department should look at or engage in?

A Not specifically for the State Department, no, sir.

BY MR. CHIPMAN:

Q [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

I'm trying to determine --

A That is correct, sir; the latter.

Q The latter.

A [REDACTED]

[REDACTED]

Q [REDACTED]

[REDACTED]

[REDACTED]

A Yes, sir. Now, that changed after September 11th during heightened alert periods when we would geographically align ourselves with the aircraft. So, for example, in December, when my platoon -- after we ex-filled from Tripoli, we went back through some of the training standards that atrophied -- live-fire things -- because all the other training we are able to continue, but live fire obviously atrophied -- redid our training evolutions in Rota, and then we went

[REDACTED]

and geographically located ourselves in Ramstein. At Ramstein, that notification level was tied to aircraft.

A Yes, sir.

Q

A To my knowledge, they were in the theater. That's my understanding.

Q Is that based upon firsthand knowledge from reading reports or was that hearsay, to the best you can recall?

[REDACTED]

Q In Europe. And that was in Sigonella, Italy, or do you recall specifically?

A I don't recall specifically.

Q You don't recall specifically. And you don't recall what time or what date those elements were ostensibly there.

A No, sir.

Q Do you understand they deployed to Sigonella as of the time of this crisis. Or your understanding was they were there before?

A I do not know, sir.

Q If we can follow up on that just a little bit. So you don't know whether they deployed from somewhere to Italy when the crisis began or whether they were already in Italy, but you believe other elements in Libya said they were there?

A [REDACTED]

Q Right.

A [REDACTED]

Q And you had no idea when that capability may have arrived.

[REDACTED]

A No, sir.

Q That's all I need. Thank you.

BY MR. TOLAR:

Q About done here. You were there for 90 days. Who relieved you?

A Elements off the Fort McKinley relieved me. It was a group I believe from 511, which is an artillery battery, and they had some additional support from an assault amphibious vehicle company. And they were put together as what's called a provisional rifle company. They're not infantrymen, but they're kind of a conglomeration of other ground combat elements, and then trained to do a perimeter security mission.

Q Approximately how long was your turnover with those folks?

A I believe it was designed to be 3 days, but my aircraft to extract us was delayed. So we overlapped almost by a week.

Q Are forward deployed Alpha Company elements still in Ramstein today?

A I do not believe so, sir. I believe that during heightened alert status, they actually go to Suda Bay and align themselves with the C-130s -- with the Marine C-130s that are there. I'm not certain.

Q Where's there garrison billet in Europe now? Is it back in Rota where you were?

A Yes, sir, it's back in Rota.

Q Very well.

Is there anything else that you'd like to share with Chairman

Gowdy and this committee about your experience or something that you think we should know?

A No, sir.

Q Thank you.

Mr. Tolar. Let's take -- I've got quarter after 12. Let's take a 10-minute break, please.

[Recess.]

[12:34 p.m.]

Ms. Green. The time is 12:34.

EXAMINATION

BY MS. GREEN:

Q I'll just reintroduce myself. My name is Shannon Green with the minority staff. I'm joined by my colleagues, Heather Sawyer and Laura Rauch.

We don't have a lot of questions for you. You covered it very well in the last couple hours. But on behalf of Ranking Member Elijah Cummings and the other Democratic Members of Congress who serve on this committee, we want to thank you for your service and your sacrifice to the Nation and thank you for agreeing to be here today.

You probably are aware this is the eighth congressional investigation into the response in Benghazi, and this is the first time we've heard from you, so we very much appreciate that.

A You're welcome, and thank you.

Q You spoke a little bit in the last hour about the ability to respond, and you had been notified by your company commander at 2:30. And your platoon, I believe, was ready to go at 5:45.

A Uh-huh.

Q [REDACTED]

A [REDACTED] [REDACTED]

Q And you mentioned that, even had you had aircraft collocated and loaded up within an hour, you could not have made it to Benghazi prior to the second attack. Is that right?

[REDACTED]

A That is correct, ma'am. And as per FAST mission, we are not designed as a hostage rescue force. We are not -- what was happening on the deck on the evening of the 11th to the morning of the 12th is not within the parameters of FAST mission.

Q Right.

A A marine can do it, and a marine FAST platoon can absolutely do it, and we are capable of doing many things. However, we are designed to do limited-duration perimeter security.

So, in order for a FAST platoon to be effective in a place like Benghazi, we would have had to have gone in off the indications and warnings of things that happened in June and put up that layer of steel, that physical indicator to our enemies that American marines are here and don't mess with us.

Q And you mentioned in the last hour even the confusion you had over the uniforms did not make a difference in your ability to complete your mission. Is that right?

A Absolutely not. It did end up being a force multiplier, though, because what we were gathering off the social media after we had got there and then for our duration, that whenever we moved from compound to compound we remained in civilian attire. But when we were in the compound and on post, we were in uniform. What that did is that told the Libyan people that they don't who's a marine and who's not a marine, and they didn't want to mess with the marines. So it gave everyone else Wasta.

Q But, Captain [REDACTED] you also mentioned second and third order

[REDACTED]

effects that could happen as a result of wearing the uniform. What was your understanding as to why the Libyan Government may have recommended that the marines be in civilian attire?

A Not to show that you have American marines on the deck in the country outside of what's seen to be U.S. sovereign territory. So the outside impression that's given of a marine force on the ground in a foreign country is not the most welcoming presence.

Concurrently, you've got Iraq wrapping up and Afghanistan going up. No one wants to be -- this is me kind of making up these answers why they don't want us in uniform -- no one wants to be the next country that's got marines coming in to do what marines do.

Q And so is it possible that the Libyan Government was concerned about fostering further unrest by a visible sign of a foreign military?

A I can't answer that. I don't know.

Q You mentioned in the last hour that you made recommendations at the Embassy to improve security, and you identified some of the concerns that you had at the tactical level in which you were operating.

Q Uh-huh.

A Prior to your arrival in Libya on September 12th, 2012, did you have any visibility into DOD assets that may have been in Libya to provide security?

A The only DOD assets I knew of were the advisory teams that went in there to help identify locations of where they could potentially set up a new Embassy. And I was made aware of the individuals that

went on there on September 12th when we were trying to identify where the Embassy might be so we could pull up satellite imagery and look at it. Outside of that, I had no knowledge of DOD presence within Libya.

Q Thank you.

BY MS. SAWYER:

Q Just in terms of your, I guess, not even situational awareness, but overall awareness, kind of your window into Benghazi and Tripoli kind of started on September 12th, 2012. Is that a fair --

A Yes, ma'am. Libya first came on my radar when I saw on open media on Armed Forces Network that it was being attacked. That was the first time that Libya became a blip on my radar, besides, you know, knowing that an attack had happened in June.

Q So if there had been or to the extent there was a DOD presence even at the Embassy in Tripoli during 2012, you just would not have had an awareness of that presence at prior times at the Embassy in Tripoli. Is that also a fair statement?

A I did not know of any DOD presence in Tripoli or Benghazi.

Q So you wouldn't have been aware if the Department of Defense had had prior opportunities to make recommendations about fortifying, amplifying, or changing security at the Embassy in Tripoli prior to --

A It would depend on what the scope of what that would have been. I mean, if they would have brought in, like, a liaison from FAST or requested us to come to a site survey, yes, I would been made aware of that. If it dealt with other elements of the Department of Defense,

it's purely speculation of whether or not based on who that recommendation would have come from.

Q And you would not have had an awareness one way or the other as to whether that occurred, is that true --

A Again --

Q -- earlier in 2012, prior to you being there on the 12th of September?

A Are you saying if it would have happened? So theoretically?

Q I'm just asking whether you -- I'm just trying to clarify that you would not have had an awareness, one way or the other, if it had occurred or if it had not occurred. You just simply would not have been aware of a DOD presence, a DOD opportunity to make recommendations about improving security at Embassy Tripoli or not. Is that --

A Well, I would have absolutely been made aware of if it had something to do with -- something within the scope of my mission set.

Q If it had involved your FAST platoon --

A If it involved --

Q -- you certainly would have been aware?

A If it involved elements of FAST or elements from the Marine Corps, say, for example, from the MEU, the Marine Expeditionary Unit, I would have been made aware of it.

Things that I would not have been made aware of, for example, would be, like, the level of which the Department is going to have its defense attaches or a discussion of imminent marine security guards there or

not. I probably would not have been made aware of that.

Marine security guards operate under Title 22. We operate under Title 10. So there's just some differences in that and then how they operate. But whether I would have been made aware or not made aware is purely circumstantial upon what level the Department of Defense was involved with that Embassy.

Q And you also had in a both going forward and a little bit looking back way, had indicated that now there is a mechanism for the FAST platoon, such as the one that you were commanding, to have an opportunity to visit -- I think you called them embassy visits -- embassies that are in high threat areas and make recommendations akin to what you were able to make as of the 12th at various embassies overseas.

A Yes, ma'am. Prior to September 11th, we had limited participation in site visits. And the example I made was Tel Aviv. Tel Aviv welcomed us in, gave us a walk around, and we met with the regional security officer and went over possible courses of action if they became threatened, like what we would do in noncombatant evacuation, where we would put posts, things of that nature.

Now, post-September 11th, more embassies are participating in this and being much more active so that the unknown unknowns are discovered, and we're able to go over how to get from -- how to work through those finite details of little things, like I brought up, like getting equipment off the aircraft to the Embassy.

BY MS. GREEN:

Q Okay. Shifting gears, I would just like to ask you a series of questions about a number of public allegations related to the attacks.

We understand that the committee is investigating each of these allegations and, therefore, we have to ask everyone about them. You'll see that there are a lot of these allegations, so this takes a while. And I apologize in advance and ask you to please just bear with me.

For the most part, I'll just ask whether you have any evidence or firsthand information to support each of the allegations. And if you do not, we can move to the next one.

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

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

A No, ma'am.

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

A No, ma'am.

Q It has been alleged that Secretary Clinton personally signed an April 2012 cable denying security to Libya. The Washington Post fact checker evaluated this claim and gave it four Pinocchios,

its highest award for false claims. Nonetheless, this allegation has persisted.

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

A No, ma'am.

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

A No, ma'am.

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

Do you have any evidence that Secretary Clinton misrepresented or fabricated intelligence on the risk posed by Qadhafi to his own people in order to garner support for military operations in Libya in the spring of 2011?

A No, ma'am.

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

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

arms from Libya to Syria?

A No, ma'am.

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

A No, ma'am.

Q A team of CIA security personnel was temporarily delayed from departing the Annex to assist the Special Mission Compound, and there have been a number of allegations about the cause and appropriateness of that delay. The House Intelligence Committee issued a bipartisan report concluding that the team was not ordered to stand down, but that instead there were tactical disagreements on the ground over how quickly to depart.

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

A No, ma'am.

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

A No, ma'am.

Q A concern has been raised by one individual that in the course of producing documents to the Accountability Review Board,

damaging documents may have been removed or scrubbed out of that production.

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

A No, ma'am.

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

A No, ma'am.

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

A No, ma'am.

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

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

A No, ma'am.

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

A No, ma'am.

Q It has been alleged that Ambassador Susan Rice made an intentional misrepresentation when she spoke on the Sunday talk shows about the Benghazi attacks.

Do you have any evidence that Ambassador Rice intentionally misrepresented facts about the Benghazi attacks on the Sunday talk shows?

A No, ma'am.

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

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

A No, ma'am.

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

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

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

A No, ma'am.

Q It has been alleged that the military failed to deploy assets on the night of the attack that would have saved lives. However, former Republican Congressman Howard "Buck" McKeon, the former chairman of the House Armed Services Committee, conducted a review of the attacks, after which he stated: "Given where the troops were, how quickly the thing all happened, and how quickly it dissipated, we probably couldn't have done more than we did," end quote.

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

A No, ma'am.

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

A No, ma'am.

Ms. Green. That concludes our questions --

BY MS. SAWYER.

Q I just had a couple of questions that I wanted to finish with.

You had indicated early in the first hour that your role was really at a tactical level, to make sure that your platoon was absolutely ready to go --

A Uh-huh.

Q -- as quickly as they could be and to go wherever they were asked to go in terms of their mission and their deployment, and that you worked as quickly as you could and worked with your team as quickly as you could and you were ready to go --

A Yes, ma'am.

Q -- at 5:45 a.m. Is that --

A Yes, ma'am.

Q Now, at that point in time, did you have an awareness, at 5:45, if we go to that DOD timeline that you were given as exhibit 1, and if you take a look on page 2, it indicates at 5:15 a.m., "The second facility in Benghazi comes under mortar and rocket propelled grenade fire."

At 5:45, when you were ready to go, were you aware that that had occurred on the ground?

A So what I was made aware of what was being broadcasted over open source media. The knowledge of intimate details, what specifically was happening on the ground in Benghazi, was not made aware to me until after the fact.

For example, I did not know that individuals had been evacuated from that State compound and moved to a CIA compound that was geographically separated. I was not made aware of that evacuations were going on via C-17.

Q So you were not being made aware in real time the night of the attacks as to what was unfolding on the ground?

A No, ma'am.

Q Would you have expected that the individuals who were making the decisions as to what was appropriate for your particular platoon to do in terms of a mission would have been aware of those incidents that night?

A The information we needed to operate, we were receiving it. Would it have been nice to have more information? Absolutely. Can I Monday morning quarterback all of this and say all these nice to haves? Sure. But was I given the necessary information to execute the mission that I was tasked to do? Yes.

Q And at the point in time that you are at the hangar ready to load the plane and go, 5:45 is a half-hour looking at this time line, a half-hour after the second attack. Is that accurate? Just looking at the time lines, it says 5:15.

A Yeah. I mean, roughly. Again, what I wanted to specify is the time lines I gave you, for example, like 9 o'clock, I think I said -- I'm sorry -- 2100 we landed. You know, we took off at 1600. The second plane went on behind.

These are rough time lines of an event that happened years ago

and that I'm not looking at detailed notes, nor am I looking at detailed sitreps. So my knowledge of these events have atrophied.

Q Captain [REDACTED] can I just state, this is absolutely not a criticism of you.

A I just wanted -- yes, ma'am.

Q There's information and decisions being made above your level?

A Yes, ma'am.

Q You would not expect that you would be informed in real time --

A Right.

Q -- about higher-level discussions, which assets to send where --

A Right.

Q -- additional regional rifts, for that matter?

A Yes, ma'am.

Q Okay.

A And the only reason why I bring that up is that, whether we were at the hangar ready to go at 5:45 or it was 5:50, it's minute, because we knew the aircraft weren't going to be there for hours.

So, for example, like I instructed my marines: Hey, lay on your packs and get some rest because it's going to be a long night. Across from the terminal was the PX, so: Hey, if you guys forget some stuff or you need some more tobacco or whatever, like, now is the time.

Because we knew we had time. Like, we were ready, but obviously

there's other things that needed to catch up, that there is a -- we can outpace our logistics very quickly, and that's why we need other things to catch up.

Q All right. Even had the planes been there, I think, collocated with you at the air place when you were there at, you said 5:45 or 5:50, there still was the matter of flight time.

A Yes, ma'am.

Q Just the pure tyranny of distance, as they say, or the logistics to actually get to where your mission would then be. Is that --

A Yes, ma'am.

Q So in terms of that -- and granting that there was the attack at 5:15 and evacuation of the first wave of folks just 2 hours later at 7:40 a.m., and then the final Americans who had been in Benghazi were evacuated from Benghazi to Tripoli as of 10 a.m., even had the plane been there -- and, again, setting aside what you've very, I think, fully explained with regard to your capabilities not being hostage rescue -- as just a pure logistical matter putting that all together, is there any way that you feel that you could have been there in that timeframe?

Certainly, not before the mortar attack at 5:15. Then it's only 2 hours later to 7:40 when the first plane gets out safely. And then I think it's a matter of 10, the second plane, at which point they're all leaving as you guys presumably are arriving.

A So let's say I am collocated somewhere in Europe with

aircraft and we are extremely on the dial and that everyone can tune in to these little indicators and quickly make the decision of what asset needs to go where.

And so we look at the beginning of the time line at 3:42 p.m. on the 11th. So the soonest I could be there is 4 -- well, Benghazi is a longer flight time than Tripoli. It's about an hour longer. So the quickest I could be there would be 8 o'clock in the evening. That's if we went right away.

That's not the case. That's never going to be the case because there's going to have to be decisions that happen way above a tactical-level commander of who needs to go where.

Q And with regard to any of the decisions that were made that night, do you have any doubt that those decisions reflected the best military judgment, based on what was unfolding in real time, by the people authorized to make them?

A Yes, ma'am. Because if we had rushed into something -- we need to take the tactical patience to assess the situation and make sure that we have -- that we are assigning the appropriate asset to accomplish the mission. And that goes with the aircraft to get us in there, that goes with what unit that they're going to assign. So I believe that it did happen appropriately.

Q The decisions that were made on that night were fully appropriate?

A To my knowledge of what decisions were made, yes, ma'am.

Q Thank you very much for your patience. As I indicated, you

know, I am an ultimate layperson. My goal here, I feel like I'm the great canary in the coal mine. If I can understand it, hopefully the Members, who I think have been really wanting and needing to understand, will be able to understand.

So I appreciate your patience with my questions and, you know, we very much appreciate your service to the country. It is invaluable. And all of the Members, I know, are truly appreciative of that as well as your time today. So thank you.

A Yes, ma'am.

Mr. Tolar. Are you done?

Ms. Sawyer. Yes.

BY MR. TOLAR:

Q Two quick follow-ups, real quick.

Again, you have never testified before Congress regarding what happened in September 2012 in Libya, correct?

A No, sir, I've never.

Q To the best of your knowledge, has Major [REDACTED] ever testified before Congress regarding those same events?

A No, sir, he has not.

Q To the best of your knowledge, has anybody associated with the FAST Company ever testified before Congress regarding those events?

A No, sir.

Q Second question: Regarding the civvy issue, were you aware or did you believe that the Libyan Government was responsible for requiring you to change from civvies into uniform?

A No, sir. I do not know who was responsible.

Q Thank you.

And I just want you to know we understand what a burden it is for you to be here today away from your job, away from your family. Your testimony was very important, and we appreciate it.

On behalf of Chairman Gowdy and the committee, I want to thank you and your family for your service to the country. Thank you.

A Thank you.

Mr. Tolar. That ends this deposition.

[Whereupon, at 1:04 p.m., the interview was concluded.]

EXHIBIT 1



THE ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, DC 20301-1300

LEGISLATIVE
AFFAIRS

The Honorable Howard P. "Buck" McKeon
Chairman
Committee on Armed Services
U.S. House of Representatives
Washington, DC 20515

MAY - 1 2013

Dear Mr. Chairman:

I write in response to your April 17, 2013 letter to Secretary Hagel requesting a classified version of the Department of Defense (DoD) timeline of the attack on U.S. facilities in Benghazi, Libya.

The Department has made every effort to provide the Committee a comprehensive understanding of the Department's actions before, during, and after the attack in Benghazi. Specifically, the Department issued an unclassified timeline which captures significant DoD actions in response to the evolving situation in Benghazi. This timeline, which is attached, was supplied to Congress on November 9, 2012. The substance of this timeline was publicly released on November 10, 2012. In addition, the Department contributed to the National Counterterrorism Center's classified timeline dated November 13, 2012, previously provided to the congressional intelligence committees, congressional appropriations' defense subcommittees, and House and Senate leadership offices by the Office of the Director National Intelligence on November 14, 2012. The Department did not produce a formal classified timeline, but rather only draft working products to assist witnesses and briefers in preparation for numerous Congressional engagements. By practice, such draft working products are not distributed beyond DoD.

The Department has participated in numerous staff and Member engagements including classified briefings to Committees of jurisdiction. The Department has also responded to dozens of written requests for information in an effort to provide Congress a detailed chronology of the Department's actions surrounding the attack.

The Department remains committed to accommodating Congress in its oversight responsibilities including your investigation of the attack in Benghazi. Please feel free to contact me for any additional information you may need.

Sincerely,

Attachment:
As Stated

cc:
The Honorable Adam Smith
Ranking Member

Timeline of Department of Defense Actions on September 11-12, 2012

All times are Eastern Daylight Time (EDT, Washington, DC)
and Eastern European Time (EET, Benghazi)

Tuesday, September 11, 2012

EDT // EET

- ~3:42 pm // 9:42 pm The incident starts at the facility in Benghazi.
- 3:59 pm // 9:59 pm An unarmed, unmanned, surveillance aircraft is directed to reposition overhead the Benghazi facility.
- 4:32 pm // 10:32pm The National Military Command Center at the Pentagon, after receiving initial reports of the incident from the State Department, notifies the Office of the Secretary of Defense and the Joint Staff. The information is quickly passed to Secretary Panetta and General Dempsey.
- 5:00 pm // 11:00pm Secretary Panetta and General Dempsey attend a previously scheduled meeting with the President at the White House. The leaders discuss potential responses to the emerging situation.
- 5:10 pm // 11:10 pm The diverted surveillance aircraft arrives on station over the Benghazi facility.
- ~5:30 pm // 11:30 pm All surviving American personnel have departed the facility.
- 6:00-8:00 pm //
12:00-2:00 am Secretary Panetta convenes a series of meetings in the Pentagon with senior officials including General Dempsey and General Ham. They discuss additional response options for Benghazi and for the potential outbreak of further violence throughout the region, particularly in Tunis, Tripoli, Cairo, and Sana'a. During these meetings, Secretary Panetta directs (provides verbal authorization) the following actions:
- 1) A Fleet Antiterrorism Security Team (FAST) platoon, stationed in Rota, Spain, to prepare to deploy to Benghazi, and a second FAST platoon, also stationed in Rota, Spain, to prepare to deploy to the Embassy in Tripoli.
 - 2) A EUCOM special operations force, which is training in Central Europe, to prepare to deploy to an intermediate staging base in southern Europe.
 - 3) A special operations force based in the United States to prepare to deploy to an intermediate staging base in southern Europe.
- During this period, actions are verbally conveyed from the Pentagon to the affected Combatant Commands in order to expedite movement of forces upon receipt of formal authorization.
- ~6:30 pm // 12:30 am A six-man security team from U.S. Embassy Tripoli, including two DoD personnel, departs for Benghazi.

- ~7:30 pm // 1:30 am The American security team from Tripoli lands in Benghazi.
- ~8:30pm // 2:30 am The National Military Command Center conducts a Benghazi Conference Call with representatives from AFRICOM, EUCOM, CENTCOM, TRANSCOM, SOCOM, and the four services.
- 8:39pm // 2:39 am As ordered by Secretary Panetta, the National Military Command Center transmits formal authorization for the two FAST platoons, and associated equipment, to prepare to deploy and for the EUCOM special operations force, and associated equipment, to move to an intermediate staging base in southern Europe.
- 8:53pm // 2:53 am As ordered by Secretary Panetta, the National Military Command Center transmits formal authorization to deploy a special operations force, and associated equipment, from the United States to an intermediate staging base in southern Europe.
- ~11:00 pm // 5:00 am A second, unmanned, unarmed surveillance aircraft is directed to relieve the initial asset still over Benghazi.
- ~11:15 pm // 5:15 am The second facility in Benghazi comes under mortar and rocket propelled grenade fire.

Wednesday, September 12, 2012

- 12:05 am // 6:05am AFRICOM orders a C-17 aircraft in Germany to prepare to deploy to Libya to evacuate Americans.
- ~1:40 am // 7:40 am The first wave of American personnel depart Benghazi for Tripoli via airplane.
- ~4:00 am // 10:00 am The second wave of Americans, including the fallen, depart Benghazi for Tripoli via airplane.
- 8:15 am // 2:15 pm The C-17 departs Germany en route Tripoli to evacuate Americans.
- 1:17 pm // 7:17 pm The C-17 departs Tripoli en route Ramstein, Germany with the American personnel and the remains of Ambassador Stevens, Sean Smith, Tyrone Woods, and Glen Doherty.
- 1:57 pm // 7:57 pm The EUCOM special operations force, and associated equipment, arrives at an intermediate staging base in southern Europe.
- 2:56 pm // 8:56 pm The FAST platoon, and associated equipment, arrives in Tripoli.
- 3:28 pm // 9:28 pm The special operations force deployed from the United States, and associated equipment, arrives at an intermediate staging base in southern Europe.
- 4:19 pm // 10:19 pm The C-17 arrives in Ramstein, Germany.

INTERVIEW OF CHERYL MILLS

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, SEPTEMBER 3, 2015

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

PHILIP G. KIKO, *Staff Director and General Counsel*
CHRIS DONESA, *Deputy Staff Director*
DANA CHIPMAN, *Chief Counsel*
SHARON JACKSON, *Deputy Chief Counsel*
CRAIG MISSAKIAN, *Deputy Chief Counsel*
MAC TOLAR, *Senior Counsel*
CARLTON DAVIS, *Counsel*
SARA BARRINEAU, *Investigator*
KIM BETZ, *Member Outreach Liaison and Counsel*
HEATHER SAWYER, *Minority Chief Counsel*
PETER KENNY, *Minority Senior Counsel*
SHANNON GREEN, *Minority Counsel*
LAURA RAUCH, *Minority Senior Professional Staff*
DANIEL REBNORD, *Minority Professional Staff*

FOR MS. MILLS

BETH ANN WILKINSON
HAL BREWSTER
ADAM SCHWARTZ

Ms. Jackson. Good morning, Ms. Mills. Again, my name is Sharon Jackson. And this is a transcribed interview of Cheryl Mills conducted by the House Select Committee on Benghazi. This interview is being conducted voluntarily as part of the committee's investigation into the attacks on the U.S. diplomatic facilities in Benghazi, Libya, and matters related to that pursuant to House Resolution 567 of the 113th Congress and House Resolution 5 of the 114th Congress.

Could we have your name, please, for the record.

Ms. Mills. My name is Cheryl Mills.

Ms. Jackson. Okay. Good morning, and we appreciate your appearance here today.

And what I would like to do in the next few minutes is go over sort of the ground rules that will apply to this interview. As you know, everything has ground rules and we have them here too.

Ms. Mills. Okay.

Ms. Jackson. So, again, I introduced myself, but I am Sharon Jackson. I'm with the majority staff. And the first thing I'd like to do is go around the room and have everyone identify themselves so we have a record of who's here.

So we'll start with the counsel that is accompanying you and work our way counterclockwise around the room.

Ms. Wilkinson. Good morning, Ms. Jackson. My name is Beth Wilkinson.

Mr. Schwartz. Good morning. Adam Schwartz.

Ms. Jackson. Okay. And in the back?

Mr. Brewster. My name is Hal Brewster.

Mr. Kenny. Peter Kenny with the minority staff.

Ms. Sawyer. Heather Sawyer with the minority staff.

Mr. Jordan. Jim Jordan.

Mr. Gowdy. Trey Gowdy.

Mr. Davis. Carlton Davis.

Ms. Barrineau. Sara Barrineau with the majority staff.

Ms. Betz. Kim Betz with the majority staff.

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

Mr. Missakian. Craig Missakian, majority staff.

Ms. Rauch. Laura Rauch with the minority staff.

Ms. Green. Shannon Green with the minority staff.

Mr. Rebnord. Dan Rebnord with minority staff.

Mr. Donesa. I'm Chris Donesa with the committee.

Mr. Kiko. Phil Kiko with the committee.

Ms. Jackson. Okay. All right. So I'll take a few minutes to talk about those ground rules and explain how the interview will proceed.

Generally, the way the questioning has proceeded is that a member from the majority will ask questions for up to an hour and then the minority staff will have the next hour to ask questions. Questions may only be asked by a Member of Congress or a member of the staff of the committee. We will rotate back and forth in those hour increments until we're out of questions and the interview will then be over.

Ms. Mills. There's no hour for me?

Ms. Jackson. You'll be doing a lot of talking today.

Ms. Mills. No, I want to ask you. Okay. That's fair.

Ms. Jackson. Yes. Unlike testimony or a deposition in Federal court, the committee format is not bound by the rules of evidence. The witness or their counsel may raise objections for privilege subject to review by the chairman of the committee. If these objections cannot be resolved in the interview, the witness can be required to return for a deposition or a hearing.

Members and staff of the committee, however, are not permitted to bring up objections when the other side is asking questions. So again, your counsel can raise objections for privilege and then it would be subject to the review of the chairman of the committee.

And I would note that we are joined by Mr. Westmoreland, who is a member of the committee.

Ms. Mills. Hi. How are you? It's very nice to meet you.

Ms. Jackson. Our session today is unclassified. If you feel that any question calls for a classified answer, please let us know and we will reserve its answer until another time. We are in a classified setting; however, the interview is going to be unclassified.

Ms. Mills. So that means if you all ask a question that might end up implicating classified information, even though we're in a SCIF, I shouldn't answer that?

Ms. Jackson. It is my understanding that not everybody has the appropriate level of clearance to hear the classified information.

Ms. Mills. Okay.

Ms. Jackson. You are welcome to confer with counsel at any time throughout the interview, but if something needs to be clarified, we would ask that you first make that known. Just ask that we restate the question, repeat it, rephrase it in some way so that you understand.

Ms. Mills. Okay.

Ms. Jackson. We will also take a break whenever it's convenient for you. Generally, we do this after every hour of questioning. We'll take a 10-minute, 15-minute break at that time to allow everyone to -- the minority and the majority to switch seats out for the questioning and let everybody --

Ms. Mills. You actually change seats?

Ms. Jackson. Yes, because of the microphones for the reporters.

Ms. Mills. Okay.

Ms. Jackson. Yes. So, but during the round of questioning, should you need anything, a glass of water, use of the facilities, to confer with your counsel, please just let us know. We'll go off the record, take a break and allow you the opportunity. We're going to try and make this as comfortable as possible for you.

Ms. Mills. Thank you. I've been waiting all day for that.

Ms. Jackson. As you can see, we have an official reporter taking down everything that is said so that we can have a written record of this. So we ask that you give verbal responses to all questions that are posed, yes and noes as opposed to nods and shakes of the heads, as is human nature.

And I'm also going to give the reporter permission to interrupt

the proceedings if we tend to talk over each other. There's a habit that we all have of starting to give an answer before the question is done or asking the next question before the answer is fully given. So I'm going to try and be very cognizant of that and allow you to finish before I go on to the next question. But if we talk too fast or interrupt each other, the reporter has our authority to interrupt us and tell us to slow down or one at a time.

Again, as I said, we are here in a voluntary interview, but we do want to get a written record of your answers to the questions that we have posed. So, again, if you need anything repeated or clarified, please ask because we will be happy to clarify.

We ask that you give us the most complete and best answer that you can to our questions. We understand that there has been a passage of time and memories fade over time and that you may not remember all of the details with the clarity that you knew them at that time. But we do ask that you give us as much information as you can to the answers that we have.

If you honestly don't know the answer to a question or do not remember, it's best not to guess. But if you can't remember, just tell us, but inform us who might have that information. If there was someone else in the room, someone else present that might be privy to the same information that you had at that time. But, again, we ask that you give us the most complete answer you can to the questions that we pose.

Do you understand that you are required to answer questions from Congress truthfully?

Ms. Mills. Yes, I do.

Ms. Jackson. Okay. Do you understand that that also applies to questions that are asked by staff of a committee?

Ms. Mills. Yes.

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

Ms. Mills. Yes.

Ms. Jackson. Okay. Is there any reason that you would be unable to provide truthful answers to today's questions?

Ms. Mills. I hope there's none.

Ms. Jackson. Okay. Well, that's the end of my preamble and the ground rules.

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

Ms. Sawyer. Just briefly, we would like to welcome you here today, Ms. Mills. We very much appreciate your willingness to appear voluntarily and to be here so early with us. The ranking member hopes to join us soon and will also look forward to hearing your testimony today.

It's our understanding that your counsel on your behalf had requested that the interview be conducted publicly, and it's also our understanding that that request was denied. So I just wanted to give your counsel an opportunity to comment on that if she would like. We were not party to the conversations about it. So on behalf of the minority members, to the extent Ms. Wilkinson would like to comment,

we would like to give her the opportunity.

Ms. Wilkinson. I don't have any comment. We made our request. It was turned down. I would only ask today that at the end of the day, because this is an unclassified hearing, as was just explained to us, that the transcript be released publicly; ask the chairman consider that request, please.

Ms. Sawyer. And then I just want to note as we begin that the majority is still seeking documents from the State Department and as has been noted, there is an issue of security clearance, as we understand it. Nonetheless, we've decided to proceed today. The minority is fully confident that the committee will have the opportunity to ask all of the questions it needs, and we certainly don't believe that these factors should justify asking you to return on multiple occasions to appear before us.

So, again, thank you, welcome, and we look forward to talking to you.

Ms. Mills. Thank you.

Ms. Jackson. Okay. With that, we'll begin the first hour of questioning. I see that my watch says it's about 8:17.

EXAMINATION

BY MS. JACKSON:

Q Ms. Mills, could you just walk us through your professional background since law school.

A I graduated from law school in 1990. Went to Stanford Law School. When I left Stanford Law School, I went and worked at Hogan

& Hartson, which is a law firm here in town, and I worked for David Tatel, who now sits on the D.C. Circuit, but was doing education desegregation law, so trying to support those school districts that were still trying to implement the promises of Brown v. Board of Education. I was there for almost 2 years, actually, I guess a little over 2 years.

During that time period, I ended up going to work on the preplanning for the transition of then-Governor Clinton who was then subsequently elected President Clinton's campaign. I worked there from the summer of 1992, I believe -- wow, I'm so old now. Okay -- until I went to work in the counsel's office, which was -- that was in 1991 and then I went to the counsel's office in 1992.

I worked there until -- I was there for 7 years and then I went from there to work at Oxygen Media for 2 years. And from Oxygen Media I went to go work at NYU, and then I left NYU to come to the State Department. I was at the State Department during Secretary Clinton's tenure. And then I left and have been building businesses in Africa as well as having a few clients that I actually provide advice or consulting to.

Q Okay. Obviously, you met Secretary Clinton during your White House tenure, or had you met her before?

A I met her in Little Rock, so I met her in 1991. I didn't know her obviously -- when I met her, I didn't know her as well then and got to know her better during the time I was in the White House and the time that I was in Little Rock. I knew President Clinton better

when I was in Little Rock.

Q Okay. Did you work on Secretary Clinton's 2008 presidential campaign?

A Yes. Yes. And I did that -- actually, I took a leave part time from NYU and I was a consultant on her campaign. And I was on her campaign from, I think it was 2007 and 2008, might have been just 2008, but it was in that time period I was there, correct.

Q Do you recall approximately how long you were there?

A I was there until she transitioned into the State Department.

Q So you stayed with her campaign until you -- then she became Secretary of State?

A She became Secretary of State. Yeah, I was a consultant always to the campaign so I was never a full-time employee of the campaign, but I stayed with her through the period of time where she ultimately then made the decision to accept the offer to be Secretary of State and then become Secretary of State.

Q And when did you become her counselor and chief of staff?

A So I came to the Department in a part-time capacity because my objective was to replace myself and have someone else have the joy of serving as counselor and chief of staff. So I --

Q You were unsuccessful in that endeavor?

A I was. I was. I was. Alas, here we are. So I ultimately in about -- I decided in the spring that I would stay and so I transitioned to being a full-time employee, I believe, in the spring,

so like May of 2009.

Q Well, I understand how part-time employment works in the District of Columbia, so was your time when she first became Secretary of State until you became full time, were you a consultant to her? Were you a part-time employee?

A So at the Department, they have different special government employee statuses, so I was an unpaid consultant to her during that time period. And they have different categories that they put people in, so that's the category I was in.

Q Okay. And she became Secretary of State on the day the President was inaugurated?

A No, the next day. I can remember that. Yeah, I think it was the next day. So she was like, I think, the 21st, if I remember it.

Q So you were with her from the onset of her being Secretary of State?

A I was with her from the onset of her being Secretary of State. I was part time obviously because I was an unpaid consultant, but yes, I was there and tried my best to be supportive and also tried my best to find somebody to replace me.

Q Okay. And then when was it that you went full time as chief of staff?

A I believe I went full time in May of 2009, it would be.

Q During the time that you were the unpaid consultant at the State Department, did you have any other employment at that time?

A Yes, I was part time at NYU.

Q Okay. So your leave of absence had ended?

A So with NYU I was part time. I was a consultant, so I was always part time. So NYU was stepping through a process of being able to establish a university in Abu Dhabi, and so that was the one matter that I was continuing to work on for the university.

Q Okay. And I just want to make sure that that I have this, but had you --

A So I was part time at the university and I was a consultant to the campaign and then I was still part time at the university and an unpaid consultant in the State Department.

Q Okay.

A Does that help?

Q Yes.

A Okay, good.

Q Yes.

And how long were you at the State Department as chief of staff?

A I was there until February 1st, which I believe is her last day in office.

Q And then --

A 2013, sorry, I should say.

Q Yes. And then did you have any role or work as a consultant for the State Department after that time?

A Yes. I was an unpaid -- you know, the unpaid part. I was an unpaid consultant and the Haiti Envoy, so I provided part-time

service in our role and leadership on Haiti. So it was that transition period to inspire that country that we were just as committed to them as we had been.

Q And on or after February 1, 2013, then what has been your paid employment?

A Right. So thank you. My paid employment is I have consultants that I give -- so I advise a couple of clients and that has been my paid income.

Q Okay. Have you had any other professional affiliation with either former President Clinton or Secretary Clinton?

A Could you elaborate more?

Q Have you served on any boards of the Clinton Foundation or anything like that?

A I do serve on the board of Clinton Foundation currently.

Q Okay. And had you in the past?

A Before I went into the State Department I had served on the board of the Clinton Foundation after I had left government from a long time ago.

Q Okay. And do you remember what those years were?

A I don't. Because I actually served on the board of the Clinton Foundation, the Leadership Conference on Civil and Human Rights, the National Partnership for Women and Families, and See Forever, which is a foundation that my partner and I founded for kids in the juvenile justice system. And I served on all of those, I think, at a similar time and then stepped off of them when I went into the

State Department.

Q Okay. And then have you resumed your service on those boards after you left the State Department?

A I am on the See Forever Foundation and I am on the Clinton Foundation board. I now also have joined the board of BlackRock, which is a for profit.

Q Are there any other foundations or boards that you currently serve on?

A So I have a company that is building businesses in Africa and I sit on the board of my company, but other than that, no.

Q Okay. Are any of these boards funded by the Clinton Foundation, or are any of the organizations on which you serve as a board member funded by the Clinton Foundation other than the Clinton Foundation?

A No.

Q Like See Forever or --

A Oh, no, I see what you're saying.

Q Yes.

A They are independent organizations. They are not connected with the Clinton Foundation.

BY MR. DAVIS:

Q At the beginning of Secretary Clinton's tenure at the State Department, you said you were an unpaid consultant?

A Uh-huh.

Q Did she have a separate chief of staff during that time

period?

A No, I was acting in that role, and I was basically an unpaid consultant helping to try and manage her transition in, so I was basically providing for the transitional support in. And during that time period we were seeking to identify somebody who could actually be a full-time partner, yeah.

Q Okay.

BY MS. JACKSON:

Q Ms. Mills, we're here to talk about the attacks on the U.S. diplomatic facilities in Benghazi, so I want to ask you about a series of questions about the night of the attack. How did you first learn that the U.S. diplomatic facility in Benghazi was being attacked on September 11, 2012?

A I learned that because staff in the front office of Secretary Clinton's office came in to say that they had just gotten reports that there was an attack on our compound.

Q Okay.

A That was probably like late afternoon.

Q Okay. So you were in the building and in the facility and in your office?

A Yes. The way our offices are set up, Secretary Clinton's office is, she has two offices. She has a front office that's a big, open area, that's the ceremonial office. There's then a back office. It's smaller, like about half the size of this room. And then behind that room is another office which is the chief of staff's office, which

is supposed to make you feel good because you're connected, but it's really teeny.

But at any rate, that's where my office was. And you could walk through those spaces so there was an interior door that I could walk through. And I can recall that at some point in that time period, either the Executive Secretary or the EA came in to say that there's an attack on -- there's an attack happening on our compound.

Q Okay. And who was the Executive Secretary at the time?

A The Executive Secretary was Steve Mull, I believe; and the executive assistant was Joe Macmanus. And it also could've been someone else, I mean, but it was in that -- her front office space she also had some assistants as well. But I do recall they were passing in saying there was an attack happening.

Q Were you in a meeting with the Secretary at the time?

A I don't believe I was in a meeting, but I do know that kind of it was -- we learned because there were a couple of people around -- and I can't even tell you who that was now, but I can remember being surprised that there was an attack on our compound and asking what's going on.

Q Okay. Because you said that they passed you a note, so were you in --

A So they came in with something which they were reading, so I'm assuming they were reading either an ops alert or something that they had. So that's my best kind of today recollection of that moment.

Q Okay. Do you recall, did they hand you that piece of paper?

A No. I remember more that they were reading from it, but I could be wrong about that too, you know. I'm just doing my best.

Q Okay. And were you given any further details other than there was an attack on the facility?

A Not that I recall right now. I just remember them saying that our compound was being attacked.

Q Okay. Do you recall, was the Secretary with you at that time?

A I don't know if she had heard before me and was hearing it again. I just know that at the time I was learning it, she was also there.

Q Okay. And was that in her office or your office?

A It was in her office space.

Q All right. Who else do you recall being there other than yourself, Mr. Mull, Mr. Joe Macmanus, and the Secretary?

A So I don't know if Steve Mull or Mr. Joe Macmanus came in. I can't tell you which one of those it was or if it was one of the special assistants, So I want to be transparent about any memory in that regard. I don't recall. Like, I just don't recall. I don't recall if I was standing there talking and somebody came in or what the flow was, but I remember being in that space at the time when I learned.

Q Okay. What did you do once you had this information?

A Well, so we all immediately tried to do the same thing: Learn more. What's happening? How is it happening? Are we getting any more information? And that started the process of, the Department

has an ops, an operation center and it also has task force that mobilized when there is a crisis. And so they tend to become the focal point of information that is provided to the Department.

And so it is typically then that you are reaching to them or reaching to their supervisor to ask what they're learning. And I know that was kind of the rest of the night was trying to learn what the operations center was learning. The rest of the night was trying to reach out to learn if there were other places that were getting information that might help shed light not only on what was happening but how we could help.

Q And where is the operations center physically located?

A It's on the seventh floor. It's about 50 to 70 feet down the hallway from the wing where the senior leadership sits including the Secretary. It's outside [REDACTED] the wing that the senior leadership sits in is a hallway, [REDACTED] It's outside, so you have to walk outside the doors and walk about 50 feet. They themselves also work [REDACTED] but they have a big space that they all operate out of.

Q Okay. And when you say the senior leadership of the State Department, can you give us an idea of who that encompasses?

A Yes. So if you were walking down that hallway, the senior leadership encompasses the Under Secretary for Political Affairs, who at that time was Wendy Sherman; it encompasses the Deputy Secretary for Management, who at that time was Tom Nides; it encompasses the Chief of Staff's office, the Secretary's office, the staff who support the

Secretary's office or the Executive Secretary's staff.

And then it encompasses the Deputy Secretary for the Department, who at that time was Bill Burns, and their staff. And that is kind of if you were walking internally the pathway, you would walk by all of those different offices that are in that space.

Q Okay.

A They're not the only senior leadership in the Department; they just happen to be the senior leadership that's on that wing.

Q Okay. Is there any other senior leadership on the seventh floor?

A Oh, yes, there are. Most of the senior leadership of the Department -- or a lot of the senior leadership of the Department is on the seventh floor. So the Under Secretary, for Management is on the seventh floor. I couldn't tell you all the different ones that are there, but yes, there are.

Q Okay. So when you're talking senior leadership, are you talking the Under Secretary level and above or --

A The Assistant Secretary or above is what we deem our senior leadership in the Department.

Q Okay. And are there any Assistant Secretaries that are on the seventh floor?

A There might be. I don't -- you know, I don't know the answer to where everybody's office was, but yes is probably the answer to that question. But I would be guessing.

Q Okay.

BY MR. DAVIS:

Q You mentioned when you learned about the attack you were not sure if the Secretary had heard before or if this was the first time that she was learning about it?

A Well, so, yes, and I'm only telling you my impressions at the time. And so I don't know if somebody had just been in the moment before and this was a second person coming into say and this is what we're learning, or if that was the first moment somebody had walked in.

Q Okay. And what do you recall her reaction being?

A She was incredibly concerned.

Q Did you have any subsequent conversation with her immediately upon her learning of that --

A I mean, her immediate reaction, which is one that I think gets trained into you when you've been at the Department for a while is, well, what are we hearing from ops? What are we hearing from any of the other agencies? What are we doing to protect them? So it's, you immediately go into thinking about the different mechanisms you have both for information and help.

Q And how long did you remain with her after she learned this information for the first or second time?

A I don't know. Because I know that we all started kind of getting in motion. And it's so funny, because as I sit here, I don't know a motion towards every single thing, but I do know we all started trying to figure out, well, what could be done best and how we could

actually help from this far.

Q Do you recall her giving you any specific instructions?

A I don't recall her necessarily having to give me any specific instructions. I don't know that that would have been something she would or wouldn't have done. If there was, I would have done what she would have asked. In other words, if she said --

Q Do you recall her giving anybody else any instructions?

A I know she had said, "Look, we have got to get more information. We need to get more information. We need to find out what we can do and what support we have." I know that she obviously placed a call to General Petraeus to learn what they might be learning. Sorry, I'm just trying to make sure I'm being thoughtful.

Q Sure.

A And also reaching out to make sure that the White House was aware this had happened. I think I might have also reached out to then the National Security Council at that time around that too, if I'm remembering right.

So there was a lot of activity to both understand what the status of our compound was and learn from other people either what they were or could do or what they knew.

Q So she wanted to place a call to General Petraeus?

A She did place a call to General Petraeus. I do recall that.

Q And do you know how long after this discussion that you're having with her took place?

A I don't know how long after. I don't have a sense of time,

but I know that was one of the first things she thought about was to reach out.

Q And you reached out to the National Security Council?

A Yes.

Q Do you remember who specifically you --

A I don't. I likely would have reached out to Denis McDonough because that's usually the person I spoke to. But I don't know that that's who I reached or who I connected with.

Q Okay.

BY MS. JACKSON:

Q And what different sources of information were available to you? I mean, how did you get information about the attack?

A So typically information gets centralized when it's coming in in a crisis situation through our operations team, just because they have a lot of people and a lot of lines out and they are usually placing multiple phone calls to their counterparts in other agencies as well as in the region.

And so that's typically one of the first organs of information, and then you have your own relationships that you might reach to, that are in other agencies to see if there's anything that's not being filtered into their operation centers. Just about every agency has that and they all talk to each other in realtime.

As well as reaching out, obviously, to your post, because while you're not trying to overwhelm them, which in crisis it's easy to overwhelm a post, because people respond to outreach or leadership or

others, we try to basically ask then other agencies and our post what are they learning.

Our bureaus obviously get information in realtime a lot of times. And by bureaus, so this bureau was the national -- I mean the Near East Asia Bureau, so they would get information as well from people who were at post sending them things. And that information would also get centralized to ops and centralized to the Executive Secretary to try and make sure people were aware.

Q Okay. So when you say that the ops center would reach out to where the crisis was ongoing, someone would actually have been reaching out to the people you had on ground in Benghazi?

A Ops typically would reach out to any number of places. They're an incredible organization of people. I don't know how they do what they do. But they would also, to the extent they had the capacity to do that and our Diplomatic Security team also has its own operations team which would be synced up or linked up or operating hopefully in tandem with our main operations of the building, they would often be able to connect with them directly. And our Diplomatic Security team often has direct connectivity to their own agents and their own staff that are on the ground, separate and apart from what operations might have in terms of people.

So, like, I can remember when one of our pilots went down in Libya. Oddly enough, there was a guy who had heard of our operations center because he had worked as a consultant at some point for the government, and he just dialed off and says, "I have your pilot. What do you want

me to do with him?"

So it is the place that people think about for information, and we were able to securely pluck him back out. But it is, I think, a relatively central repository but also has enough tentacles out that people connect them even in those kinds of odd situations.

Q Do you recall whether the ops center was able to establish a direct line to Benghazi?

A I don't know if the ops center was. I'm trying to recall. I know that it was obviously after the math, we were looking at everything to try and understand what had happened and obviously provide responses to the prior committee, to you all. I believe it might have been that Diplomatic Security's operation centers might have been in a place to do that, but I'm just trying to pull back in my memory of what I learned after the fact as opposed to what I knew during the time period where it was happening.

Q And you said that this affected the NEA Bureau. Do you know if the NEA Bureau was getting any sort of like realtime information from Libya?

A I do believe they were getting like emails from folks there and that was kind of stating what the state of affairs were. Either the email would say, you know, we just heard that they're under attack -- and that might have been coming from Tripoli, obviously, as opposed to Benghazi.

But I know they had emails that they were sharing and that the NEA team was also sharing in the process of information gathering.

Q Do you know if there were any direct phone calls with anyone in Benghazi or Tripoli?

A I'm sure there would have been in Tripoli. I don't know that for certain, but I have to believe there were, and I'm just going on my memory now. But I have to believe that they would have been speaking to our DCM in Tripoli, because Tripoli was obviously not the gravamen or the site where everything was happening and so you would feel much better reaching to them because you know that you wouldn't be immediately disrupting everything.

Q Great. And do you know who that would have been?

A So in Benghazi at that time it would've been either the regional security officer, if he was at the post, and it would've been the person who becomes the acting Ambassador when the Ambassador is not present, which is what we call the DCM.

Q Would that be deputy chief of mission?

A Deputy chief of mission, that is exactly right. Which I am so happy if you do this because there are going to be a lot of acronyms I've forgotten what they stand for, so it would be great, if you don't mind.

And at that time the deputy chief of mission was a gentleman named Greg Hicks.

Q Okay. And who would the Tripoli folks be talking to at Main State?

A They could be talking to the operations center. They could be talking to their assistant secretary or the deputy assistant

secretary who was assigned to their region or their area. They could be talking to the executive assistant -- I mean, the Executive Secretary who runs -- who supervises the operations center. So there's any number of communication channels that might happen in that regard.

Q Okay. And who was the assistant secretary of NEA at the time?

A I believe Beth Jones was the acting. I don't know that she had been confirmed, so I think she was acting. But Beth Jones was providing the leadership, if I remember, at that time.

Q And who was head of the ops center at that time?

A So the ops center is run -- reports up to the Executive Secretary, who I believe at that time was Steve Mull. Is that right? Is my memory right?

Q Yes.

A Okay. Thank you.

BY MR. DAVIS:

Q Did you make any trips down to the ops center shortly after finding out about the attack?

A I might have. I went to the ops center a lot just because I use them a lot so I had to do a lot of sucking up to them, bringing them cookies. But I don't know that I did or didn't. I know that at some point we ended up having a secure call with a lot of the leadership in the government.

And I remember that it was going to be a staff call and Secretary

Clinton said, no, I'm coming too. And she sat in on that call when we were engaged with folks from the White House and from other agencies, our intelligence agencies on that secure call.

Q And the phone call you mentioned, you believe it was Denis McDonough, because that would have been your normal practice to reach out to him?

A It would've been my normal practice to reach him. So if I didn't reach him, I would've spoken to whoever I reached.

Q Okay. The individual you spoke with, do you remember whether or not he or she had previously heard about the attack, or were you informing them for the first time?

A I just don't remember.

Q Okay.

A I don't remember.

Q Do you remember any other contents of that conversation you had with the NSC?

A No. I'm sure it would've been just to let them know, "Look, we have just gotten word that our" --

Q So it would've been brief. It wouldn't have been more than a couple minutes?

A Oh, no. Yes, it wouldn't have been more than a couple minutes, yeah. The sit conversation we had that evening, though, was obviously longer. It was --

Q Okay. We'll get to that in a little bit.

A Oh, okay. Good. Sorry. Didn't mean to get ahead.

BY MS. JACKSON:

Q So to follow up on a few questions from my colleague, you primarily stayed within your office or the Secretary's office that evening as opposed to transitioning down to the ops center?

A I don't know. The reason I'm saying that is it's not at all implausible that I might have done that for some period of time. But I also, when the Haiti earthquake hit, did the same thing. So I don't know whether or not I'm remembering myself sitting in there at this juncture or sitting there at the other juncture or both.

But there were certainly times where I would go down to the ops center and we would be trying to learn things and we would sit there for a little while, so we did.

But my best memory is being in our space, being in the, obviously, the sit room meeting that we had, which was down in the ops center. And so we were down there for a while for that particular meeting because that meeting takes place actually inside the operations center.

But I don't remember sitting out with the folks as they were getting information. I typically would come down and ask, "What are you hearing?" But most of the time there's nothing new you're going to learn because the moment they're hearing it they're trying to provide it out.

Q Okay. And how would they provide it out to you? Would they send emails? Would they --

A Sometimes they would send emails. Sometimes they walk down and give a readout. Sometimes they would call you and say, "I have

a readout from X, Y, or Z thing." So they would use multiple methods of just communicating. Or if you happened to be in the sit room doing the SVTCS, they would come into the SVTCS and tell you what the update was.

Q Among the senior leadership at the Department, who was all in and around your area managing the response?

A The night of, I think it was a little bit like all hands on deck, and so there were a lot of folks who were trying to be helpful. I think, in terms of who I can remember obviously being present, Steve Mull was present; our head of Diplomatic Security was present, Eric Bosworth; our Under Secretary for Management was present. I don't remember whether or not our Assistant Secretary Beth Jones was present, but I do remember her a lot. So I just don't know if it was that night or if it was as in the days that followed.

Bill Burns was also -- I was just trying to figure out if he was calling in or what his framework was but I know we connected with Bill Burns as well. Our congressional affairs was present, our leadership there. Wendy Sherman was present, but not the whole time, because she had one other matter she was managing at the same time, if I remember right. That's my best memory.

Q Okay. I'm going to show you some exhibits.

Ms. Wilkinson. Sharon, can we take a 20-second break?

Ms. Jackson. Sure. We can go off the record.

[Recess.]

[Mills Exhibit Nos. 1,2,3

Were marked for identification.]

BY MS. JACKSON:

Q All right. Let's go back on the record.

We have been joined by Congresswoman Brooks for the interview today. She has joined us.

Ms. Mills, I have put before you three documents that have been marked exhibits 1, 2, and 3. Exhibit 1 is an email chain that bears document number State SCB 0058670 through -- it's a five-page email chain. The date at the top is Tuesday, October 23, 2012, and it is sent to you and others. The subject line is, "Forward: Update 8, Second Evacuee Flight Is Wheels-Down In Tripoli (SBU)."

Exhibit 2 that I've put before you bears document number SCB 0060776. It is also an email chain dated Tuesday, September 11, 2012. It is to you and others, and the subject line is, "Forward: Attack on Benghazi. 09/11/2012."

And then Document 3 is another email chain bearing document number 0058012, dated Wednesday, September 12, 2012. It is to you. I see that your name is the second from the last in the "To" line. It's to you and several others. And the subject line is, "Re: Libya update from Beth Jones."

Let me ask you first as to these documents, have you seen them before, as to Exhibit 1?

A So I'm going to read it if that's okay.

Q In fact, why don't we just then go off the record and take a few moments and go through all three of them and then we'll ask

questions about all three documents. Is that okay?

A Whatever is your preference.

Q Yeah. Let's just go off the record for a few minutes and give you as much time as you need to review these.

[Recess.]

BY MS. JACKSON:

Q Ms. Mills, have you had an opportunity to review exhibits 1, 2, and 3?

A I have.

Q Okay. And do you recognize these documents?

A I know they all came to me, and so they all are documents I would've seen when I was at the Department.

Q Okay. And would they have come to you on the afternoon and evening of September 11th and September 12th?

A All of them except for the one that's dated October 23rd would have come in that time period.

Q You would not have seen that before --

A No, I'm just saying I wouldn't have seen the October 23rd until October 23rd. The others I would have seen the 11th and 12th.

Q Great. Well, then let's focus on Exhibit Number 1.

A Okay.

Q On Exhibit Number 1 that is dated October 23rd, it contains a series of emails that are the -- if I could just summarize -- and correct me if I've summarized it wrong -- the initial alert to the ops center about the attack in Benghazi and a series of updates after that.

Is that a fair summary of what this document contains?

A Very fair.

Q Okay. Did you see these ops center updates on the afternoon and evening of the 11th and on September 12th as they came in?

A I'm sure I either would've seen them or somebody would have told me that there was a new one. So if I wasn't sitting at my computer, I might not have seen each one as they came, but I know I would have known about them all as they were happening.

Q Okay. And then Exhibit 2, which is a September 11, 2012, email, at the top timed at 4:38 p.m., but the first email is at 4:22. Do you recall if you saw that? I see that you're on the "To" list. Would you have seen that on the afternoon of the --

A If I was on my email, I would have seen it. Though there was a lot of time that we were sitting in conversation, so people would have said, "Just want you to know, ops just sent out another report and here's what they're saying, that we're going to be able to get an open line."

So the way it works is if you're sitting at your computer, you get it. We can't have our Blackberrys in the area where we sit because it's -- well, like this. We have to leave it outside. So if you're not sitting at your computer at the moment the ops alert comes then you don't see it at that moment. But somebody else will likely -- and certainly at this time, our specials and everybody was kind of giving us realtime updates.

So the fact that I might not have seen it sitting at my computer

doesn't mean that somebody didn't tell me. They told me usually in realtime.

Q Okay. And is that the same then for Exhibit 3, which is, the subject line is, "Libya updates from Beth Jones"?

A Yes, that would be the same in terms of how it might operate.

Q Okay. As to these exhibits, they talk about three sources of information that was available to you and others on the 11th and 12th: Ops center, DS command center, and updates through Beth Jones. Do you recall getting information from all three of those sources during the duration of the attack and afterwards?

A Yes, and post. Beth Jones was actually making reports on what the post was actually telling her.

Q And by "post," what do you mean?

A So the post is where our actual missions are located, so in this case it would be Tripoli. And so when I say "post," it means our Embassy in Tripoli which was relaying information that Beth Jones was then relaying.

Q Okay. And was it your understanding that, that post in Tripoli was getting realtime information from Benghazi?

A It was my impression they were. I don't know if that is an accurate impression, but that was my impression.

Q Okay. Was it your understanding that the folks in Tripoli were communicating with the security agents in Benghazi?

A That was my impression.

Q Okay. Were there other sources of information out of Libya

that was coming in to you and others that evening?

A Not as I sit here right now that I can recall, but I think we would have been trying to take information in from any source that seemed to be able to shed light on our team, how they were doing, and whether or not there was anything that could be done to help.

Q Okay. So do you recall anyone else or any other source of information that you relied upon to keep the Secretary informed or to make decisions -- to rely upon for decision-making that evening?

A My only pause is because obviously our whole intelligence apparatus is not part of the State Department who likely was sharing information with us as well, or at least that's my belief. And I don't know how that is captured in how you look at this, because some of that would be filtered through our operation centers as well. But that would be the only other place that, at least in my brain, I would be expecting that we likely would have also been getting information.

Q Okay. And these exhibits show a series of periodic updates throughout the afternoon and evening. Does this reflect about how often you recall getting updates?

A I feel like we were living in a constant state of update and that sometimes the information we were getting was accurate, then corrected, then accurate, then corrected or not. So it reflects the fact that there was a constant stream of information and updates. I don't know if it reflects the fact that every moment -- at least I felt like -- we were hearing more information about what was happening.

Q Okay. Throughout the duration of the -- well, let me back

up and ask this question first: What do you recall about the duration of the attacks?

A I felt like it was forever.

Q How late did you stay at the State Department that night or in the next morning?

A Until about 2:00, 2:30.

Q All right. What was the Secretary doing that night?

A She was there really late, and she was reaching out to her colleagues, and she was providing support to our team. It was a really hard night.

Q When you say she was communicating with your colleagues, you've talked -- was that General Petraeus?

A He's one of the colleagues. I know she ended up speaking to the President. Obviously not a colleague, he's her boss, but -- and to eventually, I think, also to Tom Donilon and others. Yeah.

Q Okay. Do you recall her asking for any support or other resources?

A That's what she was primarily doing is, what can we do? How can we try and assure if there is a way to see what's happening, help. I know that at some point they had over -- am I allowed to talk about that?

Ms. Wilkinson. I would just be careful.

Ms. Jackson. Why don't you take a moment and confer with counsel. We'll go off the record for a moment.

[Discussion off the record.]

BY MS. JACKSON:

Q Back on the record.

A So when asking for that assistance, some of that assistance would come from other agencies that might be able to put eyes on the compound, that was that night, as well as reaching out. We had our team reach out to DOD to ascertain what support they might be able to provide, either by way of eyes-on or other support that they had.

And obviously then our normal counterparts in the building who were colleagues and had relationships with their own intelligence counterparts in the different agencies.

Q Okay. So this intelligence that was coming in through the ops center, how was that coming in? Was it coming in in written form? Were there phone calls? Were there combinations?

A I don't know how it came in because typically I was in a place where people would tell me things. I don't live in that place anymore. They would tell me things. And so I don't know what was the vehicle by which they first gained that information.

I mean, ops is obviously a disseminator. So part of what they do is once they do learn it they share it, and I don't recall saying, "How did you get that information," or "How did it come to you?".

Q When the information first came in to you, what was your initial impression as to the nature of the attack, what type of attack it was?

A I didn't know. It was surprising just because our -- I hadn't been there, and that we had not had a -- any of our compounds

attacked, you know, like -- and what we had been experiencing in Cairo earlier that day, where people were protesting and looked like they might be surging against our embassy was the first time where, at least I recalled, where our embassies were being targeted in a way where people were protesting or angry or attacking.

Q Were there weapons used in Cairo?

A I don't know the answer to that question, because honestly, this happened in about a 2-week period where a number of our embassies ended up being besieged by people who were able to breach our perimeters and get to our doors. In Khartoum they were able to do that, in Tunisia. There was also a similar attack -- if I remember. I might be misremembering -- in Sana'a, I know in Pakistan.

So I felt like that 2-week period we were spending a lot of our time on the phone with governments and pleading with them to make sure that they knew that they had obligations, they are to protect our embassies. And a number of them were very angry with us at the time because we have free speech, and in free speech in our country that means sometimes people do things that they think the government should be able to stop but we can't.

And so I do recall that period of time being one where there was a lot of intense attacks happening on our embassies. And I can't tell you from a weapons standpoint what everybody was doing or what they brought to each one of those.

Q Give me a sense within this 2-week timeframe where are the Libya attack, the Benghazi attack fell. Was it day one? Was it

halfway through or at the end?

A It was at the beginning. It was at the beginning, yeah.

Q So you've mentioned Cairo, that happened earlier in the day.

A Yeah.

Q Were there any other attacks or were there any other issues --

A Protests.

Q -- with your embassies overseas other than Cairo before the Benghazi attack?

A Not that I recall, but I -- and I might be inaccurate about that because I know there were a whole bunch of them for a period of time and where every day my day was sitting in the SVTCS as we were trying to figure out whether or not we were going to evacuate or not evacuate, whether or not the governments were going to deliver people to protect or not -- and sometimes that those could be protracted conversations -- whether or not we could put people in or not and in what way we could put them in.

And I remember this all starting around the period of time of the Cairo and Benghazi matters. So my impression is, is that that was at the beginning. I don't know if my impression is right, because obviously, factually people can go, look, there might have been something that happened the day before or otherwise, and I just wasn't as cognizant.

Q Okay. So your recollection is that Benghazi was on the front end of all of this?

A I believe it was at the front end. That's my impression, yes.

Q Okay, good.

Could you just walk us through what you were doing that evening -- the afternoon and evening of the attack. You've talked about reaching out to the national security staff or National Security Council. Who else did you confer with within the State Department? What other interagency partners did you speak with? Did you direct anyone to do anything? If you could just, to the best of your recollection, walk us through what you did.

A I don't know that I have a clear recollection of that night anymore. I do know that I obviously was participating with my colleagues in trying to figure out what was happening and what could be done to secure our team. I know that Under Secretary --

Q Well, let me stop you there. Was there a core group that you worked with? Everybody does in an agency. You have a core group of people that you rely on or that you work with on a daily basis. Did you have one of those?

A So what was different about crises is that you obviously have subject matter experts that play particular roles in crises. So in this crisis, of particular import was our Assistant Secretary for the region, our Under Secretary and our Diplomatic Security. So those were obviously the most critical players because they were the connectivity to the events as they were happening.

Separate from that --

Q I'm sorry, but can I ask a clarification. You said the Under Secretary. It's my understanding there are six under secretaries.

A Under secretary for Management, yes. Thank you for that. No, I appreciate that.

Q Okay. Uh-huh.

A And then in addition, you obviously, when it's a crisis, are working closely with the leadership of the operations center, who is the Executive Secretary.

The Secretary herself also has staff. I had two deputies, a deputy for policy, Jake Sullivan, and a deputy for operations, Huma Abedin. I don't recall my deputy for operations being present. I know that my deputy for policy was present.

Q And again, that was Mr. Sullivan?

A Yes, I think I just gave both their names, right?

Q Yes. Yes. I just want to make sure I got them straight in my head.

A Okay. Good. Yes. I believe you all are seeing him tomorrow. He started out as the deputy chief of staff and then he became the head of policy.

Q Okay.

A Yeah. So at that juncture, he had, I think, both, if I remember right. At any rate, so, and the executive assistant who provides support to the Secretary who was a career official, Joe Macmanus, also, I recall being relatively active and present.

Q Okay. You stated that when the crisis occurs you pull in those subject matter experts. And I just want to make sure I understand correctly that those subject --

A It's not that you pull them in. They are the subject matter experts, so they become the focal point, if you will, of both information and advice because of their expertise.

So Beth Jones was the head of this region, and so she obviously would have the relationships and the information. And that's why it is not surprising for me to see emails that were directed to her from the post, which by "post" I mean Tripoli.

Diplomatic Security were responsible for protecting our Ambassador and our facilities. So they would also be logical conduits both for information and for expertise about what was happening on the ground. And the operations center, which accepts all the information, which is run by the Executive Secretary, would also be. So it's not that you're per se pulling them in and that's where, for better or worse, the action is. They are the natural hubs, if you will, for activity.

Q Okay. And then the other people that you've described, Jake Sullivan, Huma Abedin, the Under Secretary for Management, those were people that you worked with on a more regular, day-to-day basis on every issue?

A So the Under Secretary for Management oversees Diplomatic Security, so he also is like a subject matter expert in that context. Huma Abedin, I don't recall Huma Abedin being present that night. I could be wrong about that, but that's my best recollection. Jake

Sullivan, who was my deputy and also was the head of policy, was present that night.

Q Okay. Since Diplomatic Security is in charge of the security of your people and your facilities overseas, walk us through the conversations that you had with Eric Boswell or Patrick Kennedy, who was the Under Secretary over DS?

A So I don't remember specific conversations from that night just because so much was happening. I remember that part of what we were trying to learn was was there a way that we could learn what was happening on the ground, which is why, in my memory, I thought that Diplomatic Security was actually able to open the line as opposed to this email, which reflects that ops was.

Q And are you referring to exhibit number 2?

A I'm referring to exhibit number 2, which is an email that was sent by [REDACTED], who was at that time a special assistant to the Secretary. And it reflects information from Scott Bultrowicz. Scott Bultrowicz was in, if I recall correctly, Diplomatic Security. But --

Q And just to complete the record, this email reflects that, at the top of the page the second sentence is, "Ops is setting up a direct line with Benghazi, so we should have more updates soon." Is that the --

A Yes, that's the email, and it was sent from a [REDACTED] on behalf of the DS command center. And my best recollection was the command center actually set it up and then connected ops into the one

that they had set up. But I could be wrong about that.

Q Is the DS command center physically separate from Main State building?

A Yes.

Q It's --

A It's not co-located. So the DS command center is also like an operations center, but it is simply for the Diplomatic Security management and issues that they have. The operations center is in Main State. The Diplomatic Security command center is in Virginia, so just right across the bridge from Main State.

Q Okay. And they had gotten information from one of the Diplomatic Security agents who was on the ground in Benghazi?

A Well, that's what this email reflects.

Q Okay. Exhibit 2?

A Exhibit 2, the one we've been discussing, yes.

Q Yes. Okay.

And just to kind of finish out the exhibits that you've looked at, if you could go to Exhibit 3 on these Libya updates from Beth Jones. Just describe for us what this document is.

A So this document is an email chain that starts at 4:49 p.m., on September 11th. And it was from one of the other special assistants to our Deputy Secretary Bill Burns, our Under Secretary for Political Affairs; the executive assistant and special assistants, Jake Sullivan; and Tory Nuland, who is our press spokesperson.

And it is a chain that then begins with updates that appear to

be coming through the NEA Bureau, primarily being relayed by Beth Jones, as I understand it, and she was then sharing this information for circulation among the leadership and others who had a need to participate and know how to help our team. It continues all the way through what appears to be September 12th, the afternoon of September 12th, East Coast time.

Q And does it seem to summarize a series of conversations that Beth Jones had with Greg Hicks?

A That's what it appears to do.

Q Okay. And do you recall seeing it or learning this information on the evening of the 11th and through the 12th?

A I recall learning this information. I don't know that I would've been sitting at my computer all the time as it was coming in, but I certainly learned this information. I would've seen it when I got to my computer.

Q And as you reviewed this information, do you recall that the information contained in here is accurate, as you learned it that evening?

A I recall that this is what I learned that evening, is a better way to say.

Q All right. You talked about that there was a interagency -- I call it a SVTCS.

A SVTCS, okay. I call it that too.

Q Which I understand to be secure video teleconference, SVTC. Is that your recollection of what SVTCS means?

A Yes.

Q Do you --

A I'm going to adopt that. I tried to ban all acronyms once I left the State Department because it's a very acronym-heavy Department. And I realized I was saying things like, "S said that if C did you want do this, P is going to be upset and therefore L will never get what they need," and I thought, I should actually talk like a normal person with all of the full names of things. So but SVTCS works for me.

Q Okay. So describe who was on the SVTCS, why it was called, and what happened during the SVTCS.

A So the SVTCS was called because everyone was seeking both to exchange information and figure out how to coordinate resources to support our team.

Q And was this something that the State Department that you or the Secretary requested, or did the National Security Council request it? Do you recall how it originated?

A I don't. I don't know that -- I don't. I don't. But I know that all of us wanted to connect so I don't know if that was at the NSC's instigation, our instigation, or at someone else's. But we all ended up doing a SVTCS that evening. And I recall saying to the Secretary, "We're going to do a SVTCS to try and figure out what's the best state of information and what else we can do, and I will give you a readout." And I recall her saying, "No, I'm coming." And that was unusual.

So when the SVTCS started, I think staff wasn't expecting the Secretary to be on and she was on because she said, "These are our people on the ground. Where else would I be."

Q Are there SVTCS with the principals or the heads of agencies that were different than what you were setting up that night?

A Yes.

Q Okay. Are they called something else?

A Typically, if there's a SVTCS with principals they note it's going to be with principals, mainly because they're trying to tell staff you need to not be present or you need to be sitting in the back row. But this was a SVTCS that we were setting up, which we knew was staff, and so that was who was initially on the SVTCS which she joined.

Q Okay. And who from the interagency was on the SVTCS? Tell us who you remember being there, and we understand there may be others too.

A My best recollection is Denis McDonough. I don't know who else was there from the other different agencies, because a lot of times our picture wouldn't show up so it's just voices. But the SVTCS was with us. I believe the SVTCS also obviously included the NSC. And I can't tell you what were the other agencies, but I remember there were other agencies that were a part of that first, small SVTCS.

Q Would there be some write-up or memorialization of what was discussed, the tasks that were issued? Is there some documentation?

A Sometimes there might be, but typically what happened when you were in a kind of crisis construct is they would be what are called

due-outs, in other words assignments that different people had. And so our agency might have a set of due-outs, another agency might have a set of due-outs. But due-outs, I'm spelling it d-u-e and then outs.

I don't recall kind of seeing per se the due-outs. I know we usually took our due-outs and made sure that the next time we were all together that we would speak to them. And we ended up doing a lot of SVTCS, obviously.

Q Great. Did you do more than one SVTCS on the night of the 11th?

A We might have. I don't remember. I remember one, but if there was another, I'm sure I would have participated.

Q Okay. And were there SVTCS in the ensuing days?

A There were. The SVTCS in the ensuing days were not only about Benghazi, they were also about the attacks that were happening on our other missions and posts in other countries.

Q If you could, walk us through the SVTCS.

A Which?

Q The first one on the evening of the 11th.

A I just recall that there was reporting on what we knew; whether or not there were any assets we could deploy that would be of assistance, be that what people could, you know -- how to create eyes-on or other things like that; and mainly also trying to ascertain what the state of affairs were, because there were two attacks that night, one that happened really in the early afternoon and then another that happened late at night. And so there was also just trying to get

clarity of what that was and how there could be another attack in another location happening.

Q Okay. And was there a difference in the lethality of the attacks or the --

A I don't know how to answer that. I mean, in both places we lost two people, so I felt like they were both greatly --

Q What about the firepower that was used in the two separate attacks?

[9:40 a.m.]

Ms. Mills. In the first attack, our compound was completely overrun. It was physically overrun with people.

In the second, it is my impression that they were being attacked externally and that individuals who were seeking to defend were injured. But it is not my impression that they had per se breached the facility. That might be wrong, but that's my impression as I sit here today.

BY MS. JACKSON:

Q Do you recall that mortars were used in the second attack at --

A Yes.

Q -- the facility?

A Yes. Yes. That's right. They might have also been used in the first one, too, so I am -- but I do remember that one of our folks was harmed by a mortar.

Ms. Jackson. I have just been told that I am out of time for my first hour.

Ms. Mills. Oh, okay.

Ms. Jackson. So, with that, I will suspend my questioning. How about we take a 10-minute break?

Ms. Mills. Okay.

Ms. Jackson. Would that be all right?

Ms. Mills. Sure.

Ms. Jackson. And then we'll do a little rearranging. You get to keep your chair.

Ms. Mills. Oh, okay.

Ms. Jackson. We can go off the record.

[Recess.]

Ms. Sawyer. We'll go back on the record.

Ms. Mills, I wanted, before I jumped in, to give you a sense of what I hope to cover with you, at least in this next hour --

Ms. Mills. Okay.

Ms. Sawyer. -- just to give you a sense.

I will want to jump back in and ask you a few more questions about 9/11/2012, the day of the attacks in Benghazi, the protests in Cairo and difficulties there, and other regional issues.

I hope to then talk a bit with you about what happened in the weeks kind of immediately following, and then, to the extent we have time, have you clarify for us a little bit just the respective roles vis-à-vis policymaking, vis-à-vis oversight for day-to-day management of post at the end.

So it's an ambitious task that I've got for me, but I will appreciate your assistance in it.

EXAMINATION

BY MS. SAWYER:

Q You were asked, or you told the committee that you recall when you first learned about the attacks that you were with the Secretary. Did you know, prior -- at that point in time, did you know

at that point in time that Mr. Stevens, Ambassador Stevens, was in Benghazi that day?

A No, I didn't know he had traveled to Benghazi that day. But that's not unusual.

Q It's not unusual for you not to have known that he was in Benghazi that day?

A Yes. Yes. I mean, when our ambassadors travel throughout their country, they would be relaying that to their assistant secretary, but that's not something typically that I would be notified or aware of.

Q And what about the Secretary? Would it have been typical for her to know that Ambassador Stevens was in Benghazi on that day?

A I don't know that that would have been typical. If there was some big event that was happening, so if there was something that an ambassador was going to a different part of their country to host something or announce something, you might know that that's going to happen because you're doing amplification work back. And by "amplification work," I mean other things to help announce and support and bring attention to the diplomatic or foreign policy objective that you're trying to achieve through that event.

But, otherwise, I don't know that it's typically the case that you -- that she would know or be apprised in our system that so-and-so is going to be in this part of their country.

Q And an ambassador traveling, and particularly traveling within their country from an embassy to a post or a temporary mission

facility, would not need to seek approval from anyone in Washington, D.C., would they, to travel --

A Correct.

Q -- to that post?

You know, there have been some allegations that Mr. Stevens, Ambassador Stevens, was in Benghazi that night at the direction of someone in Washington, and often the allegation is that possibly at the direction of Secretary Clinton.

Did you have any sense or any reason to believe that Ambassador Stevens was in Benghazi that day at the Secretary's direction?

A No. I actually also had not heard that, but no.

Q You described and I think in a way that gave us a really nice sense of the efforts that you and your colleagues were making to gather information as quickly as you could, determine what resources might be sent to help personnel on the ground. And you had described some of the sources. And I think you initially started by describing is there a mechanism for information, mechanisms for determining what help.

If you can, it would be helpful -- it feels to me that if I were in that position it would be somewhat frustrating, in the sense that you would want, certainly, to be reaching out in all manner of direction; at the same time, there are mechanisms, and you don't want to interfere, necessarily, with allowing those mechanisms to operate smoothly, efficiently, particularly in crisis.

So can you give us a sense -- I got the sense that you felt your

role was to reach out to colleagues at your equivalent level -- that would have been someone like Mr. McDonough -- to try to make sure that you were gathering information from him, sharing information. So can you kind of describe that dynamic?

A Yes.

As a general matter, the Department, because it is such an established institution, has people who have been doing their jobs for many, many years in many different roles. And so they have the capacity to be experienced in something that might feel like a first time for those of us who are only serving for a period of time as something that has happened before and they can draw on those lessons and have built systems that help them navigate them.

The operations center is one of the outgrowths of that -- in other words, creating a mechanism where both information could flow but also people could reach out from, and people who were being reached out to would know that they were speaking for the Department as a whole and seeking to give information to everyone in the Department as well as the Secretary.

So it is our most established mechanism, if you will, for information flow and for also being able to access people. So, even if you're in the bathroom, ops will find you. And you're like, "Really, are you outside my stall?" And they'll be like, "I'm sorry. The Secretary is looking for you."

But they really do their jobs incredibly well. And they do them well because part of what they do is have a very single-minded focus

about how do we gain information and how do we disseminate information, and that is their mandate.

Those of us who are not in operations, depends on what role we might be playing. If you are the assistant secretary of a region, your role is to be the conduit and decisionmaker with respect to not only information but directions and other needs that might be present in a particular circumstance, situation, or decision that needs to be made.

And so the regional bureaus also operate quite succinctly in that fashion, and you'll always see the Under Secretary for Political, who they report up to, as well as the Deputy Secretary -- in this case, Bill Burns -- typically in that same construct of both communication and decisionmaking and information-sharing.

Separate from that, it is the case that certainly I enjoyed a position that allowed me to reach to counterparts in the government who might be in leadership roles that you can ask, "What is your principal doing?", or you could actually reach to their principal.

And so, if there were things that either our team felt like they needed -- you know, "I've been talking to the person at the White House, and this is not happening" or, "I've been talking to the person at the White House, and they want this to happen" -- you might then be able to reach to your counterpart to either be able to provide additional support or give additional information.

So, typically, my engagement would be to counterparts that I had to be able to ensure that we were doing everything we could to facilitate

the outcomes that our experts in our team knew needed to happen or that we saw from our own experience in what was going on should be addressed.

Q And that, those mechanisms, that process, the way of sharing information, amassing resources, certainly sounds like something that is relied upon and used in emergency situations. It also sounds like it could be used to describe the day-to-day running of the Department, in the sense that the regional bureaus are responsible for oversight and work with the posts in their region, and that's a mechanism for information from there. Operations center is continuously gathering information all the time about posts. And it is, I mean, accelerated, obviously, and people are working incredibly hard in a crisis, but is that also fair to say?

A That is fair to say. That is fair to say. I would say that is accurate.

Q And then, just in a general sense on that night, did you ever get the sense that anyone slowed down in their efforts to gather information and amass resources and support or, you know, in essence, took their foot off the gas at any point in time during the night?

A No. No. I think everyone was trying to do their very best, and I think our security folks were particularly trying to do their very best, not only to find our Ambassador when he couldn't be found, but also to provide security and support for those people who were under attack.

And I think, certainly, when you're millions of miles away, you feel relatively helpless, but it is certainly the case that everyone

knew that our colleagues were in danger and, if there was a way to extricate them or support them, that that's what we needed to do.

Q If I could have you take a look just for a moment at exhibit 1, which was introduced in the last hour and discussed, and that was some of the reporting that came out of the operations center.

And I just wanted to get a sense from you, as these reports were coming in -- and I understand you may not have seen them in the moment they came in. So I want to use them just as a general gauge, not to say that you learned this at exactly the time stamped on there, but to get a general gauge of kind of how that was reflecting how people were feeling and what they were doing.

So, just starting with that first thread, which is on the last page, it seems like the potentially first -- an initial or a first report that comes out. And it says, "Regional security officer reports a diplomatic mission is under attack. Embassy Tripoli reports approximately 20 armed people fired shots. Explosions have been heard, as well. Ambassador Stevens, who is currently in Benghazi, and four Chief of Mission personnel are in the compound's safe haven. The 17th of February militia is providing security support."

So, at this point in time, this operations cable indicates that the Ambassador is on the compound, in the safe haven, and there is support, security support, from the 17th of February militia on the way.

Do you recall getting that, the initial sense about where the Ambassador was, whether he was secure at that point in time -- granted,

the concern about whether he would remain secure -- but what that initial reporting looked like?

A I do remember that the initial report indicated that he was there and that he was in a safe haven. And I think -- remember in my own head thinking, well, what does that mean in this instance?

But I know that, at least when you first heard the first report, you knew that they were being attacked, that they -- at least, it felt like they were in a place where they were at least secure for the moment.

And my impression at that time was just the surprise of our compound being attacked in the way it was, just because that was something new for at least me. It might not have been for people who had been at the Department for a long period of time, but, for me, it was the first time I had really been cognizant of an instance where our compound was actually being breached and attacked.

Q So, at that point in time, certainly, there's a sense that the Ambassador is on the compound; still, I would assume, concern about what might further happen at the compound in terms of compromising his safety, compromising the safety of the other individuals there. Is that accurate?

A Yes. Yes. I mean, I think, look, my impression at that time was that he was on the compound with others, that he was in a safe place. And when they said that the attack had stopped -- I'm just telling you my own impression -- I thought, "Okay, well, that's good. You know, now maybe people can get evacuated and we can figure out what we need to do."

That was my impression. And that impression obviously changed dramatically when they said that they couldn't find our ambassador and that we had someone who had been injured and who had then subsequently died.

Q And do you recall roughly when that happened, the sense that the Ambassador is missing and there has been, you know, a fatality?

A I just remember it being several hours after the first reports, and I can't tell you exactly what time that would have been. But I know that we had learned -- I learned that evening that Information Management Officer Sean Smith had died, and that was kind of shocking. I can just remember feeling shocked by that.

And, at that time, I can remember they couldn't find our Ambassador, but there was this sense that he might be sheltering someplace and that's the reason why he didn't know it was safe to come out or something like. That's my impression. That might not be accurate, but that was just my impression as I reflect back.

Q So, certainly, still hope, some optimism that the Ambassador would be found --

A Yes.

Q -- safely. Concerns, again, that resources, any resources available be amassed to support personnel on the ground?

A Yes. Not only resources that might be amassed but also resources from the other facility that was there to provide support, as well.

Q So, in terms of -- obviously, there's different avenues of

support. Some of them are in-country --

A Yes.

Q -- as it were. So, to the extent that there were things that you or others with you could do in terms of reaching out to people in the Government of Libya, was that happening?

A The Secretary reached out to the government. So, too, were others reaching out, both on the ground, if I recall, in Tripoli, and it might have been the case that also the Assistant Secretary or her team was doing the same thing. But, candidly, everybody was trying to reach to whatever asset or individual or government partner who they thought would be able to help secure our people and ensure their safety.

Q And do you recall whether you were with the Secretary when you learned that the Ambassador could not be located?

A I don't recall if I was with her when I learned that. I do recall learning that. I recall talking with her about that. And I just don't know if we learned in the same moment or if I learned and ended up speaking to her or the reverse. But I do recall having -- you know, fretting with her and worrying about what were the different avenues we might have to be able to locate him and whether or not enough was being done to try to do that.

Q And when you had that discussion and you were concerned and fretting about it and wondering if enough was being done, were there any concrete steps that you or the Secretary then took to ensure that, to the extent possible, everything was being done?

A Apart from, obviously, all the outreach that was going on,

I can also remember there was a phone that the Ambassador had that was not his phone. And so people were trying to see whether or not there was activity associated with that phone, because if there was, it might mean the Ambassador was someplace -- so I remember that.

I might have a mis-memory and I might be collapsing something, so I apologize if I am, but I remember that being also one other avenue of trying to figure out how to locate him, separate and apart from, obviously, the outreach that was happening through DOD, the outreach that happened through the agency that had another facility that was there, our intel, CNSC, and how we could best both deploy and assess what was going on.

Q And there was a discussion about a SVTCS that occurred that evening.

A Correct.

Q Do you recall if the SVTCS -- with regard to what your recollection is about when you had learned, was that SVTCS convened and called at a point in time when people knew that the Ambassador was missing and not, potentially, in the safe haven and located?

A I don't recall. I obviously knew we knew we hadn't been in touch with our Ambassador, and so that would suggest at least an awareness of that. But I don't know that I can tell you contemporaneously now what my knowledge was. I don't even know if we knew at that juncture -- I don't think I did -- that Sean Smith also was endangered and had deceased. So I think this was in the before period, maybe. But I'm giving you my best impression right now, and

it's years later. So I'm doing my best, yes.

Q And whether or not you knew at that point in time when you were in the conversation on the SVTCS that the Ambassador was missing versus still in the safe haven and the death of Mr. Smith, did you have any sense during the SVTCS that there was a lack of urgency about addressing the safety of our personnel in Benghazi from anyone in the interagency?

A Quite the opposite. It was really a conversation about what else can be done, is anything being missed, is there any other opportunity, asset, avenue, information that we could take or deploy. And so it was very much almost -- I'm a military brat -- but almost military, in terms of X, Y, Z. Have we done A, B, C in terms of trying to step through the different avenues.

Q And do you recall whether -- you had mentioned and you talked a little bit about the incident in Cairo, the protests in Cairo, and the breach of the embassy in Cairo -- earlier in the day unrest that started occurring throughout the region in that SVTCS or maybe any other conversations at that level that night? Did any of the other regional unrest factor into the picture? Was it discussed at all?

A Certainly in the SVTCS that we had in a 2-week period, that was often the case, obviously, because we were running through each one of our posts that were being threatened.

The night of the 11th, I'm confident, given that there were also things happening in Cairo, that there would have been conversation about was our facility secure, were our people secure. But I'm

assuming that. I don't have a specific memory of that as I sit here right now.

Q But, certainly, your overall recollection is that, as the attacks were happening, as the protests in Cairo and the breach of the wall of our embassy in Cairo was happening, that very much a part of the conversation was the unrest in that region and how that might impact the safety of our personnel on the ground?

A That is correct. That's correct.

Q So, moving briefly to -- you described yourself as a military brat -- just your visibility into the military response on the night of the attacks, did you have any kind of operational role with regard to reaching out, giving information, talking to the military experts who were determining how and when we could and should respond?

A I remember the military was actually -- we did reach out to them, and I can't tell you if it was me or someone else. But we did reach out to them, and they were very responsive. In my mind, I am thinking about a gentleman named Sandy Winifred, but it might have been others. And they were very both responsive in identifying what they could do and how they could do it.

And so my impression was one of support from DOD, and my impression generally was one of support from all of the agencies, but some agencies have more capacity than others.

Q Did you have any visibility into the decisionmaking that was going on in terms of deciding what assets were potentially

available, when and if they could deploy, how long it would take them to get to Benghazi? Did you have any visibility into any of the information that was coming in or the decisions that were going out?

A If that information was discussed in the SVTCS and I was in the SVTCS, then obviously I had visibility into it. I don't remember it per se, but I know that I would have had visibility because, being in the SVTCS, I would have -- we would have then heard and learned and also then shared what our own needs and observations were.

My sense was that conversation was an ongoing conversation, quite candidly, for 2 weeks because we have so many of our embassies that were being threatened. And so the number of times I was in conversation with Sandy Winifred or someone else was not infrequent, because we were often trying to understand what we could do in Tunisia, whether or not we could get people, and what we needed to do in Khartoum, different places where our embassies were being attacked.

On the night in question, I'm confident we would have had conversations regarding how best they might be able to support us.

Q And do you recall, both on that night and potentially in the days following, there being concern that there might also possibly be an attack on the embassy in Tripoli?

A Yes. Our embassy there, I believe, had information or there was data that suggested that they might be a target, as well. And so part of what we were trying to do was shore up that post by sending in additional support or asking support to stay that was there. I cannot remember which at that juncture, but I know that we did shore

up the support that was there.

Q And in any of the conversations that you had, did you -- first, did you have any visibility into Secretary Clinton's engagement with the folks who were gathering the information and making the decisions with regard to our military assets and military response? Did you have any visibility into that, her role there, her conversations there?

A In a SVTCS, she was obviously -- I had visibility into her articulating that we needed to do everything we could and what did that actually translate to could be done.

In terms of other conversations that she may or may not have, I don't know that I was present for all of them. But it was my experience that she was, obviously, not only on the night of but as we were looking down the road on other instances, frequently either calling leaders or negotiating for our people to go in -- in one instance, we had to do that, and they had to go in a particular way -- and also having conversations, in some instances cajoling, in some instances demanding that these countries protect our facilities. And that went on for about 2 weeks, as a number of these attacks were happening.

Q Right. And so, certainly, in her role as our chief diplomat, she was reaching out to any and all of the countries where there were problems and, as you put it, cajoled, demanded, certainly pressing for them to do everything they can and reminding them of their obligation to do everything that they could to make sure that our personnel in their countries were safe. Is that fair?

A That's correct. And then, obviously, the White House would have -- their own SVTCS is at a principal level, where they would navigate and negotiate through what that means for what -- given what permissions we might have gotten from those countries, how we could also use our military assets, how we could use any other assets that we might have to be able to provide support for our teams that were on the ground.

Q And in terms of that outreach to the host nation, the --

A Yes.

Q -- country where our --

A That's fair.

Q -- why would she be reaching out to them? I mean, can you explain to us kind of that relationship and the obligation that America has -- I mean, the obligation that countries have, that we have, certainly, to other countries who are here in the United States and that, when we're in other countries, those countries have to us? Can you just -- and how that works and helps us to operate?

A Well, I think, you know, certainly, for me, one of the more surprising things when I came to the Department, because I wasn't -- because I grew up in a different context, was that all of our embassies and consulates are protected by the countries in which they reside. So our military is not a part, typically, of the security elements of our embassies and our consulates.

Instead, in giving agreement, which is an agreement to take an ambassador and have a facility there, they are agreeing to abide by

a set of conventions and rules which include the obligation to provide security for those facilities.

So, in instances where those facilities are threatened, rather than being able to call up to our military, unless they are collocated, we have to call up to the host nation. And so our diplomats operate in these countries at that invitation but also under the protection and expectation that that nation will live up to their obligations of protecting our diplomats and our development experts who are there.

So, when there is a breach or an attack or a potential harm on one of our facilities, the Secretary of State's role in any administration is to be the counterpart to ensure that that nation lives up to the commitments they make. And sometimes that's politically hard for the governments there, because they are going against their own people, sometimes for a reason that might seem complicated -- which, apparently, in this instance, was one of those -- but nonetheless that's the commitment they made.

So you often had to cajole or demand or do all kinds of other encouragement, because, in some ways, they might be doing that which was very politically unpopular in their country or potentially unsafe.

And that's the Secretary's job. She has to protect her people, and she has to ensure that they know that that's their obligation. And if they're not going to live up to it, she has to tell them that we're going to then take care of our people in the ways that they need to, and they've got to figure out how to navigate that, but we're going to send our people in to protect them.

Q And with regard to that issue of host-nation support, you know, one of the things the Accountability Review Board that was convened, as required by law, to examine the attacks did note was that, with regard to Libya and given the ongoing efforts in Libya to establish and get a government up and running, the ultimate ability of the host nation to provide immediate support was not what one would have wanted on that night.

Did you get a sense, in the run-up to the attacks and the, you know, year before the attacks, that that issue was being ignored?

A No. But I would also note that I don't know that I had a lot of visibility into a lot of the different both weaknesses and frailties and the issues that were leading up to the night of the attack.

But it is my impression, obviously -- because I have the benefit of now looking at a lot of the information after the fact, the ARB and other things -- that it was not being ignored, but there were, I think, as the ARB found, a need for stronger security and a need for a better protection for the folks who are on the ground. And I think that is one of the really hard lessons learned, because I think that assessment was a deliberate one and found that as a frailty in what happened that night.

Q And you indicated that you certainly didn't have the nitty-gritty information about -- and that's my term. You didn't use it, so I apologize. You can certainly characterize it. You didn't have the granular details about the particular security situation.

You are the chief of staff. The Secretary is, of course, one

level higher. Did you have the sense that she had the granular details about the security, the staffing for security in Benghazi, how many DS agents were allocated to that post, what kind of perimeter security they might have, how many sandbags they might put around a particular window, how many guns they had on compound, and the details of the relationship between the individuals in the compound and local guard support? Did you have the sense that she had the ability, the time to have that level of granular detail?

A I don't know that she would have had that level of granular detail. I also know when she obviously testified she spoke to the fact of what her knowledge was and what her understanding was, and, obviously, she's a better spokesperson for herself than I could ever be.

But, in terms of the level of now information that certainly we've gleaned through the ARB and else-wise, those are things that I think became more aware through that process. But that's not surprising because I don't know that that's typically things that would filter in the same way just in terms of the building's day-to-day operations.

Q Sure. And, to me, that loops back to the conversation that we a little bit started with, which is the Department having mechanisms both for information and help. And I asked you then whether that not only applied in a crisis situation but with regard to the day-to-day operation of the State Department.

So, with regard to those types of details, we have learned quite a bit, and I assume you at least have some sense of the fact that there

are entire bureaus dedicated to and responsible for making sure and trying their best to understand those granular details.

You've indicated, certainly, on the night of the attacks, you felt like Diplomatic Security did everything it could. Would Diplomatic Security and the regional bureaus have been -- the regional bureau here being the NEA -- kind of have been the mechanism within State to have done the assessments in the day-to-day overall pulsing of both the embassy in Tripoli and the temporary mission facility in Benghazi?

A Those are the two bureaus who would be closest to that information and who would have had day-to-day engagement with decisionmaking in those matters.

Q And, then, to the extent they were engaging with individuals in your office, one of your deputies, who would that have been?

A So, for policy matters, that would have been Jake Sullivan. So he would have been -- as decisions were being made about what our policies and operations per se, when it came to policy issues, were in Libya, it would be likely that he would be included. I can't say he would always be included, but it would have been likely that he would have been included in those discussions. Certainly, as discussions were had around Libya as a policy area, he is the person who I would have expected them to have included.

Q And what about Ms. Abiden? Would she have been someone who would have been included in those discussions?

A I would not have expected her to be.

She would have been included in those discussions when the

Secretary took a trip to Libya. She managed, obviously, travel and all of the different operational elements associated with the Secretary's travel to different places, and so she would have had engagement on Libya when the Secretary traveled there.

But in terms of kind of the policy decisionmaking around our mission and the issues there, I would not have expected her to. I'm not saying she didn't; I'm just saying what my expectations are.

Q And, in answering my questions, you've focused on policy decisionmaking. Shifting a little bit to security assessment, the allocation of security resources, who, if anyone, in your office would have been kind of responsible for those kind of assessments and decisions?

A Those kinds of assessments and decisions wouldn't typically come to my office unless there was some issue that somebody decided to raise. As a general matter, the Under Secretary for Management would have managed the security-related issues.

To the extent it was a larger budget matter that might mean whether or not we were getting our budgets or not getting our budgets from Congress, that might happen with our Deputy for Management, who had accountability as we allocated the budget to ensure that we were allocating our resources effectively.

Q And do you recall -- and I've moved away a little bit from the night of the attacks.

A Okay.

Q But we are covering the other ground that I was hoping to

cover.

A Okay.

Q Do you recall whether, in the time period from the decision to continue the presence in Benghazi, which occurred in December 2011, until the night of the attacks -- you said issues would only come to you on security-related, you would expect, on security-related matters unless there was a particular reason. Do you recall any issues related to the temporary mission facility in Benghazi, security at the temporary mission facility in Benghazi being raised to you, first, between the time period of January 1, 2012, through the night of the attacks?

A No. But that's not surprising because, obviously, we have a lot of posts and a lot of issues, and I don't know that they would have thought that I could have helped them anyway. But as a practical reality, no. But it's also not surprising.

Q Right. I think Secretary Clinton has described her job as kind of a three-hatted -- I think she says it's like being the CEO of a company, a chief policy-maker for the United States, as well as the face of America for the United States. So, understandably, I can't recall -- and we've been looking at this now -- the number of overseas posts, but I understand what you're saying.

Focusing, then, just for a moment, I said January 1, 2012, forward. A decision was made in December 2011 to continue with the reopening of Embassy Tripoli, to continue the presence in Benghazi and maintain the temporary mission facility there. Do you recall that

decision coming up through your office to you? And we can ask --

A No.

Q -- Mr. Sullivan, obviously.

A But I didn't -- it didn't. But I do recall when we were seeking to make a determination as to whether or not we would, you know, send an ambassador back, my recollection at that time was, because our ambassador -- because of WikiLeaks, our ambassador was not very welcome. And so, because I ended up engaging on a lot of the WikiLeaks matters, I remember at that time that our ambassador had to come out.

I don't recall many of the engagement around the decision in December of 2011 that you're speaking about with Benghazi, but it wasn't, probably, in the same category as when our ambassador had to come out.

Q Right. And, just to be clear for the record, you're referring to Ambassador Cretz, who --

A Yes. Ambassador Gene Cretz, who had been the Ambassador there. And, unfortunately, there were cables that had been shared, and some of them, I think, were more frank than the current leadership of the country was comfortable with.

Q And then Ambassador Stevens ultimately succeeded him as the Ambassador.

A He did. He did not immediately succeed him. There was a period of time between them.

Q And then, just for a moment, back to that decision in December of 2011 to continue and maintain a presence in Benghazi, do

you know and to the best of your knowledge, was the Secretary aware of or involved in that discussion and decision?

A I actually don't know. She might have been, but I don't know that. I don't believe she was, based on just what I've seen, but I don't know that. So there might be people who would have engaged in that conversation, but I don't know.

Q So, back to the night of the attacks, you had indicated, you know, the work that was being done and communications with regard to a military response. And we talked a little bit about the Secretary's engagement with the host nation and what she was doing with regard to trying to amass and cajole and wheedle, potentially, any support there.

With regard to our own military assets, did you ever convey any message that indicated that the U.S. military should not fully engage and do whatever it could to assist our people on the ground?

A No.

Q And what about the Secretary? To the extent you had any visibility on that, did she ever do anything to indicate that our military should not fully engage and do whatever it could to help our personnel?

A No. She was pretty emphatic about wanting whatever to be done and whatever were assets that could be deployed, if that was both effective and possible to be done.

Obviously, it was a challenging environment, given that our compound had been overrun. And so you want to ensure that, as you also

are thinking about who else might go in, how they are able to do that effectively. But my observation and impression and, obviously, engagements were around what can be done, what can be sent, and how can that be done best. There was not any notion of not doing that to the fullest amount that was practical, effective, and possible.

Q So, understanding that that decision about military assets and when they're sent and which assets is not one to be made by the State Department, it was certainly your experience that, in every conversation and in every way, that both you and the Secretary did urge our military to do, certainly, whatever it could in their best judgment and with the resources that were available?

A That is my impression. And it's also my impression that that's what they sought to do. I mean, we never felt unsupported by them.

Q Did you ever get any sense that they were failing to also take into account, in addition to Benghazi, other potential problems -- the potential attack on the embassy in Tripoli, whether there would be further unrest in Egypt or anything throughout the region? Did they allow that to fall under the radar as they were focused on Benghazi?

A Our military?

Q Yes.

A That's not my impression at all.

Q So they were fully aware of all of the potential difficulties and doing everything they could to make sure that they

were going to be able to get help to people wherever it was needed to the greatest extent possible?

A Yes. I felt like our military were really great partners. And I say that because they both thought about what needed to be done, shared what could be done, helped think through what were other avenues. I felt like they were good partners.

Q So I just want to return now to a little bit earlier in the day and talk to you a little bit about the protest in Cairo. So if you could just shift your thinking to a little bit before what we've been talking about, the night of the attack and more broadly.

We've talked a little bit about it, but if you could just explain to us a little bit, when you heard about it, what was your understanding of why people were protesting?

A We had been dealing with incidents that were arising out of hostility that a number of people and leaders in the Middle East felt toward a video that had been produced by a gentleman, I believe from Florida -- I could be wrong -- and their surprise that our government wouldn't shut them down or in some way not allow that to happen. Because I think there's just not a fulsome appreciation of free speech and how our Nation operates and what those freedoms mean, as opposed to those meaning that that's per se something our government is trying to pursue.

And, as a result, there were a number of protests and attacks on our facilities because of that incident. And I can even recall an instance where there was -- and I'm not going to remember who was the

government that said, you know, "You want us to protect your people, and you can't even stop a video."

But there was just this sense that we had created an offense as a nation, as opposed to as a country that has individuals who have freedoms and rights to be able to express their views. And that meant that our embassies became a focal point for the frustration and anger and what they saw as our country's disrespect as opposed to the views of an individual, and that meant our embassies were therefore besieged.

Q Do you know when -- well, if the Secretary was aware, as well, of those protests in Cairo?

A Yes.

Q And was she also aware -- the way that you're explaining it is that, not only with regard to the protest in Cairo but more broadly speaking, there had been a lot of engagement with leaders throughout the region to try to address anger they were having about -- I think you even referenced in the first hour, you had said, "They were angry because we have free speech." And I took that at the time to mean what you just explained, that they don't understand, necessarily, and are not appreciative of the fact that, because of the way in which America honors and safeguards and values free speech, the government can't or won't, necessarily, what they wanted, shut down a video.

Was she also aware of all that engagement?

A Yes. That was happening, obviously, throughout this. And different embassies were affected differently by the people in those countries based on how they were reacting. And sometimes that was what

they were reacting to; sometimes they were reacting to something else altogether. It was not always transparent what was the catalyst. But, in some instances, obviously, it would be more evident than others, based on how people positioned themselves when they were attacking our embassies.

Q And then, just in terms of trying to situate it, not on a kind of exact timeline but just to get a sense --

A Okay.

Q --- I mean, the protest in Cairo and then the attack on Benghazi coincided, as well, with the anniversary -- it was 9/11/2012 -- the anniversary of the attacks on the World Trade Center of 2001.

The concerns that were coming up, the unrest that was coming up, did that, from the best you can recall, kind of all start on the 11th? Had it started in the days leading up to the 11th?

A I don't remember. It might have started in the days leading up, quite candidly. I can't remember when the video was first posted or, actually, when people first noticed it. I don't recall that. But I recall that, in this time window, that was one of the other factors that was obviously affecting the security of our teams on the ground.

Q Okay.

And I'm going to show you now what we're going to mark as exhibit 4 for identification purposes.

A Okay.

Was marked for identification.]

BY MS. SAWYER:

Q I will give you a minute to take a look at that and read it. I just wanted to ask you a couple questions about it. But it bears the identification number down at the bottom of 538 --

A Are all three exhibit 4? Or am I supposed to be giving copies? Sorry. I apologize.

Q All three are copies of exhibit 4.

A No, these are all for me.

Q As well it should be.

But it bears the document identification number 5389820. It's a two-page document. I'm going to give you a moment to take a look at that, and then I just want to ask you a couple of questions about it.

A Thanks.

Q So do you recall seeing this cable around -- well, let's first establish what it is, and maybe you can probably explain it to me better than I can explain to you.

From my reading of it, it appears to be certainly an unclassified SBU cable. It has the date of September 11, 2012. It's from Secretary of State, which, you know, down at the bottom has the electronic signature of the current Secretary, which is Secretary Clinton at the time.

What is your understanding of what -- could you just explain what this document is?

A So this document is a cable that is advising our post of, one, the fact that there has been a video released that has created protests in Cairo; and, two, advising our post that they might want to convene -- I think it's called an emergency action committee, but it is our -- each post has a set of designated partners who are part of the government, our government, to look at what they need to do to ensure that the security status and apparatus is in place for something that might be out of the ordinary.

 This is flagging that there might be protests that are out of the ordinary and reminding people to assess their security posture and take any steps that they think might be necessary to ensure the security of their facility.

Q And do you recall whether you saw this on September 11, 2012?

A I don't recall seeing this on September 11th or 12th, but I might have. I don't recall it.

Q And do you know if the Secretary happened to have seen it?

A I don't know if she would have seen it contemporaneously or not. I know that we were obviously on the other side of the issue, so it might have gotten created out of the fact that we knew this was happening in Cairo and we should be ensuring that everybody is on a little bit of alert. But, quite candidly, our career officials would normally operate that way, based on their long years of experience there, and would have ensured that same action, whether or not it was requested or not.

Q Uh-huh.

And in what's numbered 2, in the body of the cable, it begins that paragraph by saying, "In response to the upcoming release of a controversial film entitled 'Muhammad's Trial,' hundreds of demonstrators converged on the U.S. embassy in Cairo on September 11, 2012, with a number of protesters breaching the compound."

So that cable says there -- and it seems to reflect our conversation earlier -- that the Cairo protests were in response to a film.

A Correct.

Q What was your understanding, just in a general sense, of kind of what that film was about?

A I genuinely never watched the film. My impression was that it was deeply offensive to those of the Muslim faith because the faith leader was being treated disrespectfully or being sentenced, if you will. But I honestly never have seen the video.

Q And when you referenced the faith leader, for the Muslim world, that would be the Prophet --

A Muhammad. Yes.

Q -- Muhammad. And so the reference to a film about Muhammad's trial.

The rest of that paragraphs does reference Pastor Terry Jones. You had indicated you thought there was a connection with a -- I think you said a pastor in Florida. Is it your recollection that that was Pastor Jones?

A That's correct. His name is Pastor Jones. So this refreshes my memory of his name and that, at least as I understood it, there had already been elements of this film already on the Web that people were seeing.

Q And do you recall whether this was the first time that Pastor Jones had come to the State Department's attention?

A No. He had come to our attention before. I can't tell you how long before, but he had something -- he had similarly had a video or a -- I believe he might have been burning the Quran. I just don't recall. But, in any event --

Q Your recollection is not bad.

A Okay, good. At some point, he had engaged in other acts against the Muslim faith, and so he had come to our attention before. And he had, on one prior occasion also, potentially put our teams, I think at that time in Pakistan, but in other places at risk, and we were concerned about the impact of his actions.

Q So, certainly, at the time this is all happening, there was an experience with this very pastor that had previously put our people on the ground in danger.

A Yes.

Q And this cable is an effort to alert. And how widely distributed is this cable?

A This would go to all of our posts.

Q So all posts overseas, everywhere.

A Yes.

Q To alert all personnel on the ground of the potential concerns related to the film and Pastor Jones' showing support, promotion of it. Is that fair?

A That's fair. It would go to all our posts, and it would obviously alert them of the potential impact that it might have in different countries.

And, candidly, over the 2 or 3 weeks after September 11, there were a number of attacks or protests on our embassies, and they were all over the world. They were not just in the Middle East.

Q Yeah, I recall seeing, when I saw a State Department bulletin -- not contemporaneous, more recently -- that there even had been an incident in London --

A In London.

Q -- at an embassy.

A Australia. Very surprising places. But that might be my own parochial expectations of where someone might be affected.

Q And just directing your attention to the next point down, you mentioned that there was the recommendation of post convening -- and you explained the EAC, emergency action committee, to potentially consider steps.

And, certainly, as I read that paragraph -- and it begins with, "Violent extremist groups could use Pastor Jones' recent statements and actions as motivation to target U.S. interests overseas" -- that they're obviously reflecting here the concern that the video might be used by extremists to encourage or, in essence, target -- encourage

people to target U.S. facilities overseas.

A That's correct. That was the concern that this cable was seeking to both raise and also encourage the amelioration of potential outcomes that might be harmful to our teams.

Q And this reflected a real concern, a real concern that was actually based on prior actual experience where there had been personnel, U.S. personnel, put at risk because of actions deemed offensive in the Muslim world regarding the Prophet Muhammad.

A Yes. And, indeed, in the prior incidents, we had people who were very vulnerable. And I can, you know, recall my impression being that there was a need to, one, create the appreciation of that, but, two, also see whether or not there were other steps that could be taken to limit the impact of these types of videos and their accessibility on the Web. That's my best recollection.

Q And when you say "limit the impact," in terms of that concern, certainly I would imagine that you all were at least beginning to talk about and probably already had taken steps to try to find a way to help tamp down, quell, calm the unrest in the region. Is that accurate?

A That is accurate.

Q And what are the types of things that you were contemplating and doing to try to accomplish that goal?

A Well, in addition to obviously trying to use our traditional channels of diplomacy, which means that the Secretary would be reaching out to her counterpart and we would then have everybody down the line

reaching out to their counterpart to share that, to the extent there was unrest that was related to the video, that this was not a reflection of the position of the United States Government and that we wanted to ensure that they both understood that and fulfilled their obligations to our teams on the ground.

But we also look here at home to see whether or not there were ways to limit the visibility of these videos on the Web or limit the access to them so that our people on the ground were not at risk, or that we were limiting the risk that they were under. Because we don't -- as I said, we have to rely on the host nation. We don't have our own security forces to protect our diplomats.

Q So, to the extent this unrest was continuing, certainly, as of the 11th of September 2012 and in the ensuing weeks, there was a really urgent and serious need for the government to be discussing the video in the context of the unrest that continued -- that had been happening and was continuing to happen, and that need was to help ensure the safety of our personnel on the ground. Is that fair to say?

A That is fair. I mean, you know, look, I always -- I've learned now to treat every country differently, which was a good education for me when I went to the State Department. And so each country might experience not only this video but anything about us differently, and so you had to be cognizant of what were the unique issues or concerns of each country.

But it is the case that more than one, the gravamen of the unrest that they were seeing in their citizens toward us, there was more than

one for whom this video had managed to be used as a mechanism to incite their ire toward our country.

Q I think my time is up, but I just wanted to finish with just a final question. You know, understanding that this context -- and this has been very helpful -- and just returning to where we began, which was more focused specifically on what you were learning, how you were learning it, and what you were doing when you heard about the attacks in Benghazi, with regard to that effort, the information you were trying to gather, the work that you were trying to do, on that night, as that was all happening, was the focus there on what happened before the attacks?

A No. The focus there was on what could we do to secure our people and to secure the safety of everybody who was on the ground that night.

Q Thank you.

Ms. Sawyer. Off the record.

[Recess.]

[10:58 a.m.]

Ms. Jackson. I have a minute or two before 11, so we are going to go back on the record for the next hour of the majority's time. And I believe that Congressman Jordan had a couple of followup questions from the last hour.

Mr. Jordan. Ms. Mills, you indicated that the Ambassador didn't need approval to travel to -- well, frankly, no Ambassador needed approval to travel, with all their duties -- but did you know that he was going to travel to Benghazi on September 11th?

Ms. Mills. No. And I should clarify, if I was inaccurate. I think when Ambassadors would come home from posts, they would actually seek to be out of their posts, but in their country they would be able to travel around. So I apologize if I left that misimpression.

Mr. Jordan. Did Secretary Clinton know that the Ambassador was going to travel to Benghazi and be in Benghazi on September 11th?

Ms. Mills. I don't know.

Mr. Jordan. Okay. Thank you.

BY MS. JACKSON:

Q Okay. Ms. Mills, if I could direct your attention back to Exhibit 3 that you have before you, which is an email chain with a subject line of: Libya updates from Beth Jones. We talked a little bit about the sequencing and the timing of when you knew what. And I wanted to go back to this document to see if it helped put things in order.

If you could go to page 3 of this document, a little more than halfway down is a section -- an email part of this longer chain that is Tuesday, September 11, 2012, at 5:32 p.m. from [REDACTED] to a whole group of people. And that update says, and I quote, "The fighting has stopped, DCM Greg Hicks just confirmed to me. He also confirmed one fatality, Sean Smith, a TDYer from the Hague, has died. His body has been recovered. The five ARSOs are accounted for, but they're still trying to find the Ambassador. The principal officer's residence is still on fire with toxic smoke." End quote into the first paragraph.

Does that refresh your recollection as to the time of day it was when you would have received an update that there was one fatality already, the Ambassador is missing, and there's fire in the principal residence -- principal officer's residence?

A It certainly confirms for me that it means -- because I think the SVTCS was later that evening -- I would have known that Sean Smith was deceased. I can't tell you when I would have seen this, but somebody would have definitely told me. So that does help me at least understand that for the SVTCS I would have known that we would have had one person who would have died.

Q So even if you didn't see this particular email chain, someone would have personally come and informed you of that?

A Someone would have told me. And it certainly would be the case if the SVTCS, when I'm thinking it was in the evening, I would have known at that time.

Q Okay. And then if we go up a little further, we actually have to go back to page 2 to see that the next email chain -- the next section of this email chain is at 6:58 p.m. from Beth Jones. But I want to go all the way down to the bottom because the first part of it talks about Tripoli, but the very last section of this, which is then on page 3, it says, and I quote, "In Benghazi: Greg is working with the COS to make sure he is aware of reports that another mob has gathered in Benghazi and headed for the -- redacted -- compound. They will ensure extra protection there, too."

Do you see that?

A Yes.

Q Okay. And would you have received this information if not by email, by someone else, about that time -- about 7 p.m. on the night of the 11th?

A I assume I would've. I don't know that. I assume I would've.

Q Do you recall that you had both of those pieces of information before the SVTCS, which was at 7:30 that night?

A No, I don't. But I'm sure I would have known about Sean Smith's death. What I don't know is if I would have known that there was yet another team on the way to -- or not team, but another group of mobs on the way to the other compound that was there. Because my memory was that that attack happened later in the evening. So that is the reason why I am answering you the way I am. I thought the attack on the second compound happened much later.

Q And I believe it did happen in time, but I'm just asking if you had the information that they had at least the intel that there was going to be a follow-on attack, not that it had actually occurred.

A I can't imagine they wouldn't have told me, but I can't tell you sitting here that I knew.

Q Okay. And so if this information came in before the SVTCS occurred, you believe that you would have had that information before the SVTCS?

A If I was aware of it before the SVTCS, then yes, I would have had it before the SVTCS; yes.

Q Okay. And who all participated in the SVTCS from the State Department?

A You know, I don't remember. I do remember that our diplomatic security was present. So that would have been I believe either -- I believe it would have been Eric Boswell, who was our Assistant Secretary at that time. I believe that Pat Kennedy would have participated, who was our Under Secretary for Management. I believe that Jake Sullivan participated.

I know the Secretary came down, because that was a surprise for some of the other agencies, that she was on. And I cannot tell you who else was in the room, but I know that there were other people in the room as well.

Q Was Beth Jones in the room?

A She likely would have been in the room. She likely would have been.

Q And obviously she was the one that received this information from Greg Hicks.

A Yes, she did. Or at least the traffic would suggest that.

Q And all of these other people that you mentioned -- Eric Boswell and Patrick Kennedy and Jake Sullivan -- they were also recipients of the updates throughout the evening?

A Correct.

Q Okay. So --

A As was Wendy Sherman. And she might have been there, too; I just don't recall.

Q She was the Under Secretary for Policy?

A She is. For Political Affairs.

Q Political Affairs.

A Yes.

Q Okay. So for the 7:30 SVTCS, at least one of those people or multiple of these people would have had this information that there was at least some intel that there was going to be a follow-on attack.

A Yes. The way I would actually, if I were being accurate for how you expressed it, is that this -- I would have imagined -- because often people were in meetings, so they weren't sitting at their computer -- that our operations center or others would print copies and often would place them at your table in the SVTCS.

So it is plausible that this might have been placed at the table as this is the latest information; or, while we were sitting there, somebody would walk in and say, Here's a copy of the latest information.

So I want to make the distinction between being at your computer, because that night most people were in motion as opposed to at their computer. So most things are being said to people or placed down on people's tables to answer the latest information.

Q During the timeframe of the time period of 5:30 p.m. to 7:30 p.m., from the time you would have received some sort of notification that you had one fatality and the Ambassador was missing and the time of the 7:30 SVTCS that night --

A 7:30, okay.

Q -- what were you doing? The Secretary called General Petraeus. You said you had reached out, I forget to whom. But what all were you doing? Who were you reaching out to in the interagency?

A I don't have a perfect memory of everybody who I was reaching out to or, for that, much memory of that night, just because it was a lot. But I do remember that once we knew there was a fatality, that we also had to reach out in our Department to consular affairs to understand and learn about Sean Smith's family and how to notify and what would be then the requirements of how to step through that process and who to notify.

So that would have been one more other activity that would have been happening that evening. And I can't tell you at what time that would have been, so I can't put it between your 5:30 and 7:30 period. I know that, obviously, to get to a place where we were on a SVTCS with the multiple different agencies that would have been represented, it is quite plausible that I had reached out to some of those agencies

as well, but as I am sitting here right now, I can't tell you who I had a conversation with.

Q Well, given that the agency was affiliated with the other facility, do you recall talking with anyone from the CIA?

A I don't. But I would have recalled them by name as opposed to by agency. And I acknowledge that right now. So as I am sitting here, I am trying to think there was one gentleman that I used to talk to there whose name I'm blanking on. So I'm trying to remember whether or not that night --

Mr. Davis. [REDACTED]? [REDACTED]?

Ms. Mills. I did talk to [REDACTED] but not that night, to the best of my recollection. I think I talked to [REDACTED] later. It was another person.

BY MS. JACKSON:

Q Was it Mike Morell?

A I don't think I talked to Mike Morell that night either, but I did on other occasions talk to Mike Morell, obviously.

Q About Libya?

A Yes, yes. After this event. Obviously, prior to the deaths of our team there, I hadn't had occasion to deal with Mike Morell.

So I don't know who else I reached out to or who else I would have been talking to as I sit here right now. I genuinely don't have a good recollection.

Q Did you talk to someone from DOD?

A I think I talked to Sandy Winifred. I think I said that

earlier. And he's at DOD. I can't confidently represent it was in this time window, but I know that I did have conversations with him when we were trying to understand what we could do for our people.

Q Did Secretary Clinton talk to Secretary Panetta?

A I don't recall if she had a separate conversation with him. Because they were all in real time in other ways. So I don't know the answer to that question. She would know that. I don't know the answer to that one.

Q They were in real time in other ways. What do you mean by that?

A In other words, they always had regular meetings that were going on. So to the extent that the President had had either a meeting or otherwise they were having engagements, they might use those other natural meetings to talk. I don't remember any that evening. I don't know if they had had one earlier in the day or early the next day that would have put them in a conversation. I just don't know.

Q Did Secretary Clinton request that military assets be deployed?

A She actually on our SVTCS -- which obviously had the presence of a number of different agencies, of which I believe DOD was one -- said we need to be taking whatever steps we can, to do whatever we can to secure our people.

And I can remember that someone from the White House said that the President was 100 percent behind whatever needed to be done and we needed to do whatever needed to be done. And that's, you know,

that's what he would expect, but it's also what was said.

Q But in that timeframe --

A And so she was on that SVTCS and did speak to the need to see what assets could be deployed for our team. And I believe in that SVTCS, also DOD would have likely been a participant.

Q Do you recall who from DOD was participating?

A No. That's what I was trying to recall. But I don't.

Q Does the name Jeremy Bash ring a bell with you?

A Jeremy Bash I believe was the chief of staff at DOD. It is quite plausible he might have been on the SVTCS, but I don't know that so I don't want to make a misrepresentation.

Q Did you reach out to him independently of the SVTCS?

A It's quite plausible that I could have.

Q But you don't recall.

A I don't have a specific recollection, but is quite likely that he would be my counterpart and I would reach out to him.

Q Did you -- either during the events or after the events -- memorialize the events as they unfolded -- and your actions? Did you keep any type of log or journal regarding that, either personally or professionally?

A No. No. I didn't.

Q Okay. Would there be any other type of record of the calls that you made; like did you make calls through the op center or did they place calls for you or would you have dialed direct? Would there be --

A Ops would have any records that I placed through Ops. And I acknowledge being an over-user of Ops. But I also would dial people directly if I had their number. So it just depends on whether or not they happen to be someone whose phone number I knew and could dial them directly or I needed Op's assistance to be able to reach them. But Ops does keep a log of calls that were placed.

Q Okay. So now as we've established the sequence and the timing of events, the first notification comes in around 4:00. You are notified by 5:30 that you have a fatality and the Ambassador is missing. By 7:00 there is some intelligence that the other facility may be attacked. And then you have this SVTCS at 7:30.

Before the SVTCS occurred, what other interagency assets had been deployed or were in the process of being deployed, to your recollection?

A To my recollection, I don't know, because I can't time sequence things the way that you're asking, only because my memory doesn't have the timing committed to them. As I said, I do recall there being a request for assets to get eyes on, as I would call, and that that request was honored.

I recall after the Secretary's outreach to General Petraeus, that to the extent there was any support that could be offered in country from other teams that might be present, that that also was something that was at least already underway.

In terms of any other kind of activity or deployment or other things, I don't have any particular recollection right now as I sit

here, but happy to be, you know, refreshed.

Q Just to circle back for a minute; when you would receive these updates, whether you saw the emails, someone put a piece of paper, or came in and told you personally, would the Secretary have been receiving that information virtually either simultaneous with you or virtually at the same time?

A I don't know the answer to that, in terms of how she received it that night, but typically one of the things that the staff and the Department do a very good job of is giving the Secretary real time information. So when it happens. The reason the special assistants are copied on here is because they sit right outside of her office. And so they often then can be a conduit for sharing that information relatively quickly. And they, sadly for them, are tied to their desks. So they are always seeing things as they arise. And so I would expect that they would be sharing that. I can't tell you that they always did, but that would be my expectation.

Q Other than the Secretary's trip down to the Ops Center for the SVTCS, was she in her office from the time you were first notified of the attack until she left the State Department that evening?

A I believe she was largely in her office space. I don't know that she didn't maybe walk down to one of the other Deputy Secretaries and have a conversation or something, but it is the case that at least my memory is that she was on the seventh floor for that entire evening.

Q And monitoring the situation?

A Sure. That's why she was there. I was just saying

physically where she was, in terms of your question.

Q And how late did she stay that evening?

A I don't remember. She was there pretty late, but I don't remember what time she left. But, you know, [REDACTED]

[REDACTED] -- so they would probably be a better reflection than I could've of what time she left.

Q Okay. When you had the SVTCS that night, who spoke on behalf of the State Department?

A The Secretary.

Q She did? She led the discussion?

A Well, I don't know to say if she led the discussion, but certainly it is the case that when the Secretary is on a SVTCS with staff, then, you know, you are appropriately considerate of their obligations and responsibilities.

So each agency was stepping through what they were doing and where things stood. She would have spoken for our agency, and then we would have filled in other information or responses to questions, if they were posed, if we had the specific information.

Q So what did the military report that they were in the process of doing? Where were they in the deployment of assets?

A I just don't know the answer to that question. I mean, as I sit here, I don't know where -- I have a much better memory of us than I do of others, and I just don't know the answer to that question.

Q Would there be some memorialization of this SVTCS? Were there note takers?

A So my experience of our SVTCS is there were typically -- well, I said this before -- due-outs. And so there would be assignments that typically the NSC would assign out. I don't have any other experience of seeing anybody else's notes or a formal write-out of the SVTCS or otherwise. Those might have happened and I just didn't either see them or don't remember them.

Typically, what I remember is what were our due-outs; we've got to do X, Y, and Z, and he would make sure for the next SVTCS you had done your due-outs.

Q Okay. Was FBI on the SVTCS?

A I don't recall them. They might have been, but I don't recall them.

Q Do you recall taking any steps to reach out to the FBI or try and get FBI in country to respond?

A I don't know that I have a memory of the FBI being in country in Benghazi that night -- or in Tripoli.

Q Did you take any steps to try and get FBI into Libya?

A That night?

Q Or ask that they respond. Yes.

A That night?

Q That night; or, at least get them deployed.

A I have more of a recollection of us reaching for DOD than I have a recollection of us reaching for the FBI. That could be my best recollection.

Q I believe that you said in the last hour that the Secretary

reached out to the Libyan President?

A I know that she reached out to the Libyan Government. Likely, I'm assuming that would be the President. And I know that she reached out to press for support for our team on the ground, yes.

I don't know what time that was. I just want to be honest with you. You're putting times because you probably have the benefit of timelines in all the records. I don't have the same real time recollection of how things happened in terms of time.

Q Okay. Were you an observer or a listener to her conversation with the person from the Libyan Government she reached?

A I don't know if I was. I don't believe I was that night, because I believe I would have been doing something else. But that's only my guess.

Q Do you know who would have been with her that night as she made those calls?

A Well, typically, when the Secretary makes calls to leaders, there's always the front office staff are present. And they will actually, if they have been asked, will take notes from that particular conversation.

Q Okay. And so the Ops Center would have some memorialization of that?

A It's actually not the Ops Center, it's actually -- oddly, it's the special assistants that you have seen copied on these. It's typically the special assistants who would be on. I'm not saying that the Ops Center might not also have someone on, but typically it would

be the special assistants.

Q Okay. During the SVTCS was the use of the FEST discussed?

A Not that I recall. As I understood the FEST team, which I later came to learn, is they are a team that helps reestablish our embassies when we have moved them out. And so I think there was a lot of confusion around FEST teams as opposed to our Marines, who were obviously FAST teams. It's hard to keep these separated.

And I don't recall conversations around the FEST team. That's not to say it didn't happen -- because I know there was a lot of conversation around FEST-- but I don't recall that happening at the SVTCS that night.

Q Isn't FEST supposed to be a quick reaction deployment for crisis response?

A So my understanding -- but I might be conflating two things -- is that they are actually established -- they help you reestablish your embassy when your embassy or your teams have been -- aren't present.

So when you go in, they can help establish communication, they can help assess what might be your needs operationally. That's my best memory, but I acknowledge that I'm pulling on a pretty old memory.

Q Outside of the SVTCS was there any internal discussion about deploying the FEST?

A I know that there was someone who had served on a FEST team who felt like the FEST might be able to be helpful. I didn't learn that that night. I learned that subsequent in the process of kind of

stepping through what happened that night and how could we avoid this ever happening again. I don't have any real-time understanding or experience of those sets of discussions, to the extent they were happening.

Q Do you know who made that decision that night that the FEST should not be deployed?

A No. And didn't know that there was a decision that the FEST shouldn't be deployed, per se. But I don't have a -- no is the answer to your question.

Q Did you later learn that? That a decision had --

A That's what I'm trying to remember when we were going back through all of the understandings of what had happened that night. And I just can't pull that from my memory. But I do remember this being one of the issues that got looked at.

Q I'm going to hand you what has been marked as Exhibit 5.

[Mills Exhibit No. 5

Was marked for identification.]

BY MS. JACKSON:

Q And what Exhibit 5 is, for the record, is a printout of a State Department publication describing the Foreign Emergency Support Team, or FEST, and it's from the State.gov Web site. If you would just take a moment to look through that.

Are you done?

A Yes.

Q Okay. Exhibit 5 -- and I'll quote the first sentence of this. It says, "The FEST is the U.S. Government's only interagency on-call, short notice team poised to respond to terrorist incidents worldwide." It goes on to say that "the FEST deploys overseas to advise, assist, assess, and coordinate U.S. Government crisis response activities. The operations directed at the Department of State's Bureau of Counterterrorism leads the FEST." And then it goes on to talk about all the agencies.

This document also says that the FEST assisted in the aftermath of the East African bombings, it responded to the USS Cole, and it was also used in response to abductions in Ecuador and the Philippines.

This is different than what you've described as the FEST -- as what it does.

A So my understanding of the FEST and what my description speaks to is that the FEST was specifically deployed, as I understood it, after incidents had occurred as opposed to in the moment. So at least as I understand the FEST and the description here about how they operated in both East Africa and Cole, that would at least be consistent with my understanding.

What I didn't have an understanding of is that they would deploy in the moment of a crisis. And so I think that is where your questions are going to. And that wouldn't have been my understanding at the time. That doesn't mean I was right or wrong; it's just telling you my own understanding.

Q So when you and the Secretary and others were discussing

what are our options, nobody within the State Department said, Well, we have the FEST, we lead the FEST, we can deploy the FEST?

A So I don't know that nobody did that. So that might have occurred.

Q Did it occur during the SVTCS?

A I don't recall a discussion of the FEST team during the SVTCS. That doesn't mean it didn't occur simply because my memory is however many years old and, sadly, I'm getting old, too.

But my understanding of the FEST team was that in instances, particularly in East Africa and other places, that they come in and are able to help navigate how you respond after an incident has occurred, help establish communications, and help what I would say shore up what typically has been a damaged, harmed post or location.

So that was my understanding. But my understanding obviously is limited by my own knowledge. There are other people who are experts who would have opined and made judgments about what should or shouldn't be done and how it should or shouldn't be used, because they worked at the Department and know those things certainly better than me.

Q And would one of those experts have been Patrick Kennedy, the Under Secretary for Management?

A I would imagine so. Because I'm looking at the components of this and I imagine that the diplomatic security probably plays a role in this. So I do see it is really counterterrorism, and that might have meant Daniel Benjamin, who was the head of it. But given Pat Kennedy's long service at the Department, I would expect that he would

be somebody who would be knowledgeable about this.

Q I want to step back for a moment to whether you contemplated or reached out to the FBI. And I've handed what what I've marked as Exhibit 6.

[Mills Exhibit No. 6

Was marked for identification.]

BY MS. JACKSON:

Q It is an email exchange from you to Steven Mull, Patrick Kennedy, Eric Boswell on September 11th at 7:03 p.m., and the subject line is Re: Forensic team to Benghazi.

And I'll give you a moment to take a look at that.

And for the first email of this, it's from Steven Mull to Patrick Kennedy, you, and Eric Boswell. And it reads: "Per Cheryl's request to me just now to ascertain whether we could arrange for a forensic team to make it to Benghazi as soon as possible to investigate the burned building and possibly search for any remains, we're reaching out to FBI Ops to ask whether they would have any such resources to do so. Will report back."

And I note that Mr. Mull's exchange to you and others is at 6:53 p.m.

Do you recall this occurring?

A I don't recall that occurring, but that does help me understand why I don't recall myself reaching out to the FBI, either. So I don't recall that occurring, but I am confident that in reading this that I would have likely have asked him to do exactly what he would

have represented -- not actually to provide protection for our people, but to actually, hopefully, conduct an investigation that would help us learn who attacked our people and what evidence we might glean from that to be able to pursue them.

Q At the time that the 7:30 SVTCS occurred, were you under the assumption or impression that a military response had already begun?

A I can't tell you an impression that I have as I sit here right now. My only overarching impression is that the military was responsive as we engaged with them, but I can't tell you what I would have thought or not thought about what was actually happening.

Q Can you elaborate on what you mean by they were responsive. Because that could be a variety of things. Were they actually deploying?

A That's fair. So the Secretary or others would ask for what can be done. And they were articulating and outlining what options might be available and what was not available, given where they had assets currently in the region. And so when I say responsive, it was my sense that they were collaborating in the process of trying to ascertain what can be done to help our teams on the grounds there in real time.

So as distinct from this email, which is post the facts of what could be done, when I'm talking about what DOD could do in real time, it was my impression they were looking at what they could do to actually help in the moment of the crisis.

Q At any point between the time that you were first notified of the attack, until you were notified early the next morning that all of the personnel had been pulled out of Benghazi, did you ever learn or were you under the impression that the military was in the process of deploying to Benghazi?

A I just honestly don't remember as I sit here now. I know that there has been a lot of discussion around what role the military played or didn't play or did or didn't do, but I honestly can't tell you as I sit here right now. I can't take myself back to that night to pull on my memory, if you will, to know what I thought about what they were or weren't doing.

BY MR. DAVIS:

Q On Exhibit 6, which is the email from Mr. Mull to you and Mr. Kennedy and Mr. Boswell to ask you whether or not you could get a forensic team to Benghazi, the email was sent at 6:53, the SVTCS I believe was at 7:30. Is this something that you discussed on the SVTCS with the other interagencies?

A I don't recall doing that.

Q Is it something that Secretary Clinton, since she was speaking on behalf of the Department, is this something she would have mentioned during the SVTCS?

A I don't know. I just don't recall the nature of any conversations in that regard. That's not to say it could have occurred and didn't occur; I'm just telling you my memory.

Q The concept here to send a forensic team to Benghazi, Mr.

Mull says it's per Cheryl's request.

A Yes.

Q Was that your idea to send the forensics team in?

A I'd love to say yes. I don't know that one way or the other.

Q Who would you have been talking to around this time?

A I would have been talking to everyone who was kind of looking at this crisis and how might we figure out what had happened. And particularly once we were apprised of Sean Smith's death, would have wanted to ensure that there was the opportunity to preserve any evidence for how you might pursue those who did it. But I can't tell you now that that was an independent thought of mine or that somebody gave me that thought. I don't have a memory of it.

Q You mentioned earlier -- you said the Secretary was around the Department most of the evening. She might have gone down the hall to visit one of the deputies.

A Yeah.

Q Were you in the office on the seventh floor all evening as well?

A I was there until late, yeah.

Q And what was the nature -- how frequently did you interact with the Secretary? You mentioned you had adjacent offices. Was it a constant information flow between the two of you or were you doing your thing and she was doing her thing?

A So I think everybody was in a bit of an information sharing mode. So there was even a little more more informality than you might

have normally on a given day of people walking into each other's offices and walking into the Secretary's office.

So my impression was there was kind of constant back and forth of people in each other's office sharing information, trying to learn more. That is my impression as I sit here.

Q So when you learned Ambassador Stevens was missing, is that something you shared with the Secretary?

A I think -- I think we all learned about Ambassador Stevens being missing. So I don't know that I had a moment where I shared that per se, as opposed to all of us just feeling the weight of what that meant.

Q Sure. But were you all in the same room at the same time when that information was shared or did you learn it prior to the Secretary learning it?

A I don't know. Because I think when I read the emails that you all have shared with me, it suggests that there was kind of simultaneous sharing of this information with a broad group. And so she would have likely been getting that information at the same time, because the special assistants are on there. I could have told her, or anybody else who was reading these at the same time.

So my impression would be she would have been learning it at the same time -- either I would have been in the room or I would have said that we just got something that came across -- or her special assistants would have

Q So you had spoken earlier about actions you had taken,

actions the Secretary had taken when you learned that the facility was under attack. How did that change when you learned that Ambassador Stevens was missing?

A Well, I think what changed was trying to also ensure that we had some way of undertaking a search for him or ways to understand where he might be. I just recall there being -- one of the I think security people had indicated they had left him with a phone, [REDACTED]
[REDACTED]

So I know that there was, in addition to how do we defend and how do we make sure we have Sean Smith's remains and we are protecting the other team members that were on the ground, there was a concerted effort to figure out how we could locate where Ambassador Stevens might be.

Q And what role did you play in that concerted effort to learn where Ambassador Stevens might be?

A I don't know how to answer that, other than that night my role was trying to facilitate what we were trying to do. And so if that meant placing calls or gaining information or sharing information, that would have been what I was doing that night. I don't know that I had a particular hat on.

Q So you weren't assigned any particular roles or did you have any particular tasks that you were assigned to carry out that evening?

A I'm sure in the due-outs there probably was something that I was accountable for; I can't tell you that that would be. But I know that at least that night I viewed my job as trying to make sure that we were all doing everything we could.

Q Sure. Did you have any conversations with the Secretary where she said, Cheryl, I need you to call X; or, Cheryl, I need you to assure that this occurs?

A I'm sure those kind of conversations probably happened. I couldn't tell you what they were right now.

Q Okay. So do you recall what actions the Secretary took upon learning that Ambassador Stevens was missing, now knowing you have a search and rescue mission in addition to the --

A The death of Sean Smith, yes. I don't recall anything per se. I mean, for me, I guess maybe the way to say it is the intensity of what was happening was so much that I don't know that it could have gotten more intense, in terms of people trying to figure out what could be done to defend and what could be done to locate our Ambassador and what could be done to ensure that we were not leaving anybody behind.

So I don't know that I have a sense of the Secretary doing -- what her actions would have been, other than in one of those channels.

Q Okay.

Mr. Westmoreland. How are you?

Ms. Mills. I'm okay; thanks.

Mr. Westmoreland. Going back to your request for the FBI.

Ms. Mills. Yes.

Mr. Westmoreland. When you did have the video conference, was the subject matter what the complete group needed to be doing; or, was it okay, what all steps have already been taken?

Ms. Mills. It was both. So it was what's been done? It

actually was what do we know -- so it starts in that way, at least in my best recollection -- what's been done, and what needs to be done. So I would say all of those were elements of the SVTCS that night.

Mr. Westmoreland. Don't you think a request for the FBI to almost immediately get involved, don't you think that might have been something that, if they had said what has been done, that would have been some type of honorable mention -- that you had just done that?

Ms. Mills. It's quite plausible. But when I think about a lot of the activity that night, I think about the activity to try and locate and rescue as opposed to what my lawyer brain does sometimes, which is what's the evidence so that we can pursue somebody and hold them accountable.

So I don't know that night how it would have played out on the SVTCS, but it's not implausible.

Mr. Westmoreland. And to me, that's a pretty big step for somebody to take -- asking another agency to be able to do that.

As far as you can remember, you did that on your own and the Secretary didn't say, Hey, Cheryl, we need to get the FBI on this and make sure we can get in there and try to find evidence or whatever. That was something Cheryl Mills did, not the Secretary telling you to do that?

Ms. Mills. So I think -- if I didn't do this accurately earlier, I don't have an impression as to how I came to that. Like I don't know if I had that thought on my own, which does make me seem like Ms. Big Pants -- I can understand that -- or whether somebody had said to me

we need to make sure we're thinking through that element.

I genuinely don't know how I came to be of that mindset to reach out to Steve Mull to ask him to take that task. But I do believe he would have accurately reflected that I had done that. And so I'm sure I did.

Mr. Jordan. Ms. Mills, you mentioned kind of three tasks you had at this 7:30 SVTCS: what do we know, what has been done, what else needs to be done. In the "what do we know" category, what was discussed there?

Ms. Mills. So let me to do two things just before I answer that.

That's my impression of how the evening went -- in other words, everybody going around the room saying what the current status of affairs, and then the next thing being what needs to be done and what has been done. That's my impression. I don't know -- there wasn't, like, an agenda that said, you know, A, B, or C.

Mr. Jordan. I got it.

Ms. Mills. Okay.

In terms of what had been done, at least as I understood it, each agency --

Mr. Jordan. Not what had been done. Well, I guess they sort of overlap. What do we know.

And so let me ask specifically, did anyone talk about the fact that this was a terrorist attack at that 7:30 meeting?

Ms. Jackson. And, if I may, if you could go back to exhibit 1, starting at the third page, the bottom of the third page, that email exchange that starts at 6:06 p.m. and goes to the next page, on the subject line, "Update 2: Ansar al-Sharia Claims Responsibility for Benghazi Attack (SBU)." So, just to --

Ms. Mills. Okay.

Ms. Jackson. -- help give you a timeline of --

Ms. Mills. That's good. Because you know my memory is frail.

I'm sure we would have discussed the fact that this piece of information had been shared with us. I also, for some reason, recall that it also then got withdrawn or that somebody suggested that it wasn't accurate. But I don't remember that happening in realtime; I remember that happening sometime later. And by that, I mean the Ansar al-Sharia credit claim.

Mr. Jordan. So did both of those happened at this 7:30 meeting?

Ms. Mills. No, I don't believe that -- I don't believe so, but I don't have a specific recollection as I sit here right now. In fact --

Mr. Jordan. Let me ask you this.

Ms. Mills. -- if Ms. Jackson had not directed my attention back to this, I don't know that I would have been able to pull that from my own memory.

Mr. Jordan. Was the video brought up at the 7:30 meeting?

Ms. Mills. I don't know, because what I don't know is whether or not we would also would have talked about what was happening in Cairo and done a roundup of is everything happening in Cairo.

Mr. Jordan. I mean, you had sent this message to every single post we had around the world literally less than an hour or, I guess, slightly more than an hour before this meeting --

Ms. Mills. The cable you mean?

Mr. Jordan. The cable, yes. And so it seemed likely, if it was

important enough to send out, you were concerned about it, that it would have been brought up. So I guess, was it brought up? And if so, who brought it up?

Ms. Mills. So I don't know the answer to your question.

Mr. Jordan. Either one?

Ms. Mills. Right.

Mr. Jordan. Okay.

Ms. Mills. Because my memory doesn't -- I don't have a memory of the discussion around the cable or the video, though both of those could have been things that came up that night.

BY MS. JACKSON:

Q Just to follow up along those lines, correct me if I'm wrong, but what I heard you say was that the video was associated and affiliated with the protests that were in Cairo and then protests at other embassies after Benghazi, but the video was not affiliated or associated with the attack in Benghazi that night?

A So it wasn't that clean, primarily because we didn't know why people were attacking per se, because you didn't always know what different people's motivations might be. So, because there had been this earlier attack on our embassy in Cairo --

Q Was it an attack, or was it a protest?

A Protest. That's exactly right.

Q Okay.

A That's an excellent clarification. We didn't end up having people start attacking our embassies until after.

Q So any follow-on attacks didn't occur until after Benghazi occurred?

A To the best of my memory, but if I'm inaccurate, you should give me a document that helps me be more accurate. But my impression that evening was that, given how much had already happened in Cairo, there was a sense of the beginning of confrontations towards our embassies because of unrest in the region, and that unrest might flow from what they saw as a position that they thought our government might have been taking, which it wasn't, around this video or that we weren't doing enough with respect to it.

Q Just one last question regarding the response that evening. You know, we've talked about military response, we've talked about FBI, we've talked about a variety of different things.

What was the discussion within the State Department of assets that you could deploy, that the State Department could deploy to Benghazi to either assist in the defense of your people there or in the recovery, the search for the Ambassador? Did you --

A So, that night, we were assessing what assets we had on the ground at that time, which included assets that were in Tripoli, and whether or not they should or should not go into Benghazi. That's my best recollection, as separate and apart from how we could mobilize the host nation to do its job, as well as the teams that had been engaged to protect our consulate.

That's my best recollection. If there's a document or so that shows more, then I wouldn't quibble with it, but that's my best

recollection.

Mr. Jordan. Sharon, could I --

Ms. Jackson. Yes.

Mr. Jordan. Just to be clear, was the fact that Ansar al-Sharia had claimed responsibility and that it was a terrorist attack, was that or was that not discussed at the SVTCS meeting, the 7:30 SVTCS meeting?

Ms. Mills. I don't recall, but I have to imagine it was. But I don't know that.

Mr. Jordan. So you think it was?

Ms. Mills. Well, I don't know that, because you're asking my memory. And so, in my memory, I don't remember it, but I'm confident that, given that it would have been information that would have been provided, that that would have been one of the things that would have been discussed. But I'm not telling you that from a memory; I'm telling you that based on what the information was.

Mr. Jordan. And so, then, moving to the video, was the video discussed, just again to be clear, was the video discussed at the 7:30 SVTCS?

Ms. Mills. Again, I don't have a memory one way or the other.

Mr. Jordan. All right. So you're confident that the terrorist issue was brought up, but you don't know at all --

Ms. Mills. Well, I'm confident that this would have been one of the kind of lay-downs that they would have put on our desk when we would have sat down in the SVTCS.

Mr. Jordan. Okay.

Ms. Mills. So you would have then been able to read it, and I'm sure people would have then spoken about it. And so that just helps me understand how we typically operated.

Mr. Jordan. Okay.

Ms. Mills. So I'm kind of relaying from our operational protocols.

Mr. Jordan. But in the previous hour with Ms. Sawyer's questions, you said you had talked to some head of state or some foreign leader, "How can we protect your people when this video is out there?", that you could recall a conversation you had with some head of state --

Ms. Mills. So, not my conversation. I recall that in the conversations that our teams were having --

Mr. Jordan. Yes.

Ms. Mills. -- I remember that one of the things that got reported back was --

Mr. Jordan. And when was that? Was that --

Ms. Mills. That was after. So this was when we a number of different --

Mr. Jordan. So after the attacks? Several days after?

Ms. Mills. After the attack in Benghazi --

Mr. Jordan. Okay.

Ms. Mills. -- but not after attacks that were happening in Khartoum, Tunis. There were a number of countries where -- Sana'a -- where people were breaching our embassy walls. And I can remember that one of the conversations reported out from someone

who was a leader in the region --

Mr. Jordan. Was this the day after? Several days after? Do you know?

Ms. Mills. I would have said it's days after, but I don't know that for a fact.

Mr. Jordan. Okay. Thank you.

BY MS. JACKSON:

Q I want to move forward a few days, because I've got several other topics that I had hoped to cover in this hour.

Given the deaths of, ultimately, four U.S. Government personnel who at that time were all being described as State Department employees, was the Secretary asked to appear on one or more Sunday news shows?

A Yes.

Q Okay. And who asked? Did the network ask? Did it come from the White House?

And I would like to reflect that we are joined by Congressman Cummings at this time.

A I don't know who would have asked, because I don't know how our media -- you know, I'm imagining they would just have just sent it in to our media affairs. But I don't know how to answer that question.

Q But you believe the request came from the networks as opposed to the White House?

A I recall that there was discussion about whether or not the Secretary was available to go on the Sunday shows.

Q And were you part of those discussions?

A I was part of some of those discussions, yes.

Q Who else was part of those discussions?

A I don't know for certain, but I would have said, obviously, our assistant secretary for press. So I would have said Toria Nuland. But that might be more my expectation as opposed to the reality.

Q Would Jake Sullivan have been involved?

A Quite plausibly he could have been involved, as well. I'm just trying to --

Q Philippe Reines?

A Yes, he would have -- Philippe, who also worked in the Press Affairs, would have been involved in that, as well.

Q And the Secretary herself?

A Oh, certainly. You would never send her --

Q You would not volunteer her.

A -- onto a program without that being a decision that she ultimately decided she wanted to make. Correct.

Q Did you or others, to your knowledge, reach out and have any conversations with the White House or other agencies that were involved? Two of the deceased were contractors with the Agency. Were there any type of --

A About her appearing on the Sunday shows?

Q Her or someone else in lieu of her.

A I know that whether or not she would or would not appear on the Sunday shows was a discussion that we would have likely had with

the White House. Because we would not have said "yes" or "no" to the Secretary going onto shows without actually our media coordinating in that particular regard. So that --

Q Who at the White House would have been consulted?

A So, typically because I always was dealing with the NSC and, in that regard, Denis McDonough, my counterpart would have been there, though I don't know that I actually had a lot of conversation on this issue. So it might have been more likely that was a conversation happening with their media team, which was, I believe, led by Ben Rhodes in the White House.

Q Since the Secretary didn't appear, who made the decision that she wasn't going to appear?

A Well, she would always decide what she would do, if she was going to go on a show or not go on a show.

Q Okay. Were there recommendations that she took from you and others, such as Philippe Reines, Jake Sullivan, others?

A No. Candidly, the Secretary was so focused on what had happened to our team and what was happening in the region that I don't know that there was a moment's thought about it. She didn't often go on the shows. And she was, understandably, very concerned about how we support our teams and the losses that we had incurred.

Q Do you know where she was on Sunday?

A No.

Q Okay.

How did you learn that Ambassador Rice was going to appear on the

shows?

A I think I would have probably learned that by email or somebody indicating that they were putting somebody out on the shows and it was going to be Ambassador Rice.

Q Do you recall whether Secretary Clinton met with Ambassador Rice on the Friday after the attacks and before the Sunday shows?

A She had a standing meeting with Ambassador Rice on Friday mornings. So if Ambassador Rice was available and in town for her standing meeting, they would have had their standing meeting.

Q Do you recall whether Ambassador Rice attended the return-of-remains ceremony on that Friday?

A I believe she did, but I could be wrong.

Q So, if she was there, she would have been in town and they would have kept their standing meeting?

A They would have kept their standing meeting if she was in town. And I would have expected that she -- that that would have been a meeting that did occur. That's my best --

Q So, if the Secretary's schedule showed that they were have a meeting that day, it would have occurred?

A Yes, unless there was some other crisis or otherwise need, and then there would be an after-action schedule that would have reflected that change.

Q And did you sit in on those meetings?

A Sometimes.

Q Okay. Do you recall being there that Friday?

A I don't recall being there, but I don't know that I wasn't.

Q Okay. Would there have been any memorialization or notes taken of their meetings?

A No. They just basically had a meeting and kind of went over things where they talked.

Q Do you have any recollection that they discussed what Ambassador Rice was going to say on the Sunday talk shows?

A I don't recall her ever having indicated that, certainly to me. And, given all the fervor that happened after the fact, I would have imagined it. But I don't know that.

Q Let me turn quickly to the Accountability Review Board. And I don't know that I will get through all of my questions on that, but I'll try and get as many as I can.

What role did you -- you know what? Let me back up. I can do another subject, I think, in a shorter amount of time.

What intelligence products did the Secretary review regarding intelligence or security of overseas posts on a regular basis? Did she read -- did you have daily intelligence reports from within the State Department? Did she read any other reports from the intelligence community on a regular basis?

A I know she got regular reports, intelligence reports, each day that were brought in. Some of them were ones that we would get, some were not, so I don't know that I could speak to what it is that she would regularly see. I don't recall regularly seeing --

Q Did you read those?

A No. Some of them were ones that -- or were not ones that I would see. That's correct.

Q Okay. Did you read any intelligence reports on a regular basis?

A I read a lot of intelligence reports. They typically would be related to issues that I might be immediately handling. And if there was some reason why someone thought I needed to have a particular bit of information that was unrelated to something I might be immediately handling, someone would come, typically, and bring the document. And they sit with you while you read it, and then they would take it.

Q Was there something within the State Department called the "overnight"?

A I believe so.

Q Did you read that on a regular basis?

A No.

Q Did the Secretary?

A I don't know the answer to that question, because she got a package every morning that she would -- and they would basically come and sit for about a half-hour and go through intelligence and give her a briefing and step her through all the information. So I would imagine that that would be part of what they would be sharing with her.

Q [REDACTED]

A [REDACTED]
[REDACTED]
[REDACTED] -- during the time period we were there, [REDACTED]

[REDACTED]
[REDACTED] they
would do a briefing with her every morning.

Q [REDACTED] [REDACTED]
[REDACTED]

A [REDACTED]
[REDACTED]

Q [REDACTED]
[REDACTED]

A [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Q On or about August 17th of 2012, there was an information
memo to the Secretary regarding the deteriorating security situation
in Libya. Did you see that document?

A Not at the time, but I have seen it since.

Q Okay. Do you know if the Secretary saw it at the time?

A I don't know.

Q Okay. Who would know?

A She would know.

Q Would anyone else know or have some sort of tracking of the
document being delivered to her?

A Well, I can only infer, but I don't know -- I don't know
who or how it would have been delivered. I would just infer that a

memo for her would likely get to her, but that's an inference as opposed to something I know.

Q Would there be some sort of recordation of that through the Exec Sec?

A There might be.

Q All right.

You've said that you've seen the memo since.

A I have.

Q To your knowledge, how often would that type of memo come to the Secretary, where it's describing the deteriorating security situation in a particular country?

A I don't know, because I don't have the spectrum of all of the different instances where memos might arise about our teams. Because we had teams in very tough places, so I'm sure that there potentially would have been the case in Pakistan and Afghanistan and Iraq, in any number of places. So I don't know how to contextualize that for you.

Q Who would she reach out to discuss the security in country when she would get notified in any manner?

A Security -- our experts for security were in Diplomatic Security, which at that time was led by a gentleman named Eric Boswell. And then they were supervised by our Under Secretary for Management, Pat Kennedy.

Q Did Secretary Clinton have regular and routine meetings with Assistant Secretary Boswell?

A She had weekly meetings with her assistant secretaries, in which he was one of them. And she also had daily meetings where Under Secretary Kennedy was a part of them.

Q A daily meeting with Under Secretary Kennedy?

A So it was our senior team meeting, and he was one of the 12 or 15 people in the -- probably 12 people in the senior team meeting.

Q And you'd go around the table and everybody would report in on different matters and update the Secretary on what was hot or needed her consideration?

A Yes. "Hot" is an interesting word, but, yes, it is the case that people would give updates on their matters. And sometimes they were very mundane, and so we would look at that person like, "Really, are you keeping us here longer for that?" But, as a general matter, it was everybody giving updates from their areas.

Q Did she have any other meetings with Under Secretary Kennedy that were one-on-one?

A Well, she would have one-on-one meetings from time to time with any of our under secretaries and assistant secretaries. But if you're asking whether or not there was a standing one-on-one meeting, I'm not familiar with a standing one-on-one meeting.

Q Okay.

Given everything that was happening in the Arab Spring in 2011 and 2012, did she have any specialized group that she pulled together and met with regularly about issues that were occurring in the Middle East or as a result of the Arab Spring?

A I'm sure on the policy side there were conversations and meetings like that that were occurring. But if you're asking on the security side, she would have likely relied on the experts that we had both in the region and in our department for information in that regard.

Q And on the security side, that was led by Under Secretary for Management Patrick Kennedy?

A Well, so Diplomatic Security was actually led by Eric Boswell, but Eric Boswell reported to Under Secretary for Management Kennedy. He had a broader span of accountability than just the Diplomatic Security apparatus.

Ms. Jackson. I think I may only have a minute or 2 left. I will look to the Members to see if they have any questions.

Mrs. Brooks. I have a couple of questions just on security.

Were you aware of IED attacks on our facility in Benghazi that had occurred prior to the attack in September?

Ms. Mills. I don't think so. I saw that after the fact as we were looking through, obviously, what had occurred. I don't remember having contemporaneous knowledge, but it is quite plausible that Under Secretary Kennedy could have raised that at one of our, you know, meetings. But I don't have a memory of that.

Mrs. Brooks. Were you aware that a British ambassador -- that there had been an assassination attempt on his life in June of 2012?

Ms. Mills. No.

Mrs. Brooks. Were you aware that in June of 2012 a group of 20 armed Ansar al-Sharia members stormed the Tunisian consulate in

Benghazi in June of 2012?

Ms. Mills. I didn't have any awareness of that, correct.

Mrs. Brooks. Do you know if the Secretary was aware of any of these incidents?

Ms. Mills. I don't know. The one that I would say, obviously, there would have been visibility is when something happens to one of our facilities. And so you mentioned an IED attack on our facility, and that might have been raised to her attention.

I don't know that, and that's why I'm saying my best recollection would be that would be one that I would expect that, if there was visibility, that would have potentially been something Under Secretary Kennedy might have raised at one of our daily meetings. But I don't have a specific recollection of that.

Ms. Jackson. And I believe, then, we are at --

Mr. Westmoreland. Can I --

Ms. Jackson. Oh, I'm sorry. Go ahead. I believe the minority might cede us a couple more minutes. Thank you.

Mr. Westmoreland. Who would you say was the Ambassador's boss? Who did he answer to?

Ms. Mills. So the Ambassador's boss, which is always an area of contention with our ambassadors -- so the Ambassador is in a unique role. They obviously are the representative of our country in the country, and so that means that the President is their boss. They obviously work at the State Department; that means the Secretary is their boss. And the Assistant Secretary believes that they are an

extension of their region, and that means the Assistant Secretary believes they are their boss.

And effective ambassadors manage to make all of those people believe they are their boss.

Mr. Westmoreland. You were asked about the security issues at the compound. I think the way it was phrased, was the Secretary aware of any of the granular things about security, I guess; you know, does a door need to be reinforced or sandbagged or whatever.

But as far as deteriorating security in the whole area and what is going on, if the Ambassador was going to make a request for additional security, if he thought he had three different bosses -- maybe the President, the Secretary, or the Under Secretary -- who do you think he would have made that appeal to?

Ms. Mills. Because it would have been an operational element, they would have made that appeal in two ways: one, to their assistant secretary. That would be my first expectation to whom they would be sharing that information with. And they also had counterparts called regional security officers, who would, to the extent it was security-related, be making that through their counterpart in Diplomatic Security.

So I would've expected that in both of those channels you would see information flowing about that need. I might be wrong, but that's what I think they would be doing.

Mr. Westmoreland. So if an ambassador had concerns about the safety of his facility and the people there working under him, the only

channel he would have had to go through was the Under Secretary of Security?

Ms. Mills. Well, no, that is not their only channel. I mean, that is the luxury of being an ambassador; you do have multiple channels you can lever. But if you are asking what was the practice that I observed in the Department for how they raised this type of issue, the practice would be to raise it with the Assistant Secretary.

Mr. Westmoreland. And who would that have been?

Ms. Mills. That would have been Beth Jones.

And then they would have raised it through their Diplomatic Security channels. So their regional security officer would have been talking to his or her counterpart in Diplomatic Security for that, as well.

So those would have been the normal channels. When I look at what happened and how the Department operated in other instances, that's how they typically communicated.

Mr. Westmoreland. So, since these requests were denied, it would have been Beth Jones denying those requests?

Ms. Mills. So I don't know how to speculate in that particular regard, because I think it would've gone through two channels. And so it would have been dependent on what was the nature of the asset that was being asked for.

So, to the extent it was more fencing, more people, more of those types of things that I think are security-related, that would have likely gone through the Diplomatic Security apparatus. And what they

would have been seeking to leverage was what was the political situation in context that could be offered about what was happening in that region through their assistant secretary.

Mr. Westmoreland. So, even as these incidents mounted and the requests kept coming in -- I'm just speaking for myself. If I was an under secretary or in the defense, I may have gone to the Secretary and said, "Look, we've got this ambassador that keeps telling us, you know, they've had the wall breached, other ambassadors have been shot at, you know, the Red Cross has pulled out, the Brits have pulled out, and he's wanting extra security, and I've told him no. Is that a good decision?" I mean, it seems to me --

Ms. Mills. I think those are the hard kind of discussions --

Mr. Westmoreland. -- that's a terribly big decision.

Ms. Mills. Well, it's also a hard decision.

I think those types of discussions do have to happen in a world where, unfortunately, there is not limitless resources. And those kinds of discussions also have to happen then about whether or not you can stay or not stay. And all of those become part of the calculus that the experts in the Department really try to balance. And I think, on balance, they do a relatively good job, but I think it is a really hard situation.

And I think one of the things that at least this circumstance surfaced for me was how limited resources were for some of the needs that people had and how to try and ensure that there was more opportunity for more resources, given the unique challenges that diplomats face,

because they don't have security --

Mr. Westmoreland. Okay, last part of the question. So, in your opinion, the Secretary of State said, "It's your job, you handle it," or that she never knew about it?

Ms. Mills. I don't know what her level of awareness would have been on this, primarily because one of the things --

Mr. Westmoreland. You were her chief of staff. I mean, you would think that since you were the chief of staff, if the Under Secretary was going to come in, surely the chief of staff would have known -- at least, my chief of staff would have known that somebody was coming in to make a request for something.

Ms. Mills. So what's different about the Department than, potentially, your staff is not only the size but the expertise that is already resident in there. And I'm not saying I don't think I'm intelligent, but they also think that they have expertise that might not always be present in folks who don't have the longevity and the understanding of the scope that they might have. And that is probably fair.

I think that, in the context of the number of security professionals who each day make that hard judgment for diplomats and have been doing it relatively well for years, it doesn't surprise me that they would think that their expertise was expertise that would probably best know how to balance it. They have to do that every time they staff a post, they have to do that every time there's an incident at a post, and they have to do that every time they hear about a

threat and protect it.

But nobody's perfect. And I think that our Diplomatic Security team at the Department is really first-rate, but I also think that, as a practical reality, which I think some of ARB bore out, people learn to do with less. And the question is, in a world where we have our diplomats in increasing less secure places, how do we make sure that they have the protection that they need? And I think that's an important consideration not only for you all, obviously, but for how we fund and staff around the world.

Mr. Westmoreland. Okay.

Getting back to my question, do you think the Secretary addressed the situation?

Ms. Mills. Your question was do I think she knew about it, and I can't speak to what she knew. She's already testified as to what she knew.

Mr. Westmoreland. Well, the other question was, did anybody ever -- were you ever made aware that somebody talked to her?

Ms. Mills. "No" is the answer to that question.

Mr. Westmoreland. Okay.

Ms. Mills. Right.

Ms. Jackson. And, with that, we'll go off the record. We're over our hour.

[Recess.]

[12:54 p.m.]

Ms. Jackson. We will go back on the record at 12:55. And the minority staff has ceded the next time to the majority staff, so I'm going to continue with the questioning.

BY MS. JACKSON:

Q I want to turn now to the Accountability Review Board.

A Okay.

Q And it's our understanding, based on the documents that we've reviewed, that you have a role in selecting people to recommend to the Secretary for the panel. Is that correct?

A Yes.

Q Okay. And who did you work with on that?

A I worked with Under Secretary Kennedy and Deputy Secretary Bill Burns in identifying who might be talent that could actually serve in this role.

I know I also made inquiries to other senior leadership in the Department and also, I believe, to the Under Secretary for Political Affairs, maybe our other deputy secretary. But I generally was seeking recommendations for individuals who might be able to serve.

Q Okay. And were you leading that effort on behalf of the Secretary?

A Certainly with respect to standing up the ARB. My objective was based on her desire to have it set up quickly and actually have it set up with individuals who might be of the stature and ability

to give hard medicine if we needed hard medicine, that that was the undertaking I did.

Q Okay. And did you and the others then come up with a list of names?

A So the Department has names that they also have, and then what you do is you can augment or identify other talent that might be able to perform a particular role. So what I did was seek recommendations from different leaders in our department for who might be able to serve, given the kind of responsibility this particular ARB was going to require.

Q Okay. And how many names -- did anybody -- did you reach out to anyone to serve on the ARB?

A I reached out to Bill Burns, who I know ended up having a conversation with Tom Pickering, who ultimately ended up becoming our chair. I reached out to, I believe, Admiral Mullen myself. I could be wrong about that, but I believe I did. And I reached out to, I believe, Cathy Bertini, who had been recommended to us by the Under Secretary of Management. And those were the individuals to whom I reached out.

I remember that the IC recommended a gentleman named Hugh Turner, and they volunteered that name. We had reached out to ask who their name was going to be, and that's who they shared back. And --

Q Can you tell us about your conversation with Admiral Mullen?

A I asked Admiral Mullen whether or not he would be willing, given that he had, I think, had just stepped down from being the Joint

Chief, to serve on an Accountability Review Board and step through at least what I understood was going to be the time commitment -- and I acknowledge I was wrong; I thought it was a 60-day time commitment -- and that if he had the time and the ability, it would be beneficial to be able to have his expertise and his assessment for what happened in the security-related incident that we had.

Q Did he express any reticence, just given the fact that he was the Chairman of the Joint Chiefs at the time that these events transpired?

A It was my recollection that he was no longer serving as the Joint Chief, but I might be wrong about that. Are you saying he was -- because when I reached out to him, he was not the Joint Chief.

Q But he was the Joint Chiefs when the attack occurred in Benghazi.

A Oh, I see what you're saying.

Q Uh-huh.

A I don't know that. I obviously don't recall when he stepped down, but I knew he had recently stepped down. I don't recall having a conversation where he expressed reticence in that regard. He might have, but I don't remember that.

Q Did anybody else express reticence in that regard, that he was the Chairman of the Joint Chiefs when Stevens first went in as the envoy in Benghazi and then through the time period of the attacks?

A No. I think, though, to give context, the ARB is actually focused on the Department, and the ARB is actually focused on whether

or not there has been a security-related incident, whether or not the security was adequate, and then whether or not it was properly implemented, in addition to, obviously, whether or not there is any accountability for what did or didn't happen.

And so it is a department-based focus, if you will, with the other piece of it that is also an area, which is the intelligence and whether or not intelligence was assessed effectively in the context of a security-related incident.

So it's very focused on the activities and accounts of what happened based on the Department's assets and people and programs and how the Department itself and how our staff performed.

Q Was there anyone that you or the others reached out to to serve on that ARB that declined to do so?

A Oh, I'm sure there probably was, and I just don't remember who that would be. But I'm sure there was. I'm sure --

Q You don't recall anyone that you talked to?

A No, but I'm -- I don't know that this was an assignment anybody would have loved to do, so I'm sure there were.

Q Okay.

Did Admiral Mullen accept in that first conversation you had with him?

A I don't recall. Because I know he had just stepped down and he was trying to pace his own schedule and was concerned that his schedule might not allow him the flexibility to be as committed as he would need to be. So I don't know if that was in that first

conversation, he needed to get back or he needed to confer with his family or what was exactly the dynamic.

Q Okay.

Did you and the others forward only five names to the Secretary for her consideration?

A In the end, the Secretary was presented with a panel of the five names that were recommended, and she decided to accept all of those.

Q Did she have any input into the members of the ARB?

A We certainly apprised her that it looked like we had a team of five that represented a balance of those who understood diplomacy, who understood national security, who understood what it meant to operate in environments that were insecure, and that we thought the balance of who we had identified met that criteria.

Her objective was could they be people who would give hard medicine if that was what was needed. And I felt like, in the end, that team was a team that would speak whatever were their truths or observations to the Department so that we could learn whatever lessons we needed to learn.

Q Okay.

Do you recall that during this process that you conferred with Michael Morell from the CIA regarding one or more members or potential members of the ARB?

A That's plausible. I don't recall it, but that's plausible, because one of the members had to be from the intelligence community.

Q But was that person appointed by the ODNI, the Office of the Director of National Intelligence, or by the CIA?

A I don't know who actually ended up being the person who represents the IC. But Hugh Turner ultimately ended up being recommended through the -- to represent the intelligence community. I just don't have a perfect recollection or knowledge of that now. I'm sure at the time I probably did.

Q Okay.

Do you recall how it was that relevant documents were assembled for the ARB to review?

A So, yes. The documents are collected by our Administration Bureau. So the staff there put together the request and circulate it to the staff in the Department to provide any documents or materials that might be responsive, and then they are reviewed.

The Administration Bureau keeps the repository for all of those records. The ARB was to get their documents from the Administration Bureau directly so that there was no filter between them and the records that they might want.

Q Okay. And who was leading that from the Administration Bureau?

A I don't know who was the head of the Administration Bureau in terms of that, so I don't know the answer to your question.

Q Would it have been the Assistant Secretary? Would it have been the person in that position?

A It might have been, but I'm just telling you I don't have

a recollection of a human being in that framework.

Q Okay. So, then, did a tasking go out to all the relevant bureaus to collect and assemble their records and transfer them to the Administration Bureau?

A So -- do you mean for the ARB?

Q Yes.

A So I don't know how the ARB undertook their framework, but they were looking at records that were already being assembled in response to a request that had already been posed to our department by Members of Congress, as well as they had their own individual interviews that they were conducting where they might ask for records or materials that they felt would be relevant that they came to have knowledge of.

I don't, obviously, know that for a fact. I just know that that was their flexibility and that was the cooperation that was expected by everyone.

Q Okay.

I just want to take a step back because I'm not sure I understand how the documents were. Documents were already being assembled because of congressional inquiries?

A Yes.

Q That came in before the ARB was instituted or stood up or convened?

A I don't know the timing, because I don't have the timeline in my head. And you can absolutely refresh my recollection and talk

about that. But there were already documents being collected that were in any way related to the incident that had happened on the night of September 11.

Separate and apart from that, the ARB could both reach to the Administration Bureau to be able to access any of those records that were being collected, which would have been records regarding anything related to the night of September 11 and 12. And they could also initiate their own requests for documents.

Q Okay.

There have been reports out there that an individual by the name of Ray Maxwell, at some point between September and December 2012, was in a room in the State Department where Benghazi documents were being assembled or reviewed or stored or something like that and that you had an encounter with him. Did that occur?

A No.

Q None of that is true?

A Correct.

Q You never had an encounter with Ray Maxwell?

A Not of the kind he described --

Q Okay.

A -- or any kind around Benghazi.

Q Was it regarding -- did you encounter him regarding documents for some other subject?

A No.

Q Okay.

Was there a room where Benghazi documents were being assembled?

A So the Administration Bureau had a room where they obviously assembled documents, and there was also a room where individuals who reviewed documents were assembled. So both of those types of rooms do exist, correct.

Q Okay. And so the Benghazi documents were kept in a separate room?

A So the Administration Bureau, I can't tell you how they managed those, because I don't have a visual of that, but they were the actual repository and kept copies of everything, and they would only make copies to allow other individuals to review them as opposed to disturb their copy set.

Q Okay. And when they said "make copies," was that a hard, physical copy or was that some sort of scanned electronic copy?

A Physical copy.

Q Physical copy?

A Uh-huh.

Q Okay.

And do you know who Ray Maxwell is?

A I do now.

Q Did you at the time?

A I'm sure I would have met Ray. I don't know that I had a recollection, because I certainly don't have that and didn't until after I saw some of the things that had been said. I might have had an encounter with him when he was being hired. I don't know. Meaning,

ensuring that he was in a place where he could be appointed or hired. I don't know. But I don't -- I never had an encounter with Ray Maxwell around Benghazi.

Mr. Davis. That's pretty specific, "I may have had an encounter with him when we was hired." Why when he was hired? Why are you using that as a potential example of when you may have encountered him?

Ms. Mills. Because for two reasons: One, one of the things that we sought to do in the Department was to bring about greater diversity in our administration. For better or worse, that presents a challenge in a lot of our bureaus, because their ability to identify talent that has expertise who might be other than white and male was limited.

And Ray Maxwell, as I understand it, based on conversations that he'd had with others, was identified in a process whereby, because part of our objective was to ensure that we had more diversity, he was reached out to as an opportunity to be able to be hired.

So that's the only reason why I say that.

BY MS. JACKSON:

Q Now, you've stated that this location in the A Bureau was collecting Benghazi-related documents not only for the ARB but also for congressional inquiries?

A So they actually collect documents, so purpose-based isn't truly as relevant for them. So the Administration Bureau is the repository for whenever there are inquiries or requests for materials. They are the repository of where they get collected.

And then they make copies for whoever are the experts or others

that need to review them to determine whether or not they, A, are responsive, and then B, if they are responsive, whether or not there has to be any preparation of those documents for sharing, meaning privacy and you have to redact people's phone numbers or there is a classification associated with it. Or the document has other agencies' equities, which means it can't go out before the other agency reviews it and expresses what their equities might be.

Q So, irregardless of whether it's congressional or FOIA or the ARB?

A I don't know how to -- my experience was typically, when there were inquiries that were coming in from Congress, that that's how they managed it. But it probably has a wider application and it's just that I'm not as familiar with it.

Q Now, you stated earlier that the ARB could request documents. Was that the only way in which they got documents, or were there documents that were collected and given to them and they could just augment what was collected?

A So their mechanisms were threefold, if I really think about it. One, obviously, they could reach to the A Bureau and say, we want to look at all of them or we want to look at documents of this nature. Two, they could make requests. Three, they would ask, as our reviews were going on of records, were there any records that were relevant that they should be either looking at or that they should at least be apprised of. And so that was another mechanism that they had. And so those could be collected and provided to them if that's what they

reached to ask for. They might have asked for that on a particular subject matter; has anybody seen anything on this topic or that topic?

But those were the three ways that they could get it, with each of those being avenues for them to be able to ascertain whatever information they believed they needed, because people didn't have visibility into how they were making those judgments.

Q For things like congressional inquiries or FOIA responses and things, was the process the same or different?

A I don't know. I would imagine there's a lot of similarity, but I don't know that I could answer that with confidence.

Q Okay. Such as when a congressional request would come in, would the relevant bureaus receive some sort of memo saying, "Find us all the records on X and turn them over"?

A The Administration Bureau did identify those offices that they thought would likely have materials that would respond to an inquiry and send them requests to be able to provide those documents.

Q Okay.

[Mills Exhibit No. 7

Was marked for identification.]

BY MS. JACKSON:

Q I'm going to hand you what I've marked as exhibit 7 and give you a moment to take a look at it and see if you recognize this document.

Have you seen -- this letter, for the record, is a letter from Congress dated September 20, 2012. It is to Secretary Clinton. It is from Jason Chaffetz, who was the chairman of the Subcommittee on

National Security, Homeland Defense, and Foreign Affairs.

And, if I may summarize it, it generally asks for the production of records regarding the Benghazi attacks. Is that a fair assessment of what this letter requests?

A It is a fair assessment.

Q Okay. Have you seen this letter before?

A I have.

Q Okay. And do you recall, did you see it close in time to its receipt in September of 2012?

A Yes.

Q Okay. Who brought it to your attention?

A That I don't know. I would imagine it would've been brought to our attention by Congressional Affairs, but I don't know that I have a memory of someone bringing this specific document to my attention.

Q Okay. But would you say that you saw it within days of its receipt?

A Oh, yes. Yes. That's why I said -- I saw this contemporaneously with when it was coming in. So it would've been, certainly, within a few days of when it came in, I would've seen it.

Q Was that something that you had requested be done?

A No, but --

Q Then let me ask this: Did you see all requests from Congress that --

A No. And --

Q -- came to the State Department?

A No, I didn't, thankfully, because I know you all have a lot of business that you do at the Department. But no.

I had been managing, as you know, our response effort and collaborating with our leadership team on Benghazi in particular, and not only from the moment of when we lost our team there but also afterwards and their return home and addressing the families and a whole set of related matters. So it would've been not at all surprising to me, or it's not surprising to me, sitting here, that this would have been brought to my attention.

Q So you were the point person for the State Department on the Benghazi aftermath?

A I don't know that I would say that, but I don't think it's unfair to characterize it that way if you'd like.

Q Okay.

And when you got this letter, did you discuss it with the Secretary?

A I don't recall discussing it with the Secretary. I might have, but I don't recall that.

Q Do you know if she saw it? Would you have put it in --

A I don't know that she saw the request. I know that we would have all been discussing that we had requests from -- Congress is stepping through all of the documents that would be related to the incident. And that's something we would have raised in the our weekly -- I mean, our daily meeting, "We got an inquiry in this instance about Benghazi." Because we were basically following up every day

about what were the either security-related issues for our other posts that were being besieged or for followup on Benghazi.

So it's quite plausible. I might have said that. It's quite plausible our Congressional Affairs person who sits in her daily meeting would have said that. But it would've been the case that this would have been something that likely either would have been articulated conceptually or articulated specifically.

Q Okay. And who was head of Congressional Affairs at the time?

A Dave Adams.

Is that -- thank you.

Dave Adams.

Q Okay.

Other than Mr. Adams, did you have discussions with any other members of the senior leadership regarding the congressional request?

A Oh, I could have had discussions with any number of people. I don't know that I would have thought about it in a targeted way in that regard. So it's quite plausible.

Q Okay.

Now, was this request, among others, the ones that were being handled by the A Bureau?

A The A Bureau did send out the request for documents related to this and gather the documents related to this, correct.

Q Okay. Did you or others from the seventh floor provide any documents in response to this letter?

A Yes.

Q Okay. What did you do? What did you and others on the seventh floor do to --

A So the request went to -- the request went to not only -- well, the request went to individuals who served on the seventh floor but also went to other bureaus and departments where they anticipated there might be staff that had, potentially, documents that could be responsive to the request.

And so you conduct a search of your records to identify anything that might be responsive, and then you provide those to the bureau for their collation, copying. And then they actually then go through a process for review.

Q Okay. And did you do that?

A I did provide documents, yes.

Q Okay. And can you describe for us the nature of the documents that you provided?

A I couldn't. I don't even know what were my documents at that time. In fact, even sitting here now, I couldn't even tell you what were the documents that I would have provided, but -- I don't know.

Q How did you do that search?

A So I had my assistant search my email, and I had my own -- you know, whatever documents or materials that we had that were responsive to the requests, we also then would have looked through my own documents to see what should go.

Q Like, your directory or physical documents?

A Physical.

Q Physical. Did you keep electronic copies of documents in a directory?

A Not on this topic.

Q You had certain file folders of various topics --

A Yeah, but I had not had occasion, really, where I had been dealing on matters related to Libya, really, before that much. So I don't know that I would have had anything that was related to that. I remember doing that after when all of this started. Okay, well, now we have congressional requests and other things. But I don't recall having that beforehand.

Q At the time of the attack, did you set up some sort of separate directory or repository for all things attack-related?

A Not that I recall doing. I might have, but I don't recall doing that.

Q Do you recall whether your assistant did?

A My assistant went through my emails to provide my documents. I don't know how she might have organized herself in that regard.

Q And all of those documents were provided to the A Bureau?

A Right. And then the A Bureau makes a judgment about copying those to make sure that they then go to a review team. Correct.

Q Is there a particular office within the A Bureau that would have been handling this?

A I don't know the name of the office, the sub office within the Administration Bureau. I always thought of it as the

Administration Bureau.

Q Okay.

Who else on the seventh floor provided documents?

A To the best of my understanding, individuals who had documents provided them. I don't know that I could be effective at basically litanizing who that would be, but I think everybody stepped through the process to do that.

Q Okay.

You stated that you were organizing in the aftermath of the attacks. Can you elaborate on how you did that, what you did?

A Well, so, after the attacks, there were a number of ongoing attacks that were happening to our other embassies. And so we set up a team that was each day going through and looking at what were the threats that were happening at each post, what was the posture we needed to take, and did we actually need to evacuate our staff or otherwise.

So that task team probably had four or five folks on it that every day were looking at what was the status of our different embassies in the region.

Q Uh-huh. And when you talk about these ongoing attacks, were they attacks, or were they protests and demonstrations?

A Some were attacks, and some were protests and demonstrations.

Q Okay.

A So some actually breached our perimeters. In Tunis, I know they breached our perimeters. They breached our perimeters in

Khartoum, because we had to get their Presidential guard out, and that took a lot of cajoling. It shouldn't have, but it did. And I recall also, I believe, in Sana'a.

But there were a number of instances where our embassies were actually breached, and then there were a lot of protests. So it was a mixture of both.

Q Okay. So your definition of a protest would be not breaching the wall, and an attack would be anything that breached?

A Yeah, I think that's fair.

Q Okay.

A I think that's fair.

Q Did any of those breaches of the wall involve weapons?

A I don't know the answer to that question. I know that -- the reason I'm pausing on that is I don't know what was going on in Khartoum, and I know that they actually got all the way to one of our second doors. But I don't know the answer to your question, like, what they were using and how they were successfully traversing each of those stops that we had before they got there.

Q Did we have any loss of life of U.S. personnel in any of those subsequent events --

A No, we didn't.

Q -- after Libya?

A No, thank goodness.

Q Okay.

And just to go back for a moment, we had the protest demonstration

in Cairo, then the attack in Libya, and then all of these others occurred subsequent to Libya. Is that correct?

A That's my best memory. There might have been some that were happening, you know, and I didn't -- but my best memory is they were happening after.

Q Okay.

In addition to Congressman Chaffetz sending this letter in September of 2012, he traveled to Libya in early October of 2012. Were you aware of that trip?

A Yes.

Q Okay. And how did you become aware of that trip?

A I became aware because -- my memory is that it was Congressman Chaffetz and one other Congressperson -- and I'm going to blank on who that was -- wanted to travel to the region. And that obviously involved a lot of impact for the post, when a VIP travels to the region, and particularly when a post has undergone some of the circumstances that our post had just gone.

So that matter, I do recall being that he wanted to travel; how could we assist his travel so that he could travel securely and safely? And there was a lot of concern about whether or not that was possible or not.

Q Okay. In your role as chief of staff, would you have always been apprised of when there was going to be a codel to an overseas post?

A No. This was more related to the fact that this matter was one of the matters that I was actually handling. So, for example, I

handled the Haiti earthquake. So there were a number of different codels and matters where they wanted to travel, and there was a lot of stress on our post at that particular time, and the ability to accommodate them was hard. So I was apprised each time in those instances, because it just happened to be a matter in which I was deeply involved or providing leadership on.

So I didn't typically get codels. It would be that they were related to a matter that I might have either involvement or leadership on.

Q Okay. And who all did you discuss the October 2012 codel with?

A I know that our Congressional Affairs brought the matter to our attention. I know that Diplomatic Security and our Under Secretary for Management as well as our Assistant Secretary were obviously a part of conversations about how we could ensure that, if they went, they were able to go securely and what risks that imposed.

Q Okay. Did you have any conversations with embassy personnel?

A I don't recall having any conversations with embassy personnel before they went. I recall having conversations with our Congressional Affairs that were relaying conversations, I guess, that they were having with the post. And I'm sure Diplomatic Security was doing the same, because I'm sure everybody would be worried about safety. But that's my best recollection right now.

Q Did you have a conversation with the charge at the time,

Gregory Hicks?

A I had a conversation with Gregory Hicks while the code1 was ongoing, if I remember correctly.

Q And would you tell us about that conversation?

A So our Congressional Affairs had gotten reports that some of our team on the ground felt uncomfortable in conversations that they had been having. They had reached out before the code1 went to ask whether or not there could be representation from the Department present, because they were concerned, given the loss of an ambassador, that there might be accountability assessed in a way that created exposure. And what we wanted was people to be able to feel comfortable speaking, and we wanted our team to know that we --

Q Who had these concerns?

A So I don't know who the individuals were, because they were expressed to me through our Congressional Affairs team. So I don't know that I could articulate who the people were who were expressing the concern to our Congressional Affairs.

Q Who on your Congressional Affairs team told you that?

A I know that Dave Adams was aware of these concerns and had shared those. He's the likely person. The only other likely person probably would have been [REDACTED], who was his deputy. Those are the two people, at least in my mind, that I recall at that time.

BY MR. DAVIS:

Q I'm sorry. So I want to make sure I understand correctly. People on the ground felt uncomfortable with some of the conversations

they were having?

A Oh, no. Thank you for asking that.

So, as I understood it, relayed through our Congressional Affairs team, there were team members in Tripoli who felt uncomfortable, given some of the comments that had been made in the media about the Congressman's travel, that they might be -- they were concerned for their own, I would say, wellbeing and whether or not they were being, for lack of a better word, blamed, which they weren't. Or, at least, that's my impression, that they were not.

But that concern existed, and so they wanted to understand whether or not the Department would have representation present. And the objective was to make them feel comfortable that they could actually feel comfortable speaking candidly about whatever was their experience and that they shouldn't have a fear of retribution or that they would be blamed.

I think people are sensitive, and certainly our team was very sensitive after they had lost an ambassador, because that hadn't happened --

Q So you learned about this through Congressional Affairs?

A Correct.

Q Do you know who told Congressional Affairs, who from the team on the ground in Tripoli relayed that?

A I don't have that information.

Q Would that have gone through the charge or the --

A I don't know the answer to that part of the question.

Q Okay.

A Yeah.

Mr. Jordan. Yeah, I just want to be clear. So your understanding is that came from people on the ground in Libya?

Ms. Mills. Yes.

Mr. Jordan. And that is actually just the opposite of what we heard from Greg Hicks when he testified.

Ms. Mills. Uh-huh. I haven't seen Greg Hicks' testimony. I can only tell you what is my truth.

Mr. Jordan. I'll read it to you.

Ms. Mills. Sure.

Mr. Jordan. He said, "I was instructed by lawyers from State Department before Mr. Chaffetz visits, I was instructed not to allow the RSO, the Acting Deputy Chief of Mission, and myself to be personally interviewed by Congressman Chaffetz."

So my question to him was, at that hearing, "So people at State told you don't talk to the guy who's coming to investigate?" And his response was, "Yes, sir."

Where did that come from? Who told him not to talk personally with Mr. Chaffetz? Or, not just him, but the RSO and the Acting Deputy.

Ms. Mills. I don't know. I'm listening to you say that L said that, and I find that hard to believe, that our Legal Affairs would have done that.

But I don't know the answer to your question. Because the presence of the lawyer was to create comfort for those who felt like

they were going to be blamed for losing an ambassador, to feel comfortable that they could answer and talk to not only the code but others, to the extent those questions were being raised.

And I think people felt vulnerable at that time. And part of my observation was, the goal should be people shouldn't feel vulnerable. We did lose an ambassador, but everybody's on the same team and trying to understand how and why.

Mr. Jordan. And I guess that's what I'm trying to understand. If everyone is on the same team, why did you have to send a representative from State Department here when you've got -- they're all State Department personnel there?

Ms. Mills. Because there wasn't somebody from the Legal Affairs Office there. And I think their -- I think, as I understood it -- but, you know, like, I can only understand it through what channels I learned -- there was concern that they were going to be placed in a position where they might have vulnerability personally. And the goal in having somebody from the Legal Affairs Office, or L, present was to help them feel comfortable in that regard and, honestly, because they wanted that, to try and make sure we were being respectful of that.

Mr. Jordan. But you don't know who the "they" is?

Ms. Mills. My impression, but I don't know --

Mr. Jordan. Because it certainly doesn't sound like it was Mr. Hicks, who was head of --

Ms. Mills. Oh, no, I --

Mr. Jordan. -- mission at the time.

Ms. Mills. -- don't believe it was Mr. Hicks.

Mr. Jordan. Okay.

Ms. Mills. I don't have any impression that it was Mr. Hicks. I mean, I would've assumed that would have been a more direct request if it would come from Mr. Hicks. I don't believe it would've been him.

Mr. Jordan. Okay.

Ms. Mills. And I don't believe he felt any culpability for the loss of our ambassador. I think this was much more related to our security teams on the ground and that raw feeling that people have when somebody just died and you know it was your job to protect --

Mr. Davis. You mentioned that there were two Members of Congress --

Ms. Wilkinson. Excuse me. Could you just let her finish her answers instead of stepping on her answers? I know you want to get all your questions in, but just let her finish the sentence.

Mr. Davis. Sure.

Were you finished?

Ms. Mills. Yeah. I'm good. Thanks. I appreciate it.

BY MR. DAVIS:

Q You mentioned that there were two Members of Congress who were going out to Tripoli?

A I believe -- my recollection when I was told about it was that there were going to be a couple of Members who were traveling or wanted to travel, but I'm not confident that's accurate.

Q Okay. Do you know if a lawyer accompanied the second

Members trip out to Tripoli?

A Oh, I didn't know there was a second Members trip. My understanding was of the -- my impression was that there was going to be a trip where individuals were traveling together.

Q Okay. Well, I'll just tell you that there were trips.

A Okay. Thanks.

Q There was the Jason Chaffetz trip, which we've been talking about.

A Okay.

Q Two days later, there was a separate trip by a Member of the Senate.

A Okay.

Q Are you aware whether a representative of the L accompanied that Member out to Tripoli?

A So I wasn't -- I don't know that I had a cognizance or recollection of that second trip. Obviously, you just told me. But I also don't know -- I thought L's lawyer ended up traveling separately, but maybe he traveled on the same trip with Representative Chaffetz.

Q There are periods in country overlapping --

A Okay, got it.

Q -- with L and Mr. Chaffetz.

A Sure.

Q So when I say traveling on the same trip, I mean being there, accompanying Mr. Chaffetz. Was a representative of L accompanying -- it was actually Senator Corker who went the second

time.

A Okay. I didn't realize that. Thanks.

I don't know. I don't know the answer to your question. My impression was that at least the concern got expressed in the context of the first trip that was getting ready to be undertaken, and I, candidly, thought there was one trip, so obviously that's --

Q So the --

A -- a part of my own memory blip.

Q So the concern was only around Mr. Chaffetz's trip and not Senator Corker's trip?

A Well, I wasn't aware there was a second trip. So my impression was there was a concern around what I thought were Members who were going to be traveling and not just one.

Q Okay.

A But it might have been always that only Congressman Chaffetz was traveling. But it was my impression that there was going to be a code1 that was going to have more than one Member on it. Because I remember part of the discussion about how to secure the space and other things like that was about more than one principal.

Q But since there were two trips, wouldn't it have been prudent to second a second representative of L on the second trip, as well, if concern was coming from the ground?

A So, two things, or at least my impression. My impression that this concern, I think, has a little bit to do with proximity and a little bit to do with people's experience. That's my best

impression. So I don't know how to answer yours, other than it got requested. And, certainly, when our team, who has just experienced what they have, say that they feel vulnerable or would like to have somebody from the Legal Affairs Office present, that's something that we would try to respond to, because it's a tough situation.

Mr. Jordan. Were there any other congressional trips where someone was sent along with the congressional -- and I understand this is a unique situation, certainly. But were there any other trips where this was the practice?

Ms. Mills. I don't know the answer to that question, because I, obviously -- like I said, my visibility into different trips would have been Haiti, more likely, or this one. So I don't have the same familiarity.

Mr. Jordan. Again, Mr. Hicks' testimony was this was the first time in his experience, 20-some years all over the world, where he saw someone -- he was told by lawyers at State that this guy was to be at every meeting and be a part of this. First time in his experience it had happened. And it is certainly even different from, as Carlton pointed out, from just the second visit, which happened a few days later.

Ms. Mills. I obviously can't speak to Mr. Hicks' experience. I know that we hadn't lost an ambassador over 25 years, and I don't know --

Mr. Jordan. I understand --

Ms. Mills. -- whether or not in his experience --

Mr. Jordan. I understand that situation --

Ms. Mills. -- he had had that before or not.

Mr. Jordan. -- but all I'm saying is, it's only time.

Ms. Mills. So I don't know how to answer that question. I can only answer from my knowledge base.

Mr. Jordan. Tell me about the person who went.

Ms. Mills. As I understood it, the Legal Affairs Office sent, I think, a junior officer, but I might be wrong about that. It is my impression that he was a junior lawyer in --

Mr. Jordan. Did they select him, or --

Ms. Mills. -- L.

Mr. Jordan. -- did you?

Ms. Mills. My recollection is that L basically was making recommendations about who they could afford to have go at that time period. So that's my best memory.

Mr. Jordan. Do you know Mr. [REDACTED] at all, [REDACTED]? My understanding --

Ms. Mills. I came to meet him -- I came to know him subsequent to his travel out into the region, primarily because he ended up being one of the lawyers who was also responsible for helping to review and assess documents. And so I met him more through that process than I had met him at that time. I didn't know him at that time.

BY MS. JACKSON:

Q When you say he was part of the review and assessment of documents, what role did he play with that?

A As I remember it, the L had more than two or three attorneys

who had responsibility for reviewing documents for production, and I believe he was part of that team. He might not have stayed on that team because he had other assignments, but he was on that team, I thought, in the beginning.

Q Okay.

We've talked about Congressional Affairs Office as well as the Legal Advisor. Those are two separate entities within the State Department; is that correct?

A They're two separate bureaus, that's correct.

Q Okay. And the Congressional Affairs Office has lawyers assigned to it; is that correct?

A I don't know.

Q Okay.

A I mean, I think of the Legal Affairs Office as the one operating legally, so -- but there probably are lawyers who are a part of Congressional Affairs. But I would imagine they would still have to be part of L if they were operating as lawyers.

Q So was there any reason why, to your knowledge, that lawyers from Congressional Affairs was not sent, as opposed to the Legal Advisor?

A Well, I don't know that I would've known that there were lawyers in Congressional Affairs who had that role until you just said that. So I would have expected -- so I don't know how to answer your question other than my expectation would have been that Legal Affairs would have made that judgment.

Q Okay.

You know, we never got to your conversation with Mr. Hicks while the congressional -- the code1 was over there. Would you relate that conversation to us, please?

A Yes.

Congressional Affairs relayed that there were concerns that had been raised by our team on the ground about their engagement with Congressman Chaffetz and that, in point of fact, there had been no representation present from the Department.

Congressional Affairs called me. I called Greg Hicks to say I just received a report that indicated that some of your team is upset based on their engagement that they had with Congressman Chaffetz and that they were upset because they also did not have representation there from the Department.

Mr. Hicks relayed that he did not have any concerns. He felt like his experience was one that was positive, and he did not -- he was unaware that his team had relayed any of those concerns. I asked would he then check, because his relaying of that at least allayed my concerns. And he said he would check. And I said I appreciated that.

So that was my experience of that call.

Mr. Westmoreland. Excuse me. Can I interrupt just to clarify something?

Ms. Jackson. Yes.

Mr. Westmoreland. I'll be real quick.

Ms. Mills, so they brought this to your attention?

Congressional Affairs came to you with this --

Ms. Mills. Yes.

Mr. Westmoreland. -- over feeling vulnerable that a Member of Congress was coming on a codel over there?

Ms. Mills. No. No, this was actually now once they were there and they had actually had an engagement.

Mr. Westmoreland. Okay.

Ms. Mills. So not before. The before was what their worrying was. Yes.

Mr. Westmoreland. But it came to the height, I guess, to you, being the Secretary's chief of staff --

Ms. Mills. And if you knew how lowly sometimes my job was, you wouldn't say that.

Mr. Westmoreland. Well, I understand, but --

Ms. Mills. But, yes.

Mr. Westmoreland. -- they felt vulnerable.

Why wouldn't the vulnerability of the people that were afraid for their lives, having gone through, you know, the breach and all the other things going on in Benghazi, their vulnerability, why wouldn't that have risen to the same level in the State Department as somebody being concerned about a Member of Congress asking questions? That's confusing to me.

Ms. Mills. Sure. I don't know that I can allay your confusion. I can only tell you what happened.

I think there's two different circumstances. One is a

circumstance where you have a set of experts who are making those kinds of judgments every day about security and how to balance those issues. The second is actually a crisis management matter, where, as a practical fact, I ended up having a lot of responsibility in the aftermath of how those are being managed.

So when we had a congressional codel going to our post and it ends up putting pressure on our post, not because they're Congress but just because any VIP in a situation where a post is undergoing challenges introduces stress into that post, Haiti or here, that would get raised, and they did raise it to me.

I don't know that I would have thought to say to them, "And, by the way, why didn't you raise any of these others?" That just wasn't something I had visibility in to be able to do that.

Mr. Jordan. Okay. So I just want to be clear. Your testimony is there were two sets of communications. There was this communication that came --

Ms. Mills. Before.

Mr. Jordan. -- before the visit by Congressman Chaffetz --

Ms. Mills. Correct.

Mr. Jordan. -- that folks on the ground -- we don't know who they are, but some of your people on the ground in Libya were concerned that -- "blame" I think is the word you used -- that there could be blame going around and that they thought it appropriate to have someone else there from Main State.

Ms. Mills. I don't know that they used the word "blame." That's

my impression of what the worry was. But their worry was that they were going to be potentially placed in a situation where they might be held accountable for the loss of the Ambassador.

Mr. Jordan. Communication from your folks in Tripoli to Congressional Affairs, Congressional Affairs to you.

Ms. Mills. That's my best understanding, yes.

Mr. Jordan. And then you discussed that with your folks and you decide Mr. [REDACTED] is going to accompany Mr. Chaffetz.

Ms. Mills. So, actually, this was also shared with the Legal Affairs Office. So the Legal Affairs Office thought one way to ameliorate that consideration and concern was having a lawyer present, which I agreed with. Because the goal was just to make them feel comfortable, as opposed to have them feel uncomfortable or that they couldn't engage in a set of conversations that hopefully would be beneficial.

Mr. Jordan. Okay.

Second communication is after -- actually, during the visit of Mr. Chaffetz, when there is a meeting that takes place that Mr. [REDACTED] is not allowed to be in based on security clearance.

Ms. Mills. Okay.

Mr. Jordan. Is that accurate?

Ms. Mills. I don't know the accuracy of the security clearance element. My impression was that there was a meeting that he was not permitted to participate in.

Mr. Jordan. Yeah. This is what Mr. Hicks testified to in the

committee.

Ms. Mills. I have no reason to know differently.

Mr. Jordan. Okay.

And then he says that he got a phone call from you. He was asked -- Mr. Hicks says, "A phone call from a senior person, generally speaking, is not considered to be good news." "And what did Ms. Mills say to you?" "She demanded a report on the visit." "Was she upset by the fact that this lawyer was not permitted to be in this meeting because he didn't have the requisite clearance level to be in that meeting?" And Mr. Hicks' response was, "She was upset."

So fill me in.

Ms. Mills. Well, I'll fill you in in two ways. One, I don't know that it's about that meeting. So I don't know what are all the different engagements that happened when the Congressman was there. Because, obviously, what I learned was that there were some encounters that members of the team on the ground felt uncomfortable with, and, more particularly, they also felt like we had indicated that there would be representation present and that had not occurred. And so we had, in some ways, failed them.

My goal in calling Mr. Hicks was to learn, one, was his team really upset, because that was what was being reported; and, two, was everything okay. My impression from him was that he was unaware that there might be members of his team that were upset but that he felt like in his engagement things were fine. And that allayed my concerns, based on his representations that he felt fine.

Mr. Jordan. Okay.

BY MS. JACKSON:

Q Circling back to the ARB just for one final topic, Admiral Mullen testified that he talked to you prior to Charlene Lamb's appearance in October 2012 before the Oversight and Government Reform Committee. Did that conversation take place?

A I don't recall it, but I would have no reason to believe that he wouldn't be accurate about that.

Q Okay. He related that he told you that Charlene Lamb was not going to be a good witness for the State Department. Does that ring a bell with you?

A No, because if I was aware of that, I might have been thoughtful about that in all the ways of which -- how we could best communicate information. But I don't dispute that. I'm sure that if that's his memory that he would be accurately reflecting what he recalls.

Q Did you meet with people prior to their testifying before Congress?

A Yes. Before the first set of testimony, we met and people read their statements that they were going to be giving and help be able to step through what it was that at least they were going to be communicating on they understood to have happened.

Q And who were those people?

A There were four people who testified at that hearing. It would've been those four people, but I can't tell you that I remember

all four of them.

Q Was it Patrick Kennedy?

A Did Pat testify at the first hearing?

Q Yes.

A I'm sorry. I'm asking for your help.

Q [REDACTED]?

A [REDACTED] definitely testified, correct. And I met with [REDACTED].

Q Mark Thompson?

A No, I don't remember meeting with Mark Thompson. I don't remember Mark Thompson. Is he a member of the Department of State?

Q Yes.

A I don't remember meeting with Mark Thompson.

Q And so you went through their statements. What else did you talk to them about?

A I don't know that -- what they ran through with their statements, we also obviously wanted to ensure that they had the best opportunity to be able to articulate what it was that they knew and what it was that they understood as their experience of the situation.

Q Okay. And who was with you in that meeting?

A Congressional Affairs was present in that meeting.

Q Was that Dave Adams?

A It was Dave Adams or [REDACTED]. I don't know who else would have been present, but there were others present. I just don't recall.

Q Okay. And did you do prep before subsequent hearings?

A That's the first hearing that I recall us having actually a meeting. I don't know with subsequent hearings, because things happened so fast, how those different preparations were happening. I know Congressional Affairs did prep, and we certainly prepped the Secretary before she did. But I don't know that I could tell you in realtime how each time, when people were going up, whether or not they got the same amount of time, just because there was so much going on.

Q Do you know whether these people that we've been talking about, Patrick Kennedy and Mark Thompson and Eric Boswell, were interviewed by the ARB panel?

A I don't know all the people the ARB interviewed. I think they gave an interview list, but I haven't gone through that to refresh my recollection, so I don't know.

Q So you don't know whether your meeting with them would have been before or after they may have met with the ARB?

A I don't know for certain. If you would ask me to give an impression, I would have thought ours would have been before, but I don't know that for sure. So I don't know.

Q Did you meet with anyone before they met with the ARB panel?

A Well, so I don't know who everyone the ARB panel met with, but, I mean, I engaged with everybody in the Department on a pretty regular basis. So it's certainly the case that I would have met with people in the course of responding to or addressing or handling this matter, to the extent there was a reason that I would have been meeting with them.

Q Did you meet with them regarding their meeting with the ARB panel?

A No.

Q Okay.

You've described yourself as the point person on the aftermath of Benghazi, and we've talked about how that included visibility with Congress and the codef going over and meeting with people to go over their testimony or their prepared statements before they came to Congress and testified. Does that also include other -- let me ask, were you the point --

A Well, so I just want to make sure I -- because you've said a number of things in what you just said.

Q Yeah.

A So the first time we had our team going up to testify about what happened, that is the occasion where we sat and heard their statements as they stepped through what they understood. After that, people testified regularly, or went up more regularly, so there wasn't really the opportunity to do prep or otherwise. I'm not saying they didn't have prep, but I don't think I had the occasion to be able to always participate in any of those things. So I don't have a memory, other than that first one, with respect to that.

Q Okay. And that would have been in October of 2012?

A It would have been whenever -- it would've been in the lead-up to the time or the date that they actually testified.

Q Okay.

I'm going to hand you what I'm marking as Exhibit 8.

[Mills Exhibit No. 8

Was marked for identification.]

BY MS. JACKSON:

Q For the record, this is document number SCB0045770. It's an email exchange from Cheryl Mills dated November 13, 2012, at 3:02 p.m., to "H" and Philippe Reines. And the subject line is "Re: How are the hearings going?"

You've had a chance to read this?

A Yes.

Q Do you recall this?

A I recall -- I don't know that I recall this email, but I recall this moment.

Q Okay. Tell us about this moment.

A One of the challenges in interagency is everyone taking accountability for what are their areas and not seeking to suggest that things that were in their accountability were in other areas.

My experience in this context was there was a lot of back and forth, which was involving the intelligence community, about what was or wasn't known. And there was an effort to suggest that the Department had been apprised of things it hadn't, by leaving a misimpression in the way in which things were characterized.

And so my outreach was not only to, I believe, the individuals in the intelligence community -- but I could not tell you who; sorry -- as well as the White House to say, people are trying to

indicate State had information that they themselves didn't have, and this should be one team as opposed to people trying to suggest otherwise.

Q So "some of our colleagues" does not refer to anybody within the State Department?

A Correct.

Q Okay.

You've described yourself as the point person on the Benghazi aftermath --

A Well, you keep saying that, but I've embraced that.

Q Well, just as you were the person for Haiti?

A Sure. I embrace that. That would be, I think, a fair characterization.

Q Okay. So did that encompass things like going over the public messaging that was going out regarding Benghazi?

A So we had a whole team who actually did that quite well. And so "no" is the short answer. They would be part of making sure that we were, obviously, coordinated and understood what they were going to be saying and doing --

Q But you coordinated with them?

A -- but typically our communications was led by Toria Nuland, and then she would reach to other members of the Department for what she needed and how she actually would communicate different elements.

Q Okay. And you made sure that you put in place the document assembly and review and response group and delegated that out to others?

A So the A Bureau has a process that they actually -- sorry -- the Administration Bureau has a process that they step through, and that process actually entails both a review and then actually a preparation for production.

What I thought to do was augment that process for it by asking our senior leadership to give people who could be 100-percent dedicated to the review. Because review at the Department can be a very long process. And, typically, when the Administration Bureau had people reviewing, people come for 2 or 3 hours out of their day, and they go back and do the rest of their day work. And because the Secretary wanted the documents to be produced as quickly as possible, I asked for the senior leadership to give us people who could be 100-percent dedicated.

So that meant there were more people added to the effort than what might have been typical. But it is the case that that was the ordinary process that they would step through -- first a review and then a preparation of the documents that were reviewed that are defined to be responsive to be produced.

Q And was that still in place when you left in February, that level of intensity?

A I think that level of intensity, I don't know that it was continued into the next administration. I don't have visibility of that.

Q Okay.

Mrs. Brooks. Sharon, a couple questions on that.

Ms. Jackson. Yes.

Mrs. Brooks. Can you share with us who was on then the coordination team?

Ms. Mills. Yeah. So there's two elements. Primarily, because we were getting a lot of media and other inquiries where people were inclined to answer without knowing all the best information, so you then have to correct a misstatement, the coordination team was designed to do two things: one, ensure that the best information that had been gleaned could be shared; and, two, that people had visibility to the kinds of inquiries, media inquiries and others, that were coming in so that we weren't saying things inaccurately or, more often, saying things based on what one person said as opposed to what the whole record would show or what if you talked to four or five people you might learn.

And so the goal was to try to be coordinated in ensuring that we were responding more accurately or at least as accurately as we could in those time periods.

Mrs. Brooks. And who was on the team?

Ms. Mills. The coordination team were made up of individuals who were from the bureaus that had, if you will, expertise. So from DS, NEA, and L -- sorry -- Legal Affairs. We also had, obviously, members from Press Affairs there. We had members from Congressional Affairs on that team, as well.

I'm sure I'm missing others because I had asked the senior leadership to dedicate people to the effort of responding to not only the documents but also responding to information that we were

getting -- requests we were getting. But those would have been a lot of the likely offices that had representatives that were present. And they would switch people in and out if they needed to, but the goal would have been to try to keep as many people the same as possible.

Mrs. Brooks. And so, roughly, how large was it? How many people?

Ms. Mills. Oh, it probably had about, I don't know, 6 to 10 people maybe.

Mrs. Brooks. And did they meet on a regular basis?

Ms. Mills. We did a call in the morning and a call in the evening in the beginning, particularly given all the inquiries that we had, or at least that's my recollection. That tapered off eventually as things got less hectic, and so probably it would be, like, a call a day. But that's my best recollection.

Mrs. Brooks. And is that the group that would have looked through all documents before they were turned over, whether to Congress or the ARB?

Ms. Mills. There's a subset of them that would have been a part of that but not all of them, because the media and other people, obviously, weren't.

But the goal of having them be part of that was to be able to make sure that when a particular assistant secretary said, "Well, this is what happened," they could say, "Well, that's not what looks like when you were looking through all of the other materials or information. What looks like happened is X," so that you could be more accurate in

your communications.

Mrs. Brooks. Were you and/or Jake Sullivan part of reviewing documents?

Ms. Mills. So the A Bureau actually steps through that process, and then the review teams do that. The documents that I would see were documents where the team had looked through them and thought that there was a subset that I should see. Those typically meant that they were sharing new information, new facts, or other information that they thought it was important for the senior leadership to know.

I didn't have the capacity or the ability to review the documents they were producing. I acknowledge I was probably pushing pretty hard for them to get them out the door because our goal was to try to do that.

Mrs. Brooks. Did that happen on nights and weekends?

Ms. Mills. Yes. People were working pretty hard. I think it's fair to say people worked hard.

Mrs. Brooks. Did you review those on nights and weekends?

Ms. Mills. So I don't recall having occasions where I had to, per se, review on a night or weekend, though I was there often. And any of the documents that would have been brought to me were a subset of them, so they were typically things I could flip through and return to them.

Mrs. Brooks. Did you make any decisions on any documents that should not be turned over?

Ms. Mills. No.

Mrs. Brooks. Okay.

Mr. Jordan. Could I --

Ms. Jackson. Uh-huh.

Mr. Jordan. If we've got time, can we go back to the ARB?

I want to be clear. So you prepped Charlene Lamb before she testified in front of the Oversight Committee?

Ms. Mills. No. So what Charlene Lamb did was go through her testimony. So, basically, each person had written their testimony that they were going to give, and what they did then was read that testimony. And I participated when she sat and read that. So if you want to define that as prep, yes, but I want to be accurate about what I did.

Mr. Jordan. You reviewed her testimony before she testified in front of Congress.

Ms. Mills. She gave her testimony beforehand, that's correct.

Mr. Jordan. To you and to others at State Department.

Ms. Mills. Yes. Yes, that's accurate. There were at least four or five folks there.

Mr. Jordan. Okay. Well --

Ms. Mills. That's correct.

Mr. Jordan. -- Admiral Mullen, co-chair of the ARB --

Ms. Mills. He wasn't present for that.

Mr. Jordan. Understand. But he interviewed Ms. Lamb a couple days -- not he, but the ARB interviewed Ms. Lamb, I think, 2 days before she testified in front of Congress.

Ms. Mills. Okay. I didn't know that.

Mr. Jordan. At the hearings, Mr. Mullen indicated to us that he had given you a phone call. He called it a heads-up phone call about Charlene Lamb.

Ms. Mills. Uh-huh.

Mr. Jordan. And he said that he felt she was not going to be a good witness, wasn't going to reflect well on the Department.

Do you recall that phone call?

Ms. Mills. I don't, but I'm sure, if he said he did it, it happened. But I don't recall that phone call.

Mr. Jordan. Okay.

Was there anything in the selection process where you had talked to Admiral Mullen where you would indicate to them we'd like to be kept informed, we'd like to be given heads-up, we'd like to sort of know how things are going, in the process of this ARB?

Ms. Mills. No.

Mr. Jordan. No communication like that at all?

Ms. Mills. Well, so, if your question is when they were getting set up, please keep us informed, no. The direction to them was, please step through this as quickly as you can.

Mr. Jordan. Was there anything you relayed to Admiral Mullen that would maybe compel him or make him think it was the right thing to do to give you a heads-up about an individual he thought was going to reflect poorly on the Department?

Ms. Mills. I don't know that there would have been. I mean, I'm

glad he would have made that call because, obviously, our goal was to try to give accurate information out and have people be able to speak to what happened. But I don't know that there would have been.

Mr. Jordan. But did you --

Mr. Gowdy. I think, on that point, if I may, you said you were glad that he called.

Ms. Mills. Uh-huh.

Mr. Gowdy. From our perspective, there are neither good nor bad witnesses; there are witnesses. And if she is in possession of facts that Congress might be interested in, she's a witness we need to hear from.

So why would you be glad that he gave you a heads-up?

Ms. Mills. So I'm doing a counterfactual, because, obviously, as you all now know, I didn't remember the call.

My objective always is for the Department to be able to -- and by "the Department," I mean the staff in the Department. Sometimes I refer to it the wrong way -- but for staff to be able to give information that's accurate and clear and that helps people understand the truth of the matter.

If someone believes that we are going to put a witness forward that's not going to be accurate, clear, or give the truth of the matter, I don't think we should do that. I think our obligation to Congress and to the public is to make sure we're giving accurate, clear information that's truthful.

And I think that's why, if there was any reason he had a

reservation that fell into that category, I would want to know that. Because I would never want the Department to put up someone who was not accurate, clear, and truthful.

Mr. Gowdy. But why is it Admiral Mullen's job -- because I keep hearing the word "independent" in connection with the ARB. Why is it his job to protect the reputation of the Department, as opposed to being his job to make sure that he hears from witnesses who have actual access to facts?

Ms. Mills. I can't speak to the answer to your question, and I don't know that that was his job. But I do think that --

Mr. Gowdy. Which was not his job?

Ms. Mills. Well, you said why was it his job to do the following things. I don't know that any of those were his job.

My point was, I think that we have an obligation to tell the truth and to bring people forward who are going to do that. And if anybody has a reservation about that, I would always want to know that. Because I don't have perfect information, and if there is a reason someone believes that we would be putting forward a witness that wouldn't give Congress or the public accurate information, then I -- that's our obligation. We have to do that the best we can.

Mr. Gowdy. Which is exactly why I asked Admiral Mullen in that very hearing, "Were you concerned that she would give inaccurate testimony?" And he said, "No."

Ms. Mills. Oh, okay.

Mr. Gowdy. That was not his concern at all. His concern was that

she would give accurate testimony.

And so I guess I'm trying to square that with the word "independent" in connection with the ARB. When you have someone who's supposed to be independently looking at a fact pattern and they take time to call, not on the issue of veracity, but on the issue of appearance and advise not to send that witness, do you think that calls into question his objectivity?

Ms. Mills. I would never call into question his objectivity because I've had the experience of him, and he was, not only as the Chief of the Joint Chiefs but also through the ARB process, someone who called it like he saw it and also felt that there needed to be accountability for what had occurred. So my experience of him is very much that of someone who has been raised in a tradition of being truthful and straightforward and hard-hitting if he needs to be.

I can't speak to the other context. Obviously, I didn't have it. And, obviously, Charlene Lamb testified because she was the person who was in the role that would have gleaned the information and would have been able to share back what were the assessments and judgments made on how to balance the security needs that were being heard. And so she struck me, in the end, as the witness that should testify.

Mr. Jordan. Were there any other members of the ARB who gave you a heads-up or any type of contact to you in the course of their investigation?

Ms. Mills. In the course of their investigation, we had one briefing where they stepped through where they were in their

process -- and, by that, the other person who was briefed was the Secretary -- that they stepped through where they were in their process and that they anticipated being on time and what their own assessments were, but that they had not come to conclusions yet about accountability. So this was basically a briefing before they had stepped through their accountability elements.

And then, as they were preparing their report, they reached out to say, "We have a draft of the report." They shared that draft with me. I shared back my observations of instances where there were issues or facts that I thought were relevant for their consideration. They took them, or they didn't. Ultimately, they had to make that judgement.

Mr. Jordan. So you reviewed the draft before it went public, before it was released?

Ms. Mills. Well, the draft before it went to -- ultimately, it goes to the Secretary --

Mr. Jordan. Right.

Ms. Mills. -- and then it actually gets -- we made a determination to release it. ARBs are not always released publicly, but the Secretary had said she wanted to release this one publicly.

Mr. Jordan. And can you tell me the extent of edits that you and/or the Secretary made to the report?

[2:02 p.m.]

Ms. Mills. The Secretary didn't. And the Secretary did not, at least to my knowledge, review a draft.

Mr. Jordan. So Secretary Clinton didn't review it; you just reviewed it.

Ms. Mills. I reviewed the draft. That's correct.

Mr. Jordan. All right. And were there -- you said there was some suggestions. So what were the edits, what were the changes that you asked the ARB to make?

Ms. Mills. I can't tell you what were the different issues now, because that's obviously too long away. But basically what I stepped through was, if there was information that we had that didn't seem to be reflected there, I would flag that. If there were other reactions or observations I had, I would share that. And that's what I would have done.

Mr. Jordan. So I just want to be clear. First, you reviewed it. Second, you said there are changes that need to be made, and you gave those changes to the ARB. Is that right?

Ms. Mills. No.

Mr. Jordan. Okay. Well, then tell me what's right.

Ms. Mills. Okay. I reviewed it, and I identified areas where I either saw that there was, from my perspective, based on where I was sitting, information that wasn't present, information that might be different, or other factors that I thought were relevant for their

consideration in deciding what went in the document. And they then made their own judgment.

Mr. Jordan. Well, that sounds like changes.

Ms. Mills. I certainly --

Mr. Jordan. So you suggested changes?

Ms. Mills. I certainly made recommendations for places where I thought there were inaccuracies or misstatements or other information that might not be fully reflective of what the information was that was there. I certainly made those, yes.

Mr. Jordan. You reviewed it, and you recommended changes. It was up to them whether they implemented the changes or included them in the --

Ms. Mills. Yes. Recommended changes or flagged areas where I thought there might be inaccuracies.

Mr. Jordan. Change this, delete that, that kind of -- that kind of --

Ms. Mills. No.

Mr. Jordan. I just want to be clear.

Ms. Mills. Oh. Thank you.

Mr. Jordan. All right?

Ms. Mills. I appreciate that.

Mr. Jordan. You recommended changes. Then what happened? Did they do it or not?

Ms. Mills. So some they took probably, and some they didn't. My impression is that --

Mr. Jordan. Why is there a "probably" there? I mean, the final report -- you didn't look at the final report? The Secretary looked at it.

Ms. Mills. I did look at the final report, but what I didn't have is an errata sheet and say, "Oh, that's not there. Oh, that is there." I didn't do that, so that's why I don't have a frame of reference.

Mr. Jordan. You reviewed it, you recommended changes, and then you and Secretary Clinton were satisfied with the product, the work product, of the ARB when it was finally released.

Ms. Mills. So Secretary Clinton did not review it, and Secretary Clinton did not participate in that process. The report is going to Secretary Clinton. So I probably can't be clearer than just to say that really directly. It's going to her. So she does not participate in that process, because the report is going to her.

Mr. Jordan. So you reviewed it --

Ms. Mills. So she doesn't have to review a report that's coming to her.

Mr. Jordan. Got it.

You reviewed it, you recommended changes. So all that happened, and whether they implemented them or didn't implement them, you then presented that final product to the Secretary.

Ms. Mills. The ARB did.

Mr. Jordan. The ARB did.

Ms. Mills. The ARB basically took into account whatever other adjustments they made, and they presented their final product.

Mr. Jordan. So did you discuss with Secretary Clinton the recommended changes that you -- the changes you recommended to the ARB, did you discuss those with Secretary Clinton before -- you know, did you discuss those before they actually did the final report?

Ms. Mills. No, I don't recall discussing those with her. What I do recall is that they had made determinations around personnel, and I recall one of them being surprising to me, and I told her that I was surprised that they had made a conclusion about one particular individual.

Mr. Jordan. Did you ask for the draft before the final copy went to Secretary Clinton, or did Admiral Mullen, Ambassador Pickering, and the ARB offer to give you the draft before it went --

Ms. Mills. They shared the draft with us. Correct.

Mr. Jordan. Okay. And was that understood right from the get-go that that would be the process? So when you called Mr. Mullen --

Ms. Mills. I don't know. That's a fair question. I don't know. I don't know that I had any expectation one way or another, but I did review the draft when it came to me.

Mr. Jordan. And how did you convey the recommendations for change to the ARB? Did you put that in writing? Did you just tell them in a meeting? Was it over the phone? How was that done?

Ms. Mills. I believe I met with [REDACTED] and shared my thought processes around that, but I could have also had conversations with the chair, Ambassador Pickering --

Mr. Jordan. Ambassador Pickering.

Ms. Mills. -- or Admiral Mullen.

Mr. Jordan. Did you get -- I just want to be clear again here.

Ms. Mills. Sure.

Mr. Jordan. You reviewed it. You made recommendations for changes. Was that a back-and-forth process, or was it one time? "Here's the changes I recommend. Okay, Admiral Mullen, Ambassador Pickering, you go work on it. And the next step is Secretary Clinton. Or the next step is back to me; we may want to look at this again."

Ms. Mills. No. We didn't look at it again. Correct.

Mr. Jordan. One time.

Ms. Mills. Yes.

Mr. Jordan. While those recommendations were pending, let's say, and made to the ARB, were there conversations back and forth between you and members of the ARB and/or staff of the ARB about how those changes were coming?

Ms. Mills. I remember having engagements with [REDACTED] about the changes, not about how per se they were coming. But it was quite plausible that could have happened. I just don't remember that.

Mr. Jordan. Okay.

Ms. Jackson. And I believe you -- oh, are you finished? I'm sorry.

Mr. Jordan. One last question. When the chairman hands you one last question, you take that, and then you stop.

Ms. Mills. Take it.

Ms. Jackson. It didn't come my way, so I didn't have to ask it.

Mr. Jordan. Who selected [REDACTED] to serve on the ARB?

Ms. Mills. She was recommended by Deputy Secretary Burns. She had been his chief of staff. She also, I thought, was a good recommendation in the sense that Deputy Secretary Burns is well-respected and well-regarded in the building. He's the most senior foreign service officer. And she, in being his chief of staff, when she reached to people, when she did that, people responded.

And so lending her to -- she wasn't his chief of staff, I think, at that time. She was going to another bureau. But lending her to this effort meant that the staff in the Department, who had enormous respect for him but also for her, would be responsive on behalf of the ARB.

Mr. Jordan. One last one. Any recommendation that you gave that comes to mind that they didn't implement?

Ms. Mills. I don't have a recollection of what they did or didn't implement.

Mr. Jordan. Nothing comes to mind, like, this was important and they didn't do it? Nothing comes to mind?

Ms. Mills. No. No. Nothing comes to mind. That's correct.

Mr. Jordan. All right. Thank you.

Ms. Jackson. We'll go off the record then.

[Recess.]

Ms. Sawyer. And we'll go back on the record.

Ms. Mills, thanks again for your patience in answering all our questions.

We're going to try to just work through a few clarifying things as quickly as we can. And, again, we've deferred some of our questions. We want to make sure that, you know, certainly, the Members who are present have every opportunity to ask you every question they want and need. And, certainly, we have questions on behalf of our Members, as well, but we will try to keep it moving along.

Ms. Mills. Okay.

Ms. Sawyer. Because, obviously, there is some overlap in the subject matters that we would want to cover.

BY MS. SAWYER:

Q So I just wanted to return for a moment, you had been asked about an August 17th information memo, and it was described as covering the deteriorating security situation in Libya.

Can you just briefly explain what an information memo -- what is the purpose of an information memo?

A So information memos in the Department are designed to share current learnings, current updates, and current understandings based on the circumstances that the drafter is preparing. So they're not action memos, which we also have, which is asking for a set of whatever other requested action to be taken. They are designed to actually give people visibility into whatever matter it is that is the subject of the information memo.

So, in this case, the information memo was designed to share about the political and security situation that was happening on the ground there in Libya.

Q And, again, at the very beginning of our conversation, we talked about formal mechanisms. There's obviously informal mechanisms. But would an information memo fall within the category of a kind of formal mechanism to make sure that information is getting shared up appropriate channels to appropriate people, you know, to the right stakeholders?

A Yes. That is the purpose of the information memorandum. And the Department has a number of different both channels and kinds of memoranda that they prepare, and that is exactly the purpose of that one.

Q And you mentioned "action memo." If one were seeking concrete action, would -- I mean, by its name -- it sounds like a ridiculous question, even me asking it -- by its name, it sounds like that is the mechanism that one would invoke to ask for particularized action.

A Yes. So that is the purpose of an action memorandum.

Part of the Department's framework is to try to make things simple and clear, not only because, obviously, different people come and go but also because you want to ensure that you know how to segregate and pay attention to materials that are coming through your inbox.

And so an action memoranda means that there's been a request for action to whoever is the recipient of that particular memoranda, meaning it's addressed to them, not that they were copied, but they were the person to whom it was addressed.

Q So an action memo could be addressed to, for example, the

Under Secretary of Management, Mr. Kennedy.

A Yes.

Q And he would then be the person who would be being asked to take the action, and he would have the authority, himself, to take the action, presumably.

A Presumably, people are good about directing the action memo to the people who actually have the authority to undertake the action. It's not always perfect, but that's typically what the intention would be in an action memo.

Q And I believe you said that you had seen the August 17 information memo. I don't recall if you felt you had seen it around that timeframe or if you learned about it later after the attacks.

A I learned about it later after the attacks.

Q Did you ever see in that same timeframe an action memo?

A No, not an action memo related to Benghazi.

Q Thank you for clarifying.

A Sorry.

Q And when I said "that timeframe," I was, you know, referring --

A Relating to the incident.

Q -- to kind of the information memo and that August timeframe.

Do you recall, with regard to an action memo, seeing one anytime prior to that -- and just to keep the timeframe from January 2012 onward -- an action memo relating to Libya or Benghazi?

A I do not.

Q And at any time prior to the attacks, did anyone relay to you a recommendation that the United States depart, withdraw its presence from Benghazi?

A No.

Q One of the other subjects that was discussed in some of the prior rounds was, on the night of the attacks, kind of the role of, consideration of deploying and using the FEST assets. And, to the extent you know and to the best of your knowledge, where is the FEST asset located? Is that a U.S.-based resource? Is it forward-deployed somewhere else? I mean, you know, forward-deployed before they're going to go somewhere else. I'm not a military brat or expert.

A We won't hold that against you.

Q Thank you.

A So my understanding of FEST teams is they are created for the purposes of being deployed when there's been an incident. And so they would be pulled from assets that we have here, or if there was assets particularly in a region that could be used to augment it, those would be pulled together, and the FEST team would be deployed.

Q And, then, on that night and in the conversations you've had and, certainly, information that's in the public domain, among other places, an unclassified Department of Defense timeline that Congress certainly has had since, I believe, November of 2012 --

A Okay.

Q -- there's reference to other military assets, including

the Commanders In-extremis Force. Are you familiar with that force at all?

A I'm not, but I -- I shouldn't say that. I'm not right now, as I sit here, just because I don't remember all of the different assets and teams that might be able to have been deployed or were deployed. At the time, I might have been more familiar, but right now I couldn't tell you that.

Q And when you are describing FEST, one of the first things you did was make sure that you were distinguishing between "FEST" and "FAST."

A Yes.

Q And you referenced "FAST" as a Marine --

A So my understanding of "FAST" teams were Marines deployments that would actually provide and augment support for different posts.

And we had a FAST team that, I believe, was either in Tripoli or was deployed to Tripoli right afterwards. My memory is not great in that regard, but I do remember that there was a FAST team there. And we made the determination that they needed to stay for a period of time longer than what might have been the initial expectation. That's my best memory.

Q So the FAST team asset was something that was being considered and, it sounds like from your recollection, actually was part of the response at some point in time to what was going on in Libya?

A That's my best memory. If there's a document that says

otherwise, please let me know, but that's my best memory.

Q Okay.

And, then, do you recall whether there was other discussion about U.S. special operation forces that were based in the United States and their potential deployment and role on the night of the attack?

A Well, what I more remember is people inquiring of DOD what assets were closer in the region as opposed to from the U.S., though I'm sure part of the U.S. would have been part of that analysis too. But, on the night when things were happening, I remember discussion around what was available in the region that might in any way be time-relevant to being able to provide security for our folks.

Q And, from your perspective, as you're being told about it, as you're hearing the conversations, there's a discussion about potential assets that might be closest available, was it your sense that these were significant forces that we were trying to amass to do what we could in Benghazi?

A It was my sense that we were trying to amass whatever we could. And when I think of what our capacities are, I tend to think massively, but there's because I've seen our forces operate that way. So that might be more my impression and overlay of what I would expect because of what I know their capacities are.

Q So, from my perspective as a layperson, was it your sense that basically everything was on the table that was a possibility and it was all being considered with considerable thought and seriousness and people were certainly taking seriously that they wanted to get

whatever they could get to Benghazi?

A Absolutely everything was on the table. And, like I said, obviously, the President made that clear too, and that was important. My impression was that we really had a lot of support from the interagency, who I felt like were very not only just humanly empathic but operationally committed to doing what needed to be done to try and secure our folks and get them out of there.

Q And then just to wrap up -- and I wanted to mark and give you an exhibit that we're going to mark as exhibit 9 for the record and for identification purposes.

[Mills Exhibit No. 9

Was marked for identification.]

BY MS. SAWYER:

Q And as you're taking a look at this, I'll just let you know this is a document that is posted on foxnews.com.

And when you were discussing the FEST, you mentioned Ambassador Benjamin in particular. And if you could just remind me who Ambassador Benjamin is, what his role --

A Ambassador Daniel Benjamin was the coordinator for counterterrorism in the Department. And the CT Bureau would have been the operational department that would have made assessments and decisions with respect to the deployment, as I understand it, of the FEST assets.

Q And this document, exhibit 9, indicates in its top line, "Latest from the STATE DEPARTMENT: Counterterrorism Bureau was NOT

cut out of the decision making on 9/11 (Benghazi)."

And then, two lines down, it indicates it's a statement by former coordinator for counterterrorism Ambassador Daniel Benjamin, posted apparently May 6 or submitted May 6 of 2013.

And then I just want to direct your attention, in the second paragraph, there's a description. And it says, "After the attack, the first question to rise that involved the CT Bureau was whether or not the Foreign Emergency Support Team (FEST) should be deployed."

It explains a little about the team, and it goes on to say, and I just would quote, "The question of deployment was posed early, and the Department decided against such a deployment. In my view, it was appropriate to pose the question, and the decision was also the correct one," end quote.

In terms of his roles and responsibilities, would he be the right person to be able to evaluate, even just looking back and making an evaluation, as to whether that was right decision or not?

A Yes. That was his role.

Q And I think his statement, you know, obviously speaks for itself here, but he is stating that it was considered early and, in his view, the decision was also the correct one.

Did you ever have a conversation with him about this?

A I might have had a conversation after all of the events and the facts when this FEST matter came up, post all of the events. But I don't recall having any kind of contemporaneous conversations as decisions were being vetted around what should or shouldn't be assets

that were deployed.

Q And then one of the things you were describing to us about potential deployment of FEST and the ways in which it's sometimes brought in, it sounded like it could possibly have also been useful here.

So, you know, in the next paragraph, even after the attacks in Tripoli, I think Ambassador Benjamin explains, and I quote, "After Benghazi, such a deployment would have had little positive impact and might well have complicated the difficult situation of U.S. personnel on the ground in Libya," end quote.

So it appears from this statement that he's also considered, looked back, assessed it, and his evaluation is that both on the night of the attack and in the aftermath of the attacks the appropriate decision was to not deploy the FEST team. Am I, you know, understanding that accurately?

A Yes, you're accurately characterizing his statement.

Q And he never indicated to you or you never heard him indicate anything differently than what's -- heard that he had indicated anything differently than what's represented here?

A That's correct.

Q Another part of the discussion in the last few hours, a few times there was an effort to talk about protests in contrast to attacks. And you were first asked that question in the context of what was going on in Cairo, and you were asked to clarify whether you thought Cairo was a protest or an attack. And I think at that point in time you

indicated Cairo was a protest.

A little later, you were asked to further define it. My recollection was you were asked, so what distinguishes a protest from an attack is the breach of a compound wall? Do you recall that?

A Yes.

Q And you generally agreed with that proposition, that what distinguishes a protest from an attack is the breaching of a compound wall.

A Certainly as I've been using it or we've been using it in the conversations that we've been having. I don't know that that stands up to a technical definition. But, in my frame of reference, that's what I've been distinguishing in my head.

Q So, using that definition -- we looked at a cable earlier, in the first time I spoke with you, that indicated that the wall in Cairo had been breached. So, using that definition, what was happening in Cairo was not a protest, it was an attack. Is that true?

A Yes, that would be accurate.

I don't have perfect memory of each one of the posts and what was happening. I have the memory that there were a number of them that were being attacked or that there were protests outside of and that we were deeply worried about the safety of our teams, and so we were spending an inordinate amount of time trying to ensure that we had the best strategies for keeping our teams safe.

Q Understood. And I actually didn't ask you to walk through that exercise with me in order to try to have you define for us

concretely what really is a protest versus an attack --

A Okay.

Q -- but to try to get a sense of whether or not these are somewhat fluid concepts.

A They are. I think that's very fair.

I think that, also, the fear always with protests is that people will overrun our embassies. And so, a lot of times in the 2 weeks or 3 or 4 weeks after what had happened in Benghazi, there would be massive protests that would sometimes be a mile away or 2 miles away, and they were headed toward our embassies, and we would be getting these reports, and we wouldn't know whether or not they would stop at our embassy wall or whether or not they would keep going.

And so part of our objective was to try to be forestalling the potential for people to confront the opportunity to make that decision through our efforts with the host nation, through our efforts with our own augmenting as we could, and through whatever other resources we might have to try and protect our teams on the ground.

Q And you were indicating in that explanation that, you know, there were concerns a group would be amassing or a mob would be amassing. You know, one of the other things that we have heard -- and I don't know if it was reflected in your experience and knowledge at the time -- is that, in particular in that region of the world, there also is easy access to weapons.

A Yes. And it is the case that particularly in a number of the places where our embassies were experiencing more serious threats,

breaches, harms, the access to uncontrolled weapons, be that in Sudan or in Tunisia or in Yemen, in Egypt, was prevalent.

Q And it seems to me that, in considering one of the risks of a large group, a mob, a protest is the fact that I think there were -- it was reported as hundreds, at least, of people in Cairo. Certainly, in any group, it's impossible to know the makeup of that group. Is that accurate?

A Correct.

Q So you could have a group that had individuals who were gathering to engage in what might be at one end of that spectrum as a peaceful protest as well as individuals in a group that people would characterize as being there for far more nefarious purposes -- extremists, for example.

A Yes, that's correct. I think often in protests there are different elements and different elements are arriving for different reasons, and you don't have a way to assess who is falling into which side of that equation.

And so part of our objective was to try and create perimeters and support so that, to the extent any of the most nefarious elements could hide within what might appear to be a peaceful protest, we had the best opportunity to ensure they didn't do harm to our teams.

Q And so, thinking about what was happening throughout the region at that point in time, was it possible for you all to know, with regard to any of the unrest that was happening, what the makeup in any particular country was of individuals who were coming to our facilities

and engaging in a range of activity, from protesting to breaching the wall to tearing down the -- in Cairo, the flag was removed. In other places, there were people amassing at our embassies with black flags.

Was it possible for you to be able to tease out with certainty what the makeup of any of the groups in any of those countries was?

A No. And that's what made it so fearful, right? Because we didn't know. We just knew there were people, there were many, and they were amassing, and that our embassies are not built for if there is going to be a massive show of force against them. They're built to withstand a certain number hours of life.

And so our goal is always to try to extend the perimeter that would have to be breached if they were coming for our embassy. And so that's what we would do, whether or not it was going to ultimately end up being a peaceful protest or one that was not peaceful. We would react similarly.

Q And so I wanted to show you what we're going to mark as exhibit 10 for identification purposes.

[Mills Exhibit No. 10

Was marked for identification.]

BY MS. SAWYER:

Q This is a document that we obtained from opensource.gov, and you may be able to explain for us exactly what that is. I know what it is from my understanding as an outsider to the State Department.

But, just for identification purposes, it's a two-page document. It indicates up at the top, "Unclassified, but for official use only."

And the title line is, "Video: Ansar al-Sharia Statement on U.S. Consulate Attack in Benghazi." It's got a date down below of "12 September 12," which I assume is 2012. It's right below that title line.

First, can you explain what Open Source is?

A Open Source is a -- I don't know that I can perfectly explain it, but it is a location from which information that has been gathered in nonclassified ways can be shared for others to be able to access.

Q And do you happen to recall whether you -- well, this, as I understand it, there's a -- just to describe it for the record, there's a bit of block. It looks like, if you were actually online, you could click on the video.

A Right.

Q And then there's text. And the, you know, first full paragraph explains that this is a 5-minute 1-second video that starts with a caption that reads, "Statement by the Ansar al-Sharia Brigade on the Incident at the U.S. Consulate in Benghazi."

So my understanding of what this is is that, if we were looking at the video, it would be in Arabic and this is the translation.

A This would be -- at least my understanding would be the same as yours, that this would be actually an English version of what was being said in the video.

Q So, down at the bottom of the page there, of the first page, that paragraph, the last paragraph, the second sentence there says, "Our Prophet, God's prayer and peace be upon him, has been assaulted

and derided by some people in the United States and other countries. There, there is an American pastor who is known for his animosity to Islam and Muslims, supported by some of the Copts in Diaspora."

That discussion there, would it be your understanding that that is a reference to -- we spoke, when I first spoke to you, about a film and Pastor Terry Jones. Would that, from your perspective, be a reference to that video of Pastor Jones?

A That would be my assumption.

Q And then, on the next page -- and I'll just direct your attention to the last two paragraphs, the one that begins, "So, deriding Islam and the master of the sons of Adnan [Prophet Muhammad], prayers and peace be upon him, must be dealt with sternly. What is important is that it was a popular uprising in which all Libyans participated in support of the religion of the Lord of all creation, and in support of the master of all messengers, may the best of prayers and salutations be upon our Prophet."

Right there, you know, it indicates that there was a popular uprising. And this is Ansar al-Sharia.

And so, you know, we were just talking about the fact that whenever there is a group or a protest, you know, it's hard sometimes to tease out the elements. Do you recall hearing at any point that night that Ansar al-Sharia -- first, I think you mentioned that you had heard that they had taken responsibility or admitted responsibility.

A Correct. I had heard that Ansar al-Sharia had taken responsibility and said that they were the ones who had breached and

caused the incident in our embassy.

And then I subsequently understood -- and I can't tell you in time when it was. I don't believe it was the same night, but it might have been -- that they were withdrawing the credit that they were claiming for attacking our folks.

Q The very next paragraph gets toward that point, and it begins with, "The Ansar al-Sharia Battalion did not participate in this popular uprising as an independent entity." Then they go on to say they were fulfilling a duty to their religion. And I think the second-to-the-last sentence, "Rather, it was a spontaneous and popular uprising in response to what the West did," end quote.

So do you recall hearing, in conjunction with them walking back or, you know, denying that they were the primary actors, that they acknowledged or they claimed that there had been a spontaneous and popular uprising that they had participated in, at least?

A I don't know if I recall that at the time. I know there was a lot of confusion around whether or not what had happened that evening was spontaneous, whether or not it had been a dedicated attack, and whether or not Ansar al-Sharia was or wasn't stating or overstating their engagement and involvement. And I just remember feeling angry about Ansar al-Sharia just because it was such an incredible thing to have done, particularly in this country.

Q And you acknowledged that there was, certainly, confusion. And I think in your answer you acknowledged that there could be many purposes for posting this kind of a message.

In terms of clearing up that confusion, kind of figuring out what this meant in the context of what had happened in Benghazi, kind of who had perpetrated the attacks and why, who within the U.S. Government would take lead to really do that, both gathering of information and assessment?

A Well, because in the end this ended up leading to the death of four Americans, our Department of Justice and our FBI would become the long-term partners in seeking to bring people to justice for the deaths of our colleagues.

But I would also say that it is the case that each agency who had any involvement or equities would obviously be seeking to do their very best to learn what had happened and how it had happened and how it might not again.

Q Uh-huh. And so that would include the State Department, and that would include --

A It would include the State Department. It would include our intelligence teams, because often, when you are in other countries, part of what you rely on is the intelligence that you're able to glean.

Those would be the two agencies, at least for me, that would be front and center who would be assessing that. But everybody would be looking at, to the extent they had equities or things that they were supposed to be doing, how they did them, be that DOD in assessing what they would or could have done, the NSC in making those same assessments. Everybody would have done their best to basically ensure that they understood what had taken place and how they could have acted any

differently or better.

Q And this translation on Open Source, that would be certainly an authoritative source to be able to rely upon the actual translation here. There would be no reason to doubt that this was translated inaccurately --

A Oh, I wouldn't doubt the translation. I don't know whether or not Ansar al-Sharia properly should or did do all the things that they represent, but the translation would be the best translation that could be done.

Q So it would be an accurate representation of what Ansar al-Sharia said, whether or not those facts, in the end, proved completely true or not.

A Right. It would be an accurate reflection of what they said.

Q And to the extent there was conversation in the SVTCS about Ansar al-Sharia and the potential role of Ansar al-Sharia that night, did you have any reason to believe that the intelligence community and then ultimately the FBI and the DOJ would not have been gathering information that would include if they believed, if the notion was that Ansar al-Sharia was potentially involved, statements from/posted by Ansar al-Sharia shortly following the attacks?

A They would have taken this into account.

Q So it would have been part of the initial assessment being made by a whole host of folks who were responsible for figuring out the who and the why of the attacks in Benghazi.

A Yes. It would have been taken into account, not only for those seeking to understand what had happened and how you might bring people to justice, but our intelligence community would have been incorporating this information into their best understandings of the intelligence regarding what had occurred.

Q Now, one of the things that has been very clear in the past 3 years is that there has been exhaustive examination of and the parsing of exact words that were used in the immediate aftermath of the Benghazi attack with regard to how that attack was described in the press to the American people. You described, I think quite well, a process that seems -- you called it "confusing" at one point. You just said it was confusing to try to suss out all the details.

You know, given the fact that, in the aftermath, I presume -- and you've described all the efforts that were going on that night, certainly, to gather information by you and your colleagues. I presume that was happening throughout every agency.

Given the fact that information was still being gathered -- presumably you didn't have all the facts yet. In my mind, there's always going to be then a risk, as the facts are evolving, if you're going to go out and speak publicly about it, there's going to be a risk that some of those initial assessments, some of those initial facts prove false.

So how did the State Department work to try to, you know, take that into account, to advise people that there's a risk that we can be wrong here?

A This is the most challenging thing, I think, for big institutions to do well, because it's hard to always get all of the information in a way that allows you then to make a clear assessment, one, because information flows through people, and their perspective of what happened, without the benefit of everything else, sometimes means they don't have the full picture, but they have a definitive picture and a piece of it.

At the Department, part of what we tried to do was to be taking into account all the information that was coming from multiple different sources. So, on the night involved, it was trying to ensure that that information was flowing in a way that our operations center was seeing it, because that presented a place for centralization of information, but not perfectly because there were all these other channels that were happening.

And so part of it is trying to figure out how you can hold all those things and how you can ensure there is visibility and clarity so that you make the best judgment. And I think that's a government-wide challenge. The Department is no different. As terrific as people are there and as hard as they work, it's a complicated thing to do well, because if you don't have every piece of information, then you might make a judgment one way that you would make differently if you had one other piece.

Q Given the difficulty of doing that, given the risk -- I mean, there is some risk if you go out and you try to give an assessment -- well, one question: Given that you do know that there's

that risk, did you take steps, you and your colleagues, to make sure that when you spoke about it you made Congress and the American people aware that the facts were still being gathered, there was an investigation ongoing, that these assessments may evolve and change over time?

A That was our intention, and that's what we sought to do. I'm not sure if we did it perfectly every time, but we did our best to indicate that information was fluid and our ability to understand what occurred was fluid, and so we could only give what we knew in a particular moment, which might evolve once there was more and better information or more time to be able to distill what information was there.

That was certainly our intention and certainly our best effort, to try and get out the information we had the best we had it at the time.

Q And, given the risk that it might change, and even if the best efforts, you know, in good faith prove that some of the facts and some of the early assessments were wrong, given the risk that you then may be subject to intense criticism, sometimes maybe seven or eight congressional investigations, there must be an -- I mean, there must be some -- in that kind of balancing the risk and putting information out there that isn't completely known, there must also be a tremendous value or a reason to want to be able to do that.

So could you just help us understand kind of why it was that, at the time that information was -- what's the value to doing that, the

value to informing Congress, your partners, the value to informing the American people, the value potentially to informing other governments that we work with throughout the world?

A My belief is that -- and this is mine -- that, in the end, most people want the best for a country who are working in our country, whether or not they are working in government or whether they're in the public. They want to believe we're the best, and they want the best out of us. And that means we have to try hard to deliver that, and that also means we have to own up when we don't.

But when something like the loss of four individuals happens, the public wants to know why, and they want to know that they're safe. The public wants to understand whether or not we're putting people in harm's way and, if we are, for what value. And those who serve in government, whether or not they serve in the Congress or in the executive branch, want the same.

And part of why we did our best, and an imperfect best, to try and share information as we learned it and to share what we understood was so that that process could be an evolution and a participatory one.

That does mean you are sometimes subject to criticism. It does mean there are times where people, properly and improperly, call you to task. But you have to do it because you have to every day believe that the only way we get better is by trying.

Q And as you all were trying, making your best efforts to achieve those goals, was there ever an effort to conceal facts, distort the truth, in order to spin a particular political narrative?

A No. And I say that because I -- look, I'm the most nonpolitical person that ended up playing political roles, which is always the kind of irony of my life. But I say that recognizing now, after having been in government twice, that that's a hard concept and that not everybody embraces that. And I accept that very deeply, because I've obviously been around government a long time.

But I do think people genuinely want to -- who serve want to serve, want to do a good job, and want the approval of others who they're serving. I don't think they are trying to do that poorly. I think they're trying to do that the best they can.

Q So I wanted to return to a part of the subject that we left off the last round of questioning, which had to do with your engagement with the Accountability Review Board. And I just wanted to start with the place we left off with regard to their final product, the draft report that they sent to you.

You indicated that they shared the draft with you; you recalled submitting some comments. Was there a further back-and-forth with anyone about any particular comments you had made or any particular suggestions?

A There absolutely might have been, so I'm not trying to say that there wasn't a dialogue. My impression is that I had my thoughts; I shared those thoughts. And, obviously, they had to make their own determinations in the end, because they had the benefit of information that I wouldn't have, just as I might have had information that had not yet surfaced to them, though I would hope that that would have been

very little. But, in the end, they had to submit the report that they believed was the report the Secretary should get. And that's what they did.

Q And, to the extent you can recall, would you have characterized the things you suggested they change, concrete changes, as minor edits? Major edits? Were you asking them to revisit and change any of their factual findings, first?

A No. The reason why I keep saying -- I believe there was an instance where there might have been something that they had inaccurately described about either department operations or something. So that's just the only one, actually, that stands in my head, because I remember thinking, well, that will stand out as maybe not a comprehensive understanding of how -- because it's an easily understandable thing. And that might have been a drafting error, that might have been something else.

That's the only thing in my head, and I can't even tell you what it was. But that's my best recollection of the kinds of things that I was sharing.

Q The one thing you did mention that I recall was that you were surprised there were some recommendations contained in the classified --

A I was surprised by -- I was surprised by one of the personnel recommendations.

Q And did you ask them to do anything differently with regard to that recommendation?

A I asked why that recommendation had been made. Like, it wasn't transparently obvious to me in the draft why that recommendation would have been made.

Q And the bottom-line recommendation -- and, again, that's information not in the public domain --

A Right.

Q -- the specificity of that, so I don't want to go into the details. I just want to know, at the end of the day, had you asked them to do something different with regard to the bottom-line recommendation?

A I asked why they were making the recommendation and that the report needed to be transparent about that recommendation.

They had a reason that came out of their interviews that they did with the individual. But that was not a reason that, at least in my memory, was transparent in their initial draft. And, because the person was junior, it was an odd -- it struck me as unusual that that person would have been deemed accountable in the context of the role that this gentleman played.

Q And, in that final version, had they made more apparent their rationale or had they satisfied you that the recommendation they were making was explained?

A I just don't remember. And I obviously don't have access to the final report to look. I don't remember now. But I do remember I was surprised by that and expressed my surprise.

Q Were there any particular criticisms of the Under Secretary

for Management, Patrick Kennedy, that you asked them to remove?

A Oh, no.

Q Anything at all about the role of the Under Secretary for Management, Patrick Kennedy, that you asked them to change in any way?

A No.

Q Did you ever, in that process, attempt to exert influence over the direction of the ARB's investigation?

A No.

Q Did you ever try to -- did Secretary Clinton ever try to exert influence over the direction of their investigation?

A No.

Q You were asked some questions about both your role in terms of helping collect and coordinate responses to, you know, requests for information, it sounded like, from a whole host of folks -- Congress, you know, the press presumably, probably the Secretary at times, other colleagues.

A Uh-huh.

Q In a broad-brush kind of way, in your role, whether it be, you know, helping to collect or helping to review, did you in any way, yourself, remove any document that was relevant to or related to the attacks in Benghazi and destroy that or prevent it from getting to the Accountability Review Board or Congress or to the Secretary or whoever had asked you for the information?

A I did not.

Was marked for identification.]

BY MS. SAWYER:

Q I am going to show you what's been marked -- we're marking as exhibit 11 -- and I'm going to show you this, because I don't want to belabor the point overly, but this was a specific allegation that we've already spoken about about Mr. Maxwell. But the allegation -- I think, you know, there are a number of allegations embedded within this. And I think the one way in which you responded was, you know, just by saying you had not seen Mr. Maxwell, as far as you could remember, at a document review and particularly this document review session.

You know, in the article, Mr. Maxwell says that he was told, you know, that one purpose for reviewing documents was to, quote, "go through these stacks and pull out anything that might put anybody in the [Near Eastern Affairs] front office or the seventh floor in a bad light."

And, you know, setting aside this particular instance and whether there was a basement review process going on, did you ever give anyone any instruction that they should pull out anything that might put anybody in the NEA front office or the seventh floor in a bad light?

A I did not.

Q Did you ever instruct anyone to pull out documents that might put Secretary Clinton -- paint her in a bad light?

A I did not.

Q Did you instruct anyone to in any way kind of remove or destroy or scrub documents that might not reveal the full and complete

story about what happened in Benghazi?

A I did not.

Q Did anyone ever come to you -- you were kind of the point person for the Department on making a lot of these wheels go around. Did anyone come to you at the time or any time after and express concern to you internally that there had been efforts, that there had been orders to flag, remove, scrub, destroy documents that might look damaging to the State Department?

A No, they did not. And the A Bureau keeps a copy of everything, so they are the repository that holds everything. So there are only then copies made for review. So, no, that didn't happen, and the complete repository always stayed with the A Bureau. It never left.

Q So if anyone were going to propose or think about doing this, it's a pretty high-risk gambit, because ultimately the A Bureau is going to have the master copy --

A That's exactly right.

Q -- and if documents are scrubbed, there's going to be an evidentiary trail. Is that accurate?

A Correct.

Q And, certainly, you knew that at the time; is that correct?

A Yes. But, also, that's how the Department processes its document requests, so I think that is something that has been their practice, at least as I understand it.

Q Just a very brief question for you. You were asked a number

of questions about a codel that involved Congressman Chaffetz. A letter about that codel went from Senator Grassley on the Senate side and on the House side from House Oversight Chairman Issa to the inspector general asking for an investigation of that incident. Were you aware of that?

A No, but -- "no" is probably the short answer to that question.

Q So you don't know whether there was an inspector general investigation? You wouldn't know what the outcome of that investigation was?

A I don't as I sit here.

Q But, presumably, if there was and it was requested by standing committees of the House, certainly anyone on one of those standing committees would have knowledge of whether there was an inspector general report and its outcome?

A I would assume so. Was there? Sorry. I know I'm not supposed to ask you questions.

Ms. Sawyer. So we're just going to go off the record so I can talk to the Congressman for a second.

Ms. Mills. Okay. I'm not going to go anywhere. I'm going to sit right here in my chair.

Ms. Sawyer. Don't run away from us yet.

Ms. Mills. I won't go anywhere.

[Discussion off the record.]

Ms. Sawyer. So, again, thank you. I think that was, you know,

a very helpful clarification for me.

I know the ranking member had a few questions for you, as well. And then we will, you know, conclude this round for us and turn it back over to our colleagues.

Ms. Mills. Thank you.

Mr. Cummings. Ms. Mills, thank you very much for being here. We all do appreciate your cooperation. We really appreciate it.

Ms. Mills. Thank you.

Mr. Cummings. All right. I just have a few questions.

Did you ever get the sense or impression that Secretary Clinton was not fully engaged in the crisis response with regard to Benghazi?

Ms. Mills. No. Quite the contrary; she was very engaged. And I think, as I said maybe a little bit earlier, it took some people aback when she even decided to go to a staff-level SVTCS because she was deeply concerned about and engaged in what needed to be done to secure our team and hopefully bring them to safety.

Mr. Cummings. I take it that around the time that -- and, by the way, I'm sorry. I had to go back to Baltimore and then come back and then go back, and I'm going to go back --

Ms. Mills. Thank you for --

Mr. Cummings. We've got --

Ms. Mills. -- taking time to be here.

Mr. Cummings. In Baltimore, we have all kinds of little crises going on, so I apologize.

Ms. Mills. I used to live in Dundalk.

Mr. Cummings. All right.

Ms. Mills. They always had crises.

Mr. Cummings. So you had an opportunity to be in contact with her, I guess, constantly after she found out what was going on.

Ms. Mills. Yes, that evening. She was there late that evening, and I was too.

Mr. Cummings. And what was demeanor like?

Ms. Mills. She was very concerned. She was also very determined that whatever needed to be done was done. And she was worried. She was worried not only about our team on the ground in Benghazi but worried about our teams that were on the ground in Libya and our teams on the ground in a number of places, given what we had seen unfold in Egypt.

Mr. Cummings. Did she seem uncertain as to how to respond?

Ms. Mills. No. She was very -- she was very certain. And, indeed, when we said it was going to be a staff SVTCS, which was our diplomatic way of saying that maybe she shouldn't be attending, she said, "I'm coming." And so we tried to make sure the rest of the interagency knew ahead of time that she was going to be on, but we were unsuccessful, so they were surprised when she sat down.

Mr. Cummings. So were you surprised by that?

Ms. Mills. I'm not surprised, because that's her approach. She's a person who steps in and leads. She's someone who, when there is accountability, takes it. So I wasn't surprised. But I know that it can sometimes be intimidating to other staff that there is a principal present.

And what she really was communicating that night is, "I'm here because I want my team safe. I'm not here because I'm here for any other reason than trying to get their safety. And whatever we need to do to do that I want to do."

Mr. Cummings. Well, one thing that is often overlooked is the fact that Secretary Clinton, like others in the Department, lost members of her team who were part of the State Department family. Can you share with us on a more personal level what that meant to her?

Ms. Mills. I think she was devastated. Ambassador Stevens was someone she had a lot of confidence and respect for. And his guidance and his way was a compelling one. And the notion that he had been murdered, I think, was something that all of us thought was unbearable, but I think she particularly felt the pain of that.

She also felt the pain of the loss of other Americans that were there that night, whom she didn't have a personal relationship with but who she knew were there because they were trying to further our own interests. And so she felt very strongly about claiming all of them, even at a time where there was ambiguity about how that should or shouldn't be done, but also in honoring their service and what they had done.

And, in the days afterwards, she spent time reaching out to our team in Tripoli, constantly trying to determine if they had what they needed, constantly trying to remind people that, while we all have jobs, people are fragile and you have to remember the fragility of people and their humanity and you have to give respect to that.

And she made herself consistently present to people on her team because she wanted them to know that, as hard as this was, this was something that required us all to bear witness, to learn, and to try to be the very best we could in those moments.

Mr. Cummings. You spoke of the Tripoli -- or talking to the folks in Tripoli. Did you have this -- the next day, I think it was. Did you talk to her about that before she did that?

Ms. Mills. She said she wanted to talk to the team on the ground there.

She also shared that she really wanted to ensure that the President made calls to our teams not only there but in other locations where they were experiencing challenges, and that happened over the next week or so, because she thought it was important that they knew that the country appreciated and stood with them and cared deeply about not only the loss but what they were continuing to live in in the moment, which was a lot of uncertainty.

Mr. Cummings. That's all I have for the moment.

Ms. Sawyer. So thank you.

We'll go off the record and take a break.

[Recess.]

[3:38 p.m.]

Ms. Jackson. All right. We are going to start hopefully our final hour. I think it should be our final hour.

BY MS. JACKSON

Q Ms. Mills, when did you first learn that Secretary Clinton did not want to use an official government email account?

A Secretary Clinton had her own email account from when she was a Senator. And when she came --

Q Was that a personal one or an official one?

A She used a personal one as a Senator, an AT&T one, if I recall. And when she came into the State Department, she continued to use her personal email address.

Q Okay. When she was a Senator, did she have an official government account?

A I don't know. I didn't work for her when she was a Senator, so I don't know the answer to that question.

Q Okay.

When did she change her personal email address from the AT&T one to the clintonemail.com one?

A I believe that happened sometime in March. I only say that because I know that we had to change email addresses where we emailed her, and that's the time period that I remember that happening, sometime in March.

Q Did she discuss this with you, or did she just inform you

what she was going to do?

A I recall she was going to be using her personal email account because it gave -- like what she said -- her the convenience to be able to email her family and friends as well as email about work. And so what she's articulated is probably the best recollection I would have at that time, yeah.

Q Did you offer any opinion or try and dissuade her from doing that?

A I don't recall that I did or that I didn't. I knew that there had been a prior Secretary who had used a personal email, so I don't know that I had a thought process around that one or way or the other. I might have, but I can't take myself back to that moment.

Q And did you know that in January, February, March of 2009?

A Yes.

Q And how did you know that?

A I understood that because Secretary Powell, at least as I understood it at the time -- there were others in the Department who were familiar with that, as well. And I might have learned it in other ways, too. But I do know that I was aware that he was one of the people who had used a personal email account.

Q And is that information that you sought out?

A No. Quite candidly, I don't know that I really thought much about email at that time. I know everyone does now, but I don't know that I did.

Q Okay. Who at the Department knew that?

A I don't know. Because -- I don't know how to basically take myself back to that moment.

Q Uh-huh. Did Patrick Kennedy know?

A I don't know. I don't know, like, how to recreate a time period where that wasn't something I was focused on. So I don't know.

Q Well, who was at the Department at the time that Secretary Powell was there that you interacted with on a regular basis?

A Well, there were lots of folks who were obviously -- look, the Department is filled with career and noncareer officials.

But my impressions was that that was something he had done. He had recommended that when -- when there were -- all the Secretaries met that read his book. I knew it was in his book. Because that was one of the things we were doing also as you come in, is learning about other people's experiences.

But I can't tell you -- I can't tell you that I have a cognizant moment of how that information was transparent to me.

Q Okay.

Was anyone consulted about Secretary Clinton exclusively using a personal email address for her work?

A I don't recall that. If it did happen, I wasn't part of that process. But I don't believe there was a consultation around it, or at least there's not one that I'm aware of -- maybe I should better answer that way -- based on my knowledge.

Q So no private counsel?

A Not that I'm aware of.

Q Okay. The general counsel for the State Department?

A Not that I'm aware of.

Q Okay. Anybody from the National Archives?

A Not that I'm aware of. But I can only speak to my knowledge, obviously.

Q Sure. And anyone from the White House?

A Not that I'm aware of.

Q Okay.

What was your opinion of whether it was a good idea or not?

A I don't know that I focused on it the way that I of course now wish I had. My own observation was that, to the extent it allowed her to be able to connect with her family and connect with work, that is how she used it. And I don't know that I had more reflection on it.

Q Were you aware of the Federal Records Act as a statute?

A Yes. No, I am aware of the Federal Records Act.

Q And the regulations and State Department policies that govern the records management of the State Department?

A So I think what I have learned about the State Department through this process is I would have anticipated that the Department email would be maintained and so that, when she was communicating with staff on their State accounts, that that would be something that was maintained.

So I would have told you that at the time. I've come to learn that that is not, obviously, the case. But that's what I would have

told you if you were asking me at that time. That's what I at least understood.

Q Did you use an official government account, a state.gov account?

A I did.

Q Okay. And why did you make that choice?

A I don't know that I reflected upon it that deeply. There was an ease in which, if you were on the system, everybody's email would populate. But I don't know that I reflected on it other than that was my email account so I was using it.

Q And did you have a personal email account at the same time?

A Yes, I've always had a personal email.

Q And you use that for family and friends?

A I typically use that for family and friends, that's correct.

Q Who all in the State Department was aware of the Secretary's exclusive use of a personal email account?

A A large number of people, primarily because that's how she communicated with her staff in the Department and she would communicate with others outside the Department, as well. So it was certainly a number of folks that would be aware.

Q Did it go down to the Assistant Secretary level?

A There were Assistant Secretaries that she would email.
Torla Nuland -- "yes" is the short answer. Yes.

Q Okay. Do you recall whether she could email with Jeff Feltman or Beth Jones?

A Yes, she could email with them. I don't know if she did, but she could.

Q Did they have her personal email address?

A I don't know. I mean, I think at different times people might or might not have her address.

You know, in the day, because as a practical reality she worked in a SCIF, she couldn't email during the day because her BlackBerry had to be locked up outside. So, when she was working during the day, as a practical matter, it was typically the case that she would be engaging by phone or in person.

And she's the Secretary. She gets to really rock ops. You know, she gets to use the operations department however she wants, which means they find anybody and everybody for her at a dime.

Q How did people get her personal email address?

A She would email them. Or if somebody wanted her email address, they might ask myself, they might ask Huma, they might ask [REDACTED], who was her assistant, for her email address. They might ask any number of people for her email address.

Q Were the three that you've listed you, yourself; Huma; and -- was it [REDACTED]?

A [REDACTED] was her executive assistant.

Q Okay.

A Yeah.

Q Were the three of you that were primarily responsible for deciding who would get her personal email address?

A No. She would email people if she wanted to email. So, no. But we would be people who would know it. But there were also other people. People would ask Jake. They would ask, you know, Wendy Sherman. They would ask Bill Burns. If there were people who were aware of her email address, they would ask for it if they thought they needed it.

Q Do you recall whether anyone ever brought it up to her that it wasn't a good idea to exclusively use a personal email address?

A I don't have a memory of that. So I obviously can't speak for her. Yeah.

Q Okay.

You have described before as to how the A Bureau was the repository of documents to respond to any number of requests out there. Did the A Bureau know that she was exclusively using a personal email address?

A I don't know the answer to that question.

Q Let me ask this. Did you ever inform them?

A I never had a conversation with the A Bureau about that, but I wasn't frequently in a conversation with the A Bureau. So I think the real place where information might have flown would be, obviously, in her front office with the special assistants.

But I don't have a recollection of ever having had a conversation with the A Bureau, and I don't know if she would have. I would be surprised, but I don't know.

Q Did you direct anyone to tell the A Bureau to be on the lookout for responsive records that would have been sent to or from

her personal email address?

A No. But, obviously, if she was emailing someone to their State accounts, those, at least as I understood it, would be captured.

Q Okay. Did you or anyone else instruct the A Bureau that they needed to look at the other senior leader members' email accounts to look for her records?

A So each individual was accountable for producing their records, and so you had to produce your records, as opposed to the A Bureau coming into your office to produce them. When they would sent the request out, each person had to go through and produce their records.

Q So you never relied on the IT department to go in and do a search of records?

A I don't know that they did or didn't. And I don't know what their capacities are. And I'm even less certain as to their capacities today than I was when I was there.

Q Okay. And did the senior leadership have a separate IT department?

A There is a division called POEMS. I don't know that POEMS only deals with the senior leadership, but I know that there was a -- well, certainly, when I had issues with my computer or my technology, there was a unit I could call and say, "Could you please help me?" And I don't know how to think about their relationship to the rest of the broader IT, but it was my sense that they would try to be responsive to us and to me. And so that made me think of them

differently. But I don't know, if you actually looked at it in an org chart, whether or not they were.

Q Would you please tell us about your knowledge, awareness, or involvement in the campaign server being relocated to the Secretary's personal use?

A I didn't have any involvement in that, so I can't.

Q Okay. Did you know that it was happening at the time?

A No.

Q Okay. When did you learn?

A I've learned subsequent to all of these matters that have been raised.

Q Okay. And when was that?

A I don't know that I could tell you when that would have been. Like, I don't know that I have a time window on when that was, because I have obviously learned a lot more about all of this in the last 6 months to -- 6 to 8 months. So I don't know how to answer your question. I don't know the answer to that.

Q Okay. Was it when the State Department contacted you about seeking return of the Secretary's records?

A No. The server that she had during the tenure where she was at the Department was the server that ultimately she migrated from when she left the Department. So I don't know that it would have been at that juncture, actually. It might have been at an earlier juncture.

Q Are we talking two different servers? I didn't quite follow your answer.

A Well, so, when she was at the Department, there was a server that now is at the Justice Department that hosted all of her emails. She left the Department in February, and, at some point, her emails and the emails of her family ended up being hosted by Platte River Networks. And so that transition would have happened after she left. And the server that had hosted her emails when she was here would have been the server in question.

Q Okay. During her tenure as Secretary of State, was there just one server?

A To the best of my understanding, as I sit here, but I obviously didn't have contemporaneous knowledge of that. But that is my best understanding.

Q Okay. And do you where that server or have you subsequently learned where that server was physically located?

A That server, as I understand it, was physically located at her home.

Q Which home?

A Good question. Chappaqua. Her home in New York, as I understand it.

Q And who told you that?

A I don't know the answer to who told me where the server was.

Q Did you have a conversation with Secretary Clinton about that?

A No, I didn't. I'm trying to figure out who would have told me where the server was. It could have been any number of folks as

we were stepping through trying to understand the set of circumstances that surrounded her email. But I don't know that I could tell you who was the person --

Q Who would be in that group of names?

A Individuals that would be in that group of names might be, certainly, her household -- one of her former households advisors, which was Justin Cooper. Other individuals who might have -- I could have learned that through the process of -- who else would have known about it?

He's probably one of the more logical people I would have learned that from, but it could have been others who had actually talked to other people who were sharing that with me, as well.

Q And you described Justin Cooper as her household assistant?

A No. He was somebody who managed different matters related -- he was a senior advisor to the President and a personal assistant to the President, but he also handled a number of their household matters.

Q Okay. And where is he these days?

A He lives [REDACTED].

Q Okay. And still in that same position?

A No, he does not work there.

Q Do you know where he works there?

A I don't know where Justin is working now. I believe he is mainly consulting, but I could be wrong about that.

Q Okay.

Have you subsequently learned who set up the server in the New York home?

A I have subsequently learned that through reading and other matters who, at least as I understand it -- but I don't have any firsthand knowledge of that. My knowledge of that is obviously through the processes that I have been participating in to learn.

Q So you never had a conversation with Secretary Clinton about that?

A I didn't have a conversation about who set up the server in her house with her, correct.

Q Okay. What about with David Kendall?

A Certainly with David Kendall I've had conversations.

Q About the server?

A So David Kendall is her personal counsel. I also provide her personal counsel. And so, in the course of our conversations of responding to requests that have come not only from Congress but that have come from agencies about this matter, we have tried to be thoughtful in providing the best information that we had that was consistent with our obligations to her.

Q Okay. And did you discuss with Mr. Kendall the server?

Ms. Wilkinson. Can we go off the record a moment?

Ms. Jackson. Sure.

[Discussion off the record.]

Ms. Jackson. We'll go back on the record. And let me withdraw the question and ask another one.

BY MS. JACKSON:

Q Do you know a Bryan Pagliano?

A I do know Bryan Pagliano.

Q And how do you know him?

A Bryan Pagliano provided technology advice on the Secretary's campaign in 2008 when she ran for President. And, subsequent to that time period, Mr. Pagliano ultimately ended up being an employee at the Department. He was one of the Schedule C employees that was hired during the time that Secretary Clinton was Secretary.

Q Okay. He was a Schedule C employee?

A I believe so. I might be misstating that, so don't quote me on that, but he was certainly an employee who joined during her tenure.

Q Okay. And what's the significance of being a Schedule C employee?

A Am I wrong about that?

Q I don't know.

A Oh, okay. So I don't want to go all the way down a path if I'm wrong.

Q Yeah. Yeah.

A But what I would say is he was somebody who was hired during her tenure. And so there are a set of appointments that, as each Secretary comes into the Department and as each administration takes over from the prior administration, they have the privilege and opportunity to appoint talent that they believe are going to achieve

the goals and objectives of their administration or of that particular department or those particular priorities and initiatives. And at least it was my impression that he might have been in one of those slots.

Q Okay. And he was an IT person?

A He was somebody who had a technical background, that's correct.

Q In maintaining information technology systems?

A I don't know the breadth and scope of his skills. I don't know that I can speak to that. But I do know that he was somebody who I would describe as somebody who had technology expertise.

Q Okay. And is that what he did for the campaign?

A For the campaign, part of his responsibilities was, obviously, managing a lot of the technology issues, but I think he had a broader portfolio than that.

Q And what was that broader portfolio?

A I don't know. Like, I don't if he was also doing some of the admin or other things that might be related and bundled with kind of dealing with technology and other things like that. So that's the only thing. I don't know.

Q Did you have any role in his being hired at the State Department?

A I don't have a recollection of that -- or, necessarily, I would or wouldn't have.

It is certainly the case that, when talent was being considered, our White House liaison would actually interview everyone. And one

of the things that is certainly the case that Secretary Clinton sought to do was people who she thought were talented and wanted the opportunity to serve, to make sure that they were interviewed. And then they would be sent to different departments for interviews. And if the Department determined that they wanted to hire them, then that became the way in which I would get slates to say, these people are now getting ready to be hired.

So I would imagine he would have been in a context like that, because that is typically how we operated.

Q During the time that he worked -- well, let me ask this first. Do you know the timeframe that he worked for the State Department?

A I don't. I don't think he was there in the beginning, but I can't tell you when he arrived.

Q Okay. And did he leave contemporaneously with the Secretary or shortly thereafter?

A I don't know. I don't know.

Q Okay. Do you know whether he played any role in maintaining the private server that was at her New York home?

A I've come to understand that. That was not something I had knowledge of during the time period I was at the Department.

Q Okay. And when did you first become knowledgeable of that?

A As I've been stepping through this process of providing advice and guidance.

Q Okay.

To your knowledge, was there any intrusion or breach of her server during her tenure as Secretary of State?

A Not to my knowledge.

Q At any time was the server down for any reason, not functioning?

A That might have occurred. And I just am going to give you my best understanding. That might have occurred, obviously, during -- there has been different weather and other things, so that clearly could have occurred. I don't know that I had contemporaneous knowledge, and I don't know that I have any specific knowledge right now, but quite plausible that that could have occurred.

Q Okay.

Stepping back to Mr. Pagliano, what department did he work in when he was at the State Department?

A I believe he was in the technology department.

Q Okay. Was that the same technology department that you would call on when you would need assistance, or was it a different one?

A It was a different -- I don't know that they are different departments, but the division that I would be engaging with is called POEMS, and he was not a part of that.

Q Did you know who he reported to?

A I don't know who he reported to. But I know he was in -- I know he was in at least the technology department, so I would have assumed he would report to the head of that, the CIO or the head of

the super bureau that might have been associated with it. So those are -- I acknowledge my assumptions.

Q Is it your understanding that when official business is conducted via personal email that electronic records of that official business being conducted is a Federal record?

A I am now much more sensitive to that. But, yes.

Q Were you aware of it during your tenure with the State Department?

A I would have answered that question if you'd asked me in my tenure at the State Department that, yes, records were records of the work of the Department. It was my observation that that typically is how people were also using their State Department records -- their State Department emails. But that would have been my answer at the time.

Q Okay. And any type of official record or Federal record belongs to the agency; is that also your understanding?

A That's my understanding, yes.

Q Okay. And so it is not property, such as it is, of the individual, but it's property of the agency?

A I think that, as a general matter, when you are dealing with emails, because sometimes they have both things in them, it does -- meaning by "both things," I mean sometimes agency matters and sometimes personal matters, when you are in people's personal accounts, that there can be blended materials. But, otherwise, I would certainly say that the agency has the right to the materials that are agency

materials.

Q And if an email is solely agency information, then it belongs to the agency?

A That is what I understand.

Q Were you contacted in the summer of 2014 regarding Secretary Clinton's Benghazi-related documents being discovered with her personal email address?

A I was contacted about the Department -- that they were going to be providing the final tranche of documents that had been collected and that in those materials were materials that reflected her email address.

Q Okay. And that was the final tranche of records that were going to be produced to this committee?

A As it turns out now, to this committee, as opposed to the prior committee for which they had been collected, as I understand it.

Q Okay. And who contacted you?

A At that time, I ended up engaging with the chief of staff in the Department, whose name was David Wade, and their communications partner, whose name was Jen Psaki.

Q The spokesperson for the State Department?

A She was a spokesperson for the State Department at that time.

Q And what was relayed to you in that conversation?

A That they were anticipating that there would be potentially media inquiries around a set of materials that they would be providing

to Congress, and included in that set of issues was her personal email account and address.

Q There were media inquiries?

A They were anticipating they would get media inquiries.

Q Okay. But the --

A So they were preparing for what they anticipated to be inquiries that would come once the materials were provided.

Q But these were materials to this committee, not going to be released via a FOIA?

A Yes.

Q Okay.

A Or, at least, that is my best understanding.

Q Okay.

And did you have a series of conversations with Mr. Wade and/or Jen Psaki?

A I know I talked to them more than once, but I couldn't tell you if it was more than twice. But I know that I did have more than one conversation.

Q Okay. And were you the only person they were communicating with on behalf of the former Secretary?

A No, because this was actually a communications matter. The other person who was with me in this communication was a gentleman named Philippe Reines.

Q Okay. And do you recall when this occurred?

A This would have been, I think, late summer. That's my best

memory.

Q Do you know whether the documents had already been delivered to this committee?

A It was my impression that they were going to be delivered, and the questions that they were posing related to matters that they believed might be the subject of media inquiries that they would get, and they were seeking information and understanding to be able to respond to those. That's my best recollection.

Q And what were those questions?

A I don't know, but I know that her -- like, I don't have a perfect memory of what were the four or five things that they thought were going to be likely, potentially, the subject of media inquiries. But I do believe that -- I do know that one of them was with respect to her personal email address, which would be being made available.

Q Okay. And can you recall any of the other topics?

A No. I just said that.

Q Okay.

A Sorry.

Q Did you have meetings with any individuals at the State Department?

A Those were the individuals that I met with.

Q That you met personally with them?

A Yes.

Q And was Mr. Reines there?

A Yes, Mr. Reines was, as was Ms. Psaki, because the

conversation was revolving around the communications that they anticipated her having to answer in terms of questions that she might get related to a set of issues that they would have anticipated.

Q And what were her questions to you?

A I don't recall her having per se questions to me. But I do recall that they were anticipating that there would be media inquiries as a result of producing the materials, and they wanted to ensure they had as accurate information as they could relay.

Q Okay. And was there any discussion about seeking return of more records from the Secretary?

A Not at that time. That was subsequent to that. That was much later.

Q When did that occur?

A That happened later in the fall, when they concluded that the Department didn't maintain all records of the Department.

Q And who did you converse with regarding that?

A At that time, I remember, obviously, David Wade was present, but I remember that the other participant at that time was a member of the counsel's office, whose name is [REDACTED].

Q Okay. So the Legal Advisor to the State Department's office?

A I think he's a deputy legal advisor. I believe Mary McCloud is the Acting. But that's my best understanding.

Q And, again, was this a meeting or a telephone call?

A So I recall one meeting and a telephone call. Those are

the things that I recall.

Q And with David Wade and the representative from the Legal Advisor's Office?

A So the meeting, I recall, was with David Wade and the representative from the Legal Affairs office, who had indicated that they had learned that they didn't have necessarily comprehensive records. And they were going to be stepping through a process to determine how to address that with all the Secretaries.

Q And you say they learned that they didn't have comprehensive records. How did they learn that?

A I didn't ask. I mean, I think -- I think everyone understood that the point of electronic records is you have them, but apparently that was not accurate.

Q Okay.

Did you disclose to them at the time that her personal email records would be housed on her private server?

A I don't know that I had a cognizance of the private server in that framework, so I don't know how to answer your question, because of the way it's framed.

But at least what we indicated, once we understood the nature of the challenge, was that we would obviously speak to Secretary Clinton to learn how she would want to respond once they shared whatever letter they were going to be sending so that we could best understand what would be our approach in that regard.

Q And you said this was later. Can you give us a better idea

of the timeframe?

A I can't tell you. I think in September or October they would have indicated that they anticipated that they were going to be needing to augment their records and would be making a request to do that. I didn't actually get the request that they sent until the end of October, and that request was actually directed to Condi Rice, but it was sent to me, and so they then had to correct that.

Q Okay. So that would have been late October or early November when that occurred?

A That's my best understanding. Late October -- I think late October would have been the first letter, which would have been the one that was for Condi Rice that came to me. And then they subsequently would have replaced that letter, and that, I believe, would have come within the next 30 days or so, yeah.

Q Okay.

Prior to receipt of that letter, did you have any knowledge that they were going to reach out to other former Secretaries other than Secretary Clinton?

A At the time, when they were explaining the challenge that they confronted, they explained that that challenge was potentially one that was more than just the last few years. And so they were going to be assessing what they needed to do to ensure they had at least tried to get as comprehensive a set of records as they could.

Q Okay. And what steps did you take after -- or, actually, what steps did you take after you had this meeting, even before you

got the letter, to attempt to gather Secretary Clinton's records?

A So what our objective was was to understand what was the scope of records that they didn't have. Because if what they didn't have was records that were -- that they had everything on the state.gov, then it becomes a much easier exercise. But once they made clear that it was broader than that, that their own records might not be also reflective of just state.gov, then it became a different set of exercises.

Q Okay. So, again, this was the fall, late October, November, of 2014 when the State Department was aware that they did not have virtually any of Secretary Clinton's records.

A I don't know that it's "virtually any" because, at least as I understand it, what they would capture would be -- when she's emailing people, they would capture people on the State records, but they weren't always maintaining individual State records. So if you were an employee and your records happened to be one of the ones that they weren't maintaining or that got taped over, while they might have at one point had those communications, they had not maintained them.

Q Okay. And when did you first learn this? Was it before this time in late October, early November?

A So my best recollection is that I learned that sometime in the fall because I was -- I can just remember being surprised by it. So it would have been at the late summer or September time, October time period, in that time period, where we gained a deeper understanding of what the breadth of the challenge was.

Q Describe for us the process that you went through, you and others went through, to then identify, collect, review, and turn over Secretary Clinton's records -- return the Federal records to the State Department.

A After the letter came, Secretary Clinton asked David Kendall and myself to oversee a process to ensure that any records that could be potentially work-related were provided to the Department.

And so we stepped through that process by first reviewing her personal email account during her tenure for all records that had dot-gov, and that meant you could set aside a large swath of them as records that could be provided.

Q How did you get those records? Did you or Mr. Kendall physically have the server at this time?

A No. I know there's a lot of focus on that server. Boy. So that server, as I understand it, doesn't contain any of her records.

So we asked Platte River to give us a PST of all of her emails during the tenure where she was there, which they did. And we used that PST to first search for and set aside all of the state.gov records, then to actually do a name search of all of the officials in the Department so that we could ensure that all the senior officials that she would likely be corresponding with got looked at and searched for by name, and then a review of every sender and recipient so that you knew, if there was a misspelling or something that was inaccurate, that you would also have that review done, as well.

And then that created the body of, I think, about 30,000 emails

that ended up being ones that were potentially work-related, and not, obviously, completely, but it was the best that we could do, meaning obviously there were some personal records that are turned over, and the Department has advised the Secretary of that.

Q Okay.

When you say "we" did this, "we" reviewed for state.gov and things, was that you and Mr. Kendall?

A So we oversaw the process. The person who actually undertook it is a woman who worked for me. She's an associate. Her name is Heather Samuelson.

Q Okay. Did she have any specialized training or skills in the Federal Records Act or identifying official records?

A She's a lawyer by training. She also had served time in the counsel's office, so she has a set of understandings of what would be required.

Q Okay. And by "counsel's office," the State Department's counsel's office?

A White House Counsel's office.

Q White House Counsel's office.

A Uh-huh.

Q Okay.

What happened to the universe of the PST file once the potentially Federal records were segregated out?

A So the potential set of Federal records, we created a thumb drive that David Kendall kept at his office. And then the records

themselves, that would have been the universe that they sent, Platte River took back.

Q They took the PST file back?

A So they just removed it. So it ended up being on Heather's system, and they just removed it. And I don't know what is the technological way they do it, because it's a way you have to access it, and then they make it so you can't access it anymore.

Q You said Mr. Kendall retained a copy. Did you retain a copy?

A On Ms. Samuelson's computer there was one copy of the 55,000 pages with the 30,000 emails, and that was the copy that was retained.

Q Okay.

You also returned records to the State Department, you personally; is that correct?

A Yes, I did.

Q Okay. What is the volume of the records that you returned to the State Department?

A I don't know the answer to that question for two reasons, but I returned back -- I had trip books from Haiti or other things like that. So there were hard-copy documents that I returned back. And then, with respect to my own emails, I gave my counsel my inbox so that -- I mean my all-mail box for the period of time where I was in the Department, and they reviewed it and provided the documents to the Department.

Q And you don't know what that volume is?

A No.

Q Okay.

Ms. Jackson. I believe perhaps our Members have some questions, so I'm going to make sure that they have sufficient time to ask their questions.

Ms. Mills. Thank you.

Mr. Gowdy. Ms. Mills, I'm trying to understand, was your first being alerted a letter from Patrick Kennedy that the State Department was not in possession of the full public record, or had you had previous conversation with someone in the State Department?

Ms. Mills. So the conversations that I had with the Deputy Counsel there, with David Wade, at that time it was not transparent, but at least it was clear that they believed that there might be a need for them to augment their records and that they were going through to learn what they had and what they didn't have. But they were, at least at that time, concerned that their records were not complete.

Mr. Gowdy. Did they address how they complied with either FOIA or civil litigation requests during the time period when they were not asking for the return of the public record?

Ms. Mills. So, in my conversation with them, that didn't come up. So I guess "no" is the answer to your question.

Mr. Gowdy. Okay.

Did you have any conversations with Patrick Kennedy about the return of her public record prior to receiving the letter?

Ms. Mills. My conversations were actually with the Deputy

Counsel. And then I received a letter from Pat Kennedy.

Mr. Gowdy. So you and Mr. Kendall both, as her counsel, oversaw the determination of what was purely private, purely public, or you said blended, I say mixed use.

Ms. Mills. Mixed use, yes. And we had some mixed use, which also were provided to the Department. That's fair.

Mr. Gowdy. All right. And how many were determined to be purely personal?

Ms. Mills. I know that about half of them in the end ended up being purely personal, if I remember correctly. So, if there were 30,000, there would be another 30,000 that would be likely in the personal.

Mr. Gowdy. All right. Secretary Clinton gave three categories that would fit the description of purely personal: yoga practice, Chelsea's wedding, and correspondence with the former President. Those are the three she cited when she was asked about it.

Do you know, of those three categories, of the 30,000, how much does that constitute?

Ms. Mills. No, I couldn't -- I didn't go through the 30,000. So, no, I have no idea.

Mr. Gowdy. You didn't go through any of the personal?

Ms. Mills. So the senior associate I had was going through them, as opposed to me going through them. So I wasn't sitting and going through them. But I couldn't tell you that. I know that her personal, obviously, would encompass a whole scope of things, but I couldn't tell

you how many of them would have been in any of those categories or another category per se.

Mr. Gowdy. Can you give me an example of a mixed-use email that you reconciled in favor of disclosure or production?

Ms. Mills. They're all being produced up on the Web. Sure. Some of them might be -- there's an ops alert, and then she says, do you know where my ring is, or do you know where my dress is, or do you know where my particular item of clothing is. There are some of those that are being produced. Or, can someone bring me something to drink.

There are a number of them that kind of, in the context of other matters that are being discussed, there's a personal item that actually ends up being discussed in the context of these.

Mr. Gowdy. There were 15, 9 in whole and 6 in part, that were not produced to the State Department from Sidney Blumenthal. Do you know how those 15 escaped production to the State Department?

Ms. Mills. No, you know, because what we would have shared would have been what was in her records. Just as I am not certain why he also doesn't have some that she has. So I don't know the answer to that. I just know that that's the fact, that I know she had some he didn't have, and he had some she didn't have. But I can't tell you how or why that is.

Mr. Gowdy. So you and Mr. Kendall did not personally review the 60,000. You had or hired or had an employee do that for you.

Ms. Mills. She did that, and she undertook that work, obviously, diligently. But part of the process was to make sure that there was

a process of both taking all the state.gov, which was about 26,000 or 27,000 of them, and then looking for the names of everybody in the Department and in the government, as well as some Members, obviously, and then going to review sender and recipients to ensure that everything had been captured. So it was a three-prong process.

Mr. Gowdy. Do you know if anyone else at the State Department had a clintonemail.com email address?

Ms. Mills. Yes.

Mr. Gowdy. Who?

Ms. Mills. Huma Abedin.

Mr. Gowdy. Was that it? Just her?

Ms. Mills. She's the only one I'm aware of.

Mr. Gowdy. Sidney Blumenthal, did you receive his memos?

Ms. Mills. I sometimes would occasionally receive his memos. I learned in the process how prolific he was and realized I probably wasn't receiving a lot of them. But I did receive on occasion some of his emails.

Mr. Gowdy. Did you know who they were from when you received them?

Ms. Mills. Typically, in the instances where I would have gotten any of Sidney's emails, they were from Sidney. They were about a book his kid was doing or other things as well. Or, if they were about --

Mr. Gowdy. So you got emails directly from him.

Ms. Mills. Yes.

Mr. Gowdy. I was more referencing the ones he sent to Secretary

Clinton.

Ms. Mills. Oh. Sorry. So I often wasn't copied on those. I apologize. What's your -- so tell me your question.

Mr. Gowdy. The ones that he sent to Secretary Clinton, were you either copied or received a forward of those?

Ms. Mills. As it turns out, I often did not. I know that, obviously, because I've been looking at them. But I'm sure there was an occasion where I would have been, but a lot of them were forwarded to other colleagues that I might not.

Mr. Gowdy. Do you know whether or not it was ever contemplated that he would work for the State Department?

Ms. Mills. Yes.

Mr. Gowdy. And how do you know that?

Ms. Mills. Because when the Secretary was assessing whether or not and how we could actually think about some of our transatlantic engagements, Sidney was identified as someone that we thought could be valuable in that process. And so I stepped through a process with him to learn whether or not he could or could not serve. And then, when raising that with the White House, they expressed reservations about him. And so we didn't hire him.

Mr. Gowdy. Do you recall who specifically at the White House raised reservations?

Ms. Mills. I don't. Unfortunately, there are a number of non-fans of Sidney Blumenthal, so it could have been any number of people.

Mr. Gowdy. So the Secretary wanted to hire him, and he wanted to work there, but it was nixed -- is that a fair word to say? -- nixed by the White House.

Ms. Mills. I think it was fair to say that they expressed their -- at least their opinion that that would not be a good idea, and so we took that into account in not hiring him.

Mr. Gowdy. Okay.

You told Ms. Jackson that you recently returned records to the Department of State.

Ms. Mills. I have returned records to Department of State.

Mr. Gowdy. And how would those records have come to be in your possession and not the State Department's possession?

Ms. Mills. So I had copies of -- when I was serving as the envoy to Haiti, I had copies of trip books. And those trip books I returned.

I had materials that also, when the Secretary was being -- during the transition period before she became Secretary, they produced transition notebooks. I don't know what they consider those, because, obviously, they're giving them out to someone who might not get confirmed.

But those are kinds of materials I returned, in addition to any emails that were personal emails of mine that had any kind of work-related matters in them.

Mr. Gowdy. What prompted your return of the public record to the State Department?

Ms. Mills. The letter that we had received from the Department.

Mr. Gowdy. So you viewed the letter in the fall as not just including the former Secretaries of State but also folks who worked with them. Or was there a separate letter?

Ms. Mills. Which letter are you speaking of? Sorry.

Mr. Gowdy. Well, which one were you --

Ms. Mills. So, I got a letter to me, Cheryl. So I was responding to the letter to me, Cheryl.

Mr. Gowdy. When did you get the one to Cheryl?

Ms. Mills. I received that in May, maybe? March? I'm not sure, but I received that in the spring of --

Mr. Gowdy. Of this year?

Ms. Mills. -- 2015. Correct.

Mr. Gowdy. So 6 months after Patrick Kennedy wrote you about the return of her public record.

Ms. Mills. Yes. And my understanding is they were asking -- they first were, at least as I understand it, asking the Secretaries and then asking the staffs of prior administrations. But I don't have, obviously, visibility into how broad that is or how they were doing that.

Mr. Gowdy. Does it not strike you as at all unusual that they would wait 20 months to ask a Secretary of State to return the public record?

Ms. Mills. I don't know, because I don't know how they would have been assessing it from their side. I think that --

Mr. Gowdy. Well, the reason I asked -- I don't want to interrupt

you. Go ahead.

Ms. Mills. Oh, no. I appreciate it.

I think that, certainly, I was of the impression, so it wouldn't surprise me if other people were as well, that the State Department's electronic system captured records in realtime. And I think there's been a greater learning by a broader number of individuals that that didn't end up being the case.

Mr. Gowdy. You had earlier said a large number of people were aware of her email arrangement, the exclusive use of personal email. And, if that were true -- and I have no reason to doubt that it is true -- it makes one wonder why you waited 20 months to establish that the public record was complete.

Ms. Mills. Look, I wish more than anybody that that would have been something that I thought about or that anybody else would have thought about separate and apart from the Department thinking about what their own recordkeeping abilities were or weren't. I wish I had. I don't know that I can change what is, but it certainly is the case that I wish I would have thought about it.

Mr. Gowdy. Well, I don't often get to say this, but Congress actually did think to ask that question. And they wrote the State Department and wrote the Secretary, in particular, and asked whether she ever used personal email. Did you see that request?

Ms. Mills. I don't believe I did. I've obviously become aware of it since I left the Department, but I don't believe so.

Mr. Gowdy. All right. Would you agree with me that that would

have been a really good time to alert Congress --

Ms. Mills. Yes. And if I had seen that, I would have said that the answer to the questions being posed would have required reflecting that she has an email address and what that email address is.

Mr. Gowdy. But when I factor in your earlier testimony that a large number of people knew and it did not appear as if there was any effort to keep this a secret --

Ms. Mills. I would agree that a number of people knew about her email account; that's correct.

Mr. Gowdy. Okay. And there -- I'm sure my colleagues will correct me if I have the number wrong -- there have been seven prior congressional investigations into Benghazi. I ought to know that number, I've heard it so often, but I think it is seven.

Ms. Mills. Does that make you lucky number eight?

Mr. Gowdy. I don't think there's anything lucky about it.

But why did none of the previous seven inquiries prompt the State Department to seek the return of the public record?

Ms. Mills. Well, her records were collected in the records that were to be provided. So I think -- I can't answer for why or what prompted different decisionmaking or questions, but there are instances of her email being provided as responsive to requests that had come. And so --

Mr. Gowdy. But those would have been emails that were captured by the state.gov site.

Ms. Mills. Correct.

Mr. Gowdy. Those would not have been emails from her server.

Ms. Mills. Correct. They would not have been emails from her personal account. Correct.

Mr. Gowdy. And there would be no way for the ARB to have had the benefit of the full public record when they made recommendations to you.

Ms. Mills. They would not have had emails from her account other than the emails that reflected her communications with staff about work and about Benghazi, which would then be captured in the materials that they would have had access to and would have been in the A Bureau materials, because there were some of them in there.

Mr. Gowdy. So it's fair to say that some of these state.gov recipients or senders would have been captured by the public record, but there would be no reason for private email to private email to have ever been captured.

Ms. Mills. That's accurate.

Mr. Gowdy. Okay.

And Huma Abedin used private email with which to communicate on private email with the former Secretary of State. Did you ever use private email with which to conduct business with the former Secretary of State?

Ms. Mills. As a general matter, I used State email. That was just my practice. I'm confident there are, no doubt, occasions where I would have used my personal email -- if I was traveling, the system were down, if I was home and I couldn't fob on or it was easier because

I was dealing with my kids. But, as a general matter, I was a State email user. That was my overwhelming practice.

I wasn't perfect, so I often would have personal things on the State email, and I'm sure there are instances where I likely would have had State on my personal. But my general practice and my body of email scope is in the State email scope.

Mr. Gowdy. Did Mr. Blumenthal have a particular interest or expertise in Libya?

Ms. Mills. I don't know. It was my impression that Sidney's expertise was in transatlantic matters, but I don't know that he might not have expertise in other areas. But I can only tell you my impression is his areas of expertise were on the transatlantic side.

Mr. Gowdy. Did you know any of his sources of information?

Ms. Mills. No.

Mr. Gowdy. I had not -- if I had seen this article on Mr. Maxwell before, I don't recall it. And I know you've answered it twice, so I'm going to get in and get out quickly. He makes a lot of very specific factual assertions.

Ms. Mills. He does.

Mr. Gowdy. Are any of the factual assertions accurate? And when I say "any" --

Ms. Mills. I haven't read that to look at each of the factual assertions.

Mr. Gowdy. All right. I'll give you a couple.

Ms. Mills. Well, the assertion that I know is not accurate is

that I had an engagement with him where I even had a conversation with him to say, what is he doing here?

Mr. Gowdy. Well, that is what I was going to ask you.

Ms. Mills. And Mr. Sullivan said, You know who Ray Maxwell is? Like, it did not happen.

Mr. Gowdy. All right. Could it have been accurate that there were weekend document sessions?

Ms. Mills. There were. I would imagine that people had to be working on the weekend, and I'm sure I was there on a weekend. I don't, obviously, have a perfect memory of each day and when it was a weekend and when it was not, because we were working pretty hard. But it is certainly the case that I had asked for people to be fully dedicated to be able to try to get documents out as quickly as they can, and so people would have been working around the clock.

Mr. Gowdy. Could it be accurate that there is something colloquially referred to as the "jogger's entrance"?

Ms. Mills. I don't know, because I'm not familiar with the jogger's entrance.

Mr. Gowdy. Is there a space outfitted with computers and big-screen monitors intended for emergency planning?

Ms. Mills. We have emergency centers throughout the facility, so, yes, there are a number of those.

Mr. Gowdy. Would there ever have been a circumstance where you and Mr. Jake Sullivan and Mr. Maxwell would have been in the same room together?

Ms. Mills. Not that I recall.

Mr. Gowdy. But you recall with specificity not only did you never tell him what he alleges -- do you recall with equal specificity that he was not part of any document accumulation or production process?

Ms. Mills. I don't know what NEA might have had as an independent process. He was not part of the process of the team that NEA had sent. There was another woman who NEA had sent as their designated full-time body, if you will. And so I would have remembered if it was an African American man instead of a white woman. And it was a white woman who was assigned.

Mr. Gowdy. Did the ARB interview you?

Ms. Mills. No.

Mr. Gowdy. Did the ARB interview Secretary Clinton?

Ms. Mills. No.

Mr. Gowdy. Why not?

Ms. Mills. I don't know. I can only give an impression. And I don't know why they didn't --

Mr. Gowdy. That's fine. You can give me an impression.

Ms. Mills. Okay. Thank you.

The purpose of the ARB is to learn in a particular instance what occurred and whether or not the security in those moments was adequate and what should be done better, if not. And it is to write a report to the Secretary for that.

So I am not familiar with an ARB -- and I only knew of one other one when I was there -- where they would have interviewed the Secretary

as opposed to actually be providing that information to the Secretary for the purposes of making an assessment about the events. Because they are looking at the events that happened on the ground, and typically that involves a body of people beyond the scope of most of the people in Washington, but it's not always the case.

So it didn't surprise me that they didn't. And I don't know that I would have expected it one way or the other. They did brief her and step her through what they were finding, but they did not interview her.

Mr. Gowdy. All right. That's a fair point.

Do you view one of the goals of the ARB to be complete in its factfinding?

Ms. Mills. I think that's the objective, is to be able to provide as comprehensive an understanding of what happened in a particular incident, how it was handled.

Mr. Gowdy. If there were, hypothetically, 10 eyewitnesses to an incident, how many of those eyewitnesses would you expect the ARB to interview?

Ms. Mills. If they were actually eyewitnesses to the incident, if they had the ability to interview 10, I would imagine that they would interview 10.

Mr. Gowdy. And if there were, hypothetically, a universe of 10,000 relevant documents, how many of those 10,000 would you expect the ARB to access?

Ms. Mills. I don't know. I don't know how they would manage

through that, because it is a large volume, so there might be a strategy that they would have for how they assess what --

Mr. Gowdy. That came across as a trick question, and it was not intended to be so.

Ms. Mills. Oh, okay. It did.

Mr. Gowdy. It was not intended to be so. My point being, if it is really complete, you are going to access all of the witnesses and all of the documents to the extent you are able to. Is that fair?

Ms. Mills. I think, certainly, that might be an approach that someone might take, yes.

Mr. Gowdy. Okay.

Do you view past ARBs as being cumulative?

Ms. Mills. Tell me what you mean when you say that.

Mr. Gowdy. The findings and recommendations of past ARBs, do we -- in other words, do we need to rediscover the wheel, or are past ARB findings also to be given respect by subsequent Secretaries of State?

Ms. Mills. Oh, now I understand. Thank you.

It was my impression that the recommendations of ARBs are supposed to have an enduring life, meaning that the learnings that came from those ARBs should be acted on and implemented.

But it was also my observation that there had been ARBs before where recommendations had been made that had not been implemented. And so part of Secretary Clinton's commitment and focus was how do we actually make sure these recommendations are actually implemented,

given that there are were some that had not been in the past.

Mr. Gowdy. So, in other words -- I think you and are in agreement -- Secretary Kerry should not fail to heed the recommendations, even though they came during a previous tenure.

Ms. Mills. Are you getting ready to get me in trouble?

Mr. Gowdy. No. No, I'm not. No. That's my last question on it. I'm just trying to establish if they're cumulative in nature.

Ms. Mills. Yes, they are cumulative in nature.

Mr. Gowdy. Okay.

And whose job is it to make ARB-like recommendations before the tragedy takes place? Who within the State Department is charged with figuring out these -- because it took about 2 months to come up with 30 recommendations. That's pretty quick. And it's a big number.

So who within any State Department's job is it to come up with recommendations with respect to safety and security before something bad happens?

Ms. Mills. With respect to safety and security, we obviously rely on our Diplomatic Security to provide us with the best advice and recommendations and practices based on their expertise. And there are likely other bureaus and departments that could contribute in that same regard, but, certainly, when we thought of security, we think of our Diplomatic Security officials as the experts in that space.

Mr. Gowdy. Was a trip to Libya in October of 2012 being contemplated?

Ms. Mills. It might have been. I just don't recall. I actually

don't recall at this moment. I'm sure there was a time where I did know. But it might have been.

Mr. Gowdy. Let me ask you in a different way.

Ms. Mills. Okay.

Mr. Gowdy. I think you testified earlier that Ms. Abedin handled travel arrangements for Secretary Clinton.

Ms. Mills. Yes. And they had already been, I thought, to Libya on one trip and --

Mr. Gowdy. Yes.

Ms. Mills. Okay.

Mr. Gowdy. Did she handle travel arrangements for anyone other than Secretary Clinton?

Ms. Mills. No. So, when we were doing trips or travel, she also oversaw the schedule and the creation and the operations of all of those different elements. So she was kind of the operational deputy, if you will, for matters related to the Secretary's travel.

Mr. Gowdy. So if she were in a process of meeting and planning in connection with a trip to Libya in the fall of 2012, it could not have been for anyone other than Secretary Clinton.

Ms. Mills. That's correct.

Mr. Gowdy. Okay.

Ms. Mills. She typically would be handling it for the Secretary. She would not be handling it for someone else. Or, at least, I'm not aware of her making travel arrangements for other people other than the Secretary.

Mr. Gowdy. But you are not aware of a trip being discussed, planned, otherwise contemplated for the fall of 2012.

Ms. Mills. I just don't remember it. I'm not saying that if you had talked to me at that time I wouldn't have said, oh, yeah, I heard they're thinking about that. I just don't remember it right now.

Mr. Gowdy. Okay.

[4:37 p.m.]

Mr. Gowdy. Talking points that were derived at by the CIA -- I'm sure someone will correct me if I'm wrong -- but my recollection is that either Mr. Morell or someone else said his first iteration of talking points was changed at the recommendation of seventh floor principals at the Department of State. Do you know who he could have been talking about?

Ms. Mills. No, and that's not my recollection, so that might be shaping my answer.

Mr. Gowdy. So there was never an iteration of CIA talking points that assigned a higher degree of culpability to the State Department than those which became public?

Ms. Mills. That might have been the case. But if your question is whether or not I have a recollection of Mr. Morell saying he was changing something at the direction of the State Department, that is what I didn't have a recollection of.

Mr. Gowdy. All right. Take Morell out of it.

Ms. Mills. Okay. Sorry.

Mr. Gowdy. Just in general, CIA talking points, an iteration that assigned more culpability to the State Department than the iteration that became public. Do you recall that?

Ms. Mills. So what I recall is that there was at least a lot of discussion around the talking points and my challenge is that my recollection is after the fact when the talking points became an issue

as opposed to simultaneously. I don't know that simultaneously I had a contemporaneous understanding of the different back and forths on the talking points.

But I do know that there was always this enduring challenge, at least from my perspective -- but I acknowledge I was sitting at the State Department -- that the CIA seemed to have an opinion about their actions and the propriety of how they'd been handled and the Department's, and what they saw as what might have been a distinction in that.

So that was my overarching impression. Separate and apart from just the talking points, that was my overarching impression.

Mr. Gowdy. All right. Well, I want us to stick with that theme for just a second. Susan Rice went on five Sunday talk shows, and at least in two of them, if my memory serves, made reference to a video that appears nowhere in the intelligence talking points. What was the genesis of her attributing the attacks to the video?

Ms. Mills. I don't know the answer to that question. I know that she had received preparation materials and points, and I'm assuming that that's how she relied on them and she relied on them to relate what she related on the program. But I don't know, because I didn't participate in her prep or in the materials for her prep.

Mr. Gowdy. Who prepped her?

Ms. Mills. So she has a team of folks at the U.N. who are her talent both on -- from a communications side and her deputy, who is fabulous, a gentleman named [REDACTED], who would have been her primary

partners in preparing her.

Mr. Gowdy. How would anyone at the United Nations be in a better position to advise her on what happened in Libya than the CIA or the State Department?

Ms. Mills. I'm sure they probably would have provided materials so that she would have been able to speak to the issues that she did, and so she would have been relying on materials that have been provided to her.

Mr. Gowdy. Have you seen any materials that attributed the attacks to the video from our intelligence agencies?

Ms. Mills. I just don't remember. I don't remember that one way or another now. If you had asked me at the time, I could've told you the answer to that. I don't remember that now. Like, I don't know if there was ever an instance where there was something that somebody said was or wasn't.

I remember that in the beginning it was much more around a discussion of the nature of the events that night. And so that's my memory.

Mr. Gowdy. Did you watch her performance on the Sunday talk shows?

Ms. Mills. I did not.

Mr. Gowdy. How soon thereafter did you learn that she had attributed it to a video and/or spontaneous reaction to a protest?

Ms. Mills. I am certain that I would have learned in the days after that. I couldn't tell you if it was exactly the next day or the

day after that, but I would have learned in that time window.

Mr. Gowdy. Were you then or have you ever been in possession of any factual predicate that would support either of those, either a protest spun out of control or the video?

Ms. Mills. As I understood the background material that had been prepared by our intelligence community, they had given a set of points that she was relying on. So my impression was that that was a part of their points. That might not be accurate. That's just my impression.

Mr. Gowdy. I think your second impression was accurate, which is when she said video it shocked everyone, including Mike Morell and the authors, which leads to my question: At what point does the State Department have a duty to correct something that was falsely said?

Ms. Mills. So I don't know that I had a shock reaction because I didn't watch her program, but in terms of what she said, I think part of the enduring challenge -- and this is what I was speaking to earlier is, how you make sure you're giving the most accurate information that you have.

I don't know what was the genesis of obviously all of the different elements that were a part of her performance. It was my distinct impression she was using intelligence and points that had been extracted from those that could be shared with the public to do that. But I couldn't tell you what they were and how she reached her own conclusions around that.

Mr. Gowdy. Okay. A couple more questions then I will turn it

over to my colleagues.

Were you present for any phone calls that Secretary Clinton made to any foreign leaders in the hours or days after the attacks in Benghazi?

Ms. Mills. I might have been. I say that only because I was in and out of the office, so it's completely plausible that I was in as she was making a call and walked out to go do something, so it's plausible. But I don't know that I have a specific memory of any of the different leaders.

I do recall when she was reaching out in -- for Tunisia, because we had a whole set of issues about how we could potentially provide support, that I got a readout after that call. So I know I wasn't present for that call because there were certain due-outs for that, but I don't have a specific memory of different leaders as she spoke to them.

Mr. Gowdy. Are you aware of any ambassadors that had Secretary Clinton's private email address?

Ms. Mills. I don't know.

Mr. Gowdy. There was a memo, 1 year and 1 day prior to the attacks in Benghazi. There's an email from Jake Sullivan to Secretary Clinton, subject: "Rogers apparently" -- and the body is, "apparently wants to see to talk Libya/weapons."

Ms. Mills. Who's Rogers?

Mr. Gowdy. We don't know. It could be Mike Rogers, who is the former HPSCI chairman. I was going to ask you.

Ms. Mills. Sorry. I've already revealed my ignorance.

Mr. Gowdy. Is there anyone last name Rogers that you could think of that would want to talk to Secretary Clinton about Libya and weapons?

Ms. Mills. No, I don't know, obviously.

Mr. Gowdy. Do you know anything about Libya and weapons?

Ms. Mills. No. No. I mean, obviously, I know that one of the concerns from a policy standpoint was that there would potentially be loose weapons after the fall of Qadhafi and during that time period and a desire to ensure that they didn't fall into the wrong hands. And that is probably the breadth and scope of my weapons knowledge.

Mr. Jordan. I just want to be clear. So Heather Samuelson is the attorney who works for you in your firm or in your part of your business?

Ms. Mills. Yes.

Mr. Jordan. And she is the individual who was responsible for overseeing the production of the emails that were deemed government or mixed or private email?

Ms. Mills. So the Secretary asked David Kendall and I to undertake that, and I asked Heather to step through the process of actually doing the work is probably the best way to say that.

Mr. Jordan. But the search terms and the parameters and the scope and how it was done, that was developed by you and Mr. Kindle?

Ms. Mills. She stepped through a process that we had blessed, if you would say.

Mr. Jordan. Okay. I want to go back to the ARB, if I could.

Just to be clear, from a few hours ago, I guess, did you request a draft copy or did it just show up on your desk? How did you get the draft copies?

Ms. Mills. They provided me with a draft copy. I don't have a recollection of requesting it, but they did provide me with a copy. What I can't answer is whether or not I would have expected that or not expected that.

Mr. Jordan. Okay.

Mr. Cummings. Let me go off the record for a minute.

[Discussion off the record.]

Mr. Jordan. I want to go back to, I think it's the "Come to Jesus," number 8, I think. I think that's what it refers to when you say --

Ms. Mills. Come to. The come-to email.

Mr. Jordan. Is that what you mean? I just assumed that it was -- maybe that's a false assumption, but that's --

Ms. Mills. No, you're right. I'm Baptist.

Mr. Jordan. Same here. I'm not Baptist but close enough.

Ms. Mills. What are you?

Mr. Jordan. Evangelical, non-denominational. My dad has had "Come to Jesus" meetings with me.

Ms. Mills. He's a good man. Come on over to the Baptist side. We're good people.

Mr. Jordan. So in this email, "Had a little come-to with some of our colleagues but folks now on board." Who are colleagues?

Ms. Mills. So colleagues were individuals, at as least I remember, in the intelligence community. And some of that, as I said, related to my observation around the certain propensities to seek to mislay responsibilities.

Mr. Jordan. Okay. And when did you have that come-to-Jesus conversation with colleagues?

Ms. Mills. It would've been likely on the phone, probably contemporaneous or around that time period.

Mr. Jordan. Okay. Because this email says -- it regards the hearings, congressional hearings. And you say, just starting -- this is to, I think, Secretary Clinton -- and to Philippe Reines. Is that accurate?

Ms. Mills. Yes, I think so. Let me just grab it so that I have it in front of me so that I'm being a better partner to you. Okay. I have it.

Mr. Jordan. So are you just -- so "just starting, had to have a little come-to-Jesus conversation with our colleagues, but folks now on board."

Ms. Mills. Yes.

Mr. Jordan. So were these folks, these colleagues, were these people testifying in front of that committee?

Ms. Mills. Oh, I don't know that they would have been testifying. Those might have been two different things that were going on. She was asking how the hearings were going, and I wasn't necessarily paying attention because I was having another set of conversations that were

going on.

So that's my best recollection. And I was then saying, Philippe is up there with them. He might have better information about what's happening up there because I had been paying attention to something else.

Mr. Jordan. So let me just go to that. So Philippe is up there with them. Is the "them" referencing the colleagues?

Ms. Mills. So she was asking how are the hearings going. So the "them" is Philippe is up there with whoever is testifying at the hearings. I didn't know what was happening other than they were just starting because I had been involved in another matter, which was sharing my concern that people were not being good interagency partners. And that was something I shared a couple times.

Mr. Jordan. So the colleagues doesn't necessarily refer to them, or does it refer to them? I mean, is it the same answer? That's what I'm trying to figure out. It seems to me, "just starting," the hearing's just starting, and I just had a conversation, a come-to-Jesus conversation with people who were at the hearing, I assume testifying, and Philippe is up there with them.

So it almost sounds like you're trying to influence in a big degree, if it's a come-to kind of conversation, what people are going to say in front of a congressional hearing. That's how I read it in context.

Ms. Mills. Right. No, that's not accurate.

Mr. Jordan. All right. Then tell me what is accurate.

Ms. Mills. So let me try to -- sorry -- do a better job. I apologize.

So the chain starts with her asking how are the hearings going. I hadn't been watching. The reason I hadn't been watching is because I had been involved in a whole other set of conversations around what I saw was people not being good interagency partners. So my answer was the first holding answer, it's just starting. I had to have a come-to with some of our colleagues with folks now on board was referencing why I didn't know.

Philippe's up there. That's basically telling her, if you want to know what's really happening in the hearings, he's present so you can ask him. But I haven't been paying attention because I've been involved in this other conversation.

Mr. Jordan. So based on what you just described there -- and then I'll stop -- based on what you described there, the "Philippe is up there with them," "them" is not referring back to colleagues? "Them" is someone else?

Ms. Mills. So "them" is up there for whoever the hearings are going on with. My conversations were happening with some of the interagency team that were not testifying, correct.

Mr. Jordan. All right. Thank you.

Mr. Westmoreland. I've just got some quick yes or noes. Going back to what the chairman asked about Ray Maxwell. Were you ever at that room downstairs when they were going through the emails with Jake Sullivan on a Sunday?

Ms. Mills. Well, I don't know. That is quite possible I would have been there on a Sunday with Jake Sullivan. But I don't recall that, because I actually don't recall Jake Sullivan being down there much, if at all.

Mr. Westmoreland. But you could've been in that room with Jake Sullivan?

Ms. Mills. I could have been, I just think it's pretty unlikely because I don't recall him being downstairs.

Mr. Westmoreland. The other thing is, did the lady, and I think you referred to her as a white lady --

Ms. Mills. Well, as opposed to an African American man. So for the purposes not of race but of being able to say I could tell the difference between the two.

Mr. Westmoreland. I got you. But the white lady, was she technically working for Mr. Maxwell?

Ms. Mills. No.

Mr. Westmoreland. So that's not a true fact either?

Ms. Mills. I didn't know there was a fact in there that said she was working for him.

Mr. Westmoreland. Yes. It says, "Technically the office director worked for Mr. Maxwell."

Ms. Mills. And who was the office director? Does it say?

Mr. Westmoreland. The office director who is supposedly the lady that you were talking about --

Ms. Mills. I don't know that it -- I didn't know that there was

an office director that -- I don't know that the person who was from NEA was the office director, so I don't know if those two sync up in the same way. But I also haven't read his article.

Mr. Davis. The post from NEA that you're talking about, is that [REDACTED]?

Ms. Mills. Yes. Yes. Is she the office director?

Mr. Davis. Go ahead.

Mr. Westmoreland. I'm just assuming she was the lady that was --

Ms. Mills. So I was just talking about the woman whose name you just said. [REDACTED].

Mr. Davis. Part of your group.

Ms. Mills. Yes. [REDACTED].

Mr. Westmoreland. Who was the lady downstairs going through the emails?

Ms. Mills. [REDACTED]. So I know her name, yes. I don't know her position.

Mr. Westmoreland. Okay. But you don't know who she worked for or whose supervision she works under?

Ms. Mills. It was my impression she worked for Liz Dibble and so that was the Deputy Assistant Secretary, at least --

Mr. Westmoreland. Okay. Well, Mr. Maxwell just said she technically worked under him and that he didn't know that she had been given an assignment to be in that room going through the emails.

Ms. Mills. Okay.

Mr. Westmoreland. But and then the personal conversations he

supposedly had with this lady, you wouldn't have any knowledge if he had those conversations or not, right?

Ms. Mills. I wouldn't know about conversations I didn't participate in.

Mr. Westmoreland. Sure. Thank you.

Ms. Mills. But I would know about whether or not I had conversations with Ray Maxwell, and I didn't.

Mr. Westmoreland. No. I understand.

Mrs. Brooks. As a follow-up to what Congressman Cummings asked you with respect to the conversations that the Secretary had with the victim's families, I want to go to what if any conversations did she have with survivors?

Ms. Mills. So she met with the survivors when they came back. And at the time, what I can tell you is when we were doing outreach, because there was a real sensitivity to the survivors' physical health, how we step through that. She had, by the time all of them were back, had had conversations with all of them. But I can't tell you in what cohorts they were because they all had different states of injuries.

Mrs. Brooks. Okay. I'd like for you to take a look at an email that's dated October 30, if you could -- regarding one of the victims in particular and see if this refreshes your memory about her interaction with the victims. And when did you -- and did you have any conversations with any of the survivors?

Mr. Wilkinson. So this would be number 12?

Ms. Jackson. Twelve.

[Mills Exhibit No. 12

Was marked for identification.]

Mrs. Brooks. And so marking emails as exhibit number 12 from October 30. And it starts on October 25, regarding a [REDACTED].

Ms. Mills. [REDACTED], uh-huh.

Mrs. Brooks. [REDACTED]. Did you have any conversations with [REDACTED]

[REDACTED]?

Ms. Mills. I don't recall having conversations with [REDACTED] other than when they came to the Department, which would have been near her departure time. I just remember there was a gentleman whose leg had been deeply injured, and if [REDACTED] is the gentleman whose leg had been injured, I remember him being in a wheelchair and meeting him at that time. If that's not the right person, then I've misaligned injuries with the different individuals.

Mrs. Brooks. So did you or the Secretary have any interaction with the survivors prior to her leaving in February of 2013?

Ms. Mills. Yes, she had. And because some of the survivors had come back and so they had been back and they were ones who had not been injured. So they were part of the diplomatic team and she met with some of them. And then what she was conscious about was whenever people were ready to be able to take a call she wanted to do that call, but she didn't want that to be at the expense of their health.

Mrs. Brooks. Okay. And do you know if this call ever happened? Do you know if it ever --

Ms. Mills. I don't know.

Mrs. Brooks. There were a lot of people copied, it seems, on executing a call.

Ms. Mills. I know right. It's nice to be the secretary. You get a lot of support.

Mrs. Brooks. Yes.

Ms. Mills. But I don't know the answer to your question.

Mrs. Brooks. Okay. And then just finally, I know that at the very beginning -- and we've asked you a lot of questions today and obviously you have had to answer. You don't recall, "to the best of my recollection," and so forth. You've been a lawyer for how long?

Ms. Mills. I graduated from law school sadly now in 1990.

Mrs. Brooks. Did you ever testify when you were chief of staff before any congressional committees?

Ms. Mills. At the State Department?

Mrs. Brooks. Uh-huh.

Ms. Mills. I don't believe I had occasion to do that. It's nothing that I remember. I think it would have stood out.

Mrs. Brooks. And I think you said that this was probably the first crisis like this that you had dealt with; is that right?

Ms. Mills. No.

Mrs. Brooks. Oh, it's not?

Ms. Mills. No.

Mrs. Brooks. Had there been other attacks where --

Ms. Mills. Oh, now I understand what you're saying. We've had crises.

Mrs. Brooks. Sure.

Ms. Mills. So I had -- yeah. So Wikileaks, and the Haiti earthquake and the Japan tsunami. I had a lot of crises. But there was not an instance where we had lost an ambassador ever, no.

Mrs. Brooks. A crisis of this magnitude where someone had been lost.

Ms. Mills. Yeah.

Mrs. Brooks. And you've talked repeatedly today about the importance of clarity and visibility and the importance of your staff and the people of the State Department providing answers and so forth. I'm curious, and you said early on that you never wrote your recollection or report on this. Why not?

Ms. Mills. Primarily because I was overwhelmed. In fact, you know, as somebody who would love to be in a place where history could capture those things, it would be a nice thing to have. But I was basically spending every moment of every day in motion, and so that wasn't one of the opportunities I had.

Mrs. Brooks. And when did you leave the Department?

Ms. Mills. I left as chief of staff in February of 2013.

Mrs. Brooks. And where did you go?

Ms. Mills. I began doing consulting work and providing advice to a set of clients and basically doing economic development in Africa.

Mrs. Brooks. Okay. Did you contemplate doing a report then to help you later on?

Ms. Mills. I didn't contemplate doing a report at that time, no.

I have never contemplated doing a writing or a report.

Mrs. Brooks. To help your memory of the -- of your involvement in all of this?

Ms. Mills. I didn't.

Mrs. Brooks. And everyone else's involvement?

Ms. Mills. I didn't, no.

Mrs. Brooks. Have you advised clients to ever not write reports?

Ms. Mills. No. I think I look -- you know, I experience this as a very human tragedy. And so, I'm not a book writer. I am not somebody who tries to make the case for history. I tend to be someone who's a little bit more behind the scenes, both to my detriment or my strength, whatever that might be.

But I wasn't trying to capture something for posterity. I was trying to do the best I could.

Mrs. Brooks. Okay. Thank you.

Ms. Jackson. Let's go off the record for just a brief moment.

[Recess.]

BY MS. SAWYER:

Q Ms. Mills, just some quick follow-up. You were asked a series of questions about Secretary Clinton's use of her personal email account during her time as Secretary.

You know, in the interim progress report that the chairman put out in May of 2015 of this year, he said with regard to the personal email, quote, "Ultimately this committee's interest is in ensuring all relevant and material information related to Libya and Benghazi that

was in the personal custody of the former Secretary of State has been returned to the public domain."

So I want to make sure we've asked you that question clearly, and we've gotten an answer to that question, given it is our ultimate interest. Is it your understanding that all relevant and material information related to Libya and Benghazi has now been provided -- that was in the personal custody of the Secretary of State has now been provided to the State Department?

A Yes.

Q And you explained to us that there was a review process. You oversaw that review process. Had this inquiry come in at the time that you were all still at the State Department, would you have potentially been involved in the overseeing of getting it done then?

A I don't know that I would have then because I would have obviously had a whole set of other responsibilities I was doing, so I don't know the answer to that question.

Q Had you been involved, would you have done the same process that you did when the request came in as her former chief of staff after you had left?

A Yes.

Q And you felt it was as robust as it would've been had you still been at the State Department?

A Yes.

Q I'm putting myself in the mind of the critics here, and I can hear what they will say, which is, nonetheless, you had the

opportunity or the review process had the opportunity to make the decision as to what it was going to deem was purely personal in a hybrid category of personal and work and clearly work.

At the outset of you discussing Federal records, you were explaining that there was an obligation of every employee -- the obligation falls to every employee to review their records and decide what is a Federal record. So this notion of review and making these determinations do usually fall to the employees who must determine what a Federal record is. Is that the case?

A That's correct. Each individual has the obligation to conduct the review and provide those materials to the department, and that's part of the regulations that each individual has that obligation.

Q And so I just want to give you an opportunity, to the extent you want it, to the extent that that question is going to be raised about, yes, that you had the opportunity then to do the review yourselves. I've sometimes heard with regard to the ARB the notion, it's like letting someone grade their own paper. We may hear that same notion with regard to the review of emails to determine what qualified as a Federal record.

So I'd just like to give you the opportunity to kind of explain why you have assured us now that everything is back in -- that was in the personal custody has been provided to the State Department.

A So as I just said, each individual does have that responsibility. And I think in this instance, actually, she didn't

undertake that review herself. She actually had other people undertake that review on her behalf, and so it was one more step removed than might be what the regulations are expecting, which is each individual doing it themselves, where you might have a little bit more subjectivity.

But this process was designed to find anything that could potentially be work related, and she was clear about wanting to provide that to the Department. And so that's what we undertook.

Q And the letter that I saw that went out to you as her representative, I think as well as the letter that went out to you about your records indicated that the records they sought were records that might not already have been captured on the State.Gov system. I think you've explained to us the notion that that was the belief, that these Federal records already had been captured, would be captured.

Nonetheless, did you turn over even documents that you believed would have already been captured?

A Yes. About more than 90 percent of the records that were in her email were records that were to or from State.Gov accounts -- were either to State.Gov accounts or from State.Gov accounts. And so improperly one would have assumed that those were already in the Department's possession.

Q And they may well have been, some of them, at least. Not all of them, but some body of those.

A Sure. I think it's just about how adequate the Department's recordkeeping systems are for keeping the electronic

records.

Q So even in that regard, you erred on the side of being overinclusive rather than under inclusive?

A Yes.

Q So would you say that that was true in every regard with -- when you did the review, that if there was any doubt, it was resolved in favor of producing and returning the document to the State Department, not withholding it?

A Yes, that was her direction and so that was the approach that we took. Obviously, the Department only wanted Federal records. We did an imperfect job because there was more than 1,200 of them that are personal, but her direction had been she wanted there to be as overinclusive approach as should be.

Q Okay. I'm going to show you, as quickly as I can, what I'm going to mark as Exhibit 13.

[Mills Exhibit No. 13

Was marked for identification.]

BY MS. SAWYER:

Q Because this came up in the last hour and I just want to ask you a couple of -- last few hours.

This is an excerpt from Colin Powell's book "In Life and Leadership: It Worked for Me." When it came up, I looked at it to see if I actually had the date. I had tried to copy the cover page, and I unfortunately did not. But my recollection, and I have to admit that I don't know for certainty, but I do believe it was either in 2012

or in 2014 that this came out.

And you had indicated that -- and I'm going to just direct your attention, there's an excerpt on page 109, which I did copy. Because he there explains, and he may explain it elsewhere, but this is where I had seen the explanation and there's a paragraph on 109, it's about the third paragraph down.

"To complement the official State Department computer in my office, I installed a laptop computer on a private line. My personal email account on the laptop allowed me direct access to anyone online. I started shooting emails to my principal assistants, to individual ambassadors, and increasingly to my foreign minister colleagues, who like me, were trying to bring their ministries into the 186,000 miles-per-second world," end quote.

That's where I had seen them referenced. You had been talking about knowing that -- some other officials including Colin Powell. And the timing of that I just wanted to make clear, particularly because I know that you have done your best under difficult circumstances to recall as much as you can, do you think it was this excerpt that was your first knowledge, or do you think it was --

A I don't know if this was my first knowledge, but I was aware of this, obviously, because we were reading and preparing for when the Secretary transitioned to the Department. I can't tell you it's my first, but I can tell you I was aware from having read this as well, but I might have also learned it another way.

Q But this may have postdated her transition into the

Department?

A It could have, yes.

Q Right.

A It could have been before. It could have been after. I mean, I do know that I had that awareness, and my awareness was one that when she was undertaking that, she was using hers that I had an awareness that the Department had had a previous instance, if not more than one, of secretaries who used their own personal mail.

Q And he described some of the folks that he would have been emailing to, obviously principal assistants, individual ambassadors, all of whom are his colleagues at State, so that's certainly one way in which it would've been well known.

A Oh, yes, I do believe it was known in the Department that he had used his personal email, that's correct.

Q And those emails, as with Secretary Clinton, would have presumably been captured in a State system to the extent he was emailing with someone, anyone, in the chain who had a State.Gov account?

A That's what I would have assumed.

Q He also says he was emailing increasingly with foreign minister colleagues. Some of those emails potentially wouldn't have been captured in the official State.Gov system; is that accurate?

A They wouldn't have been captured in the State.Gov system.

Q And then just to be completely clear, both at the time that this excerpt, you know, Secretary Powell predated Secretary Clinton, so both at the time he set up and installed a laptop computer on a private

line and used a personal account and during Secretary Clinton's tenure, the use of a personal email account was not in any way prohibited, was it?

A That's correct. It was not prohibited.

Q And there was a concern, and certainly it's become a concern that's been focused on now about whether Federal records -- I mean there's always been a Federal record requirement. The ranking member, actually, was the author of amendments to the Presidential Federal Records Act that took into account this concern, not related to Secretary Clinton but because it's not a one-off. It's not an uncommon situation.

So the amendment there was to require either -- to require assurance that it would be captured in the State system either contemporaneously by copying or within 20 days.

A I see.

Q So even that amendment does not prohibit outright, it assures the copying.

So this concern about copying, I think, is a valid one. And you had said at one point kind of had you -- you wished you had thought about it a little bit more earlier. And is that because the concern that things that you thought were potentially being captured ended up not being?

A Yes.

Q And did you have any sense during the entire time that you worked with Secretary Clinton when you were chief of staff that she

had been using a personal email account in any way to evade Federal records requirements?

A No.

Q In any way to conceal her conduct as the Secretary of State?

A No. She emailed people on their State accounts, so she was very -- those would be captured, or at least that's what everyone would have assumed. So she emailed people and did her work-related engagement with people on their State accounts.

Q One quick question on the ARB and then I just have some broad allegations that I want and need to ask you and then we will be finished for the day.

You were asked about whether the ARB and why the ARB may not have interviewed Secretary Clinton. The co-chairmen of the ARB have testified and have been asked that question, and they have indicated to Congress both that they had unfettered access and that, as I understand it, had they believed that they had a need and there was evidence that the Secretary had been involved they would have interviewed her.

Did they ever indicate -- is that a potential reason why they would not have -- why they and, I think, the -- I don't want to misquote the number, but a number of ARBs prior to the Benghazi ARB had not interviewed the Secretary of State who was in office at the time when they were doing an investigation after a significant incident at one of our overseas posts?

A Yes. I think that ARBs were looking for the actual incident

and who can give firsthand information with respect to those incidents. Typically, the Secretary has not been involved in any of these incidents. Was it to be a security-related incident when the Secretary is traveling and something happened, it might be in those instances where they would then obviously be a direct participant or eyewitness as the chairman pointed out.

But otherwise, their objective is to try to get as close to the ground as they can.

Q And very quickly, I want to just make sure I've asked the question about the requests that have been made to you about your own documents. The same question about the interest of this committee and congressional committees doing oversight with regard to the requests that have been made by you, both I believe a more comprehensive request from the State Department to cover your entire tenure and then a specific request about Benghazi or Libya related.

You know, have you at this point been able to return any documents that were in your personal custody to the State Department?

A I have provided those materials to the State Department.

Q Okay. And then I'm going to ask you a series of allegations. These are public allegations that have been made in the 3 years since the attacks. Many of them have been asked, and from our perspective many of them have been answered, nonetheless they persist. It's our understanding that they are being pursued still, even by this committee, and I will ask you them.

What I'm looking for here is just firsthand evidence or knowledge.

Some of these questions will fall within an arena where you potentially would have firsthand knowledge; some of them will not. I'm just going to ask you all of them, and we can discuss any of them that your response is that, yes, you do have firsthand knowledge; and if you do not, we'll just move along to the next.

A Okay.

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

A No.

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

A No.

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

A No.

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

A No.

Q Do you have any evidence that Secretary Clinton misrepresented or fabricated intelligence on the risks posed by Qadhafi to his own people in order to garner support from military operations in Libya in the spring of 2011?

A No.

Q A bipartisan report issued by the House Permanent Select Committee on Intelligence found that the CIA was not collecting and shipping arms from Libya to Syria and that they found no support for this allegation.

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

A I do not have any such information.

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

A I do not.

Q A team of CIA security personnel was temporarily delayed from departing the Annex to assist the Special Mission Compound, and there have been a number of allegations about the cause of and the appropriateness of that delay. The House Intelligence Committee issued a bipartisan report concluding that the team was not ordered to stand down but that instead there were tactical disagreements on the ground over how quickly to depart.

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

A I don't.

Q Putting aside whether you personally agree with the

decision to delay temporarily or think it was the right decision, do you have any evidence that there was a bad or improper reason behind the temporary delay of the CIA's security personnel who departed the Annex to assist the Special Mission Compound?

A I do not.

Q A concern has been raised by one individual that in the course of producing documents to the Accountability Review Board damaging documents may have been removed or scrubbed out of that production. Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to the ARB?

A I don't.

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

A I don't.

Q Let me ask you this question for documents provided to Congress: Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to Congress?

A I do not.

Q It has been alleged that CIA Deputy Director Michael Morell altered unclassified talking points about the Benghazi attacks for political reasons and that he then misrepresented his actions when he told Congress that the CIA "faithfully performed our duties in

accordance with the highest standards of objectivity and nonpartisanship."

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

A I don't.

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

A I don't.

Q Do you have any evidence that Ambassador Rice intentionally misrepresented facts about the Benghazi attacks on the Sunday talk shows?

A I don't.

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

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

A I do not.

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

in place in Tripoli to provide security and medical assistance in their current location.

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

A I don't.

Q It has been alleged that the military failed to deploy assets on the night of the attack that would have saved lives. Former Republican Congressman Howard Buck McKeon, the former chair of the House Armed Services Committee, conducted a review of the attacks after which he stated, "Given where the troops were, how quickly the thing all happened and how quickly it dissipated, we probably couldn't have done more than we did."

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

A I could not.

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

A No.

Ms. Sawyer. Ms. Mills, that concludes our questions. We truly appreciate your indulgence starting so early and really working with

the committee through all of our questions.

I don't know if the ranking member --

Mr. Cummings. No. I just want to say thank you also. And out of respect for your time, I'm not going to ask any questions. I have a lot, but it's fine. And I just want to thank you for your service.

Ms. Mills. Thank you. Thank you for taking the time to be here today. I know all of you all have other places to be and other things you could be doing, so I appreciate not only you being here but all of you being here and the respect that you've showed me through this process. I really appreciate it.

Mr. Gowdy. Thank you.

[Whereupon, at 5:32 p.m., the interview was concluded.]

EXHIBIT 1

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
 REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

From: [REDACTED] </O=SBUSTATE/OU=NCC
 AG/CN=RECIPIENTS/CN=ABBASZADEHN>
Sent: Tuesday, October 23, 2012 10:20 PM
To: Reines, Philippe I <reinesp@state.gov>; Mills, Cheryl D <MillsCD@state.gov>;
 Sullivan, Jacob J <SullivanJJ@state.gov>; Coordination
 <Coordination@state.gov>
Subject: Fw: Update 8: Second Evacuee Flight Is Wheels-Down In Tripoli (SBU)

From: OpsAlert@state.gov [mailto:OpsAlert@state.gov]
Sent: Wednesday, September 12, 2012 05:43 AM
To: [REDACTED]; SES_DutyDeputies; S_SpecialAssistants; D(B); D(N); P; Ops_Targeted_Alerts_R_DL; PA FO
 Group; Operations Center; Ops_Targeted_Alerts_S_ES-O_DL; SES-Line Only; Ops_Targeted_Alerts_DS_DL;
 #whsr [REDACTED] <#whsr [REDACTED]>
 Benghazi Update; Ops_Targeted_Alerts_CA_DL; C; Ops_Targeted_Alerts_CSO_DL; CT_FrontOffice; D(B)/MET;
 MDGHR Front Office; DRL-FO-DL; [REDACTED]; H_SeniorStaff;
 Ops_Targeted_Alerts_INL_DL; INR-STAFFER; INR-Watch; Legal-Ops-Alert-DL; M_Staff;
 Ops_Targeted_Alerts_NEA_DL; OBO-Special Assistants-DL; PM-Alerts-DL; NEA-SEMEP-DL; A Front Office
Cc: Ops_Targeted_Alerts_DS_DL; #whsr [REDACTED]
Subject: Update 8: Second Evacuee Flight Is Wheels-Down In Tripoli (SBU)

(SBU) Embassy Tripoli reports the second group of evacuees arrived in Tripoli from Benghazi. No
 COM personnel remain in Benghazi.

From: OpsAlert@state.gov
Sent: Wednesday, September 12, 2012 4:04 AM
To: [REDACTED]@state.gov; SES_DutyDeputies@State.gov; S_SpecialAssistants@state.gov; D-
 B@State.gov; D-N@State.gov; Poffice@State.gov; Ops_Targeted_Alerts_R_DL@state.gov;
 PAFOGroup@State.gov; OperationsCenter@State.gov; Ops_Targeted_Alerts_S_ES-O_DL@state.gov;
 SES-Line_Only@state.gov; Ops_Targeted_Alerts_DS_DL@State.gov; #whsr [REDACTED]
 [REDACTED] BenghaziUpdate@state.gov; Ops_Targeted_Alerts_CA_DL@state.gov;
 COffice@State.gov; Ops_Targeted_Alerts_CSO_DL@State.gov; CT_FrontOffice@State.gov;
 DB_MET@state.gov; MDGHRFrontOffice@State.gov; (DNI-ROC-Watch [REDACTED] DNI-ROC-
 Watch [REDACTED]; DRL-FO-DL@State.gov; [REDACTED] H_SeniorStaff@state.gov;
 Ops_Targeted_Alerts_INL_DL@state.gov; INR-STAFFER@State.gov; INR-Watch@State.gov; Legal-
 Ops-Alert-DL@State.gov; M_Staff@State.gov; Ops_Targeted_Alerts_NEA_DL@state.gov; OBO-
 SpecialAssistants-DL@State.gov; PM-Alerts@State.gov; NEA-SEMEP-DL@State.gov;
 Afront@State.gov
CC: Ops_Targeted_Alerts_DS_DL@State.gov; #whsr [REDACTED]
Subject: Update 7: All Remaining Evacuees Departing Benghazi ERT Tripoli (SBU)

(SBU) DS Command reports all remaining COM personnel, including the deceased, have been loaded
 into a Libyan Air Force flight in Benghazi and are en route to the airport in Tripoli.

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
 REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
 REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

From: OpsAlert@state.gov

Sent: Wednesday, September 12, 2012 3:33 AM

To: [REDACTED]@state.gov; SES_DutyDeputies@State.gov; S_SpecialAssistants@state.gov; D-B@State.gov; D-N@State.gov; Poffice@State.gov; Ops_Targeted_Alerts_R_DL@state.gov; PAFOGroup@State.gov; OperationsCenter@State.gov; Ops_Targeted_Alerts_S_ES-O_DL@state.gov; SES-Line_Only@state.gov; Ops_Targeted_Alerts_DS_DL@State.gov; #whsr [REDACTED]
 [REDACTED] BenghaziUpdate@state.gov; Ops_Targeted_Alerts_CA_DL@state.gov; COffice@State.gov; Ops_Targeted_Alerts_CSO_DL@State.gov; CT_FrontOffice@State.gov; DB_MET@state.gov; MDGHRFrontOffice@State.gov; (DNI-ROC-Watch [REDACTED] DNI-ROC-Watch [REDACTED] DRL-FO-DL@State.gov; [REDACTED] H_SeniorStaff@state.gov; Ops_Targeted_Alerts_INL_DL@state.gov; INR-STAFFER@State.gov; INR-Watch@State.gov; Legal-Ops-Alert-DL@State.gov; M_Staff@State.gov; Ops_Targeted_Alerts_NEA_DL@state.gov; OBO-SpecialAssistants-DL@State.gov; PM-Alerts@State.gov; NEA-SEMEP-DL@State.gov; Afront@State.gov

CC: Ops_Targeted_Alerts_DS_DL@State.gov; #whsr [REDACTED]

Subject: Update 6: First group of evacuees is wheels-down in Tripoli (SBU)

(SBU) Embassy Tripoli reports the first group of evacuees ([REDACTED] passengers) is wheels-down in Tripoli from Benghazi. The wounded are being taken to the hospital for treatment.

From: OpsAlert@state.gov

Sent: Wednesday, September 12, 2012 1:39 AM

To: [REDACTED]@state.gov; SES_DutyDeputies@State.gov; S_SpecialAssistants@state.gov; D-B@State.gov; D-N@State.gov; Poffice@State.gov; Ops_Targeted_Alerts_R_DL@state.gov; PAFOGroup@State.gov; OperationsCenter@State.gov; Ops_Targeted_Alerts_S_ES-O_DL@state.gov; SES-Line_Only@state.gov; Ops_Targeted_Alerts_DS_DL@State.gov; #whsr [REDACTED]
 [REDACTED] BenghaziUpdate@state.gov; Ops_Targeted_Alerts_CA_DL@state.gov; COffice@State.gov; Ops_Targeted_Alerts_CSO_DL@State.gov; CT_FrontOffice@State.gov; DB_MET@state.gov; MDGHRFrontOffice@State.gov; (DNI-ROC-Watch [REDACTED] DNI-ROC-Watch [REDACTED] DRL-FO-DL@State.gov; [REDACTED] H_SeniorStaff@state.gov; Ops_Targeted_Alerts_INL_DL@state.gov; INR-STAFFER@State.gov; INR-Watch@State.gov; Legal-Ops-Alert-DL@State.gov; M_Staff@State.gov; Ops_Targeted_Alerts_NEA_DL@state.gov; OBO-SpecialAssistants-DL@State.gov; PM-Alerts@State.gov; NEA-SEMEP-DL@State.gov; Afront@State.gov

CC: Ops_Targeted_Alerts_DS_DL@State.gov; #whsr [REDACTED]

Subject: Update 5: First group of evacuees is wheels-up from Benghazi (SBU)

(SBU) DS Command reports the first group of evacuees ([REDACTED] passengers) is wheels-up from Benghazi ert Tripoli. The remaining [REDACTED] evacuees are sheltering at the airport in Benghazi.

From: OpsAlert@state.gov

Sent: Wednesday, September 12, 2012 1:33 AM

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
 REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
 REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

To: [REDACTED]@state.gov; SES_DutyDeputies@State.gov; S_SpecialAssistants@state.gov; D-B@State.gov; D-N@State.gov; Poffice@State.gov; Ops_Targeted_Alerts_R_DL@state.gov; PAFOGroup@State.gov; OperationsCenter@State.gov; Ops_Targeted_Alerts_S_ES-O_DL@state.gov; SES-Line_Only@state.gov; Ops_Targeted_Alerts_DS_DL@State.gov; #whsr [REDACTED]
 [REDACTED] BenghaziUpdate@state.gov; Ops_Targeted_Alerts_CA_DL@state.gov; COffice@State.gov; Ops_Targeted_Alerts_CSO_DL@State.gov; CT_FrontOffice@State.gov; DB_MET@state.gov; MDGHRFrontOffice@State.gov; (DNI-ROC-Watch [REDACTED] DNI-ROC-Watch [REDACTED]; DRL-FO-DL@State.gov; [REDACTED] H_SeniorStaff@state.gov; Ops_Targeted_Alerts_INL_DL@state.gov; INR-STAFFER@State.gov; INR-Watch@State.gov; Legal-Ops-Alert-DL@State.gov; M_Staff@State.gov; Ops_Targeted_Alerts_NEA_DL@state.gov; OBO-SpecialAssistants-DL@State.gov; PM-Alerts@State.gov; NEA-SEMEP-DL@State.gov; Afront@State.gov
CC: Ops_Targeted_Alerts_DS_DL@State.gov; #whsr [REDACTED]
Subject: Update 4: Benghazi COM Personnel ERT Airport (SBU)

(SBU) Embassy Tripoli reports [REDACTED] remaining COM personnel, including three wounded, are en route to the airport in Benghazi.

From: OpsAlert@state.gov
Sent: Tuesday, September 11, 2012 11:57 PM
To: [REDACTED]@state.gov; SES_DutyDeputies@State.gov; S_SpecialAssistants@state.gov; D-B@State.gov; D-N@State.gov; Poffice@State.gov; Ops_Targeted_Alerts_R_DL@state.gov; PAFOGroup@State.gov; OperationsCenter@State.gov; Ops_Targeted_Alerts_S_ES-O_DL@state.gov; SES-Line_Only@state.gov; Ops_Targeted_Alerts_DS_DL@State.gov; #whsr [REDACTED]
 [REDACTED] BenghaziUpdate@state.gov; Ops_Targeted_Alerts_CA_DL@state.gov; COffice@State.gov; Ops_Targeted_Alerts_CSO_DL@State.gov; CT_FrontOffice@State.gov; DB_MET@state.gov; MDGHRFrontOffice@State.gov; (DNI-ROC-Watch [REDACTED] DNI-ROC-Watch [REDACTED]; DRL-FO-DL@State.gov; [REDACTED] H_SeniorStaff@state.gov; Ops_Targeted_Alerts_INL_DL@state.gov; INR-STAFFER@State.gov; INR-Watch@State.gov; Legal-Ops-Alert-DL@State.gov; M_Staff@State.gov; Ops_Targeted_Alerts_NEA_DL@state.gov; OBO-SpecialAssistants-DL@State.gov; PM-Alerts@State.gov; NEA-SEMEP-DL@State.gov; Afront@State.gov
CC: Ops_Targeted_Alerts_DS_DL@State.gov; #whsr [REDACTED]
Subject: Update 3: Benghazi Shelter Location Also Under Attack (SBU)

(SBU) DS Command reports the current shelter location for COM personnel in Benghazi is under attack by mortar fire. There are reports of injuries to COM staff.

From: OpsAlert@state.gov
Sent: Tuesday, September 11, 2012 6:06 PM
To: [REDACTED]@state.gov; SES_DutyDeputies@State.gov; S_SpecialAssistants@state.gov; D-B@State.gov; D-N@State.gov; Poffice@State.gov; Ops_Targeted_Alerts_R_DL@state.gov; PAFOGroup@State.gov; OperationsCenter@State.gov; Ops_Targeted_Alerts_S_ES-O_DL@state.gov; SES-Line_Only@state.gov; Ops_Targeted_Alerts_DS_DL@State.gov; #whsr [REDACTED]
 [REDACTED] BenghaziUpdate@state.gov; Ops_Targeted_Alerts_CA_DL@state.gov;

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COffice@State.gov; Ops_Targeted_Alerts_CSO_DL@State.gov; CT_FrontOffice@State.gov;
 DB_MET@state.gov; MDGHRFrontOffice@State.gov; (DNI-ROC-Watch [REDACTED] DNI-ROC-
 Watch [REDACTED] DRL-FO-DL@State.gov; [REDACTED] H_SeniorStaff@state.gov;
 Ops_Targeted_Alerts_INL_DL@state.gov; INR-STAFFER@State.gov; INR-Watch@State.gov; Legal-
 Ops-Alert-DL@State.gov; M_Staff@State.gov; Ops_Targeted_Alerts_NEA_DL@state.gov; OBO-
 SpecialAssistants-DL@State.gov; PM-Alerts@State.gov; NEA-SEMEP-DL@State.gov;
 Afront@State.gov
CC: Ops_Targeted_Alerts_DS_DL@State.gov; #whsr [REDACTED]
Subject: Update 2: Ansar al-Sharia Claims Responsibility for Benghazi Attack (SBU)

(SBU) Embassy Tripoli reports the group claimed responsibility on Facebook and Twitter and has called for an attack on Embassy Tripoli.

From: OpsAlert@state.gov
Sent: Tuesday, September 11, 2012 4:54 PM
To: [REDACTED]@state.gov; SES_DutyDeputies@State.gov; S_SpecialAssistants@state.gov; D-
 B@State.gov; D-N@State.gov; Poffice@State.gov; Ops_Targeted_Alerts_R_DL@state.gov;
 PAFOGroup@State.gov; OperationsCenter@State.gov; Ops_Targeted_Alerts_S ES-O DL@state.gov;
 SES-Line_Only@state.gov; Ops_Targeted_Alerts_DS_DL@State.gov; #whsr [REDACTED]
 [REDACTED] BenghaziUpdate@state.gov; Ops_Targeted_Alerts_CA_DL@state.gov;
 COffice@State.gov; Ops_Targeted_Alerts_CSO_DL@State.gov; CT_FrontOffice@State.gov;
 DB_MET@state.gov; MDGHRFrontOffice@State.gov; (DNI-ROC-Watch [REDACTED] DNI-ROC-
 Watch [REDACTED] DRL-FO-DL@State.gov; [REDACTED] H_SeniorStaff@state.gov;
 Ops_Targeted_Alerts_INL_DL@state.gov; INR-STAFFER@State.gov; INR-Watch@State.gov; Legal-
 Ops-Alert-DL@State.gov; M_Staff@State.gov; Ops_Targeted_Alerts_NEA_DL@state.gov; OBO-
 SpecialAssistants-DL@State.gov; PM-Alerts@State.gov; NEA-SEMEP-DL@State.gov;
 Afront@State.gov
CC: Ops_Targeted_Alerts_DS_DL@State.gov; #whsr [REDACTED]
Subject: Update 1: U.S. Diplomatic Mission in Benghazi (SBU)

(SBU) Embassy Tripoli reports the firing at the U.S. Diplomatic Mission in Benghazi has stopped and the compound has been cleared. A response team is on site attempting to locate COM personnel.

From: OpsAlert@state.gov
Sent: Tuesday, September 11, 2012 4:05 PM
To: [REDACTED]@state.gov; SES_DutyDeputies@State.gov; S_SpecialAssistants@state.gov; D-
 B@State.gov; D-N@State.gov; Poffice@State.gov; Ops_Targeted_Alerts_R_DL@state.gov;
 PAFOGroup@State.gov; OperationsCenter@State.gov; Ops_Targeted_Alerts_S ES-O DL@state.gov;
 SES-Line_Only@state.gov; Ops_Targeted_Alerts_DS_DL@State.gov; #whsr [REDACTED]
 [REDACTED] BenghaziUpdate@state.gov; Ops_Targeted_Alerts_CA_DL@state.gov;
 COffice@State.gov; Ops_Targeted_Alerts_CSO_DL@State.gov; CT_FrontOffice@State.gov;
 DB_MET@state.gov; MDGHRFrontOffice@State.gov; (DNI-ROC-Watch [REDACTED] DNI-ROC-
 Watch [REDACTED] DRL-FO-DL@State.gov; [REDACTED] H_SeniorStaff@state.gov;
 Ops_Targeted_Alerts_INL_DL@state.gov; INR-STAFFER@State.gov; INR-Watch@State.gov; Legal-
 Ops-Alert-DL@State.gov; M_Staff@State.gov; Ops_Targeted_Alerts_NEA_DL@state.gov; OBO-

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Special Assistants-DL@State.gov; PM-Alerts@State.gov; NEA-SEMEP-DL@State.gov;
Afront@State.gov

CC: Ops_Targeted_Alerts_DS_DL@State.gov; #whsr [REDACTED]

Subject: U.S. Diplomatic Mission in Benghazi Under Attack (SBU)

(SBU) The Regional Security Officer reports the diplomatic mission is under attack. Embassy Tripoli reports approximately 20 armed people fired shots; explosions have been heard as well. Ambassador Stevens, who is currently in Benghazi, and four COM personnel are in the compound safe haven. The 17th of February militia is providing security support.

The Operations Center will provide updates as available.

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From: [REDACTED]@state.gov>
Sent: Tuesday, September 11, 2012 4:38 PM
To: Sullivan, Jacob J <SullivanJJ@state.gov>; Mills, Cheryl D
<MillsCD@state.gov>; Macmanus, Joseph E (S) <MacmanusJE2@state.gov>
Cc: S_SpecialAssistants <S_SpecialAssistants@state.gov>
Subject: FW: Attack on Benghazi 09112012

A little more detailed reporting on Benghazi. Ops is setting up a direct line with Benghazi so we should have more updates soon.

From: Bultrowicz, Scott P
Sent: Tuesday, September 11, 2012 4:32 PM
To: S_SpecialAssistants
Subject: FW: Attack on Benghazi 09112012
Reporting from Benghazi

From: [REDACTED] On Behalf Of DS Command Center
Sent: Tuesday, September 11, 2012 4:22 PM
To: DSCC_C DS Seniors
Subject: Attack on Benghazi 09112012

The following is preliminary information.

DSCC received a phone call from ARSO [REDACTED] in Benghazi, Libya initially stating the 15 armed individuals were attacking the compound and trying to gain entrance. The Ambassador is present in Benghazi and currently is barricaded within the compound. There are no injuries at this time and it is unknown what the intent of the attackers is. At approximately 1600 DSCC received word from Benghazi that individuals had entered the compound. At 1614 RSO advised that the Libyans had set fire to various buildings in the area, possibly the building that houses the Ambassador. [REDACTED] Annex QRF is responding and taking fire.

-DSCC

SBU
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From: [REDACTED]@state.gov
Sent: Wednesday, September 12, 2012 2:08 PM
To: Nuland, Victoria J <nulandvj@state.gov>; [REDACTED]
 [REDACTED]@state.gov>; Burns, William J <BurnsWJ@state.gov>; Sherman, Wendy
 R <ShermanWR@state.gov>; Macmanus, Joseph E (S) <MacmanusJE2@state.gov>;
 S. Special Assistants <S_SpecialAssistants@state.gov>; Sullivan, Jacob J
 <SullivanJJ@state.gov>; Kennedy, Patrick F <KennedyPF@state.gov>; Mills, Cheryl D
 <MillsCD@state.gov>; [REDACTED]@state.gov>
Cc: [REDACTED]@state.gov>; [REDACTED] <LakhdhirKS@state.gov>;
 NEA-Staff-Assistants-DL <NEA-Staff-Assistants-DL@state.gov>; [REDACTED]
 [REDACTED]@state.gov>; Hicks, Gregory N <HicksGN@state.gov>; Maxwell,
 Raymond D <MaxwellRD@state.gov>; [REDACTED]@state.gov>;
 [REDACTED]@state.gov>; Dibble, Elizabeth L
 <DibbleEL@state.gov>; [REDACTED]@state.gov>; NEA-LIBYADESK
 <NEA-LIBYADESK@state.gov>; NEA-DAS-DL <NEA-DAS-DL@state.gov>;
 [REDACTED]@state.gov>; Gordon, Philip H <GordonPH@state.gov>;
 [REDACTED]@state.gov>; SES-O <SES-O@state.gov>; Jones, Beth E
 <JonesAE3@state.gov>
Subject: RE: Libya update from Beth Jones

From AA/S Jones:

I spoke to Greg Hicks at 12:50pm and he had more good news about the wounded: the Embassy nurse and medic at the hospital judged that their condition had improved sufficiently to merit their movement directly from the hospital to the awaiting C-17; the CCAT team did not need to go to the hospital to help transport them to the plane. They are now on the plane, along with the four caskets. Greg expected the rest of the team traveling to Frankfurt to have completed boarding the C-17 by about 1:05pm DC time.

Other points:

- Greg said the next step is to work with the two Marine FAST teams when they arrive to secure both the Residential and Embassy Compounds. They will then review security situation and, depending on conditions on the ground, they will then consider (with us) re-opening the Embassy. In the meantime, COM personnel will try to get some rest at the [REDACTED] Annex, where Greg described the conditions as crowded.
- Greg met earlier today with the Libyan Deputy PM (DPM), who expressed his deep condolences. Greg thanked him for the additional protection that the GOL has provided at the Tripoli compounds. He explained that the FAST Marines coming later today intend only to provide security for the Embassy and U.S. personnel. The DPM provided confirmation of the verbal agreement the Libyans offered last night to allow the Marines to enter Libya – he asked only that Greg provide a dip note tomorrow outlining the details of their mission.
- The DPM also said the GOL will conduct a thorough investigation into the attacks in Benghazi. When Greg said the FBI would be interested to come to Libya to assist in the inquiry, the DPM said the GOL would welcome the FBI and stands ready to cooperate with them.
- Greg said that S held a video conference with 75 – 80% of the Embassy staff – just before they loaded the motorcade for the airport – and that the staff were “very, very grateful” that she took the time to do this.
- Greg is grateful and supportive of the plan to keep the evacuees in Frankfurt for 7 – 10 days so they could then return to Tripoli, if conditions permit.

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- Finally, Greg asked that MAG and EX work together to ensure that they no TDYers arrive in Libya for at least the next two weeks.

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From: Jones, Beth E

Sent: Wednesday, September 12, 2012 9:51 AM

To: Nuland, Victoria J; [REDACTED]; Burns, William J; Sherman, Wendy R; Macmanus, Joseph E (S);

S_SpecialAssistants; Sullivan, Jacob J; Kennedy, Patrick F; Mills, Cheryl D; [REDACTED]

Cc: [REDACTED]; NEA-Staff-Assistants-DL; [REDACTED] Hicks, Gregory N; Maxwell, Raymond D; [REDACTED]; Dibble, Elizabeth L; [REDACTED] NEA-LIBYADESK; NEA-DAS-DL; [REDACTED]; Gordon, Philip H; [REDACTED]

Subject: RE: Libya update from Beth Jones

Good news: Greg Hicks just called to report that our wounded in the hospital in Tripoli are doing much better. Libyan doctors have apparently served them very well so far.

Greg also said the Libyan PM, Prosecutor General and Attorney General arrived at the hospital this morning (DC time). According to Greg's source in the hospital – the Embassy nurse – the Libyan officials plan to begin carrying out an investigation about the attack in Benghazi last night. Greg said he is headed to the hospital immediately to shield the wounded from any attempts to interview them.

In the meantime, those selected for evacuation are gathering for the ride to the airport

From: Jones, Beth E

Sent: Tuesday, September 11, 2012 6:58 PM

To: Nuland, Victoria J; [REDACTED]; Burns, William J; Sherman, Wendy R; Macmanus, Joseph E (S);

S_SpecialAssistants; Sullivan, Jacob J; Kennedy, Patrick F; Mills, Cheryl D

Cc: [REDACTED]@state.gov; NEA-Staff-Assistants-DL; [REDACTED]; Hicks, Gregory N; Maxwell, Raymond D; [REDACTED]; Dibble, Elizabeth L; [REDACTED]; NEA-LIBYADESK; NEA-DAS-DL; [REDACTED]; Gordon, Philip H; [REDACTED]

Subject: RE: Libya update from Beth Jones

Greg Hicks just provided the following update about the three Embassy buildings in Tripoli:

- All 33 COM (State) personnel in Tripoli are accounted for and currently they are all at the Residential Compound.
- [REDACTED]
- No one is currently at the Embassy itself.

I passed on U/S Kennedy's recommendation that the personnel all move together to one compound in Tripoli; Greg said that suggestion made good sense and that he would discuss with the COS as to which compound is the most secure.

Other points:

- Greg said he has closed the Embassy tomorrow, and no one will travel from the residential compound into town except, as necessary, for him, the RSO and the DATT.
- Greg and the RSO held a Town Hall meeting in the last half hour to reassure the Embassy staff; they remain calm and are responding well.
- Greg has requested police protection for the Residential Compound and the [REDACTED] Compound; at the moment, the police are protecting the Embassy. He is checking now on what the extra protection situation is with the

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Residential Compound and the [REDACTED] Compound. [REDACTED] is in touch with the militias with which it works to ensure extra protection.

In Benghazi:

- Greg is working with the COS to make sure he is aware of reports that another mob has gathered in Benghazi headed for the [REDACTED] compound. They will ensure extra protection there, too.

From: [REDACTED]
Sent: Tuesday, September 11, 2012 5:55 PM
To: [REDACTED] Nuland, Victoria J; [REDACTED]; Burns, William J; Sherman, Wendy R; Macmanus, Joseph E (S); S_SpecialAssistants; Sullivan, Jacob J; Kennedy, Patrick F; Mills, Cheryl D
Cc: [REDACTED] NEA-Staff-Assistants-DL; [REDACTED] Hicks, Gregory N; Maxwell, Raymond D; [REDACTED]; Dibble, Elizabeth L; [REDACTED] NEA-LIBYADESK; NEA-DAS-DL; [REDACTED]; Gordon, Philip H; [REDACTED]
Subject: RE: Libya update from Beth Jones

I just spoke again to Greg Hicks, who himself spoke again to the offices of the Libyan President and Prime Minister, asking them to provide firefighting equipment to the Benghazi compound. He said the PD shop at Embassy Tripoli has found postings on Facebook indicating that the "Tripoli Council" plans to carry out an attack on Embassy Tripoli. He said he was promised increased police protection but it had not yet materialized.

Greg said his team reports that the extremist group Ansar Al Sharia has taken credit for the attack in Benghazi. He heard reports that the February 17 Brigade is currently engaged in a running battle with Ansar Al Sharia; he asked the offices of the President and PM to pursue Ansar al Sharia.

On working to locate Ambassador Stevens, the RSO team and militia are still on compound, which is 50 acres – Greg expressed the hope that Ambassador Stevens is in hiding somewhere on the compound. The PO's residence is still on fire.

From: [REDACTED]
Sent: Tuesday, September 11, 2012 5:32 PM
To: Nuland, Victoria J; [REDACTED]; Burns, William J; Sherman, Wendy R; Macmanus, Joseph E (S); S_SpecialAssistants; Sullivan, Jacob J; Kennedy, Patrick F; Mills, Cheryl D
Cc: [REDACTED] NEA-Staff-Assistants-DL; [REDACTED] Hicks, Gregory N; Maxwell, Raymond D; [REDACTED]; Dibble, Elizabeth L; [REDACTED] NEA-LIBYADESK; NEA-DAS-DL; [REDACTED]; Gordon, Philip H; [REDACTED]
Subject: RE: Libya update from Beth Jones

The fighting has stopped, DCM Greg Hicks just confirmed to me. He also confirmed one fatality: Sean Smith – a TDY'er from The Hague – has died. His body has been recovered. The five ARSOs are accounted for, but they're still trying to find the Ambassador. The Principal Officer's residence is still on fire with toxic smoke.

I have spoken to A/S Gordon and Liz Dibble is contacting the Charge at The Hague, [REDACTED], to inform them.

From: Nuland, Victoria J
Sent: Tuesday, September 11, 2012 5:25 PM
To: [REDACTED] Burns, William J; Sherman, Wendy R; Macmanus, Joseph E (S); S_SpecialAssistants; Sullivan, Jacob J; Kennedy, Patrick F
Cc: [REDACTED] NEA-Staff-Assistants-DL; [REDACTED] Hicks, Gregory N; Maxwell, Raymond D; [REDACTED]; Dibble, Elizabeth L
Subject: RE: Libya update from Beth Jones

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We just asked NEA for hold lines for press. We are getting besieged.

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From: [REDACTED]
Sent: Tuesday, September 11, 2012 5:15 PM
To: [REDACTED] Burns, William J; Sherman, Wendy R; Macmanus, Joseph E (S); S_SpecialAssistants; Sullivan, Jacob J; Nuland, Victoria J; Kennedy, Patrick F
Cc: [REDACTED]; NEA-Staff-Assistants-DL; [REDACTED]; Hicks, Gregory N; Maxwell, Raymond D; [REDACTED]; Dibble, Elizabeth L
Subject: RE: Libya update from Beth Jones

+Cheryl Mills

From: [REDACTED]
Sent: Tuesday, September 11, 2012 5:13 PM
To: [REDACTED] Burns, William J; Sherman, Wendy R; Macmanus, Joseph E (S); S_SpecialAssistants; Sullivan, Jacob J; Nuland, Victoria J; Kennedy, Patrick F
Cc: [REDACTED] NEA-Staff-Assistants-DL; [REDACTED]; Hicks, Gregory N; Maxwell, Raymond D; [REDACTED] Dibble, Elizabeth L
Subject: RE: Libya update from Beth Jones

Just spoke again with Greg Hicks, who confirmed the party includes Ambassador Stevens plus three, not plus four. Hicks has been in contact twice with the Libyan President's office and twice with the Libyan PM's office; their offices assured him they are fully engaged and consider themselves personal friends of Ambassador Stevens. Hicks has been coordinating with the CoS, who has learned from the QRF about the status of the compound – currently they are clearing the compound and working to access the party.

I also urged Libyan Ambassador to the U.S. Aujali to engage on this immediately at the highest level.

From: [REDACTED]
Sent: Tuesday, September 11, 2012 4:49 PM
To: Burns, William J; Sherman, Wendy R; Macmanus, Joseph E (S); S_SpecialAssistants; Sullivan, Jacob J; Nuland, Victoria J
Cc: [REDACTED]; NEA-Staff-Assistants-DL; [REDACTED]; Hicks, Gregory N; Maxwell, Raymond D; [REDACTED] Dibble, Elizabeth L
Subject: Libya update from Beth Jones

All:

Beth Jones just spoke with DCM Tripoli Greg Hicks, who advised a Libyan militia (we now know this is the 17th Feb brigade, as requested by Emb office) is responding to the attack on the diplomatic mission in Benghazi. The QRF is in the compound, engaging the attackers, taking fire, and working its way through the compound to get to the villa, where Ambassador Stevens is in safe haven for extraction. The ARSO is also there in the compound. Greg spoke with Amb Stevens by phone 20 minutes before my call (which was about ten minutes ago). Greg will talk to the Prime Minister's Chief of Staff, and then speak with the Foreign Minister. I have spoken to Langley, who is also in touch with its QRF contacts to ask for engagement. Embassy is sending medical assistance to Benghazi to be on stand-by.

More updates to follow.

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[REDACTED]

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From: svcsmartmfi
Sent: 9/11/2012 6:29:31 PM
To: SMART Core
Subject: Security Advisory - Cairo Protestors' Reaction to Controversial Film and Pastor Terry Jones Internet Event.

UNCLASSIFIED
 SBU



MRN: 12 STATE 92809
Date/DTG: Sep 11, 2012 / 112215Z SEP 12
From: SECSTATE WASHDC
Action: TRIPOLI, AMEMBASSY NIACTIMMEDIATE;
 ALL DIPLOMATIC AND CONSULAR POSTS COLLECTIVE NIACTIMMEDIATE
E.O.: 13526
TAGS: ASEC, PTER, CASC
Captions: SENSITIVE
Subject: Security Advisory - Cairo Protestors' Reaction to Controversial Film and Pastor Terry Jones Internet Event.

UNCLAS STATE 092809

SENSITIVE

E.O. 13526: N/A
 TAGS: ASEC, PTER, CASC
 SUBJECT: Security Advisory - Cairo Protestors' Reaction to Controversial Film and Pastor Terry Jones Internet Event.

1. (U) This cable contains an action request. Please see paragraphs three and four.
2. (SBU) In response to the upcoming release of a controversial film entitled "Muhammad's Trial," hundreds of demonstrators converged on the U.S. Embassy in Cairo on September 11, 2012, with a number of protestors breaching the compound. This film, clips of which have recently appeared on YouTube, was reportedly produced by U.S.-based Egyptian Coptic Christians allegedly with the support of Pastor Terry Jones. Jones has also scheduled an "International Judge Mohammed Day" in Florida for the evening of September 11, 2012. Jones reportedly stated he would "symbolically put the Prophet on trial and play it out over the internet."
3. (SBU) Violent extremist groups could use Pastor Jones' recent statements and actions as motivation to target U.S. interests overseas. As a precaution against any potential anti-American fallout, posts should consider convening an EAC as appropriate to assess what impact this activity may have on your security environment. You should review the security posture for both official and private U.S. interests and

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determine what actions need to be taken to counter any potential threat – to include requesting host government security support as appropriate. EACs should carefully review internal and external procedures for mobs and possible attacks and consider conducting drills to reinforce the necessary security measures to be taken in the event of a serious incident.

4. (U) If the need exists to provide general information to private U.S. citizen communities, please use language in existing consular information program documents, specifically the Worldwide Caution. Post is reminded that CA/OCS must clear on Emergency Messages and Security Messages. CA/OCS is available 24/7 through the Operations Center.

5. (SBU) The Department will continue to ensure that you are informed immediately of any threat information that may affect your security environment.

6. (U) Minimize considered.
 CLINTON

Signature: CLINTON

Drafted By:

Cleared By:

Approved By:

Info:

Action Post:

Dissemination Rule: Archive Copy

UNCLASSIFIED
 SBU

CLASSIFICATION: UNCLASSIFIED
 Page 2 of 2

EXHIBIT 5

11/1/2016

Foreign Emergency Support Team (FEST)



Foreign Emergency Support Team (FEST)

The FEST is the U.S. government's only interagency, on-call, short-notice team poised to respond to terrorist incidents worldwide. At the request of, and on the behalf of the U.S. Chief of Mission, the FEST deploys overseas to advise, assist, assess, and coordinate U.S. government crisis response activities. The Operations Directorate of the Department of State's Bureau of Counterterrorism leads the FEST that includes representatives from the Department of Defense, Federal Bureau of Investigation, and other agencies, as circumstances warrant. FEST composition is flexible and tailored to the specific incident and the needs of the U.S. Embassy and host nation. The FEST has deployed numerous times since its inception in 1986, and can augment existing U.S. Mission and host nation capabilities with specialized crisis response expertise such as:

- Crisis management expertise
- Time-sensitive information
- Planning for contingency operations
- Hostage negotiating expertise
- Reach-back to Washington, DC agencies
- Specialized communications capabilities.

**FEST Assists in the Aftermath of East Africa Bombings**

Two Foreign Emergency Support Teams were deployed to Kenya and Tanzania immediately following the August 1998 al-Qaeda terrorist bombings of US Embassies in Nairobi and Dar es Salaam. The FESTs helped assess both emergencies and aided US Ambassadors as they managed the aftermath of the attacks, which killed some 300 (including 12 Americans) and injured more than 5000.

**FEST Responds to USS Cole Bombing**

A Foreign Emergency Support Team was deployed to Aden, Yemen following a terrorist attack against the USS Cole, which killed 17 American sailors in October 2000. The FEST advised the US ambassador and helped her direct America's response to the attack. FEST's secure mobile communications capability was especially valuable, since the Port of Aden is some 200 miles from the American Embassy in Sanaa.

Smaller, "tailored" FESTs have responded to abductions of Americans in Ecuador and the Philippines. "Contingency" FESTs were deployed to ensure safety at the Olympic Games in Athens, Greece (Summer 2004) and Turin, Italy (Winter 2006), and in Lagos, Nigeria during a hostage-taking crisis.

In addition to the above activities, the FEST routinely provides veteran diplomatic and interagency experts to national counterterrorism exercises, such as TOPOFF.

EXHIBIT 6

C06122263 UNCLASSIFIED U.S. Department of State Case No. O-2016-10902 Doc No. C06122263 Date: 12/06/2016

C05580497-MOU

From: [REDACTED]
Sent: Tuesday, September 11, 2012 6:25 PM
To: [REDACTED]
Subject: RE: FYI - S Call Sheet - Urgent Call with President Magariaf

Classification: UNCLASSIFIED
SensitivityCode: Sensitive
SMARTCategory: Working

FYI - Call sheet cleared through AA/S, if it's not too late.

The Secretary's Call Sheet for
Libyan General National Congress President Mohammed Magariaf
11 September 2012

(C) Purpose of Call: The Secretary should urge Mr. Magariaf to respond urgently to the attack against U.S. Mission Benghazi, and security threats against U.S. Embassy Tripoli. You last spoke with President Magariaf on August 22 to congratulate him on his election as President of the GNC.

- **Urgent Assistance Needed in Benghazi:** *As you know our Diplomatic Mission in Benghazi was attacked earlier this evening. We continue to need your help in Benghazi, where our Ambassador is still missing and a U.S. diplomat was killed. Ansar as-Sharia has claimed responsibility for the attack. This must be condemned in the strongest possible terms by your government. Those responsible must be brought to justice.*
- **Provision of Security to U.S. Embassy Tripoli:** *Please provide security re-enforcements immediately to U.S. Embassy Tripoli.*
- **Serious Threats against U.S. Embassy Tripoli:** *We understand that there have been serious threats made against Embassy Tripoli on social media sites. It is imperative that your government undertake all possible measures on an urgent basis to protect the Embassy and find the perpetrators.*

(C) Background: Armed extremists attacked U.S. Mission Benghazi on September 11, setting fire to the Principal's Office and killing at least one American mission staff, IMO Sean Smith, on TDY from The Hague. The 17 February Brigade, which guards the Mission, and [REDACTED] QRF (from a nearby compound), responded to the attack. All five RSOs are accounted for..

Call Notes:

Approved: NEA Acting Assistant Secretary Beth Jones

Drafted: NEA/MAG – [REDACTED], ext. 7-2581 and [REDACTED]

Sensitive
This email is UNCLASSIFIED.

From: [REDACTED]
Sent: Tuesday, September 11, 2012 6:15 PM
To: [REDACTED]
Subject: RE: FYI - S Call Sheet - Urgent Call with President Magariaf

It was the [REDACTED] security team, not the QRF, who responded to the attack. Minor edits if you have time to take them. No worries otherwise.

From: [REDACTED]
Sent: Tuesday, September 11, 2012 6:11 PM
To: [REDACTED]
Subject: FYI - S Call Sheet - Urgent Call with President Magariaf

Hi [REDACTED]

Here is the call sheet we put together for S's call with Magariaf re: the attack. I'll be sending the version with Bill's edits shortly.

The Secretary's Call Sheet for
Libyan General National Congress President Mohammed Magariaf
11 September 2012

(SBU) Purpose of Call: The Secretary should urge Mr. Magariaf to respond urgently to the attack against U.S. Mission Benghazi, and security threats against U.S. Embassy Tripoli. You last spoke with President Magariaf on August 22 to congratulate him on his election as President of the GNC.

- **Provision of Security to U.S. Embassy Tripoli:** *Please provide security re-enforcement to U.S. Embassy Tripoli.*

- **Serious Threats against U.S. Embassy Tripoli:** *We understand that there have been serious threats made against Embassy Tripoli on social media sites.*
- **Urgent Assistance Needed in Benghazi:** *We continue to need your help in Benghazi, where our Ambassador is still missing.*

(SBU) Background: Armed extremists attacked U.S. Mission Benghazi on September 11, setting fire to the Principal's Office and killing at least one American Mission Staff member, IMO Sean Smith, on TDY from The Hague. The 17 February Brigade, which guards the Mission, and the QRF, responded to the attack. All other U.S. personnel, including five RSOs, are accounted for.

Call Notes:

C06122263 UNCLASSIFIED U.S. Department of State Case No. O-2016-10902 Doc No. C06122263 Date: 12/06/2016

Approved: NEA Acting Assistant Secretary Beth Jones

Drafted: NEA/MAG – [redacted] ext. 7-2581 and [redacted]

[redacted]
Libya Desk Officer
Office of Maghreb Affairs
Bureau of Near Eastern Affairs
202-647-2581

This email is UNCLASSIFIED.

UNCLASSIFIED U.S. Department of State Case No. O-2016-10902 Doc No. C06122263 Date: 12/06/2016

EXHIBIT 7

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LAWRENCE J. BRADY
STAFF DIRECTOR

ONE HUNDRED TWELFTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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WASHINGTON, DC 20515-6143

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FACSIMILE (202) 225-3874
MINORITY (202) 225-6051
<http://oversight.house.gov>

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JACKIE SPEER, CALIFORNIA

September 20, 2012

The Honorable Hillary Rodham Clinton
Secretary
U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20005

Dear Madam Secretary:

The Subcommittee on National Security, Homeland Defense, and Foreign Operations is conducting oversight of the facts and circumstances surrounding the death of U.S. Ambassador to Libya J. Christopher Stevens and his colleagues on September 11, 2012. To date, public statements made by Administration officials have confused the American people as to exactly what happened on the 11th anniversary of the 9-11-2001 attacks. In fact, Administration accounts have differed sharply with those made by third parties, including the Libyan government. The universe of known facts, therefore, remains small and confusion has overshadowed certainty in this matter. The American people have a right to know precisely what happened that evening.

All we know for certain is that four Department of State personnel, including Ambassador Stevens, died at the hands of individuals who attacked the U.S. consulate in Benghazi, Libya. Accounts differ as to whom is responsible, why they did it, and the extent and timing of information provided to the United States. Some have attributed the attack as a “spontaneous” reaction to a YouTube video offensive to Muslims. Others, including Libyan President Mohammed el-Megarif, insist that it was a “pre-calculated, pre-planned attack that was carried out specifically to attack the U.S. consulate” on the anniversary of the terrorist attacks on 9-11-2001.¹

Susan Rice, U.S. Ambassador to the United Nations, has offered a different perspective of the events. On September 16, 2011, she stated that heavily armed clusters of extremists hijacked an otherwise spontaneous replication of protests in Cairo.² The deadly attack, according to Ambassador Rice, “evolved” from a “protest” and was not premeditated.³ This is a stark departure from President el-Megarif’s assertions, and appear to contradict statements made

¹ Leila Fadel, “Consulate Attack Preplanned, Libya’s President Says,” NPR, September 16, 2012.

² “Ambassador Susan Rice: Libya Attack Not Premeditated,” ABCNEWS, September 16, 2012.

³ *Id.*

The Honorable Hillary Rodham Clinton
 September 20, 2012
 Page 2

by National Counterterrorism Center Director Matt Olsen, who testified on September 19, 2012, that, "I would say yes, they were killed in the course of a terrorist attack on our embassy."⁴

Reports also indicate that information about impending attacks may have been provided to the U.S. Government prior to September 11, 2012.⁵ According to an interview with February 17th Brigade member Jamal Mabrouk, he warned U.S. officials on several occasions that the security situation had worsened in Benghazi due to an increased presence of armed jihadists.⁶ The latest warning apparently came three days ahead of the consulate attack.⁷ Such notification may have been the subject of an alert letter issued by the Bureau of Diplomatic Security 48 hours in advance.⁸

Whatever the case may be, the American people have a right to know the facts about this egregious attack on U.S. sovereign territory. To that end, this Committee will investigate such matters as outlined under House Rules and expected by the American public. To assist this Subcommittee with its oversight, I ask that you please provide the following information:

1. All analyses, classified and unclassified, related to the security situation in Benghazi leading up to the attack;
2. All assessments, to include dissenting views, of potential threats to the American presence in Libya leading up to the attack;
3. All preliminary site exploitation results gleaned at the Consulate by U.S. Government personnel following the attack;
4. All warnings subsequently provided to U.S. Government personnel serving abroad based on the initial findings of the attack in Benghazi;
5. All documentation which supports or contradicts Ambassador Rice's statement that the attack evolved from a protest and was not premeditated;
6. All documentation which supports or contradicts Libyan President el-Megarif's statement that the attack was premeditated; and
7. All information, which does not directly expose sources or methods, related to the attack on the consulate.

⁴ Testimony of National Counterterrorism Center Director Matt Olsen before the Senate Committee on Homeland Security and Governmental Affairs, September 19, 2012.

⁵ Arwa Damon, "More Details Emerge on U.S. Ambassador's Last Moments," CNN, September 15, 2012.

⁶ *Id.*

⁷ Kim Sengupta, "Libya: We Gave US Three-Day Warning of Benghazi Attack," The Independent, September 18, 2012.

⁸ *Id.*


The Honorable Hillary Rodham Clinton
September 20, 2012
Page 3

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and may at "any time" investigate "any matter" as set forth in House Rule X. An attachment to this letter provides additional information about responding to the Committee's request.

We request that you provide the requested documents and information as soon as possible, but **no later than 5:00 p.m. on October 4, 2012**. When producing documents to the Committee, please deliver production sets to the Majority Staff in Room 2157 of the Rayburn House Office Building, and the Minority Staff in Room 2471 of the Rayburn House Office Building. The Committee prefers, if possible, to receive all documents in electronic format. The Committee has the cleared personnel and facilities to accept and store all classified information including Top Secret/SCI information.

If you have any questions about this request, please contact Thomas Alexander or James Lewis of the Committee Staff at 202-225-5074. Thank you for your attention to this matter.

Sincerely,



Jason Chaffetz
Chairman
Subcommittee on National Security,
Homeland Defense, and Foreign Operations

Enclosure

cc: The Honorable John Tierney, Ranking Minority Member
Subcommittee on National Security, Homeland Defense, and Foreign Operations

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Responding to Committee Document Requests

1. In complying with this request, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
 - (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - (b) Document numbers in the load file should match document Bates numbers and TIF file names.
 - (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - (d) All electronic documents produced to the Committee should include the following fields of metadata specific to each document;

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH,
PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE,
SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM,

CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.
7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.
8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.
10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.
11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
14. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.
15. Unless otherwise specified, the time period covered by this request is from January 1, 2009 to the present.
16. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been

located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.

17. All documents shall be Bates-stamped sequentially and produced sequentially.
18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.
19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Schedule Definitions

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.

3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.
5. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
6. The term “referring or relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.
7. The term “employee” means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.

EXHIBIT 8

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

From: Mills, Cheryl D <MillsCD@state.gov>
Sent: Tuesday, November 13, 2012 3:02 PM
To: H; Reines, Philippe I
Subject: RE: How are the hearings going?

Just starting – had to have a little come to with some of our colleagues but folks now on board.

PIR is up there with them

From: H [mailto:HDR22@clintonemail.com]
Sent: Tuesday, November 13, 2012 3:01 PM
To: Mills, Cheryl D; Reines, Philippe I
Subject: How are the hearings going?

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

EXHIBIT 9

next →

insider.com/open-
ig-whats-on-your-
agenda-this-week/)

(http://gretawire.f
who-secretar
with-today-and-f

(http://gretawire.foxnewsinsider.com)

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5/6/13 at 10:48 am

Latest from the STATE DEPARTMENT: Counterterrorism Bureau was NOT cut out of the decision making on 9/11 (Benghazi)

Via State Dept. spokesman Jen Psaki. Attributable directly to [Daniel] Benjamin.

Statement by Former Coordinator for Counterterrorism Ambassador Daniel Benjamin May 6, 2013

It has been alleged that the State Department's Counterterrorism Bureau was cut out of the discussion and decision-making in the aftermath of the Benghazi attacks. I ran the bureau then, and I can say now with certainty, as the former Coordinator for Counterterrorism, that this charge is simply untrue. Though I was out of the country on official travel at the time of the attack, I was in frequent contact with the Department. At no time did I feel that the Bureau was in any way being left out of deliberations that it should have been part of.

After the attack, the first question to arise that involved the CT Bureau was whether or not the Foreign Emergency Support Team (FEST) should be deployed. This interagency team is designed to assist and advise the U.S. Chief of Mission in assessing crises and coordinating U.S. government crisis response activities. The question of deployment was posed early, and the Department decided against such a deployment. In my view, it was appropriate to pose the question, and the decision was also the correct one. There is nothing automatic about a FEST deployment, and in some circumstances, a deployment could well be counterproductive.

After Benghazi, such a deployment would have had little positive impact and might well have complicated the difficult situation of US personnel on the ground in Libya. If I had believed the decision that was taken to have been incorrect, I would personally have raised the question of the FEST again.

The foremost concerns for the Department immediately after Benghazi were to ensure that no further violence was carried out against Americans in Libya or elsewhere around the world. Those issues belonged above all to the Bureau of Diplomatic Security and the regional bureaus.

The Bureau was a central participant in the interagency discussion about the longer-term response to Benghazi. At no time was the Bureau sidelined or otherwise kept from carrying out its tasks.

James Rosen

Chief Washington Correspondent

Host, "The Foxhole"

Leave a Comment (353 (http://gretawire.foxnewsinsider.com/2013/05/06/latest-from-the-state-department-counterterrorism-bureau-was-not-cut-out-of-the-decision-making-on-911-benghazi/#disqus_thread))

Recent Stories (<http://gretawire.foxnewsinsider.com/recent>)

9/1/15 at 6:58 pm

Don't Miss Tonight's 'On the Record' at 7 pm/ET and Join the Conversation on Twitter Using @greta and #greta ! (<http://gretawire.foxnewsinsider.com/twitter/dont-miss-tonights-on-the-record-at-7-pmet-and-join-the-conversation-on-twitter-using-greta-and-greta-180/>)

9/1/15 at 6:57 pm

Questions, Comments on Tonight's ON THE RECORD?
(<http://gretawire.foxnewsinsider.com/2015/09/01/questions-comments-on-tonights-on-the-record-116/>)

9/1/15 at 3:55 pm

VIDEO: Honoring Louisiana State Trooper Steven Vincent who was Murdered in the Line of Duty (<http://gretawire.foxnewsinsider.com/video/video-honoring-louisiana-state-trooper-steven-vincent-who-was-murdered-in-the-line-of-duty/>)

9/1/15 at 11:20 am

thoughts? (<http://gretawire.foxnewsinsider.com/open-thread/thoughts-485/>)

9/1/15 at 11:02 am

EXHIBIT 10

Video: Ansar Al-Shari'ah Statement on US Consulate Attack in Benghazi https://www.opensource.gov/portal/server.pt/gateway/PTARGS_0_0_...

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Video: Ansar Al-Shari'ah Statement on US Consulate Attack in Benghazi

FBS20120912542729 [YouTube](#) In Arabic 12 Sep 12

[Processed from video posted to YouTube by user "abou asle" on 12 September; For a copy of this video, contact GSG_GVP_VideoOps@rccb.osis.gov or, if you do not have e-mail, the OSC Customer Center at (800) 205-8615.]



Opening slate of video

The 5-minute 1-second video starts with a caption that reads: "Statement by the Ansar al-Shari'ah Brigade on the incident of the US Consulate in Benghazi." [Click [here](#) to see the video.]

Speaking in a press conference from the Al-Shuhada (formerly Al-Jala) Hospital, in front of a banner that reads: "We Ansar al-Shari'ah [supporters of the Shari'ah] vow to God and then to our people to be a shield to protect our religion, people, and country. Together to champion the Shari'ah; together to build Libya. Ansar al-Shari'ah; your sons at your service," the ASS spokesperson says:

Praise be to God, the Lord of all creation. Prayer and peace be upon our Prophet Muhammad and upon all prophets and messengers. May God be pleased with the

pious companions and those who followed them in piety until Judgment Day.

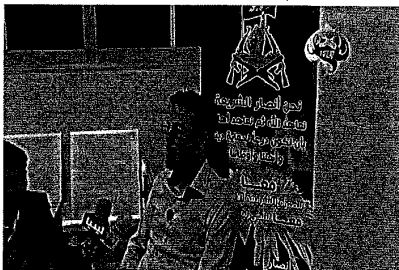
We greet our Muslim Libyan people for this popular uprising, out of zeal for God's religion and in championship of God's Messenger, God's prayer and peace be upon him.

Almighty God said, and the Almighty still says: "Such days (of varying fortunes) We give to men and men by turns," [partial Koranic verse, Al Imran, 3:140] "We give to men and men by turns" means that We dispose and turn them in various ways.

Recently, our Prophet, God's prayer and peace be upon him, has been derided, by an evil Danish caricaturist in his caricatures. Back then, our Muslim Libyan youths revolted and decided to march to the Italian consulate. The response of the tyrant's [Al-Qadhafi] entourage to those armless youths was blazing, burning fire. Some of them were killed, we ask God to accept them among martyrs.

Now, history repeats itself, but with different people. Our Prophet, God's prayer and peace be upon him, has been assaulted and derided by some people in the United States and other countries. There, there is an American pastor who is known for his animosity to Islam and Muslims, supported by some of the Copts in Diaspora. They carried out this outrageous act.

Video: Ansar Al-Shari'ah Statement on US Consulate Attack in Benghazi https://www.opensource.gov/portal/server.pt/gateway/PTARGS_0_0_...



Ansar al-Shari'ah spokesman

places where the Battalion was entrusted with some duties. The Battalion did not participate as independent entity acting upon some orders. Rather, it was a spontaneous and popular uprising in response to what the West did. Thank you. [GMP20120912094001]

Click [here](#) (34.8 MB) to view "YouTube12September.wmv"

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As we greet our people for their zeal in defense of God's religion and in championship of His Messenger, God's prayer and peace be upon him, we say that the response must be firm and decisive without leniency. This is so because we derived this response from the traditions of our Prophet, may God's prayers and peace be upon him. It is known that the Prophet, may God's prayers and peace be upon him, said to his companions: "Who would kill Ka'b Bin-al-Ashraf?" Ka'ab Bin al-Ashraf wrote poems satirizing our Prophet, may God's prayers and peace be upon him. The Prophet, God's prayers and peace be upon him, said: "Who would kill Ka'b Bin-al-Ashraf? Muhammad Bin-Maslamah, may God be pleased with him, said: 'O God's Apostle! Do you like me to kill him?'" He replied in the affirmative. So, Muhammad Bin-Maslamah, may God be pleased with him, went to him [Ka'b] and killed him by his sword, and thus his chest was healed."

So, deriding Islam and the master of the sons of Adnan [Prophet Muhammad], prayers and peace be upon him, must be dealt with sternly. What is important is that it was a popular uprising in which all Libyans participated in support of the religion of the Lord of all creation, and in support of the master of all messengers, may the best of prayers and salutations be upon our Prophet.

The Ansar al-Shari'ah Battalion did not participate in this popular uprising as an independent entity. Rather, it was performing its duty in the Al-Jala Hospital and other

EXHIBIT 11

11/3/2016

Benghazi Bombshell: Clinton State Department Official Reveals Details of Alleged Document Review - The Daily Signal



Benghazi Bombshell: Clinton State Department Official Reveals Details of Alleged Document Review

Sharyl Attkisson / September 15, 2014

As the House Select Committee on Benghazi prepares for its first hearing this week, a former State Department diplomat is coming forward with a startling allegation: Hillary Clinton confidants were part of an operation to “separate” damaging documents before they were turned over to the Accountability Review Board investigating security lapses surrounding the Sept. 11, 2012, terrorist attacks on the U.S. mission in Benghazi, Libya.

UPDATE: Hillary Clinton’s chief of staff allegedly present at after-hours document review.

According to former Deputy Assistant Secretary Raymond Maxwell, the after-hours session took place over a weekend in a basement operations-type center at State Department headquarters in Washington, D.C. This is the first time Maxwell has publicly come forward with the story.

At the time, Maxwell was a leader in the State Department’s Bureau of Near Eastern Affairs, which was charged with collecting emails and documents relevant to the Benghazi probe.



Raymond Maxwell, former State Department deputy assistant secretary (Photo: Sharyl Attkisson)

“I was not invited to that after-hours endeavor, but I heard about it and decided to check it out on a Sunday afternoon,” Maxwell says.

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Benghazi Bombshell: Clinton State Department Official Reveals Details of Alleged Document Review - The Daily Signal

He didn't know it then, but Maxwell would ultimately become one of four State Department officials singled out for discipline—he says scapegoated—then later cleared for devastating security lapses leading up to the attacks. Four Americans, including U.S. Ambassador Christopher Stevens, were murdered during the Benghazi attacks.

'Basement Operation'

Maxwell says the weekend document session was held in the basement of the State Department's Foggy Bottom headquarters in a room underneath the "jogger's entrance." He describes it as a large space, outfitted with computers and big screen monitors, intended for emergency planning, and with small offices on the periphery.

When he arrived, Maxwell says he observed boxes and stacks of documents. He says a State Department office director, whom Maxwell described as close to Clinton's top advisers, was there. Though the office director technically worked for him, Maxwell says he wasn't consulted about her weekend assignment.



'Basement operation': The Department of State in Washington. (Photo: Wayan Vota/Creative Commons)

"She told me, 'Ray, we are to go through these stacks and pull out anything that might put anybody in the [Near Eastern Affairs] front office or the seventh floor in a bad light,'" says Maxwell. He says "seventh floor" was State Department shorthand for then-Secretary of State Clinton and her principal advisers.

"I asked her, 'But isn't that unethical?' She responded, 'Ray, those are our orders.' "

A few minutes after he arrived, Maxwell says, he walked two high-ranking State Department officials.

In an interview Monday morning on Fox News, Rep. Jason Chaffetz, R-Utah, named the two Hillary Clinton confidants who allegedly were present: One was Cheryl Mills, Clinton's chief of staff and a former White House counsel who defended President Bill Clinton during his impeachment trial. The other, Chaffetz said, was Deputy Chief of Staff Jake Sullivan, who previously worked on Hillary Clinton's and then Barack Obama's presidential campaigns.

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Benghazi Bombshell: Fox News Reports on Sharyl Attkisson's...



"When Cheryl saw me, she snapped, 'Who are you?'" Maxwell says. "Jake explained, 'That's Ray Maxwell, an NEA deputy assistant secretary.' She conceded, 'Well, OK.'"

Maxwell says the two officials, close confidants of Clinton, appeared to check in on the operation and soon left.

Maxwell says after Mills and Sullivan arrived, he, the office director and an intern moved into a small office where they looked through some papers. Maxwell says his stack included pre-attack telegrams and cables between the U.S. embassy in Tripoli and State Department headquarters. After a short time, Maxwell says he decided to leave.

"I didn't feel good about it," he says.



Cheryl Mills, left, was Hillary Clinton's chief of staff and a White House counsel who defended President Bill Clinton during his impeachment trial. (Photo: Newscom)

We contacted Mills and Sullivan to ask about the allegations and the purpose of the described separation of documents, but they did not return calls or emails. We reached out to Clinton, who declined an interview request and offered no comment. A State Department spokesman told us it would have been impossible for anybody outside the Accountability Review Board (ARB) to control the flow of information because the board cultivated so many sources.

'Unfettered Access'?

11/3/2016

Benghazi Bombshell: Clinton State Department Official Reveals Details of Alleged Document Review - The Daily Signal

When the ARB issued its call for documents in early October 2012, just weeks after the Benghazi attacks, the executive directorate of the State Department's Bureau of Near Eastern Affairs was put in charge of collecting all emails and relevant material. It was gathered, boxed and—Maxwell says—ended up in the basement room prior to being turned over.

In May 2013, when critics questioned the ARB's investigation as not thorough enough, co-chairmen Ambassador Thomas Pickering and Adm. Mike Mullen responded that "we had unfettered access to everyone and everything including all the documentation we needed."

Maxwell says when he heard that statement, he couldn't help but wonder if the ARB—perhaps unknowingly—had received from his bureau a scrubbed set of documents with the most damaging material missing.



An attacker celebrates as buildings and cars burn at the consulate compound in Benghazi late Sept. 11, 2012. (Photo: Getty Images/Newscom)

Maxwell also criticizes the ARB as "anything but independent," pointing to Mullen's admission in congressional testimony that he called Mills to give her inside advice after the ARB interviewed a potential congressional witness.

In an interview in September 2013, Pickering told me that he would not have done what Mullen did. But both co-chairmen strongly defend their probe as "fiercely independent."

Maxwell also criticizes the ARB for failing to interview key people at the White House, State Department and the CIA, including not only Clinton but Deputy Secretary of State Thomas Nides, who managed department resources in Libya; Assistant Secretary of State for Political Military Affairs Andrew Shapiro; and White House National Security Council Director for Libya Ben Fishman.

"The ARB inquiry was, at best, a shoddily executed attempt at damage control, both in Foggy Bottom and on Capitol Hill," Maxwell says. He views the after-hours operation he witnessed in the State Department basement as "an exercise in misdirection."



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Ambassador to Libya Christopher Stevens and three other Americans were murdered in Benghazi. (Photo: Newscom)

Sullivan did not respond to emails or to messages sent to him through his current teaching job at Yale Law School. Mills did not respond to a message passed to her through Black Rock, a major global investment firm where she is on the board of directors. Clinton's press officer ultimately referred us to the State Department, though none of the three currently works there.

State Department Response

A State Department spokesman, Alec Gerlach, calls the implication that documents were withheld "totally without merit." Gerlach says: "The range of sources that the ARB's investigation drew on would have made it impossible for anyone outside of the ARB to control its access to information."

Gerlach says the State Department instructed all employees to cooperate "fully and promptly" with the ARB, which invited anyone with relevant information to contact the board directly.

"So individuals with information were reaching out proactively to the board. And, the ARB was also directly engaged with individuals and the [State] Department's bureaus and offices to request information and pull on whichever threads it chose to," Gerlach says.

Benghazi Select Committee

Maxwell says he has been interviewed privately by several members of Congress in recent months, including Chaffetz, a member of the House Oversight Committee, and Rep. Trey Gowdy, R-S.C., chairman of the House Select Committee on Benghazi.



Rep. Jason Chaffetz, R-Utah, speaks with Rep. Trey Gowdy, R-S.C., chairman of the Benghazi Select Committee. (Photo: Newscom)

When reached for comment, Chaffetz told me that Maxwell's allegations "go to the heart of the integrity of the State Department."

"The allegations are as serious as it gets, and it's something we have obviously followed up and pursued," Chaffetz says. "I'm 100 percent confident the Benghazi Select Committee is going to dive deep on that issue."

Former Obama Supporter

Maxwell, 58, strongly supported President Barack Obama and personally contributed to his presidential campaign. But post-Benghazi, he has soured on both Obama and Clinton, saying he had nothing to do with security and was sacrificed as a scapegoat while higher-up officials directly responsible escaped discipline.

Maxwell spent a year on paid administrative leave with no official charge ever levied against him. Ultimately, the State Department cleared Maxwell of wrongdoing and reinstated him. He retired a short time later, in November 2013.

11/3/2016

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Maxwell worked in foreign service for 21 years as the well-respected deputy assistant secretary for Maghreb Affairs in the Near East Bureau and is a former chief of staff to the ambassador in Baghdad. Fluent in Portuguese, Maxwell is a Navy "mustanger," which means he successfully made the leap from the enlisted ranks to commissioned officer.



Raymond Maxwell speaks with investigative correspondent Sharyl Attkisson in Washington. (Photo: Courtesy Sharyl Attkisson)

Maxwell also is a prolific poet. While on administrative leave, he published poems online: allegories hinting at his post-Benghazi observations and experiences.

A poem entitled "Invitation" refers to his placement on leave in December 2012: "The Queen's Henchmen / request the pleasure of your company / at a Lynching — / to be held / at 23rd and C Streets NW [State Dept. building] / on Tuesday, December 18, 2012 / just past sunset. / Dress: Formal, Masks and Hoods — / the four being lynched / must never know the identities/ of their executioners, or what/ whose sin required their sacrifice./ A blood sacrifice — / to divert the hounds- / to appease the gods — / to cleanse our filth and /satisfy our guilty consciences..."

11/3/2016

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In another poem called "Trapped in a purgatory of their own deceit," Maxwell wrote: "The web of lies they weave / gets tighter and tighter / in its deceit / until it bottoms out — / at a very low frequency — / and implodes...Yet all the while, / the more they talk, / the more they lie, / and the deeper down the hole they go... Just wait.../ just wait and feed them the rope."



Maxwell in Algiers in 2011 as deputy assistant secretary for the Maghreb region. (Photo: YouTube via U.S. Embassy in Algiers)

Several weeks after he was placed on leave with no formal accusations, Maxwell made an appointment to address his status with a State Department ombudsman.

"She told me, 'You are taking this all too personally, Raymond. It is not about you,' " Maxwell recalls.

"I told her that 'My name is on TV and I'm on administrative leave, it seems like it's about me.' Then she said, 'You're not harmed, you're still getting paid. Don't watch TV. Take your wife on a cruise. It's not about you; it's about Hillary and 2016.' "

Since retiring from the State Department, Maxwell has obtained a master's degree in library information science.

Fox News: Hillary Clinton Aides Allegedly Witnessed Benghazi...



This is a Daily Signal special feature.

EXHIBIT 12

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
 REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

From: [REDACTED]
Sent: Tuesday, October 30, 2012 4:13 PM
To: Abedin, Huma <AbedinH@state.gov>; Reines, Philippe I <reinesp@state.gov>; [REDACTED]@state.gov>
Cc: Mills, Cheryl D <MillsCD@state.gov>; Sullivan, Jacob J <SullivanJJ@state.gov>; [REDACTED]@state.gov>
Subject: Re: HRC Call: [REDACTED]

I wonder if he got the VM she left for him.
 Ok will see if she can do tonight.

From: Abedin, Huma
Sent: Monday, October 29, 2012 03:00 PM
To: Reines, Philippe I; [REDACTED]
Cc: Mills, Cheryl D; Sullivan, Jacob J; [REDACTED]
Subject: Re: HRC Call: [REDACTED]

I was just about to email the same message. My friend visited him last week and he mentioned to hrc was supposed to be calling him. So esp since there is an expectation, she needs to call soon. Ideally if she can do from the road. Otherwise, friday would also be fine.

From: Reines, Philippe I
Sent: Monday, October 29, 2012 12:26 PM
To: [REDACTED]
Cc: Mills, Cheryl D; Abedin, Huma; Sullivan, Jacob J; [REDACTED]
Subject: HRC Call: [REDACTED]

Since returning to the US [REDACTED] Seems like he's now in good enough shape to take a call, so we should knock this out in the next couple of days.

Let me know if you need me to remind her that this is something we had talked to her about several weeks back.

From: Boswell, Eric J
Sent: Thursday, October 25, 2012 09:00 PM
To: Reines, Philippe I
Subject: Fw: [REDACTED]

Philippe,

I think any day before 1100 would worm. [REDACTED] likely to be there for a couple more weeks.

From: [REDACTED]
Sent: Thursday, October 25, 2012 07:37 PM
To: Boswell, Eric J
Cc: Bultrowicz, Scott P

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
 REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
 REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

Subject: Re: [REDACTED]

Good Evening,

[REDACTED] reply is that his personal number [REDACTED] would work fine. He asked that the call be before his which starts at 11.

Best,

[REDACTED], VRAP Coordinator

From: Boswell, Eric J
Sent: Thursday, October 25, 2012 05:51 PM
To: [REDACTED]
Subject: RE: [REDACTED]

Be sure to get me his current phone number.

From: [REDACTED]
Sent: Thursday, October 25, 2012 5:38 PM
To: Boswell, Eric J
Cc: Bultrowicz, Scott P
Subject: Re: [REDACTED]

Hello,

My apologies. I see my email failed. [REDACTED] emailed me today [REDACTED] I asked him about a call today and tomorrow. I will call him again in the morning if the call is still possible.

Best,

[REDACTED], VRAP Coordinator

From: Boswell, Eric J
Sent: Thursday, October 25, 2012 12:40 PM
To: [REDACTED]
Cc: Bultrowicz, Scott P
Subject: FW: [REDACTED]

[REDACTED]

This would be a call from the Secretary. Is [REDACTED] in shape to receive it? And please give me current contact info for him.

EB

From: Reines, Philippe I
Sent: Thursday, October 25, 2012 10:35 AM
To: Boswell, Eric J; Kennedy, Patrick F
Cc: Mills, Cheryl D; [REDACTED] Abedin, Huma
Subject: Re: [REDACTED]

Eric - how is [REDACTED]? Well enough to take a call?

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
 REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

EXHIBIT 13

ALSO BY COLIN POWELL
My American Journey

IT WORKED FOR ME

In Life and Leadership

COLIN
POWELL
WITH TONY KOLTZ



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the game, but not until securing an agreement that I would set the communications requirements, approve the CIA's candidate to manage the pipes, and provide an annual report card on the manager. Tenet agreed, and we signed a treaty. Within a year, our communications capacity had significantly increased, costs had dropped, and Congress got rid of the OMB law. Soon thereafter, State determined that much of our communications traffic could be sent securely over commercial Internet circuits, giving us an even more reliable and less expensive capability.

Meanwhile, we worked on our hardware needs. After a series of false starts with private contractors, we asked our staff to determine our computer requirements. They concluded that we needed more than 44,000 new computers, and we persuaded Congress to fund them.

Soon we had placed an Internet-connected computer on every desk in every embassy and every office in the department; every user had access to both the State systems and the public Internet. We accomplished this installation in less than two years. The last embassy we brought up to date was in Gabon; they complained about being last.

At the same time, we budgeted to avoid obsolescence. Four years down the road we would start replacing our by then out-of-date systems. We also developed a new messaging capability to move us from the world of telegraphic communication and diplomatic cables to email-based systems. We even allowed mobile devices to access our office systems. In short order, we moved from 1945 to 2001. The system is even better today.

This is another example of "taking care of the troops." You have to give your troops the tools they need to get their jobs done; or they will have no reason to believe in you or take seriously your missions and goals.

Because the State Department lives on the information flow in and out of embassies, I performed this little test whenever I

visited an embassy: I'd dart into the first open office I could find (sometimes it was the ambassador's office). If the computer was on, I'd try to get into my private email account. If I could, they passed. Their network pipes were working, and they were using their computers and the Internet.

Bringing in new hardware and software was complex and difficult, but most of the problems involved were practical and functional. Permanently changing brainware was a far greater challenge. It was determined to revolutionize the way our people thought and worked. We had to persuade the entire State Department that we were now in a transactional, not a lunar, world. We no longer lived a time-bound existence where our work and actions are measured by clocks and the passage of days. Computers and email have eliminated physical, geographic, calendar, and clock constraints to communication. Diplomatic messages no longer travel by riders on horseback, or by couriers on trains, ships, or planes.

The leader starts to change institutional brainware by setting the example and changing his own.

To complement the official State Department computer in my office, I installed a laptop computer on a private line. My personal email account on the laptop allowed me direct access to anyone online. I started shooting emails to my principal assistants, to individual ambassadors, and increasingly to my foreign-minister colleagues who like me were trying to bring their ministries into the 186,000-miles-per-second world.

State maintains on its website background notes on every country in the world. The notes are put together by the embassies, but monitored and updated by department country and regional experts and by our public affairs office. Every few weeks, I checked the background notes list, which showed the date when each note had last been updated. More than once I found notes that hadn't been updated in over a year. I fussed at the staff constantly to keep all our data current.

INTERVIEW OF JACOB SULLIVAN

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, SEPTEMBER 5, 2015

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

PHILIP G. KIKO, *Staff Director and General Counsel*

CHRIS DONESA, *Deputy Staff Director*

DANA CHIPMAN, *Chief Counsel*

SHARON JACKSON, *Deputy Chief Counsel*

CRAIG MISSAKIAN, *Deputy Chief Counsel*

MARK GRIDER, *Deputy General Counsel*

MAC TOLAR, *Senior Counsel*

CARLTON DAVIS, *Counsel*

BRIEN A. BEATTIE, *Investigator*

KIM BETZ, *Member Outreach Liaison and Counsel*

HEATHER SAWYER, *Minority Chief Counsel*

PETER KENNY, *Minority Senior Counsel*

SHANNON GREEN, *Minority Counsel*

DANIEL REBNORD, *Minority Professional Staff*

FOR MR. SULLIVAN

BETH ANN WILKINSON

ADAM SCHWARTZ

MARISSA DORAN

1 Mr. Missakian. Okay. Let's go on the record. Good
2 morning everybody. Good morning, Mr. Sullivan. This is the
3 transcribed interview of Jake Sullivan -- Jacob Sullivan
4 conducted by the House Select Committee on Benghazi.

5 The interview is being conducted voluntarily as part of
6 the committee's investigation into the attacks on the U.S.
7 diplomatic facilities in Benghazi, Libya on September 11,
8 2012 and related matters, pursuant to House Resolution 567 of
9 the 113th Congress and House Resolution 5 of the 114th
10 Congress.

11 Mr. Sullivan, would you please just state and spell your
12 name for the record.

13 Mr. Sullivan. Jacob Sullivan, J-A-C-O-B. Last name
14 Sullivan, S-U-L-L-I-V-A-N.

15 Mr. Missakian. Thank you. First of all, we are
16 grateful for your cooperation here. We understand you are
17 appearing voluntarily, and we appreciate that and your time.

18 Good morning. For the record, my name is Craig
19 Missakian, and I'm a member of the majority staff, and I'll
20 be doing the questioning today primarily. There will most
21 likely be questions from the Members that are present, as
22 well as the minority staff that are here today.

23 Before we get into the housekeeping rules, I'll just ask
24 everybody to introduce themselves in the room so you're aware
25 of us. Again, my name is Craig Missakian. I'm with the

1 majority staff, and why don't we go this way around the table
2 first.

3 Ms. Betz. Kim Betz with the majority staff.

4 Mr. Gowdy. Trey Gowdy.

5 Mr. Jordan. Jim Jordan.

6 Mr. Westmoreland. Lynn Westmoreland.

7 Mrs. Brooks. Susan Brooks.

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

9 Mr. Kenny. Peter Kenny with the minority staff.

10 Mr. Rebnord. Dan Rebnord, minority.

11 Mr. Schwartz. Adam Schwartz.

12 Ms. Wilkinson. Beth Wilkinson.

13 Ms. Doran. Marissa Doran.

14 Mr. Kiko. Phil Kiko with the committee.

15 Mr. Donesa. I'm Chris Donesa with the committee.

16 Mr. Grider. Mark Grider, committee.

17 Mr. Chipman. Dana Chipman with the committee.

18 Mr. Davis. Carlton Davis.

19 Mr. Beattie. Brien Beattie.

20 Ms. Jackson. And Sharon Jackson.

21 Mr. Missakian. Mr. Sullivan, have you ever had your
22 deposition taken in a civil litigation before?

23 Mr. Sullivan. No, I haven't.

24 Mr. Missakian. Okay. Well, it's probably good. The
25 rules are slightly different here in this context. I'd like

1 to just go over some of those ground rules with you now.

2 Generally, the way questioning has proceeded in these
3 interviews is that a member of the majority will begin the
4 questioning and will go for an hour or so, and then we will
5 turn over the floor to a member of the minority staff, and
6 then they will go for an hour, and then the sides will switch
7 off, go back and forth an hour at a time and until the
8 questioning is completed.

9 Unlike -- also unlike a testimony in a trial or in a
10 deposition in Federal court, the committee format is not
11 bound by and does not follow the Federal Rules of Evidence.
12 The witness, or your counsel, may raise objections for
13 privilege only, subject to review by the chairman of the
14 committee. If these objections cannot be resolved today
15 during the interview, you may be required to return for a
16 deposition or hearing.

17 As I said -- well, the members and staff of the
18 committee, however, are not permitted to raise objections
19 when the other side is asking questions. So when I'm asking
20 questions, the minority will not be raising objections, and
21 we will afford them the same courtesy.

22 Because this interview may involve some classified
23 information, we are going to treat the session as classified
24 and will conduct the entire interview at the secret or top
25 secret level. Do you understand that?

1 Mr. Sullivan. I do.

2 Mr. Missakian. Now, at any time during the interview
3 you are welcome to confer with your counsel. Just ask to do
4 so. We'll be happy to take a break. If you'd like to take a
5 break for any other reason at any point in the day, just
6 speak up and we'd be happy to accommodate that.

7 You'll notice that there is a court reporter here in the
8 room. She'll be taking down everything that we say. We just
9 ask that we try not to speak over each other, and I'll do my
10 best not to do that for you, and I'll just ask for the same
11 in return. It's for the benefit of the court reporter and
12 the integrity of the record.

13 Now, do you understand, Mr. Sullivan, that even though
14 we are in a congressional setting here, you are required to
15 give truthful testimony to the congressional committee in
16 this investigation?

17 Mr. Sullivan. Of course.

18 Mr. Missakian. And you also understand that that
19 obligation applies to questions that are posed to you by
20 congressional staff in addition to Members of Congress?

21 Mr. Sullivan. Yes.

22 Mr. Missakian. Okay. And do you also understand that
23 if you fail to do that, if you provide false testimony, you
24 may be subject to criminal penalties for doing so?

25 Mr. Sullivan. I understand.

1 Mr. Missakian. Is there any reason today why you
2 believe you are unable to give your best testimony or your
3 most truthful testimony?

4 Mr. Sullivan. No. I will do everything I can to give
5 my best testimony and truthful testimony.

6 Mr. Missakian. All right. Thank you. I don't have
7 anything further in the housekeeping area.

8 Heather, do you have anything you would like to put on
9 the record at this point?

10 Ms. Sawyer. Yeah, I think we do just have a couple of
11 clarifying remarks.

12 Mr. Sullivan, it's our understanding that you testified
13 previously almost 2 years ago, I believe. I just wanted to
14 confirm that you had an opportunity to review your
15 transcript?

16 Mr. Sullivan. Yes. I gave an interview to the House
17 Oversight Committee in September of 2013. And a couple of
18 days ago I had an opportunity, thanks to Dana, to review my
19 transcript.

20 Ms. Sawyer. This committee has also had the benefit of
21 having your transcript, so we're appreciative that you had a
22 chance to review it as well. And I also think, at the
23 outset, we probably need to designate whether this is going
24 to be secret or top secret level and decide which one it is
25 and make sure that everyone is cleared to that appropriate

1 level because there is a difference in terms of the clearance
2 level. So is everyone in the room is cleared to top secret?

3 Mr. Missakian. I believe so.

4 Ms. Sawyer. So I think just to clarify for the
5 record --

6 Ms. Wilkinson. I don't know that we are. I don't know
7 whether the State Department considers us --

8 Mr. Schwartz. We are marked as top secret.

9 Ms. Wilkinson. Okay. So we are top secret. Then we're
10 fine. We don't want to do anything --

11 Ms. Sawyer. So we're in agreement that it would
12 designated at the top secret level?

13 Mr. Missakian. Yes.

14 Ms. Sawyer. And with that, we certainly thank you for
15 being here today. We look forward to your testimony.

16 Mr. Sullivan. Thank you.

17 Mr. Missakian. And I'm glad Ms. Sawyer brought up the
18 fact that you had been interviewed previously by Congress.
19 I'm going to do my best not to go over old ground.
20 Occasionally I may run across an area that you were asked
21 about before. I may just be trying to follow up or fill in
22 gaps based on your previous testimony. I will do my best not
23 to go over the same grounds before, just focus on new
24 material here today.

25 EXAMINATION

1 BY MR. MISSAKIAN:

2 Q So let's begin by going to the night of September
3 11th, and before I get into the details of that night, I'd
4 just like to ask you a few questions about your access to
5 classified information in general and your position then as
6 the deputy chief of staff and the policy -- chief of policy.
7 Did I get your titles, right?

8 A So I was the deputy chief of staff for policy and
9 also the director of policy planning at the State Department
10 on the night of September 11th.

11 Q Very good. Thank you. Now, the office you had at
12 that point, [REDACTED]?

13 A Yes. [REDACTED]
14 [REDACTED]

15 Q Did you have a secure phone at your desk?

16 A Yes. I had three phones at my desk. I had a phone
17 that was rated up to top secret/SCI, I had a phone that was
18 rated up to secret, and then I had an unclassified phone.

19 Q And did you have a classified computer at your desk
20 as well?

21 A I had two computer systems. I had a classified
22 computer system and an unclassified computer system. Both of
23 them were at my desk.

24 Q And did the classified system allow you to send
25 classified information by email?

1 A Yes, it did. So you could send classified
2 information by email but only to another computer on the
3 classified system. You couldn't send classified information
4 from the classified system to an unclassified computer.

5 Q Mr. Sullivan, did you have access to what is
6 typically referred to as the PDB, or the President's daily
7 briefing book?

8 A No, I did not.

9 Q Did you ever have occasion to read what we
10 typically refer to as raw intelligence products?

11 A There would be times when raw intelligence
12 products, [REDACTED]

13 [REDACTED] [REDACTED] [REDACTED] would
14 be flagged for me. I wasn't a daily consumer of large
15 quantities of intelligence at the State Department. In
16 subsequent jobs, I became one, but in that position, I would
17 read intelligence reports but not in great volume.

18 Q Did you know that there were intelligence officials
19 stationed at the State Department?

20 A There was a bureau at the State Department called
21 the Intelligence and Research Bureau, which is part of the
22 intelligence community, and there were also other designees
23 of the intelligence community who, for a variety of reasons,
24 might be working at the State Department, but I guess I'm not
25 quite sure what you mean by "stationed at."

1 Q [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 A [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 Q Now, focusing specifically on the evening of
13 September 11th, but still staying within the realm of the
14 type of intelligence you received, do you recall what
15 intelligence information you received that night from the
16 intelligence community?

17 A On the evening of September 11th?

18 Q Yes, on the evening of September 11th.

19 A The only thing that I can remember is that in the
20 context of an interagency, what we call a SVTCS, a secure
21 video teleconference. The intelligence community would have
22 orally communicated -- did orally communicate some
23 information that they had that evening, but I don't remember
24 exactly what it was, and it was -- they were -- took great
25 pains to say they didn't have a very good sense of what was

1 going on. And so nothing in particular stands out to me from
2 that night in terms of intelligence information.

3 Q What time did that SVTCS begin; do you recall?

4 A I think it was sometime around 7:30 or so, but it
5 was 3 years ago, and I -- I couldn't tell you the exact time.

6 Q I understand. Do you recall roughly how long it
7 went?

8 A I don't. It was pretty lengthy, but I couldn't
9 tell you how long it went.

10 Q Pretty lengthy. Would you say like more than an
11 hour?

12 A More than an hour.

13 Q More than 2 hours?

14 A I don't know.

15 Q Definitely more than an hour, possibly more than 2.
16 And your best recollection is that the intelligence
17 information you received that night came to you during that
18 SVTCS?

19 A That's right.

20 Q You don't recall receiving any written intelligence
21 information either before the SVTCS or after during that
22 night?

23 A Not that night, not that I remember, no.

24 Q Now, moving now to a different period. Now, moving
25 beyond the day of the attacks, September 11 to the period

1 from September 12 to, say, that following Sunday.

2 Do you recall what intelligence information you received
3 during that next period?

4 A I remember the --

5 Q I'm sorry. Maybe I should start with do you recall
6 the form you received it in versus the content? Let's start
7 with the form.

8 A Yeah. I don't remember reading any intelligence
9 reports that week. As I said before, I wasn't regularly
10 reading raw intelligence. I was tending to get briefed on
11 intelligence by people who were working on the issue, and I
12 remember being told over the course of that week that, by
13 Friday, the CIA had determined that they believed that this
14 was -- that this had begun as a protest and then it had
15 escalated into an attack on the compound in Benghazi, and
16 that formed the basis for the conversations that took place
17 that Friday evening and Saturday.

18 Q Now, the conversation you just referred to or where
19 you were briefed by the CIA, where did that briefing occur?

20 A [REDACTED] -- [REDACTED] [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED] --

24 Q I'm sorry. I misunderstood. Okay. Who conveyed
25 information to you about what the CIA was concluding?

1 A I can't recall. I think it was probably someone --
2 you know, one of the foreign service officers on the 7th
3 floor, but I couldn't tell you who it was.

4 Q And how many are there to choose from?

5 A [REDACTED]
6 [REDACTED] [REDACTED] [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED] [REDACTED]
11 [REDACTED]

12 Q Did you get any better information about where they
13 were getting their information? In other words, were they
14 speaking one-on-one to their individual contacts or were they
15 getting this information from some official CIA briefing that
16 they participated in and then it was conveyed to you?

17 A Honestly, I don't remember. I have to say, during
18 that period, my main focus was on each of the individual
19 ongoing assaults and disturbances that were happening, so I
20 wasn't kind of looking back to the precursors, earlier ones.
21 I was trying to stay on top of the unfolding violence over
22 the course of the week. So as the week went on, I wasn't
23 that focused on the question of intelligence predating
24 September 11th.

25 Q Did you have one conversation or more than one

1 conversation with whoever this foreign service officer or
2 officer may be about the information they were getting from
3 CIA, was that one conversation or multiple, if you recall?

4 A You know, it was a incredibly busy time where we
5 were talking all the time about different things, and I
6 just -- I couldn't tell you exactly how many conversations I
7 had about Benghazi or intelligence or so forth. I just
8 remember that this was -- on that Friday, that's what people
9 were saying.

10 Q Okay. And you believe you were hearing this on
11 that Friday right around the time where you saw the talking
12 points that the CIA prepared?

13 A It was right around that time, yeah. It was
14 probably -- yeah, it was right around that time.

15 Mr. Westmoreland. So could I just interrupt for just
16 one second and ask a question?

17 Mr. Missakian. Of course.

18 Mr. Westmoreland. Sorry about that. But these field
19 service officers, I mean, you were the Under Secretary of
20 policy, right?

21 Mr. Sullivan. I was the deputy chief of staff of
22 policy.

23 Mr. Westmoreland. Deputy chief of staff of policy.

24 Mr. Sullivan. But there is actually an -- yeah, yeah.

25 Mr. Westmoreland. And the director of --

1 Mr. Sullivan. Policy planner.

2 Mr. Westmoreland. So is it normal for these guys just
3 to walk up and start telling you information that they had
4 heard or that they were sure of?

5 Mr. Sullivan. I would converse maybe 20, 30, 40, 50
6 times a day with different people on the 7th floor of the
7 State Department. We worked in very close quarters, and
8 especially in an emergency situation like this where, on that
9 Friday, we were dealing with Tunisia.

10 Mr. Westmoreland. But this kind of information at that
11 time period, not to quote Joe Biden, but that was a big deal
12 at that time to get that kind of information. I mean, that
13 doesn't stick in your memory at all who would have told you
14 that?

15 Mr. Sullivan. All I can tell you is what we were
16 focused on was what was going on on the ground in the region,
17 and people were saying things about what had happened. It
18 was an incredibly fluid situation. We just weren't focused
19 at that point on exactly what had happened and how because
20 our job was to try to stay ahead of the curb on the protests
21 that were happening.

22 Mr. Westmoreland. There were a lot of people at the
23 State Department that was focused on what you all were going
24 to say with the talking points, because there was a lot of
25 people from the State Department involved, making sure those

1 talking points said what they wanted them to say, but I'll
2 yield back.

3 Mr. Missakian. Thank you.

4 BY MR. MISSAKIAN:

5 Q At some point during the day, did you hear about
6 the protest in Cairo?

7 A Yes.

8 Q And I know it's a long time ago, but when did you
9 hear about it, as best you can recall?

10 A I heard about it -- honestly, I don't recall the
11 time of day. Shortly after it began, I remember being told
12 that there had been protesters that had scaled the wall of
13 our embassy, had taken down the American flag, and were on
14 the inside of the wall of the compound.

15 Q So when you say you heard that shortly after it
16 began. So shortly after the protest began or shortly after
17 they breached the wall, shortly after the flag --

18 A Shortly after they breached the wall.

19 Q Prior to that, you don't believe you had heard
20 about it?

21 A I don't believe so.

22 Q Do you have a sense of -- I mean, was that
23 something you would have expected to have heard, that there
24 was a big protest in front of an embassy?

25 A Not necessarily. You know, I wasn't in an

1 operational role like the line people in the NEA bureau who
2 would hear about that. You know, I dealt with everything
3 world over from more of a general policy perspective, so I
4 wouldn't be the first person you would call if a protest
5 happened.

6 Q Do you recall how you heard about it?

7 A I don't.

8 Q Do you recall hearing that there were indications
9 on social media that there might be a protest at the Cairo
10 embassy?

11 A I don't remember hearing that, no.

12 Q To your knowledge, was Secretary Clinton apprised
13 of the Cairo protest?

14 A She was apprised of it, yes. Of the -- you mean of
15 the protest or of the breach of the wall?

16 Q Let me start with the protest first.

17 A I'm not sure if she was. I know she was apprised
18 after the protesters began to go over the wall.

19 Q How did you learn that?

20 A I was involved in conversations with her after she
21 had learned of it.

22 Q Okay. Who else was -- took part in those
23 conversations?

24 A It would have been -- I'm trying to recall. I
25 think Steve Mull would have been involved. I don't remember

1 who else.

2 Q Do you recall where those conversations took place?

3 A It would have been -- they took place on the 7th
4 floor of the State Department.

5 Q Do you recall if those conversations took place
6 shortly after the walls had been breached at the embassy?

7 A That's what I remember, but honestly, it was a, you
8 know, fast-moving situation, so I couldn't tell you for
9 certain.

10 Q Do you recall anything that was said during those
11 conversations?

12 A I don't other than the Secretary wanted to make
13 sure -- be updated and directed her team to make sure that we
14 did whatever we could to resolve the situation without any
15 damage or injury or loss of life.

16 Q Was there anything specific discussed? How to
17 accomplish those objectives?

18 A I don't remember what, if anything, specific was
19 discussed.

20 Q Now, focusing again on the attacks in Benghazi. Do
21 you recall how you first heard about the attacks in Benghazi?

22 A Yes. I first heard about the attacks in Benghazi,
23 I was sitting at my desk, and I both received an email and
24 someone came and told me that there was an attack at the
25 compound in Benghazi.

1 Q Have you had a chance to review your emails from
2 that evening?

3 A I looked very briefly at my emails from that
4 evening a couple of days ago. I got basically to skim them,
5 so I didn't get to read them in detail or really get to
6 refamiliarize myself with them in a significant way.

7 Q Okay.

8 Ms. Wilkinson. Mr. Missakian, can I just make one thing
9 clear on the record.

10 Mr. Missakian. Of course.

11 Ms. Wilkinson. So you know and everyone does. Mr.
12 Sullivan's clearance was just reactivated yesterday.

13 Mr. Missakian. Yesterday, I believe.

14 Ms. Wilkinson. So when we went to the State Department
15 to review documents, he was not allowed to see his classified
16 documents. Just so when you're questioning him, you know he
17 could look at unclassified, but he has been unable to look at
18 the classified documents.

19 Mr. Missakian. Thank you.

20 Mrs. Brooks. I have a brief question on that. When did
21 you request that the clearance be reinstated?

22 Ms. Wilkinson. I think we -- well, we thought for a
23 long time he had it, but we weren't allowed to go over to the
24 State Department until recently, and then we -- when you all
25 set the date, we checked with the State Department, and then

1 they said he didn't have a clearance, but they said they
2 would work on it. And in fact, it was Mr. Sullivan who
3 recalled that he had one. He had done a new -- what's it
4 called?

5 Mr. Sullivan. SF 86.

6 Ms. Wilkinson. SF 86 at the White House, so we told the
7 State Department to look there, and they did, and that
8 enabled them to, you know, reactivate.

9 Mrs. Brooks. Approximately when was that?

10 Ms. Wilkinson. Last week sometime we started, I think.
11 I really am not sure when I asked them. When I asked the
12 State Department, I presumed it was still active, and then
13 when I realized I was mistaken.

14 Mrs. Brooks. Thank you.

15 Ms. Sawyer. Yeah, and just to make clear on the record.
16 We were only notified last Friday that there had been a
17 request from the committee last Friday, an inquiry of you all
18 as to what the status of the clearance of your client's was,
19 and that that conversation from the committee that they would
20 be able to request to discuss classified information was only
21 made last Friday. Is that accurate?

22 Ms. Wilkinson. It is. And just to be clear to
23 everyone, the State Department was in touch with us night and
24 day this past week. They sent over a security officer to our
25 firm to brief -- Mr. Brewster was here yesterday. He's a

1 former military officer. And to brief Mr. Sullivan to get
2 them back up. I mean, Mr. Schwartz was communicating late at
3 night with Mr. Evers. They really did do everything they
4 could to help us get his clearance reactivated.

5 Mrs. Brooks. Thank you.

6 Ms. Betz. And I think it's important to note on the
7 record that we just received a package of classified
8 documents that involved the witness today last Friday, so,
9 you know, all of this has transpired in a very short period
10 of time.

11 Ms. Wilkinson. Totally understandable. Just, you know,
12 we didn't -- I guess yesterday you were allowed to see those.
13 I don't think Mr. Sullivan saw those either.

14 Ms. Betz. Okay.

15 BY MR. MISSAKIAN:

16 Q Mr. Sullivan, let's go back to the night of the
17 attack.

18 A Uh-huh.

19 Q And I just want to get a sense of the kind of
20 information that you were receiving about what was going on.

21 There's obviously the operation center at the State
22 Department where you were receiving information from the op
23 center?

24 A Yes. We -- the op center would sort of scour
25 public news reports and some other information and then share

1 it with officials throughout the State Department. That was
2 their job. That's what they would do in any circumstance
3 like this.

4 Q Did their obligation to collect information go
5 beyond collecting information that was in the public domain?

6 A If they came to something, yes, but their typical
7 responsibility was to review open source information.

8 Q And did you recognize that night that there was
9 information coming directly from Tripoli to the State
10 Department?

11 A Yes. The diplomatic security --

12 Q Did you --

13 A Oh, I'm sorry.

14 Q I'm sorry, go ahead.

15 A The diplomatic security office at the State
16 Department, I understood, was told that night had a phone
17 line open with Tripoli, and they were speaking with them
18 about what was unfolding on the ground.

19 Q Okay. So you understood that there was somebody in
20 Benghazi relaying information to somebody in Tripoli that was
21 internally relaying it to the State Department?

22 A Right.

23 Q And the DS command center, is that -- I understand
24 it's located some place other than at the State Department?

25 A Yes. I'm not exactly sure where it's located, but

1 it's located off site.

2 Q Mr. Sullivan, I'm going to mark a document here as
3 exhibit 1.

4 [Sullivan Exhibit No. 1
5 was marked for identification.]

6 Ms. Wilkinson. Mr. Missakian, just to make one thing --

7 Mr. Missakian. Yes.

8 Ms. Wilkinson. Will you make clear on the record if we
9 are looking at a classified document?

10 Mr. Missakian. Yes. None of the documents that we are
11 going to be showing him at this point are classified
12 documents.

13 Ms. Wilkinson. Great. Thank you.

14 Mr. Missakian. If we get to one, I will definitely make
15 it clear.

16 Mr. Kenny. Do you have copies for your minority
17 colleagues as well?

18 Ms. Wilkinson. You can have one of ours.

19 Ms. Betz. Oh, I'm sorry.

20 BY MR. MISSAKIAN:

21 Q Mr. Sullivan, this is an email dated September 11,
22 2012 at 4:06 p.m. coming from ops alert to a lengthy list of
23 recipients. I don't see your name on here, but there are a
24 number of groups. The scanning that listed groups, would
25 your name fall into any of them?

1 A Nothing jumps out at me, but it's possible that I'm
2 in one of these groups. I received ops alerts --

3 Q You did receive ops alerts?

4 A -- pretty regularly, so I'm not certain.

5 Q Okay. Reading the text, could you read the text
6 and tell me if you recall receiving that information on that
7 evening, and in particular, I'll read a portion of it.

8 "Embassy Tripoli reports approximately 20 armed people
9 fired shots. Explosions have been heard as well." Do you
10 recall getting that information?

11 A I don't recall precisely 20 armed people, but this
12 was consistent with the information that I was getting that
13 night.

14 Q Mr. Sullivan, I've just given you what's been
15 marked as exhibit -- oh, this should be -- could you remark
16 that exhibit 2? Do you have a pen? That should be marked as
17 exhibit 2.

18 [Sullivan Exhibit No. 2
19 was marked for identification.]

20 Ms. Wilkinson. Done.

21 Mr. Missakian. Thank you.

22 BY MR. MISSAKIAN:

23 Q This is a one-page document that consists of two
24 emails. The bottom email is from Scott Bultrowicz to
25 S_SpecialAssistants dated September 11, 2012, at 4:32 p.m.,

1 and then the email above that, which appears to be forwarding
2 the bottom email, is from [REDACTED] to you, Cheryl
3 Mills, Joseph Macmanus, and again, the group,
4 S_SpecialAssistants, and that was forwarded at 4:38 p.m. on
5 September 11.

6 Looking at this document, do you recall receiving it
7 that night?

8 A I don't recall the precise email, receiving it that
9 night, but again, as I said before, this is, you know,
10 consistent with my memory of what unfolded that night.

11 Q What you understood that night?

12 A Yeah.

13 Q Let's dig a little deeper into the bottom email.
14 Do you recall that night knowing that the DS command center
15 had received a call from somebody in Benghazi?

16 A Yes.

17 Q So you understood that there was a direct line of
18 communication to somebody on the ground in Benghazi?

19 A I understood that some people in Benghazi were
20 using cell phones to call back and convey information.

21 Q And a portion of this email at the bottom, I'll
22 read it into the record, says, "There are no injuries at this
23 time, and it is unknown what the intent of the attackers is."

24 Do you recall getting any information after 4:38 p.m. on
25 September 11th regarding the intent of the attackers at the

1 Benghazi complex?

2 A I don't. I think we didn't really know what the
3 intent of the attackers was on the -- on that night.

4 Q The bottom email also refers to the fact that --
5 down at the bottom it says, "Annex QRF is responding and
6 taking fire."

7 At the time, did you know that there was a CIA annex in
8 Benghazi?

9 A [REDACTED]
10 [REDACTED] [REDACTED] [REDACTED]
11 [REDACTED] [REDACTED] [REDACTED]
12 [REDACTED]
13 [REDACTED] [REDACTED]
14 [REDACTED]

15 Q I gather that nothing related to the CIA's presence
16 in Benghazi crossed your desk prior to September 11th, 2012?

17 A [REDACTED]
18 [REDACTED]
19 [REDACTED] [REDACTED]
20 [REDACTED] [REDACTED]
21 [REDACTED]

22 Q I see.

23 A -- until that night.

24 Q This is probably a tough question also. Did you
25 know what "QRF" meant that night?

1 A QRF is a general reference to quick reaction force,
2 so, you know, I recognized the acronym, but when it said,
3 "Annex QRF is responding and taking fire," I assumed that
4 that was some, you know, diplomatic security term. I wasn't
5 sure what it was referring to.

6 Q And with regard [REDACTED],
7 we'll get into that in a little more detail later on, but
8 right now I just want to focus on the evening of September
9 11th.

10 [Sullivan Exhibit No. 3
11 was marked for identification.]

12 BY MR. MISSAKIAN:

13 Q Mr. Sullivan, I've just given you what's been
14 marked as exhibit No. 3. It's a one-page email from [REDACTED]
15 [REDACTED] dated September 11, 2012, sent at 4:49 p.m., to a
16 variety of individuals, including you. The subject line is
17 "Libya update from Beth Jones." So when you've had a chance
18 to review it, just let me know.

19 A Yeah.

20 Q Okay. Thank you. I'd just like to work through
21 the email. So first off, who is Beth Jones?

22 A Beth Jones was the assistant secretary for the Near
23 Eastern Affairs Bureau, which was basically all of North
24 Africa and the Middle East that included Libya.

25 Q I know you don't recall sitting here today whether

1 you received exhibit No. 2, and I assume that's the same here
2 for exhibit No. 3, correct?

3 A Yeah. I mean, the -- this is -- everything in this
4 is consistent with my memory of that evening, but you know, I
5 don't specifically remember getting the email.

6 Q And that's fine. I understand that. That's fair.
7 But I just want to establish, I mean, you were reading your
8 emails that night?

9 A Yes, on and off. I mean, I was in my office, I was
10 across the hall, I was down the hall, I was all over the
11 place that night, but I was doing my best to keep up with my
12 email.

13 Q So you may not have read them as soon as they hit
14 your inbox, but at some point that night, you believe you
15 read what was coming in?

16 A It's possible I missed some. It's almost certain I
17 skimmed some, but I did my best to keep up with my email over
18 the course of the night.

19 Q So far, the documents we've seen, you have no
20 reason to believe you did not receive them that night?

21 A That I didn't receive them?

22 Q Yeah.

23 A No, no, I have no reason to believe I didn't
24 receive them.

25 Q All right. Let's go back to the text of the email.

1 Did you have any conversations with Beth Jones that
2 night concerning the attacks in Libya?

3 A I don't remember specifically, but she may have
4 been in the SVTCS. I don't remember. I don't remember
5 having a conversation with her that night.

6 Q But your recollection of the information you had
7 that night is consistent with the information contained in
8 this email; is that correct?

9 A Yeah.

10 Q Okay. You can put it aside. Thank you.

11 I would like to show you exhibit -- what I'll mark as
12 exhibit No. 4.

13 [Sullivan Exhibit No. 4
14 was marked for identification.]

15 BY MR. MISSAKIAN:

16 Q It's been marked as exhibit No. 4. I believe it's
17 a two-page document. At the very top of page 1 is an email
18 again from [REDACTED] dated September 11, 2012, now at
19 5:55 p.m. You are included as one of the recipients. The
20 subject line is "Libya update from Beth Jones." Once you've
21 had a chance to read through it, just let me know.

22 A Okay.

23 Q Thank you. Again, do you recall this -- receiving
24 this email that night or have any reason to believe you did
25 not receive it?

1 A I don't recall receiving it. I don't have a reason
2 to believe I didn't receive it.

3 Q Let's focus on the second email from the top on
4 first page, the one at 5:32 p.m. Do you see that one?

5 A Yes.

6 Q And at 5:32, word just goes out that "The fighting
7 has stopped, DCM Greg Hicks just confirmed to me."

8 Do you recall that night, Mr. Sullivan, learning that
9 the attack on the Benghazi state facility stopped at some
10 point and then there was a second attack later in the evening
11 at the CIA Annex?

12 A Yes.

13 Q So it was clear that night in your mind that there
14 were two separate attacks?

15 A I guess. The way I'd put it is I knew there was a
16 first attack. I then learned that we had these two separate
17 facilities, and then there was a second attack on the second
18 facility. I learned all of that that night, as the night
19 unfolded.

20 Q When did you learn of the second attack, do you
21 recall, or how did you learn it? Maybe that's an easier
22 question to start with.

23 A I don't remember exactly who told me, but I was
24 still at the State Department. It was very late at night,
25 and someone either came up or called up to say that there was

1 an attack on the second compound, and there were casualties.

2 Q What -- well, let me go back to that. When you
3 first heard about the second attack, did you hear that there
4 were casualties in that conversation or did that come in a
5 later conversation?

6 A I can't be certain. I'm sorry.

7 Q What time did you leave the State Department that
8 night; do you know that?

9 A I don't remember exactly when I left. I think it
10 was probably somewhere around 2 o'clock in the morning, and I
11 left only to go to work on the Secretary's statement for the
12 following day, so I stayed up most of the night that night.

13 Q Did you learn that night what's reflected in this
14 email -- now I'm looking at the very top email. "Greg said
15 his team reports that the extremist group Ansar al-Sharia has
16 taken credit for the attack in Benghazi."

17 Do you recall learning that -- of that fact that night?

18 A Yeah, I remember somebody saying that Ansar Al
19 Sharia had gone on Facebook and said it was taking credit.

20 Q And prior to that night, did you recognize the
21 group Ansar Al Sharia as a terrorist organization or was this
22 the first time you had heard of the group?

23 A I think this is the first time I had heard of the
24 group Ansar Al Sharia. I can't be certain, but it wasn't a
25 name that stood out to me.

1 Q Did you attempt to get any more information that
2 night about the group?

3 A Not that night. We were really focused on figuring
4 out how we were going to get our people out of Benghazi.

5 Q Did you come to learn that night that the group
6 Ansar Al Sharia, or some other group had threatened another
7 attack on the Tripoli embassy?

8 A I saw, or heard, discussions of the possibility of
9 attacks in Tripoli; and, in fact, one of the considerations
10 we had that night was, you know, we want to send guys by
11 plane as quickly as possible to Benghazi, but we can't send
12 everybody because we got to have some people to be able to
13 protect Tripoli because there could be an attack there as
14 well.

15 Q When you say that you believed there could be an
16 attack there as well, is that -- was that a conclusion that
17 was drawn because you were just been cautious with regard to
18 embassies generally, or was it based on what appears to be a
19 specific threat that there will be a -- an attack on the
20 Tripoli embassy?

21 A As I remember it, Embassy Tripoli had reason to
22 believe that there was a possibility of an attack, or had
23 cause for concern that there might be, and we obviously
24 wanted to be very attentive to that.

25 Mrs. Brooks. I have a question on -- did the State

1 Department have a social media monitoring platform that you
2 were aware of where anyone was monitoring social media around
3 the globe?

4 Mr. Sullivan. I wouldn't say there was systematic
5 monitoring, some kind of filter that was looking at
6 everything everywhere. What the op center would do is it
7 would look for reports from social media as well as other
8 reports and draw some out, but I would describe that as a
9 more informal process as opposed to some very technical
10 social media monitoring.

11 Mrs. Brooks. Was that part of your role in planning --
12 was planned -- strategic planning and so forth?

13 Mr. Sullivan. Policy planning, yeah.

14 Mrs. Brooks. I mean, did they provide you information
15 or reports about social media monitoring, so to speak, of
16 issues around the globe like this?

17 Mr. Sullivan. So policy planning was much more focused
18 on medium- and long-range planning, not on what's happening
19 in the next 24 or 48 hours or how do we respond immediately
20 to things. So in my capacity as director of policy planning,
21 I'd be looking out sort of over the horizon as opposed to
22 immediate time, so we wouldn't be engaged with the op center
23 on anything related to social media in that context.

24 But of course, I sort of wore two hats. I was also the
25 deputy chief of staff of policy, and there I was much more

1 involved in day-to-day policy things. But beyond alerts and
2 reports that I would get from the op center, I didn't --
3 there wasn't any kind of specialized social media monitoring
4 reports that would come to me.

5 Mrs. Brooks. As deputy chief of staff, how much
6 interaction did you have with the diplomatic security
7 division of State?

8 Mr. Sullivan. Well, I traveled with the Secretary, and
9 so I went everywhere she went. So we went to 112 countries
10 over the course of our 4 years; and obviously, diplomatic
11 security travels with us, so I became very friendly with a
12 lot of agents. You know, we were in close quarters traveling
13 the world together.

14 In terms of dealing with diplomatic security in a more
15 operational way, you know, how they deal with embassies and
16 posts around the world, I really didn't have any dealings
17 with them because I wasn't focused on operations, I was
18 focused on the policy side.

19 Mrs. Brooks. And had you been to Libya with the
20 Secretary prior to the attack?

21 Mr. Sullivan. Yeah. I went with her in October
22 of 2011.

23 Mrs. Brooks. In October of 2011?

24 Mr. Sullivan. I believe -- I think so. I think it was
25 October 2011.

1 Mrs. Brooks. Okay. Thank you.

2 Mr. Missakian. Mr. Sullivan, Mr. Westmoreland has a
3 question or some questions for you about a document that I
4 just marked as Exhibit No. 5. When you've had a chance to
5 look at it, let us know and Mr. Westmoreland will ask you
6 some questions.

7 [Sullivan Exhibit No. 5
8 was marked for identification.]

9 Mr. Sullivan. Okay.

10 Mr. Westmoreland. Mr. Sullivan, when you mentioned the
11 field service officer telling you, I guess, what -- either
12 what the talking points were or what the CIA came up with,
13 we -- I'm on the intelligence committee also, and we
14 interviewed Mr. Morell several times about coming up with the
15 talking points, so -- and this was a sheet that he gave us.
16 And you'll see down on the bottom right, there's a group of
17 names, and I'm assuming you -- could you just tell me if you
18 know those folks and what -- where they work, what their
19 position was?

20 Mr. Sullivan. Yes. Robert Cardillo was the deputy
21 director of the DNI, the -- well, you know DNI. [REDACTED]

22 [REDACTED]

23 [REDACTED] [REDACTED] [REDACTED]

24 [REDACTED] Matt Olsen was the
25 head of the NCTC. Obviously, I was me. Mark Guiliano was

1 the deputy director of the FBI. Lisa Monaco was the
2 assistant attorney general for national security at the
3 Justice Department, and Ben Rhodes was the deputy director --
4 deputy national security advisor for strategic communications
5 with the white House?

6 Mr. Westmoreland. Okay. When -- was this a phone call
7 that you all were all on or was it a -- I couldn't remember
8 if it was a phone call or a video conference, or what this
9 list was.

10 Mr. Sullivan. I believe this list was the list of
11 people that he wanted to say okay when he sent around the
12 talking points.

13 Mr. Westmoreland. Okay. So you weren't on a conference
14 call or a secure video or anything.

15 Mr. Sullivan. So we weren't on a conference call. On
16 Saturday morning, there was a secure video conference. That
17 was on a range of issues related to the unrest and
18 disturbances and attacks in the region. I think, for the
19 State Department, there were probably somewhere between 10
20 and 15 people in the room, and you know, it would be set up
21 in a room like this, and we'd have the monitor up there. You
22 probably -- we have five or six people around the table, and
23 then a few of us just sitting around the back, and that was
24 true for all the other agencies.

25 So dozens and dozens of people on this interagency video

1 conference, which was chaired by the NSC, and the purpose the
2 SVTCS was to review our security posture, see if there were
3 going to be more attacks or more assaults at our embassies.

4 At the very end of that, Mike Morell raised the talking
5 points and said, I've got these points, I'm not satisfied
6 with them, I'm going to take my hand at editing them, and the
7 chair of the meeting said, When you do, just, you know, make
8 sure you get final signoff, including from Ben and Jake, Ben
9 Rhodes and Jake Sullivan.

10 And so after that ended, I didn't speak on that. I
11 didn't say anything, neither did anyone else. It was just
12 Morell and the chair. Morell sent around the final points,
13 and we all signed off on them, and it was this list of people
14 that were signing off on them.

15 Mr. Westmoreland. So that would on the 15th, Saturday,
16 right?

17 Mr. Sullivan. Right.

18 Mr. Westmoreland. So you did -- did you or any of these
19 other people you know of have any input into what the talking
20 points were going to be?

21 Mr. Sullivan. I don't know about the rest of the
22 people. I do know that Cardillo and Olsen and Guiliano and
23 Monaco all signed off on the document that Mike Morell sent
24 around on Saturday that I also signed off on.

25 Mr. Westmoreland. But you signed off on it, too, right?

1 Mr. Sullivan. Yes.

2 Mr. Westmoreland. Just you signed off on them. Did the
3 Secretary have to sign off on them? Did Cheryl Mills or just
4 Jake Sullivan?

5 Mr. Sullivan. It was just me. Yeah. No, the -- and I
6 made two small changes as well.

7 Mr. Westmoreland. Oh, you did?

8 Mr. Sullivan. Yeah.

9 Mr. Westmoreland. What were they?

10 Mr. Sullivan. The first was that I asked Mike to change
11 the word "Consulate." You see how it says "U.S. Consulate"
12 here in the first bullet, to "Post" or "Diplomatic Post." I
13 don't recall exactly, but it wasn't actually a consulate, and
14 so I asked him to change the words. And then the second was
15 that I asked him to add the word "the."

16 Mr. Westmoreland. What? The word?

17 Mr. Gowdy. The.

18 Mrs. Brooks. The.

19 Mr. Sullivan. "The." I don't remember exactly where in
20 this, but there was a grammatical -- there was a grammatical
21 issue, so I asked for those two, and then I said fine from
22 our perspective. And the reason why --

23 Mr. Westmoreland. So it wasn't a draft. He sent you
24 the final version.

25 Mr. Sullivan. Right.

1 Mr. Westmoreland. And then you say could you make these
2 changes?

3 Mr. Sullivan. Right.

4 Mr. Westmoreland. And then he went back and made those
5 changes?

6 Mr. Sullivan. That's right. And the reason why I could
7 be the person who did that and I didn't have to go to Cheryl
8 or the Secretary and anyone else is, at that point, what he
9 was presenting to us, was intelligence-derived information,
10 and the State Department didn't really have a -- anything to
11 offer to that. The only thing we had to offer was that it
12 wasn't a consulate, it was a post so --

13 Mr. Westmoreland. Do you know if any of the other
14 people made any suggestions?

15 Mr. Sullivan. I remember from the email chain that
16 Cardillo, Olsen, Guiliano, Monaco, these four top
17 counterterrorism officials all signed off with no changes.

18 Mr. Westmoreland. Okay. Thank you, sir.

19 Mr. Gowdy. Mr. Sullivan, the fourth paragraph, "The
20 agency has produced numerous pieces on the threats in
21 extremist linked of al Qaeda in Benghazi and eastern Libya."
22 It looks as if that's been crossed through. Who would be
23 responsible for crossing through that?

24 "Since April there have been at least five other attacks
25 against" -- I can't read that word.

1 Mrs. Brooks. "Foreign interests."

2 Mr. Gowdy. "Foreign interests in Benghazi by
3 unidentified assailants, including the June attack against a
4 British ambassador's convoy." The fourth talking point, who
5 would have crossed through that?

6 Mr. Sullivan. I didn't know this at the time, but since
7 these all ended up getting produced publicly, this was Mike
8 Morell's personal handwritten edits, so he crossed it out.

9 Mr. Gowdy. During a conversation with the folks listed
10 or he did that sua sponte?

11 Mr. Sullivan. I honestly don't know when he did it. I
12 don't know if he did it Saturday morning, Saturday afternoon,
13 I don't know. It wasn't during a conversation with us. We
14 didn't have a conversation.

15 Mr. Gowdy. The reason I'm asking, and then I'll let
16 Craig get back to asking his questions, is he is on the
17 record as saying that he made some edits at the request of
18 7th floor principals at the State Department because he
19 thought the initial iteration of the talking points cast the
20 State Department in a negative light by placing them on
21 notice that this could have happened. But you, nor anyone at
22 the State Department, to your knowledge, was instrumental in
23 having that talking point crossed out?

24 Mr. Sullivan. So I've heard Mike Morell speak publicly
25 on this many times. I never heard him say that 7th floor

1 principals asked him to do anything, and if he did say that,
2 that would be news to me. I never asked him to make any
3 changes, and no one else that I know of on the 7th floor
4 asked him to make any changes.

5 Mr. Gowdy. All right. So the CIA both created and
6 eliminated that fourth talking point?

7 Mr. Sullivan. Yes, but, of course, on Friday night,
8 there was some discussion involving Victoria Nuland and Dave
9 Adams back and forth with the agency at their level on this.
10 So the State Department was involved in the back and forth on
11 this, so I'm just saying that with respect to the 7th floor
12 telling Mike Morell to do anything, absolutely not.

13 Mr. Missakian. Mr. Sullivan, Ms. Betz has a quick
14 question for you.

15 BY MS. BETZ:

16 Q I just want to clarify, to go back to your change
17 with regard to "Post."

18 A Yes.

19 Q I think there has been some question as to "post"
20 versus "mission," and "post" connotes some sort of permanent
21 existence, correct, versus "mission"? So was it your
22 understanding with regards to the entity in Benghazi, was it
23 permanent? Was it temporary? And your use of the word
24 "post" versus "mission."

25 A I guess on that Friday night, I didn't really even

1 remotely think about the difference. I didn't know if it was
2 temporary or permanent. To me, "post" versus "mission" was
3 honestly just a choice of words. What I wanted to make sure
4 happened was that we didn't say "consulate" because I knew
5 for a fact that it wasn't a consulate, but we could have used
6 "mission," we could have used "post." For me, that wasn't a
7 relevant distinction.

8 Q But "post" would recognize that there would be some
9 OSPB security requirements involved with the premises,
10 correct?

11 A I'm sorry. I didn't even know what OSPB security
12 requirements are. I mean, I didn't choose the word "post"
13 with any sense of --

14 Q Okay.

15 A -- diplomatic bureaucracy in mind. It was -- I was
16 trying to use a colloquial term to describe it rather an
17 official term because I didn't want to mislead people that
18 this was a formal consulate.

19 [Sullivan Exhibit No. 6

20 was marked for identification.]

21 BY MR. MISSAKIAN:

22 Q Mr. Sullivan, I just want to ask you a couple of
23 follow-up questions on exhibit No. 5, the one that
24 Westmoreland questioned you about, and I just had someone
25 hand you exhibit 6, which I'll get to in a moment.

1 But with regard to exhibit 5, I just want to get a clear
2 understanding of your purpose for being on the list of people
3 that had to clear this statement. If I heard you correctly,
4 you weren't clearing it to make sure the substance was
5 correct. You were just looking for -- what were you looking
6 for?

7 A I was looking for anywhere where the State
8 Department had a role to play in commenting on the talking
9 points. So when he sent it to me, obviously, I wouldn't
10 comment on the intelligence information he had, but I could
11 obviously comment on the U.S. consulate piece, and that's
12 what I did.

13 Q Right. And you couldn't comment on the
14 intelligence because, if I understood your earlier testimony,
15 at that point, the only understanding you had of the
16 intelligence had essentially come to you secondhand from
17 somebody at the State Department. Is that fair?

18 A But even if I had firsthand knowledge, even if the
19 CIA had briefed me, I still wouldn't second-guess the CIA's
20 intelligence statements. That's not -- as deputy chief of
21 staff of the State Department, I had no business doing that.

22 Q Right. But as a matter of fact, at this point in
23 time, it's like it's September 14th, you did not have
24 firsthand knowledge of the intelligence information, correct?

25 A That's right.

1 Q All right. Now take a look, if you would, at
2 exhibit No. 6. Exhibit No. 6 is a multi-page document. Just
3 for the record, it has document identification number
4 C05580497. The very first page is an email from [REDACTED]
5 dated September 11, 2012, at 6:25 p.m. to [REDACTED].
6 That's spelled [REDACTED]. "Subject: FYI - S call sheet.
7 Urgent call with President Magariaf." Am I pronouncing his
8 name correctly?

9 A Yes, you are. At least as well as I could. Being
10 from Minnesota, I don't -- you know.

11 Q Once you've had a chance to look this over, let me
12 know, and I'll ask you a couple of questions about it.

13 A Just the first page?

14 Q Whatever you feel comfortable with. You want time
15 to look at them all, that's fine, but it's really just the
16 general nature of the document that I'm going to be asking
17 you about, not necessarily the specific contents.

18 First off, generally speaking, what is a call sheet for
19 the Secretary?

20 A Call sheet would provide points and background so
21 that she'd have a reference when she makes the call. She
22 knows what the purpose is, what she's trying to accomplish.
23 Sometimes it's important to register how to put things for a
24 particular leader that she might be calling, and then any
25 background that would be relevant for her as she conducts the

1 back and forth with the foreign official.

2 Q Would you typically have any role in either
3 drafting or editing a call sheet for the Secretary?

4 A Sometimes. I would say majority of the time not,
5 but there would be ones I would edit and sometimes, in
6 certain circumstances, it would be ones I create myself.

7 Q Now, how about with respect to this one in
8 particular, the call sheet for President Magariaf?

9 A I can't remember. I don't think I participated in
10 this one. It was a pretty straightforward call. We knew
11 what we had to do. She had to call him and say, Get your
12 people there stat; we need help.

13 Q Did you participate in that call with the
14 Secretary?

15 A I didn't.

16 Q Were you present in the room?

17 A No.

18 Q Why not?

19 A At the time, I was trying to multi-task and be
20 working to figure out what else needed to be done that night,
21 so there was nothing I could do to contribute to the call.
22 The Secretary had that handled.

23 Q Do you know if anybody participated in the call,
24 and by that, I mean was there anybody else in the room with
25 the Secretary during the call?

1 A Usually there would be somebody else, either in the
2 room or listening on the phone. I don't know if there was in
3 this case.

4 Q Is somebody taking contemporaneous notes during
5 these phone calls?

6 A Often somebody might -- someone would take notes,
7 but not in every case.

8 Q Is that person listening to both sides or just the
9 Secretary's side?

10 A Oftentimes they'd listen to both sides. As I was
11 saying, oftentimes they would also be on the phone. But
12 again, not always. It would vary with practice. But the
13 typical practice was someone would listen to the phone call
14 and take some notes.

15 Q Okay. I understand the term of art for -- well,
16 let me -- would somebody prepare a -- as close to a verbatim
17 summary of these calls as they could?

18 A Right. It would be that -- we had what are known
19 as S Special Assistants, Secretary Special Assistants, or
20 foreign service officers, said they would produce something
21 that's called a MEMCON, in most of these cases.

22 Q With regard to the MEMCONS, did you ever take part
23 in editing or revising a MEMCON that reflected a call between
24 the Secretary and anybody else?

25 A If my 4 years, it is certainly possible that I

1 would look at a MEMCON of a call I listened to and say I
2 don't think he got that quite right. That was really rare,
3 though, and I didn't listen to any of the calls in this
4 timeframe, so of course I wouldn't edit any MEMCONS from the
5 around the general period of the disturbances.

6 Q Do you recall reading a summary of the call the
7 Secretary had with President Magariaf?

8 A I don't.

9 Q Okay. I think my time is almost up. I'm going to
10 be going into a slightly different area, so I think I'll stop
11 at this point and pick back up after the minority is
12 finished.

13 A Okay.

14 Ms. Betz. So we'll go off the record.

15 Mr. Missakian. Off the record.

16 [Recess.]
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1 BY MR. KENNY:

2 Q Just for the record, this is a State Department
3 cable 12 State 092809, dated September 11, 2012, with the
4 subject, quote, "Security Advisory: Cairo protestors
5 reaction to controversial film and Pastor Terry Jones
6 internet event," close quote. The document number is
7 C05389820. I'll give you a moment to review this document.

8 A Okay.

9 Q And do you recall this cable, seeing this cable
10 around the timeframe the cable was issued?

11 A I don't recall seeing it. I recall hearing that it
12 was being prepared and sent out.

13 Q Okay. Again, can you just perhaps you could
14 explain for us to read the caption, cables are written, we
15 understand, in a certain format, but what is your
16 understanding of who the sender of this cable is and who the
17 recipients of this cable would be?

18 A So this is cable is what is known in the State
19 Department as an ALDAC, which is all diplomatic and consulate
20 posts, and you see that under the action item. So the copy
21 we have got here is the one that went to Tripoli, but there
22 would have been a copy just like this basically to every
23 diplomatic and consular post around the world. The sender is
24 listed as SECSTATE WASHDC, but that's true of every cable
25 that comes into and out of the State Department. That's

1 hundreds of thousands, millions, a year between going in and
2 coming out. And all-DACs are sent for a variety of purposes.
3 One of the purposes is if there needs to be a notification of
4 posts to be on heightened alert because of some potential
5 security threat. And that was the obvious purpose of this.

6 Q Thank you. That's helpful. You indicated that the
7 from line reads SECSTATE. I'll just note on the second page
8 at the bottom, there's a signature that appears to bear an
9 electronic stamp from Clinton. I'd just like to ask for your
10 understanding; does that mean that the Secretary herself has
11 personally authorized or written this cable?

12 A No. The same as with the from line SECSTATE
13 WASHDC, it will always finish with Clinton. So every single
14 cable sent in from a post would be to Clinton, and everything
15 coming out from a post would be from Clinton. And that's
16 just diplomatic practice and protocol. But, obviously, she's
17 not reading all of the millions of cables that go out.

18 Q I'd just like to direct your attention to what's
19 marked as the second paragraph in here, and I'll read this
20 portion into the record. It reads, cable paragraph 2 reads,
21 quote: "In response to the upcoming release of a
22 controversial film entitled 'Muhammad's Trial,' hundreds of
23 demonstrators converged on the U.S. Embassy in Cairo on
24 September 11, 2012, with a number of protestors breaching the
25 compound. This film, clips of which have recently appeared

1 on YouTube, was reportedly produced by U.S.-based Egyptian
2 Coptic Christians, allegedly with the support of Pastor Terry
3 Jones. Jones has also scheduled an international Judge
4 Muhammad Day in Florida for the evening of September 11,
5 2012. Jones reportedly stated that he would symbolically put
6 the Prophet on trial and play it out over the Internet."

7 I believe you were asked in the last round to
8 differentiate your knowledge between when you were aware
9 first that there was a protest at the Embassy versus when a
10 breach had occurred, but it appears by at least at the point
11 that this cable was sent out, that the Embassy in Cairo had
12 been breached by protestors. Is that your understanding as
13 well?

14 A That's consistent with what is in here, yeah.

15 Q Just so that we can understand the significance of
16 an event such as that, when protestors breach a compound,
17 does that raise significant security concerns?

18 A Of course. It's the highest form of security
19 concern. If, you know, foreign protestors with obvious
20 intent to cause mayhem, damage, even death, get over the wall
21 of an Embassy, that will take us to very high alert.

22 Q Did this particular incident then, when protestors
23 breached the compound perimeter, the compound wall, at U.S.
24 Embassy Cairo, did that raise security concerns within the
25 Department?

1 A Of course. So NEA, the Near East Affairs Bureau,
2 and Diplomatic Security would move quickly to try to tell
3 everyone else around the world: Hey, you got to be on notice
4 because something similar may be soon coming your way.

5 Q Sure. And the paragraph refers to a film, claims
6 that it was -- reportedly it appeared on YouTube, and did you
7 have an understanding of what that film was at this time?

8 A I learned about the film that day. I came to
9 understand that it was a film that portrayed Islam in a way
10 that offended some people, and it, therefore, partly
11 contributed to what happened in Cairo. And I have to say, as
12 soon as I heard about that, you know, this was something we
13 had some experience. Pastor Terry Jones, who is referenced
14 in here, had previously done a televised, gone out and said,
15 I'm going to burn a Quran on television and so forth. And it
16 was actually Bob Gates, who was Secretary of Defense at the
17 time, who called him up and said, Please don't do that. We
18 had had incidents in Afghanistan. So we knew going all the
19 way back to the cartoons in Denmark, that these kinds of
20 things could cause violence, damage, death, and so it was
21 something that we were immediately concerned about.

22 Mr. Kenny. I would like to note that we are joined by
23 the ranking member, Congressman Cummings.

24 Mr. Sullivan. Yes, sir.

25 BY MR. KENNY:

1 Q And you just mentioned Pastor Jones. He was an
2 individual that the Department was aware of previous to this
3 incident?

4 A Yes.

5 Q And you mentioned an incident in Afghanistan.
6 Could you provide a bit more detail on that?

7 A As I recall, that involved reports of American
8 service members burning Qurans. And when those reports got
9 out, it caused several deaths in Afghanistan.

10 Q Do you perhaps recall another incident? There was
11 an incident that service members --

12 A I think there was also an incident relating to
13 defiling bodies. I mean, over the course of our time, I
14 remember repeatedly convening because of similar
15 circumstances and similar kinds of potential triggers for
16 violence. And I just want to underscore that, from the
17 Department's perspective, we put no credence in people's
18 response of this sort. Obviously, there's no justification
19 for murder because there's some cartoon or some film. That's
20 completely awful and ridiculous. But the reality is the
21 reality. This is what was happening as a result, and we had
22 to be ready to respond to that.

23 Q Do you recall in any of those previous instances in
24 which Terry Jones may have promoted other material or himself
25 created material, and you specifically referenced

1 Afghanistan, whether that had resulted in any sort of
2 violence or whether it had resulted in any deaths?

3 A Well, the earlier Terry Jones exercise, even though
4 Bob Gates had tried to talk him out of it, he was unable to
5 do so, and the net result was in part the generation of
6 protests and attacks in Afghanistan that caused the loss of
7 life.

8 Q Just so that I understand, is the concern here that
9 something similar could happen as a consequence of the
10 release of this film?

11 A Right. So once the Diplomatic Security, NEA, the
12 rest of us, saw what happened in Cairo, everybody recognized
13 we had to move fast to tell posts around the world: You've
14 got to look out for the potential for protests and violence
15 outside your Embassy, and you've got to look out for the
16 possibility that people are going to try to get over the wall
17 and come inside and potentially even kill Americans.

18 And there is no more higher imperative for us than to
19 take swift action to stop that from happening.
20 Unfortunately, even after sending this out, our fears on this
21 actually materialized in the days that followed. In some
22 ways, it was lucky this was an ALDAC and it wasn't just sent
23 to Muslim posts because we had efforts to break into or scale
24 the walls of our embassies and consulates, not just in the
25 Middle East but in India and Australia and in other places as

1 well. So in the days that followed, the way things played
2 out confirmed the concerns that were laid out in this cable.

3 Q So for a security adviser of this type, would those
4 have traditionally just been sent to all diplomatic or
5 consulate posts, or would that somehow reflect some
6 assessment of the risk that's involved, and which regions
7 might possibly be affected?

8 A So this can come at basically every level. It's
9 possible that there is an event or a trigger or warning that
10 would lead to a cable coming from Washington to a particular
11 post, to a group of posts, to a region, or to the whole
12 world. And it's the worldwide warnings of this kind that are
13 obviously the most expansive and, you know, aren't, I would
14 say, altogether common. It would take something that we
15 would be deeply concerned about to send something out of this
16 sort.

17 Q And please correct me if I'm wrong, but you had
18 seemed to indicate that it was fortuitous that this had been
19 sent to multiple posts because ongoing, the violence that
20 did, in fact, erupt affected various parts of the world. Is
21 that a fair characterization?

22 A Yeah. We had over the course of that week after
23 September 11, there was protestors who came over the wall in
24 Yemen, in Sudan, in Tunisia. There were deaths associated
25 with the efforts to go after our consulates and embassies in

1 Pakistan. I mentioned Chennai and Sidney. I think all in,
2 it was three dozen or so posts that were threatened as a
3 result of protests that stemmed from this.

4 Q And just to circle back, you had mentioned that you
5 had learned about the video at some point during that day.
6 Do you recall the circumstances under which you had learned
7 of the video?

8 A I don't remember specifically. I just remember
9 receiving a report that the protestors had gone over the wall
10 in Cairo, and that part of what had triggered them was this
11 video.

12 Q Okay. I'd like to direct your attention now to the
13 third paragraph, and here the cable continues, quote:
14 "Violent extremist groups could use Pastor Jones' recent
15 statements and actions as motivation to target U.S. interests
16 overseas. As a precaution against any potential
17 anti-American fallout, posts should consider convening EAC as
18 appropriate to assess what impact this activity may have on
19 your security environment. You should review the security
20 posture for both official and private U.S. interests and
21 determine what actions need to be taken to counter any
22 potential threat, to include requesting host government
23 security support as appropriate. EACs should carefully
24 review internal and external procedures for mobs and possible
25 attacks and consider conducting drills to reinforce the

1 necessary security measures to be taken in the event of a
2 serious incident."

3 I would just like to ask. There's a specific reference
4 here to violent extremist groups. Do you recall at this time
5 whether that was a factor in the protests at U.S. Embassy
6 Cairo?

7 A I don't recall there being a specific group
8 identified, but we were concerned, obviously, that in the mix
9 of the protestors who were there, that some of them obviously
10 could be members of or associated with violent extremist
11 groups.

12 Q Okay. The paragraph here indicates that any
13 violent extremist groups could use the statements, in here it
14 says, as a motivation to target. I'm just wondering what's
15 your understanding of why that language may have been
16 included?

17 A Well, violent extremist groups of all shapes and
18 sizes around the Middle East, North Africa, and across the
19 world, might be looking for any trigger, any motivation, any
20 opportunity to try to take American life, especially American
21 government official life. And these videos and cartoons and
22 other things in the past, had led some of these groups to gin
23 up violent actions and violent protests, and so we had to be
24 prepared for that to happen in the future.

25 Q And there's a reference here to an EAC, which we

1 understand to be emergency action committee meetings. You
2 had indicated in the last hour that you in your position as
3 the Deputy Chief of Staff/Director of Policy Planning did not
4 have an operational role. I believe you made that statement
5 in connection with the night of the attacks. And I would
6 just like to ask, with respect to EACs and security posture,
7 did you have any parole with respect to security resources?
8 Did you manage security resources for posts around the world?

9 A No.

10 Q And who within the Department would have had that
11 responsibility?

12 A That responsibility would have been lodged with the
13 Bureau of Diplomatic Security, and they would work with the
14 regional bureaus and then with the posts, with the embassies
15 and consulates, to make determinations about security
16 posture.

17 Q I'd like to shift gears just a little bit. There
18 were a series of exhibits that were entered into the record
19 last hour. I believe at least five or six. They were put in
20 front of you. A series of these are some of the initial
21 reports of the attack. I would just like to ask for your
22 understanding, you had mentioned that you, yourself, were not
23 focused -- and please correct me if I'm wrong -- that you,
24 yourself, were not focused on what some of the precursors to
25 the attacks may have been. And just reviewing some of these

1 initial reports, there's an ops alert; there's an alert from
2 the Diplomatic Security Command Center. Were those reports
3 also, were those reports at all focused on the precursors or
4 conditions that led up to the attacks?

5 A No. They don't appear to be. Everybody on the
6 night in question was focused on job No. 1, which was, how do
7 you get all of the American personnel in Benghazi safe? How
8 do you get them out of Benghazi as quickly as possible, and
9 then how do you make sure to move rapidly to try to ensure
10 that this kind of thing wouldn't happen at other posts around
11 the world? And so that's where all of our energy and efforts
12 were devoted. And especially in this context where we didn't
13 know where Ambassador Stevens was, a huge amount of the
14 energy and effort during that timeframe was trying to locate
15 him, trying to get him safe. So the question of what had
16 transpired before was not as relevant to us as what we could
17 do right then and there to try to find our Ambassador,
18 protect our people.

19 Q And you had mentioned that the Ambassador at some
20 point had gone missing, or it was reported that he was
21 missing on the night, Ambassador Stevens. I would just like
22 to ask your understanding; that night prior to learning of
23 the attacks, were you aware that Ambassador Stevens was in
24 Benghazi?

25 A No, I wasn't.

1 Q There have been some statements to the effect that
2 Ambassador Stevens may have been in Benghazi on the night of
3 September 11 perhaps because the Secretary had dispatched him
4 there or directed him to go there. Do you have any evidence
5 to support that?

6 A No. The Secretary, as far as I know, did not
7 direct him to go, did not know he was there until she also
8 learned on September 11 that he was missing.

9 Q Is that fairly typical for an Ambassador to be able
10 to travel within the country in which he is accredited
11 without seeking permission of Main State?

12 A Of course, Ambassadors not only have the freedom to
13 do that, but they make their own decisions about where in
14 country they're going to travel. I don't think they even
15 need to notify their own Bureau let alone let the Secretary
16 know when they're going.

17 Q As the events unfolded that night, you had provided
18 us with some helpful, I think, indications of where the focus
19 was and where your energies were being directed that night.
20 We have also heard that this was, because given the crisis,
21 given the magnitude of what happened, this was described as
22 an all hands on deck type of situation. Is that your
23 understanding as well?

24 A Absolutely. Absolutely all hands on deck.
25 Everybody who had anything to contribute was putting their

1 full effort into trying to find Chris, protect the other
2 people, and resolve the situation as effectively as possible.
3 You've got to understand, for the State Department, when
4 diplomats are under fire, it's the most extreme possible
5 circumstance you can imagine. There is not a person in the
6 building that wasn't going to do whatever they could do, I
7 mean, from top to bottom, in a circumstance like this.

8 Q Thank you. That's helpful. Would that have
9 extended then to your colleagues in the Bureau of Near
10 Eastern Affairs, for instance, that they were involved in
11 response on the night of?

12 A Oh, absolutely. This is a tight-knit group. Chris
13 was close with a lot of people in the Bureau. Libya was
14 obviously incredibly important to us. So the NEA folks were,
15 you know, you used the phrase "all hands on deck"; it was
16 that and then some.

17 Q And would this have also included your colleagues
18 in the Bureau of Diplomatic Security? Were they engaged,
19 fully engaged, in the response on the night of the attacks?

20 A I mean, I wasn't there in the Bureau or in their
21 response center, but everything that I saw that night from
22 Diplomatic Security was as swift, as comprehensive, as
23 effective -- I couldn't second guess a single thing they did
24 that night.

25 Q Just to help us understand, were you in the ops

1 center for a portion of that evening?

2 A So for a portion of the evening I was in the ops
3 center. Sometimes I was in the Secretary's office.
4 Sometimes I was in other offices. I was moving around to
5 wherever I could be where I could be most helpful.

6 Q And in the exhibits, in exhibit 1, 2, and 3, it
7 appears there is several threads, conduits of information
8 that were coming into the Department that seem to be
9 identified, one being the ops center, who may be in touch
10 with Embassy Tripoli; one being the Diplomatic Security
11 Command Center, who may have been receiving reports from RSOs
12 either in Benghazi or Tripoli; and the third being the NEA
13 Bureau, who appeared to be in charge with the DCM. At that
14 time, what was your sense, or if you could characterize for
15 us, of the completeness of the information that you received.
16 You see these reports now; it may be a little difficult to
17 isolate what you were thinking at that time, but would just
18 like to ask if you do have a recollection of that?

19 A What I remember is everybody was doing their best
20 to get as much information as they could, reaching out to
21 every channel, the Libyan Government, our people on the
22 ground, coordinating with everyone across the interagency.
23 But, you know, the fact was there was a lot of fog in all of
24 this. We didn't know exactly what was going on. There were
25 conflicting reports. Someone would say something about where

1 Chris was, and someone else would say something else. You
2 get pieces of information that would just be like a kick in
3 the gut, you know, when we heard that Sean Smith had died or
4 that our Ambassador was missing. And then, you know, there
5 was reports that maybe he was somewhere on the compound.
6 There were reports he was at the hospital. So I think people
7 were doing their best to piece together the information that
8 night, but it was really hard to get a complete sense of what
9 was going on.

10 Q So given that we have identified a few official
11 channels of information that were coming in, were you or your
12 colleagues also resorting to some of the maybe unofficial
13 channels of information, such as press reports, to try to get
14 a handle and understand what was happening?

15 A Yeah. And part of that was the ops center sending
16 things around. Part of it was people were monitoring, were
17 looking, was anyone in the press reporting on things that are
18 happening, and what are they saying? What do they know?
19 That was true with respect to press coming out of the region.
20 It was true with respect to American press that was reporting
21 on it as well.

22 Q Do you just happen to recall maybe some of those
23 initial press reports, what they may have said about the
24 attacks?

25 A You know, information was really sketchy and

1 spotty. You know, some of the initial reporting was linking
2 what happened in Cairo with what was happening in Benghazi,
3 but, you know, I think everybody was doing their best just to
4 try and figure out what was happening.

5 Mr. Kenny. So at this point, I'd like to mark, and this
6 will be exhibit 8.

7 [Sullivan Exhibit No. 8
8 was marked for identification.]

9 BY MR. KENNY:

10 Q And for the record, this is an email, dated
11 September 11, time stamp of 9:04 p.m., from Bernadette Meehan
12 to the witness, Victoria Nuland, and [REDACTED]. The
13 subject reads, quote, "FW: Libya General National Conf.
14 Statement," close quote. I'll give you a moment to review
15 that document.

16 A Yeah.

17 Q Ready? Before we dive into the content of the
18 email, I'd just like to first ask who Bernadette Meehan is?

19 A Bernadette Meehan was, she is a Foreign Service
20 officer, a Foreign Service professional. She had been
21 detailed to the White House has a spokesperson for the
22 National Security Council.

23 Q And in this email, she appears to forward on to you
24 and others a document, it's a statement, but it's an original
25 email from Mr. Woog. Do you have any idea who he is?

1 A Yeah. I didn't know Carl well, but I knew that he
2 was in the Public Affairs Office at the Office of the
3 Secretary of Defense.

4 Q Mr. Woog had forwarded you what appears to be a
5 readout from an official Twitter account of the General
6 National -- here it's Conference. We understand that may be
7 Congress. Those may be interchangeable. I'd just like to
8 read into the record, his email reads, quote: "According to
9 their official Twitter posted in English within the last
10 hour, the General National Conference of Libya expresses
11 outrage at the unfortunate attack against the American
12 Consulate in Benghazi tonight. This criminal attack has led
13 to the regrettable injury and death of a number of
14 individuals, not to mention damage to public property. The
15 General National Conference expresses disapproval in the
16 strongest terms against tonight's attack, which reflects
17 total disregard for the sanctity of life and undermines
18 Libya's obligation to protect the country's guests. Whereas
19 the General National Conference firmly believes in the right
20 of every citizen to practice his or her right to peaceful
21 demonstration, there is no justification for tonight's
22 cowardly act," close quote.

23 Just before we begin, what is the General National
24 Conference or General National Committee?

25 A It was the interim government. I'm sorry, it was

1 the government of Libya, basically the equivalent of
2 parliament, but Libya had a kind of unique setup with respect
3 to its democratic transition, so I describe it as something
4 between a parliament and executive; but the GNC essentially
5 was responsible for administering affairs of state in Libya.

6 Q So at this point in time, are they essentially the
7 government of Libya?

8 A Yes. That would be a less wonky way of saying what
9 I just said.

10 Q And in the email I just read to you, it appears
11 that this is a statement by the GNC. Is that your
12 understanding as well? It was posted to a Twitter account,
13 and it was forwarded to you?

14 A That's what it looks like, yes.

15 Q So this statement then is a statement made by the
16 government of Libya?

17 A I don't remember the statement specifically from
18 the night in question, but looking at this now, the official
19 Twitter account of the GNC would essentially be the
20 government of Libya speaking.

21 Q And just in the third paragraph here, there is a
22 reference to respecting the right of every citizen to
23 practice his or her right to peaceful demonstration. There
24 is a reference to a cowardly act. Was it your understanding
25 that that was a reference to the attack on the temporary

1 mission facility in Benghazi?

2 A Like I said, I don't remember this email
3 specifically. I mean, I received it that night obviously.
4 But that is certainly what it looks like here, yeah.

5 Q And understanding that you may not remember having
6 received this at the time, where it says "a right to a
7 peaceful demonstration," do you, now looking back on this, or
8 looking back, do you have any understanding of what "peaceful
9 demonstration" maybe referring to?

10 A Well, over the course of that week, starting that
11 night, with reporting and over the course of that week, there
12 were obviously a lot of references to protests outside of the
13 compound in Benghazi before the attack, you know, including
14 American press reporting that were, quote, eyewitnesses on
15 the scene saying that they saw or were part of a protest
16 beforehand, so this probably basically fits into that line of
17 kind of understanding of what was going on.

18 Mr. Kenny. I think that's a good transition point to
19 exhibit 9.

20 [Sullivan Exhibit No. 9
21 was marked for identification.]

22 BY MR. KENNY:

23 Q This is an email dated September 2012. The time
24 stamp 6:16 p.m. from an Arshad Mohammed at Thompson Reuters.
25 It's to [REDACTED], Victoria Nuland. And the document

1 number is C05561847?

2 A Okay.

3 Q And just picking up on where we just left off a
4 moment ago, you had indicated that there may have been some
5 reporting around this time. This appears to be a Reuters
6 article. Do you recall seeing this article on the night of
7 the attacks or having this forwarded to you? I'll just note
8 that you don't appear in this email thread.

9 A I don't remember this specific article, no. I
10 remember seeing reporting that night that, as I said before,
11 was linking Cairo and Benghazi, but I can't say that I
12 remember this specific article.

13 Q Okay. And this article does reference an armed
14 group that appears to have protested over a film attacking
15 the U.S. Consulate Office in Benghazi, and it also indicates
16 that it followed the protests in Embassy Cairo. There's a
17 quote here from a member of the Libya Supreme Security
18 Committee, Abdel-Monen Al-Hurr. Is that a name you've heard
19 before?

20 A No. But a spokesman for Libya's Supreme Security
21 Committee is a position I would understand.

22 Q What is your understanding of that position?

23 A The Supreme Security Committee was Libya's effort
24 to try to bring a monopoly on the use of force under a single
25 umbrella. Obviously, that was not succeeding in 2012, but it

1 was the security apparatus for Libya; and this person would
2 be the spokesperson for that committee.

3 Q And the quote here just reads, quote: "There is a
4 connection between this attack and the protests that have
5 been happening in Cairo per se. They are trying to take
6 advantage of the security situation in Libya and cause more
7 instability in the country," close quote. This article here,
8 I'll note the byline on the second page, a parenthetical
9 there indicates that there are two reporters who were in
10 Benghazi. To your knowledge at this time, were you aware
11 that there were many other Western news organizations in the
12 City of Benghazi?

13 A I did know that there were Western news
14 organizations in Benghazi at that time, yeah.

15 Q And they had reporters who were on the ground?

16 A Yeah.

17 Q Do you recall if that was a large number or a small
18 number of reporters?

19 A No. I remember that there was a fair amount of
20 reporting interest in Libya from Western news organizations.
21 I couldn't tell you if it was a large number.

22 Q Looking at this now, does it appear that some of
23 the reporting in this article may have come from reporters
24 who were in fact Benghazi on the night of the attacks?

25 A I think it's a reasonable conclusion, but I

1 couldn't say for sure.

2 Mr. Kenny. Well, that concludes my questioning for this
3 round. I'd like to turn it over now to the ranking member.

4 Mr. Cummings. Thank you very much for being here, Mr.
5 Sullivan. We are now approaching the 3-year anniversary of
6 the attacks in Benghazi, and since that tragic day, there
7 have been numerous public allegations against Secretary
8 Clinton, and now Presidential candidate Clinton related, to
9 her handling of the attacks.

10 Following the independent ARB report, seven
11 congressional committees have investigated the Benghazi
12 attacks, and not a single one of them found any evidence to
13 support numerous allegations against Secretary Clinton. For
14 example, none have found any support for the claim that she
15 issued a standdown order to Secretary of Defense Leon Panetta
16 on the night of the attacks or personally authorized cables
17 that reduced the State Department's security profile in
18 Benghazi. Yet today, almost 3 years after Benghazi, the
19 attacks, these and similar allegations persist.

20 And, so, Mr. Sullivan, as one of Secretary Clinton's
21 closest and most trusted advisers, I expect that you may be
22 well positioned to help us set the record straight. Of
23 course, the Secretary herself has tried to do this, briefing
24 members immediately following the attacks, testifying
25 extensively before the House and Senate, and answering more

1 than 200 questions for the record from the moment this
2 committee reached out to her last fall, and she similarly
3 pledged her cooperation with us. To that extent, some of our
4 questions today are more appropriately asked and should be
5 asked of Secretary Clinton when she appears before us on
6 October the 22nd. Nonetheless, I appreciate you being here,
7 and I just have a few questions.

8 The Benghazi Accountability Review Board found that, and
9 I quote: "The total elimination of risk is a nonstarter for
10 U.S. diplomacy given the need for U.S. Government to be
11 present in places where stability and security are often most
12 profoundly lacking and host government support is sometimes
13 minimal to nonexistent," end of quote. Do you think that
14 Secretary Clinton understood the risks that the men and women
15 of the State Department assume when she asked them to serve
16 overseas in dangerous places?

17 Mr. Sullivan. She absolutely understood the risk, and
18 she saw it firsthand when we would go to conflict zones, like
19 Afghanistan or Iraq, difficult places like Pakistan and
20 Yemen. She would go there, and she would meet with personnel
21 who were honestly putting their lives on the line by being
22 out there. Obviously, working at the State Department, you
23 don't get the same kind of profile for being in a risky
24 circumstance as if you go out as a member of the Armed
25 Forces, and it's certainly not the same thing as being in

1 combat. But it is dangerous; it is risky. And she knew
2 that.

3 Mr. Cummings. Do you believe she would have placed
4 Americans' lives at risk unnecessarily.

5 Mr. Sullivan. Of course not.

6 Mr. Cummings. And what was your understanding of why
7 the United States had a diplomatic presence in Libya leading
8 up to September 11, 2012? And in answering that, explain how
9 Benghazi fit into this strategy as well.

10 Mr. Sullivan. So after Qadhafi fell in 2011, we were
11 focused, the United States Government, was focused on trying
12 to help Libya execute an effective transition to democracy
13 and also bring stability to the country. We felt that was
14 important to give the Libyans a chance. We also felt it was
15 important for our own national security interests. We were
16 looking to empower the moderates, marginalize the extremists,
17 and help Libya emerge from this civil war to end up with more
18 positive future. So we looked quickly to reestablish our
19 Embassy in Tripoli, but our experts, people who knew Libya
20 well, including Chris Stevens, felt it was very important to
21 maintain a presence in Benghazi as well. Benghazi had been
22 the place where the revolution had started. An important
23 part of making sure that Libya held together and could be
24 stable was making sure that we could tamp down the east-west
25 divide, so having a presence in the east as well as in the

1 west was important. And there were a lot of powerful
2 political forces and other forces in Benghazi where having a
3 presence there to engage could advance our interests in
4 pursuing those objectives.

5 So the broad consensus at State and elsewhere among
6 those people who really understood Libya was that it was
7 important for the U.S. to maintain not just a presence in
8 Tripoli, but also one in Benghazi as well.

9 Mr. Cummings: Turning now to the night of the attacks,
10 I'd like to ask you about how Secretary Clinton responded to
11 the news that American diplomats and personnel were in
12 danger. Do you recall when and how Secretary Clinton first
13 learned that the Special Mission Compound in Benghazi was
14 under attack?

15 Mr. Sullivan: I don't remember the exact time. I do
16 remember a senior Foreign Service officer, Steve Mull, coming
17 into her office.

18 Mr. Cummings: Were you with her at that time.

19 Mr. Sullivan: I was called into the office as well when
20 she was told about it. And he told her that our mission in
21 Benghazi was under assault.

22 Mr. Cummings: And what was the Secretary's initial
23 response.

24 Mr. Sullivan: First, she asked a series of questions
25 about the situation. Then she told Steve Mull, let's spare

1 no effort. We have to do everything we possibly can to
2 protect that facility and get our people out safely; and then
3 she got on the phone with the national security adviser to
4 make sure she was coordinating across the interagency as
5 well.

6 Mr. Cummings. Did she take any other steps that evening
7 that you can recall?

8 Mr. Sullivan. She took a number of steps that evening.
9 I mentioned the call to the National Security Advisor. She
10 was in touch with him several times. She also touched base
11 with David Petraeus because Steve Mullen told her about the CIA
12 involvement in this as well. So she called Petraeus. She
13 called, as we discussed earlier, the president of the GNC,
14 Magariaf, to push him as hard as she could to provide help
15 and security so our people could get out safely. She was in
16 touch with Diplomatic Security, with NEA, with her senior
17 leadership team, to figure out what steps we could take, and
18 then she personally participated in a secure videoconference
19 with representatives from the Joint Staff, the Defense
20 Department, the intelligence community, and the NSC. Look,
21 it was a long night. There was a lot going on. I'm sure I'm
22 leaving out plenty of the other things that she did, but
23 basically she took charge of the situation. And where it was
24 appropriate, she deferred to the experts who were executing.
25 And where it was appropriate, she gave specific direction to

1 try to get things done.

2 Mr. Cummings. Did you ever get a sense or impression
3 that she was not fully engaged with regard to crisis
4 response.

5 Mr. Sullivan. No. Quite the opposite. She was so
6 engaged that she took the really unusual step of a cabinet
7 Secretary walking into a working level operational SVTCS
8 because she wasn't going to stand on ceremony. She wanted to
9 be there to make sure that we were doing everything we could,
10 that we were providing DOD and the intelligence community
11 with everything we could provide them in terms of
12 information, and that we were getting all the help we needed.

13 Mr. Cummings. What was her demeanor like.

14 Mr. Sullivan. It was -- I would describe her as
15 resolute but feeling an enormous sense of urgency to try to
16 resolve the situation in a way that could rescue our people.

17 Mr. Cummings. Did she seem uncertain as to how to
18 respond.

19 Mr. Sullivan. No. She -- I mean, it's a colloquial
20 term, but she just kind of kicked it into high gear, and she
21 got very focused and began the process of trying to execute a
22 strategy to get our people out of Benghazi safely.

23 Mr. Cummings. You know, one thing that is often
24 overlooked is the fact that the Secretary, like others in the
25 Department, lost members of her team. You talked a little

1 earlier about how close folks are there in the State
2 Department and these individuals who were a part of her State
3 Department family. Can you share with us on a more personal
4 level what it meant to her, to your knowledge?

5 Mr. Sullivan. Well, first she knew Chris. They weren't
6 personally close, but she knew him. She had asked him to go
7 to Benghazi in the first place. She respected him
8 enormously. She felt a personal responsibility in connection
9 with him based on everything that had unfolded with Libya.
10 And then more broadly, I mean, the Secretary has always had
11 an extremely heightened sense of responsibility for every
12 single person who works for her. And the idea that she asks
13 them to go out and serve in risky places, it weighs on her.
14 And she believes it is her job to do everything in her power
15 to try to keep them safe.

16 So, you know, when she got the news that Sean Smith had
17 died, that was, I remember standing there in her office, and
18 it was just like, it was really hard to take. But she had to
19 push through that because there was more work to be done.
20 And when she heard that Stevens was missing, you know, it was
21 like -- it's kind of hard to describe. You hear an
22 ambassador is missing in a murky circumstance involving an
23 attack and fire and everything else. You know, I think she
24 thought, you know, I am not going to rest until we get Chris
25 Stevens back, and I'm going to do everything in my power to

1 make that happen. She was also aware at the time, based on
2 what had happened in Cairo, that this might not be the end of
3 it. Benghazi might not be the last place where American
4 personnel would be put in danger. Over the next few days, we
5 had our posts assaulted by protestors in a number of cities,
6 and every day she'd show up early and go home late, helping
7 manage the response, calling foreign officials where she
8 needed to get more help, calling interagency colleagues when
9 she needed to get marines or other security personnel in
10 place. You know, I remember being with her that Friday when
11 we were going through the Tunisia situation -- and the
12 Tunisia attack on that Embassy; they were breaking through
13 doors; they were trying to get their way inside -- and she
14 got on the phone with the Tunisian Prime Minister and said:
15 You get your people there or you are going to have hell to
16 pay from the United States. And then she had to turnaround
17 and go from there -- excuse me -- go from there Chris
18 Stevens' memorial service where, you know, she had to, and
19 the memorial service of the other three fallen Americans.
20 And she had to give a eulogy. And it was just an incredibly
21 emotional week, and I was impressed by how cool, calm, and
22 collected she was throughout it all, even though she was kind
23 of deeply feeling the responsibility of what was going on.

24 Mr. Cummings. This is the last question. Speaking of
25 the next day after the attack, she spoke to the staff in

1 Tripoli and in the United States. Do you know why she did
2 that and what was -- I mean, did you discuss that with her?

3 Mr. Sullivan. I actually didn't discuss it with her.
4 She came in that morning and said: I want to get on the
5 phone with everybody in Tripoli, and I want to tell them, you
6 know, what a good job they did to save the lives of so many
7 people, how quickly they responded and how effectively they
8 responded because she knew they would be feeling terribly
9 about what happened, not just personally terribly about the
10 loss of their colleagues but also that some of them would
11 probably be sitting there second guessing things. And she
12 wanted to call them and tell them: You guys did a great job.
13 She wanted to speak to the entire staff of the State
14 Department that week as well to communicate to them: You
15 know, we are going to pull together. America is bigger and
16 stronger than all of this. And we are going to show the
17 world just how capable and effective we are as a diplomatic
18 service and a family. That was one of the big things that
19 she was able to communicate that week. And I think for
20 people who worked at the State Department, her leadership
21 over the course of that week meant a great deal.

22 Mr. Cummings. You know, a transcript, Mr. Sullivan,
23 will never reflect the emotion that I am watching from you.
24 And I just want to thank you for your service.

25 Mr. Sullivan. Thank you.

1 Mr. Kenny. We'll go off the record.

2 [Discussion off the record.]

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1 Mr. Missakian. Okay. Let's go back on the record. It
2 is now 11:15. We'll begin our hour.

3 The chairman of the committee, Mr. Gowdy, is going to
4 begin questioning.

5 Mr. Gowdy. Mr. Sullivan, I have a family obligation in
6 South Carolina tonight, so, at some point, I have to leave,
7 and I do not want you to take my leaving as any sign of
8 disrespect to you, the committee, or what we're talking
9 about, which is why my good lawyers are letting bad lawyers
10 go now, so I don't miss an opportunity.

11 What role, if any, did you play in the ARB process?

12 Mr. Sullivan. I didn't really play a role in the ARB
13 process.

14 Mr. Gowdy. When you say "really," what do you mean?

15 Mr. Sullivan. I guess I'm not entirely sure how to
16 answer the question. I knew the ARB was going on. I was
17 aware of what they were doing.

18 Mr. Gowdy. Did you have any input in the selection of
19 the members of the ARB?

20 Mr. Sullivan. I was aware of the selection process as
21 it unfolded, but I didn't do any of the selecting.

22 Mr. Gowdy. Did you suggest names?

23 Mr. Sullivan. I don't remember suggesting names. It's
24 possible I did, but I don't remember selecting names --
25 suggesting names.

1 Mr. Gowdy. Were you interviewed by the ARB?

2 Mr. Sullivan. No.

3 Mr. Gowdy. Did you provide any documents to the ARB?

4 Mr. Sullivan. I don't think they asked me for any
5 documents, so I don't think I provided any.

6 Mr. Gowdy. My friend from Maryland -- and he is my
7 friend -- used the word "independent" last hour in conjecture
8 with -- in conjunction with ARB, and I'm trying to square the
9 word "independent" with selecting your own arbiters, which is
10 -- my understanding is the State Department selected those
11 members of the ARB who then conducted the investigation. Is
12 that your understanding?

13 Mr. Sullivan. I think with -- you know, consistent with
14 the way that these ARBs happen, the State Department selected
15 the five members. I believe that's accurate, yeah.

16 Mr. Gowdy. Were you aware of whether or not anyone at
17 State Department was able to review a draft of the ARB
18 findings and recommendations before they became public?

19 Mr. Sullivan. Yes. My understanding was that ARBs
20 typically -- I think there's been 18 or 20 of them -- a draft
21 goes to the Secretary's office and people in the Secretary's
22 office can review it before it goes final.

23 Mr. Gowdy. Did you review it?

24 Mr. Sullivan. I did.

25 Mr. Gowdy. Did you make any recommended changes?

1 Mr. Sullivan. I didn't make any changes to the report,
2 no. Cheryl asked me to give some reactions. I gave her some
3 reactions. I can't remember exactly what they were. None of
4 them went to the core findings or recommendations, and I
5 didn't make any changes to the report.

6 Mr. Gowdy. What is your -- what distinction do you make
7 between reactions and changes? You said you had reactions,
8 but made no changes.

9 Mr. Sullivan. I think I just said to her, you know:
10 "This is what I think of the report. Here are my general
11 comments." But I certainly wouldn't have asked to change a
12 finding or a recommendation.

13 Mr. Gowdy. Did you share your insights with Ms. Mills
14 in writing or orally?

15 Mr. Sullivan. Just orally. I looked at it once and
16 gave some comments.

17 Mr. Gowdy. Were you aware that Admiral Mullen had
18 called the State Department in conjunction with Charlene
19 Lamb's testimony before another congressional committee?

20 Mr. Sullivan. No. I don't think I was aware of that.

21 Mr. Gowdy. Raymond Maxwell, I saw an article
22 yesterday -- you may not have seen it. It's not necessarily
23 important that you do see it, unless you want to see it --
24 that has made allegations with respect to the securing of
25 documents as part of the ARB process. Are you familiar with

1 these allegations?

2 Mr. Sullivan. I certainly am familiar with them, yes.

3 Mr. Gowdy. All right.

4 Mr. Sullivan. Because it's hard not to be familiar when
5 someone accuses of you something that is totally outlandish.

6 Mr. Gowdy. Now, when you say "outlandish," what do you
7 mean by that?

8 Mr. Sullivan. I mean, the allegation he made, as I
9 understand it, is that I somehow destroyed or burned or
10 ripped up documents; and nothing of the sort ever happened,
11 period.

12 Mr. Gowdy. Those may have been some of his allegations.
13 He also had more nuanced allegations, and I want to go
14 through them just to get your perspective.

15 Were you ever in a room with Ms. Mills where Raymond
16 Maxwell was also present?

17 Mr. Sullivan. I don't think so, no. I don't think I've
18 ever met Raymond Maxwell.

19 Mr. Gowdy. All right. Were you part of any team that
20 was assembling documents for the ARB?

21 Mr. Sullivan. No. I was not part of assembling
22 documents for the ARB.

23 Mr. Gowdy. Did you recall any weekend document parties
24 where you and Ms. Mills would have both been working on the
25 ARB on a weekend at the State Department?

1 Mr. Sullivan. I wasn't working on the ARB, and I don't
2 remember working there during the week or on the weekend on
3 the ARB.

4 Mr. Gowdy. Were there any documents that you reviewed
5 that you thought would not be appropriate for the ARB to have
6 access to?

7 Mr. Sullivan. No.

8 Mr. Gowdy. Okay. Sidney Blumenthal, were you aware
9 that he was being contemplated for a job at the State
10 Department?

11 Mr. Sullivan. I think I remember there being talk that
12 he might end up at the State Department, yeah.

13 Mr. Gowdy. Did you know him prior to working at the
14 State Department?

15 Mr. Sullivan. I met him a couple times. I didn't know
16 him well.

17 Mr. Gowdy. Did you consider him to be an expert on
18 Northern Africa or the Middle East?

19 Mr. Sullivan. I'm not an expert on Libya or Northern
20 Africa, no.

21 Mr. Gowdy. Did you receive memos or cables that he sent
22 to the Secretary?

23 Mr. Sullivan. Yes.

24 Mr. Gowdy. Did you receive them from him or from whom.

25 Mr. Sullivan. The Secretary would get them from him.

1 She'd send them to me.

2 Mr. Gowdy. Do you know who his sources were?

3 Mr. Sullivan. At the time, I didn't know. I've since
4 learned about some of who his sources were. At the time, he
5 was simply referring to unnamed individuals who had
6 information.

7 Mr. Gowdy. Did you do anything with that or test the
8 reliability or credibility of any of those sources?

9 Mr. Sullivan. The sources?

10 Mr. Gowdy. The sources.

11 Mr. Sullivan. I mean, at the Secretary's request, I
12 would ask people who actually were experts if they had any
13 reaction to what he was saying; and they would give their
14 reaction. I considered that sufficient, and that was kind of
15 the end of the matter.

16 Mr. Gowdy. You had spoken at some length this morning
17 about your own intelligence apparatus and access to
18 intelligence that you have in the State Department.

19 Why would you rely on someone who doesn't know, by his
20 own admission, a damned thing about Libya to provide
21 expertise to the State Department?

22 Mr. Sullivan. Well, from my perspective, we didn't rely
23 on Sid Blumenthal in any way, shape, or form. He would send
24 in some information. The Secretary would ask me if anyone
25 had any reactions to it. I'd ask them, and they'd give their

1 reactions and that was it.

2 We relied on the professional experts at State and other
3 parts of the government for input on policy on Libya, not on
4 Sid Blumenthal.

5 Mr. Gowdy. Now, when you use the word "we," it suggests
6 to me, at least two people and maybe more. Who do you mean
7 by "we did not rely on it"?

8 Mr. Sullivan. I'd say "we" the -- all of the folks on
9 the seventh floor, the Secretary, the Deputy Secretary, the
10 Under Secretary, everyone who was involved in policymaking on
11 Libya at a senior level.

12 Mr. Gowdy. If she did not rely on it, why didn't she
13 put an end to his sending it.

14 Mr. Sullivan. I think she didn't see the harm in
15 checking to see whether any of the information he was
16 providing might be helpful or not, and so she asked me to
17 find out is there anything useful in here, and that was that.

18 Mr. Gowdy. Would you ever forward his memos to other
19 people?

20 Mr. Sullivan. Yes.

21 Mr. Gowdy. And to whom did you forward those memos.

22 Mr. Sullivan. I'd decide who might be in a position to
23 say, "Hey, is there something here or not," and I would send
24 it to that person.

25 Mr. Gowdy. And did you leave his name on the memos when

1 you forwarded them.

2 Mr. Sullivan. I would indicate this was information
3 from a friend of HRC's.

4 Mr. Gowdy. Why would you not use his name?

5 Mr. Sullivan. I thought it made more sense just to
6 describe the context of who he was and provide the
7 information and then have them comment on the information.

8 Mr. Gowdy. Why does that make more sense, since the
9 best way -- the way that most people judge credibility is
10 that they're going to want to know who the source is, and you
11 knew who the source was, but you washed that information off.
12 So why?

13 Mr. Sullivan. Well, I wouldn't describe it as washing
14 it off. I took his name out, and I put in "friend of HRC."
15 And to be totally honest with you, I knew publically that Sid
16 Blumenthal was associated with HRC. People knew they were
17 close. And I wanted people just to respond to the
18 information straight up without thinking, "oh, this is
19 someone who knows HRC really, really well."

20 Mr. Gowdy. Did you know that the White House had nixed
21 him for employment?

22 Mr. Sullivan. I know that now because I've read about
23 it. I'm not sure if I knew that before. It's possible that
24 I did.

25 Mr. Gowdy. Do you know if his memos -- and we'll just

1 use that for want of a better word -- his memos ever made it
2 to the White House?

3 Mr. Sullivan. I don't. I don't remember them making it
4 to the White House.

5 Mr. Gowdy. Who was on your forward list? Who would you
6 forward his memos to?

7 Mr. Sullivan. Like I said before, I would send it to --
8 you know, he'd send a memo with some information. I'd try to
9 figure out who is in the best position to say, "Hey, thanks"
10 or, you know, "that's not helpful" and "that's who I would
11 send it to." And it would be someone in the State
12 Department.

13 Mr. Gowdy. Do you know if the ambassador, Ambassador
14 Stevens, ever received any of Mr. Blumenthal's memos?

15 Mr. Sullivan. I can't recall.

16 Mr. Gowdy. Who was Blue Mountain?

17 Mr. Sullivan. Blue Mountain.

18 Mr. Gowdy. Have you heard of that entity?

19 Mr. Sullivan. I think I've heard of it in connection
20 with security in Libya, but I don't know really anything
21 about it.

22 Mr. Gowdy. You don't know who would have been
23 responsible for contracting with, interviewing Blue Mountain?

24 Mr. Sullivan. I couldn't tell you who was. I would
25 assume it would be Diplomatic Security, but I'm honestly not

1 sure.

2 Mr. Gowdy. Did you ever use private email upon which to
3 conduct public business?

4 Mr. Sullivan. My regular practice was to use my State
5 Department account and that's what I did in the overwhelming
6 majority of instances. But in a small fraction of cases, I'd
7 use my private email. And, in those instances, I kept the
8 records, and I've given them over to the State Department for
9 the time I was working for Secretary Clinton.

10 Mr. Gowdy. When did you give them to the State
11 Department?

12 Mr. Sullivan. This year.

13 Mr. Gowdy. This year when?

14 Mr. Sullivan. I couldn't tell you exactly when. I
15 asked my lawyers -- I gave my lawyers access to my account so
16 they could go through and make sure they captured everything
17 that could even potentially be a Federal record and then turn
18 it over.

19 Mr. Gowdy. You used the words "overwhelming" and
20 "substantial." Can you give me -- can you assign a number to
21 the emails where you would have used private email?

22 Mr. Sullivan. I'm sorry, I can't. As I said, I asked
23 my lawyers to go through it and turn them over. So I
24 couldn't give you a number, but it was a very small fraction.
25 In the overwhelming majority of cases, I was using my

1 state.gov account.

2 Mr. Gowdy. And what dictated whether you used private
3 or state.gov?

4 Mr. Sullivan. Well, I'd use state.gov in the ordinary
5 course of business because I thought that, you know,
6 obviously that was the right thing to do.

7 Just to give you an example of where I might use my
8 personal emails: Say, I'm sitting on a tarmac somewhere
9 overseas, and I can't access the State system easily here --
10 the connection is spotty or something else -- and I've got to
11 get a press statement out fast, I might use my personal email
12 in that circumstance and other circumstance like that.

13 And I did my very best to keep the government on
14 government and the personal on personal, but sometimes
15 personal would end up on government and government would end
16 up on personal. But it was certainly very much the exception
17 and not the rule.

18 Mr. Gowdy. You've stressed a couple of times now your
19 overwhelming reliance on state.gov. Why did you think it was
20 important to use state.gov as opposed to your personal email?

21 Mr. Sullivan. General practice, you know, at the State
22 Department was to use the State Department system.

23 Mr. Gowdy. General practice according to whom? Is that
24 a policy? Was that just something folks got together and
25 decided? Who set that policy?

1 Mr. Sullivan. Oh, I couldn't tell you who set the
2 policy. Just that was what I understood.

3 Mr. Gowdy. From whom, that that was the general
4 practice?

5 Mr. Sullivan. I couldn't tell you who told me that.
6 Sort of like you show up at State and, you know, I used the
7 state.gov account. It was assigned to me, and I felt like it
8 made sense for me to use state.gov to conduct State business.

9 Mr. Gowdy. Why.

10 Mr. Sullivan. For purposes of conducting government
11 business, I had a work government email account and using
12 that work government email account for that government
13 business just sort of made sense to me.

14 Mr. Gowdy. Why did it make sense for you to use a
15 state.gov for work-related emails?

16 Mr. Sullivan. You know, I had worked in the Senate, and
17 I used a Senate.gov account. I worked at the courts and used
18 the court accounts. It was just what I did.

19 Mr. Gowdy. Was it the security features of the
20 state.gov?

21 Mr. Sullivan. Well, I --

22 Mr. Gowdy. Was it the recordkeeping features?
23 What made you conclude that you should use it in overwhelming
24 or a substantial amount of the time?

25 Mr. Sullivan. So I had a classified system for

1 classified email, unclassified for unclassified email. So I
2 considered the unclassified state.gov system just that, an
3 unclassified system. So I didn't think that it would be
4 appropriate to send classified information on the
5 unclassified system. So it wasn't that.

6 You know, while I was at State, I didn't -- given
7 everything that was going on and my trying to manage a very
8 broad policy portfolio, I wasn't putting a huge amount of
9 thought into the recordkeeping process. But, you know, if
10 you had asked me at the time if I had been thinking about it,
11 I would have said: Yeah, sure. You want to make sure that
12 Federal records end up in the possession of the Federal
13 Government.

14 Mr. Gowdy. Do you know whether the Secretary used
15 state.gov or used a personal account?

16 Mr. Sullivan. She used a personal account.

17 Mr. Gowdy. Do you know why she used a personal account
18 instead of the state.gov, given what you've just testified
19 to?

20 Mr. Sullivan. You know, I'm not sure. I had worked for
21 her during the time when she was a Senator, and she used a
22 personal account then. I was used to corresponding with her
23 on a personal account. Other people I worked with in the
24 Senate corresponded with their bosses on personal accounts.
25 So it didn't strike me at the time, and I never asked her

1 about it.

2 Mr. Gowdy. Previous testimony has indicated that one of
3 Ms. Abedin's roles was to help the former Secretary with
4 respect to planning travel. Is that fair?

5 Mr. Sullivan. Yes.

6 Mr. Gowdy. Did she plan travel for anyone other than
7 Secretary Clinton?

8 Mr. Sullivan. Well, she was involved in broad trip
9 planning, which meant planning not just the Secretary's
10 travel, but the travel of the entire delegation.

11 Mr. Gowdy. The delegation would always include
12 Secretary Clinton, though, right.

13 Mr. Sullivan. Right.

14 Mr. Gowdy. So she would not be planning a trip that
15 Secretary Clinton was not going to be part of?

16 Mr. Sullivan. No. Not ordinarily. I'm not sure if
17 there were circumstances, given her capacities where a bureau
18 might bring her in for some reason. I didn't have any
19 visibility into that.

20 Mr. Gowdy. If she were planning a trip to Libya in
21 October of 2012, would you have known about that?

22 Mr. Sullivan. So I believe -- I don't remember
23 specifically if it was October, but we were hoping that
24 Secretary Clinton would be able to return to Libya in 2012,
25 because, you know, we thought it was important that, given

1 the priority of the policy, that she'd be able to check back
2 in with the government there.

3 Mr. Gowdy. Now, there's a difference between hoping and
4 planning. Were you planning to return to Libya in the fall
5 of 2012?

6 Mr. Sullivan. I had certainly -- it's certainly
7 possible that Huma was doing some planning. I mean, our goal
8 was to get to Libya in the fall of 2012.

9 I wasn't involved in trip planning that I remember, but
10 we wanted to get there. I mean, so the goal was let's get
11 there. And Huma very well may have started the process of
12 planning for that.

13 Mr. Gowdy. Why was it important to get there in the
14 fall of 2012?

15 Mr. Sullivan. Well, the Secretary likes to go, be on
16 the ground, be engaged in any priority country. And Libya,
17 obviously, was a priority for her, so she wanted to be able
18 to get back to talk to the government, civil society, and
19 others about our various interests there.

20 Mr. Gowdy. There's been some testimony about policy and
21 presence and not with specific reference to Libya but just in
22 general since you're an expert in the field. It can be
23 desirous to have a presence in a country, but it's too
24 dangerous to do so; correct? Is that fair?

25 Mr. Sullivan. That is fair. In fact, at some point

1 along the way, we removed our presence from Tripoli.

2 Mr. Gowdy. I'm not talking about Libya yet. I'm just
3 talking about in general as an expert in policy. You can
4 pursue a really laudable policy but the country itself could
5 be too dangerous to have a physical presence, in general, not
6 with respect to Libya. Is that fair?

7 Mr. Sullivan. Yeah. That's a fair comment, yeah.

8 Mr. Gowdy. All right. Help me understand the sliding
9 scale of policy, presence, and danger. How would you balance
10 those three considerations?

11 Mr. Sullivan. To a large extent, you would defer to the
12 security experts on the question of whether they felt that
13 they could provide the necessary level of security for a
14 facility in a dangerous place. [REDACTED]

15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]

19 There is a very considerable policy reason to be there
20 relating [REDACTED]

21 [REDACTED], but we wouldn't stay there unless
22 the security experts at the State Department said we can do
23 this. If they said, "you know what, it's now untenable.
24 We've got to pull up stakes and get out," we would get out.

25 Mr. Gowdy. Would you rely on the assessments of those

1 on the ground in making that determination?

2 Mr. Sullivan. That would be a considerable part of the
3 equation, and ultimately it would be some combination of the
4 Diplomatic Security Bureau, the -- you know in this case [REDACTED]

5 [REDACTED]
6 who would understand some of the dynamics of how the threat
7 might get worse. They would probably consult with the
8 intelligence community and others, and then they would talk
9 to the folks on the ground who have firsthand knowledge of
10 what was happening.

11 Mr. Gowdy. But you'd also want to understand what
12 policy you were pursuing so that you could do that balancing.

13 Mr. Sullivan. Right.

14 Mr. Gowdy. If you had no policy, then, the slightest
15 episode of violence might give you cause to withdraw. On the
16 other hand, if you had a really valid policy, you might be
17 willing to withstand more episodes of violence, right? I
18 mean, it's a sliding scale.

19 Mr. Sullivan. Right. [REDACTED]

20 [REDACTED], part of the calculus is how important is it that we
21 be here to pursue U.S. national interests. And I think
22 that's always a question.

23 Now, I would underscore that there is a baseline at
24 which presence itself carries some significance for the
25 United States. The U.S. flag flying in places is really

1 important. We're one of the few countries in the world that
2 has truly global reach and if that began to change in some
3 dramatic way because we just decided a few countries weren't
4 important enough, I think it would have knock-on effects on
5 our global leadership. So there is some basic element to
6 which being present is important.

7 But in the balance of security and national interests
8 for presence, you have to very much take security into
9 account and the larger the security threat is at play, the
10 more you have to consider potentially withdrawing from a
11 place.

12 But, ultimately, it's the determination of the security
13 experts as to whether you got to fold up tents and go. And
14 if someone comes in and makes a recommendation and says, "you
15 know what, I think we've got to leave because I just don't
16 think it's tenable for us to be here anymore," the leadership
17 of the U.S. Government would be incredibly attentive to that.
18 That has happen more recently in places like Libya with
19 Tripoli. I can't recall a circumstance where it happened
20 while I was at the State Department.

21 Mr. Gowdy. If the recommendation to leave would be
22 taken incredibly seriously, would the recommendation for
23 additional security being taken equally seriously?

24 Mr. Sullivan. Of course. I mean, the whole point of
25 the setup between Diplomatic Security and posts is for them

1 to work out the degree of security that they need.

2 So, you know, as another example, the U.S. is present in
3 active war zones with embassies in Kabul, Afghanistan; in
4 Baghdad in Iraq; and also with consulates in Basra, in heart,
5 and others places. We know -- I mean, those are happening in
6 places where active conflict is going on. And what
7 Diplomatic Security does incredibly well, in almost every one
8 of those instances, is figure out what it's going to take to
9 secure those facilities, even when they come under attack.
10 And our Embassy in Kabul, our Embassy Baghdad, consulate in
11 Basra have all come under attack.

12 So you look to the security professionals at the
13 Department and the process works quite well for them to get
14 together and figure out what's required to secure a given
15 facility or compound.

16 Mr. Gowdy. What policy were we pursuing in Libya
17 generally and Benghazi specifically that you balanced against
18 the escalating violence taking place in the country leading
19 up to the fall of 2012.

20 Mr. Sullivan. I'd say that the core issue for the
21 United States and Libya was to try to produce a stable and
22 effective democratic transition, so that there wouldn't be a
23 power vacuum in the country, so that it wouldn't be something
24 where extremists could gain ground and take footholds.

25 But we had other interests as well. We had interests

1 related to humanitarian and democratic elements. We had
2 interests related to the collection of loose weapons. We had
3 interests related to chemical weapons. We had interests
4 related to MANPADS, Man Portable Air Defense Systems.

5 And while that may seem like some kind of technical
6 thing to a lot of people, Libya is not that far from Israel.
7 And if MANPADS get into the hands of a terrorist group and
8 they can port them across Egypt, it could shoot down an
9 airliner that's flying out of Eilat or out of Jerusalem. So
10 that was another aspect of the interests that we had there.

11 And then, obviously, we, along with Europe, had economic
12 interests in Libya as well. So you had a constellation of
13 interests there, the core of which was really about security,
14 but a broader set as well. And we had a stake because
15 obviously we had participated in the civilian protection
16 mission and into the end of the civil war that led to the
17 fall of Qadhafi and the installation of a new government.

18 So when you put all that together, it was very important
19 that we be present in Libya.

20 To be present in Benghazi, you had specific missions,
21 like the MANPADS would be one, but you also had a general
22 need to ensure this country hung together. It had a long
23 history of cleavage between east and west, and Benghazi was
24 the center of gravity for the east. And so having a presence
25 there as well was important.

1 Now, I'm not personally an absolute expert in Libya.
2 People have years or decades of experience, know all the
3 players on the ground. One of those people, of course, was
4 Chris Stevens, and people gave a lot of weight to what Chris
5 Stevens had to say and for good reason. And Chris especially
6 felt it was important that we be present in Benghazi to be
7 able to carry out our effective strategy and policy toward
8 Libya.

9 Mr. Gowdy. I get that, and I respect that.

10 I guess my question is, if you gave that much weight to
11 his decision to have a presence in Benghazi, why would you
12 not give equal weight to his request for additional security?

13 Mr. Sullivan. I think what the ARB said is that the
14 Bureau of Diplomatic Security should have given more weight
15 to his request for more security.

16 Mr. Gowdy. Do you view ARBs as being cumulative, ARBs
17 in the past? Do we have to rediscover the wheel every time
18 there's a tragedy, or can you look to past ARBs to try to get
19 an indication of what should have been done?

20 Mr. Sullivan. Every ARB has a series of recommendations
21 and findings. And I think it's, you know, important for the
22 State Department to be trying to implement all of those
23 recommendations as it goes forward.

24 Mr. Gowdy. So, in other words, Secretary Kerry would
25 not undo or unravel the recommendations made by the Benghazi

1 ARB simply because there's a new administration.

2 Mr. Sullivan. I would hope not.

3 Mr. Gowdy. All right. And, similarly, Secretary
4 Clinton would not undo recommendations done by previous ARBs?

5 Mr. Sullivan. Right. In fact, as the ARBs went along,
6 you know, you tally them up, whatever it was, a dozen or two
7 dozen of the ARBs, there were, you know, 100, 200, 300
8 recommendations. And there were people in the State
9 Department implementing, you know, nearly all of those
10 recommendations as time went on.

11 Mr. Gowdy. What are those recommendations related to
12 the security of our facilities? Do you know what that ARB
13 said? That may have been the Nairobi-Tanzania ARB. Do you
14 know what that ARB said?

15 Mr. Sullivan. I'm afraid I don't. I mean, I was
16 working on sort of general policy matters. I didn't really
17 get into the operations or security of facilities.

18 Mr. Gowdy. I'll summarize it.

19 The Secretary of State himself or herself shall
20 personally review the security of our facilities. What do
21 you think "personally review" means?

22 Mr. Sullivan. Honestly, I'd have to look at the ARB to
23 know.

24 Mr. Gowdy. You don't have to look at the ARB to know
25 what "personally review" means.

1 Mr. Sullivan. Well, "personally review the security of
2 our facilities" could mean any number of things. I mean, I
3 wouldn't think --

4 Mr. Gowdy. Including what.

5 Mr. Sullivan. It could mean that she personally reviews
6 some sort of general plan for how the Diplomatic Security
7 intends to go about ensuring our securities get -- our
8 facilities get secured.

9 I just -- I don't know. I don't know what the
10 recommendation is, so it's hard for me to speak to it.

11 What I can tell you is that the Secretary very rightly
12 placed great weight and confidence in Diplomatic Security.
13 These guys were securing our facilities in Afghanistan,
14 Pakistan, and Yemen and all of these other very dangerous
15 places. They were doing so without going to her and asking
16 her because she wasn't the expert. They were the experts.
17 And so it wasn't surprising, of course, that she wouldn't be
18 weighing in on how many security officers should be at the
19 facility in Benghazi. That just wasn't part of her
20 responsibility -- part of her day-to-day responsibility as
21 Secretary of State.

22 Now, that all being said, she obviously took overall
23 responsibility for what happened because she is Secretary of
24 State. And she made it her mission, after this happened, to
25 make sure that she did everything in her power for it not to

1 happen again.

2 Mr. Gowdy. Do you know if any ambassadors had Secretary
3 Clinton's personal email address?

4 Mr. Sullivan. I don't.

5 Mr. Gowdy. Were you ever forwarded any emails from
6 ambassadors by the Secretary?

7 Mr. Sullivan. It's possible. I don't know.

8 Mr. Gowdy. Were you ever forwarded any emails from
9 Ambassador Stevens that he -- where he personally contacted
10 Secretary Clinton?

11 Mr. Sullivan. I don't remember getting one, if I did.

12 Mr. Gowdy. Can you understand why someone might wonder
13 why Sidney Blumenthal was able to contact Secretary Clinton
14 directly about Libya when he knew nothing about it, but we
15 can't find a single email from the Ambassador?

16 Mr. Sullivan. Well, the Ambassador had a variety of
17 ways to be able to get to Secretary Clinton, including
18 talking to her in person, which he did. So, you know, he was
19 able to --

20 Mr. Gowdy. Did Huma Abedin have other ways of getting
21 in touch with the Secretary as well like in person?

22 Mr. Sullivan. Did Huma?

23 Mr. Gowdy. Yeah.

24 Mr. Sullivan. Yeah. She was with her a lot.

25 Mr. Gowdy. Well, then, why would Huma Abedin email the

1 Secretary about milk and gasoline in Libya if she could have
2 asked for it in person, under your theory.

3 Mr. Sullivan. I'm sorry, honestly, I don't have a
4 theory. I was just saying that Chris Stevens was able to get
5 his recommendations and his analysis to the Secretary when he
6 felt he wanted to do so. And I can't tell you why he didn't
7 have her personal email address.

8 As far as Sid goes, Sid and the Secretary have been
9 friends for a long time. They communicate about a lot of
10 things. The Secretary communicates with a lot of her
11 friends, and of course, they would have her email address.

12 Mr. Gowdy. Were you part of prepping Susan Rice for her
13 Sunday talk show appearances?

14 Mr. Sullivan. I wasn't.

15 Mr. Gowdy. Do you know who picked Susan Rice?

16 Mr. Sullivan. Who what?

17 Mr. Gowdy. Who picked her to go on the Sunday talk
18 shows?

19 Mr. Sullivan. I don't.

20 Mr. Gowdy. Do you know why the Secretary didn't go on?

21 Mr. Sullivan. At the time, I didn't know. You know,
22 I've since read what she said and what others have said that,
23 you know, that she was at the end of a very long week of
24 focusing on our security around the world, was still bracing
25 for more attacks as things came on. So she just didn't feel

1 like it made sense for her to go on.

2 And I think she hadn't been on in a couple of years
3 before that or a year before that. So it wasn't a common
4 thing for her to go on the Sunday shows.

5 Mr. Gowdy. Did you watch Susan Rice over the five
6 Sunday talk shows?

7 Mr. Sullivan. I didn't watch the shows, no.

8 Mr. Gowdy. Did you get a transcript of them?

9 Mr. Sullivan. I did.

10 Mr. Gowdy. How soon after her appearance did you see
11 the transcript?

12 Mr. Sullivan. A couple few hours.

13 Mr. Gowdy. Were you surprised that she linked the
14 attacks to a video?

15 Mr. Sullivan. No.

16 Mr. Gowdy. Why not?

17 Mr. Sullivan. Because that was the information that had
18 been provided to her.

19 Mr. Gowdy. From whom.

20 Mr. Sullivan. From the CIA.

21 Mr. Gowdy. Did the CIA link the attacks to the video?

22 Mr. Sullivan. The CIA's talking points spoke about how
23 there was a protest spontaneously inspired by --

24 Mr. Gowdy. How do you know the CIA talking points made
25 reference to a video?

1 Mr. Sullivan. I was asked to review them.

2 Mr. Gowdy. Do you know that the talking points that
3 ultimately got to her made reference to a video?

4 Mr. Sullivan. I actually don't know what actually ended
5 up in her hands.

6 Mr. Gowdy. Well, then how would you be able to answer
7 the question I asked three questions ago? You didn't prep
8 her.

9 Mr. Sullivan. I was referring to the CIA talking
10 points.

11 Mr. Gowdy. Do you know if those made it to Ambassador
12 Rice?

13 Mr. Sullivan. All I know is that one of her staffers
14 got them. I don't know what material she actually received
15 from the show.

16 Mr. Cummings. Mr. Chairman.

17 Mr. Gowdy. Yes, sir.

18 Mr. Cummings. Why don't we show him the talking points?
19 You asked him about it.

20 Mr. Gowdy. Well, my point, Mr. Cummings, is which
21 iteration of the talking points?

22 Mr. Cummings. Whatever you're talking about so he can
23 answer.

24 Mr. Gowdy. I would have no idea which iteration. They
25 were edited a number of times, so how would I know which

1 iteration made it to Ambassador Rice?

2 And since he didn't prep her, I doubt this witness would
3 know which iteration made it to Ambassador Rice. He may.

4 Mr. Sullivan. So I have no idea what Susan Rice got in
5 terms of materials for prep. All I know is what I had seen
6 the day before for Mike Morell, which talked about the
7 protests that were linked to what had happened in Cairo the
8 day before.

9 Mr. Gowdy. One more question, and I'll let Craig go.
10 Have you seen -- we went through four or five emails
11 that were pretty soon after the attacks -- probably exhibits
12 1, 2, 3, 4, 5 would be my guess -- where the word "video"
13 wasn't mentioned.

14 Do you remember that? Greg Hicks, others?

15 Mr. Sullivan. Yeah.

16 Mr. Gowdy. There was also an email from someone, I
17 believe, on the ground in Libya that said "not/not a
18 protest." Do you remember that?

19 Mr. Sullivan. No.

20 Mr. Gowdy. [REDACTED] -- who was that? [REDACTED]? No.

21 There's -- there's an email that says "not/not a
22 protest."

23 Have you seen our -- the government's memo in support of
24 the motion to detain in the Khattala case?

25 Mr. Sullivan. No. I haven't seen it.

1 Mr. Gowdy. I would encourage you at some point -- I'm
2 not going to read it to you. I would encourage you at some
3 point to read it.

4 This is what we filed with the judge. I don't know your
5 background. I don't know if you're an attorney. You may be.

6 Mr. Sullivan. I once was. Briefly.

7 Mr. Gowdy. You want to take great care to be accurate
8 with filings that you make in front of a judge.

9 Mr. Sullivan. Absolutely.

10 Mr. Gowdy. There's not a single solitary mention of
11 video or protests. So, initially, it wasn't a video or a
12 protest. Now, it's not a video or a protest. But at some
13 point in the interim, it became a video and a protest.

14 Mr. Sullivan. Well, I'd say a couple things about that.
15 The first is that information was changing rapidly over the
16 course of time. And our best information, as of that
17 weekend, was that this was a protest inspired by Cairo.
18 That's what the CIA was telling us.

19 Presently today, as I sit here today, I have to tell you
20 that the combination of investigations into this incident,
21 many of which are still ongoing, really hasn't been able to
22 determine what the mix of factors at play are. But it is not
23 implausible to believe that the video played some part in
24 what happened in Benghazi on that night. That's certainly
25 what some have concluded. And it may be that we all never

1 know exactly what the motives or identities of all of the
2 attackers were.

3 But given -- I was just going to say, given that the
4 video clearly inspired people to go after our embassies in
5 places from Cairo to Tunis to Khartoum, you name it, the idea
6 that it played absolutely no role whatsoever in Benghazi to
7 me does not seem totally credible.

8 So I don't know what role it played, sitting here today.
9 What I do know is that, on that weekend, we went with the
10 information we had, which is what the CIA had provided.

11 Mr. Cummings. Mr. Chair, the document, what's the date
12 of the filing for the record?

13 Mr. Gowdy. July 1st, 2014.

14 I can tell you that it made reference to this
15 defendant's concern in opposition to the presence of a U.S.
16 facility in Benghazi, but it doesn't say a single solitary
17 word about a video.

18 Mr. Sullivan. Well, Khattala, the defendant in the
19 case, has obviously publicly talked about the fact that the
20 video played a role. But, of course, we would all, sitting
21 here today, he's a terrorist and could have been making that
22 up or could change his story a hundred times. But he
23 certainly said publicly that it was about the video.

24 Mr. Gowdy. I'm done, Craig.

25 Mr. Westmoreland. Could I just follow up on a couple of

1 things that the chairman said?

2 When is the last time you talked to Ms. Mills or
3 communicated with her, whether by email, phone, fax, over the
4 fence, dinner table that you have communicated with her.

5 Mr. Sullivan. I gave her a big hug last night after she
6 spent 9 hours with you guys.

7 Mr. Westmoreland. She will probably give you one
8 tonight.

9 Mr. Sullivan. She's gone to the beach. She's leaving
10 me here to fend for myself.

11 Mr. Westmoreland. So you just saw her briefly?

12 Mr. Sullivan. I literally gave her a hug. I didn't
13 talk to her about what she said.

14 Mr. Westmoreland. Did you see her here?

15 Mr. Sullivan. Sorry.

16 Mr. Westmoreland. Did you see her here?

17 Mr. Sullivan. No. Here in the Capitol.

18 Mr. Westmoreland. Where did you give her the hug at?

19 Mr. Sullivan. It was over in downtown D.C.

20 Mr. Westmoreland. Okay. You didn't have any
21 conversation.

22 Mr. Sullivan. I didn't talk to her about what she did
23 here. And I -- you know, honestly, I was careful not to
24 because I assumed you'd ask and I thought it was appropriate
25 for each of us to give our own view of this without talking

1 to one another about it.

2 Mr. Westmoreland. You mentioned, when the chairman was
3 talking about this mission, the reason that said you were
4 there, you were talking about Tripoli and Benghazi, you
5 mentioned MANPADS for Benghazi. You specifically said
6 MANPADS.

7 What was the State Department doing there as far as
8 concerns as far as MANPADS?

9 Mr. Sullivan. What do you mean?

10 Mr. Westmoreland. Well, you said that was one of the
11 reasons --

12 Mr. Sullivan. Yeah.

13 Mr. Westmoreland. -- that you need to have a presence
14 was these MANPADS.

15 Mr. Sullivan. Right.

16 Mr. Westmoreland. What was -- what was the State
17 Department doing as far as MANPADS? I mean --

18 Mr. Sullivan. You mean, what were the State Department
19 personnel themselves doing in terms of MANPADS?

20 Mr. Westmoreland. Yeah.

21 Mr. Sullivan. So what the State Department was doing
22 was creating a circumstance in which a U.S. presence in
23 Benghazi could be sustained and justified to the Libyan
24 Government. Having a State Department presence there, in
25 large part, [REDACTED]

1 [REDACTED]

2 Mr. Westmoreland. [REDACTED]

3 [REDACTED]

4 Mr. Sullivan. [REDACTED]

5 [REDACTED]

6 Mr. Westmoreland. Okay. You were talking about the
7 Secretary and her emotions and how upset she was, and I can
8 certainly understand at night how upset she was losing
9 friends and fellow workers.

10 What would you say her demeanor was like when she found
11 out that some of the security requests that had been put in
12 by both DS, RSOs, principal officers, and other things, had
13 not been done?

14 Mr. Sullivan. I would say she was fit to be tied about
15 it. I mean, this was toward the end of her tenure, so this
16 is just a few months before she's leaving. So she spent 4
17 years working with Diplomatic Security and had spent a lot of
18 time with the Secret Service when she was First Lady and as a
19 Senator. And by the time we left, she had so much faith and
20 confidence in Diplomatic Security because these guys had done
21 just an unbelievable job of protecting dangerous facilities
22 around the world. So it came as a huge surprise to her that
23 there was -- that the ARB found what it did about these
24 challenges with responding to security requests in Benghazi.

25 Mr. Westmoreland. So did she order an immediate

1 investigation within the Department to find out who was the
2 person that said, "No, we're not doing upgrade. No, it's
3 not -- it's not within our budget. We're just not going to
4 do them"?

5 I mean, did she say, "by God, I want to know who made
6 these decisions. We have a dead ambassador. We have got a
7 dead information officer. We've got two dead SEALs, I want
8 to know who made the decision not to honor their request for
9 additional security"?

10 Mr. Sullivan. If I remember correctly, she asked for
11 that investigation into what happened and how we could stop
12 it from happening again before she found out about the denied
13 security requests. She had already gotten that underway.

14 Within days of this happening, first -- I mean, the
15 first thing we had to do those next few days was just keep
16 people safe. I mean, you can -- it is hard to convey,
17 sitting here today, as we look back, Benghazi has kind of
18 been isolated from the context of everything else going on,
19 but it was relentless. It was country after country, embassy
20 after embassy, for that week.

21 But very, very quickly she said, "I want to know what
22 happened in Benghazi. I want to know how it happened. I
23 want to know who was involved, and I want to make sure this
24 never happens again." And she launched that investigation.
25 And she said, when they come back with their recommendations,

1 I'm going to make sure, before I leave as Secretary of State,
2 we're going to implement every single one of them.

3 Mr. Westmoreland. But when she found out that the
4 security cameras, not all of them were working, that some of
5 the agents didn't feel like they had enough weaponry, they
6 didn't have a defensive position, that the compound was too
7 large and a lot of vegetation and other things needed to be
8 removed and that those requests had been denied, who was --
9 who did she find out denied those requests?

10 Mr. Sullivan. Well, she asked for an independent
11 investigation to determine who denied those requests.

12 Mr. Westmoreland. Well, who was it?

13 Mr. Sullivan. And it was people within the Diplomatic
14 Security Bureau at State.

15 Mr. Westmoreland. Was it -- so they did it as a group,
16 or was there one person that was over this?

17 Mr. Sullivan. I believe --

18 Mr. Westmoreland. I mean, that's a pretty big -- you
19 know, when you've got all this stuff coming in and then
20 something like this happens, to me, that's a pretty big deal
21 because the Secretary knew it was going to reflect on her
22 because, as the chairman mentioned, she is personally
23 responsible for reviewing the security or whatever it was
24 that ARB had come out with.

25 So who was the individual that did this? And did she

1 fire him, reprimand him, change his position or what?

2 Mr. Sullivan. She didn't want this to be a political
3 thing. She wanted this to be an independent investigation,
4 so she asked the ARB to do its job. The ARB found --

5 Mr. Westmoreland. No. I'm not talking about the ARB.
6 I'm talking about an internal investigation -- I'm just
7 picturing myself as her. I would say, I want to know who
8 denied -- I want to know how many requests there were, I want
9 to know when they were, and I want to know who denied them.

10 Mr. Sullivan. But, of course, that's exactly what the
11 ARB is for. When these things happen --

12 Mr. Westmoreland. The ARB didn't find out from them how
13 many --

14 Mr. Sullivan. Well, they identified --

15 Mr. Westmoreland. -- I mean, she just said -- well, I'm
16 not going to find out.

17 Mr. Sullivan. They identified individuals who they said
18 were -- should bear responsibility for this, and they
19 recommended a course of action with respect to those
20 individuals, and the Secretary accepted their recommendation.

21 Mr. Cummings. Sorry. Are we getting into the
22 classified portion of the ARB?

23 Ms. Jackson. We're in a classified setting.

24 Mr. Gowdy. Yeah. This is a classified --

25 Ms. Sawyer. Well, we are in a classified setting. I

1 think part of the question is that if some -- it is true that
2 in the public domain I think there has been some discussion
3 about who the individuals were. That is contained. The
4 names that I think the Representative would like is contained
5 in the classified version of the ARB.

6 I think the real question here is if we want to have
7 that level of granular discussion about exactly who was
8 identified in that classified version, we should just simply
9 help refresh Mr. Sullivan's --

10 Mr. Westmoreland. All I want to find out is if she
11 found somebody --

12 Ms. Sawyer. Okay.

13 Mr. Westmoreland. -- that she said --

14 Ms. Sawyer. Yeah. Then I think it's --

15 Mr. Westmoreland. -- the Secretary said this is who
16 denied the security requests.

17 Ms. Sawyer. Fair enough. Okay.

18 Mr. Missakian. Are you done?

19 Mr. Westmoreland. That's it.

20 BY MR. MISSAKIAN:

21 Q Mr. Sullivan, you just said something that I think
22 is important. I wrote it down to make sure I got it right.

23 Some of the events surrounding Benghazi had been
24 isolated from the context. Do you recall saying that?

25 A Yes. Today. I mean today, not then.

1 Q Right. Definitely.

2 A Now, we --

3 Q Exactly. Right. So I agree that it's important to
4 view events in Benghazi in the context in which they
5 occurred. Was that fair?

6 A Of course.

7 Q All right. And one of those contexts is the
8 broader context that was going on in the world with protests
9 here, breaching compounds there. That's one context.

10 But another context is the context that was specific to
11 Libya and actually specific to Benghazi at the time. So what
12 I'd like to do now just briefly is kind of just ask you a few
13 questions to see how aware you were of what, I think,
14 everyone agrees was a deteriorating security situation in
15 Benghazi at the time these attacks occurred.

16 A Uh-huh.

17 Q And I just want to focus on some specific events,
18 so just bear with me as I go down this list.

19 There was an attack on April 10, 2012, an explosion hit
20 at U.N. convoy in Benghazi. Do you recall being aware of
21 that at the time it occurred?

22 A I believe so, yes.

23 Q And then, in May -- May 22, 2012, a
24 rocket-propelled grenade attack on the International Red
25 Cross. Do you recall that at about the time it occurred?

1 A Yes.

2 Q And then June 6th, 2012, there was an attack on the
3 State facility there. I assume you were aware of that
4 attack?

5 A Right.

6 Q Do you remember any details about that attack?

7 A I believe that June attack involved an IED that was
8 placed at the base of a wall that blew out a portion of the
9 wall.

10 Q And then just about a week later on June 13th,
11 2012, there was an assassination attempt on the life of the
12 British Ambassador. Do you recall hearing about that at the
13 time?

14 A Yes. It's hard to know exactly when I heard about
15 it, but I believe I heard about it at the time, yes.

16 Q Okay. Roughly contemporaneous with the events?

17 A Right.

18 Q Do you recall having any specific discussion with
19 Secretary Clinton about the attempt on the British
20 Ambassador's life?

21 A Not about the attempt on the British Ambassador's
22 life, no.

23 Q And on June 18, 2012, there was an Ansar al-Sharia,
24 the Benghazi battalion, attack of 20 armed men overran the
25 Tunisian consulate. Do you recall hearing about that?

1 A Sitting here today, I don't remember.

2 Q Okay.

3 A I don't remember that.

4 Q And on June 29, 2012, there was an attack on a
5 hotel that, I believe, Americans and maybe others from the
6 international community were using. Do you recall hearing
7 about that?

8 A I do. Yes.

9 Q On July 31st, 2012, there was a kidnapping of some
10 Iranian ICRC members. Do you recall that?

11 A Yes.

12 Q What does ICRC stand for? I know we've used a lot
13 of acronyms. To the extent I remember, I want to make sure
14 we get the actual words on the record. So what does that
15 stand for?

16 A The International Committee of the Red Cross.

17 Q Okay. And on August 15, 2012, there was an
18 Emergency Action Committee convened with regard to the U.S.
19 facility in Benghazi to discuss this deteriorating security
20 situation. Do you recall being aware of that at the time?

21 A No.

22 Q Now, I have heard Libya and Benghazi described over
23 time as becoming somewhat of a terrorist safe haven,
24 especially the eastern portion, including Benghazi. Would
25 you agree with that assessment at the time back in 2012?

1 A I thought, at the time, that the situation was
2 deteriorating, that militias were operating with greater
3 freedom, but I don't recall thinking this was a terrorist
4 safe haven at the time.

5 Q Okay. Do you recall having any knowledge that
6 there were terrorist organizations that were based in Libya
7 or Benghazi or the eastern part of Libya at that time?

8 A I knew that there was a number of jihadists,
9 militant jihadists and terrorist fellows who -- some of whom
10 had participated in Afghanistan and returned home. Some of
11 whom had participated elsewhere. But I don't know that,
12 unlike, say, for example, AQIM, Al Qaeda in the Islamic
13 Maghreb, I don't think I knew about any particular
14 international terrorist group in Libya.

15 Q In your mind, there's been a lot of discussion
16 about the term "terrorist" versus "extremist" versus
17 "militant." What is your understanding of the meaning of
18 those words? Are they synonyms? Do they have different
19 meanings? Tell us just so we can have a baseline to work
20 from here.

21 A Well, the reason that I just lamely said "terrorist
22 fellow" is I'm just trying to get the right words is because
23 I've now come to know that, for some people, "terrorist"
24 means something different from "extremist" means something
25 different from "militant." For me, those three terms are

1 jihadists. They're all basically the same.

2 Q And that was your understanding back at the time in
3 September of 2012?

4 A Yeah. September of 2012, I thought a gun-toting
5 bad guy intent on harming Americans was any of those things.
6 He was a jihadist. He was a militant. He was an extremist.
7 He was a terrorist. All I cared about was what he was trying
8 to do and, you know, what we could do to stop it.

9 Q Fair enough.

10 I only have 3 minutes left, so let me see what I can get
11 done. I think I will use the time to just ask you a couple
12 of questions about something that my colleagues in the
13 previous hour asked you about.

14 The first question -- I could have heard this wrong, so
15 if I did just tell me. I thought you were asked about
16 whether you were aware of any precursors to the attack in
17 Benghazi. The word "precursor" stuck out in my mind. Do you
18 recall being asked that?

19 A I wish I did.

20 Q If you don't recall it, I will ask the question in
21 a different form.

22 A Not specifically.

23 Q Okay. Were you at the time aware of any precursors
24 to the attack in Benghazi?

25 A Precursor, not -- not precursors to the attack, no.

1 Q And you were also shown in a couple of documents,
2 exhibits 8 and 9 -- you probably have them there in front of
3 you --

4 A I have 8.

5 Okay. Yeah.

6 Q Okay. Let's start with exhibit 9. I don't see you
7 as having received this email, this set of emails.

8 Do you recall specifically receiving the article that
9 appears to be circulating that starts at the bottom of the
10 page and goes to the second page entitled, "Clashes at U.S.
11 Consulate Eastern Libya, Libyan city"?

12 A No. I was saying before I don't remember the
13 particular article. I remember generally that there were
14 articles that night that I was reading that were linking the
15 two, but I don't remember this article.

16 Q As far as reading articles, news reports, whatever,
17 I mean, did you rely on any of the information contained in
18 any of those reports to come to any conclusion about what had
19 occurred in Benghazi that night?

20 A All I was focused on that night was figuring out
21 how we were going to find our Ambassador and get our people
22 out of Benghazi. I wasn't thinking about who did it or how
23 they did it. I was thinking about what we were going to do
24 with what was right in front of us, so I wasn't relying on
25 any of this.

1 Q I have a few more minutes.

2 Now, Mr. Sullivan, you testified that there were some
3 media reports that were linking what occurred in Cairo to
4 what occurred in Benghazi. You're aware of those media
5 reports. You were aware of them at the time, it sounds like.
6 Correct?

7 A Yeah. Generally.

8 Q But at that point in time -- again, we're talking
9 about the evening of September the 11th -- there was no
10 information, either from the ground or from the intelligence
11 community, that linked the two, meaning Benghazi and Cairo.
12 Is that correct?

13 A No. I don't remember any intelligence information
14 that was linking the two.

15 Q And certainly that night the State Department -- in
16 its public statements about what had occurred, the State
17 Department was not linking the two. Correct?

18 A I'm struggling to answer the question because we
19 weren't -- it's just -- that's not what we were thinking
20 about that night. It's not what we were --

21 Mr. Missakian. Let me show you an exhibit, and we can
22 focus the question on that. I think it might be easier.

23 [Sullivan Exhibit No. 10
24 was marked for identification.]

25 BY MR. MISSAKIAN:

1 Q What I've just marked as exhibit 10 is a 1-page
2 document. The document consists of two emails. The bottom
3 email is from Victoria Nuland to a number of people,
4 including you. And then the top email is an email from
5 Bernadette Meehan to a number of people, including you as
6 well. The bottom email -- oh, right here.

7 Now, the bottom email -- and I'll read it into the
8 record -- is coming from Victoria Nuland. Who was Victoria
9 Nuland at the time?

10 A She was the spokesperson at the State Department.

11 Q And in her email -- and this is at 6:09 p.m. -- she
12 says, as follows: "[REDACTED], please put out as two separate
13 statements to bullpen ASAP. On record, me."

14 First off, what is a bullpen?

15 A The bullpen is the group of journalists who cover
16 State. It's -- I'd guess you'd call it something similar to
17 the White House Press Corps, [REDACTED]
18 [REDACTED]

19 Q Fair enough.

20 Ms. Wilkinson. [REDACTED]

21 Mr. Sullivan. [REDACTED]

22 BY MR. MISSAKIAN:

23 Q She goes on to say -- and these are the two
24 statements I gather. We can confirm their office in
25 Benghazi, Libya has been attacked by a group of militants.

1 We are working with the Libyans now to try to restore
2 security.

3 Then there is a line separating the following statement:
4 "In Cairo, we can confirm that Egyptian police have now
5 removed the demonstrators who had entered our embassy grounds
6 earlier today."

7 A little further down, it says: "For press guidance, if
8 pressed, whether we see a connection between these two, we
9 have no information regarding a connection between these two
10 incidents."

11 So, at least at 6:09 p.m., on the 11th, officially, the
12 State Department was not connecting what had occurred in
13 Benghazi with what occurred in Cairo. Is that fair?

14 A That looks right.

15 Q Okay. And do you have an understanding of what
16 this means, "if pressed"? I mean, I know what it means, but
17 do you have any insight into what Ms. Nuland would be
18 thinking, why that wouldn't be put into the statement and
19 would only be shared if pressed by a reporter?

20 A I don't.

21 Q Okay. Did you have any conversations with anybody
22 about this statement?

23 A I don't remember having any conversations about it.

24 Q Okay. At this point, I think my time is almost up,
25 so I'll reserve the remainder of the questions for the next

1 hour.

2 Since it's now 12:15. We can go off the record, I
3 think, at this point.

4 [Discussion off the record.]

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1 [Sullivan Exhibit No. 11
2 was marked for identification.]

3 Mr. Missakian. Let's go back on the record.

4 BY MR. MISSAKIAN:

5 Q Mr. Sullivan, you were just given a document that's
6 been marked as exhibit 11. This document is a classified
7 document, and so we have a limited number of copies. One of
8 them will go with the transcript. The others will be
9 collected at the end of the interview.

10 If you can just take a moment to read through it. It's
11 a multi-page document. The first page is an email from
12 Steven Mull dated March 9, 2011, and goes to a variety of
13 people, and I believe you are one of them.

14 Just let me know when you've had a chance to skim
15 through it.

16 A I can't say I've digested the whole thing.

17 Q I understand. It's small print.

18 A Very lengthy document with a lot of very dense
19 material in it, but if I need to pause to --

20 Q Feel free.

21 A -- take another run through some section of it,
22 I'll ask to do so, but in the meantime, I'd be happy to have
23 you ask your questions.

24 Q Thank you. And I bring this document out as a way
25 to shift the focus of the interview away from the night of

1 September 11th and move it back into a different period of
2 time. We are interested in some of the policy decisions that
3 went into the ultimate decision to intervene in Libya, in
4 particular, how some of those policy decisions may have
5 affected the security on the ground in Benghazi and elsewhere
6 during September 2012.

7 And as the former policy director at the State
8 Department, we're hoping you might be able to shed some light
9 and give us your unique perspective on some of those policy
10 issues that drove this country's decision to move into Libya.

11 But before getting into the memo, why don't we just
12 start a little bit with some of the basics. Can you give us
13 your perspective on the chronology, the genesis of the
14 decision to think about going into Libya and how that all
15 kind of came about?

16 A Well, the Arab Spring was unfolding in the region.
17 There were protests in a number of countries. Earlier, in
18 2011, Tunisian protestors had driven Ben Ali, the President
19 of Tunisia from office. He fled the country. And in
20 February 2011, protestors in Cairo helped bring down the
21 downfall of Mubarak, and there were protests going on
22 elsewhere as well across the region.

23 What began as protests in Tripoli, fairly quickly
24 escalated across Libya into a civil war because aspects of
25 the military and other folks with arms began to consolidate

1 control over portions of the country and to clash militarily
2 with the Qadhafi regime.

3 Meanwhile, Qadhafi was using force against peaceful
4 protestors. He was killing people in cold blood. He was
5 marching through cities. Innocent civilians were dying, and
6 he was threatening much more. And so the question that was
7 presented to the United States was what, if anything, would
8 we, along with our allies and partners in the region, do
9 about it, and that was the same question that was being posed
10 to each of our allies and partners, all of whom were trying
11 to come to grips with what the right international response
12 should be, both from the perspective of our values, our
13 humanitarian interests, and our hard core national security
14 interests.

15 Q Okay. I mean, it's a very good description of the
16 circumstances that I think went into it, but in terms of the
17 U.S. involvement -- let me be more specific -- would you say
18 the decision to consider joining an international coalition
19 or going at it alone originated in the State Department or
20 did it originate in the White House, for example?

21 A Well, I think the easiest way to answer that
22 question is to say it originated in the circumstances, which
23 is to say, here we are faced with a conflict unfolding in
24 Libya, and so the question is presented to the White House,
25 the State Department, DOD, everyone across the U.S.

1 Government, what do we do about it, and all of us have to
2 make a judgment about how we're going to respond.

3 Q I understand that everybody was faced with a set of
4 circumstances, but in your mind, did the White House take the
5 lead in considering how to respond to those set of
6 circumstances? Or was it the State Department? Or can you
7 say one way or the other?

8 A The National Security Council is basically the
9 convening body for the whole national security apparatus of
10 the U.S. Government, and the way the process works is
11 whenever a policy question comes up that touches on U.S.
12 national security that involves more than one agency, and
13 this would certainly be one of those cases, the National
14 Security Council would run a process to determine what the
15 U.S. Government response would be, and that's what happened
16 in the Libya case as well.

17 Q So it's fair to say that the National Security
18 Council took the lead role in coordinating the consideration
19 of the government's response to the circumstances that you
20 described?

21 A Right, as they would and did in any circumstance
22 that would be similar to this.

23 Q Is there anybody in particular at the National
24 Security Council who took the lead on this issue?

25 A I don't remember who the sort of working level

1 person was who was doing it, but the deputy national security
2 advisor would convene deputies' committee meetings. The
3 national security advisor would convene principals' meetings.
4 That's the cabinet agency head, including the Secretary of
5 State and bring people together to make decisions about what
6 would happen and how we would respond in Libya, and
7 ultimately, this would result in a convening of the full
8 National Security Council, that is, the President himself
9 chairing a meeting of the secretaries of all the major
10 national security cabinet agencies where they would make
11 final decisions about what the response to the Libyan crisis
12 would be.

13 Q Did that occur in this instance?

14 A It did.

15 Q Did you attend that meeting?

16 A I did not.

17 Q Did you ever see a summary of the meeting or come
18 to understand what was discussed and what decisions were
19 made?

20 A I was briefed on what was discussed and the
21 decisions that were made at that meeting, yes.

22 BY MS. BETZ:

23 Q Does Ben Fishman ring a bell?

24 A Yes, Ben Fishman was, at the time, on the national
25 security staff, probably would have been working on Libya.

1 Q And would he have drafted something similar to this
2 memo? Let me put it this way: Was each agency tasked with
3 drafting sort of a proposal?

4 A I'm not sure if we were tasked or if in my role in
5 policy planning, which is basically to surface big-think
6 policy questions, I generated this myself. I couldn't tell
7 you what the circumstances of that were at this point. But I
8 think the normal course would be the NSC would be sharing
9 information, both internally with the staff and back and
10 forth with the State Department, DOD would certainly be
11 looking at this, the joint staff probably had three times as
12 many people as we did looking at this and studying options
13 and weighing up interests and values and everything else and
14 generating content, and that would be, in the normal course,
15 each agency that had anything that might touch upon the
16 decisionmaking here would be engaged in a policy conversation
17 with the relevant people in their departments.

18 Q Was this shared with them?

19 A Honestly, I'm looking at a document from 4-1/2
20 years ago. I couldn't tell you.

21 Q But the concepts, were the concepts something that
22 would have been discussed and shared?

23 A Which concepts are you referring to?

24 Q The six concepts that are outlined, I believe, in
25 the initial email thread.

1 A Well, I have -- I have no idea whether those
2 specific concepts got shared or not.

3 Q Uh-huh.

4 A What I can tell you is, that's a pretty good
5 summary of the range of options, so I would -- you know,
6 someone sitting in OSD, someone sitting in joint staff would
7 likely be cooking up a memo that has roughly the same
8 options, and in the conversations that were coordinated by
9 the National Security Council, it would be natural to run
10 through the full range of options and consider the pros and
11 cons of each of them, the inputs, the ends/means connection,
12 the whole -- the whole nine yards in a policymaking process.
13 But the final destination of this particular email that
14 you've just showed me, I couldn't tell you.

15 BY MR. MISSAKIAN:

16 Q Mr. Sullivan, you did a very good job, I think, of
17 articulating and summarizing the goals that the United States
18 looked at in going into Libya. Obviously, one of the goals
19 that is important to this committee, because I think it
20 relates directly to the security of our facility, was
21 ensuring that in a post-Qadhafi Libya that there was a
22 controllable, reliable, organized host country police force
23 that we typically rely upon in other countries to provide
24 perimeter security. Would you agree with that goal?

25 A I mean, in every country, you'd want to have a host

1 nation security force that can protect you, but what I would
2 say is that the key thing, from a policy perspective, that I
3 was thinking about was to help create a democratic transition
4 with a government that would have a monopoly on the use of
5 force in its country, and I would state it more in those
6 terms. I didn't really think about the security of
7 individual facilities when I was considering Libya policy.

8 Q That's fair. That's fair. But you did consider
9 the importance of having a -- I don't know how you'd
10 articulate it, but a controllable, reliable police force that
11 is controlled by the democratic government that hopefully
12 will spring up after the fall of the dictator essentially.

13 A Yeah. I mean, the way I put it was the government
14 having a monopoly on the use of force in the country.

15 Q Fair enough. And did you see any challenges to
16 achieving that objective in the period before we went into
17 Libya, before we supported the international coalition?

18 A Yes. Anytime you have the fall of a dictator,
19 the -- what can emerge afterwards might not be neat and tidy,
20 and we have plenty of experience in the United States,
21 including recent experience, where that was, in fact, the
22 case. So this is an obvious consideration.

23 BY MS. BETZ:

24 Q Well, to that point, was Libya unique in the sense
25 of the infrastructure and the eradication of the

1 infrastructure under Qadhafi, and was that something you --

2 A Sadly, Libya was both unique and not unique. It
3 was unique in certain circumstances, it had its own history.
4 It was not unique in the sense that there was a general rot
5 across the entire Arab world, well catalogued in the 2002
6 Arab human development reports where dictators had hollowed
7 out institutions and the like.

8 But, you know, Libya had its open specific circumstances
9 that it had had a dictator for four decades, it had had a
10 dissemination of its own institutions, and those were factors
11 that were certainly present as we were considering what to do
12 in Libya in March of 2011.

13 BY MS. MISSAKIAN:

14 Q And how did that factor into your thinking on the
15 timing of going into Libya? In other words, you knew from
16 the outset that the State would not have a monopoly on force
17 in the post-Qadhafi Libya. Did that factor into anybody's
18 thinking in terms of the timing of sending in a U.S. mission
19 and having a U.S. presence there?

20 A I'm sorry, can you repeat that question?

21 Q Yeah. Let me try to rephrase it. It sounds like
22 that you recognize that in a post-Qadhafi Libya, that the
23 State may not have a monopoly on force in the country. Is
24 that correct?

25 A That that would be something we would have to work

1 hard to help the Libyans establish.

2 Q And they never did, correct?

3 A I think it's fair to say they never accomplished
4 it.

5 Q And so did that recognition of that reality, that
6 condition on the ground impact anybody's thinking in terms of
7 when to send in a U.S. presence?

8 A Of course. I mean, part of the debate that we were
9 having at the time was can we intervene in a way that is
10 going to improve circumstances, both for U.S. national
11 security interests and for the Libyan people over the long
12 term. And that's a balance in the factors of what do you do,
13 you know, if Qadhafi stays, what happens, and what happens if
14 Qadhafi leaves?

15 And one of the things that we were registering at the
16 time was, is this a choice between the dictator reasserting
17 control and what does that mean, or the dictator falling and
18 us having to have a transitional government, and part of our
19 answer to that was probably not. Probably the dictator
20 doesn't completely reassert control. Probably you end up in
21 some sort of long-term protracted civil struggle, maybe not
22 dissimilar to what we see in Syria today, where, of course,
23 the United States did not intervene.

24 So our considerations at the time had to factor in the
25 possibility that the government had already lost its monopoly

1 on the use of force. Qadhafi had armed groups and military
2 forces running around the country, and so this was not a neat
3 choice for us between going back to the way things were
4 before or ending up with a new transitional government.

5 Q So ultimately, rather than being able to rely on a
6 host country police force, ultimately, the United States had
7 to rely on local militia to provide that same sort of
8 perimeter security; is that correct?

9 A That's right.

10 Q And did you recognize that, that that would be the
11 case going in, or is that something that emerged and
12 presented itself over time?

13 A Going into what?

14 Q Well, when I say "going in," like before making the
15 decision to support the international coalition to support
16 the rebels, whatever form that support took, did you
17 recognize in a post-Qadhafi Libya that the United States
18 would have to rely on militia to provide security for
19 whatever facility may be open there?

20 A So we didn't have a facility in Libya at the time
21 that we were making these decisions. The embassy in Tripoli
22 had been closed because of threats to our Ambassador, so
23 there was no U.S. facility in March of 2011 to think about
24 security for.

25 Q Right. But the hope was if the rebels were to take

1 control of the country, establish a provisional government,
2 that the United States would go in and open up a facility.
3 That was an expectation, I assume?

4 A I think what we were looking at was something more
5 straightforward, which was not how do you get to an end point
6 of presence, but rather how do you achieve America's national
7 security objectives. And once Qadhafi fell and we were then
8 thinking do we go back in, then the security professionals
9 and the policy people got together to determine whether or
10 not to open a facility and whether it could be secured. But
11 of course, we weren't thinking about the security of a
12 facility that didn't exist in March of 2011.

13 BY MS. BETZ:

14 Q What were those national security objectives?

15 A So there was a few national security objectives
16 that we were thinking about. One of them was what I was just
17 describing before, which is does a protracted civil war in
18 Libya end up harming our security in three ways:

19 One, create more terrorists; two, allow for spillover
20 that destabilizes neighboring countries. Remember, Libya
21 borders Tunisia on one side and Egypt on the other, both of
22 whom have just gone through very difficult times. And third,
23 let's not forget that the guy in charge of this country,
24 Qadhafi, had American blood on his hands, and that his
25 continued sustenance in power, especially at a time when he

1 was lashing out in all of these ways could present a national
2 security threat to us. So there were those security issues.

3 Then, of course, there was the economic issue. Libya is
4 an oil-producing country. It was important to our allies in
5 Europe. It was important to others, and we needed to think
6 about that. And then, of course, there were the humanitarian
7 interests, which, you know, I think American foreign policy
8 is unique in that our interests and values combine to make up
9 our national security objectives, and as a country, we care
10 deeply about the welfare of citizens, not just here, but
11 around the world, so that was part of our calculation as
12 well.

13 Q Was there unanimity in the administration with
14 respect to those objectives?

15 A I would say everything I've just said, everybody
16 would agree to. How to balance them all off against each
17 other, there was probably a disagreement about.

18 Q Was Secretary Gates concerned about what the
19 national security nexus and implications would be?

20 A I think he felt that the level of national security
21 interest in Libya was not as high as some other people felt
22 it was.

23 Q What about Congress?

24 A I don't remember exactly where Congress stood. I
25 do remember a number of members expressing very strong views

1 that we should do something and do something fast, and other
2 members, I'm sure, probably said don't do anything at all.
3 So my guess is that, as on most issues, there was a diversity
4 of opinions in Congress about the issue.

5 Q Did the backdrop of Congress play any role in terms
6 of your thinking as you were contemplating some type of
7 intervention and what I would say -- and presence isn't the
8 right word, but sending then-Envoy Stevens in into -- as part
9 of a mission, per se, was the backdrop of this sort of
10 discontent back here in D.C., did that play into any of your
11 decisions or thoughts as you were putting him in for the next
12 several months?

13 A I'm afraid I don't understand what you mean by the
14 backdrop of discontent back here.

15 Q Well, I guess as we just talked about that there
16 were some in Congress that weren't happy, there might have
17 been some concerns within the administration as to the
18 national security objectives and nexus, was there any
19 hesitation, I should say, with respect to sending then-Envoy
20 Stevens in and any implications that might follow?

21 A I will do my best to answer your question. I'm not
22 sure I fully understand it, so feel free to ask a follow-up
23 to clarify, but President Obama made the decision to proceed
24 with an U.N. Security Council resolution, and then with the
25 civilian protection mission. And as part of that effort, as

1 we were working through that, the decision was taken to send
2 a special envoy to Tripoli, and it -- you know, in the weeks
3 running up to that final decision.

4 That determination to have American eyes and ears on the
5 ground, to engage with the transitional national council, to
6 try and figure out exactly what was happening, to represent
7 U.S. interests, that was completely divorced from any
8 politics in Washington. It didn't have anything to do with
9 politics at all.

10 BY MR. MISSAKIAN:

11 Q Mr. Sullivan, I would just like to show you a
12 couple of documents. One is marked as exhibit 12. The other
13 one is marked as exhibit 13.

14 [Sullivan Exhibits Nos. 12 and 13
15 were marked for identification.]

16 Mrs. Brooks. Which one are we doing? Which one is
17 which?

18 Mr. Missakian. Sorry, it's --

19 Ms. Wilkinson. The shorter one, I think, is 13.

20 Mr. Sullivan. This one is 12.

21 Mr. Kenny. Is that CV0060917?

22 Ms. Wilkinson. No, 917 is number 13. .

23 Mr. Kenny. That's number 13.

24 Ms. Wilkinson. It's a short one.

25 [Sullivan Exhibit No. 14

1 was marked for identification.]

2 BY MR. MISSAKIAN:

3 Q The next one coming around is 14.

4 Mr. Sullivan, I've given you three documents. They've
5 been marked exhibit 12, 13, and 14, and just so everyone's on
6 the same page, exhibit 12 is the April 4th, 2012, email. Is
7 that the same marking you have?

8 A Yeah.

9 Q Okay. Exhibit 13 is a single-page email,
10 August 30th, 2011. And the last document that went around is
11 exhibit 14, and this is a two-page document dated August --
12 it's an email dated August 22nd, 2011.

13 So let's start with -- jump around here a little bit.
14 Let start with exhibit 14, and this is an email -- two emails
15 actually. The top one is from Cheryl Mills to H. I assume
16 that means Secretary Clinton. The one below that is from
17 Jake Sullivan to Cheryl Mills and Victoria Nuland dated
18 August 21st, 2011.

19 I'm just going to read a brief portion of the first
20 paragraph. Quote, "This is basically off the top of my head
21 with a few consultations of my notes, but it shows S'
22 leadership/ownership/stewardship of this country's Libya
23 policy from start to finish. Let me know what you think,
24 Toria, who else might be able to add to this."

25 First off, is this an email that you drafted and sent to

1 Ms. Mills and Ms. Nuland?

2 A Yes.

3 Q And why did you draft it?

4 A I don't recall the exact circumstances, but I think
5 that there were press inquiries about Secretary Clinton's
6 leadership and ownership of Libya policy, and I was letting
7 Cheryl and Toria, who is the spokesperson who would be
8 fielding some of those press inquiries know what I had
9 because I'd been participating in it in my head and in my
10 notes about what she had done.

11 Q And now let's flip to Exhibit No. 12. This appears
12 to be possibly the same or similar version of what we just
13 looked at. This is an email from you, Jake Sullivan, to H,
14 again who I assume is Hillary Clinton, dated April 4, 2012.
15 "Subject, Libya," first sentence worded as "Secretary
16 Clinton's leadership on Libya."

17 Now, this one, April 4, 2012, the other one was
18 August 22nd, 2011. Can you recall why you revisited the
19 topic of the Secretary's leadership and ownership of Libya in
20 April of 2012?

21 A I don't remember, to be honest with you. I don't
22 remember why I sent this same set of points in April of 2012.

23 Q Do you recall having any discussions with anybody
24 about the points in the email either in 2012 or 2011?

25 A Well, like I said, back in 2011, I remember that --

1 again, that there were press inquiries about this. People
2 were asking, can you please tell us what examples of how
3 Secretary Clinton participated in this. It would be standard
4 practice for me to write out, okay, here's the thing she did,
5 that's what I did. I sent it to Cheryl and Toria.

6 It's interesting. I remember this email in particular
7 because I think we were sitting on a tarmac somewhere as I
8 was doing it. I couldn't get onto my State system, but the
9 reason I was trying to do it quickly is Toria was trying to
10 get back to the press on it.

11 But I don't remember in the 2012 case why I would have
12 sent her that document from 2011 and 2012.

13 Q Putting aside whether or not it was a -- generated
14 by a press inquiry or not, was it your purpose, and did it
15 reflect your thinking at the time, to demonstrate that, in
16 fact, Secretary Clinton had, to use your words, leadership,
17 ownership, and stewardship of this country's Libya policy
18 from start to finish?

19 A I think what I was trying to do was show all of the
20 ways in which she had played a leadership and ownership role
21 of the entire mission, you know, starting with the uprising
22 in Libya, all the way up through when Qadhafi fell.

23 Q And what did you --

24 A And August 22nd -- I'm sorry, or August 21st -- I
25 didn't mean to interrupt you, but would have been right

1 around the time Qadhafi fell, so it would have covered the
2 period from startup until that point.

3 Q What did you mean when you used the word
4 "ownership"?

5 A That, you know, she was the Secretary of State who
6 was executing diplomacy to pull together a coalition to pass
7 a security council resolution to respond to the requests of
8 the Arab league and our NATO allies to get engaged, and that,
9 in that role, she executed and did a huge amount of the heavy
10 lifting in carrying forward all of the nonmilitary aspects of
11 our campaign in Libya from February through August of 2011,
12 which was the height of the action in advance of the period
13 that Qadhafi fell.

14 Q I would like to -- let's focus on that, the last
15 exhibit, the one that's marked exhibit No. 13. In reading
16 over this document, someone could come -- get the impression
17 that you personally were in a rush to get a presence in
18 Libya, and if you read through the email, I think you'll see
19 what I'm referring to.

20 The very bottom email dated August 30th, 2011, from you
21 to [REDACTED], the subject is, "What's it going to take
22 to get a team on the ground in Tripoli?"

23 Who is [REDACTED], first off?

24 A He worked for me in the policy planning shop.

25 Q What was his title, if you recall?

1 A Member of the policy planning staff.

2 Q And Mr. [REDACTED] responds with three bulleted
3 points, and I'll read them into the record.

4 "Exception to BOG for explosive ordinance detection and
5 Marine FAST team, an Ambassador to Libya who actually wants
6 to go, locking Pat Kennedy in a closet for long enough to
7 actually take some real risks."

8 Do you recall what prompted your question, your initial
9 question to Mr. [REDACTED] on August 30th?

10 A This is after Qadhafi fell, and I don't think what
11 you said in your opening comments were quite fair. You said
12 I was in a rush to get an embassy open or a presence. What I
13 wanted to do was get a team to look at whether the conditions
14 were appropriate for a presence. And --

15 Q Yeah. I didn't mean to -- please.

16 A And I thought it made sense for us to go take a
17 look at when and under what circumstances it would be
18 appropriate for us to establish a presence, subject to all of
19 the right security requirements, because, as we discussed
20 previously with Chairman Gowdy, American -- there is no
21 substitute for an American presence, if it's safe and secure
22 to have it, in order to carry out our national security
23 interests. And the reason that we had closed down our
24 presence in Tripoli beforehand had been because of threats
25 from the Qadhafi regime.

1 Now that the Qadhafi regime was gone, it made sense to
2 look at reopening a presence. But, of course, all I wanted
3 to do was just make sure we had a team looking at it. That
4 team should be a team of professionals making its own
5 determinations about security.

6 Q And I didn't mean to suggest that you were in a
7 rush. I thought I said that, looking at the document,
8 someone might conclude that you were in a rush, and I want to
9 know whether you were or were not. It sounds like you were
10 not in a rush to get there, but do you -- you don't recall
11 what prompted this request at this particular time?

12 A I believe what prompted the request is basically
13 what I just said, that we came out of Tripoli because of
14 Qadhafi. Qadhafi fell in that period at the end of August.
15 So it was only natural to pose the question, okay, should we
16 go look at getting back into Tripoli and get the right
17 experts on the ground to figure out when and under what
18 circumstances.

19 Q So it's just the next logical step. There wasn't
20 any particular incident that prompted your question?

21 A There may have been a particular incident. I don't
22 know. I'm doing my best to remember, but that would be the
23 context in which this issue was taken.

24 Q Okay.

25 Mrs. Brooks. Who -- excuse me. Who specifically would

1 be the security professionals that you would have relied upon
2 in helping you and [REDACTED] make that decision?

3 Mr. Sullivan. So [REDACTED] and I wouldn't make the
4 decision. We're in policy planning. We're just, in this
5 context, thinking about what we would recommend to others in
6 the Department. So I just want to establish, first off, we
7 wouldn't make the decision.

8 But just to give you an example. When Chris Stevens
9 went into Benghazi back in -- earlier in 2011, he was
10 preceded by a team of diplomatic security agents and other
11 security experts from the Department. There may have been
12 people from other departments as well, I'm not quite sure who
13 went, whose specialty it is to go look at security conditions
14 on the ground, facilities, and everything else and determine
15 whether you can go back. And that's sort of what I had in
16 mind when was I thinking about when we could go back to
17 Tripoli.

18 Mrs. Brooks. But who would be -- at this time in August
19 of '11, who was making the security decisions at that point
20 in -- on the 7th floor?

21 Mr. Sullivan. Which security decisions?

22 Mrs. Brooks. As to whether or not it would have been
23 safe to open up an embassy or a consulate or a post?

24 Mr. Sullivan. Diplomatic security would sign off on it.

25 Mrs. Brooks. But who, specifically, would you go to

1 with respect to security questions?

2 Mr. Sullivan. If I had a security question, I would
3 take it to diplomatic security.

4 Mrs. Brooks. Do you have any recollection of anybody
5 you dealt with at diplomatic security?

6 Mr. Sullivan. So the assistant secretary for diplomatic
7 security was Eric Boswell, but I didn't deal with security,
8 so that wasn't something I did. All I was asking, from a
9 policy perspective, was -- sorry, am I --

10 Mrs. Brooks. No, I understand that. I know you didn't
11 deal with security, but because security influenced decisions
12 that were made, who was your counterpart influencing, and
13 you're saying it was Eric, is that correct? Who would have
14 been influencing the security recommendations to who then
15 would have made the decision to go back in?

16 Mr. Sullivan. So ultimately, the decision to go back in
17 to Tripoli would be sort of an interagency decision. It
18 would be signed off on by the various agencies. Everyone
19 would kind of agree. But diplomatic security, I -- probably
20 under the signature of Eric Boswell, but I'm not sure. There
21 might have been a more specific person assigned to Libya, I
22 don't know, would have to say, you know what, we've looked at
23 it, we decided it's definitely safe, and it's okay to go and
24 nothing would proceed without that.

25 Mrs. Brooks. Okay. Thank you.

1 BY MS. BETZ:

2 Q Let me ask this: What role did Under Secretary
3 Kennedy play?

4 A He oversaw the diplomatic security bureau from the
5 Under Secretary position that he occupied. So he didn't do
6 the day-to-day security work, but the reporting line would go
7 up to him ultimately.

8 Q And taking a step back, would you have worked with
9 him early on in sending Envoy Stevens in in early March?
10 Would he have been responsible for the diplomatic security
11 teams that accompanied Envoy Stevens -- then Envoy Stevens?

12 A I don't know. I wasn't part of that decisionmaking
13 process. I didn't send them in or -- and so I didn't know
14 who they were or who decided to send them. I just knew they
15 had gone.

16 Q Well, let me ask you this: Who would have made the
17 decision to extend the period of time in which Envoy
18 Stevens -- then-Envoy Stevens remained in Benghazi?

19 A I'm not sure who made that decision.

20 Q So the decision to stay 1 day and then 8 days and
21 then 30 days and then to transfer from the Tibesti Hotel to a
22 villa, those decisions were made by?

23 A I don't know. I don't know who exactly made those
24 decisions.

25 Mrs. Brooks. Would it be fair to say that Cheryl Mills

1 was involved in making those decisions as chief of staff?

2 Mr. Sullivan. I would not be surprised if she wasn't
3 involved. I mean, I wouldn't be surprised if she was, but I
4 don't know if she was or not.

5 Mrs. Brooks. Wasn't there a regular weekly, or if not,
6 even more than weekly, senior leadership discussion group
7 about big issues in the Department? Did you participate in
8 that?

9 Mr. Sullivan. Right. There were a number of different
10 weekly meetings. There was a weekly meeting with all of the
11 assistant secretaries and envoys that the Secretary chaired,
12 and then there were twice weekly meetings with a smaller
13 group of assistant secretaries to cover major policy issues.

14 Mrs. Brooks. Okay. And you participated in that?

15 Mr. Sullivan. Sometimes, and sometimes I didn't.

16 BY MS. BETZ:

17 Q Let me ask you this: If sending Envoy Stevens in
18 was part of a mission, a mission of which we've discussed,
19 you know, or outlined early in March, would you not have been
20 involved in those decisions, given the magnitude of the
21 policy and the role that Envoy Ambassador Stevens was playing
22 at the time?

23 A From a policy perspective, obviously, I was aware
24 of the fact, and supportive of sending a special envoy to
25 Benghazi in March of 2011. How he got in there, what

1 happened there, you know, where he stayed, those wouldn't
2 have been things that would come to me. I'm not the expert
3 on that. I wouldn't be able to give good guidance on should
4 he be at this hotel or this villa.

5 Q No, but the decisions to continue the presence in
6 Benghazi, where he stayed and the logistics -- you know, I
7 think we can stipulate that might be somebody else, but the
8 decisions to keep him there, were you involved in those?

9 A I don't remember there being a 1-day, 8-day. I
10 remember the decision for him to go, and then I don't recall
11 interim decisions extending his stay for days at a time. I
12 think if someone had said, hey, we're pulling him out, you
13 know, that obviously would have come back up and, you know,
14 people -- if he had been leaving Benghazi because people
15 decided he can't stay any longer, that would have probably
16 come up.

17 Q Well, let me ask you this: There were instances,
18 at least documents that we have, that suggested that in some
19 instances, in April, he was ready to evacuate, would you have
20 been made aware of that?

21 Ms. Sawyer. You know, I'm just going to interject for a
22 moment because I understand the question, but if there is
23 such a document that actually suggests that there was a
24 recommendation for him to be removed, we should put it before
25 the witness. I am not aware of any document that does state

1 that, so I just don't want us to -- you know, I want the
2 record to be clean. If you've got the document, if you can
3 just share it with the witness.

4 BY MR. MISSAKIAN:

5 Q Just a few more follow-up questions on the document
6 you have in front of you, exhibit 13.

7 Do you have an understanding of what Mr. [REDACTED] meant
8 when he referred to "exception to the BOG for explosive
9 ordinance detection and Marine FAST team"?

10 A I don't know exactly what he was referring to on
11 the exception of BOG for explosive ordinance detection. I
12 understand Marine FAST team to be a complement of Marines
13 specifically designed for heightened embassy security.

14 Q To your knowledge, did anybody explore or obtain an
15 exception to either one of those requirements?

16 A No.

17 Q The second point is "An Ambassador to Libya who
18 actually wants to go." What did he mean by that?

19 A Honestly, I'm not sure what he meant by that. I
20 think he and I were focused on different things. I was
21 focused on getting a team to examine reopening the embassy.
22 I think he was focused on how you'd actually set up the
23 embassy.

24 Q Okay. It's a pretty strong statement. It doesn't
25 stand out in your mind as something you discussed with him

1 back then?

2 A It doesn't.

3 Q And the last one, also a fairly strong statement,
4 "Locking Pat Kennedy in a closet for long enough to actually
5 take some real risks." What did he mean by that?

6 A As you can see, [REDACTED] is a pretty colorful guy.
7 He remains so. He writes publicly now. You can read similar
8 terms and phrase in the way that he conducts his business, so
9 that didn't stand out to me. That was pretty vintage [REDACTED].

10 Q Okay. What did you think he meant?

11 A I mean --

12 Q And obviously, there's an element of seriousness in
13 what he's saying. I mean, he does refer to "take some real
14 risks." Did you have any discussion about what he meant by
15 that?

16 A I don't recall anything beyond just the quick back
17 and forth in this email.

18 Q Okay. And then jumping up, he suggest, and this is
19 the part of the email that I was referring to, he suggests
20 that you convey your impatience to [REDACTED] or Pat
21 Kennedy, Eric Boswell -- sorry. "I suggest you reach out to
22 Pat Kennedy and Eric Boswell to convey your impatience."

23 So was that an unfair characterization of you at the
24 time, you were not in fact impatient to get a team there or
25 you were?

1 A Well, yeah. I think he's -- we are having some
2 cross signals here, right. I was asking to have a team get
3 out to examine the embassy, and he, in fact, says in this
4 email, "DS wants to go in," so they're going to go. So I
5 took from that that what I wanted to have happen, which is to
6 get people out there to take a look about what was going to
7 happen. So I think -- I think we were talking past each
8 other a bit in this email.

9 Q Okay. Now, you also say in the middle of the email
10 here, this is the one dated August 30, 2011, at 4:51 p.m.,
11 I'll read it into the record, quote, "Would be good to be
12 able to say we will send a team to examine reopening the
13 embassy," close quote.

14 Say to who?

15 A I don't remember who I had in mind with that.

16 Q Okay. Do you recall why it would be good to be
17 able to say it to whoever you're referring to?

18 A I don't.

19 Q Mr. Sullivan, I'm just going to mark exhibit 15.
20 Went you've had a chance to scan through, just let me know.

21 [Sullivan Exhibit No. 15
22 was marked for identification.]

23 Mr. Sullivan. Okay. Again, it's a fairly lengthy
24 document with quite a bit of substance, so I may need to take
25 a pause to read a section, but I'd be happy to try to answer

1 your questions.

2 BY MR. MISSAKIAN:

3 Q Thank you. And for the record, this is a
4 multi-page document. The first page is an email from [REDACTED]
5 [REDACTED] to you and others dated August 29, 2011. "Subject,
6 U.S. interests in post-Qadhafi Libya," and the attachment to
7 the document is entitled, "Note for the Secretary," also
8 dated August 29, 2011, from Jake Sullivan, "Subject: U.S.
9 interests in post-Qadhafi Libya."

10 Focusing first on the email. The first line from
11 Mr. [REDACTED] says, "Here is a note version of the 'squeeze the
12 lemon memo.'"

13 Do you know what he's referring to when he refers to
14 "squeeze the lemon"? I mean, I see what you mean by his use
15 of colorful language, but do you understand what he meant in
16 this context?

17 A I don't, and this is not -- looking at it, I can't
18 figure it out. I don't know what he means by squeeze the
19 lemon.

20 Q Do you recall receiving this email?

21 A I don't remember this email, no.

22 Q Do you remember the memo that is attached to it?

23 A I now remember it. I wouldn't have remembered it
24 before. I now, looking at it, I remember, generally, the
25 memo. I didn't remember the specific content.

1 Q Okay. Is it possible that he was using a version
2 of the phrase "trying to make lemonade out of lemons?"

3 A I can't speculate on that.

4 Q Now, the attachment is a memo you drafted, correct?

5 A It's actually a memo he drafted.

6 Q He drafted. Okay. Did you review it?

7 A I -- honestly, I don't remember how this all played
8 out.

9 Q Do you recall what prompted -- I assume you asked
10 him to write the memo. Do you recall what prompted that
11 request?

12 A I don't know that I asked him to write it. [REDACTED]
13 would routinely write his own memos, and that was common for
14 members of the policy planning staff. They would write
15 memos, propose them to me, and they would -- if I agreed to
16 send them forward to the Secretary, they would go under my
17 signature to the Secretary.

18 But in most instances, there would be some instances
19 where I would direct a staff member to write a memo, but a
20 lot of their work was self-directed.

21 Q Okay. In this instance, you just can't recall one
22 way or the other whether you asked or he did it on his own
23 initiative?

24 A I can't, although this is consistent with his
25 strong views about how to deal with certain aspects of Libya.

1 Q On the last page, next to the word "Approved,
2 colon," has your name. Does that suggest you reviewed it and
3 gave it some official approval before it being sent on to the
4 Secretary?

5 A That would be the standard form that it would say,
6 "Approved: Jake Sullivan, Drafted, S/P," but to go forward
7 to the Secretary, it would have to have my signature on it.

8 Q And to your recollection, is this the first time
9 these various interests had been discussed during the
10 intervention?

11 A Yeah. I think what [REDACTED] was doing was saying now
12 that we've gotten to the final phase of the conflict, here
13 are some things, I think, we should focus on as really
14 tangible demonstrations to the American public that the U.S.
15 is very directly getting some return on investment for what
16 we put in.

17 Q Now, there has -- I mean, I think we can all agree
18 that Libya was not a complete success for the United States
19 and international coalition. Now, some have suggested that
20 one of the problems was that there should have been ground
21 troops that were introduced into Libya after the fall, a U.N.
22 peacekeeping force, some sort of, to use the common phrase,
23 boots on the ground. You understand what I mean when I use
24 that term?

25 A I do.

1 Q Okay. At any point in the continuum of the
2 decision to go into Libya all through the conflict, the fall
3 of Qadhafi, the setting of a U.S. presence there, was there
4 an ongoing discussion about that issue, about sending in
5 ground troops, either to help the rebels or to ensure the
6 peace after?

7 A If I remember correctly, the President indicated
8 that he did not intend to send ground troops into Libya.

9 Q And I think I saw a memo here that uses the term --
10 and we can make it part of the record, a red line regarding
11 boots on the ground. Do you recall that sort of definitive
12 no boots on the ground sort of position by the President?

13 A I don't know if I'd use that phrase, but he was
14 clear that he did not intend to send boots on the ground to
15 Libya.

16 Q When was that conveyed?

17 A I couldn't tell you exactly when.

18 Q Try to place it into context of the various events.
19 Was it before, during, obviously not after, maybe after, you
20 know?

21 A I think when the decision was taken to pursue an
22 air campaign in Libya, the President made it clear at that
23 point that he was not intending to send ground troops into
24 Libya.

25 Q Did any -- anyone or did the State Department ever

1 approach the President or his advisors to have him reconsider
2 that decision?

3 A I can't recall anyone at a senior level advocating
4 for American combat troops in Libya.

5 Q Does that include the Secretary?

6 A I don't believe that she ever advocated for combat
7 troops in Libya.

8 Q And could you give us a sense of the discussions,
9 the pro and the con surrounding the issue of use of ground
10 troops in Libya?

11 A Yes. The -- our experts on Libya indicated to us
12 that there was no possibility that the Libyan rebels, when
13 they were rebels, and then the transitional national council
14 would accept foreign boots on the ground in Libya. Their
15 judgment was confirmed by the U.N. mission in Libya. The
16 leadership of that mission made clear that the Libyans would
17 never accept foreign troops, Western troops in Libya. And,
18 you know, that was consistent with what our intelligence
19 community and our experts were telling us about the fierce
20 sense of nationalism and pride that the Libyan people felt
21 going back quite a long way. So that was a significant
22 factor.

23 But in addition, I think the President and the Secretary
24 judged that we could accomplish our objectives of civilian
25 protection during the conflict without the use of American

1 troops, and that after the conflict, if there were going to
2 be troops in Libya to help stabilize, they should be from
3 elsewhere other than the United States, a U.N. mission or
4 something like that, and the Libyans would never accept such
5 a mission, nor would they accept us. So it was a bit of an
6 academic question in a sense, because -- and by academic, I
7 don't mean abstract. I mean, the Libyans weren't going to
8 accept it. We knew that, and the President also felt that
9 putting American soldiers in harm's way in Libya did not rise
10 to that level that we should do that.

11 Q Okay. Thank you. Ms. Betz has a follow-up
12 question to one of the documents you have in front of you.

13 BY MS. BETZ:

14 Q So turning back to that squeeze-the-lemon memo.
15 Just in your opinion, what do you think squeeze the lemon
16 means, just in your opinion, what do you think he was trying
17 to convey?

18 A Honestly, I'm not sure. I mean, he's saying, look,
19 we've had a success here. Let's find very specific tangible
20 things to show the American people that this is a success
21 that we're very much sharing it. So I don't -- I don't know
22 how that relates to squeeze the lemon.

23 Q Speaking of which, if you could just direct your
24 attention to the last page, I just want to read the last few
25 sentences and just get your thoughts on what he was trying to

1 convey.

2 "As we move into the final phase of the Libyan
3 revolution, we need to quickly pivot toward a stronger
4 defense of U.S. interests to accomplish these four
5 objectives. If we do not, the American people will soon come
6 to question why we so vigorously supported the Libyan
7 uprising. In contrast, if we can deliver on some of these
8 goals, we can tangibly prove the value of the humanitarian
9 interventions and create space of pursuing a similar approach
10 in the future."

11 What do you think he meant by that?

12 A What do you mean by what do I think he meant by
13 that?

14 Q Well, was there concern about what the public was
15 thinking?

16 A I think his view was when the United States acts
17 overseas, we ought to be able to demonstrate to the American
18 people that our actions are going to benefit them, and that
19 the more that we are effective in being able to show that to
20 people and have them see that, then when our national
21 interests are at stake or our values are at stake, we will
22 have more of an opportunity to pursue those interests and
23 values overseas.

24 Q Okay. But this comment is very specific to Libya
25 and the Libya -- the Libyan revolution, the Libyan uprising.

1 Was there concern within your sphere about some of the public
2 perceptions of the U.S. sort of intervention with respect to
3 Libya?

4 A I think the comment is specific to Libya because
5 the memo is about Libya, so --

6 Q Right.

7 A -- naturally, it would be a comment about Libya.

8 But, you know, just taking a step back, I think [REDACTED]
9 is actually raising a very appropriate issue here, which is,
10 if you're an American citizen who doesn't follow foreign
11 policy on a daily basis, you're asking yourself the question,
12 why are U.S. warplanes flying over these cities that I've
13 never heard of, dropping bombs on these people I've never
14 heard of, and that's not just true in the Libya case, of
15 course. It's true elsewhere.

16 And part of the job of the foreign policy community in
17 the United States is not just to execute the policy, it's to
18 explain the policy to the American people. And frankly, in
19 policy planning, that was part of our job as well. Policy
20 planning had the speech-writing shop for the State Department
21 housed in it, and one of the things that I emphasized was
22 policy articulation, trying to connect what we were doing
23 overseas to the lived experience of Americans at home. That
24 was really important.

25 It's doubly important when you're talking about putting

1 American servicemembers in harm's way as we did when we had
2 them fly over Libya. So I think the point [REDACTED] is trying
3 to make is a pretty simple but important one, that when we
4 engage in these major foreign operations, being able to show
5 the American people that they matter helps create the kind of
6 durable support for a robust American foreign policy that I
7 believe is very much in our country's national interest.

8 I'd like to see a larger Defense Department budget. I'd
9 like to see a larger State Department budget, because I think
10 when American leads abroad, we do better for ourselves at
11 home, but you only get that if you can convince the American
12 people that that's important. That was true in the Libya
13 circumstance. It's true in a wide variety of circumstances,
14 and it's a case that I go out and make publicly when I speak
15 to groups, and it's certainly a case I was thinking about
16 when I sat in policy planning.

17 Q Is it easier to convince these certain cases versus
18 others, like, for example, were you worried about being able
19 to make the case to the public with regard to Libya?

20 A Well, some things are self-evident.

21 Q Correct.

22 A You know, coming to the defense of Israel, I think
23 everyone can understand, okay, why would we do that. It
24 doesn't take a whole lot of explanation. Other things are
25 much more complicated. Take the Iran nuclear deal that is

1 coming before the House next week. Obviously there's
2 incredibly divided opinion on that, and we're talking about
3 something that is hyper-technical.

4 I mean, we're having American people debate centrifuges
5 and SWU and all these things that nobody thinks about on a
6 daily basis. So it really depends on the issue, the degree
7 to which the explanatory power of your actions needs to be
8 connected.

9 In the Libya case, as in any use of military force
10 abroad, I think there's a heightened importance of explaining
11 to the American people why you do it, because we shouldn't
12 use force lightly, and we should be able to communicate to
13 the American people why we're doing it and what it is that
14 they are getting out of it.

15 Now, what I would say about this particular set of
16 contributions that [REDACTED] was making was, he was trying to
17 take this down to a very granular level. Earlier in our
18 discussion, I talked about things like MANPADS and spillover
19 and terrorism, he talks about terrorism here, but what he's
20 really focused on are specific tangible things like Magariaf
21 or recovering our costs, and I think what he had in mind is
22 that can help tell a story about American leadership in the
23 world that is right and true and accurate, and also serves
24 the purpose of shoring up a bipartisan commitment to American
25 leadership around the world.

1 Q Do you know if the memo ever got sent?

2 A I'm not sure if it did. I know that this draft
3 that you have sent me here is not -- this didn't get sent
4 because it doesn't bear the markings of what would be sent
5 forward. But I don't know if a further version of the memo
6 got sent or if it never got sent or if we completely
7 rethought the whole thing and did it some other way. I'm
8 just not sure.

9 Q Okay.

10 Mr. Missakian. Could we go off the record for a moment?

11 [Discussion off the record.]

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1 Mr. Kenny. The time is now 2:35.

2 Mr. Sullivan, again, thank you. It has been a long day,
3 and we appreciate your patience. I just wanted to note at the
4 outset that we had an agreement with the majority that we
5 would waive one of our rounds in order to help them address
6 and answer some of their questions and help work through some
7 of the outstanding questions they may have for you.

8 To give you a bit of an overview of how I'd like to
9 proceed this round, we touched on several topics over the last
10 2 hours, and I'm going to be moving from topic to topic, and
11 in the process of doing so, I'm going to do my best to help
12 guide you. But if at any point I lose you, please feel free
13 to let me know.

14 BY MR. KENNY:

15 Q I would like to return first to exhibit 11, which
16 was a classified document with the subject of Libya Options,
17 And I know that you may not have had the chance to fully
18 review all the documents. I'll ask kind of a higher level
19 discussion here, and this is more to understand, you know,
20 none of the members of this committee sit on the Foreign
21 Affairs Committee, which is a standing committee of this
22 Congress that has direct oversight over the State Department,
23 and so a document such as this to us, just would like your
24 understanding of what exactly is at play here? It appears to
25 me at least to be a discussion and a back and forth, if you

1 will, between various proposals that are being either
2 developed, discussed, weighed and discussed amongst a number
3 of individuals. I was wondering if you would just walk us
4 through what that process is and why some of these
5 participants would be included in a process such as that.

6 A Sure. First of all, depending on the issue at the
7 State Department, things would get handled differently, but
8 if we were talking about a significant matter like the
9 potential application of American force in a country,
10 relatively senior officials in the Department would begin
11 weighing in early on in the process. And part of what the
12 Policy Planning Office does is try to help bring some more
13 systematic rigor to the process, not so much to be the
14 decisionmaker -- the Policy Planning Department doesn't have
15 responsibility like that -- but rather just have a
16 conversation that moves through in a methodical way what the
17 major options are, what the pros and cons are, what the
18 various considerations would be. So the email that I laid
19 out in the first instance here was an effort to do exactly
20 that and to put on the table for various Department officials
21 some of the things that we should be thinking about. Just
22 looking at the To line, those officials would include the
23 Deputy Secretary of State, the Under Secretary of State For
24 Political Affairs, the Assistant Secretary of State for Near
25 East Affairs, the Assistant Secretary of State for European

1 Affairs, the Assistant Secretary of State for Human Rights
2 and Democracy, the key people on, key person, Gene Cretz, on
3 Libya; the Department's legal counsel, Harold Koh; the
4 Executive Secretary; as well as some others.

5 And, you know, the goal was to have an open and
6 substantive discussion on how to develop a common, coherent
7 State Department position as part of that larger interagency
8 Nation Security Council process I described so that we could
9 help tee up for the President all of his options and have the
10 Secretary be in a position to give her recommendation to him.

11 Q So would it be fair to say you were generating
12 options and engaging in some sort of a process where you
13 would vet those options before they would be proposed for
14 senior members of the government to include the President to
15 make a decision. Is that fair?

16 A You just said in three sentences what I took 15
17 sentences to say. Thank you for that.

18 Q One of the things I wanted to ask you about in this
19 document, there appears to be a discussion, and again it's an
20 option, my words, generating options, not your term, to
21 provide some sort of material support to the Libyan
22 opposition; and I was just wondering if you could perhaps, to
23 the best of your recollection, set the table for us, if you
24 will, what was occurring at this point in time. This is
25 early March 2011? My understanding is that we're fairly well

1 along into the Libyan revolution at this point in time, and I
2 think you had mentioned in the previous round about how
3 circumstances seemed to be driving some of the need for the
4 State Department and perhaps the wider interagency to reach
5 some sort of decision about how to best approach those sort
6 of circumstances. So perhaps if you have anything to share
7 on that?

8 A Right. So the context here was that, as you note,
9 the Libyan civil war was underway. Qadhafi's forces were
10 engaging in military conflict with rebel forces, which would
11 be some combination of regular Libyan military units that had
12 defected and then more irregular units that had sprung up as
13 the revolution unfolded. And Qadhafi's forces were making
14 progress through much of March in retaking territory that had
15 been taken from them. And so one of the questions on the
16 table, an option that would naturally have to be considered,
17 would be as opposed to direct U.S. military action, could
18 there be indirect support through the provision of various
19 forms of assistance to the Libyan rebel forces.

20 Q And had any decision been made at this particular
21 point in time as to how to proceed?

22 A No.

23 Q And so, as you may know, the United Nations passed
24 Security Council Resolution 1973. That was in the middle of
25 March. And would it be fair to say that a document such as

1 this would be perhaps laying the groundwork, beginning the
2 discussion, in anticipation of that possibility of putting
3 forth a proposal such as that Security Council Resolution?

4 A I don't recall the exact date of the resolution.
5 It may have been March 19 or March 20, somewhere in that
6 neighborhood. So from the 8th of March, when I sent this
7 email until then, a week to 2-week period, that would have
8 been a period of intensive discussion up to and including the
9 President of the United States about how the United States
10 wanted to proceed. And, meanwhile, lots of stuff is
11 happening both in Libya and in the region, all contributing
12 to a decision by the President to go to the U.N. to seek that
13 resolution, 1973, and what Resolution 1973 said was that it
14 gave authorization for all necessary means to protect
15 civilians of Libya, which was the legal basis for the
16 coalition military mission.

17 Q Okay. And in a previous round, you had mentioned
18 the position of some of our European partners. And around
19 this time, do you recall the U.S., our European partners,
20 what their position would have been towards Libya?

21 A So two of our very closest allies, maybe our two
22 closest allies, Britain and France, in the month of March
23 made clear at the highest levels to the United States that
24 they wanted the U.S. to participate with them in some kind of
25 mission to protect civilians in Libya.

1 At the same time, our closest partners in the Gulf, our
2 closest Sunni allies in the region were strongly expressing
3 their view and asking, one might even say vigorously asking,
4 us to participate. In the run-up to 1973, the Gulf
5 Cooperation Council passed a resolution calling for a no-fly
6 zone; the Arab League passed a resolution calling for a
7 no-fly zone. Britain and France were speaking out publicly,
8 so there was a lot of demand from our partners in the region,
9 some of our best friends in the region and the world, for the
10 United States to exercise leadership in Libya.

11 Q Do you happen to recall the position of some of our
12 Arab partners in the region as well with respect to what our
13 policy should be towards Libya?

14 A Right. I was just referring to that, whether you
15 were talking about the Saudis or the United Arab Emirates or
16 the Jordanians or the Bahrainis, our closest allies in the
17 region who we cooperate with against terrorists, against
18 Iran, against a range of threats in the Middle East, they
19 were all coming to us and saying we need your help on this.
20 Please step up.

21 Q And do you recall at all, first, I can ask, did you
22 participate in any way with United Nations Security Council
23 Resolution 1973?

24 A In an indirect way, I did. Secretary Clinton
25 worked to help garner the necessary votes and abstentions

1 that allowed the Resolution to go through. So just as one
2 example, in order to pass Security Council Resolution 1973,
3 we needed to make sure the Russians didn't veto it, which was
4 no small thing because the Russians take a very dim view of
5 any American military intervention anywhere. So that
6 basically fell to Secretary Clinton to convince her
7 counterpart, Sergey Lavrov, the Foreign Minister of Russia,
8 that they should simply abstain. We were in Tunisia at the
9 time. I don't recall the exact date. But it was the day of
10 or the day before the Resolution was voted on, and I helped
11 develop the Secretary's strategy for talking to Lavrov. She
12 had that conversation with him in Tunis. He agreed that they
13 would abstain. She also spoke with some other foreign
14 ministers to ensure we had the necessary votes.

15 Q Okay. Thank you. Do you recall if there was a
16 particular catalyst for that Security Council Resolution, for
17 instance, an event or potential event that might occur on the
18 ground in Libya, that was a driving force for moving that
19 Resolution?

20 A I would say there were two related factors. One
21 was that Qadhafi had already killed a number of innocent
22 people, and his forces were moving rapidly east. The second
23 was that Qadhafi was directly threatening the major city in
24 the east, Benghazi, and was indicating that when he took
25 Benghazi, he was prepared to hunt people down like rats, to

1 shoot them in the streets. And given his murderous,
2 sometimes barbaric, consistently tyrannical history, that
3 seemed like a very credible threat.

4 Q The reason I'm asking some of these questions, I'm
5 just trying to square the date of this document along with
6 the Security Council Resolution, some of the events that
7 occurred as you just described in Benghazi. And one of the
8 things I was hoping you would help explain for us would be to
9 address the potential criticism, some criticism that has been
10 lodged, that the U.S. was being led or was leading itself on
11 some sort of a March to war in Libya or whether that was some
12 sort of an irreversible course that we were on as the result
13 of perhaps the State Department or another entity within the
14 U.S. Government. How would you respond to that criticism?

15 A So what you can see here as of March 9, is a
16 vigorous debate about the pros and cons of any kind of
17 military intervention. The Secretary herself was unresolved
18 as to whether military intervention made sense as of
19 mid-March. And it took a combination of factors to fall into
20 place for her to be convinced that this was a good idea.
21 Those factors included the requests and urging of our
22 partners, but that wasn't good enough. She also wanted to be
23 sure that Arab forces would actually participate in this
24 thing so they had skin in the game, so it wasn't just going
25 to be us and other Western powers. It included knowing that

1 there would be a sufficient legal basis to do this, and that
2 was the U.N. Security Council Resolution. It included
3 knowing that the stakes had grown sufficiently high.
4 Qadhafi's forces were advancing on the gates of Benghazi, and
5 the forces on the ground weren't going to be able to stop
6 them. It included very crucially the opportunity to sit down
7 and take the measure of the representative of the
8 Transitional National Council to know that there was a
9 credible opposition, organized political group, that we could
10 partner with in carrying out the civilian protection issue.

11 Secretary Clinton traveled abroad in an effort to
12 establish all of these facts. And until they had all fallen
13 into place, and until she was confident that the
14 circumstances warranted it, she was not prepared to make a
15 recommendation to the President that he engage in any
16 military action in Libya.

17 Q And at one point in the last round, there was a
18 characterization of how we can view the events or the results
19 of what ended up being the U.S. foreign policy; but to those
20 who would maybe look at this as some sort of a stark
21 black-and-white issue, it seems like it is much more complex
22 than that. So would this be the appropriate process then for
23 weighing those views, for instance, within the State
24 Department to bring different parties and different views
25 into the process?

1 A This would be, you know, if there's a better way to
2 do it, I'm not sure I know what it is. You want to lay out
3 all the options from the most modest, which is just some
4 support to the opposition but not action, all the way up to
5 the most dramatic, and have a full airing of all of those
6 options. And both [REDACTED] and Steve, [REDACTED] and Steve Mull,
7 in this email give very thoughtful comments on what to do and
8 what not to do. And I can just say unequivocally,
9 categorically, that nobody in a senior position in the
10 U.S. Government had their mind made up on taking military
11 action in Libya until very close to that date of the U.N.
12 Security Council Resolution because so much was shifting, so
13 much was changing; there were so many factors at play. And
14 it wasn't until circumstances warranted it that Secretary
15 Clinton and others, including the President, decided to go
16 ahead.

17 Q You were also asked in the last round whether
18 Congress had expressed any views in what actions the U.S.
19 should take in Libya. I think you had indicated that there
20 were some voices to do more there. Do you recall if any of
21 those voices would have included the option or discussed the
22 option of inserting ground forces in Libya at this point in
23 time?

24 A I don't recall that anyone was arguing for ground
25 forces in Libya, but I wouldn't rule it out. I might have a

1 mild conflict of interest on this issue because my wife
2 worked for Senator McCain -- not at the time. But he
3 probably would have been the most assertive person on this
4 issue. I don't recall him actually arguing for ground troops
5 at the time.

6 Q Do you recall anything about his positions at the
7 time?

8 A I recall him being very passionate about the need
9 for the United States to get more directly involved in Libya.

10 Q Thank you. That's very helpful.

11 Mr. Kenny. I think at this point we'll introduce what
12 will be marked as exhibit 16.

13 [Sullivan Exhibit No. 16
14 was marked for identification.]

15 BY MR. KENNY:

16 Q And for the purposes of the record, this is a June
17 15, 2011, letter from Joe Macmanus, Acting Assistant
18 Secretary Legislative Affairs, Department of State, and
19 Elizabeth L. King, Assistant Secretary Legislative Affairs,
20 Department of Defense. It's addressed to the Speaker of the
21 House, the Honorable John Boehner. And for the purposes of
22 our discussion, I'm going to refer you to page 26. And this
23 is an attachment that's included with the letter. And so I
24 would just like to note beginning on page 26 through 31, the
25 attachment here lists what's referred to as Libya-related

1 hearings, briefings, calls, and other communications and
2 consultation between Congress and the executive branch. I
3 would just first like to establish the time period here is
4 March 1 going forward, so this would have also included the
5 time we were just discussing in exhibit 11. Is that correct?

6 A Yes.

7 Q Okay, and did you have any role whatsoever in
8 preparing for briefings or personally briefing Members of
9 Congress on Libya-related issues in this time period?

10 A I didn't personally brief Members of Congress
11 during this timeframe that I can remember, and I don't
12 remember a specific instance of it. But I'm confident that I
13 talked to officials at the State Department about their
14 briefings.

15 Q Were you aware at this time period that Congress
16 was being briefed on some of the matters related to Libya
17 policy?

18 A Of course.

19 Q And so just note at the top of page 26 in the
20 summary it reads, quote: "Since March 1, the administration
21 has testified at over 10 hearings that included a substantial
22 discussion of Libya, participated in over 30 Member and/or
23 staff briefings, including the March 18 Presidential meeting
24 with congressional leadership, committee chairs, and ranking
25 members. All three requested 'All Members Briefings,' two

1 requested by the Senate, one in the House, and all requested
2 'All Staff Briefings.' Conducted dozens of calls with
3 individual Members, and provided 32 status updates via email
4 to over 1,600 congressional staff," close quote.

5 I know perhaps contemporaneously there may have been
6 some discussion or some debate about the role of Congress
7 with respect to what the administration was doing or planning
8 on doing in Libya. But based on this list here, does it
9 appear that Congress was being regularly briefed on matters
10 in Libya?

11 A Based on this list here and also just based on my
12 memory, I recall we all put a high premium on making sure we
13 were staying regularly in touch with Congress on these
14 issues. As I was saying before, when you are even
15 contemplating, even considering the option of engaging in
16 military action somewhere, you think very hard as a member of
17 the executive branch about everything you can possibly do to
18 keep Congress apprised. And I worked in the Senate. I
19 personally care deeply about making sure that we have a
20 positive partnership between the two branches when it comes
21 to matters of war and peace.

22 BY MS. SAWYER:

23 Q Just a couple quick questions before we leave this
24 exhibit. You had indicated when you were talking with my
25 colleague that there was a period of intensive discussions

1 that dated from around that memo through the time of voting
2 on the U.N. Resolution, which you remembered to be around the
3 19th?

4 A It might have been a little later. I don't
5 remember exactly. It might have been the 26th. I can't
6 recall the date of it.

7 Q So if you just take a look at the exhibit we're
8 looking at, 16, it actually lists out with some description
9 the actual briefings that were given.

10 A Right.

11 Q So if you take a look at page 31, it starts with
12 March 1, and then it moves forward in time as you go up,
13 March 1, March 2, March 4, and even just in this time period
14 that you're talking about of intensive consideration. I
15 think I counted 20 briefings. We can recount and make sure
16 I'm right, but one on the 18th, I just wanted to direct your
17 attention to that's on page 29. And it just reads there:
18 "President Obama invited Congress' bipartisan, bicameral
19 leadership to the White House to consult on the situation in
20 Libya and brief them on the limited, discreet, and
21 well-defined participation that he envisioned for the United
22 States to help implement the U.N. Resolution," end quote.

23 The next page lists the attendees who were able to be
24 there, and I think we can read through some of them. I think
25 the document speaks for itself. It's a pretty strong plate

1 of the leaders of both the House and the Senate. It includes
2 the majority leader, Harry Reid, Speaker John Boehner,
3 Democratic leader, Nancy Pelosi; Senator Diane Feinstein, at
4 the time the chair of the Senate Intelligence Committee; I
5 believe both the Democratic and the Republican leaders of our
6 House Foreign Affairs Committee at the time. And this would
7 have been, it says to consult on the Resolution. This would
8 have been prior to the United States actually taking a vote?

9 A I believe that's correct. I don't have in front of
10 me the date of the actual vote on the Resolution.

11 Q And then just briefly on page 11 of the document,
12 and again this document is sent a few months later, so it's
13 also a recap, page 11, fourth paragraph down states, quote:
14 "As President Obama has clearly stated, our contributions do
15 not include deploying of military ground force into Libya
16 with the exception of personnel recovery operations as may be
17 necessary," end quote. So, once again, it appears to me that
18 the position had been stated very clearly to Congress as to
19 the range and role that our military was anticipated at that
20 point in time to play. Does that seem accurate?

21 A Yes, and that statement there was consistent with
22 my understanding of what the policy was.

23 Q And then just to make clear for the record where
24 this document comes from, the document itself that you are
25 looking at is available on the Internet. The classified

1 annex has also been provided to this committee, so we do have
2 the classified annex. This document itself is 31 pages and
3 has some of the information that the committee fully has and
4 it is available to them also the classified annex that was
5 available at the time. So I just wanted to make that clear
6 for the record.

7 A Just looking at this, it does look like the
8 Resolution was actually passed on the 17th, so I just wanted
9 to clarify my answer that there was an All Senators Briefing
10 on the 17th on Libya, but the meeting with the President was
11 on the 18th.

12 BY MR. KENNY:

13 Q At this point, we'll be jumping around a little
14 bit. I'll direct your attention to exhibit 13.

15 This is the email from [REDACTED] on August 17,
16 2011. You described in the last hour how your recollection
17 is that this discussion related to the insertion of a
18 security team that would assess the conditions on the ground
19 in Tripoli to determine the suitability for possibly
20 reopening the Embassy. Is that a fair summary?

21 A Correct.

22 Q And the top email, which is authored by [REDACTED]
23 [REDACTED], begins by stating, quote: "It is in train but slow.
24 NEA is trying to hurry it up. Looking for a combined
25 political and DS team to go out on 9/5 led by [REDACTED]"

1 [REDACTED]," close quote. The beginning where he mentions
2 that this, "it is in train," what -- is the "it" there
3 referring to the security team that would be going?

4 A You know, I said initially I didn't really remember
5 this email. Just from context, it looks like he's talking
6 about a team to look at what to do with the Embassy, and he's
7 talking about a combined political and DS team.

8 Q Sure. The reason I asked that, there was some
9 discussion about whether the request was being pushed or made
10 in haste. I would just like to note that the time stamps
11 between the first email you send at the beginning of the
12 thread, which is 4:47 p.m., and the top email when the
13 response is 4:59 p.m., so the fact that this, the process or
14 whether a combined political DS team was being considered is
15 already, quote-unquote, "in train," would that mean that
16 planning was already underway to send a team into Tripoli?

17 A That would be a natural reading of this. And as we
18 discussed in the last conversation, what [REDACTED] is also
19 reporting is that DS was already itself planning to go. The
20 only question whether it was going to be DS along with
21 political or not. But DS appeared to already be prepared to
22 go. So when I asked the question, he told me just a few
23 minutes later that DS was already planning to go.

24 Q And when it says here "NEA," is that referring to
25 the Bureau of Near Eastern Affairs?

1 A That's right.

2 Q And was your understanding based on this or at the
3 time separately that the Bureau for Near Eastern Affairs had
4 already been engaged in planning for the possible reopening
5 of Embassy Tripoli?

6 A I don't remember from the time, but just looking at
7 this email, it appears that NEA was working to try to get a
8 team on the ground to judge whether it would be appropriate
9 to open a mission.

10 Q Let me ask it this way. Do you recall in this
11 period or the time before, that Embassy Tripoli staff had
12 been retained for a period of time and served in what was
13 referred to as Embassy in Exile in Washington, D.C.?

14 A Oh, I that, yes, I certainly remember that. In
15 fact, [REDACTED], who is mentioned here, was Ambassador
16 Cretz' -- she worked for Ambassador Cretz at Embassy Tripoli
17 beforehand and was part of the group that evacuated from
18 Embassy Tripoli when we had to shut down our operations there
19 during the civil war. And she would have been part of
20 Embassy Tripoli Washington, which was trying to operate as
21 many of the functions of that Embassy from back here as they
22 could given that they weren't on the ground.

23 BY MS. SAWYER:

24 Q The other phrase I had heard it referred to was the
25 Embassy on the Potomac. To me it sounds more optimistic than

1 Embassy in Exile?

2 A You know, I hadn't remembered that, but now that
3 you remind me, yes. That was a term that was being used at
4 the time.

5 Q So that would kind of indicate that there was the
6 thought that at some point in time, it would be potentially
7 appropriate and desirable to have the diplomatic presence on
8 the ground back in Libya?

9 A Right. Our goal in a post-civil war Libya would be
10 to get an American presence on the ground once security
11 conditions permitted it, to be able to carry out our
12 interests and our objectives.

13 BY MR. KENNY:

14 Q And I'd just like to ask here, in viewing this
15 discussion here, were you or perhaps [REDACTED] -- first
16 let me ask it this way. Did you feel any pressure to reach
17 an outcome to send a team into Tripoli to the detriment of
18 security in this time period?

19 A No. I'm sorry.

20 Q Let me re-ask it this way. At this time period,
21 during this time period, did you feel any pressure to reopen
22 Embassy Tripoli without adequately considering security in
23 Tripoli?

24 A Really quite the contrary. What I was focused on
25 was a team that would examine reopening the Embassy, and the

1 central consideration, since all the political and diplomatic
2 considerations would have been in favor of doing it, the
3 central consideration of any team that would go look would be
4 could we secure it effectively; could it operate effectively,
5 in the context of a post-civil-war Tripoli? So I absolutely
6 felt we had to have a team go look and determine whether it
7 was appropriate.

8 Q Do you recall if this particular team did, in fact,
9 go to Tripoli?

10 A I don't know what you mean by "this particular
11 team," but a team from State that was composed in part of
12 security experts went to Libya, went to Tripoli, looked at
13 the facility that we had there, looked at everything else
14 associated with it, and ultimately made a determination that
15 the security conditions were sufficiently robust that we
16 could reopen.

17 Q Thank you. And referring you to the third email in
18 the thread here, you were asked about one line here, the
19 third tick, which reads, quote, "locking Pat Kennedy in the
20 closet for long enough to actually take some real risks,"
21 close quote. I read that to indicate that Pat Kennedy, the
22 Under Secretary for Management, perhaps wasn't as
23 risk-accepting as others. Did he have a reputation in the
24 Department as somebody who didn't take security seriously?

25 A Absolutely not.

1 Q What was his reputation for security?

2 A You know, Pat, who, frankly, I think has just been
3 unfairly maligned in public, is a guy who has served his
4 country for going on four decades now, Republican and
5 Democratic Presidents. I think he came in when President
6 Nixon was in office. And this guy is a consummate public
7 servant behind the scenes. And he is careful, and he is
8 methodical, and he takes his responsibilities incredibly
9 seriously. And that includes the security of our posts. And
10 he was very focused on risk management and ensuring that the
11 personnel of the State Department had the best possible
12 protection.

13 Q You were asked a series of questions in the last
14 hour about the capabilities of host nation security forces,
15 specifically in Libya, and I would just like to ask whether
16 you had an awareness of whether the U.S. was engaged, either
17 directly with the Libyans or with the international
18 community, on how to support the Libyan Government's efforts
19 to build that capacity?

20 A So starting almost right away after the fall of
21 Qadhafi, this became a very high priority for the
22 U.S. Government. The Secretary spoke with her counterparts
23 at the Pentagon about reaching out to the Libyan security
24 services to help them be able to build their capacity. That
25 included everything from training to technical assistance to

1 certain forms of equipment, and it involved the allocation of
2 various pots of money to try to help them as well. And
3 ultimately what we approved was a special joint State-DOD
4 fund that would be in part focused on helping shore up
5 Libya's security and help the Libyan security services be
6 able to extend the writ of the government across the country,
7 secure their borders, push back against extremists and
8 terrorists, and get the capacity of the actual forces up to a
9 level where they could actually effectively perform their
10 duties.

11 Q And was there an awareness within the Department of
12 the challenges that the Libyan Government faced in terms of
13 developing their internal capacity to provide security?

14 A Yes. The Department was well aware of the fact
15 that the security institutions in Libya, like many of the
16 other institutions, had a lot of weaknesses in them, and that
17 between training and assistance and support in every way in
18 which we could provide it, we did our best to try and help
19 fill those weaknesses, and it wasn't just us. We worked very
20 closely with our European partners, who were doing their own
21 work. We worked very closely with UNSMIL, which was the U.N.
22 Mission in, which had its own set of technical advisers to do
23 the same thing. As I discussed before, the Libyans were
24 averse, allergic, to having foreign boots on the ground in
25 Libya in any numbers; and so that put us in a position where

1 the imperative on security was try to train them up, provide
2 them capacity to as great a degree as we possibly could over
3 the course of the period post the fall of Qadhafi.

4 Q So were you personally optimistic that those
5 challenges were being addressed?

6 A Well, I recognized the challenges. I was
7 clear-eyed that this was going to take work and that it is
8 very difficult to operate in a post-conflict environment
9 without a strong set of security institutions, especially
10 when it's not plausible to have a peacekeeping presence on
11 the ground. I believed that we were pursuing assertive
12 efforts to try to help them, and I believed that we were
13 making some progress, but I was also very much aware of the
14 fact that the gaps were enormous, and this was a big uphill
15 battle.

16 Q You were asked in the last round about a series of
17 security incidents that occurred in Libya and your awareness
18 of those incidents. One of the things I would first like to
19 ask you was whether you were also aware of any positive
20 developments that were occurring in Libya in, say, the summer
21 of 2012, going forward?

22 A Right. So a lot of things did not go right in
23 Libya. Some things did go right. We were able to secure the
24 chemical weapons stockpiles, and in July of 2012, we were
25 able to support the first democratic election maybe ever, or

1 at least in 40 years, in Libya's history. And it was a
2 successful election that produced a moderate-led interim
3 government.

4 Q And my recollection is the security incidents that
5 had been provided to you were from the April 2012 time period
6 through the June 2012 time period, and do you recall when the
7 election took place?

8 A The election was in July of 2012.

9 Q Was that viewed as a success?

10 A It was viewed as a success. It was viewed as a
11 credible election with sufficient security on the day, and as
12 I said, it produced an outcome where we felt that there was a
13 government that we could work with. Of course, that
14 government was an interim government, and it was a government
15 that was quite nervous about too much association with
16 foreigners because of what I described earlier, which was
17 Libya's fierce nationalism and sense of pride and desire to
18 be independent, but the election, I believe, was a success.

19 Q You were asked if you had an awareness as well of a
20 specific Emergency Action Committee meeting that occurred,
21 and I would just like to ask first generally, the EAC
22 process, is that a process you're familiar with, how those
23 function and work at post?

24 A Generally speaking, I'm familiar with them.

25 Q Can you explain for us just generally what EAC is

1 and what it does?

2 A What I understand is the EAC, the Emergency Action
3 Committee, is convened by the Ambassador, and it's the
4 relevant security personnel and other senior leadership of
5 the Embassy. And, basically, they review the potential
6 threats to the Embassy, the Embassy's posture, and make
7 determinations about whether or not they need to alter that
8 posture in some way. So, for example, do they need to send
9 dependents, spouses and children, out of the country? Do
10 they need to evacuate some of the personnel? Do they need to
11 shut down altogether? That would be the kind of thing that
12 an EAC would look at.

13 Q So they would make a recommendation based on, for
14 instance, security conditions or potential threats at post?

15 A That's correct.

16 Q Would there be recommendations then that would also
17 come out of EAC?

18 A Sometimes there would be. My guess is sometimes
19 maybe there wouldn't. I'm not sure how common a practice
20 that was.

21 Q And you, again, had indicated you weren't familiar
22 with the specific EAC; but if there were an EAC that made a
23 recommendation, for instance, that a post should suspend
24 operations or should go on a different status, ordered
25 departure or otherwise, is that something you would have

1 received in your position as the Deputy Chief of Staff or as
2 the Director?

3 A Maybe not in every case. But in general if a post
4 decided they had to evacuate some of their people or shut
5 down altogether, I would know about that.

6 Q Do you recall ever receiving an EAC from either
7 Embassy Tripoli or Special Mission Benghazi that referred to
8 a recommendation that a post status should change, that there
9 should be an evacuation?

10 A Well, in 2011, before Qadhafi fell, I learned that
11 there was a recommendation to shut down Embassy Tripoli
12 altogether. And that recommendation was accepted back in
13 Washington, and the post shut down.

14 Q Do you remember or recall generally when that
15 occurred?

16 A I believe that that was in either February or March
17 of 2011. It might have been February.

18 Q And other than the one example you just cited, do
19 you recall receiving or viewing or hearing of an EAC that
20 made a recommendation for ordered departure or other
21 evacuation status of either Embassy Tripoli or the temporary
22 mission facility in Benghazi?

23 A No, I don't.

24 BY MS. SAWYER:

25 Q Just tying that back to something you mentioned

1 before we asked you about the EAC, you had said there was a
2 realization certainly by you that this was going to be a
3 challenge; it was going to take time. I think you used the
4 term gaps were enormous in terms of making sure there was
5 going to be host nation support and ability. Given that
6 dynamic, had there been a recommendation that came from the
7 ground that there was a need to evacuate, to go on ordered
8 departure, even authorized departure, do you believe that
9 recommendation would have been handled seriously? Do you
10 think it would have been granted?

11 A Whenever a post came in and said, we think we need
12 to evacuate some of our people, we took that deadly
13 seriously, and we acted promptly and immediately on it, so I
14 believe that would have happened in this case. Just to
15 clarify one thing, when I was talking about the gaps, what I
16 was focused on was just the general gaps in the Libyan
17 security sector and its ability to extend the writ of the
18 State to all of Libya. I wasn't as focused on the issue of
19 host nation support at post. That wasn't something I really
20 dealt with. It was more a question of, can we help bring the
21 Libyan security services up to a point where they can provide
22 the kind of stability in Libya that will allow Libya's
23 democratic transition to proceed?

24 Q I want to make one thing clear and give you an
25 opportunity to comment on it as well. I think you often hear

1 the phrase "hindsight is 20/20 vision," and so I do think
2 it's very easy looking back to say someone should have really
3 sounded the alarm bell and just said evacuate. It's much
4 easier after the fact. You had indicated moments ago how
5 seriously the Under Secretary of Management, Patrick Kennedy,
6 took security. You have talked a lot about the mechanism and
7 the expertise within the Diplomatic Security Department. The
8 Accountability Review Board did a very hard-hitting
9 assessment of where there were issues and where things could
10 be changed. But I would just like your sense. I mean, my
11 sense has been that everyone was doing their very best and
12 making assessments. You've indicated to us it would be an
13 ongoing assessment process; you'd always balance in an
14 ongoing basis. It's not as if the decision you make in
15 October 2011 to go back and reopen the Embassy is one that's
16 set in stone, and we're going to stay no matter what the risk
17 is?

18 A Uh-huh.

19 Q I'd just like your sense to help us understand and
20 kind of put these questions to rest once and for all.

21 A Let me start by saying that four Americans died in
22 Benghazi, and so I absolutely understand everyone asking what
23 happened, what went wrong, and how do we make sure this
24 doesn't happen again, because it doesn't get more grave than
25 that. I also understand that if you're looking at it in

1 hindsight and you say, "here's a list of security incidents
2 that happened in Libya; how could you not know about what was
3 happening at the security at the post in Benghazi," which I
4 think was the thrust of the questioning from earlier, what I
5 think people need to understand about the State Department is
6 that we operate in dangerous places all over the world. We
7 operate in active war zones. We act in countries where host
8 nation security services aren't that great. And we have top
9 notch, top flight Diplomatic Security specialists who secure
10 our facilities and do it in an unbelievably effective way.
11 Even in cases where there are RPG attacks, rocket attacks,
12 indirect fire, Shia militias in Baghdad, even when there are
13 people crawling over the walls like there were in Yemen and
14 in Khartoum, Sudan in the days after the attack. So neither
15 the Secretary of State nor other senior policy people on the
16 seventh floor are interfering with the security decisions
17 that are being taken. They are obviously deferring to the
18 expertise, the judgment, and the hard-won experience of the
19 people who decide, how many people do you need at post; what
20 do the physical security restrictions need to be? Now, if
21 somebody says, hold on a sec; this isn't working and they
22 raise that up, or we need to leave, or something's got to
23 change, or we really don't feel like we can continue our
24 presence here, if they raise that question up to the senior
25 leadership of the Department, the Department, the Secretary,

1 and everyone on down, acts quickly and decisively on that,
2 and there are many examples of it.

3 In this case, the folks on the ground in Libya did not
4 believe that they needed to close down. They didn't say we
5 got to get out. They didn't raise to the highest levels any
6 kind of sense that this posture wasn't going to work. They
7 were having a normal give and take between Diplomatic
8 Security and the Embassy that you would expect. And the fact
9 is, that didn't work. And that's what the ARB said.

10 Q I'm kind of curious about, I just want to ask you
11 this question because the one thing that I've always wondered
12 is, the numbers range, but you often hear 20 to 60 armed
13 attackers came in moments and swarmed the Embassy. When we
14 say it didn't work, I'm kind of curious, what posture would
15 we have needed to have really done anything against that kind
16 of attack -- did people foresee that level of attack? Should
17 she have foreseen that level of attack?

18 A That was unforeseen. At some level, there is just
19 no way to fortify an embassy enough to stop against a massed
20 attack. You just can't do it. You know, I think the ARB and
21 some of the Diplomatic Security professionals who have been
22 on the ground in Benghazi have said publicly that, you know,
23 even if you had had more guys there or a few of the other
24 things, it probably wouldn't have stopped an attack like
25 this. But that being said, we always strive to do our best

1 and to provide the best level of security we can. If there
2 is a way in which we haven't succeeded in doing that, or if
3 there are changes in the process that can be made, and the
4 ARB made a number of recommendations on that, then I think
5 it's incumbent on the Secretary to follow through on that.
6 That's what Secretary Clinton did. That's what Secretary
7 Kerry is doing. So we can never eliminate risk. We can only
8 work to reduce risk as much as possible. And the history,
9 unfortunately, of American diplomacy is that attacks happen,
10 and people lose their lives. And what's kind of incredible
11 about the Foreign Service is people keep getting back out
12 there. One of the things that I heard shortly after Benghazi
13 is that after there are attacks where American diplomats are
14 killed, applications to the Foreign Service actually go up,
15 which is kind of an incredible thing to say about Americans,
16 that they step up when that happens. We have a history of
17 this going back decades that hundreds of diplomats have lost
18 their lives because it's not a risk-free proposition.

19 Mr. Kenny. At this point, we'll go off the record.
20 Thank you.

21 [Discussion off the record.]
22
23
24
25

1 [3:43 p.m.]

2 Mr. Missakian. Let's go back on the record.

3 BY MR. MISSAKIAN:

4 Q Mr. Sullivan, I just wanted to close out the policy
5 area and then kind of jump, I guess, ahead in time to
6 September 11th.

7 Was the issue of whether or not to provide -- I know the
8 issue of whether or not to provide weapons to the Libyan
9 rebels was on the table.

10 A Yeah.

11 Q Was there ever a decision made one way or the other
12 whether or not to provide weapons to the rebels?

13 A I believe we never decided to provide weapons to
14 the rebels.

15 Q Okay. Who made that decision? Was that a White
16 House decision, or was that a State Department decision?

17 A It would have been a White House decision.

18 Q Do you recall who was most involved in considering
19 that issue at the White House.

20 Ms. Wilkinson. Can I have a moment off the record with
21 my client?

22 Mr. Missakian. Of course. Let's go off the record.

23 [Discussion off the record.]

24 Mr. Missakian. Back on the record.

25 BY MR. MISSAKIAN:

1 Q Who at the White House was most directly involved
2 in that issue?

3 A I don't remember who would have -- in fact, I may
4 not have even known. I wasn't a central player in the
5 conversations about whether to provide weapons to the rebels.

6 Q Okay. Do you recall about when that decision was
7 made by the White House?

8 A I don't.

9 Q Whenever it was made and whoever made it, the
10 decision was conveyed to the State Department?

11 A You know, like I said, I don't believe we ever
12 decided to provide weapons to the rebels, "we" being the
13 U.S. Government. I couldn't tell you, sitting here today,
14 about a particular decision point on the issue.

15 Q Okay. Can you put the decision point in the
16 context of the continuum of the revolution? Toward the
17 beginning? The middle? The end?

18 A Honestly, I remember -- obviously, it was among the
19 options being considered. I don't recall -- I honestly don't
20 recall how the issue was resolved, if it was ever resolved or
21 if it was just kind of constantly pushed off and a decision
22 was just never taken.

23 But my best memory is that we never -- we, the
24 U.S. Government, never went ahead and provided weapons to the
25 rebels.

1 Q So as you sit here today, you're not sure if the
2 decision was ever made one way or the other. Is that fair,
3 or do you believe that a decision was made not to provide
4 weapons to the rebels by the United States?

5 A All I can tell you is that my best memory is that
6 we did not provide weapons to the rebels. I couldn't tell
7 you about particular decision points. I just don't remember.

8 Q Okay. Do you recall whether or not the issue of
9 providing of weapons to the rebels was a controversial one,
10 either within the interagency or, broadly speaking, in
11 public?

12 A I don't remember so much the public debate, about
13 the issue. I remember having discussions inside the State
14 Department about the pros and cons of it. I don't know if
15 I'd go so far as to say controversial. Obviously, it's a
16 weighty decision providing weapons to foreign irregular
17 forces. So certainly I remember discussing it. But I don't
18 know, sitting here today, who outside of the State Department
19 was engaged and how exactly they were resolving the issue.

20 Q Okay. What were some of the arguments against
21 providing weapons to the rebels, do you recall?

22 A So if I remember correctly, and I don't have a
23 strong memory of this, people raised the question of whether
24 or not it would be effective. Obviously, people raised the
25 question of whether any weapons that the United States would

1 provide could potentially fall into the wrong hands. It was
2 the standard litany of potential objections to providing
3 arms.

4 Q And if arms had been provided, would they have been
5 provided through the U.S. Defense Department?

6 A I'm not sure how to answer that question.

7 Q What were the options then for providing weapons to
8 the rebels in terms of how they would be supplied?

9 A So I don't recall ever participating in a
10 conversation that got to the point of operationalizing it.
11 It was more at the level of policy, should we or shouldn't
12 we. So I couldn't tell you about the next level of
13 specificity down.

14 Q Did the Secretary or the State Department ever
15 consider using private contractors to provide weapons to the
16 Libyan rebels?

17 A If I remember correctly, the Secretary asked
18 that -- asked the question as to whether that might make any
19 sense or not, but I think that idea came and ran pretty
20 quickly.

21 [Sullivan Exhibit No. 17

22 was marked for identification.]

23 BY MR. MISSAKIAN:

24 Q Okay. Let's take a look at a document. I'd like
25 to ask the next document being marked is Exhibit No. 17,

1 which I understand is next in order.

2 Mr. Sullivan, what I've just marked as Exhibit 17 is a
3 multipage document consisting of an email at the very top on
4 the first page from Secretary Clinton to you on April 8,
5 2011. The subject is "H: UK game playing. New rebel
6 strategist; Egypt moves in. Sid."

7 Below that, it appears she's forwarding to you an email
8 from Sidney Blumenthal. Do you recall receiving this email?

9 A I don't specifically recall receiving it, no.

10 Q Focusing on the top -- and I'll quote it into the
11 record -- the Secretary says the idea of using private
12 security experts to arm the opposition should be considered.

13 Do you recall her making that suggestion to you in and
14 around April of 2011?

15 A I didn't remember her making the suggestion to me.
16 But as I was just telling you, I remember that she had raised
17 the issue.

18 Q And as best you can, describe what happened to the
19 issue after she raised it?

20 A Like I said, I think it just came and went pretty
21 quickly. I don't remember us spending much time on it. I
22 can't remember really how exactly I followed up on it, but I
23 just don't remember it going anywhere.

24 Q I mean, did it stop at a particular place or with a
25 particular department or person? Do you remember anything

1 about what happened to the issue after you received this
2 email?

3 A I mean, this was --

4 Q In other words, let me give you an example. You
5 could have received this and thought to yourself "this is a
6 lousy idea, I'm not going to do anything with it" or you
7 could have taken it to somebody down the hall who maybe you
8 thought was an expert or more involved in this issue than you
9 were and discussed it first with them, could have picked up
10 the phone to call the White House. Do you remember anything
11 about what you did?

12 A I don't. I don't remember. I don't remember, and
13 I think that's, in large part, because this just wasn't an
14 issue that stayed on my radar screen.

15 Q Do you recall any discussions about not funneling
16 or providing weapons to the Libyan rebels but to providing
17 weapons to the Syrian rebels in that conflict?

18 A I do.

19 Q Okay. Tell us what you recall about that topic.

20 A Well, that occurred in 2012. And what I remember
21 of that was the Secretary, along with some of her colleagues,
22 making the case to the President that the United States
23 should provide arms to the Syrian rebels.

24 Q Okay. What was the end result of those
25 discussions?

1 A The very end result or --

2 Q The very end result. Let's start there.

3 A So the very end result -- well, I'm pausing here
4 because I don't know what --

5 Q Let me --

6 A -- my whole -- can actually discuss this issue.

7 Mr. Missakian. Let's go off the record for a moment.

8 [Discussion off the record.]

9 Mr. Missakian. Let's go back on the record.

10 BY MR. MISSAKIAN:

11 Q Mr. Sullivan, I asked you if you could describe the
12 discussions that surrounded the issues of providing arms to
13 the Syrian rebels, and I believe you said that the Secretary
14 and others raised that issue with the White House. And
15 ultimately, a decision was made, I gather, not to provide
16 arms to the Syrian rebels?

17 Can you, at least, tell us what the end result of all
18 the discussions were, recognizing that the individual
19 discussions may be classified at a higher level than we are
20 classified here today?

21 Ms. Wilkinson. Can I consult with him again?

22 Mr. Missakian. Please.

23 Ms. Sawyer. Can we go off the record for a moment?

24 Mr. Missakian. Yes. Let's go off the record.

25 [Discussion off the record.]

1 Mr. Missakian. Let's go back on the record.

2 BY MR. MISSAKIAN:

3 Q Mr. Sullivan, your response to the last question?

4 A In the fall of 2012, the President did not agree
5 with the Secretary's recommendation.

6 [Sullivan Exhibit No. 18
7 was marked for identification.]

8 BY MR. MISSAKIAN:

9 Q Okay. Thank you. We'll now move on to another
10 area.

11 We can mark the next exhibit in order as Exhibit 18.
12 Exhibit 18 is a one-page email from you to Secretary Clinton,
13 dated September 10, 2011. The subject is Rogers. The text
14 reads, "Apparently wants to see you to talk Libya/weapons."

15 Very short question: Do you recall the email? Do you
16 recall the subject matter? Tell us what you remember about
17 this exchange.

18 A I don't recall the email.

19 Q Do you recall who the Rogers is that's referred to
20 in the subject line?

21 A I'm surmising that it's Chairman Rogers of the
22 House Intelligence Committee, but that is speculation. I
23 don't remember.

24 Q Okay. Do you recall any conversation between the
25 Secretary and Chairman Rogers about the issue of Libya or

1 weapons?

2 A I don't.

3 Q Do you recall a meeting between the Secretary and
4 Chairman Rogers around this time?

5 A I don't.

6 Mr. Jordan. How did you know that he wants to talk
7 about Libyan weapons?

8 Mr. Sullivan. Honestly, I don't know that it's even
9 Chairman Rogers. That's the only Rogers I know, so that's
10 why I'm surmising. I can't think of another Rogers.

11 Mr. Jordan. But there was something that caused you to
12 write "apparently," so there had to be some signal that you
13 felt he wanted to talk to the Secretary of State about the
14 country of Libya and weapons.

15 Mr. Sullivan. I think that's totally fair as a reading
16 of this. I just don't remember how I knew that.

17 Mr. Jordan. Okay.

18 BY MR. MISSAKIAN:

19 Q Let's move beyond the policy area and go back to
20 September 11, 2012.

21 Do you recall the Secretary speaking to the -- I can't
22 remember if it was the prime minister or the President of
23 Egypt during that week following the attacks?

24 A I don't specifically remember that, no. I mean,
25 now that you mention it, it makes sense that she would talk

1 to him after what happened in Cairo, but I don't remember the
2 conversation.

3 Q Okay. You don't recall being present for the
4 conversation?

5 A No.

6 Q To your knowledge, did the Secretary speak to the
7 President on the night of the attacks?

8 A Yes. I remember she did speak with the President
9 on the night of the attacks. You're talking about the
10 attacks on the night of September 11th?

11 Q Yes. On the night of September 11th, 2012.

12 A Yeah. She spoke with the President.

13 Q Were you present for that conversation?

14 A No.

15 Q Do you know if that conversation was a secure call?

16 A I don't.

17 Q Did you see any summary of the call between the
18 Secretary and the President?

19 A No.

20 Q Did you speak to anybody about the call?

21 A I don't think I did, no.

22 Q I'm just going to run through a list of other
23 people that, partially in your original interview, you
24 identified that the Secretary spoke with and some, maybe
25 others who didn't.

1 I believe you testified earlier that -- not earlier
2 today, but in your OGR interview that she spoke with
3 Assistant Secretary Kennedy that night?

4 A Yes.

5 Q Was that one time or multiple times?

6 A It was an evening where everybody was doing all
7 kinds of different things all over the place. My best
8 recollection is that it was multiple times.

9 Q Do you recall anything that stands out in your mind
10 that was said between the two?

11 A No.

12 Q I believe you mentioned that the Secretary had
13 spoke to General Petraeus as well. Were you present for that
14 call?

15 A I was in her outer office. I believe she took the
16 call in her inner office. So I saw her go take it, but I
17 wasn't present for it.

18 Q And I believe you said that she spoke at least
19 once, possibly multiple times, with National Security Advisor
20 Tom Donilon?

21 A Right.

22 Q Were you present for any of those calls?

23 A I don't remember. I don't remember being present
24 for any of them.

25 Q Is there anybody else that she spoke to that night

1 that stands out in your mind to the point where you could
2 recall any part of the conversation?

3 A I remember her in the SVTCS speaking with --

4 Q I'll get to the SVTCS separately, but outside of
5 the SVTCS?

6 A I remember her speaking with Steve Mull. I
7 remember her speaking with the Libyan President. I remember
8 her speaking with Joe Macmanus.

9 Q Who is Joe Macmanus?

10 A The Secretary's executive assistant, which in
11 corporate parlance would suggest that he, you know, does her
12 schedule or something like that. But at the State
13 Department, that would be the senior foreign service officer
14 providing her with substantive advice.

15 Q Okay. Do you recall whether or not she spoke with
16 President Clinton that night?

17 A No. I know that she -- no. I don't remember her
18 speaking with him.

19 Q Other than the President, do you recall her
20 speaking to anyone else at the White House, outside the
21 context of the SVTCS?

22 A Tom Donilon.

23 Q I'm sorry. In addition to Tom Donilon.

24 A Outside the context of the SVTCS?

25 Q Yes.

1 A Other than the President and the National Security
2 Advisor, I'm not sure there was anyone else at the White
3 House that she spoke with.

4 Q Let's talk about the SVTCS now. I believe you said
5 it started around 7:30. It went for over an hour, possibly
6 up to 2, maybe a little bit longer.

7 On your side of the State Department, in addition to
8 yourself and Secretary Clinton, who else was there, do you
9 recall?

10 A I wish I had a better memory of what happened. I
11 mean, there was so much happening that week. I could tell
12 you who I think was there, but honestly, I don't -- I
13 couldn't --

14 Q I don't want you to guess. If you can't remember,
15 that's fine.

16 A I couldn't tell you for sure.

17 Q I'm just going to go through a number of subject
18 areas, and just tell me if you recall any conversation about
19 this.

20 Possibly one of the more important ones is: Was a
21 military response to the attacks in Benghazi discussed that
22 night in the SVTCS?

23 A The senior uniformed military officers from the
24 Joint Staff and DOD were on the SVTCS and reported in on what
25 their military options were. I remember that generally.

1 What the exact nature of the conversation was, what exactly
2 they said at this point, I don't remember.

3 Q Well, do you recall that being the first time that
4 the State Department had had a discussion with the Department
5 of Defense regarding a military option?

6 A No. I don't know that that was the first time.

7 Q As best you can -- and I know you don't recall
8 specifics.

9 A In fact -- I'm sorry to interrupt.

10 Q That's okay.

11 A I remember, almost immediately after the attack
12 began, being told that the attack was happening and then
13 being told that we had requested that a drone be repositioned
14 over the compound to help provide eyes on.

15 Q That was not an armed drone. That was an unarmed
16 drone?

17 A It was an unarmed drone. The drone in the area was
18 unarmed. It was to provide eyes on and that was the first --
19 that was very shortly thereafter.

20 So, I guess, in answer to your question, the
21 conversations between State and DOD and AFRICOM began almost
22 immediately after the attack.

23 Q Okay. Was there ever a discussion during the SVTCS
24 about sending an armed drone?

25 A I don't remember.

1 Q What do you recall the discussion being around
2 sending in U.S. military forces, whether that'd take the form
3 of aircraft going in or troops on the ground? What do you
4 recall about that?

5 A I remember, at DOD, I can picture their screen on
6 the SVTCS was sitting there. I can see the admiral and
7 general and some others sitting there, conveying military
8 options and giving their assessment of what was possible, but
9 I could not tell you the specifics of what they were talking
10 about that night.

11 Q As you sit here today, you can't think of any
12 specific options they may have put on the table?

13 A I couldn't tell you the specific options, no.

14 Q Was there any discussion in general about sending
15 in troops or armed aircraft, the pros and cons of that?

16 A There very well may have been. I mean, part of the
17 challenge in answering your questions is I've obviously seen
18 and heard what the Pentagon has said that it was considering
19 and raising up, you know, and what was close, what wasn't
20 close, whether they could actually conduct some kind of
21 military operation. And I'm afraid that I don't know how
22 much of my memory is what -- how they described it after the
23 fact and how much from that night.

24 So I can tell you they got on, talked about military
25 options. I just couldn't tell you what the specifics were

1 from that night.

2 Q Did you walk away from the SVTCS that night with
3 the feeling that the military had told the State Department
4 that they just could not get there in time?

5 A I walked away from the SVTCS feeling like the
6 military was doing everything that it could, and I had no
7 concerns about what the military was trying to do.
8 Certainly, if I had had concerns, I would remember that.

9 Q Okay. Then a fair answer to my question is you
10 don't recall walking away with that impression?

11 A Which impression?

12 Q The impression that the military said during that
13 SVTCS that they could not get to Benghazi in time?

14 A I couldn't tell you on that precise point whether
15 that's what they said. All I know is they laid out what they
16 thought was possible and wasn't possible, and I thought
17 everything that they were saying made sense.

18 Q At that point, was the topic of obtaining
19 permission from the Government of Libya to go in either with
20 aircraft or troops, was that discussed during the SVTCS?

21 A You know, as I said, going in with aircraft troops,
22 I just don't remember the specifics. So I don't -- I can't
23 answer that.

24 Q At any point during the SVTCS, did anyone raise the
25 issue that the attack in Benghazi might be related to the

1 video, or alternatively, to the protest in Cairo?

2 A I don't remember whether that came up.

3 Q Did anyone, during the SVTCS, convey that they
4 believe the protest had preceded the attacks in Benghazi?

5 A I don't remember anyone raising that.

6 Q Was there a discussion during the SVTCS about the
7 fact that Ansar al-Sharia had claimed responsibility for the
8 attack by that point in the evening?

9 A I'm not sure. I mean, the real focus was -- and
10 what I recall very distinctly was -- our guys had moved from
11 the post to the annex, and they were holed up at the annex.
12 And I remember the discussion focusing on what all of our
13 options were to help get them out of that annex safely and to
14 protect them as best we could. I don't remember any
15 discussion about Ansar al-Sharia.

16 Q Do you recall any discussion of deploying the State
17 Department's FEST team?

18 A No.

19 Q Later in that evening, the Secretary issued a
20 statement, I believe, at about 10:08 p.m. in the evening.
21 Was there any discussion during the SVTCS about issuing a
22 statement or the contents of that statement?

23 A It's possible. I'm not sure. I don't remember a
24 discussion of that at the SVTCS.

25 Q Do you recall any discussion during the SVTCS where

1 somebody brought up the fact that Mitt Romney may be using
2 the attack in Benghazi to paint the President as weak on
3 terrorism?

4 A No. I don't remember that.

5 Q Okay. Do you recall any discussion of -- well, let
6 me withdraw that for a moment.

7 Were you aware that earlier in the day that Mitt Romney
8 had sent out a Tweet, I believe it was, criticizing the
9 administration's response to the protests in Cairo?

10 A I'm not sure if I was aware of it that day or the
11 next day. I certainly became aware of it.

12 Q And do you recall any discussion about that in the
13 SVTCS?

14 A No, I don't. No.

15 Q All right. Let's focus on the statement that was
16 issued by the State Department at 10:08.

17 Mr. Jordan. Can I ask one question, Craig.

18 Mr. Missakian. Please.

19 Mr. Jordan. Was the video brought up during the SVTCS?

20 Mr. Sullivan. I don't remember it being brought up.

21 Mr. Jordan. I mean, just one hour before, you had sent
22 this out to every single post around the country talking
23 about this -- this is one of the exhibits that, I think, the
24 minority staff put in -- I think it was their first one.

25 You just sent this out. You thought it was important to

1 let everyone around the world know, but you don't know if it
2 was brought up during the SVTCS?

3 Mr. Sullivan. It's possible that it was. But, you
4 know, the SVTCS is focused on this incredibly specific
5 operational exercise of trying to get these guys out.

6 Mr. Jordan. Okay.

7 [Sullivan Exhibit No. 19
8 was marked for identification.]

9 BY MR. MISSAKIAN:

10 Q Mr. Sullivan, I've just given you a document that's
11 been marked as Exhibit 19, and it's a one-page document that
12 consists of an email from Philippe Reines, dated September
13 11, 2012, 10:03 p.m. to a variety of people. I know you're
14 not on here. But after you've had a chance to look at this,
15 let me know.

16 A Okay.

17 Q Focusing on the portion of the email that says
18 "Statement on the Attack in Benghazi" and the statement that
19 follows, did you draft that statement?

20 A I don't know if I drafted it entirely by myself,
21 but I did participate in the drafting of it. I may have
22 drafted the whole thing. I don't remember exactly how it
23 happened, but I do remember being part of writing it.

24 Q To the extent others were involved in helping you
25 draft this, were those people at the State Department? The

1 White House? Possibly both? Who were these people?

2 A State. It would have been me and Toria, and I'm
3 just not sure if I did it or if Toria and I did it together
4 or -- but it would have been the two of us.

5 Q Okay. Do you recall how you drafted it? And by
6 that, I mean was it typed directly into an email or was it
7 typed into a word processing program first, and then copied
8 and pasted into an email?

9 A I don't. For something like this, because we're
10 trying to move it fast, you know, it was pretty common for me
11 to just put it right into an email.

12 Q Do you recall a lot of back and forth on the
13 content of this statement?

14 A I remember talking to Toria about it. I don't -- I
15 don't remember a lot of back and forth.

16 Q And the group of people at the bottom of the email,
17 these are the people that I gather have to approve the
18 statement before it can be sent out or the people that had
19 already approved it before it goes out?

20 A I'm not sure which of those two it is.

21 Q But it's one or the other?

22 A That seems plausible to me. I'm not sure. This is
23 Philippe's email. It's not mine. But that seems like a --

24 Q At the top, he says "Clearers are listed at
25 bottom."

1 A Right.

2 Q You don't know what that means?

3 A No, no. I'm saying that seems like fair that he's
4 saying these people either did or should clear this
5 statement.

6 Q Okay. Do you know how that list was selected?

7 A No. But it makes sense to me. It's the chief of
8 staff, the deputy, the Under Secretary for Political Affairs.
9 And political affairs at the White House is actually policy.
10 Sorry. The State Department, it sounds like it's political
11 but it's actually really the chief policy Under Secretary.

12 Toria Nuland is the spokesperson. Philippe is the
13 deputy assistant secretary, and then Ben Rhodes would be
14 coordinator of the inner agency with respect to strategic
15 communications.

16 Q Let's dig into some of the specific statements
17 here. The second paragraph speaks to a conversation that
18 Secretary Clinton had with President Magariaf. We know you
19 weren't present for that.

20 But as best you can recall, how did you get the
21 information that is included in this statement about that
22 call?

23 A I don't remember how I got that information.

24 Q The statement also refers to, in the third
25 paragraph, "inflammatory material posted on the Internet."

1 What did you mean to refer to when you used those words?

2 A The video.

3 Q Now, the next -- the first sentence of that
4 paragraph reads in full: "Some have sought to justify this
5 vicious behavior as a response to inflammatory material
6 posted on the Internet."

7 Do you recall whose idea it was to include that
8 sentence?

9 A I believe that it was my idea to include that
10 sentence. It was either mine or Toria's or a combination of
11 the two of us, but I thought it was important to include that
12 sentence.

13 Q And why is that?

14 A Well, there are two aspects to this. One was we
15 didn't know the motives of the actual attackers of Benghazi,
16 so I didn't want to say they did it because of the video, and
17 so I chose the words very carefully to say that some have
18 sought to justify it on that basis.

19 But I thought it was really important for us to be able
20 to express our views on the video and to say there is never
21 any justification for violent acts of this kind, as well as
22 to say we deplore efforts to denigrate the religious beliefs
23 of others because I was deeply concerned that we could
24 potentially face attacks on our embassies elsewhere. And,
25 unfortunately, that's exactly what happened in the following

1 days.

2 Q Now, what I'm trying to understand is -- and I
3 believe you just said you didn't really know the motive of
4 the attackers last night.

5 Would you agree a fair reading of that paragraph by
6 concluding that sentence -- and by the sentence, I mean "some
7 have sought to justify this vicious behavior as a response to
8 inflammatory material posted on the Internet." By including
9 that statement with the two -- the sentence that ends the
10 paragraph, "but let me clear, there is never any
11 justification for violent acts." Weren't you concerned at a
12 time when you didn't know what had happened -- I believe you
13 used the term "fog" -- there was a fog surrounding the
14 events. Weren't you concerned that by juxtaposing those two
15 statements that somebody reading this, somebody hearing this
16 might come to the conclusion that the attacks in Benghazi
17 were connected to the video or connected to what had happened
18 in Cairo?

19 A I thought very hard about exactly how to formulate
20 this. I didn't want to say the attackers did this because of
21 the video. That's why I chose to use the phrase "justify,"
22 because I just wanted to talk more generally about people who
23 might justify the attack on the basis of the video. Who
24 would those people be? They would be the kind of people that
25 would go try to gin up protests elsewhere, whether in

1 Benghazi again or in Tripoli or anywhere else around the
2 region.

3 And my first concern in getting this out was to do
4 everything we could to try to help prevent further violence
5 from happening. And I really thought it was important for
6 the Secretary to get on record on this issue. And in the
7 days that followed, I thought it was important for her to
8 continue getting on the record on this issue, especially as
9 we dealt with these assaults on our embassies across the
10 region.

11 So I thought hard about this paragraph. I thought hard
12 about making sure we formulated it in a way that was accurate
13 to say that just some had sought to justify it. Obviously,
14 we have all seen a lot of public reporting linking things as
15 well. So this, to me, was an important paragraph to include
16 in this statement.

17 Q So you weren't relying on the public information
18 linking the two events at the point where you drafted this
19 statement, or were you?

20 A Only insofar as some of that public reporting
21 indicated that people were trying to justify this behavior,
22 not that the attacks on Benghazi were motivated by it, which
23 I wouldn't say and I didn't say.

24 Q Would you agree with me that it's a fair --
25 somebody reading this might come to the conclusion that the

1 events in Benghazi were somehow connected to the video? Do
2 you agree that's a fair conclusion that someone might draw
3 from your construction and your use of these sentences?

4 A All I can tell you is what I intended to do. And
5 what I intended to do, and what Toria intended to do along
6 with me, is to try to get out there on the record that the
7 U.S. denigrates this, but there's no justification for it.
8 That became a staple of our response to this in the days that
9 followed because we saw so much violence connected to this
10 video in the days ahead.

11 Q All right. What I guess I'm struggling to
12 understand is you chose to deal with those two topics in one
13 statement about Benghazi, and this statement was about the
14 attacks in Benghazi. Right?

15 A Yes.

16 Q Okay. The video, which led to the protest in
17 Cairo, was one issue. Maybe it was going to lead to protests
18 elsewhere in the region, elsewhere in the world. That was a
19 possibility. So why not issue a separate statement doing
20 everything you wanted to do that you thought was important in
21 condemning that video, why not do that in a separate
22 statement and issue a statement about the Benghazi attacks
23 that night that would only convey the information that was
24 available at the time, which I gather was not a lot?

25 A Because people in the region and in Libya who were

1 watching the attack on Benghazi, some of them were saying,
2 Hey, you know what, that attack is justified because of what
3 that video says. So anyone watching that and saying, Hey,
4 what they did was great. That's great. Maybe we should do
5 it over here, maybe we should do it in this country, maybe we
6 should do it that country, we wanted to stop that. And it
7 was about saying that if you think it's okay to go attack an
8 American embassy because you got a problem because you think
9 they've done something wrong with the video, we're saying
10 that's not acceptable. That's no good.

11 And, you know, we were trying to get ahead of something,
12 which obviously we are not successful in doing because it
13 unfolded over the next several days.

14 Q And eventually you took the next step of actually
15 identifying the video as the cause of the attacks in
16 Benghazi. Is that correct?

17 A I took the next step?

18 Q Yes. Eventually you personally came to the
19 conclusion that the video was the cause of the attacks in
20 Benghazi. Is that correct?

21 A I went back and forth on this issue. There were
22 times when I thought it wasn't really related. There were
23 times when I thought it did -- it was related. And sitting
24 here today, I believe that the video played a role in the
25 Benghazi attacks. I know that's not a popular position with

1 some people, but I believe that it did play a role.

2 Q Okay. What is that based on?

3 A It's based on a number of investigations conducted
4 by newspaper outlets. It's based on some of the
5 congressional reports that have come out that have raised a
6 variety of possible factors. It's even based on the ARB
7 which said there's a possibility that the video had something
8 to do with it.

9 Q At any point in time, did Secretary Clinton have
10 any concern that the Benghazi attacks might be used to paint
11 the President or her, for that matter, as weak on terrorism?

12 A Absolutely not. When I first heard that allegation
13 or accusation later, it dumbfounded me.

14 Q Mr. Sullivan, we're kind of running out of time
15 here, so I'm going to try to rush through some of this stuff.

16 It wouldn't be a complete interview without me asking
17 you some information about Secretary Clinton's handling of
18 classified information through her personal email account. I
19 know you've been asked some questions about that already, but
20 I just want to ask you a few specific ones.

21 At any point in time, did you send information to
22 Secretary Clinton in an email that you had concerns might be
23 classified?

24 A I never sent Secretary Clinton information that I
25 had concerns might be classified on an unclassified computer

1 system.

2 Q So as you sit here today, all of the information
3 you sent her on the unclassified system was, in your mind,
4 clearly unclassified?

5 A I made my judgment of the information and believed
6 it to be unclassified, and I also passed along to her
7 information from experienced, seasoned foreign service
8 officers, who were also making their judgment that it was
9 unclassified.

10 Q Okay. Tell me about that. It sounds like you have
11 something specific in mind possibly where you looked at a
12 document and then came to a conclusion that it was not
13 classified. Is that what happened or are you just speaking
14 generally?

15 A Well, the way that it works is that -- and we
16 discussed this early on in the interview -- there's a
17 classified email system and an unclassified email system, a
18 classified phone system and an unclassified phone system.

19 So if you take a piece of information and you think it
20 meets one of the standards for classification, you send it on
21 your classified email system or you transmit it over your
22 classified phone system. If it doesn't meet the standards
23 and it's not classified, then, you can transmit it over your
24 unclassified email system or phone system. That's the
25 practice I followed.

1 Q And so as you sit here today, you can't think of
2 any instance where you sent an unclassified email that
3 included information about which you might have a question
4 about whether it was classified or not?

5 A I did not believe that any of the information that
6 I transmitted over an unclassified system was classified.

7 Q No. I understand that, but putting your belief
8 aside, do you recall any instance where information was sent
9 over an unclassified system where there was a discussion
10 about whether or not the information was classified or not?

11 A I don't remember that, no.

12 Q A couple of quick questions, and then I'm going to
13 turn it over to Representative Jordan for a few minutes.

14 Do you recall ever being instructed by the FBI or the
15 Department of Justice to say something or not to say
16 something about the Benghazi attacks during the pendency of
17 their investigation?

18 A No. I was never instructed by the FBI to do
19 anything.

20 Q Were you ever asked -- maybe that was the wrong --
21 "instruct" was maybe the wrong word.

22 Were you ever asked by the FBI or the Department of
23 Justice to say or not say anything about the Benghazi attacks
24 in light of their open investigation?

25 A Was I personally?

1 Q Yes.

2 A I don't remember personally being asked.

3 Q Were you ever made aware of that?

4 A I do recall that there was a general issue of not
5 speaking publicly about the investigation, but I don't know
6 if that's what you're talking about or it's something else.

7 Mr. Missakian. Okay. That's okay. I'll turn it over
8 to Representative Jordan at this time.

9 Mr. Jordan. So today, Mr. Sullivan, you said earlier
10 referring to the Secretary, she knew the Ambassador. She
11 asked him to go to Libya. You also said earlier today this
12 was a priority country. Obviously, Libya was incredibly
13 important to us, and yet the Secretary or the folks on the
14 seventh floor didn't know Ambassador Stevens was going to be
15 in Benghazi on September the 11th, 2012.

16 Mr. Sullivan. She didn't, but that would be really
17 standard. I mean, a country like Afghanistan, which is
18 incredibly important, she doesn't know the comings and goings
19 of where the Ambassador is in the country at a given time.

20 Mr. Jordan. Even on September 11th, in those kind of
21 countries where Libya was incredibly important priority
22 country, you don't know the Ambassador is going to the heart
23 of the revolution on a day that has, you know, significance,
24 real significance.

25 Mr. Sullivan. On September 11th, every post everywhere

1 is really important, especially across the broader Middle
2 East and North Africa. So she was looking at making sure
3 there weren't any active threat streams that could affect any
4 of the embassies, very focused on that.

5 And so, no, the particular place of a given ambassador
6 in a given country was not something she was focused on.

7 Mr. Jordan. Okay. Were you involved with any of the
8 selection of ARB members?

9 Mr. Sullivan. I was aware of the selection process, but
10 I didn't participate in it.

11 Mr. Jordan. What about in the selection of staff to
12 staff to ARB?

13 Mr. Sullivan. No.

14 Mr. Jordan. Did Cheryl Mills ever come up to you and
15 ask you, Hey, what do you think about so and so being on the
16 staff of the ARB? Or what do you think about Admiral Mullen
17 or Ambassador Pickering or whoever she was selecting? Did
18 you ever have those conversations?

19 Mr. Sullivan. It's possible. I don't remember a
20 specific conversation. It would be normal for Cheryl to say,
21 hey, what do you think about things.

22 Mr. Jordan. Okay. She indicated that -- well, did you
23 review the draft of the ARB?

24 Mr. Sullivan. Yes.

25 Mr. Jordan. You did review it?

1 Mr. Sullivan. Yes.

2 Mr. Jordan. Were you involved in making recommendations
3 for changes to the ARB?

4 Mr. Sullivan. Cheryl just asked me to give her my
5 reactions, which I did.

6 Mr. Jordan. So it's fair to say you reviewed the ARB
7 and you contributed to recommendations for changes to the ARB
8 report?

9 Mr. Sullivan. I don't know that that's fair to say. I
10 mean, I gave Cheryl --

11 Mr. Jordan. When she asked you for your thoughts on the
12 ARB, did you give her your thoughts?

13 Mr. Sullivan. I did.

14 Mr. Jordan. Okay. And do you know if those are
15 incorporated or not?

16 Mr. Sullivan. Well, my reactions and response, I didn't
17 suggest any changes to any of their findings or
18 recommendations.

19 Mr. Jordan. Okay. Did the Secretary ask you about the
20 ARB while you were reviewing it?

21 Mr. Sullivan. No.

22 Mr. Jordan. Did you give her any recommendations on
23 changes that should be made to the ARB?

24 Mr. Sullivan. No. The only conversation I remember
25 having with the Secretary about this was telling her I

1 thought it was a really hard-hitting report.

2 Mr. Jordan. Okay. Do you know [REDACTED]?

3 Mr. Sullivan. No.

4 Mr. Jordan. Okay. And besides your counsel, who, if
5 anyone, did you consult with in preparations for today's
6 interview?

7 Mr. Sullivan. It depends on what you mean by "consult
8 with." I mean --

9 Mr. Jordan. Did you talk with Secretary Clinton?

10 Mr. Sullivan. No.

11 Mr. Jordan. Did you talk with Wendy Sherman?

12 Mr. Sullivan. No.

13 Mr. Jordan. Did you talk with Victoria Nuland?

14 Mr. Sullivan. I saw Toria Nuland for a drink a few
15 weeks ago and told her that I had to come before the
16 committee and it was going to be a long day, but didn't talk
17 to her about any substance.

18 Mr. Jordan. Did you talk to Philippe Reines?

19 Mr. Sullivan. I talked to Philippe Reines a few times
20 in the last few weeks.

21 Mr. Jordan. About what you may be asked and refreshing
22 your memory or anything like or in preparation for today?

23 Mr. Sullivan. No. He didn't refresh my memory. We
24 didn't talk about --

25 Mr. Jordan. Talk to Ben Rhodes?

1 Mr. Sullivan. -- the substance. I saw Ben Rhodes, met
2 his daughter for the first time recently, but we didn't talk
3 about the substance of this.

4 Mr. Jordan. Talk to Pat Kennedy?

5 Mr. Sullivan. No.

6 Mr. Jordan. Talk to [REDACTED]?

7 Mr. Sullivan. No.

8 Mr. Jordan. Okay. Thank you.

9 Mr. Missakian. Off the record.

10 [Discussion off the record.]

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1 Mr. Kenny. We'll go back on the record. It's about
2 5 minutes till 5:00.

3 BY MR. KENNY:

4 Q Mr. Sullivan, again, thank you. It's been a long
5 day. Appreciate your patience. I'd like to pick up on the
6 point that was brought up in the end of the last round,
7 discussing the possibility or potential for classified
8 information to be used by the State Department in an
9 unclassified manner. I'd just like to ask you a series of
10 questions about that.

11 Did you ever email information that was marked
12 "classified" to Secretary Clinton at her personal email
13 account?

14 A No.

15 Q Did Secretary Clinton ever use her personal email
16 account to email information to you that was marked
17 "classified"?

18 A No.

19 Q And I'd like to ask during the time period that you
20 served at the State Department, and I'm not sure if we ever
21 actually established that for the record, so if you wouldn't
22 mind telling us how long you worked at the State Department.

23 A I worked for Secretary Clinton from January 21st of
24 2009 until February of 2013.

25 Q During your entire tenure at the State Department,

1 if you had occasion to provide classified material to
2 Secretary Clinton, how would you do that?

3 A I had a number of methods. I could do it in
4 person. I could do it by classified paper. I could have
5 something couriered to her. I could speak with her on a
6 secure phone. She had a secure phone at her home, both in
7 Washington and in Chappaqua, so those would be -- or I could
8 give the information to somebody else who could bring it to
9 her or convey it to her in the appropriate setting.

10 Q So is it fair to say you had a variety of methods
11 for delivering classified or providing classified information
12 to her?

13 A Yes.

14 Q And in your view, how seriously did Secretary
15 Clinton take the protection of classified information from
16 unauthorized disclosure?

17 A She took it extremely seriously the same as anybody
18 who served in a national security position in U.S.
19 Government.

20 Q And I recognize that we're at a late hour here, and
21 I apologize for doing this, but there is one document that we
22 did wish to enter into the record and show to you and would
23 ask a few questions about just because there has been some
24 discussion --

25 Ms. Sawyer. And before we do it, if you could -- never

1 mind. I withdraw that.

2 Mr. Kenny. Do this will be marked as exhibit 20.

3 [Sullivan Exhibit No. 20

4 was marked for identification.]

5 BY MR. KENNY:

6 Q This is document C05578270 marked "SECRET//NOFORN."
7 So it's a 7-page document, and I'm not going to ask you to
8 read the entire thing. I'm going to direct you to a few
9 portions, but I can give you a moment to take a look at this
10 document first.

11 A This is a -- obviously a long document. I'd be
12 happy to look at specific parts if you want me to.

13 Q Sure.

14 A But also just happy to answer any questions you
15 might have.

16 Q So I'd just like to begin at the top of the
17 document. There's a header there, "U.S. Department of State
18 - Bureau of Diplomatic Security," and it says, "Intelligence
19 and Threat Analysis." Is that a unit within the Department
20 of State?

21 A Yes, it's a unit within the Bureau of Diplomatic
22 Security.

23 Q Okay. And what is your understanding of who they
24 are?

25 A I don't have a very strong understanding of it, but

1 my -- I believe that this is the group that provides threat
2 streams related to diplomatic posts overseas to help the
3 Bureau of Diplomatic Security do its job.

4 Q Okay. I'll just note at the top, the document is
5 dated September 12, 2012. Do you see that?

6 A I do.

7 Q Okay. Now, I'll direct your attention to the
8 fourth page. There appears to be a timeline on the first
9 several pages. We're going to move through that and work
10 through the section -- unclassified line reads, "Potential
11 Causes and Responsibility."

12 I'd just like to give you a moment to read that
13 paragraph.

14 A Okay.

15 Q I'd just like to read into the record, "[REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED] [REDACTED]

21 [REDACTED]

22 [REDACTED] [REDACTED]

23 [REDACTED]

24 [REDACTED] [REDACTED] [REDACTED]

25 [REDACTED]

1 The next bullet reads: "[REDACTED]
2 [REDACTED] [REDACTED]:
3 "[REDACTED] [REDACTED],
4 [REDACTED].
5 [REDACTED]
6 [REDACTED] [REDACTED]
7 [REDACTED]
8 [REDACTED]

9 The next paragraph starts: "[REDACTED],
10 [REDACTED]
11 [REDACTED] e
12 [REDACTED]
13 [REDACTED] [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED] " close quote.

20 And I would just like to ask you, there was a
21 discussion, an extended discussion, I believe, that carried
22 over in multiple rounds throughout the day about the video
23 that was posted on YouTube and the role that may have played
24 and your opinions on that, and there was some suggestion or
25 at least to us seemed to be some suggestion that there was no

1 reporting whatsoever that there had in fact been a video.

2 And I would just like to ask, based on this view here,
3 do you see that there is at least some reporting from
4 one unit within the Bureau of Diplomatic Security that the
5 video may have been responsible for the attacks?

6 A Yes.

7 Q And on the next page, in the middle, there's a
8 paragraph that reads, quote, "[REDACTED]

9 [REDACTED]

10 [REDACTED] [REDACTED] [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED] [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED] [REDACTED] [REDACTED]

17 [REDACTED]

18 [REDACTED], " close quote.

19 Is your understanding of ITA -- again, you indicated you
20 have some familiarity with them -- to your awareness, did
21 they have access to classified intelligence reporting?

22 A My understanding is that they do, yes.

23 Q Okay. So they're a consumer of intelligence
24 products?

25 A Yes.

1 Q Okay. And does seeing this report here, does that
2 refresh any recollection you may have had about events that
3 you were asked about or about time periods you've been asked
4 about today?

5 A I don't remember this document specifically. I do
6 know that when I was asked to review the CIA's judgment that
7 the attack was spontaneously inspired and evolved into that
8 demonstration, I had no reason to believe that that was not
9 accurate at the time that I saw it on September 14th and
10 15th, and I had no reason to believe that there wasn't a
11 protest at the mission until we learned a considerable amount
12 of time later that there was not.

13 Ms. Wilkinson. Excuse me, Counsel.

14 Mr. Kenny. Yes.

15 Ms. Wilkinson. Can I just make something clear for the
16 record. You said this was dated September 12th, 2012?

17 Mr. Kenny. Yes.

18 Ms. Wilkinson. If you look at the back sheet, it says
19 the file name is "with Chron - 2012."

20 Mr. Kenny. Yes.

21 Ms. Wilkinson. But then the creation date says
22 9/17/2012.

23 Mr. Kenny. So we're happy to note for the record, and
24 unfortunately, the method by which documents have been
25 produced to this committee by the State Department has

1 resulted in certain documents being mushed together. The
2 document that I read from, that this Bates number, you can
3 see, bears the same Bates number in the last page from which
4 you read.

5 Ms. Wilkinson. I'm just saying you don't whether this
6 was --

7 Mr. Kenny. The metadata printout here, that's correct.

8 Ms. Wilkinson. It was created first and then updated,
9 since it's a chronology that --

10 Mr. Kenny. That is correct.

11 Ms. Wilkinson. -- to me would suggest that on 9/17, you
12 know, people kept updating this, and you're not saying that
13 this entire document was created on September 12, 2012.

14 Mr. Kenny. That's correct. I mean, to us, there's a
15 date listed here. We don't know when this document was
16 created, but thank you, Counsel, for pointing out. There is
17 a sheet that looks like it may be metadata on the back page
18 attached to this.

19 BY MS. SAWYER:

20 Q And then, Mr. Sullivan, if I could just redirect
21 your attention to exhibit 19. That was the exhibit
22 immediately preceding this one that you were asked about in
23 the last round.

24 Mr. Kenny. I'm actually -- sorry. Just to clarify one
25 thing before we move on.

1 Ms. Sawyer. Sure.

2 Mr. Kenny. There is a sheet that contains metadata on
3 the back. If you look at the author that's listed there,
4 again, the author as well as the creation date both seem to
5 differ from what's on the front page. So it's to us not
6 exactly clear what that metadata page may in fact be linked
7 to this document, although the document I see may suggest
8 that.

9 Mr. Davis. So you're not sure what you read on page 4,
10 you have no idea when that was inserted in the document? Is
11 that right? It could have been as late as the 17th?

12 Ms. Sawyer. Could have been as late as the 17th, which
13 would indicate, if it had been updated as of the 17th, as of
14 the 17th. This was still the governing -- I mean, that's how
15 I would view that. Is that how you would view that, Mr.
16 Sullivan, if this was as late as the 17th? Not that this
17 would then be whatever their view was as of even as late as
18 the 17th of September 2012?

19 Mr. Sullivan. Honestly, I don't know how to read the
20 document. As I said, I haven't -- I don't recall having seen
21 this document before. What I can tell you is that, as of
22 September 14th and September 15th, the talking points
23 produced by the CIA were consistent with the intelligence
24 judgments the CIA was reaching at that time. That's all I
25 can tell you.

1 BY MS. SAWYER:

2 Q And then if I just could return you briefly to
3 exhibit 19. As I understood the discussion and your
4 explanation of this particular document and your statement
5 and the statement that you played a heavy role in authoring,
6 it was not a statement about the motivation of the Benghazi
7 attackers or what caused the attack in Benghazi. Is that an
8 accurate --

9 A That's correct. And it was important to be precise
10 on this point. It was important to say this the right way.

11 See, earlier that evening, we had sent -- we at the
12 State Department, not me, the State Department had sent out
13 this ALDAC that we discussed earlier to posts around the
14 world to say there's this video out there, could end up being
15 the basis for violence directed against your embassy, watch
16 out.

17 What I was thinking about in writing this statement that
18 night was if someone sitting in Tunis or Sudan or Yemen and
19 they're thinking, "Hey, I'm really glad those guys did it
20 because the Americans deserved it. The Americans deserved it
21 because of this video. Maybe I'll go do it at the Embassy
22 right here," I wanted to have a statement on the record from
23 the Secretary of State that would try to address that issue
24 in some way.

25 Now, obviously, that wasn't successful because we did

1 face protests and attacks as a result of the video in the
2 days that followed. The Secretary continued to make this
3 point in the days that followed trying to stress two things.
4 First, that we don't denigrate any religion and don't condone
5 the denigration of any religion, but second, that that could
6 never justify the kind of violence that we went on to see
7 over those days in September of 2012. So --

8 Q So I would be --

9 A Sitting here today, I'm glad I put this in. I wish
10 it had had more effect than it did, but I think it was a very
11 important part of our response because we had to think hard
12 about what we were doing in Benghazi, and we also had to
13 think hard about our mission and our personnel in posts
14 across the region and around the world.

15 Q So I am understanding it correctly to say this was
16 not about the motivation of the Benghazi attackers or the
17 cause of that attack. It was a message to anyone out there
18 who might look to the video to justify the Benghazi attack
19 and encourage attacks elsewhere?

20 A It was what it says. It was directed at people who
21 would seek to justify violence on the basis of the video.

22 Q And then, by contrast, the exhibit that my
23 colleague was just talking to about, exhibit 20, and just
24 directing your attention back to the page we were talking
25 about. I think it was on page 4. That says in that first

1 paragraph, "[REDACTED]

2 [REDACTED]."

3 I mean, this document actually is about what caused or
4 potentially caused, because there is more than one
5 possibility, the attacks in Benghazi, in my, at least,
6 reading of that document. Is that a fair characterization of
7 the document?

8 A Yes. I read it as a statement on the causes.

9 Q And included as one of the potential causes is
10 specifically bullet 3, [REDACTED],
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]?

14 A That's what this says.

15 Mr. Kenny. At this point, I would like --

16 Ms. Sawyer. Sorry. I thought I was done, but I'm not
17 quite done. Just a couple more.

18 BY MS. SAWYER:

19 Q It also says in that paragraph, that first
20 paragraph that we were just talking about, second sentence of
21 the paragraph, "[REDACTED]." You
22 yourself indicated that you at times went back and forth
23 about how events in Benghazi had unfolded. Clearly, the
24 intelligence community itself went back and forth on exactly
25 how events had unfolded in Benghazi.

1 Did you ever have any reason to believe that anyone that
2 you came into contact with was doing anything other than
3 their best good faith efforts to get at the information that
4 was the most accurate as quickly as they could?

5 A Absolutely not, and I -- you know, I have to say,
6 I've been listening to people make these accusations for
7 2 years, and it has been difficult to swallow because all of
8 us, you know, everyone I worked with in government got up
9 every day to try to serve U.S. national interests, to try and
10 carry out our oath, and the suggestion that we were doing
11 something to manipulate or politicize or otherwise, I find so
12 foreign to my experience, not just for myself with the State
13 Department but for my colleagues as well.

14 You know, people like Toria Nuland, who has been
15 criticized, even though she is a career Foreign Service
16 officer and the least political person I know, who is Dick
17 Cheney's National Security Advisor, for goodness' sake, has
18 been thrown in as part of some exercise that, you know,
19 people, I think, have twisted beyond all recognition, and I
20 think it's just very important to say that this was a
21 fast-moving situation with a lot of information coming in,
22 and we were dealing with attack after attack over the days
23 that followed trying to focus on keeping Americans safe, and
24 of course, I went back and forth on what exactly had happened
25 in Benghazi. Who couldn't? I mean, to this day, people

1 haven't been able to figure out exactly who the attackers
2 were, exactly what motivated them, so certainly in that first
3 week, we weren't going to. All we could do was the best with
4 the information we had at the time was, and that's what we
5 did.

6 Q And knowing that you were doing your best, but
7 information was coming in, assessments might change and in
8 fact did change, and that there is a risk that you will
9 therefore be criticized for not having gotten it perfectly
10 right in the first instance, in my view, there still has to
11 be a value. I mean, if everyone said, "Look, I'm not going
12 to say anything because the risk of saying something and
13 being wrong is just too high," there has to be a value then
14 to going out, even when you don't know that this is the
15 absolute perfect truth and being able to inform Congress, the
16 American people, and the press, can you give us a sense of
17 what that value is and why you would take on -- why -- not
18 just you, but the State Department and the government would
19 take on that risk?

20 A Anytime there's a fast-moving episode that the
21 American people deserve to get information about, you're
22 always balancing how quickly you give them the information
23 versus how certain you are about the information. That's
24 true every time someone goes out to the podium to speak about
25 something going on in foreign policy.

1 And the thing you got to do to level with the American
2 people is tell them this is the information we have now, but
3 it might change. And one of the reasons that I think Susan
4 Rice has gotten such a bum rap in this whole thing, I think
5 completely unfair, smear actually, is because she was very
6 careful to say, "You know what, this is what we know now.
7 This information might change."

8 That is the best that anyone who is speaking on behalf
9 of the U.S. Government can do. That's what people did in
10 this circumstance, and I just wish that people looking at the
11 whole record could take all of that into account as they draw
12 their conclusions about what happened here.

13 BY MR. KENNY:

14 Q We are at our final portion here. I'd like to read
15 for you a series of public allegations that have been made
16 about the attacks over the course of the last few years. I'd
17 just ask whether you have any evidence to support that
18 information, that allegation.

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

22 A No.

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

1 A No.

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

5 A No.

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

9 A No.

10 Q Do you have any evidence that Secretary Clinton
11 misrepresented or fabricated intelligence on the risk posed
12 by Qadhafi to his own people in order to garner support for
13 military operations in Libya in spring 2011?

14 A No.

15 Q A bipartisan report was issued by the House
16 Permanent Select Committee on Intelligence found that, quote,
17 "the CIA was not collecting and shipping arms from Libya to
18 Syria," close quote, and that they found, quote, "no support
19 for this allegation," close quote.

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

23 A No.

24 Q And the last set for one of the specific findings
25 in the report. Do you have any evidence that the U.S.

1 facilities in Benghazi were being used to facilitate weapons
2 transfers from Libya to Syria or any other foreign country?

3 A No.

4 Q The House Intelligence Committee issued a
5 bipartisan report concluding that a CIA security team
6 stationed in Benghazi was ordered to, quote, "stand down,"
7 close quote, on the night of the attacks but that there were
8 instead tactical agreements over how quickly to depart. Do
9 you have any evidence that would contradict the House
10 Intelligence Committee's finding that there was no standdown
11 order to CIA personnel?

12 A No.

13 Q Do you have any evidence that there was a bad or
14 improper reason behind the temporary delay of CIA security
15 personnel who departed the Annex to assist the Special
16 Mission Compound?

17 A No.

18 Q Concern has been raised by one individual that in
19 the course of producing documents to the Accountability
20 Review Board, damaging documents may have been removed or
21 scrubbed out of that production. Do you have any evidence
22 that anyone at the State Department removed or scrubbed
23 damaging documents from the materials that were provided to
24 the ARB?

25 A No.

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

5 A No.

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

10 A No.

11 Q It has been alleged that CIA Deputy Direct Morell
12 altered unclassified talking points about the Benghazi
13 attacks for political reasons and that he misrepresented his
14 actions when he told Congress that the CIA faithfully
15 performed our duties in accordance with the highest standards
16 of objectivity and nonpartisanship.

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

20 A No.

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

24 A No.

25 Q It has been alleged that Ambassador Susan Rice made

1 an intentional misrepresentation when she spoke on the Sunday
2 talk shows about the Benghazi attacks. Do you have any
3 evidence that Ambassador Rice intentionally misrepresented
4 facts about the Benghazi facts on the Sunday talk shows?

5 A No.

6 Q It has been alleged that the President of the
7 United States was, quote, "virtually AWOL as Commander in
8 Chief," close quote, on the night of the attacks, and that he
9 was, quote, "missing in action," close quote. Do you have
10 any evidence to support the allegation that the President was
11 virtually AWOL as Commander in Chief or missing in action on
12 the night of the attacks?

13 A No.

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

22 A Republican staff report issued by the House Armed
23 Services Committee found that, quote, "there was no standdown
24 order issued to U.S. military personnel in Tripoli who sought
25 to join the fight in Benghazi," close quote.

1 Do you have evidence to contradict the conclusion of the
2 House Armed Services Committee that there was, quote, "no
3 standdown order issued to U.S. personnel in Tripoli who
4 sought to join the fight in Benghazi," close quote?

5 A No. No.

6 Q It has been alleged that the military failed to
7 deploy assets on the night of the attack that would have
8 saved lives. Former Republican Congressman Howard "Buck"
9 McKeon, former chairman of the House Armed Services
10 Committee, conducted a review of the attacks after which he
11 stated, quote, "Given where the troops where, how quickly the
12 thing all happened, and how quickly it dissipated, we
13 probably couldn't have done more than we did."

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

16 A No.

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

21 A No.

22 Mr. Davis. Just one quick question.

23 BY MR. DAVIS:

24 Q The State Department had its own internal
25 intelligence bureau. Is that correct?

1 A Yes.

2 Q That's called what?

3 A The Bureau of Intelligence and Research.

4 Q Okay. And that's INR?

5 A That's right.

6 Q And INR is officially part of the interagency
7 intelligence community. Is that right?

8 A It's part of the intelligence community.

9 Q And in looking at the most recent document that you
10 were provided, Bureau of Diplomatic Security, Intelligence
11 and Threat Analysis, do you know if ITA is part of INR?

12 A I don't believe it's part of INR.

13 Q Have you actually ever heard of ITA before today?

14 A I heard of it before today.

15 Q Have you ever run into any ITA products?

16 A I think I've seen ITA products. I couldn't say
17 that for certain, but I think I've seen some.

18 Mr. Davis. Thank you.

19 Ms. Sawyer. So I believe that concludes our
20 questioning.

21 Mr. Sullivan, thank you very much for your agreement to
22 appear for a second time before Congress. Your agreement to
23 come early to answer all of the committee's questions, you've
24 been incredibly gracious with your time.

25 I want to thank you, certainly, on behalf of the ranking

1 member. I'm sure my colleagues will join in on behalf of the
2 full committee both for your time here today as well as your
3 tremendous service to our country, so thank you.

4 Mr. Sullivan. Thank you.

5 Mrs. Brooks. Thank you, Mr. Sullivan, for coming today
6 and for being here all day. I know it was a very long day
7 and a difficult day, but I do appreciate the candor in which
8 you answered the questions and the depth in which you went
9 into explaining your answers, so thank you very much, and
10 sorry my colleagues had to leave early, but that is the
11 nature of, I think, a holiday weekend. So have a nice
12 holiday weekend.

13 Mr. Sullivan. Thank you.

14 Mrs. Brooks. Thank you very much.

15 Mr. Kenny. We'll go off the record.

16 [Whereupon, at 5:25 p.m., the interview was concluded.]
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EXHIBIT 1

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMM.
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C05271996 Date: 10/20/2015

C05271996-MOU

Snyder, George Michael

From: OpsAlert@state.gov
nt: Tuesday, September 11, 2012 4:06 PM
o: Milner, Christie E; SES, DutyDeputies; S_SpecialAssistants; D(B); D(N); P;
 Ops_Targeted_Alerts_R_DL; PA FO Group; Operations Center; Ops_Targeted_Alerts_S_ES-
 O_DL; SES-Line_Only; Ops_Targeted_Alerts_DS_DL; #whsr/
 Benghazi Update; Ops_Targeted_Alerts_CA_DL; C;
 Ops_Targeted_Alerts_CSO_DL; CT_FrontOffice; D(B)/MET; MDGHR Front Office; DRL-FO-
 DL; H_SeniorStaff; Ops_Targeted_Alerts_INL_DL; INR-STAFFER; INR-
 Watch; Legal-Ops-Alert-DL; M_Staff; Ops_Targeted_Alerts_NEA_DL; OBO-Special
 Assistants-DL; PM-Alerts-DL; NEA-SEMEP-DL; A Front Office
Cc: Ops_Targeted_Alerts_DS_DL; #whsr/
Subject: U.S. Diplomatic Mission in Benghazi Under Attack (SBU)
Follow Up Flag: Follow up
Flag Status: Completed
Categories: 3. EAO

(SBU) The Regional Security Officer reports the diplomatic mission is under attack. Embassy Tripoli reports approximately 20 armed people fired shots; explosions have been heard as well. Ambassador Stevens, who is currently in Benghazi, and four COM personnel are in the compound safe haven. The 17th of February militia is providing security support.

The Operations Center will provide updates as available.

EXHIBIT 2

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

From: [REDACTED]
Sent: Tuesday, September 11, 2012 4:38 PM
To: Sullivan, Jacob J; Mills, Cheryl D; Macmanus, Joseph E (S)
Cc: S_SpecialAssistants
Subject: FW: Attack on Benghazi 09112012

Classification: UNCLASSIFIED
SensitivityCode: Sensitive

A little more detailed reporting on Benghazi. Ops is setting up a direct line with Benghazi so we should have more updates soon.

From: Bultrowicz, Scott P
Sent: Tuesday, September 11, 2012 4:32 PM
To: S_SpecialAssistants
Subject: FW: Attack on Benghazi 09112012
Reporting from Benghazi

From: [REDACTED] **On Behalf Of** DS Command Center
Sent: Tuesday, September 11, 2012 4:22 PM
To: DSCC_C DS Seniors
Subject: Attack on Benghazi 09112012

The following is preliminary information.

DSCC received a phone call from [REDACTED] in Benghazi, Libya initially stating the 15 armed individuals were attacking the compound and trying to gain entrance. The Ambassador is present in Benghazi and currently is barricaded within the compound. There are no injuries at this time and it is unknown what the intent of the attackers is. At approximately 1600 DSCC received word from Benghazi that individuals had entered the compound. At 1614 RSO advised that the Libyans had set fire to various buildings in the area, possibly the building that houses the Ambassador. [REDACTED] Annex QRF is responding and taking fire.

-DSCC

SBU

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EXHIBIT 3

REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

[REDACTED]

From: [REDACTED]
Sent: Tuesday, September 11, 2012 4:49 PM
To: Burns, William J; Sherman, Wendy R; Macmanus, Joseph E (S); S_SpecialAssistants; Sullivan, Jacob J; Nuland, Victoria J
Cc: [REDACTED] Miller, James N; NEA-Staff-Assistants-DL [REDACTED]
[REDACTED] Hicks, Gregory N; Maxwell, Raymond D; [REDACTED]
Dibble, Elizabeth L
Subject: Libya update from Beth Jones

All:

Beth Jones just spoke with DCM Tripoli Greg Hicks, who advised a Libyan militia (we now know this is the 17th Feb brigade, as requested by Emb office) is responding to the attack on the diplomatic mission in Benghazi. The QRF is in the compound, engaging the attackers, taking fire, and working its way through the compound to get to the villa, where Ambassador Stevens is in safe haven for extraction. The ARSO is also there in the compound. Greg spoke with Amb Stevens by phone 20 minutes before my call (which was about ten minutes ago. Greg will talk to the Prime Minister's Chief of Staff, and then speak with the Foreign Minister. I have spoken to Langley, who is also in touch with its QRF contacts to ask for engagement. Embassy is sending medical assistance to Benghazi to be on stand-by.

More updates to follow.

[REDACTED]

EXHIBIT 4

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE
 REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

From: [REDACTED]
Sent: Tuesday, September 11, 2012 5:55 PM
To: [REDACTED] Nuland, Victoria J; [REDACTED] Burns, William J; Sherman, Wendy R; Macmanus, Joseph E (S); S_SpecialAssistants; Sullivan, Jacob J; Kennedy, Patrick F; Mills, Cheryl D
Cc: [REDACTED] NEA-Staff-Assistants-DL; [REDACTED] Hicks, Gregory N; Maxwell, Raymond D; Dibble, Elizabeth L; [REDACTED] NEA-LIBYADESK; NEA-DAS-DL; [REDACTED] Gordon, Philip H;
Subject: RE: Libya update from Beth Jones

I just spoke again to Greg Hicks, who himself spoke again to the offices of the Libyan President and Prime Minister, asking them to provide firefighting equipment to the Benghazi compound. He said the PD shop at Embassy Tripoli has found postings on Facebook indicating that the "Tripoli Council" plans to carry out an attack on Embassy Tripoli. He said he was promised increased police protection but it had not yet materialized.

Greg said his team reports that the extremist group Ansar Al Sharia has taken credit for the attack in Benghazi. He heard reports that the February 17 Brigade is currently engaged in a running battle with Ansar Al Sharia; he asked the offices of the President and PM to pursue Ansar al Sharia.

On working to locate Ambassador Stevens, the RSO team and militia are still on compound, which is 50 acres – Greg expressed the hope that Ambassador Stevens is in hiding somewhere on the compound. The PO's residence is still on fire.

From: [REDACTED]
Sent: Tuesday, September 11, 2012 5:32 PM
To: Nuland, Victoria J; [REDACTED] Burns, William J; Sherman, Wendy R; Macmanus, Joseph E (S); S_SpecialAssistants; Sullivan, Jacob J; Kennedy, Patrick F; Mills, Cheryl D
Cc: [REDACTED] NEA-Staff-Assistants-DL; [REDACTED] Hicks, Gregory N; Maxwell, Raymond D; [REDACTED] Dibble, Elizabeth L; [REDACTED] NEA-LIBYADESK; NEA-DAS-DL; [REDACTED] Gordon, Philip H;
Subject: RE: Libya update from Beth Jones

The fighting has stopped, DCM Greg Hicks just confirmed to me. He also confirmed one fatality: Sean Smith – a TDY'er from The Hague – has died. His body has been recovered. The five ARSOs are accounted for, but they're still trying to find the Ambassador. The Principal Officer's residence is still on fire with toxic smoke.

I have spoken to A/S Gordon and Liz Dibble is contacting the Charge at The Hague, [REDACTED] to inform them.

From: Nuland, Victoria J
Sent: Tuesday, September 11, 2012 5:25 PM
To: [REDACTED] Burns, William J; Sherman, Wendy R; Macmanus, Joseph E (S); S_SpecialAssistants; Sullivan, Jacob J; Kennedy, Patrick F
Cc: [REDACTED] NEA-Staff-Assistants-DL; [REDACTED] Hicks, Gregory N; Maxwell, Raymond D; [REDACTED] Dibble, Elizabeth L
Subject: RE: Libya update from Beth Jones

We just asked NEA for hold lines for press. We are getting besieged.

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From: [REDACTED]
Sent: Tuesday, September 11, 2012 5:15 PM
To: [REDACTED] Burns, William J; Sherman, Wendy R; Macmanus, Joseph E (S); S_SpecialAssistants; Sullivan, Jacob J; Nuland, Victoria J; Kennedy, Patrick F
Cc: [REDACTED] NEA-Staff-Assistants-DL; [REDACTED] Hicks, Gregory N; Maxwell, Raymond D; [REDACTED] Dibble, Elizabeth L
Subject: RE: Libya update from Beth Jones

+Cheryl Mills

From: [REDACTED]
Sent: Tuesday, September 11, 2012 5:13 PM
To: [REDACTED] Burns, William J; Sherman, Wendy R; Macmanus, Joseph E (S); S_SpecialAssistants; Sullivan, Jacob J; Nuland, Victoria J; Kennedy, Patrick F
Cc: [REDACTED] NEA-Staff-Assistants-DL; [REDACTED] Hicks, Gregory N; Maxwell, Raymond D; [REDACTED] Dibble, Elizabeth L
Subject: RE: Libya update from Beth Jones

Just spoke again with Greg Hicks, who confirmed the party includes Ambassador Stevens plus three, not plus four. Hicks has been in contact twice with the Libyan President's office and twice with the Libyan PM's office; their offices assured him they are fully engaged and consider themselves personal friends of Ambassador Stevens. Hicks has been coordinating with the CoS, who has learned from the QRF about the status of the compound – currently they are clearing the compound and working to access the party.

I also urged Libyan Ambassador to the U.S. Aujali to engage on this immediately at the highest level.

From: [REDACTED]
Sent: Tuesday, September 11, 2012 4:49 PM
To: Burns, William J; Sherman, Wendy R; Macmanus, Joseph E (S); S_SpecialAssistants; Sullivan, Jacob J; Nuland, Victoria J
Cc: [REDACTED] NEA-Staff-Assistants-DL; [REDACTED] Hicks, Gregory N; Maxwell, Raymond D; [REDACTED] Dibble, Elizabeth L
Subject: Libya update from Beth Jones

All:

Beth Jones just spoke with DCM Tripoli Greg Hicks, who advised a Libyan militia (we now know this is the 17th Feb brigade, as requested by Emb office) is responding to the attack on the diplomatic mission in Benghazi. The QRF is in the compound, engaging the attackers, taking fire, and working its way through the compound to get to the villa, where Ambassador Stevens is in safe haven for extraction. The ARSO is also there in the compound. Greg spoke with Amb Stevens by phone 20 minutes before my call (which was about ten minutes ago. Greg will talk to the Prime Minister's Chief of Staff, and then speak with the Foreign Minister. I have spoken to Langley, who is also in touch with its QRF contacts to ask for engagement. Embassy is sending medical assistance to Benghazi to be on stand-by.

More updates to follow.

[REDACTED]

EXHIBIT 5

UNCLASSIFIED

HPSCI White Paper Talking Points for Use with the Media

14 September 2012.

① The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the US Embassy in Cairo and evolved into a direct assault against the US Consulate and subsequently its annex. ^② This assessment may change as additional information is collected and analyzed and currently available information continues to be evaluated. On 10 September the Agency notified Embassy Cairo of social media reports calling for a demonstration and encouraging jihadists to break into the Embassy.

③ The investigation is on-going as to who is responsible for the violence. Although the crowd almost certainly was a mix of individuals, that being said, there are indications that Islamic extremists participated in the violent demonstrations.

• The wide availability of weapons and experienced fighters in Libya almost certainly contributed to the lethality of the attacks.

• The Agency has produced numerous pieces on the threat of extremists linked to al-Qaeda in Benghazi and eastern Libya. Since April, there have been at least five other attacks against foreign interests in Benghazi by unidentified assailants, including the June attack against the British Ambassador's convoy. We cannot rule out that individuals had previously surveilled the US facilities, also contributing to the efficacy of the attacks.

and
④ The US Government is working with Libyan authorities and intelligence partners in an effort to help bring to justice those responsible for the deaths of US citizens.

— NCS
— DI

— Robert Cordillo
— Alaw Piro
— Matt Olsen
— Jake Sullivan
— Mark Giuliano
— Lisa Monaco

— Ben Rhodes

UNCLASSIFIED

EXHIBIT 6

This exhibit was not cleared for public release.

EXHIBIT 7

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 Page 1 of 2

From: svcsmartmf
Sent: 9/11/2012 6:29:31 PM
To: SMART Core
Subject: Security Advisory - Cairo Protestors' Reaction to Controversial Film and Pastor Terry Jones Internet Event.

UNCLASSIFIED
 SBU



MRN: 12 STATE 92809
Date/DTG: Sep 11, 2012 / 112215Z SEP 12
From: SECSTATE WASHDC
Action: TRIPOLI, AMEMBASSY ~~NIAC~~IMMEDIATE ;
 ALL DIPLOMATIC AND CONSULAR POSTS COLLECTIVE ~~NIAC~~IMMEDIATE
E.O.: 13526
TAGS: ASEC, PTER, CASC
Captions: SENSITIVE
Subject: Security Advisory - Cairo Protestors' Reaction to Controversial Film and Pastor Terry Jones Internet Event.

UNCLAS STATE 092809

SENSITIVE

E.O. 13526: N/A
 TAGS: ASEC, PTER, CASC
 SUBJECT: Security Advisory - Cairo Protestors' Reaction to Controversial Film and Pastor Terry Jones Internet Event.

1. (U) This cable contains an action request. Please see paragraphs three and four.
2. (SBU) In response to the upcoming release of a controversial film entitled "Muhammad's Trial," hundreds of demonstrators converged on the U.S. Embassy in Cairo on September 11, 2012, with a number of protestors breaching the compound. This film, clips of which have recently appeared on YouTube, was reportedly produced by U.S.-based Egyptian Coptic Christians allegedly with the support of Pastor Terry Jones. Jones has also scheduled an "International Judge Mohammed Day" in Florida for the evening of September 11, 2012. Jones reportedly stated he would "symbolically put the Prophet on trial and play it out over the internet."
3. (SBU) Violent extremist groups could use Pastor Jones' recent statements and actions as motivation to target U.S. interests overseas. As a precaution against any potential anti-American fallout, posts should consider convening an EAC as appropriate to assess what impact this activity may have on your security environment. You should review the security posture for both official and private U.S. interests and

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 Page 1 of 2

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Page 2 of 2

determine what actions need to be taken to counter any potential threat – to include requesting host government security support as appropriate. EACs should carefully review internal and external procedures for mobs and possible attacks and consider conducting drills to reinforce the necessary security measures to be taken in the event of a serious incident.

4. (U) If the need exists to provide general information to private U.S. citizen communities, please use language in existing consular information program documents, specifically the Worldwide Caution. Post is reminded that CA/OCS must clear on Emergency Messages and Security Messages. CA/OCS is available 24/7 through the Operations Center.

5. (SBU) The Department will continue to ensure that you are informed immediately of any threat information that may affect your security environment.

6. (U) Minimize considered.
 CLINTON

Signature: CLINTON

Drafted By:

Cleared By:

Approved By:

Info:

Action Post:

Dissemination Rule: Archive Copy

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 SBU

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Page 2 of 2

EXHIBIT 8

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
 REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

From: Meehan, Bernadette [REDACTED]
 Sent: Tuesday, September 11, 2012 9:04 PM
 To: Sullivan, Jacob J; Nuland, Victoria J; [REDACTED]
 Subject: Fw: Libya General National Conf Statement

----- Original Message -----

From: Woog, Carl R Mr OSD PA [mailto:[REDACTED]]
 Sent: Tuesday, September 11, 2012 09:01 PM
 To: Meehan, Bernadette
 Subject: Libya General National Conf Statement

Fysa

 Carl Woog
 Assistant Press Secretary
 Department of Defense
 [REDACTED] berry
 [REDACTED] office

----- Original Message -----

From: Woog, Carl R Mr OSD PA
 Sent: Tuesday, September 11, 2012 08:57 PM
 To: Chollet, Derek H HON OSD POLICY; Little, George CIV OSD PA
 Cc: [REDACTED] CIV SD
 Subject: Libya General National Conf Statement

According to their official twitter. Posted in English within the last hour.

The General National Conference of Libya expresses outrage at the unfortunate attack against the American consulate in Benghazi tonight. This criminal attack has led to the regrettable injury and death of a number of individuals, not to mention damage to public property.

The General National Conference expresses disapproval in the strongest terms against tonight's attack, which reflects total disregard for the sanctity of life, and undermines Libya's obligation to protect the country's guests.

Whereas the General National Conference firmly believes in the right of every citizen to practice his or her right to peaceful demonstration, there is no justification for tonight's cowardly act.

The General National Conference has launched an immediate investigation into tonight's attack. President of Libya's General National Conference, Dr. Mohamed Yousef Almagariaf, has called for emergency meeting with Prime Minister Alkieb and his cabinet.

###

 Carl Woog
 Assistant Press Secretary
 Department of Defense
 [REDACTED] berry
 [REDACTED] office

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EXHIBIT 9

REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE
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From: arshad.mohammed@thomsonreuters.com
Sent: Tuesday, September 11, 2012 6:16 PM
To: [REDACTED] Nuland, Victoria J
Cc: [REDACTED]
Subject: RE: Libya - any comment?

Many thanks.

Arshad Mohammed
 U.S. Foreign Policy Correspondent
 [REDACTED] (mobile)
 +1 202 898 8393 (office)

From: [REDACTED] [mailto:[REDACTED]@state.gov]
Sent: Tuesday, September 11, 2012 6:15 PM
To: Mohammed, Arshad A. (Reuters News); Nuland, Victoria J
Cc: [REDACTED]
Subject: RE: Libya - any comment?

Standby should have something for you shortly

This email is UNCLASSIFIED.

From: arshad.mohammed@thomsonreuters.com [mailto:arshad.mohammed@thomsonreuters.com]
Sent: Tuesday, September 11, 2012 6:12 PM
To: Nuland, Victoria J
Cc: [REDACTED]
Subject: Libya - any comment?

17:40 11Sep12 -UPDATE 1-Clashes at U.S. consulate in eastern Libyan city
 (Adds quotes, details)

BENGHAZI, Libya, Sept 11 (Reuters) - Gunmen and security forces clashed at the U.S. consulate office in the eastern Libyan city of Benghazi on Tuesday as the armed group protested over a film being produced in the United States, a security official said.

The incident followed a protest in neighbouring Egypt where demonstrators scaled the walls of the U.S. embassy, tore down the American flag and burned it during a protest over what they said was a film that insulted Prophet Mohammad. [ID:nL5E8KBKMO]

"There are fierce clashes between the Libyan army and an armed militia outside the U.S. consulate," Abdel-Monen Al-Hurr, spokesman for Libya's Supreme Security Committee, said.

"The U.S. consulate's security guards inside the building fired at the militia as it was trying to enter and attack it."

He said roads had been closed off and security forces were surrounding the building. He said the clashes were outside the consulate building.

"There is a connection between this attack and the protests that have been happening in Cairo," Hurr said.

"They are trying to take advantage of the security situation in Libya and cause more instability in the country."

Reuters reporters at the scene said they could hear shooting and one explosion coming from the closed-off area. Rising smoke could also be seen.

A U.S. embassy source said there had been "an attack" on the diplomatic office in Benghazi, but gave no further details.

Benghazi, the cradle of last year's uprising against Muammar Gaddafi, has been hit by several bombings and attacks on international convoys and organisations as well as some Western missions.

In June, an explosive device was dropped from a passing car outside the offices of the U.S. diplomatic mission. The blast that followed slightly damaged the gate in front of the building. A week later, a British embassy convoy was hit about 300 metres from the British consulate office in the city.

(Reporting By Ahmed al-Rubaie and Omar Al-Mosmary in Benghazi; Ali Shuaib, Hadeel Al-Shalchi and Marie-Louise Gumuchian in Tripoli; Editing by Michael Roddy) ((Hadeel.AShalchi@thomsonreuters.com)|(Office: +218-21-336-4041, mob: [REDACTED])|(Reuters Messaging: Hadeel.AShalchi.thomsonreuters.com@reuters.net))

Keywords: LIBYA US/EMBASSY

Tuesday, 11 September 2012 17:40:54RTRS [nL5E8KBMJ0] {C}ENDS

Arshad Mohammed
U.S. Foreign Policy Correspondent
[REDACTED] (mobile)
+1 202 898 8393 (office)

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EXHIBIT 10

C05578255

[REDACTED]

From: Meehan, Bernadette [REDACTED]
Sent: Tuesday, September 11, 2012 6:11 PM
To: Nuland, Victoria J; [REDACTED]
Cc: Sullivan, Jacob J; Kennedy, Patrick F
Subject: Re: 2 separate statements for bullpen pearat

Hold!!!

From: Nuland, Victoria J [<mailto:nulandvj@state.gov>]
Sent: Tuesday, September 11, 2012 06:09 PM
To: [REDACTED]@state.gov; [REDACTED]@state.gov; Meehan, Bernadette
Cc: Sullivan, Jacob J <Sullivan.JJ@state.gov>; Kennedy, Patrick F <KennedyPF@state.gov>
Subject: 2 separate statements for bullpen pearat

[REDACTED] pls put out as two separate statements to bullpen, asap. On record, me.

We can confirm that our office in Benghazi, Libya has been attacked by a group of militants. We are working with the Libyans now to try to restore security.

In Cairo, we can confirm that Egyptian police have now removed the demonstrators who had entered our Embassy grounds earlier today.

For prs duty guidance, if pressed whether we see a connection between these two.

We have no information regarding a connection between these incidents.

EXHIBIT 11

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From: Mull, Stephen D <MullSD@state.sgov.gov>
Sent: Wednesday, March 9, 2011 2:33 PM
To: Sullivan, Jacob J <SullivanJJ@state.sgov.gov>; Gordon, Philip H <GordonPH@state.sgov.gov>; Steinberg, James B <SteinbergJB@state.sgov.gov>; Burns, William J <BurnsWJ@state.sgov.gov>; Feltman, Jeffrey D <feltmanjd@state.sgov.gov>; Posner, Michael H <PosnerMH@state.sgov.gov>; Yamamoto, Donald Y <YamamotoD2@state.sgov.gov>; Schwartz, Eric P <SchwartzEP@state.sgov.gov>; Cretz, Gene A <CretzGA@state.sgov.gov>; [REDACTED] <[REDACTED]@state.sgov.gov>; Koh, Harold H <KohHH@state.sgov.gov>
Cc: [REDACTED] <[REDACTED]@state.sgov.gov>; Mills, Cheryl D <MillsCD@state.sgov.gov>; [REDACTED] <[REDACTED]@state.sgov.gov>
Subject: RE: Libya options

On your final point, in the cases in our diplomatic history when we've provided material or tactical military support to people seeking to drive their leaders from power, no matter how just their cause, it's tended to produce net negatives for our interests over the long term in those countries and regions. On the other hand, just "managing" the situation in Libya (somewhere between Phil's A and B choices) through strong, consistent and persistent articulation of our principles and values (as Phil noted we did successfully in Tunisia and Egypt), steadily increasing pressure to penalize bad behavior, providing humanitarian relief where possible, conducting robust regional and public diplomacy (maybe even facilitating a mediation/negotiation process), and signaling a readiness to contribute to post-conflict reconstruction would probably best protect our interests in any outcome of the situation. That was the model we largely followed in our successful management of the 1989 transitions, and in other cases like Indonesia, that have all turned out pretty well.

As for the NFZ, imposing one will raise all the challenges that Phil rightly points out, but I'm not so sure it's necessarily so slippery a slope. We maintained them for ten years in Iraq, and while they obviously certainly weren't enough to remove Saddam, they helped contain him and enjoyed broad international and regional support for their entire duration. Maintaining them did not necessarily contribute to our choice to ultimately go to war.

From: Sullivan, Jacob J
Sent: Wednesday, March 09, 2011 10:33 AM
To: Gordon, Philip H; Steinberg, James B; Burns, William J; Feltman, Jeffrey D; Posner, Michael H; Yamamoto, Donald Y; Schwartz, Eric P; Cretz, Gene A; [REDACTED] Koh, Harold H; Mull, Stephen D
Cc: [REDACTED] Mills, Cheryl D; [REDACTED]
Subject: RE: Libya options

I agree that we have not already embraced objective (b).

Here's the point I was making -- If we do a NFZ and it doesn't have a decisive effect (likely), of course there will be real pressure to *do more*. And that would be an uncomfortable spot. But by setting out the goal of his removal -- which was the right thing to do -- we have already created real pressure to *do more* -- e.g., do the NFZ. So, in a sense, we are already on the slippery slope we are worried about. We already have to construct rationales for why this (arms embargo) but not that (NFZ). Now, an NFZ pushes us further down the slope, perhaps with more velocity, but we have to be realistic about the pressure we are under now.

I agree with you about the fundamental initial decision, although I don't think it's as simple as (a) or (b). It will inevitably be a calibration between the two. I agree with Jim that we can get drawn in *some* but not *all the way*, as long as we have a strong theory of the case to rest on. But I did try to get at this threshold issue below in the three questions I listed -- they should help inform whether we tilt toward (a) or (b).

I agree that the need for broad international support runs through all of these options, save the most extreme -- do whatever it takes. I was taking it as a given in options 1-4 that we would meet the NATO conditions, but you make a good point that this need not be a given and I should have clarified.

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Three final points. First, on supplying arms. I should have included a less forward-leaning first option that has us doing everything in the current option 1 save the supply of arms, which raises a serious of very difficult questions (and very painful past experiences) that we would have to grapple with. Thanks to [REDACTED] and [REDACTED] for pointing this out.

Second, on humanitarian-related issues. I did not get into them in the below because this was cabined to military and other forms of pressure. But we would have to overlay our humanitarian actions and analyses on this.

Third, on the issue of transitions more broadly. I think you have raised a very important and difficult question and would be curious to know what others think.

From: Gordon, Philip H
Sent: Wednesday, March 09, 2011 9:37 AM
To: Sullivan, Jacob J; Steinberg, James B; Burns, William J; Feltman, Jeffrey D; Posner, Michael H; Yamamoto, Donald Y; Schwartz, Eric P; Cretz, Gene A; [REDACTED] Koh, Harold H; Mull, Stephen D
Cc: [REDACTED] Mills, Cheryl D; [REDACTED]
Subject: RE: Libya options

Jake – Thanks for this. For sake of debate couple of quick reactions.

As I noted, seems to me fundamental initial decision for us is which is greater strategic priority: a) avoiding getting pulled into Libyan conflict and owning it; or b) bringing about quick end of Qaddafi regime. So far we have rightly sought to achieve both of these objectives at the same time but with each passing day, as regime gets upper hand, it is forcing us to choose between them. As Jim pointed out it is always possible that developments on the ground force you later on to abandon such a first principle (as in Kosovo when two months of ineffective air strikes led us to reconsider the determination not to use ground forces) but knowing the objective in advance would help guide the operational decisions in the meantime. If it's a) we need to be ultra cautious about steps designed to make it look like we're doing something but will not prove decisive (NFZ); and if it's b) we need to understand the risks and costs of establishing that as a redline. You asked at the meeting whether we had not already established that it was objective a) in the President's call for Qaddafi to leave. I don't think so. He has said Qaddafi "must go" and "should step aside" but that's a long way from indicating that we'll do whatever it takes to achieve that objective. Saying we think he has lost legitimacy and should step down is one thing; starting kinetic action designed to achieve that objective is another.)

On your list of possible actions, key thing to keep in mind is that a most of them would require either a further UNSCR or a willingness to act without one. According to L this applies to enforcement of the arms embargo (1970 provides no independent authority to do so); providing arms to the opposition (embargo applies to whole country); establishing a no fly zone (we have tried to preserve flexibility but in the formal planning authority NATO allies insisted that NFZ could not be established without new UNSCR and impossible to do NFZ without them.) Unless we are prepared to do any of these things without Arab/allied/international support, might mean useful for us to adopt principle that we will not act without such support – which might bring criticism in some quarters but would at least be a principle we could stand on, noting that the principle is not based on mushy desire to be liked or obsession with

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international law but hard-nosed assessment that without international support action unlikely to be effective and will prove too costly to the United States (which public would “get” in context of Iraq/Afghanistan.) This would also fit with President’s longstanding critique of Iraq war.

Having lived through these things before, believe we really need to think through no fly zone. Understand great pressure to act (having watched CNN last night). Criticism of “passive” administration mounting, may prove irresistible. But question is if we can’t draw a line on this side of NFZ can we draw one on other side? If we declare it (setting aside for moment issue of international support or UNSCR), Qaddafi will surely defy it to show he’s in charge. His flights would be short internal bombing runs whereas we’d have to set up elaborate and expensive system hundreds of kilometers away (carriers, Sicily, Crete, Aviano?) with 24/7 coverage in order to be effective. (Or we’d have to take out planes on the ground which would be better approach but harder to get support for.) Even if we did what it took to make it “work,” Q would no doubt turn to helicopters, tanks etc., raising a public outcry similar to the NFZ debate – why not “no drive” zone? Why not hit his arms depots, bases, etc.? We should have no illusion that pressure to act would stop once NFZ in place – might grow as we were flying over massacres and doing nothing about them. Would also point out that I don’t think we’ve ever established a NFZ anywhere where we didn’t ultimately have to go in militarily and stay for a long time (Iraq, Bosnia, implicitly Afghanistan, Kosovo).

One last thing (with apologies for having more questions than answers) is effect on wider transition movement in Arab world. If we fail to help topple Qaddafi we could be seen as standing on wrong side of history, failing to seize the 1989 moment when freedom started to break out. Seems to me a serious concern. That said, also need to consider knock-on effects of acting militarily on side of the rebels – does this not send a message to other states that if they use violence to topple regime they will draw us in on their side? Maybe better principle that we will stand by peaceful protesters as in Egypt and Tunisia and contain and penalize regimes that use force like Qaddafi but we will not get pulled into more Middle East wars without strong regional and international support and better sense of what post use-of-force end state looks like.

From: Sullivan, Jacob J
Sent: Tuesday, March 08, 2011 8:13 PM
To: Steinberg, James B; Burns, William J; Feltman, Jeffrey D; Gordon, Philip H; Posner, Michael H; Yamamoto, Donald Y; Schwartz, Eric P; Cretz, Gene A; [REDACTED]; Koh, Harold H; Mull, Stephen D
Cc: [REDACTED] Sullivan, Jacob J; Mills, Cheryl D; [REDACTED]
Subject: Libya options

Based on the discussion today, I can identify 6 strategic frameworks that provide defensible theories of the case for acting and/or not acting in certain ways.

I list them here along with the corresponding actions that could be undertaken within them. I have listed the first 5 from least to most intrusive, and each successively more intrusive framework incorporates all of the actions included in

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previous frameworks. The 6th option is a breed apart.

Others may have additional frameworks and I'd invite all to weigh in. Apologies that this is sort of slapped together.

1. Provide material support to the Libyan opposition but take no direct offensive action. Under this approach, we would provide specific assistance to the opposition groups, to include:
 - Provision of arms
 - Provision of financial assistance, including ways to address the cash flow problem in rebel-held areas such as Benghazi
 - Provision of communications and other equipment
 - Enforcement of the arms embargo against Qadhafi
 - Enforcement of sanctions and other measures and the development of additional pressure means
 - UNSC and other measures to persuade/pressure neighboring states to stop the flow of mercenaries.
 - Provision of border and customs security assistance to protect from infiltration by extremists and mercenaries
 - Provision of protection of the petroleum infrastructure
2. Provide material support to the Libyan opposition and take only that direct action which is nonlethal and designed to shape the theater rather than take the fight to Qadhafi. Under this approach, we would provide the assistance above and also take additional actions, to include:
 - Jamming to disrupt Qadhafi's command and control
 - Jamming to stop Qadhafi's ability to broadcast state-run television
 - [REDACTED] options to eliminate power/electricity to Qadhafi-affiliated installations and to limit regime control of oil supply.
 - *Potentially a no-fly zone, although an NFZ would require some offensive strikes, so it fits uncomfortably here*
3. All options consistent with broad regional support and a clear legal basis. These are two of the three NATO principles. If the UN, with Arab backing, is prepared to back a no fly zone (increasingly plausible), we would be prepared to back it as well. If the Arabs came to support offensive aerial options (unlikely), we would pursue those as well. But we would make clear from the outset that we would not exceed the bounds of a general Arab consensus. *This presents risks of failure in achieving our objective, and – if we are limited to an NFZ – presents risks of failure in protecting the population from Qadhafi attacks as well. It is safer diplomatic ground and avoids having us get drawn into combat in Libya, beyond the kinetic strikes needed to set up the NFZ. This approach accounts to a certain extent, but not entirely, for D(S)'s concern about "the superpower losing to Qadhafi" optic.*
4. Offensive aerial options but no ground troops. Under this approach, we would escalate our intervention over time, perhaps starting with a no fly zone but to eventually include bombing attacks on Qadhafi-held installations. *This would draw us less deeply into the conflict than #5, but presents risks of failure in achieving our objective. The price would be lower in military terms, and it is likely that we would pay a price diplomatically in the Arab world, though lower than putting any boots on the ground.*
5. Whatever it takes to remove Qadhafi. This would be the same as #4, but would not rule out boots on the ground. *This would draw us deeply into a civil conflict in the Arab world, with all of the risks that entails. We would likely succeed in our effort to remove Qadhafi, but the price could be high in both military and diplomatic terms.*

The 6th option goes in a considerably different direction – focusing not on actions against Qadhafi but on a negotiated solution:

6. Leverage a stalemate into some kind of negotiated solution, or at least a process, one that could have a pretty

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wide array of possible outcomes (ceasefire, Qadhafi goes into exile, temporary partition, internationally supervised elections, etc). Under this approach, we would establish principles for our support of that process. It could feature deadlines, and steadily increasing pressure for noncompliance with those deadlines (no fly zone, rewards for those who comply, steadily increasing support for the opposition). *This risks looking like we are backtracking from pressure on Qadhafi and on our uncompromising position that he must go – at worst it looks like we are playing into Qadhafi's hands – but it also reflects a certain pragmatism.*

As we begin to execute consistent with the selected posture, we can also consider:

1. Whether to work with middlemen on an exile deal for Qadhafi
2. How to pursue additional measures to pressure those around Qadhafi, including beyond his immediate circle, to turn on him.
3. Whether and when to provide diplomatic platforms for the opposition, including the issue of recognition

In weighing the various frameworks listed above, we have to ask ourselves some first-order questions, to include:

1. Is a protracted civil war in Libya a fundamental threat to U.S. interests?
2. To what extent will those who follow Qadhafi give us credit if we play a central role in bringing him down? Will more interventionist support gain us substantially more credit than more indirect support?
3. To what extent will our failure to lead on this undermine our credibility at home and around the world?

Finally, I am including the basic goals and objectives that S/P identified [REDACTED]

Immediate Goals:

- We seek to avoid a failed state, particularly one in which al-Qaeda and other extremists might take safe haven.
- We seek to avoid further civil and military conflict between the forces loyal to Qadhafi and the emerging opposition forces, including conflict among Libyan tribes, and any further loss of civilian life.
- We seek, through the UN, regional organizations, and NGOs, to address the humanitarian needs throughout Libya and along the borders states including securing a humanitarian corridor.
- We seek sufficient security for key infrastructure (energy sector, hospitals, etc.) as well as WMD materials (such as yellowcake and mustard gas)
- We seek to avoid any spillover effect in North Africa or elsewhere in Africa, in particular limiting the negative effects of events in Libya on the interim governments of Tunisia and Egypt, as they confront their own internal challenges, and in Chad/Sudan, where we also have key interests.
- We seek to ensure the buy-in and support of Libya's neighbors, particularly the Arab and African countries closest to Libya and the Arab League and African Union, in order to obtain regional legitimacy.
- We seek the prevention of an exodus of Libyans.
- We seek sufficient stability to enable the commencement of a political and economic transition that ensures respect for human rights and lays the ground for a government that can and will meet the democratic aspirations of the Libyan people.

Medium/Long-term Goals:

- We seek a cohesive Libya that does not pose a threat to its neighbors.
- We seek the emergence of new professional security sectors and political institutions backed by the people that embrace such basic rights as free expression, political participation and contestation,

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confidence in the rule of law and the equal administration of justice and rights for all, especially women and minorities, and government institutions that are transparent, responsive, and accountable to its people.

- We seek the development of a fair, modernized economic system, with a petroleum sector in which profits are shared equitably throughout the country.
- We seek a mechanism of post-conflict accountability for the atrocities currently being committed.

In light of these goals, our **preferred end-state** in Libya, at the most basic level, includes:

1. The removal of Qadhafi and regime loyalists from power – and their imprisonment or exile.
2. The emergence of a relatively stable, and credible transitional government, capable of setting the stage for the emergency of increasingly representative and responsive political institutions and a political process that will yield an elected government.
3. A petroleum sector that continues to function and export, generating the domestic revenues that can enable a transitional government to function and meet its domestic budgetary obligations.

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EXHIBIT 12

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From: Jake Sullivan <jake.sullivan@state.gov>
Sent: Wednesday, April 4, 2012 7:35 AM
To: H
Subject: Libya

Secretary Clinton's leadership on Libya

HRC has been a critical voice on Libya in administration deliberations, at NATO, and in contact group meetings – as well as the public face of the U.S. effort in Libya. She was instrumental in securing the authorization, building the coalition, and tightening the noose around Qadhafi and his regime.

February 25 – HRC announces the suspension of operations of the Libyan embassy in Washington.

February 26 – HRC directs efforts to evacuate all U.S. embassy personnel from Tripoli and orders the closing of the embassy.

February 26 -- HRC made a series of calls to her counterparts to help secure passage of UNSC 1970, which imposes sanctions on Gaddafi and his family and refers Qadhafi and his cronies to the ICC

February 28 – HRC travels to Geneva, Switzerland for consultations with European partners on Libya. She gives a major address in which she says: "Colonel Qadhafi and those around him must be held accountable for these acts, which violate international legal obligations and common decency. Through their actions, they have lost the legitimacy to govern. And the people of Libya have made themselves clear: It is time for Qadhafi to go – now, without further violence or delay." She also works to secure the suspension of Libya from membership in the Human Rights Council.

Early March – HRC appoints Special Envoy Chris Stevens to be the U.S. representative to Benghazi

March 14 – HRC travels to Paris for the G8 foreign minister's meeting. She meets with TNC representative Jibril and consults with her colleagues on further UN Security Council action. She notes that a no-fly zone will not be adequate.

March 14-16 – HRC participates in a series of high-level video- and teleconferences v [REDACTED]
 [REDACTED] She is a leading voice for strong UNSC action and a NATO civilian protection mission. [REDACTED]
 [REDACTED]

March 17 – HRC secures Russian abstention and Portuguese and African support for UNSC 1973, ensuring that it passes. 1973 authorizes a no-fly zone over Libya and "all necessary measures" – code for military action – to protect civilians against Gaddafi's army.

March 19 – HRC travels to Paris to meet with European and Arab leaders to prepare for military action to protect civilians. That night, the first U.S. air strikes halt the advance of Gaddafi's forces on Benghazi and target Libya's air defenses.

March 24 – HRC engages with allies and secures the transition of command and control of the civilian protection mission to NATO. She announces the transition in a statement.

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March 18-30— HRC engages with UAE, Qatar, and Jordan to seek their participation in coalition operations. Over the course of several days, all three devote aircraft to the mission.

March 29 — HRC travels to London for a conference on Libya, where she is a driving force behind the creation of a Contact Group comprising 20-plus countries to coordinate efforts to protect civilians and plan for a post-Qadhafi Libya. She is instrumental in setting up a rotating chair system to ensure regional buy-in.

April 14 — HRC travels to Berlin for NATO meetings. She is the driving force behind NATO adopting a communiqué that calls for Qadhafi's departure as a political objective, and lays out three clear military objectives: end of attacks and threat of attacks on civilians; the removal of Qadhafi forces from cities they forcibly entered; and the unfettered provision of humanitarian access.

May 5 — HRC travels to Rome for a Contact Group meeting. The Contact Group establishes a coordination system and a temporary financial mechanism to funnel money to the TNC.

June 8 — HRC travels to Abu Dhabi for another Contact Group meeting and holds a series of intense discussions with rebel leaders.

June 12 — HRC travels to Addis for consultations and a speech before the African Union, pressing the case for a democratic transition in Libya.

Late June — HRC meets with House Democrats and Senate Republicans to persuade them not to de-fund the Libya operation.

July 15 — HRC travels to Istanbul and announces that the U.S. recognizes the TNC as the legitimate government of Libya. She also secures recognition from the other members of the Contact Group.

July 16 — HRC sends Feltman, Cretz, and Chollet to Tunis to meet with Qadhafi envoys "to deliver a clear and firm message that the only way to move forward, is for Qadhafi to step down".

Early August — HRC works to construct a \$1.5 billion assets package to be approved by the Security Council and sent to the TNC. That package is working through its last hurdles.

Early August -- After military chief Abdel Fattah Younes is killed, S sends a personal message to TNC head Jalil to press for a responsible investigation and a careful and inclusive approach to creating a new executive council.

Early August -- HRC secures written pledges from the TNC to an inclusive, pluralistic democratic transition. She continues to consult with European and Arab colleagues on the evolving situation.

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EXHIBIT 13

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From: [REDACTED]@state.gov>
Sent: Tuesday, August 30, 2011 4:59 PM
To: Sullivan, Jacob J <SullivanJJ@state.gov>
Subject: RE: what's it gonna take to get a team on the ground in Tripoli?

It is in train, but slow. NEA is trying to hurry it up, looking for a combined political and DS team to go out on 9/5, led by [REDACTED] Pat Kennedy has yet to bless this approach as DS prefers to go in first alone. I suggest you reach out to Pat Kennedy and Eric Boswell (A/S of Dip Security) to convey your impatience.

From: Sullivan, Jacob J
Sent: Tuesday, August 30, 2011 4:51 PM
To: [REDACTED]
Subject: RE: what's it gonna take to get a team on the ground in Tripoli?

Would be good to be able to say we will send a team to examine reopening the embassy. Who do I need to talk to?

From: [REDACTED]
Sent: Tuesday, August 30, 2011 4:50 PM
To: Sullivan, Jacob J
Subject: RE: what's it gonna take to get a team on the ground in Tripoli?

- Exception to BOG for Explosive Ordnance Detection and Marine FAST Team
- An Ambassador to Libya who actually wants to go
- Locking Pat Kennedy in a closet for long enough to actually take some real risks

From: Sullivan, Jacob J
Sent: Tuesday, August 30, 2011 4:47 PM
To: [REDACTED]
Subject: what's it gonna take to get a team on the ground in Tripoli?

EXHIBIT 14

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From: Mills, Cheryl D <MillsCD@state.gov>
Sent: Monday, August 22, 2011 12:37 PM
To: H
Subject: FW: tick tock on libya

Here is Draft

From: Jake Sullivan [mailto:jake.sullivan@state.gov]
Sent: Sunday, August 21, 2011 7:40 PM
To: Mills, Cheryl D; Nuland, Victoria J
Subject: tick tock on libya

this is basically off the top of my head, with a few consultations of my notes. but it shows S' leadership/ownership/stewardship of this country's libya policy from start to finish. let me know what you think. toria, who else might be able to add to this?

Secretary Clinton's leadership on Libya

HRC has been a critical voice on Libya in administration deliberations, at NATO, and in contact group meetings – as well as the public face of the U.S. effort in Libya. She was instrumental in securing the authorization, building the coalition, and tightening the noose around Qadhafi and his regime.

February 25 – HRC announces the suspension of operations of the Libyan embassy in Washington.

February 26 – HRC directs efforts to evacuate all U.S. embassy personnel from Tripoli and orders the closing of the embassy.

February 26 -- HRC made a series of calls to her counterparts to help secure passage of UNSC 1970, which imposes sanctions on Gaddafi and his family and refers Qadhafi and his cronies to the ICC

February 28 – HRC travels to Geneva, Switzerland for consultations with European partners on Libya. She gives a major address in which she says: “Colonel Qadhafi and those around him must be held accountable for these acts, which violate international legal obligations and common decency. Through their actions, they have lost the legitimacy to govern. And the people of Libya have made themselves clear: It is time for Qadhafi to go – now, without further violence or delay.” She also works to secure the suspension of Libya from membership in the Human Rights Council.

Early March – HRC appoints Special Envoy Chris Stevens to be the U.S. representative to Benghazi

March 14 – HRC travels to Paris for the G8 foreign minister's meeting. She meets with TNC representative Jibril and consults with her colleagues on further UN Security Council action. She notes that a no-fly zone will not be adequate.

March 14-16 – HRC participates in a series of high-level video- and teleconferences [REDACTED]
 [REDACTED] She is a leading voice for strong UNSC action and a NATO civilian protection mission. [REDACTED]

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March 17 – HRC secures Russian abstention and Portuguese and African support for UNSC 1973, ensuring that it passes. 1973 authorizes a no-fly zone over Libya and “all necessary measures” - code for military action - to protect civilians against Gaddafi's army.

March 24 – HRC engages with allies and secures the transition of command and control of the civilian protection mission to NATO. She announces the transition in a statement.

March 18-30– HRC engages with UAE, Qatar, and Jordan to seek their participation in coalition operations. Over the course of several days, all three devote aircraft to the mission.

March 19 – HRC travels to Paris to meet with European and Arab leaders to prepare for military action to protect civilians. That night, the first U.S. air strikes halt the advance of Gaddafi's forces on Benghazi and target Libya's air defenses.

March 29 – HRC travels to London for a conference on Libya, where she is a driving force behind the creation of a Contact Group comprising 20-plus countries to coordinate efforts to protect civilians and plan for a post-Qadhafi Libya. She is instrumental in setting up a rotating chair system to ensure regional buy-in.

April 14 – HRC travels to Berlin for NATO meetings. She is the driving force behind NATO adopting a communiqué that calls for Qadhafi's departure as a political objective, and lays out three clear military objectives: end of attacks and threat of attacks on civilians; the removal of Qadhafi forces from cities they forcibly entered; and the unfettered provision of humanitarian access.

May 5 – HRC travels to Rome for a Contact Group meeting. The Contact Group establishes a coordination system and a temporary financial mechanism to funnel money to the TNC.

June 8 – HRC travels to Abu Dhabi for another Contact Group meeting and holds a series of intense discussions with rebel leaders.

June 12 – HRC travels to Addis for consultations and a speech before the African Union, pressing the case for a democratic transition in Libya.

July 15 – HRC travels to Istanbul and announces that the U.S. recognizes the TNC as the legitimate government of Libya. She also secures recognition from the other members of the Contact Group.

Late June – HRC meets with House Democrats and Senate Republicans to persuade them not to de-fund the Libya operation.

July 16 – HRC sends Feltman, Cretz, and Chollet to Tunis to meet with Qadhafi envoys “to deliver a clear and firm message that the only way to move forward, is for Qadhafi to step down”.

Early August – HRC works to construct a \$1.5 billion assets package to be approved by the Security Council and sent to the TNC. That package is working through its last hurdles.

Early August -- After military chief Abdel Fattah Younes is killed, S sends a personal message to TNC head Jalil to press for a responsible investigation and a careful and inclusive approach to creating a new executive council.

Early August -- HRC secures written pledges from the TNC to an inclusive, pluralistic democratic transition. She continues to consult with European and Arab colleagues on the evolving situation.

EXHIBIT 15

SCB0060926-MOU

From: [REDACTED]@state.gov>
Sent: Monday, August 29, 2011 5:01 PM
To: Sullivan, Jacob J <SullivanJJ@state.gov>; [REDACTED]@state.gov>; [REDACTED]@state.gov>
Subject: US Interests in Post-Qadhafi Libya.docx
Attach: US Interests in Post-Qadhafi Libya.docx

Here is a note version of the squeeze the lemon memo. It incorporates Jake's comments, though we have now estimate of UN costs—[REDACTED] is trying to get one, though has been for a while. [REDACTED] question on war costs needs to be resolved before sending forward. I ultimately don't think we will or should get this money back, but I think in this memo and as a department we should represent—and be seen to be representing-- US interests on this question.
[REDACTED]

SENSITIVE BUT UNCLASSIFIED

August 29, 2011

NOTE FOR THE SECRETARY

FROM: S/P – Jake Sullivan

SUBJECT: **U.S. Interests in post-Qadhafi Libya**

The Libyan revolution is not over yet, but it does appear that the final phase has begun. While Libyans led the uprising, U.S. efforts were critical to its eventual success. The United States supported the Libyan opposition in order to avoid a humanitarian catastrophe and to support the democratic aspirations of the Libyan people. When the Libyan revolution was very fragile, it made little sense to burden the transitional Libyan authorities with U.S. interests. But now that revolution is nearly won, we have a responsibility to the American people to ensure that their interests in post-conflict Libya are protected. We have built up substantial credit within Libya and with the new Libyan authorities by our leadership role of the international community over the last few months. Now that key decisions about the shape of post-war Libya are being made, we should look to draw down some of that political capital.

The U.S. has four key interests in post-war Libya that if pursued vigorously could serve as potent symbols to the American people and the U.S. Congress that U.S. efforts in Libya were more than just social work:

- (1) Bring the Lockerbie Bomber to Justice** – The release of Abdel Basset al-Megrahi, the convicted Lockerbie bomber, from a Scottish prison two years ago angered the public and the Congress. At the time, he was said to have only three months to live, but he remains alive today—lending credence to the popular perception that his “compassionate” release was actually part of a corrupt deal to get British energy companies advantage in Qaddafi’s Libya. Megrahi is not popular in Libya, but he is a member of a large and influential tribe within Libya and the TNC will not want to have to confront this issue. The Scottish government says it does not plan to seek extradition and the TNC Justice Minister has already indicated that they will not extradite him, though other TNC officials have said the issue is not decided. Megrahi is also reported to be very ill, possibly even on the brink of death. But we have already said that we view his release as unjust. Until he does die, the U.S. should publically continue its strenuous efforts to bring Megrahi back to justice, either by getting the Scottish government to demand his return or, if the Justice Department

believes prosecution is possible, by seeking his direct extradition to the United States.

- (2) **Recover U.S. Government Costs** – Libya is a very wealthy country, albeit with a major cash flow problem. In that context, it made sense that United States should temporarily shoulder the fiscal burden of its part of the NATO operation to protect Libyan civilians (which has amounted to about \$1.1 billion thus far). But in the context of fiscal challenges at home, we will not sustain American popular support for similar humanitarian operations if we are seen as spending U.S. taxpayer funds to support wealthy countries. As the Libyan authorities recover their access to Libyan state assets and begin to restart energy exports, we should seek repayment for our efforts on behalf of the Libyan people, possibly from Libyan state assets frozen in the United States. We should further insist that the new Libya government commit to paying the costs of any UN mission to help stabilize and reconstruct post-Qaddafi Libya. The U.S. would otherwise have to pay about 25% of the costs of such a mission
- (3) **Create a Level-Playing Field in Libya for U.S. Energy Firms** – We need to ensure that U.S. firms are well-positioned to recover and improve their position within the lucrative Libyan energy sector. In the first instance, this means rapidly clearing the brush of UN and U.S. sanctions so that U.S. energy firms can move rapidly back into the country. Other countries such as France, Italy and China are already moving quickly in this regard. In the second instance, it means working with the new Libyan government to get a guarantee that all future energy contracts are let on a transparent and competitive basis that does not disadvantage U.S. firms. U.S. companies have a lot of technology and expertise to lend to the Libyan energy sector. But when Libya opened up to foreign investment in 2003, the U.S. was not particularly nimble in this regard and U.S. companies were disadvantaged. This should not be repeated.
- (4) **Avoid empowering violent extremists in Libya and beyond** – The idea that there are Libyan Islamist parties involved in the revolution is not in and of itself a problem. There are many types of Islamists and some are acceptable to us and a useful part of a vibrant Libyan civil society. As we learned to our cost during the Cold War, it is counterproductive to see every shade of pink as red. But we need to press hard on the new Libyan government to avoid allowing the most extreme and certainly violent Islamist groups to use the new Libyan government and civil society as a platform. The American people and the U.S. Congress will be understandably irritated if a revolution that the United States supported ends up spewing virulent hatred or advocating violence against the

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United States. Perhaps even more importantly, we need Libyan government commitments to ensure that the large amounts of weaponry in Libya, particularly unconventional weaponry and man-portable air defense systems (MANPADS), fall into the hands of groups advocating violent extremism.

The U.S. government has a variety of efforts underway to promote all of these interests. But when these interests conflict with Libyan priorities (as particularly in the Megrahi case), we sometimes lack the initiative to push strongly for U.S. interests. As we move into the final phase of the Libya revolution, we need to quickly pivot toward a stronger defense of U.S. interests to accomplish these four objectives. If we do not, the American people will soon come to question why we so vigorously supported the Libyan uprising. In contrast, if we can deliver on some of these goals, we can tangibly prove the value of humanitarian interventions and create space of pursuing a similar approach in the future.

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Approved: Jake Sullivan

Drafted: S/P – [REDACTED] ext. 7-9517 and [REDACTED]

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EXHIBIT 16



June 15, 2011

The Honorable John A. Boehner
Speaker of the House of Representatives
Washington, D.C. 20515

Dear Mr. Speaker:

On behalf of the Administration, enclosed please find a report and documents regarding U.S. activities in Libya.

The report, "United States Activities in Libya," describes U.S. actions in Libya to date. Taken in response to direct appeals from the Libyan people, and acting with a mandate from the United Nations, the United States mobilized a broad coalition, stopped an advancing army, prevented a massacre, established a no-fly zone, and limited the spread of violence and instability in a region pivotal to U.S. security interests. Today, the United States supports NATO military operations pursuant to UNSCR 1973 to protect Libyan civilians, and is working with the Transitional National Council and others to secure an inclusive, democratic transition.

The enclosed report consists of unclassified and classified sections:

- The unclassified section describes U.S. efforts in Libya; our political and military objectives; an assessment of the current situation; U.S. participation in the NATO operation (and consequences if the U.S. were to cease participation); current and projected military, humanitarian, and related costs; an analysis of whether U.S. operations in Libya are impacting U.S. efforts in Iraq and Afghanistan; our current assessment of the Interim Transitional National Council (TNC) and U.S. contacts with the TNC to date; legal analysis; and a listing of congressional hearings, briefings, and other consultations to date.
- The classified annex contains information relating to U.S. military operations; opposition military groups; coalition contributions to the NATO mission; extremist groups in Libya; and the MANPAD threat.

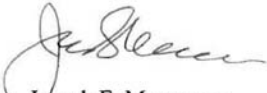
In addition to the report, please also find CDs containing electronic copies of documents from departments and agencies that provide further background and context on our efforts in Libya, including United States' support for Operations Odyssey Dawn and Unified Protector. These materials include briefing slides, fact sheets, and other material on the operations

previously provided to relevant committees of jurisdiction; copies of the 32 update reports sent to 1,600 congressional staffers over the past several months; cost projections; relevant correspondence; transcripts; official notifications sent to the Senate and House; and other material.

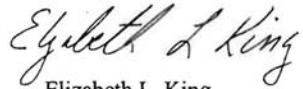
In order to safeguard classified materials appropriately (both the report annex and supporting documents) – and consistent with both Executive and Congressional classified information handling requirements – such information and documents are being transmitted under separate cover. Individual Members and appropriately cleared staff can access such materials through arrangements made with their respective Leaders and as appropriate and consistent with the protection of intelligence sources and methods and applicable classified information handling requirements.

On behalf of the Administration, we remain committed to continuing to work with Congress on this important matter.

Sincerely,



Joseph E. Macmanus
Acting Assistant Secretary
Legislative Affairs
Department of State



Elizabeth L. King
Assistant Secretary
Legislative Affairs
Department of Defense

United States Activities in Libya

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Overview of United States Activities in Libya

In his address to the nation on Libya on March 28, 2011, President Obama presented a comprehensive explanation for why he authorized military action as part of an international coalition to protect the people of Libya and to enforce U.N. Security Council Resolution (UNSCR) 1973.

In the intervening weeks and months, coalition efforts have been effective in protecting the Libyan population. The regime has suffered numerous defeats, cities and towns across Libya have been liberated from brutal sieges, strong sanctions are in place, and the regime is encountering serious difficulties raising revenues through oil sales or other means. All these actions and outcomes are consistent with UNSCR 1973.

As the President explained, much was at stake when Qadhafi began attacking his people and threatened to show "no mercy" to the city of Benghazi and its population of 700,000:

"In this particular country - Libya - at this particular moment, we were faced with the prospect of violence on a horrific scale. We had a unique ability to stop that violence: an international mandate for action, a broad coalition prepared to join us, the support of Arab countries, and a plea for help from the Libyan people themselves. We also had the ability to stop Qaddafi's forces in their tracks without putting American troops on the ground."

The United States and its international partners acted decisively and with unprecedented speed to mobilize a broad coalition, secure an international mandate to protect civilians, stop an advancing army, prevent a massacre, and establish a no-fly zone. In contrast, the war in Bosnia raged for nearly two years before the first NATO military operations took place, and three years before NATO began ground strikes to protect the civilian population.

The President authorized these actions for several reasons of national interest:

- To limit the spread of violence and instability in a region pivotal to our security interests, particularly while it is undergoing sensitive transitions;

- To prevent an imminent humanitarian catastrophe; and
- To show the people of the Middle East and North Africa that America stands with them at a time of momentous transition.

Beyond the specific military objectives, the President has stated that Qadhafi has lost all legitimacy to rule and must step down. His brutal behavior against his own population has been catalogued by a United Nations Commission of Inquiry and has resulted in a request for arrest warrants by the Prosecutor of the International Criminal Court for crimes against humanity.

Moreover, the Libyan government's actions posed a significant threat to regional peace and security. As the President noted in his March 21 report to Congress, the Qadhafi regime's "illegitimate use of force" was "forcing many [civilians] to flee to neighboring countries, thereby destabilizing the peace and security of the region." "Left unaddressed," the President further noted, "the growing instability in Libya could ignite wider instability in the Middle East, with dangerous consequences to the national security interests of the United States." The risk of regional destabilization was also recognized by the UN Security Council, which determined in Resolution 1973 that the situation in Libya was "a threat to international peace and security." Indeed, as Secretary of Defense Robert Gates testified to Congress on March 31, "it continues to be in our national interest to prevent Qadhafi from visiting further depredations on his own people, destabilizing his neighbors, and setting back the progress the people of the Middle East have made...."

Further, the longstanding U.S. commitment to maintaining the credibility of the United Nations Security Council and the effectiveness of its actions to promote international peace and security was at stake in Libya once the Council took action to impose a no-fly zone and to authorize all necessary measures to protect civilians and civilian populated areas under threat of attack, particularly after Qadhafi's forces ignored the UNSC's call for a cease fire and for the cessation of attacks on civilians.

As President Obama noted in his March 28 speech, without military action to stop Qadhafi's repression, "[t]he writ of the United Nations Security Council would have been shown to be little more than empty words, crippling that institution's future credibility to uphold global peace and security."

A growing chorus of international voices has now called for Qadhafi's departure, including the G8, the Contact Group representing more than 20 countries, Russian President Medvedev, Turkish Prime Minister Erdogan, and several key African leaders such as the Presidents of Gabon, Mauritania, and Senegal. This growing consensus and Qadhafi's control of less and less of Libya indicate that his departure is only a matter of time.

During the past few weeks the situation on the ground for Libyan civilians under threat has steadily improved. Qadhafi's forces were halted at the gates of Benghazi and have since been driven back from several towns and cities across the country. The Libyan opposition, led by a Transitional National Council (TNC), continues to gain credibility and legitimacy and has laid out its vision for an inclusive approach for a post-Qadhafi political transition. For that reason, Secretary Clinton said on June 9 that the United States believes the TNC is the legitimate interlocutor for the Libyan people at a time when the Qadhafi regime has lost all legitimacy to rule. Australia, Canada, Germany, Spain, and the UAE have all made similar statements over the past two weeks.

Political and Military Objectives and Means

The President has honored his commitment to focus the preponderance of our military effort on the front end of operations in Libya, using our unique assets to destroy key regime military targets and air defense capabilities in order to establish a no-fly zone and enable protection of civilians as part of the enforcement of UNSCR 1973. These actions set the conditions so that, after a limited time, command of these operations transferred to NATO. Since that April 4 transition, U.S. military involvement has been limited to a supporting role, enabling our allies and partners to ensure the safety of Libyan civilians. On the political front, the United States, with its partners in the coalition, has also continued to employ other elements of national power to support efforts to bring stability to Libya and allow the Libyan people to reclaim their future. As Secretary of State Hillary Clinton testified to Congress on March 1, "The stakes are high. And this is an unfolding example of using the combined assets of diplomacy, development and defense to protect our interests and advance our values."

Background

The crisis began when the Libyan people took to the streets in February to demand reforms and stand up for their human rights. Qadhafi's security forces responded with extreme violence. Fighter jets and helicopter gunships attacked people who had no means to defend themselves. There were reports of government agents raiding homes and hospitals to round up or kill wounded protestors, and of indiscriminate killings, arbitrary arrests, and torture as Qadhafi's forces began a full-scale assault on cities that were standing up against his rule. For these reasons, the International Criminal Court Prosecutor has requested arrest warrants for crimes against humanity for Qadhafi, his son Saif al-Islam, and one of his intelligence chiefs. The Prosecutor also recently announced that he has found increasing evidence that Qadhafi was personally involved in ordering mass rapes of Libyan women as part of his campaign of terror.

The President responded to the growing violence in Libya on February 25 when he issued Executive Order 13566, which imposed significant economic sanctions on Qadhafi, his government, and close associates. The Executive Order imposed a general freeze

on all assets of the Government of Libya that are in the United States or are in the possession or control of U.S. persons anywhere in the world. The President authorized the Treasury Department, in consultation with the State Department, to publicly designate for sanctions on additional senior Libyan government officials, those responsible for human rights abuses related to political repression in Libya, and those who provide material financial support for individuals and entities whose assets are frozen. To date, we have frozen over \$37 billion pursuant to E.O. 13566. We strongly support Senate Bill 1180 that was introduced by Senators Johnson, Shelby, Kerry, McCain, Levin and Lieberman on June 13. This legislation would make frozen assets available for humanitarian relief purposes to and for the benefit of the Libyan people.

Also on February 25, the Secretary of State approved a policy to revoke the visas held by these officials, others responsible for human rights violations in Libya, and their immediate family members. The Secretary of State also suspended the very limited military cooperation we have had with Libya, including pending sales of spare military equipment.

On February 26, the U.N. Security Council also responded to this violence by unanimously adopting Resolution 1970, which demanded an end to the violence, referred the situation in Libya to the International Criminal Court, imposed a travel ban on, and froze the assets of Qadhafi, and members of his family and inner circle.

Rather than respond to the international community's demand for an end to the violence, Qadhafi's forces continued their brutal assault against the Libyan people. On March 1, the U.S. Senate passed a resolution that "condemn[ed] the gross and systematic violations of human rights in Libya, including violent attacks on protestors" and urged that the United Nations take action to protect civilians in Libya from attack, including by imposing a no-fly zone.

The people of Libya appealed to the world for help. The Gulf Cooperation Council and the Arab League called for the establishment of a no-fly zone. Acting with partners in NATO, the Arab World and the African members of the Security Council, the United States pushed for the passage of U.N. Security Council Resolution 1973 on March 17. The resolution demanded an immediate ceasefire in Libya, including an end to the current attacks against civilians; imposed a ban on all flights in the country's airspace; authorized the use of all necessary measures to protect civilians; and tightened sanctions on the Qadhafi

regime and entities it owns or controls, including the National Oil Corporation and its subsidiaries. As his troops continued pushing toward Benghazi, a city of nearly 700,000 people, Qadhafi again defied the international community, declaring, "We will have no mercy and no pity."

At that moment, as the President explained in his speech to the nation on March 28: "We knew that if we waited one more day, Benghazi could suffer a massacre that would have reverberated across the region and stained the conscience of the world." Stopping a potential humanitarian disaster became a question of hours, not days. The costs of inaction would have been profound. Thousands of civilians would very likely have been slaughtered, a ruthless dictator would have been triumphant precisely at a time when people across the region are challenging decades of repression, and key U.S. allies, including Egypt and Tunisia, would have been threatened by instability on their borders during a critical point in their own transitions toward a more promising future.

Consequently, the President directed U.S. departments and agencies to rapidly help establish a no-fly zone, stop Qadhafi's forces from advancing on Benghazi, expand the coalition, and respond to the humanitarian crisis in Libya.

The President made clear that our military objective, supported by a coalition of allies and partners, would be to protect civilians and enforce the terms of the resolution, requiring:

- That all attacks against civilians must stop;
- That Qaddafi stop his troops from advancing on Benghazi, pull them back from Ajdabiya, Misrata, and Zawiya and other cities, and establish water, electricity and gas supplies to all areas; and
- That humanitarian assistance be allowed to reach the people of Libya.

Establishing these conditions would pave the way for a genuine political transition - of which Qadhafi's departure is a critical component. To bring about this objective, along with the international community, the United States responded to this crisis by developing, implementing, and monitoring sanctions and freezing billions in Government of Libya assets, building a broad international coalition focused on escalating diplomatic pressure on Qadhafi and increasing his isolation, and initiating

and sustaining political support for military operations. This operation was launched just over a month after the first significant protests in Libya, nine days after Gaddafi began using airpower against civilians – and, most importantly, before Qadhafi was able to overrun Benghazi with “no mercy” as he pledged he would do.

To lend perspective on how rapidly this military and diplomatic response came together, when people were being brutalized in Bosnia in the 1990s, it took the international community two years to intervene with air power to protect civilians and a year to defend the people of Kosovo. It took the United States and its coalition partners 31 days to prevent a slaughter in Libya.

The United States has also helped the international effort to provide humanitarian relief to the people of Libya, providing almost \$81 million to help those in need inside Libya and those who have fled the violence. These funds help evacuate and repatriate third-country nationals, care for refugees on Libya’s borders, and deliver food and medicine. With U.S. government funding, four non-governmental organizations (NGOs), four U.N. agencies, and two international organizations are actively providing assistance inside Libya. The international community has already contributed, committed or pledged \$245 million. The U.S. government has also provided military in-kind assistance valued at nearly \$1.1 million, pertaining to the transport of 1,158 Egyptians from Tunisia to Egypt via U.S. C-130 aircraft.

Where We Are Now

An international coalition of NATO and Arab allies continues to pursue the limited military mission to enforce U.N. Security Council Resolutions 1970 and 1973 and protect the Libyan people. At the onset of military operations, the United States leveraged its unique military capabilities to halt the regime’s offensive actions and degrade its air defense systems before turning over full command and control responsibility to a NATO-led coalition on March 31. Since that time:

- Three-quarters of the over 10,000 sorties flown in Libya have now been by non-U.S. coalition partners, a share that has increased over time.
- All 20 ships enforcing the arms embargo are European or Canadian.

- The overwhelming majority of strike sorties are now being flown by our European allies while American strikes are limited to the suppression of enemy air defense and occasional strikes by unmanned Predator UAVs against a specific set of targets, all within the UN authorization, in order to minimize collateral damage in urban areas.
- The United States provides nearly 70 percent of the coalition's intelligence capabilities and a majority of its refueling assets, enabling coalition aircraft to stay in the air longer and undertake more strikes.

Politically, U.S. leadership continues to play an important role in maintaining and expanding this international consensus that Qadhafi must step down, sending an unambiguous message to the regime. We continue working with the international community to enhance the capabilities of the Libyan opposition and increase the ability to achieve political transition. After many meetings with senior opposition members in Washington and abroad, combined with daily interactions with the U.S. mission in Benghazi, we have stated that the TNC has demonstrated itself to be the legitimate interlocutor of the Libyan people, in contrast to the Qadhafi regime that has lost all legitimacy to rule.

The TNC has recently expanded to include representatives from across the country as it aims to become a truly representative body. It has committed itself to promoting a democratic transition, and to adhering to international standards and human rights. We continue working to facilitate greater political, financial, and non-lethal support, to include up to \$25 million in medical supplies, rations, and personal protective gear. Perhaps most important is determining an expedient way to unfreeze Libyan government assets to meet pressing humanitarian needs in a manner that is consistent with domestic legal requirements and UNSCRs 1970 and 1973. This is an area where the assistance of Congress is most needed and could become a linchpin in the success of our strategy.

Coalition Objectives

At no point has the United States acted alone, instead helping to mobilize the international community for collective actions, and creating the conditions for others to work toward our mutual objectives and to share the costs of these efforts. The NATO-

led coalition has made its dedication to sustaining this momentum clear, recently deciding to extend Operation Unified Protector for another 90 days after June 27th. At the June 8 meeting of NATO Defense Ministers, NATO reaffirmed the April 14th statement of Foreign Ministers that operations would continue

“until all attacks and threats against civilians and civilian populated areas have stopped... until the regime has pulled back all its forces – including its snipers and its mercenaries – away from civilian centers and back to their bases. And until there is a credible and verifiable ceasefire, paving the way for a genuine political transition and respecting the legitimate aspirations of the people of Libya.”

As the coalition continues its effort to protect Libya’s civilian population, we are likewise escalating the political, diplomatic, and financial pressure on Qadhafi. The results of this effort are most tangibly demonstrated in the list of former officials who have now abandoned him, which continues to grow. His foreign ministers, an interior minister, ambassadors to the United States and the United Nations, a central bank governor, an oil minister, five Generals, and his labor minister have defected as well. And we have again begun to see brave protestors taking to the streets of Tripoli as well as uprisings in the key cities of Zawiyah and Zlitan.

The escalating pressure against Qadhafi is steadily increasing his isolation and eroding his influence, both within Libya and worldwide. The Contact Group – representing more than 20 nations and the UN, Arab League, NATO, EU, OIC and GCC – has met at the Foreign Minister level three times, and remains united in the proposition that “Qadhafi, his family, and his regime have lost all legitimacy. They must go so that the Libyan people can determine their own future.” The G8 and an increasing number of leaders – from Russian President Medvedev to Turkish Prime Minister Erdogan to Senegalese President Wade – have all called publicly for Qadhafi’s departure. Many states have expelled Qadhafi’s diplomats; Libya’s national oil company and central bank are prohibited from conducting normal business; and the International Criminal Court Prosecutor has requested warrants for several senior Libyan officials, including Qadhafi and his son Saif al-Islam.

U.S. Support to NATO Mission

Acting under U.N. Security Council Resolution 1973, and as part of a multilateral coalition with broad international support, Operation ODYSSEY DAWN (OOD) was launched on March 19, 2011, to protect the Libyan people from Qadhafi's forces. Responsibility for leading and conducting this mission – now called Operation UNIFIED PROTECTOR (OUP) – transitioned on March 31 to an integrated NATO command, with all operations fully under NATO by April 4. The focus of OUP is to protect civilians and civilian-populated areas under attack or threat of attack. The mission continues to concentrate on three elements: enforcement of a naval arms embargo, enforcement of a no-fly zone, and actions to protect civilians from attack or the threat of attack.

The Department of Defense is providing forces to NATO in support of OUP. U.S. armed forces now provide unique capabilities to augment and support NATO and coalition partner contributions. These capabilities include the following: electronic warfare assistance; aerial refueling; strategic lift capability; personnel recovery and search and rescue, intelligence, surveillance and reconnaissance support; and an alert strike package. The United States is also augmenting the NATO Peacetime Establishments at the three NATO Headquarters with a number of additional U.S. military personnel. The additional strike assets described above are on continuous stand-by alert status to augment NATO and coalition forces if their capacity or capability were to be deemed inadequate by Supreme Allied Commander Europe (SACEUR) and those assets were subsequently authorized for use by the U.S. Secretary of Defense.

A list of specific United States military assets is provided in a classified annex.

As President Obama has clearly stated, our contributions do not include deploying U.S. military ground forces into Libya, with the exception of personnel recovery operations as may be necessary.

As articulated at the NATO Ministerial discussions on June 8, the decision has been made to extend the operation for another 90 days, from June 27, 2011, until the end of September 2011. This sends a clear signal that NATO will stay the course and will keep up the pressure necessary to bring this crisis to an early conclusion.

The United States and its NATO and coalition partners will keep up the pressure on Qadhafi until the following three objectives are fulfilled, as agreed by the Foreign Ministers in Berlin on April 14, specifically: that the Qadhafi regime must cease attacks on civilians; verifiably withdraw all its forces to its bases; and allow immediate, full, safe, and unhindered humanitarian access.

The United States is providing unique assets and capabilities that other NATO and coalition nations either do not possess or possess in very limited numbers – such as suppression of enemy air defense (SEAD); unmanned aerial systems; aerial refueling; and intelligence, surveillance, and reconnaissance (ISR) support. These unique assets and capabilities are critical to the successful execution and sustainment of NATO's ability to protect Libyan civilians and civilian populated areas from attack or the threat of attack and NATO's ability to enforce the no-fly zone and arms embargo. They enable the Operation UNIFIED PROTECTOR (OUP) commander to find, fix, track, target, and destroy regime forces threatening and attacking civilians and civilian populated areas.

Consequences of U.S. Not Participating in NATO Operations

If the United States military were to cease its participation in the NATO operation, it would seriously degrade the coalition's ability to execute and sustain its operation designed to protect Libyan civilians and to enforce the no-fly zone and the arms embargo, as authorized under UNSCR 1973. Cessation of U.S. military activities in support of OUP would also significantly increase the level of risk for the remaining Allied and coalition forces conducting the operation, which in turn would likely lead to the withdrawal of other NATO and coalition nation participation in the operation. Furthermore, if NATO had to terminate the operation before the recently agreed 90-day extension (to September 27) because it did not possess the assets and capabilities required to conduct or sustain the operation, then NATO's credibility would be damaged with significant consequences for U.S., European, and global security.

Current and Projected Costs

Military Costs

The cost through June 3, 2011, for DoD military operations and humanitarian assistance efforts in Libya is \$715.9 million.

| DoD Libya Operations Dollars in Millions | Sec 3(a) (7) Estimated Cost thru June 3, 2011 |
|--|--|
| Daily Operations | 313.7 |
| Munitions | 398.3 |
| Global Lift and Sustain | 1.6 |
| Subtotal Military Operations | 713.6 |
| Drawdown of DoD Supplies | 1.3 |
| Humanitarian Assistance (OHDACA) ¹ | 1.0 |
| Total | 715.9 |

Of this amount, \$713.6 million was used to fund military personnel pay costs, travel and sustainment of personnel, operating (flying hours), expended munitions, supplies, airlift, and a small amount for lift and sustainment costs for coalition partners supporting operations in Libya.

Presidential Determination number 2011-09, signed April 26, 2011, directed the drawdown of up to \$25 million in nonlethal commodities and services to support key U.S. Government partners such as the Transitional National Council in efforts to protect civilians and civilian populated areas under threat of attack in Libya. On May 10, 2011, the Department delivered 10,000 cases (120,000 meals) of Halal Meals Ready to Eat (MREs) to Benghazi, Libya, at a cost of \$1.3 million. All remaining items (i.e., uniforms, bullet-proof vests, binoculars, maps, tents, and medical supplies) are scheduled for delivery to the Benghazi port on or about June 15. The current total cost estimate for goods and transportation is \$15 million (i.e., \$6 million in goods and \$9 million in transportation

¹ Overseas Humanitarian, Disaster and Civic Aid

costs), which leaves approximately \$10 million in drawdown authority that has not been utilized

The Department of Defense's direct contribution to humanitarian concerns in the Libya operation as of June 3, 2011, is \$1.04 million. This amount funded \$0.9 million in airlift and aviation costs to repatriate 1,158 Egyptians from Tunisia to Egypt using U.S. C-130 aircraft, and approximately \$0.2 million in humanitarian relief supplies that was provided for the purchase and retrofit of two ambulances operated by the Tunisian Red Crescent Society for the provision emergency humanitarian aid to thousands of migrants fleeing Libya.

The total projected cost for DoD operations through September 30, 2011, which is the end of the second 90-day authorization by NATO, is about \$1.1 billion. This estimate assumes the current tempo of support operations continues through September 30. Close to \$300 million of this total will be offset by lower peacetime operating costs in the Air Force, in part as a result of the Libyan operations. Hence the current estimate of incremental costs through September 30 is about \$0.8 billion.

| DoD Libya Operations Dollars in Millions | Sec 3(a) (8) Estimated Cost thru Sept 30, 2011 |
|--|---|
| Daily Operations | 618 |
| Munitions | 450 |
| Global Lift and Sustain | 10 |
| Subtotal Military Operations | 1,078 |
| Drawdown of DoD Supplies | 25 |
| Humanitarian Assistance (OHDACA) ² | 1 |
| Total | 1,104 |

The Department does not plan to ask for supplemental appropriations and will pay for these costs using currently available Defense funds. These operating costs will be

² Overseas Humanitarian, Disaster and Civic Aid

offset through reductions in lower priority support activities, and there will be some reduction to the peacetime flying hour program in part as a result of the Libya operation. The Department plans to replace munitions used in the Libyan operation as part of its normal programming and budgeting process.

Humanitarian Costs

The U.S. Government (USG) has provided almost \$81 million for humanitarian activities in response to the conflict in Libya as of June 3, 2011.

FY 2011 USG ASSISTANCE FOR THE LIBYA COMPLEX EMERGENCY

| <i>Implementing Partner</i> | <i>Activity</i> | <i>Location</i> | <i>Amount</i> |
|--|--|-----------------|---------------|
| USAID/OFDA ASSISTANCE | | | |
| Agency for Cooperation and Technical Development (ACTED) | Logistics and Relief Supplies | Libya | \$25,000 |
| ACTED | Economic Recovery and Market Systems, Logistics and Relief Supplies | Libya | \$500,000 |
| Danish Refugee Council | Protection, Logistics and Relief Supplies | Libya | \$438,649 |
| International Relief and Development | Logistics and Relief Supplies | Libya | \$349,223 |
| TRC | Emergency Relief Supplies | Tunisia | \$50,000 |
| TRC | USAID/OFDA Commodities: 2,000 blankets; 40 rolls of plastic sheeting; 9,600 water containers | Tunisia | \$40,300 |
| International Medical Corps (IMC)/Merlin | 10 health kits and three trauma Kits, plus transportation | Libya | \$357,905 |
| IMC | Health, Logistics and Relief Supplies, and Water, Sanitation, and Hygiene (WASH) | Libya | \$2,500,000 |
| Merlin | Health | Libya | \$483,854 |
| Mercy Corps | Logistics and Relief Supplies, WASH, Agriculture and Food Security | Libya | \$550,000 |
| OCHA | Humanitarian Coordination and Information Management | Libya | \$500,000 |

| | | | |
|--------------------------------|---|-----------------------|---------------------|
| WHO | Health | TBD | \$1,000,000 |
| WFP | Logistics and Emergency Telecommunications | Libya | \$750,000 |
| WFP | U.N. Humanitarian Air Service (UNHAS) | Libya | \$750,000 |
| TBD | Emergency Relief Activities and Relief Supplies | Affected Areas | \$184,122 |
| | Program Support Costs | | \$1,520,947 |
| TOTAL USAID/OFDA | | | \$10,000,000 |
| USAID/FFP | | | |
| WFP | Title II Emergency Food Assistance | Libya | \$5,000,000 |
| WFP | Local and Regional Food Procurement | Tunisia, Egypt | \$5,000,000 |
| TOTAL USAID/FFP | | | \$10,000,000 |
| STATE/PRM ASSISTANCE | | | |
| IOM | Evacuation and repatriation programs for third-country nationals | Libya, Tunisia, Egypt | \$27,500,000 |
| UNHCR | Assistance and protection for Libyan internally displaced persons as well as refugees and migrants in Tunisia, Egypt, Italy, and Malta | Libya, Tunisia, Egypt | \$14,500,000 |
| ICRC | Medical and surgical care, water and sanitation facilities, protection of detainees and conflict victims | Libya, Tunisia, Egypt | \$17,700,000 |
| WHO | Support for the Tunisian Ministry of Public Health to respond to the medical needs of Libyans, third-country nationals, and host communities in Tunisia | Tunisia | \$300,000 |
| TOTAL STATE/PRM | | | \$60,000,000 |
| STATE/PM/WRA ASSISTANCE | | | |
| Mines Advisory Group | Conventional Weapons Destruction | Libya | \$486,937 |
| Swiss Foundation for | Conventional Weapons Destruction | Libya | \$470,670 |

| | | | |
|---|--|--|---------------------|
| Mine Action | | | |
| TOTAL STATE/PM/WRA | | | \$957,607 |
| TOTAL USAID AND STATE HUMANITARIAN ASSISTANCE FOR THE LIBYA COMPLEX EMERGENCY IN FY 2011 | | | \$80,957,607 |

¹¹ The total does not include an additional \$500,000 provided by USAID/OFDA to OCHA's Middle East Office for regional coordination.

The USG has also provided in-kind military assistance valued at nearly \$1.1 million, pertaining to the transport of 1,158 Egyptians from Tunisia to Egypt via U.S. C-130 aircraft.

The overall humanitarian situation in Libya remains relatively stable. In the coming months, the U.S. Agency for International Development (USAID) and the Department of State's Bureau for Population, Refugees, and Migration (State/PRM) project that additional, targeted humanitarian funding may be required to respond to unforeseen needs in Libya, particularly in areas that are currently inaccessible. These costs will depend on the duration and the intensity of conflict. USAID's Food for Peace Office (FFP) has no immediate plans for additional food assistance to Libya but will work closely with the World Food Program (WFP) and other partners to identify and respond to new emergency food needs, if necessary.

On June 9, 2011, at the third meeting of the Contact Group for Libya, Secretary of State Hillary Clinton announced an additional contribution from State/PRM of \$26.5 million (included in the above table) to address humanitarian needs in Libya and neighboring countries. The newly announced funding will support the work of the International Committee of the Red Cross (ICRC), the Office of the U.N. High Commissioner for Refugees (UNHCR), and the International Organization for Migration (IOM) in the region. Funds will also support the U.N. World Health Organization (WHO) to continue providing assistance to the Tunisian government to meet the health needs of displaced Libyans, third-country nationals, and Tunisian host communities.

USAID's Office of Transition Initiatives (USAID/OTI) is planning to provide up to \$5 million for community groups, local media, and, as appropriate, interim governing authorities in Eastern Libya.

Department of State Operational Costs

| Department of State Operational Costs | | | |
|---|--------------------------|--------------------|-----------------------|
| State Operations Account | Projected | | Total |
| | Committed Thru June 3 | June 3 thru EOY | Projected Thru EOY |
| Diplomatic & Consular Programs-NEA | 1,004,586 | 941,252 | 1,945,838 |
| NEA (Non-Add) | 996,586 | 941,252 | 1,937,838 |
| MED (Non-Add) | 8,000 | - | 8,000 |
| Emergencies in the Diplomatic and Consular Service | 1,836,205 | - | 1,836,205 |
| Repatriation Loans Program Account-Consular Affairs | 45,000 | - | 45,000 |
| Diplomatic Security | 823,882 | 1,500,000 | 2,323,882 |
| TOTAL, State Operations | 3,709,673 | 2,441,252 | 6,150,925 |

Analysis of Impact on U.S. Operations in Iraq and Afghanistan

Department of Defense: There has not been a significant operational impact on United States activities in Iraq and Afghanistan. All the forces that were briefly diverted from other operations have been replaced, with the exception of one Guided Missile Destroyer (DDG). That capability will be replaced during June 2011. In some cases, forces were delayed in arriving in Iraq and Afghanistan, but the operational impact was mitigated by forces already supporting these operations.

Department of State: The Department has not experienced, nor does it anticipate, any impact on its ongoing activities in Iraq.

USAID: Developmental projects in Afghanistan and Iraq are funded primarily through Economic Support Funds and supplemental funding appropriated by the Congress. As of June 3, the majority – \$15 million of \$20 million – of USAID assistance for the Libya crisis was funded with the International Disaster Assistance (IDA) account, including \$10 million from USAID's Office of U.S. Foreign Disaster Assistance (USAID/OFDA) and \$5 million from USAID/FFP for local and regional food procurement. The remaining \$5 million from USAID/FFP utilizes Food for Peace Title II funds. As such, humanitarian activities in Libya have no adverse impact on USAID activities in Iraq and Afghanistan.

Description of Interim Transitional National Council

The Libyan opposition's Transitional National Council (TNC) is composed of 45 members, led by former Libyan Minister of Justice Mustafa Abdujalil, that has been organized to coordinate essential services and represent the Libyan people during the current crisis. The TNC has emphasized the importance of representing all regions and people in Libya and even includes members from regime-controlled areas such as Tripoli and Sebha. In addition to the larger council, the TNC has organized a 15 person executive bureau, led by interim Prime Minister Mahmoud Jibril, to handle specific portfolios including Foreign Affairs, Finance and Oil, Justice and Human Rights, Education, Health and Reconstruction and Infrastructure, among others. Currently, security conditions do not permit the Council to fully and adequately fulfill all of the TNC's representational objectives, and political disagreements exist, as they would in any open and diverse democratic setting.

The TNC has consistently asserted that it is serving a temporary administrative role until the regime steps down and an interim government can be put in place to represent all of Libya. While it has not always been clear about how long this temporary role should continue, the TNC recognizes that elections will be needed in a reasonable time after the collapse of the Qadhafi regime, to provide legitimacy to a new Libyan government. The TNC has dedicated itself to paving the way for an inclusive, democratic process to take the place of the regime once Qadhafi departs power. The TNC has also issued clear statements noting its intent to respect the Geneva Conventions, its respect for human rights, and repudiation of terrorism.

Recognition: Secretary Clinton, the State Department's envoy in Benghazi and other U.S. officials are engaging members of the Libyan opposition, including the TNC, to understand their aspirations and the steps they are undertaking to build a democracy that reflects the will of the Libyan people. The United States views the TNC as the legitimate interlocutor for the Libyan people during this interim period and it is the institution through which we are engaging the Libyan people, in addition to our work with Libyan civil society. This is in stark contrast to the authoritarian Qadhafi regime, which has no constitution, does not govern by the rule of law and has lost all legitimacy to rule. Australia, Canada, Germany, Spain, and the UAE have all made similar statements in recent days. We are encouraged by the steps taken by the TNC to bring Libyans

together to plan their own future and a permanent, inclusive, constitutional system that will protect the rights of all Libyans.

Transition Planning: The TNC is engaged in detailed planning for a political transition following the current conflict and the departure of Qadhafi from power. The TNC laid out a roadmap for an inclusive political process to take the place of the regime once Qadhafi departs power. The roadmap, which is predicated on preserving the unity and sovereignty of Libya, lays out steps for drafting a constitution, convening a national assembly and implementing an interim government. The TNC has also focused on unifying Libya through implementing national reconciliation mechanisms and ensuring the full participation of areas currently under regime control. In this regard, the TNC has shown a willingness to work with technocrats from the regime, provided they have not participated in human rights violations.

The U.S. envoy in Benghazi is engaged in regular discussions with the TNC regarding its plans for a political process, its assessment of a realistic timetable for implementation, and the role of the international community in assisting the transition. The TNC's ability to affect a political transition will depend on a favorable resolution of the current conflict and the departure of Qadhafi from power. We believe that the TNC is genuinely committed to fulfilling the democratic aspirations of the Libyan people, and we support the steps it is taking to meet this goal.

On the international stage, the TNC has been conducting extensive outreach to build awareness of, and garner support for, the Libyan opposition. Domestically, it has been working closely with municipal councils to provide essential services to the areas under opposition control, such as water, electricity and security. The TNC has consistently declared its commitment to protecting the human rights of all Libyans, agreed to treat captured regime soldiers in accordance with the Geneva Conventions and publicly rejected terrorism and extremist influences.

Assistance: Despite pledges of assistance from a number of would-be donors, donors still need to disburse pledges of financial assistance to the TNC. To facilitate the vesting of assets blocked by the United States, the Administration supports Senate Bill 1180 that would allow the United States to confiscate property of the Government of Libya to be used for costs related to providing humanitarian relief to the Libyan

people. Under this vesting authority, the President would have the authority to decide precisely how the assets would be used, consistent with the legislation. The President would only disburse assets through means that meet our legal and policy standards regarding transparent oversight of the disbursements.

The United States also supports crude oil sales from TNC-controlled areas. On April 26, the U.S. Treasury's Office of Foreign Assets Control (OFAC) posted a new Libya General License and a new Statement of Licensing Policy on Libyan crude oil sales. These actions were taken to remove sanctions barriers under domestic law to U.S. persons' participation in certain transactions involving oil and gas sales by the TNC. On May 25, a U.S. oil refiner, Tesoro, announced that it had purchased the cargo aboard a tanker chartered by the Swiss oil trading company Vitol that had departed opposition territory in mid-April. The tanker arrived at Tesoro's Hawaii refinery on June 8. This cargo is the first known cargo purchased from the Libyan TNC.

Analysis of Potential Ties to Extremist Groups: We are not aware of any direct relationship between the TNC and al-Qaeda, Hezbollah, the Libya Islamic Fighting Group (LIFG) or any other terrorist organization. There are reports that former members of the LIFG, which had been initially formed as an anti-Qadhafi group, are present in Eastern Libya and that some of them were fighting with opposition forces on the front lines against the regime. During the past two years, the Government of Libya had instituted a program to rehabilitate and release from prison members of the LIFG who had renounced terrorism, and some of the former LIFG members in Eastern Libya had participated in this program. The TNC has consistently and publicly rejected terrorism and extremist influences and we have not observed any TNC support or endorsement of the LIFG.

In addition, the TNC has publicly declared the secular nature of its organization. The TNC and other members of the opposition have actively worked to open up Eastern Libya to civil society groups for the first time in the 42 years since Qadhafi took power. As a result, non-regime groups that had been previously banned, including the Libyan Muslim Brotherhood, have now organized and are participating in Libyan society. From public press reports, we understand that the Libyan Muslim Brotherhood has declared its support for moderate Islam, emphasized the important role of women in society-building, and formed a relief organization in Benghazi.

Legal Analysis and Administration Support for Bipartisan Resolution

Given the important U.S. interests served by U.S. military operations in Libya and the limited nature, scope and duration of the anticipated actions, the President had constitutional authority, as Commander in Chief and Chief Executive and pursuant to his foreign affairs powers, to direct such limited military operations abroad. The President is of the view that the current U.S. military operations in Libya are consistent with the War Powers Resolution and do not under that law require further congressional authorization, because U.S. military operations are distinct from the kind of "hostilities" contemplated by the Resolution's 60 day termination provision. U.S. forces are playing a constrained and supporting role in a multinational coalition, whose operations are both legitimated by and limited to the terms of a United Nations Security Council Resolution that authorizes the use of force solely to protect civilians and civilian populated areas under attack or threat of attack and to enforce a no-fly zone and an arms embargo. U.S. operations do not involve sustained fighting or active exchanges of fire with hostile forces, nor do they involve the presence of U.S. ground troops, U.S. casualties or a serious threat thereof, or any significant chance of escalation into a conflict characterized by those factors.

The Administration has repeatedly indicated its strong support for the bipartisan resolution drafted by Senators McCain, Kerry, Lieberman, Levin, Feinstein, Graham, and Chambliss that would confirm that both branches are united in their commitment to supporting the aspirations of the Libyan people for political reform and self-government.

Congressional Consultation

The Administration has consulted extensively with Congress about U.S. engagement in Libya. Since March 1, the Administration has:

- testified at over 10 hearings that included a substantial discussion of Libya;
- participated in over 30 Member and/or staff briefings, including the March 18 Presidential meeting with Congressional Leadership, Committee Chairs and Ranking Members; all three requested "All Members Briefings" (two requested by the Senate, one by the House); and all requested "All Staff Briefings;"
- conducted dozens of calls with individual Members; and
- provided 32 status updates via e-mail to over 1,600 Congressional staff.

The list below catalogues Libya-related hearings, briefings, calls, and other communication and consultation between Congress and the Executive Branch from March 1 through June 15. (In addition to what's included below, the Intelligence Community has provided and continues to provide frequent classified written intelligence products on Libya and regular Libya intelligence update briefings to Members and Committees, numbering in the dozens of such briefings since March 1.)

June 14: Amb. Cretz provided classified briefing on Libya to staff of the House Appropriations Subcommittee on State and Foreign Operations.

June 10: Under Secretary of Defense for Policy Michèle Flournoy, Lt Gen Charles Jacoby (J-5), and ODNI provided classified briefing on Libya to SASC Members.

June 9: Deputy Assistant Secretary for the Arabian Gulf and Maghreb Affairs, Janet Sanderson; Principal Deputy Assistant Secretary of Defense for International Security Affairs, Joe McMillan; ODNI; JS (Rear Admiral Michael S. Rogers, Director for Intelligence, J-2 & Rear Admiral Kurt Tidd, Vice Director for Operations, J-3); provided classified briefing on Libya to SFRC Members.

June 2: Ambassador to Libya Gene Cretz; Principal Deputy Assistant Secretary for International Security Affairs, Joe McMillan; ODNI; JS (Rear Admiral Michael S. Rogers, Director for Intelligence, J-2 & Rear Admiral Kurt Tidd, Vice Director for Operations, J-3); provided classified briefing on Libya to HASC Members.

June 1: Assistant Secretary for Near Eastern Affairs, Jeffery Feltman; ODNI; JS (Rear Admiral Michael S. Rogers, Director for Intelligence, J-2 & Rear Admiral Kurt Tidd, Vice Director for Operations, J-3); provided classified briefing on Libya to HFAC Members. Other House Members attended at the request of the Chairwoman and Ranking Member.

May 31: ODNI; DOD (Rear Admiral Michael S. Rogers, Director for Intelligence, J-2 & Rear Admiral Kurt Tidd, Vice Director for Operations, J-3); provided classified briefing on Libya to HPSCI Members.

May 13: VCJCS called Senators Lugar and Corker to provide an update on Libya operations.

May 13: J2, J3 and OSD-P briefed staff for Majority Leader Reid and Chairman Levin on Libya operations.

May 12: State Deputy Secretary Steinberg testified before the Senate Foreign Relations Committee on *Assessing the Situation in Libya*.

May 11: State DAS Janet Sanderson and Treasury DAS Daniel Glaser briefed Senate leadership and committee staff on the Libya vesting proposal.

May 11: State DAS Janet Sanderson and Treasury DAS Daniel Glaser briefed House leadership and committee staff on the Libya vesting proposal.

May 5: State Assistant Secretary Michael Posner and DAS Tamara Wittes testified before HFAC on *Transitions in the Middle East* including mention of Libya.

April 22: VCJCS called Senator Corker to provide an update on Libya Operations.

April 19: Amb. Cretz and other State Department briefers provide classified briefs on Libya, focused on the \$25 million drawdown package, to SFRC staff and separately to HFAC staff.

April 13: Desk officers from State provided SFRC staff classified briefing on Libya.

April 8: RADM Rogers (J2) and RADM Tidd (J3) briefed Rep Smith on Libya operations.

March 31: Amb. Cretz briefed Sen. Lieberman on Libya.

March 31: Amb. Cretz briefed SACFO staff on Libya.

March 31: Sec Def and CJCS testified in hearings on Libya before HASC.

March 31: Sec Def and CJCS testified in hearings on Libya before SASC.

March 31: State Deputy Secretary Steinberg testified before SFRC on *Assessing the Situation in Libya*.

March 31: State Deputy Secretary Steinberg testified before HFAC on *Libya: Defining U.S. National Security Interests*.

March 30: Secretary of State, Secretary of Defense, Deputy Secretary of Treasury, Director of National Intelligence, and Chairman of the Joint Chiefs of Staff conducted all House Members briefing on Libya, the earliest available opportunity following commencement of military operations given the March Congressional recess.

March 30: Secretary of State, Secretary of Defense, Deputy Secretary of Treasury, Director of National Intelligence, and Chairman of the Joint Chiefs of Staff conducted all Senators briefing on Libyan operations, the earliest available opportunity following commencement of military operations given the March Congressional recess.

March 29: RADM Rogers (J2) and RADM Tidd (J3) briefed Chairman Young and Rep Dicks on Libya.

March 28: RADM Rogers (J2), RADM Tidd (J3) participated with State and ODNI in a classified briefing to update Congressional staff on Libya operations. All Congressional

staff who had a Secret-level clearance were invited to attend.

March 22: State (Ambassador Gene Cretz); ODNI; DOD (Rear Admiral Michael S. Rogers, Director for Intelligence, J-2 & Rear Admiral Kurt Tidd, Vice Director for Operations, J-3); and Treasury (Acting Undersecretary David Cohen) participated in interagency closed and open briefing to House and Senate staff on Libya.

March 21: The President provided the Speaker of the House of Representatives and the President Pro Tempore of the Senate a report consistent with the War Powers Resolution, which provided details regarding the mission and the specific circumstances under which we were undertaking military action.

March 20: VADM Gortney (Director, JS) briefed Chairman Levin on developments in Libya.

March 19: Deputy National Security Advisor Denis McDonough contacted Rep. Boehner, Rep. Cantor, Rep. Hoyer, Senator Reid, Senator Durbin, Senator Kyl.

March 19: State Department's Deputy Secretary Steinberg spoke with Kerry, Lugar, Ros-Lehtinen and Berman.

March 19: DOD USDP Flournoy called House and Senate Armed Services Committee Chairmen and Ranking Members to provide an update on Libya operations. USDP Flournoy also called Senator Sessions.

March 19: Admiral Mullen called House and Senate Defense Appropriations Subcommittee Chairmen and Ranking Members to provide an update on Libya operations.

March 18: Deputy National Security Advisor Denis McDonough held a conference call with bipartisan, bicameral leadership and committee staff to discuss the President's meeting and to answer questions.

March 18: President Obama invited Congress' bipartisan bicameral leadership to the White House to consult on the situation in Libya and brief them on the limited, discrete and well-defined participation that he envisioned for the United States to help implement the U.N. Resolution. The White House invited House and Senate Leadership, Chairs and

Ranking of Foreign Affairs, Armed Services and Intel committees. Members of Congress who were able to participate included:

Majority Leader Harry Reid
 Democratic Whip Steny Hoyer
 Senator Carl Levin
 Senator Dick Lugar
 Senator Saxby Chambliss
 Rep. Mike Rogers
 Rep. Dutch Ruppersberger
 Speaker John Boehner
 Majority Leader Eric Cantor
 Democratic Leader Nancy Pelosi
 Senator Dick Durbin
 Senator Mitch McConnell
 Senator John Kyl
 Senator John Kerry
 Senator Diane Feinstein
 Rep. Buck McKeon
 Rep. Ileana Ros-Lehtinen
 Rep. Howard L. Berman

March 17: All Senators briefing on Libya developments and possible USG and international responses including potential military options by an interagency team led by State U/S Bill Burns, with ODNI and DOD.

March 17: U/S Burns testified in open session of SFRC on *Popular Uprisings in the Middle East*, with main focus was on Libya.

March 15: Embassy Tripoli Chargé and Acting DCM briefed SFRC staff on Libya.

March 10: PDASD McMillan (ISA), MG Leins (J5), Col. Olsen (J3) briefed HASC Chairman McKeon on Libya. The briefing included the latest developments and possible military options for Libya, including the mechanics of a no-fly zone.

March 10: State A/S Feltman testified before the Middle East and South Asia Subcommittee on *Assessing U.S. Foreign Policy Priorities and Needs Amidst Economic Challenges in the Middle East*, at which there were questions about Libya.

March 4: ASD Vershbow (ISA), RADM Rogers (J2) and RADM Tidd (J3) briefed SASC Members on Libya. They provided an update on Libya including recent intelligence. They also discussed possible military options, including the mechanics of a no-fly zone.

March 2: Secretary Clinton testified at SFRC hearing on National Security and Foreign Policy Priorities in the FY 2012 International Affairs Budget, which included discussion of Libya.

March 2: Secretary Gates and Admiral Mullen testified at HAC-D hearing on FY 2012 Defense Department Appropriations, which included discussion of Libyan no-fly zone.

March 1: Secretary Clinton testified at HFAC hearing on *Assessing U.S. Foreign Policy Priorities and Needs Amidst Economic Challenges*, which included discussion of Libya.

March 1: State DAS Sanderson, DASD Huddleston, MG Holmes, and ODNI provided classified brief to SFRC, SASC and leadership staff on Libya, as well as Yemen and Bahrain.

March 1: DASD Huddleston (ISA/AF) and DAS Sanderson (NEA) provided an update briefing on the situation in Libya to SASC and SFRC professional staff members.

Humanitarian Assistance Briefings

USAID/DCHA (with AA Nancy Lindborg, DAA Mark Ward, D/OFDA Mark Bartolini or DD/OFDA Carol Chan) and State/PRM (with PDAS David Robinson or Kelly Clements) held regular conference calls with Congressional staff to provide briefing updates on humanitarian assistance to Libya and its borders with Egypt and Tunisia.

Beginning February 28 through June 14 there were 16 conference calls held - initially twice weekly, then weekly, and now periodically as needed on the following dates:

- February 28
- March 4, 8, 11, 15, 18, 22, 29
- April 5, 12, 19, 26
- May 3, 10, 17
- June 14

Contents of Classified Annex

Importance of U.S. Military to Opposition Groups

Assessment of Opposition Military Groups

Coalition Contributions to NATO Mission

Assessment of Extremist Groups in Libya

Threat Assessment of MANPADs, Ballistic Missiles, and Chemical
Weapons in Libya

EXHIBIT 17

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From: H <hrod17@clintonemail.com>
Sent: Friday, April 8, 2011 5:35 PM
To: 'sullivanj@state.gov'
Subject: Fw: H: UK game playing; new rebel strategists; Egypt moves in. Sid
Attachments: hrc memo UK games; new rebel strategists; Egypt moves 040811.docx

Fyi. [REDACTED]

From: sbwhoeop@[REDACTED]
Sent: Friday, April 08, 2011 05:27 PM
To: H
Subject: H: UK game playing; new rebel strategists; Egypt moves in. Sid

CONFIDENTIAL

For: Hillary
 From: Sid
 Re: UK game playing; new rebel strategists; Egypt moves in

Latest report:

LIBYA/GREAT BRITAIN/France

On the morning of April 8, an individual with direct access to the leadership of the Libyan National Council (LNC) stated in strictest confidence that members of the Military Committee of the LNC are concerned that, despite the involvement of NATO against the forces of Muammar Qaddafi, the government of Great Britain is using its intelligence services in an effort to dictate the actions of both the LNC and the Qaddafi regime. These individuals add that they have been informed by contacts in France and Italy that, while they have been engaged in discussions with the LNC regarding possible assistance, British diplomats and intelligence officers have maintained contact with members of the Qaddafi government, in an effort to protect the British position in the event the rebellion settles into a stalemate. These LNC officials believe that the defection of Libyan Minister of Foreign Affairs Mousa Kousa to the United Kingdom was part of this effort. By the same token they believe that British intelligence officers are in discussion with associates of Saif al-Islam Qaddafi, regarding future relations between the two countries if he takes over power from his father and implements reforms.

According to these individuals, senior LNC military personnel suspect that despite early indications that they would provide clandestine military support to the rebels; neither the French nor the British government will provide the rebels with enough equipment and training to defeat Qaddafi's forces. They also believe that the French, British, and other European countries will be satisfied with a stalemate that leaves Libya divided into two rival entities.

(Source Comment: In the opinion of these individuals the LNC military leaders are considering the possibility of hiring private security firms to help train and organize their forces. One of these individuals added that a number of the LNC members believe that this solution may be best for the rebels; noting that if they accept clandestine aid from France and/or Great Britain those two countries will be in a position to control the development of post-Qaddafi Libya.)

LIBYA - INSURGENT ACTIVITY

(This information is based on sensitive reporting from individuals with direct access to the leadership of the LNC.)

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1. With little hope of achieving a quick military victory, the LNC is deploying a three part strategy; leveraging tribal relationships, oil production and diplomatic pressure to get the better of Qaddafi. A former spokesman for the Libyan Human Rights League (LHRL) in Europe, Ali Zidane, is in talks with representatives of tribes in Sebha and Sirte in an effort to persuade them to rally to the revolution and the LNC before fighting actually reaches their regions. Zidane is a candidate to be the Minister of the Interior in the "new Libya." Among his close associates is Mohamed Allagui, president of the LHRL, who is interested in the justice portfolio in the future, transition government.

2. At the same time, Ali Tarhouni, the LNC's financial expert and possibly Finance Minister in post-Qaddafi Libya, is struggling to get oil exports back on track in eastern Libya, with backing from the United States and Qatar. The LNC believes that the U.S. will focus on restarting operations at the oil terminal in Tobruk, and an American envoy is expected in Benghazi in the near future to facilitate this process. For its part, Qatar is advancing cash to the LNC to stimulate the shipment of oil from eastern Libya. Some commodity traders stepped in recently (under contract from Qatar) to deliver refined oil products to the insurgents. VITOL and the Swiss firm GLENCORE are operating in the rebel zone, but denied any involvement in this shipment.

Elsewhere, these sources add that Mahmud Shammam is overseeing the information and communications campaign for the rebels against Qaddafi. Considered one of the LNC most important leaders, Shammam brings to the insurgency the expertise he acquired while working for *Voice of America*, *Foreign Policy*, *Newsweek* and *Al Jazeera*. Shammam lived in the U.S. for more than twenty years, and he is believed to have excellent connections in the U.S. Government.

3. **Islamist activity:** Libya's Islamist activists have maintained a low profile since the start of the insurgency in late February; fearing that their activities would give credence to Qaddafi's claims that the rebels are terrorists. As the LNC is taking shape, they are now working to make their voice heard, and influence events within the LNC. Ali Sallabi, Salem Al Shiki and Mohamed Al Guirtil, leading Islamic figures who had taken refuge in London (and are close to the Moslem Brotherhood), drafted a "national pact" which looks like a road map for organizing the role of the Islamist movement in the transition to a post - Qaddafi Libya.

Sallabi and his two associates draw their inspiration from the "February 17 Movement" which helped spark the uprising by commemorating the massacre of Islamist prisoners at the Abu Salim prison in 1996. Prior to the current rebellion, Mustapha Abdel Jalil, the President of the LNC and former Minister of Justice called for the release of reformed Islamists. At present, the Islamists are handicapped by the fact they supported Saif's reform projects before the recent crisis. Saif played a crucial part in getting the Islamists to sever ties between the Libyan Islamic Fighting Group's and al Qa'ida in the Islamic Maghreb (AQIM).

EGYPT AND LIBYA:

A source with excellent access to the highest levels of the SUPREME COUNCIL OF THE ARMED FORCES (SCAF) states that the Egyptian Military has turned its full attention to the crisis in Libya. Traditionally, Egypt is a strong influence in the eastern Libyan region of Cyrenaica and is now taking advantage of the current crisis to regain that position. Regardless of whether Muammar Qaddafi remains in power or not, the political division of Libya will give Egypt the opportunity to fill the void in the east. A senior diplomatic source reported that since the early days of the Libyan crisis, the Egyptian government has been quietly supporting Libyan opposition forces through training, weaponry, food, and medical supplies, while attempting to organize a political structure in the east. In addition, Egyptian Special Operations troops are serving with rebel forces in the eastern part of Libya. Senior Egyptian military officers stated privately that these troops are responsible for many of the rebel's combat successes.

The following factors are the focus of Egypt's plans for a post-Qaddafi regime:

-Avoiding a refugee crisis. In the event Qaddafi's forces invade the east, Egypt is the most logical destination for refugees from Libyan. Egypt has an interest in controlling any turmoil in Libya that could harm efforts to restart its struggling economy.

-Labor market. Libya is an important market for unemployed Egyptian laborers. According to the Egyptian Labor Ministry, around 1.5 million Egyptians reside and work in Libya, sending home an estimated \$254 million in remittances. In the past few years, Qaddafi has placed heavy restrictions on foreign workers, and Egypt hopes that a new regime will be more flexible, and open to receiving Egyptian workers.

-Radical Islamists. Traditionally, the eastern part of Libya has been a stronghold for radical Islamist groups, including the al Qaida-linked Libyan Islamic Fighting Group. While Qaddafi's regime has been successful in suppressing the jihadist threat in Libya, the current situation opens the door for jihadist resurgence. Egypt has a growing interest in keeping a close eye on jihadist movements in eastern Libya. This is especially true as the Egyptian Military is already

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concerned about Islamist militancy overflow from Gaza, after their forces were pulled back to Cairo during the uprising against Mubarak.

-Oil and energy resources. Egypt has strong economic interests in the oil rich eastern part of Libya. Any opportunity to gain direct or indirect access to these energy resources will increase Egypt's wealth.

-Regional power. The Egypt's military-led government is looking to reestablish their country's role in the Arab world. So far, Egypt has fostered discussions in the Palestinian territories between Fatah and Hamas, while reaching out to Syria and Saudi Arabia on the issue of Iran.

(Source Comment: According to a sensitive diplomatic source, the current Egyptian diplomatic strategy is to enhance its stature by defending the Libyan people against Qaddafi's regime, while at the same time, distancing itself from any military intervention led by the region's former colonial powers in Europe.)

It should be noted that, in the opinion of knowledgeable sources, Egypt cannot count on the support of every Arab power in the region. Egypt led the call for imposing the no-fly zone in Libya, while Algeria, while Yemen, and Syria voted against it. These countries (especially Yemen) fear the precedence that would be created for their own governments in the event Qaddafi is ousted.

(Source Comment: A source with access to the leadership of NATO state in confidence that their information indicates that Syria and Algeria are concerned with Egypt's revival in the region. This source stated that a de facto split between eastern and western Libya would give Egypt the opportunity to reassume an influential position in Cyrenaica.)

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Yemen) fear the precedence that would be created for their own governments in the event Qaddafi is ousted.

(Source Comment: A source with access to the leadership of NATO state in confidence that their information indicates that Syria and Algeria are concerned with Egypt's revival in the region. This source stated that a de facto split between eastern and western Libya would give Egypt the opportunity to reassume an influential position in Cyrenaica.)

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EXHIBIT 18

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From: Sullivan, Jacob J <SullivanJJ@state.gov>
Sent: Saturday, September 10, 2011 10:23 AM
To: H
Subject: Rogers

Apparently wants to see you to talk Libya/weapons.

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EXHIBIT 19

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 C05579068 Date: 10/20/2015

C05579068-MOU

Ventrell, Patrick H

From: Reines, Philippe I
Sent: Tuesday, September 11, 2012 10:03 PM
To: PressDuty Officer; Starr, Katherine L
Cc: Nuland, Victoria J; Ventrell, Patrick H
Subject: S Statement for Release

Joanne – please send this S statement as soon as possible. Clearers are listed at bottom.

Statement on the Attack in Benghazi

I condemn in the strongest terms the attack on our mission in Benghazi today. As we work to secure our personnel and facilities, we have confirmed that one of our State Department officers was killed. We are heartbroken by this terrible loss. Our thoughts and prayers are with his family and those who have suffered in this attack.

This evening, I called Libyan President Magariaf to coordinate additional support to protect Americans in Libya. President Magariaf expressed his condemnation and condolences and pledged his government's full cooperation.

Some have sought to justify this vicious behavior as a response to inflammatory material posted on the Internet. The United States deplores any intentional effort to denigrate the religious beliefs of others. Our commitment to religious tolerance goes back to the very beginning of our nation. But let me be clear: There is never any justification for violent acts of this kind.

In light of the events of today, the United States government is working with partner countries around the world to protect our personnel, our missions, and American citizens worldwide.

###

S/Cheryl Mills
 DN/Nides
 P/Wendy Sherman
 S/P Jake Sullivan
 PA/Toria Nuland
 PA/Philippe Reines
 NSS/Ben Rhodes

EXHIBIT 20

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 C05578270 Date: 10/20/2015

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C05578270-MOU



U.S. Department of State - Bureau of Diplomatic Security

INTELLIGENCE AND THREAT ANALYSIS

(S//NF) Libya: Attack on Consulate Benghazi

September 12, 2012

(U) Drafted by: Steve Stottlemire, DS/TIA/ITA, 571.345.3917

(U) ATTACK TIMELINE

(S//NF) The following chronology is based on a compilation of communications between the Diplomatic Security Command Center (DSCC) and U.S. personnel in Benghazi, Libya. DS/TIA/ITA notes that this is a preliminary overview of the sequence of events that occurred in Benghazi and that the timeline may change as additional information on the incident comes to light. All times are recorded in Eastern Daylight Time.

(S//NF) DS/TIA/ITA also notes that open source media has reported a number of inaccurate facts that have served to cloud the circumstances surrounding the death of the U.S. Ambassador. Most prominently, press reporting has indicated that the Ambassador was killed when a rocket-propelled grenade struck his vehicle; this is wholly inaccurate, as the Ambassador is believed to have died from smoke inhalation while attempting to exit a burning building on the U.S. Consulate compound.

Tuesday, September 11:

- At 1549 hrs, DSCC was notified that U.S. Mission Benghazi was under attack. At 1600 hrs, DSCC was notified by Regional Security Officer (RSO) Benghazi that armed individuals had entered the compound, and at 1614 hrs RSO Benghazi reported that an armed group had set fire to buildings inside the compound. The US Ambassador was visiting post from Tripoli, and as of 1614 hrs it was suspected that one of the buildings that had been set on fire was the building where the Ambassador was sheltering. [] Quick Reaction Force (QRF) responded from their off-compound Annex, but was turned back due to heavy hostile fire.
- As of 1700 hrs, [] QRF and host nation militia (17 February Brigade) have redeployed to the compound. One Assistant RSO (ARSO) suffered injuries from smoke inhalation. This agent was in the Principal Officer's Residence with U.S. Ambassador Christopher Stevens and Information Program Officer (IPO) Sean P. Smith. All three moved to the safe haven when the attack began, but had to relocate to the roof as the building caught on fire. The agent reached the rooftop but lost contact with the other two. The agent reentered the residence and found the IPO killed in action (KIA), and was unable to locate the Ambassador. The agent had given his cell phone to the Ambassador.
- At 1720 hrs, it is reported to DSCC that all five RSO staff are accounted for and en route to the [] Annex. [] QRF and 17 February Brigade forces are in the compound looking for the Ambassador.

SECRET// NOFORN

Derived from: Multiple Sources

Reason for classification: E.O. 12958 1.4 (b), (c), (d)

DECL ON: 25X1-Human

C05578270 Date: 10/20/2015

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- The [] QRF and friendly militia forces were unable to locate the Ambassador, and pull back to the off-compound Annex. All classified material on the compound is secured by RSO and [] personnel. Embassy Tripoli receives a phone call from the injured ARSO's cell phone (which had been left with the Ambassador) from a male caller saying he is at the hospital with an unresponsive male who matches a physical description of the Ambassador. RSO Benghazi dispatches a Foreign Service National (FSN) to the hospital to investigate the reported white male. [] in Tripoli charters an airplane and sends it to Benghazi with six personnel onboard as a response team.
- At 2215 hrs, Benghazi [] called DSCC to report that the [] response team has been on the ground in Benghazi for approximately 60 minutes, but are waiting for the 17 February Brigade to escort them to the [] Annex. DS Seniors ask [] about the identity of the reported white male in the hospital. [] reports that he has been out of contact with the FSN tasked with getting confirmation on the identity of the man in the hospital for about two hours. [] will call him after this call.
- DSCC reports to [] that there are two American Citizen (AmCit) Defense Attache Office (DAO) contractors at the Al Nouran Hotel in Benghazi. [] [] was not aware of these personnel. It is decided that when the [] response team arrives at the Annex, non-essential employees and the remains of the IPO will depart. [] was given direction to have the 17 February Brigade go over to the hospital for verification.
- At 2227 hrs, an image was broadcast on Twitter showing a Caucasian man being carried out of what is claimed to be the Benghazi compound. At 2230 hrs, Tripoli was notified regarding the image broadcast on Twitter.
- At 2234 hrs, the dispatched Benghazi FSN reported that his friends advised him that the person in the hospital was U.S. Ambassador Stevens, and that he is KIA. At 2244 hrs, FSN Benghazi reports he is outside the hospital but unable to enter to confirm identity.
- At 2243 hrs, U.S. Embassy Tripoli reports that they are in contact with the contractors in the Al Nouran Hotel.
- At 2250 hrs, the 17 February Brigade departs the airport with the 6-member response team en route to the [] Annex. At 2313 hrs, it is reported that the [] response team has arrived at the Annex. [] tells Henderson that all DS staff will evacuate. Diplomatic Security Service Director Scott Bultrowicz states that DS will not evacuate all personnel due to the outstanding issue of Ambassador Stevens' whereabouts.
- At 2332 hrs, [] reports that they are under mortar attack, with 3 to 4 rounds hitting the Annex. There are reportedly two [] and the need for medical evacuation. The response team is on site and either inside or deployed to the roof. The agents are sheltering in place with 45 minutes to sunrise.
- At 2349 hrs, [] was reported hit during the mortar attack, which has since ceased. His leg has the compound fracture and they have an IV bag attached to him. All other DS agents are accounted for.

Wednesday, September 12:

SECRET// NOFORN

Derived from: Multiple Sources

Reason for classification: E.O. 12958 1.4 (b), (c), (d)

DECL ON: 25X1-Human

C05578270 Date: 10/20/2015

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- At 0006 hrs, [] states that they are evacuating the entire compound with a convoy of friendly militia in one movement to the airport. Alec does not know if the plane is still on the ground.
- At 0010 hrs, Embassy Tripoli called. They have lost all communications. Called from personal cell phone []
- At 0034 hrs, [] in Benghazi reports that all Chief of Mission (COM) and [] personnel have left the Annex in Benghazi en route to the airport with three wounded (two on stretchers). Currently there is only one plane available, and they are attempting to charter a second.
- At 0055 hrs, [] Benghazi group has arrived at the airport.
- At 0107 hrs, it is reported that the three KIA will be put on a truck.
- At 0110 hrs, DSCC notifies Embassy Tripoli that the Benghazi group is at the Benghazi airport and will fly to Tripoli.
- At 0115 hrs, [] reports that the [] chartered evacuation plane is loaded with 17 evacuees.
- [] is holding with remaining personnel and gear to take the next flight. ARSO [] is the only DOS staying behind. [] reports that the aircraft is departing for Tripoli International Airport (TIA). RSO Tripoli reports that an ambulance is en route to TIA.
- At 0131 hrs, [] states that 13 personnel remain on the ground in Benghazi (possibly 14) with 3 KIA in a pickup truck and 17 personnel wheels up. At this time it seems that all are accounted for besides Ambassador Stevens.
- At 0136 hrs, [] confirms 12 personnel are on the ground with 3 KIA and 1 reported/presumed dead (Amb. Stevens) in Benghazi. They are on the tarmac with the bodies and equipment.
- At 0146 hrs, [] called to say a man he and the Political Officer met three days prior has said he will try to bring the unconfirmed body of Ambassador Stevens to the airport for recovery to Tripoli on the second flight.
- At 0204 hrs, Under Secretary Patrick Kennedy notifies DSCC that the Provincial Head of Government is in the hospital and needs the phone number for [] to coordinate getting the Ambassador Stevens' body to the airport.
- At 0206 hrs, [] was advised by DSCC that the same plane that took the 17 will return for the 12 on the ground. Two DAO contractors are on the way and if they cannot get out of Benghazi, they are to link up with [] Regarding medical care, the two [] medics were reportedly KIA by indirect mortar fire. The DS agents are providing medical treatment per their High Threat medical training.
- At 0214 hrs, Embassy Tripoli advised DSCC that they are 5 minutes out from Tripoli International Airport.
- At 0215 hrs, DSCC SA [] confirmed that a DoD C-17 is en route to Tripoli from Ramstein, Germany, and will have doctors and nurses on board to help the wounded.
- At 0216 hrs, RSO Tripoli reports that they have arrived at the TIA VIP lounge with the Embassy nurse.

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Derived from: Multiple Sources

Reason for classification: E.O. 12958 1.4 (b), (c), (d)

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- At 0225 hrs, [] confirms the body of Ambassador Stevens has arrived at the Benghazi airport.
- At 0234 hrs, DSCC contacted the DAO contractors, who report they are unable to get a commercial flight out of Benghazi before mid-afternoon local time. DSCC connected the DAO contractors with [] to get the contractors on the []/DS evacuation flight.
- At 0238 hrs, it is reported that the first evacuation flight is wheels down in Tripoli.
- At 0241 hrs, DSCC confirms Libyan Air Force C-130 will land in 50 minutes to take the remaining COM personnel, 2 DAO contractors and 4 KIA to Tripoli.
- At 0244 hrs, Tripoli [] advised that a DoD C-17 aircraft will depart Ramstein in the next 50 minutes with 3.5 hour flight. The wounded are going to the hospital in Tripoli in the interim.
- At 0245 hrs, DSCC contacted RSO Tripoli regarding the above and asked for a list for the draw down.
- At 0259 hrs, [] reports to DSCC that SA [] is in the hospital.
- At 0332 hrs, RSO Tripoli reports that they are at the hospital ~~with~~ with no bad news on any of the injured.
- At 0533 hrs, the Libyan C-130 evacuation flight is reported wheels down in Tripoli with the last COM [] personnel from Benghazi.
- At 0559 hrs, a six-vehicle motorcade departs TIA en route to hospital.

(U) POTENTIAL CAUSES AND RESPONSIBILITY

(S//NF) DS/TIA/ITA cannot conclusively determine the root cause of the September 11/12 attack on Consulate Benghazi at this time. Conflicting information exists as to whether the attack was pre-planned, or developed from a demonstration that subsequently spun out-of-control. Three potential causes have been highlighted in both open source and classified reporting:

- The attack was in response to the September 11 al-Qa'ida/Ayman Zawahiri media release confirming the death of Abu Yahya al-Libi in June. Al-Libi was a former Libyan Islamic Fighting Group member and a Libyan national.
- The attack was in response to the September 11 anniversary.
- The attack was in response to the film "Mohammed's Trial," which portrays the Prophet Mohammed in an unsavory light. The film, created by an Israeli-American, has been publicized by the conservative, Florida-based Pastor Terry Jones. Jones also conducted a mock trial of the Prophet Mohammed on September 11.

(S//NF) Of the three scenarios, DS/TIA/ITA believes the third one to be the most likely at this time, based on available information regarding the presence of large crowds at the U.S. Mission and other U.S. facilities. At present, there is no credible evidence available to suggest the attack was coordinated to coincide with the anniversary of the September 11, 2001 terrorist attacks in New York, the confirmation of extremist militant Abu Yahya al-Libi's death by al-Qaida leader Ayman al-Zawahiri, or the imminent election of a new Libyan Prime Minister by the country's legislature.

(S//NF) Libyan authorities reported that members of the Libya-based 'Ansar al-Sharia (AAS) organization participated in the attack against U.S. Mission Benghazi. This is a departure from most of their recent comments on violent activity in Libya, which is oftentimes attributed to pro-Qadhafi elements. DS/TIA/ITA believes this change in rhetoric lends some credibility to comments made by

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Libyan authorities; however [REDACTED]

(S//NF) AAS controls a training camp near Darnah, Libya that is reportedly led by Abu Sufyan Ibrahim Qumu, a former GTMO detainee and al-Qaida associate.² Previous intelligence reporting indicates Abu Sufyan has been involved in facilitation efforts near Darnah for some time, and has been associated with al-Qaida since the late 1990s. [REDACTED]

[REDACTED] Based on the background of its leadership, DS/TIA/ITA assesses AAS likely harbors anti-American sentiment, and the will to carry out an attack against U.S. interests in Libya.

(S//NF) While DS/TIA/ITA also believes AAS had capacity to organize and carry out the September 11/12 attacks against the Mission Benghazi compound, we currently assess that anger over the production of a film insensitive to Islam in the U.S. likely sparked the initial demonstration at the Mission Benghazi compound. The film is also attributed to the bold demonstrations at U.S. Embassy Cairo that were witnessed throughout the day on September 11, which were widely reported in the news and social media, and which culminated in the breaching of that Embassy's perimeter wall.

(S//NF) According to sensitive reporting, the people of Benghazi decided to storm the U.S. Mission Benghazi compound upon learning of the security breaches by demonstrators at Embassy Cairo.⁵ Tearline associated with this report indicated that "Libya-based extremists associated with al-Qa'ida in the Lands of the Islamic Maghreb (AQIM) reportedly were involved in the September 11 attack on the U.S. Consulate in Benghazi. Allegedly, when the Benghazi populace learned of the security breach at the U.S. Embassy in Egypt earlier in the day, they decided to storm the local consulate in Benghazi. When the Libyan National Army intervened, extremists in the local area—to include an unidentified number of AQIM-associated militants—came to assist the civilians. The extremists supposedly breached the consulate, confiscated all of the computers and paperwork, and then burned it down." DS/TIA/ITA has no other information to corroborate the presence of AQIM affiliates during the attack, but notes that it is plausible that militants might have sought to take advantage of the chaotic situation at the Consulate.

(SBU) RECENT SECURITY ENVIRONMENT IN BENGHAZI

(S//NF) Benghazi has witnessed a marked increase in terrorist violence since early April 2012, much of which has been directed toward the official foreign presence in the city. Most recently, the car of an Egyptian diplomat exploded on August 20, causing no deaths or injuries. On June 12, the UK Ambassador's motorcade came under attack within 500 meters of the UK Mission compound in Benghazi, and less than 2 km from the U.S. Consulate. During the attack, the motorcade's lead vehicle

⁵ 500963-12, 121142ZSEP12, E.O. 13256.

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was struck with one RPG, inflicting both occupants with non-life threatening injuries – no other injuries were reported. Small arms fire reportedly followed the RPG attack, indicating there may have been multiple attackers.

(S//NF) On June 6, Consulate Benghazi was attacked with an explosive device, which destroyed a 12-foot wide section of the compound's perimeter wall, but did not cause any injuries.⁶ A group identified as the Captive 'Umar 'abd al-Rahman Brigades (CURB) claimed responsibility in an internet forum posting following the attack, noting it was in retaliation for the unmanned aerial vehicle (UAV) killing of Abu Yahya al-Libi in Pakistan, and the continued use of UAVs over Darnah, Libya.⁷ CURB also claimed responsibility for the May 21 RPG attack against the International Committee of the Red Cross (ICRC) compound in Benghazi in an internet forum posting, noting the attack was in response to a local ICRC volunteer's alleged distribution of Bibles.⁸

(S//NF) Other recent attacks in Benghazi include an improvised explosive device (IED) thrown at the UN Special Envoy's motorcade on April 10,⁹ and a grenade thrown over Consulate Benghazi's wall on April 6. The grenade detonated, but did not cause injuries or extensive damage to the compound, and was attributed to two disgruntled former members of the Mission's guard force.¹⁰

(S//NF) DS/TIA/ITA has monitored the changes in the security situation in Benghazi but notes that there was no pre-attack warning in either classified reporting or in social media to predict the events of September 11 and 12.

⁶ SPOT Report – "IED Explosion at U.S. Mission Benghazi" (via email), 20120606, UNCLASSIFIED.

⁷ GMP20120611405001, 20120611, UNCLASSIFIED.

⁸ GMP20120529950047, 20120529, UNCLASSIFIED.

⁹ "IED Attack on UN Special Envoy to Libya SPOT REPORT" (via email), 20120410, UNCLASSIFIED.

¹⁰ "Benghazi RSO SPOT Report" (via email), 20120406, UNCLASSIFIED; "Benghazi Situation Report" (via email), 20120410, UNCLASSIFIED.

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Filename: Benghazi Attack with Chron - 20120912 DSCC Edits.docx
Directory: C:\Documents and Settings\campbellma\My Documents
Template: C:\Documents and Settings\campbellma\Application
Data\Microsoft\Templates\Normal.dotm
Title:
Subject:
Author: Michael Raymond McGuinn
Keywords:
Comments:
Creation Date: 9/17/2012 10:25:00 AM
Change Number: 4
Last Saved On: 9/17/2012 10:35:00 AM
Last Saved By:
Total Editing Time: 10 Minutes
Last Printed On: 10/12/2012 9:14:00 AM
As of Last Complete Printing
Number of Pages: 6
Number of Words: 2,651 (approx.)
Number of Characters: 15,117 (approx.)

C05578270 Date: 10/20/2015
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DEPOSITION OF BRYAN PAGLIANO

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, SEPTEMBER 10, 2015

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

PHILIP G. KIKO, *Staff Director and General Counsel*

CHRIS DONESA, *Deputy Staff Director*

DANA CHIPMAN, *Chief Counsel*

SHARON JACKSON, *Deputy Chief Counsel*

CARLTON DAVIS, *Counsel*

KIM BETZ, *Member Outreach Liaison and Counsel*

SUSANNE SACHSMAN GROOMS, *Minority Staff Director/General Counsel*

FOR BRYAN PAGLIANO

MARK MACDOUGALL

SEAN G. D'ARCY

CONSTANCE D. O'CONNOR

ALSO PRESENT

ELENI M. ROUMEL, *Assistant Counsel, U.S. House of Representatives*

Ms. Jackson. Good afternoon, everyone. This is the deposition of Bryan Pagliano conducted by the House Select Committee on the events surrounding the 2012 terrorist attack in Benghazi.

This deposition is occurring under a subpoena issued by Chairman Trey Gowdy as part of the committee's investigation into the attacks on the U.S. diplomatic facilities in Benghazi, Libya that resulted in the deaths of four Americans, including Ambassador Chris Stevens.

Sir, would you state your name for the record, please.

Mr. Pagliano. Bryan Pagliano.

Ms. Jackson. And would you spell your first and last name for us, please.

Mr. Pagliano. B-r-y-a-n, P-a-g-l-i-a-n-o.

Ms. Jackson. Okay. Good afternoon, Mr. Pagliano. My name is Sharon Jackson. I am one of the counsel with the committee's majority staff. We're going to have everyone identify themselves for the record that are present here today. And we are going to start with the chairman and the members of the committee.

Mr. Gowdy?

Mr. Gowdy. Trey Gowdy, South Carolina.

Ms. Jackson. Ranking member?

Mr. Cummings. Congressman Elijah Cummings, ranking member.

Ms. Jackson. Okay. And then --

Ms. Duckworth. Tammy Duckworth, Illinois.

Mrs. Brooks. Susan Brooks from Indiana.

Mr. Pompeo. Mike Pompeo, Kansas.

Mrs. Roby. Martha Roby, Alabama.

Mr. Westmoreland. Lynn Westmoreland, Georgia.

Ms. Jackson. Okay.

Mr. Schiff. Adam Schiff, California.

Mr. Jordan. Jim Jordan, Ohio.

Ms. Jackson. Okay. And then following around from Mr. Jordan, could we have everyone else identify themselves in the room.

Sir?

Mr. Mullin. Connor Mullin on behalf of Bryan Pagliano.

Ms. Sawyer. Heather Sawyer with the minority staff.

Mr. Chipman. I'm Dana Chipman with committee staff.

Mr. D'Arcy. Sean D'Arcy with Mr. Pagliano.

Ms. O'Connor. Constance O'Connor with Mr. Pagliano.

Mr. Kiko. Phil Kiko, committee staff.

Ms. Sachsman Grooms. I'm Susanne Sachsman Grooms. I'm with the minority.

Ms. Roumel. Elini Roumel from the House Office of General Counsel.

Mr. Donesa. I'm Chris Donesa with the committee staff.

Mr. MacDougall. Mark MacDougall. I'm Mr. Pagliano's counsel for the record.

Ms. Jackson. Okay. Thank you.

Mr. Pagliano, the committee appreciates your appearance at this deposition this afternoon, as we continue to gather facts surrounding the situation in Benghazi, Libya. Your relationship with Secretary

Clinton offers unique insight that is extremely valuable to this committee.

Our questions are intended to provide a clear record that can help inform all members and staff about specific areas that we are exploring in our investigation.

Before we begin, I'd like to go over the ground rules and explain how a deposition before this committee of Congress will proceed.

The way the questioning proceeds is that the majority will ask questions first up to 1 hour, and then the minority will have an opportunity to ask questions for an equal period of time if they choose. We firmly adhere to the 1-hour time limit for each side.

Questions may only be posed by a member of the committee or designated staff attorney. We'll rotate back and forth 1 hour per side until we are out of questions and the deposition will be over.

Unlike a deposition in Federal court, the committee format is not bound by the Rules of Evidence. You or your counsel may raise objections for privileged or classified information subject to the review by the chairman of the committee after the deposition has adjourned. Members and staff of the committee, however, are not permitted to raise objections when the other side is asking questions. This has not been an issue that we've encountered in the past, but I want to make sure that we're all clear and you're clear on the process.

You are welcome to confer with counsel at any time throughout the deposition, but if something needs clarified, we ask that you make this known. If you need to discuss something with your counsel, we'll go

off the record, stop the clock, and provide you with that opportunity.

We will also take a break whenever it's convenient for you. This can be after every hour of questioning, after a couple of rounds, or whatever you prefer. During a round of questioning, if you need anything, a glass of water, use of the facilities, to confer with counsel, please just let us know and we'll go off the record and stop the clock. We'd like to make this process as easy and comfortable as possible.

This deposition is unclassified. So if a question calls for any information that you know to be classified, please state this for the record as well as the reason for the classification. Once clarified, to the extent possible, please respond only with the unclassified information. If we need to have a classified session later, we can undertake those arrangements.

There may be votes called during the course of this deposition. If votes do occur, we will break until votes are completed and the members return.

We encourage witnesses who appear before the committee to freely consult with counsel. And you have counsel present today.

And, again, could we have your lead counsel state his name for the record.

Mr. MacDougall. Mark MacDougall with Akin Gump Strauss, Washington, D.C.

Ms. Jackson. Okay. Mr. Pagliano, you can also see that we have an official reporter here today with us taking down everything that

I say, you say, and others say to make a written record of these proceedings. So we ask that you give verbal responses to all questions, yes and no, as opposed to nods or shakes of the head. And I'm going to ask the reporter to feel free to jump in in case you don't respond verbally.

Do you understand the need to respond verbally?

Mr. Pagliano. Yes.

Ms. Jackson. Okay. Another thing that we should try to do is not talk over each other so that it's easier to get a complete record.

We want you to answer our questions in the most complete and truthful manner possible. So we will take our time and repeat or clarify our questions if necessary. If you have any questions or if you do not understand any questions, please let us know. We will be happy to clarify or repeat our questions.

If you honestly don't know the answer to a question or do not remember, it is best not to guess. But please give us your best recollection, and if there are things you do not know or cannot remember, just say so, and please inform us who, to the best of your knowledge, may be able to provide a complete answer to the question.

This deposition will be under oath. You are required to answer questions truthfully from Congress.

Do you understand that?

Mr. Pagliano. Yes.

Ms. Jackson. This also applies to questions posed by congressional staff in a deposition.

Do you understand this?

Mr. Pagliano. Yes.

Ms. Jackson. Witnesses who knowingly provide false testimony could be subject to criminal prosecution for perjury or making false statements.

Do you understand this?

Mr. Pagliano. Yes.

Ms. Jackson. Pursuant to the committee rules, the witness will be sworn in before providing testimony during a deposition.

Mr. Chairman.

Mr. Gowdy. Well, you don't have to rise, but if I could get you to raise your right hand.

Do you solemnly swear or affirm the testimony you are about to give will be the truth, the whole truth, and nothing but the truth?

Mr. Pagliano. Yes.

Ms. Jackson. Let the record reflect that the witness has answered in the affirmative.

Mr. Pagliano, that is the end of my preamble. I will now ask the minority if they have any openings remarks regarding the process to be followed in depositions before this committee.

Ms. Sawyer. Yes, just briefly.

Mr. Pagliano, thank you for being here today. I think at the outset you were informed that the committee believes that you have important testimony for this committee to hear. I do believe that is the view of the majority of the committee. However, the ranking member

and the Democratic members don't actually agree with that view. We do not believe that you have testimony relevant to the jurisdiction of this particular committee which was voted into being to investigate the attacks in Benghazi on September 11, 2012.

It's also the reason why we have sought for rules that would allow for open and public debate before a subpoena would issue. We did not get that request.

We are here today. We thank you for being with us here today, and we will proceed and look forward to hearing from you.

Ms. Jackson. I see that the clock reads now 11 minutes after 1. We'll get started with the first hour of questions.

EXAMINATION

BY MS. JACKSON:

Q Mr. Pagliano, do you acknowledge that a subpoena was issued to you through your counsel for your testimony here today?

A Mr. Chairman, on the advice of counsel, I must respectfully decline to answer in reliance on my rights under the Fifth Amendment to the United States Constitution. I am not a lawyer, and I must follow my lawyer's advice in this matter.

Q Do you also acknowledge that the same subpoena commanded the production of documents?

A Mr. Chairman, on the advice of counsel, I must respectfully decline to answer in reliance on my rights under the Fifth Amendment to the United States Constitution. I am not a lawyer, and I must follow my lawyer's advice in this matter.

Q Let the record reflect that the witness has asserted his Fifth Amendment right against self-incrimination.

For the record, please let me be very clear and let's get a very clear record.

Are you declining to produce documents solely on the ground that you believe the act of production will incriminate you?

A Mr. Chairman, on the advice of counsel, I must respectfully decline to answer in reliance on my rights under the Fifth Amendment to the United States Constitution. I am not a lawyer, and I must follow my lawyer's advice in this matter.

Q Is it your intention to refuse to produce any documents in response to the committee's subpoena solely on the ground that you are asserting the Fifth Amendment act of production privilege and believing that producing documents will incriminate you?

A Mr. Chairman, on the advice of counsel, I must respectfully decline to answer in reliance on my rights under the Fifth Amendment to the United States Constitution. I am not a lawyer, and I must follow my lawyer's advice in this matter.

Q We will let the record reflect that witness has asserted his Fifth Amendment right against self-incrimination as to answering any questions in addition to producing any documents.

For the record, please let us be clear. Are you declining to answer the committee's questions as to Benghazi-related issues solely on the ground that you believe the answer will incriminate you?

A Mr. Chairman, on the advice of counsel, I must respectfully

decline to answer in reliance on my rights under the Fifth Amendment to the United States Constitution. I am not a lawyer, and I must follow my lawyer's advice in this matter.

Q Your objection to each of these questions has been heard. The deposition procedures of the Select Committee are those provided for by the House in Section 4(c)(5)(b) of House Resolution 567 of the 113th Congress and renewed in Section 4(a) of House Resolution 5 of the 114th Congress. The procedures printed in House Report 113-442 specifically provide that a witness may refuse to answer a question only to preserve a privilege.

Does the witness or counsel wish to concisely state the nature of the objection for the record?

Mr. MacDougall. Ms. Jackson, on behalf of Mr. Pagliano, I think Mr. Pagliano has fully and accurately asserted his rights under the Fifth Amendment, and I don't think any further assertion's required.

Ms. Jackson. Let the record reflect that the witness has asserted his Fifth Amendment right against self-incrimination, and that is the basis for his refusal to answer the committee's questions, and his Fifth Amendment act of production privilege as the basis to refuse to produce documents in response to the committee's subpoena.

Pursuant to the deposition procedures, the chair will rule on the objections after questioning has adjourned for the day.

I advise the witness that the objections may be overruled.

The deposition procedures further provide that the deposition may be reconvened if the chair overrules the objection. If the objection

is overruled, the witness may be subject to recall and ordered to answer the question or produce documents. And further refusal to answer the questions or produce documents may be subject to sanctions, potentially including a citation for contempt of Congress, prosecution for contempt of Congress, and criminal liability, unless the ruling of the chair is reversed by the committee.

Mr. Pagliano, do you understand this?

Mr. MacDougall. Let me answer on his behalf, if I may.

Mr. Pagliano has fully asserted his Fifth Amendment right. We would object to the -- and disagree certainly with the description of what the legal consequences are to any citizen asserting his Fifth Amendment right.

Ms. Jackson. In order to consider the objection of the witness, does the witness or counsel wish to explain to the committee the factual basis or factual predicate for asserting the privilege?

Mr. MacDougall. We have no such obligation, Ms. Jackson, to explain to the committee the basis other than the witness has fully and accurately asserted his rights under the Fifth Amendment, and no further explanation under governing case law is required.

Ms. Jackson. Okay. The committee will end questioning of you for today. However, the matter will remain open and the deposition may be reconvened in the future. The objections will be submitted to the chair after the deposition has been adjourned for today.

And with that, we are adjourned for today.

[Whereupon, at 1:17 p.m., the interview was concluded.]

INTERVIEW OF DOD SPECIAL OPERATOR

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, SEPTEMBER 22, 2015

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

DANA CHIPMAN, *Chief Counsel*
MAC TOLAR, *Senior Counsel*
SARAH ADAMS, *Investigator*
HEATHER SAWYER, *Minority Chief Counsel*
SHANNON GREEN, *Minority Counsel*
LAURA RAUCH, *Minority Senior Professional Staff*

FOR THE DEPARTMENT OF DEFENSE

Colonel * * *
WILLIAM HUDSON
Lieutenant Colonel * * *
Lieutenant Colonel * * *
EDWARD RICHARDS

[REDACTED]

(U) Mr. Chipman. Well, let's go on the record. This is a transcribed interview of -- please state your name.

(U) Mr. [REDACTED] [REDACTED]

(U) Mr. Chipman. [REDACTED] And could you spell your last name, please?

(U) Mr. [REDACTED] [REDACTED]

(U) Mr. Chipman. [REDACTED] Conducted by the House Select Committee on Benghazi. This interview is being conducted voluntarily as part of the committee's investigation into the attacks on U.S. diplomatic facilities in Benghazi, Libya, and related matters pursuant to House Resolution 567 of the 113th Congress and House Resolution 5 of the 114th Congress.

(U) On behalf of the committee, we appreciate your time and willingness to come in and talk to us today, Mr. [REDACTED]

(U) My name is Dana Chipman, and I am a counsel on the committee's majority staff. I will now ask everyone else at the table to introduce themselves.

(U) Mr. Tolar. Mac Tolar with the majority committee.

(U) Ms. Adams. Sarah Adams with majority.

(U) Ms. Rauch. Laura Rauch with the minority.

(U) Ms. Sawyer. Heather Sawyer with the minority.

(U) Ms. Green. Shannon Green with the minority.

(U) Mr. Chipman. And around the table, please.

(U) Colonel [REDACTED] I am Colonel [REDACTED] from the Department of Defense.

[REDACTED]

[REDACTED]

(U) Mr. Hudson. Bill Hudson from the DOD General Counsel's Office.

(U) Mr. Richards. Edward Richards, DOD OGC.

(U) Mr. Chipman. And the back row, please.

Lieutenant Colonel [REDACTED] Lieutenant Colonel [REDACTED] from DOD.

(U) Lieutenant Colonel [REDACTED]. Lieutenant Colonel [REDACTED]
[REDACTED] from DOD.

(U) Mr. Chipman. Thank you.

(U) I would like to go over the round rules and explain how the interview will proceed. Generally, the way the questioning proceeds is that a member from the majority will ask questions first for up to an hour, and then the minority will have an opportunity to ask questions for an equal period of time, if they choose.

(U) Questions may only be asked by a member of the committee or designated staff member. At this time, I am not aware of any members of the committee, that is Congressmen, who are intending to be here this morning, but they may show up.

(U) We will rotate back and forth, 1 hour per side, until we are out of questions, and the interview will then conclude.

(U) Unlike a testimony or a deposition in a Federal court, in a transcribed interview this committee is not bound by the rules of evidence. You or your counsel may raise objections for privilege, subject to review by the chairman of the committee.

(U) If an objection cannot be resolved in this interview, you can

[REDACTED]

[REDACTED]

be required to return for a deposition or hearing. Members and staff of the committee, however, are not permitted to raise objections when the other side is asking questions.

(U) This session will be conducted at the Top Secret, Sensitive Compartmented Information level under the Alternative Compensatory Control Measures used for [REDACTED] protected information.

(U) You are welcome to confer with counsel at any time throughout the interview, and if something needs to be clarified, we ask that you make this known.

(U) If you need to discuss anything with your counsel, we will go off the record and stop the clock to provide you that opportunity.

We will also take a break whenever it is convenient for you. This can be after every hour of questioning, after a couple of rounds, whatever you prefer. During a round of questioning, if you need anything, a glass of water, use of the facilities, to confer with counsel, please just let us know, and we will go off the record and stop the clock.

(U) As you can see, an official reporter is transcribing this interview, so we ask that you give verbal responses to all questions, yes and no, as opposed to nodding your head. I am going to ask the reporter to jump in if you do respond nonverbally. Do you understand that?

(U) Mr. [REDACTED] Yes.

(U) Mr. Chipman. Also, I will try to not talk over you and ask that you try to do the same so that we can get a clear record. I would

[REDACTED]

[REDACTED]

ask that you answer all questions in the most complete and truthful manner possible. We will take our time and repeat or clarify our questions, if necessary.

(U) If you have any questions or if you do not understand any of our questions, please let us know. We will be happy to clarify or repeat our questions. 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, and if there are things you do not know or can't remember, just say so, and please inform us who, to the best of your knowledge, may be able to provide a more complete answer to the question.

(U) Do you understand that you have an obligation to answer questions from Congress truthfully?

(U) Mr. [REDACTED] Yes.

(U) Mr. Chipman. This also applies to questions posed by congressional staff in an interview. Do you understand that?

(U) Mr. [REDACTED] Yes.

(U) Mr. Chipman. Witnesses who knowingly provide false testimony could be subject to criminal prosecution for perjury or for making false statements. Do you understand that?

(U) Mr. [REDACTED] Yes.

(U) Mr. Chipman. Is there any reason you are unable to provide truthful answers to today's questions?

(U) Mr. [REDACTED] No.

(U) Mr. Chipman. Okay. That is the end of my preamble.

(U) Does the minority have anything to add at this point?

[REDACTED]

[REDACTED]

(U) Ms. Rauch. Just to thank you for being here today. We appreciate you coming here voluntarily, and we look forward to your testimony.

(U) Mr. [REDACTED] Thank you.

(U) Mr. Chipman. As you can see, the clock on the wall says "currently being repaired," and so it may spin randomly from time to time. My watch shows 10:10, so at this point, we will get started with the first hour of questioning.

EXAMINATION

BY MR. CHIPMAN:

Q (U) Mr. [REDACTED] we are, as a committee, extraordinarily impressed with your actions on 9/11 of 2012. And our focus today is to understand better, in greater detail, what we can about that tragic day. But please understand first that this interview is not intended to undercut what you did personally. You marched to the sound of guns in the great tradition of American servicemen and servicewomen, and we appreciate that greatly.

(U) We have interviewed the Diplomatic Security agents who were there that day, as well as the GRS personnel and other employees of the other government agency, and we want to complete that effort by talking to you as a DOD servicemember responding on 9/11 to the Benghazi attack.

(U) I would like to start by giving you a chance to describe your professional background. Tell us when you joined the Army, what your initial duties were, when you went to selection, and your professional background, please.

[REDACTED]

[REDACTED]

A (U) Yes, sir. I actually am in the Marine Corps. I joined the Marines in January of 2002. I was stationed in Gulf Company 25, Camp Pendleton, California, went through the invasion of Iraq, Ramadi.

(U) And then after 2005, 2006, moved up to Quantico, Virginia, to be an instructor, infantry officer's course, the basic school, and the MACE, the martial arts center for the Marine Corps for about a year-and-a-half, and then I went through selection around 2007 for my current assignment. And I actually got selected and put in a unit in 2008. I have been in that unit since 2008.

Q (U) And you served continuously since 2008 as a member of that unit?

A (U) Yes, sir.

Q [REDACTED]

[REDACTED]

A (U) Yes, sir.

Q (U) Okay. And that is located at Fort Bragg, North Carolina?

A (U) Yes, sir.

Q (U) And so since 2008, you have served continuously on active duty as a member of that unit serving in a squadron level assignment?

A (U) Yes, sir, as an operator in a squadron.

Q [REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

A (U) Yes, sir.

[REDACTED]

Q (U) That was it. And have you had a chance to review that narrative as well that is in the after-action report?

Q (U) Mr. [REDACTED] you were serving in Libya on September 11, 2012. What duties were you performing?

A

| Bar Index | Relative Length (approximate) |
|-----------|-------------------------------|
| 1 | 100% |
| 2 | 95% |
| 3 | 75% |
| 4 | 45% |
| 5 | 10% |
| 6 | 55% |
| 7 | 5% |
| 8 | 55% |
| 9 | 5% |
| 10 | 5% |

Q [REDACTED]

[REDACTED]

Q [REDACTED]

Q [REDACTED]

[REDACTED]

A (U) Yes, sir.

Q (U) [REDACTED] Okay. And were you there with any other unit members on that deployment?

A (U) Yes, sir, my team leader.

Q (U) Your team leader. And so there were a total of two of you?

A (U) Yes, sir.

Q (U) Okay. Did you arrive together?

A (U) We did.

Q (U) And when did you arrive in Tripoli, Libya?

A (U) Late July of 2011.

Q (U) And what was the anticipated duration of that deployment?

A (U) Four-and-a-half months.

Q [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

A (U) We were, somewhat. There really -- the force was kind of small, so we were having to specify who we were going to work with and why and going through the process of getting them vetted to be a partner force.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

A (U) Yes.

Q (U) -- was conducting the initial auspices of a 1208 effort?

A (U) Yes, sir.

Q [REDACTED]

[REDACTED]

A (U) We did.

Q (U) -- for continuation?

A (U) Yes, sir. And we were the first unit personnel there.

Q (U) Okay. And what particular -- was this an element of the Libyan military special operations force?

A (U) Yes, sir. The military had fallen, but these were foreign members of the Libyan military forces. Not all special forces, but all military.

Q (U) Okay. They were all military?

A (U) Yes, sir.

Q [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q (U) Okay. So as I understand it, there were two U.S. government facilities, at least, in Tripoli, one being the embassy

[REDACTED]

Q [REDACTED]

Q (U) And that is where you were physically located with your team member, your team leader?

Q (U) But you were selecting the Libyan military that you were training or working with from the coast of Tripoli, closer to downtown?

A (U) Yes, sir. It was a former military base. It was Qadhafi's sons' armored base.

A (U) Some tanks, tracks.

Q (U) And what was your supervisory chain on this deployment?

Who were you working for?

A

[REDACTED]

A (U) Yes, sir.

Q (U) And that command structure was physically located in Stuttgart, Germany?

A (U) In Stuttgart, Germany, yes, sir.

Q [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

Q (U) This deployment to Libya, to Tripoli was in Title 10 status, as I understand?

A (U) Yes, sir.

Q (U) And did you have any prior experience in Libya or North Africa before this deployment in July of 2012?

A (U) Not in Libya specifically, sir, but I had been to Egypt before that. Other than that, no, sir.

Q [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

A (U) Not before that, sir. I was there in a language capacity.

[REDACTED]

[REDACTED]

Q (U) In a language capacity. So what is your Arabic language proficiency?

A (U) Fluent, sir. As fluent as we could be locally.

Q (U) And you said you arrived in July. Was it middle of July or early July, end of July?

A (U) Late July, sir.

Q [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

A [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

I [REDACTED]

[REDACTED]

A (U) Yes, sir.

Q (U) Was that mission being conducted separate and apart from any duties you were performing [REDACTED]

A [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

I [REDACTED]

[REDACTED]

[REDACTED]

I [REDACTED]

[REDACTED]

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When we were included, we were familiar with what they were doing, and when we weren't, we were not.

Q (U) Okay. Tell us what you know of the missions, from your own personal experience, what missions that you knew of or that you were familiar with that they were performing in Tripoli.

A

A

[REDACTED]

[REDACTED]

Q (U) So as I understand it, you would, from time to time, augment [REDACTED] in the conduct of their mission if they needed security for a particular movement. Is that accurate?

A (U) Yes, sir.

Q [REDACTED]

[REDACTED]

[REDACTED]

A (U) You know, I am not exactly sure, sir. It was the case officers' main sources, and normally they were -- they were task saturated. They had a lot of people doing a lot of different things for that very reason, so they had plenty of case officers. They didn't have enough GRS guys. So when we did go out, it was in support of GRS.

Q (U) Okay. And it was only the two of you, again, from the unit who were augmenting these GRS personnel. There were no other unit assets that were located there at the embassy in Tripoli?

A (U) No, sir, we were it.

Q [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

A (U) Yes, sir.

Q [REDACTED]

[REDACTED]

Q [REDACTED] [REDACTED]

_____, _____, _____

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Journal of Management Inquiry 22(1)

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A (U) Daily, sir.

Q (U) And was that typically a written situation report, was

A (U) It was both. It was normally an email of some kind and

[REDACTED]

Stuttgart. Were you other -- were you in communication with other commands or headquarters during your time reporting from the Tripoli embassy?

A (U) Yes, sir, we were.

Q (U) And who else were you reporting to?

A [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED]

Q [REDACTED]

A [REDACTED] And then SOCAF --

Q (U) Okay. So --

A (U) -- and AFRICOM.

Q [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]

A (U) Yes, sir, we did.

Q (U) So you had a [REDACTED]?

A (U) We did.

Q [REDACTED] [REDACTED]
[REDACTED]
[REDACTED]

A (U) No, sir.

Q (U) [REDACTED]
[REDACTED]

[REDACTED]

A (U) We didn't.

Q [REDACTED]

[REDACTED]

[REDACTED]

A (U) No, we did not.

Q (U) You did not have?

A (U) We did not personally. We weren't -- I didn't get to see it. It was there. They had the feed playing, but it wasn't on our computer.

Q (U) Okay. [REDACTED]

[REDACTED] You just didn't have access -- you just didn't view the feed that night --

A (U) No, sir.

Q (U) -- prior to your deployment to Benghazi?

A (U) We did not, sir.

Q [REDACTED]

[REDACTED]

A (U) Yes, sir. We left before the asset got pushed over to cover Benghazi.

Q [REDACTED]

[REDACTED]

[REDACTED]

A (U) Yes, sir, it was.

Q [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

A (U) Almost immediately, I think, sir.

Q [REDACTED]

[REDACTED]

A (U) No, sir.

Q [REDACTED]

[REDACTED]

[REDACTED]

A (U) No, sir, not Libyan forces.

Q (U) Okay. And how about with any Libyan militia elements?

A [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

Q (U) And do you recall the identity of that particular militia group? Was it, if you can call, Feb 17 Brigade, Libyan Shield? Do you recall?

A (U) 17 Feb, sir.

Q (U) They were the 17 Feb Brigade. And were they providing the exterior perimeter security or were they an internal guard force at the annex?

A (U) Exterior only.

Q (U) Exterior only?

A (U) Yes, sir.

Q (U) And they were securing the annex there in Tripoli?

A (U) Yes.

Q (U) And did you have any interactions during this time, Mr.

[REDACTED]

[REDACTED]
[REDACTED] with special operations forces from other countries that may have been working in Libya?

A (U) Yes, sir, we did.

Q (U) And these were partner nations?

A (U) They were.

Q (U) And can you identify the special operations forces with whom you had some interaction during that timeframe?

A [REDACTED]

Q [REDACTED] [REDACTED] [REDACTED]
[REDACTED]

A (U) Only in Tripoli that I know of, sir.

Q (U) As far as you can recall, they were only in Tripoli?

A (U) Yes, sir.

Q (U) Okay. We are going to transition a little bit to the approach of the 9/11 anniversary. Mr. [REDACTED] in your military experience and background, do you recall any heightened concern being communicated as the anniversary of the 9/11/01 attacks approaches each year?

A (U) At the embassy or the annex in Libya, sir?

Q (U) And I apologize. I didn't frame that question very well, but you have been in the military since --

A (U) 2002.

Q (U) 2002?

A (U) Yes, sir.

Q (U) And so since 2002, the first anniversary of the attacks
[REDACTED]

[REDACTED]

of 9/11/01, is there heightened sensitivity to security concerns and force protection concerns each year as that anniversary approaches?

A (U) Yes, sir, normally there is.

Q (U) And what is the nature of the communications that you have received, in your experience, as that anniversary approaches? Are you given special directions? Are you given special alert or warning concerns?

A (U) If we are deployed, sir, yes, we do. If we are overseas, it is normally announced that if you are at an embassy or whatever outstation you are at, that everyone knows 9/11 is coming up, and it does get a little more hectic around 9/11 most of the time.

Q (U) And do you take any particular precautions or adjust your force protection posture as a result of that?

A (U) If able, sometimes we do, but it is more of a heightened alert as opposed to a change in status.

Q (U) Okay. And do you recall, on this particular anniversary, as the 9/11/2012 anniversary approached, do you recall any particular warning that September of 2012, as the anniversary was being approached?

A (U) Nothing outside the ordinary, sir, of a heightened alert status, but there was no more personnel than usual.

Q (U) During your time from late July of 2012, prior to 9/11, did you have a chance to form an opinion of the security environment you encountered in Tripoli?

A (U) Yes, sir. I thought the security situation was good in

[REDACTED]

[REDACTED]

Tripoli. We looked at the embassy, which we regularly do when we deploy somewhere. One of the first things that we will do, part of it is to gain rapport with the embassy staff and State Department, is to look at where they could possibly make things better or change security, and it was good in Tripoli.

(U) They had the appropriate amount, we thought. Again, part of that was going through taking pictures of doors and windows in the event we ever had to come back for an emergency. So we did all that as well. It looked good to me, sir.

Q (U) Okay. And was that assessment done both of the embassy spaces and the annex spaces, or was it primarily embassy?

A (U) Mostly embassy, sir. The annex really doesn't -- and we would do the same for the annex, obviously, but that wasn't a priority.

[REDACTED] So they did ask us to tell them our opinion on how the annex was laid out, and we told them, and that was the end of it, sir.

Q (U) And again, the annex was being secured by 17 Feb Brigade, as least as far as perimeter security?

A (U) The outside was, sir. The exterior security was.

Q (U) Okay. And then the interior security was the responsibility of the GRS contractors?

A (U) That is right. The other group of GRS contractors, the actual security personnel were the ones that were securing the inside of the annex.

Q (U) Okay. All right. I know you traveled. You said from

[REDACTED]

[REDACTED]

time to time you would augment the GRS security personnel as they were doing security for external activities to the annex. What was your assessment of the threat environment in Tripoli outside of the U.S. Government facilities, outside of the embassy, outside of the annex? What was your assessment of the threat environment you encountered?

A (U) I mean, Tripoli was always -- I think there was always a level of caution you took when you went outside the annex or the embassy because it was in -- you couldn't call it from one day to the other. It would be a week where it was fine and then 2 weeks where it wasn't, so there really was no assessment until you got out there and saw how people are acting. Day-to-day life was normal and people were walking around, it was probably fine. If it looked like a lot of people were staying home and the streets were relatively empty, except for militias, there was a good chance something was going on.

Q (U) And prior to September 11th of 2012, had you ever visited Benghazi?

A (U) No, sir.

Q (U) Were you aware of the official U.S. facilities in Benghazi?

A (U) Yes, sir.

Q (U) Which ones were you aware of?

A (U) The consulate and the annex.

Q (U) Okay. The consulate and the annex. And again, you were not aware of any U.S. military personnel that were stationed in Benghazi during the time you were in Tripoli?

[REDACTED]

[REDACTED]

A (U) No, sir.

Q (U) Were you familiar with the threat environment in Benghazi as opposed to Tripoli? Did you have any different assessment of the threat environment in Benghazi based upon what was reported to you?

A (U) No, sir.

Q (U) And during the run up to September 11th of 2012, were you aware of any security incidents that occurred over that summer, starting with your deployment end of July or even prior to your deployment? Were you given any orientation on security incidents that may have occurred in and around Benghazi?

A (U) No, sir.

Q (U) So nothing -- nothing conveyed to you that would have caused you to adjust your force protection posture or your security posture over that summer timeframe?

A (U) No, sir, not in Benghazi.

Q (U) Not in Benghazi. Okay.

A (U) Our focus was Tripoli, sir.

Q (U) Fair enough. And as the 9/11 anniversary of 2012 approached, were you aware of any additional threat reporting that came in to you either through [REDACTED], through your colleagues [REDACTED] any additional reporting that caused you any concern about either Tripoli or Benghazi?

A (U) Before that at the incident, sir?

Q (U) Before the incident.

A (U) Not specifically, other than there was an occasional

[REDACTED]

[REDACTED]

shooting out in town, shooting up in the air, a celebration-type shooting, which wasn't out of the ordinary. And that was going on, I think, that night, but other than that, there was nothing, reporting-wise, that I heard.

Q (U) There were a couple of incidents that appear to be higher profile than normal that occurred in Benghazi over the summer of 2012. And I am trying to figure out whether you were -- learned of any of those incidents, the incident with a UN shooting, a UN convoy being targeted?

A (U) I think I -- I do remember something about a UN -- RPG, something like that?

(U) Ms. Adams. Yeah, there is a British ambassador was the RPG, and then the Red Cross was the kidnapping.

A (U) You are right. It was something like that.

BY MR. CHIPMAN:

Q (U) Were you aware of those incidents?

A (U) Yes, sir, I was.

Q (U) And as a result of those reports, did that cause you to adjust your security posture in any way?

A (U) In Tripoli?

Q (U) In Tripoli.

A (U) No, sir.

Q (U) Okay. And do you know if Embassy Tripoli adjusted its posture in any way as a result of the reports that came in and from events in Benghazi?

A (U) I am not sure, sir.

[REDACTED]

[REDACTED]

Q (U) All right. Mr. [REDACTED] we are going to start, and I would like you to describe what you recall about September 11th, 2012, and I recognize that was 3 years ago, more than 3 years ago now. You were working in Tripoli on that day?

A (U) Yes, sir, I was.

Q (U) And were you on a normal training cycle, a daylight training cycle?

A (U) We were, sir.

Q [REDACTED]
[REDACTED]
[REDACTED]

A (U) Yes, sir.

Q (U) And as that day progressed, do you recall learning at any point about a demonstration ongoing in Cairo, Egypt?

A (U) Yes, sir. It was on the news.

Q (U) Okay. So what was reported, or what do you recall seeing?

A (U) I don't recall exactly what happened. I do remember there being a demonstration at the embassy in Cairo. And I don't remember exactly what it was for or what caused it, but I do remember watching the news article about it.

Q (U) You say it was on the news. So were you given access to a TV during your timeframe in --

A (U) Yes, sir.

Q (U) -- Tripoli?

[REDACTED]

[REDACTED]

A (U) Absolutely.

Q (U) And so you recall this coming in on a TV feed?

A (U) Yes, sir, it was.

Q (U) Did you get any command reporting on that or reporting from either [REDACTED] or through your [REDACTED], any other reporting about the nature of what was going on in Cairo?

A (U) There was, but I can't remember what it was particularly, sir. They were talking about it, though.

Q (U) Okay. At some point on 9/11 did you learn of an attack at the -- what you are calling the consulate there in Benghazi, the special mission compound, did you learn of that attack at some point?

A (U) The one in Benghazi, sir? Yes, sir.

Q (U) Okay. And how did you learn of that?

A (U) It was through my team leader there in Tripoli. He had texted me on my cell phone, said come down to the TOC, and then told me that the consulate had been attacked, or was being attacked, and then didn't know the, you know, exact specifications of the attack, but knew it was ongoing.

Q (U) So you weren't physically located with your team leader initially. He texted you, and then you joined him up there at the annex?

A (U) It was the end of the night, sir, I think around 9:30 local time that night, so we were getting done for the night, sending out last emails. I had gone back, and he had stayed, and as soon as I got back to our house where we were sleeping, he texted me and told me to come back.

[REDACTED]

[REDACTED]

Q (U) Okay. And what was -- what was -- if you can recall, what did that text say? Did it refer to a protest or a demonstration or an attack?

A (U) It didn't. He told me about that once I got there. He just said come back down to the TOC.

Q (U) Okay. And what did he tell you when you arrived back at the TOC?

A (U) That the consulate was being attacked, the situation was, you know, was not known at the time of the attack or who was attacking or what was going on, but they were preparing to possibly go out to Benghazi.

Q [REDACTED] [REDACTED]
[REDACTED]

A (U) Yes, sir.

Q (U) You mentioned having access to a TV feed. Do you recall seeing any TV reporting or any other press reporting regarding a protest in Benghazi as you -- as you learned what was going on there?

A (U) No, sir. I went directly from there back to our house, started putting our things together.

Q [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED]

A (U) Yes, sir.

Q (U) And what else did the team leader tell you to prepare to do? Anything else?

[REDACTED]

[REDACTED]

A (U) Nothing, sir.

Q (U) Pretty standard battle drill?

A (U) It was pretty quick. It was probably a minute-and-a-half, 2 minutes of him telling me what we would be possibly doing, and that he wasn't entirely sure, so bring the kitchen sink. So I went all the way back and prepared a couple of bags of what I thought we may need, extra guns, kit, body armor, helmets, things like that.

Q (U) This house was located on the annex compound?

A (U) Yes, sir.

Q (U) And so you went back and you prepared bags not knowing for sure what you would expect, but you prepared the equipment that you needed to bring with you. At some point, did you then return to the annex to meet up with your team leader?

A (U) Yes, sir, I packed the bags pretty quickly, went back down to the TOC area, and then got more specifics on what could be going on and what he wanted me to do before we went.

Q (U) Okay. And when you came back to the TOC that second time with bags packed and ready to roll, was there a meeting with annex personnel and your team leader?

A [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED]
[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q (U) Okay. And so your task from the team leader was to identify the best four people, GRS people, to include a medic, to include an interpreter, case officer, that you could deploy with to Benghazi to assist?

A (U) Yes, sir.

Q (U) And what was communicated to you about what was going on in Benghazi when you came back that second time? Were you informed the ambassador was missing?

A [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED]

Q (U) Okay. You were meeting with the team leader, and you had the task to identify the four additional personnel that would go with you. Was the Tripoli GRS team leader also there at that meeting?

A (U) He was. He actually requested to go, sir.

Q (U) And is this the individual known as HUSH?

A (U) In Tripoli --

Q (U) FLOUNDER?

A (U) It would be FLOUNDER, sir.

Q (U) It should be FLOUNDER?

[REDACTED]

[REDACTED]

A (U) Yes, sir.

Q (U) Checking to see if you know who you are talking about.

A (U) Yes, sir.

Q (U) So FLOUNDER you were at this meeting with, and then who else do you recall being at that meeting with you, your team leader, and FLOUNDER?

A [REDACTED]

[REDACTED]

I [REDACTED]

A (U) No, he wasn't, sir. He was in Benghazi.

Q [REDACTED]

[REDACTED]

A (U) I was fairly certain we were going if we were packing bags when I went back, sir, and when I came back, it was confirmed when he asked me to start looking for guys that would go that were qualified to go. And then we got a confirmation from the chief of station that he would like us to take that team up to Benghazi.

Q [REDACTED]

[REDACTED]

I [REDACTED]

[REDACTED]

I [REDACTED]

[REDACTED]

[REDACTED]

A (U) Yes, sir.

Q (U) Was your team leader also the team leader for the response effort overall or was it the GRS Tripoli team leader who led the response team?

A (U) As far as I understood it, the chief of station wanted my team leader to be the initial or main team leader and I would be the assistant team leader for the duration of the extraction.

Q [REDACTED]

[REDACTED]

A (U) Yes, sir.

Q [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

A (U) Yes, sir.

Q [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

A (U) No, sir, not within the short time while we were all -- we were needing to leave immediately and there was nothing that could be had immediately.

Q [REDACTED] [REDACTED]

[REDACTED] [REDACTED]
[REDACTED]

I [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Q (U) Okay.

A (U) It was the first call, I think, that was made, and that was where it stopped.

Q (U) And so this was a meeting that occurred even prior to the attack starting in Benghazi, those were just routine business?

A (U) That morning, sir, was when a case officer had met with him. He said, "How fast can you respond?" He said, "I am not sure; probably within 24 hours." Called back again that night and said, "We need you right now," and he was there. He showed up.

Q (U) This was good timing, wasn't it?

A (U) It was good timing, sir, convenient.

[REDACTED]

[REDACTED]

Q (U) And so this aircraft asset was a Learjet?

A (U) Yes, sir, it was.

Q (U) And what was the capability of that, passenger capability on that aircraft?

A (U) Fourteen, sir.

Q (U) Fourteen. So you lined up an air asset, you pushed ISR, you inquired about the availability of supporting aircraft and told, at least at that point, nothing was available. Did you make any preparation for the reception on the other end in Benghazi?

A [REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]

Q (U) Okay. So you mentioned you called your militia contacts in Tripoli. And was that 17th Feb Brigade?

A (U) That was not, sir. Libyan Shield.

Q (U) Libyan Shield?

A (U) Yes, sir.

Q (U) And so the Libyan Shield contact you had in Tripoli then was coordinating with his counterpart in Benghazi?

A (U) Yes, sir.

Q (U) So you thought that the reception on the other end of
[REDACTED]

[REDACTED]

Benghazi would be a Libyan Shield militia?

A (U) Should have been, sir.

Q (U) Should have been.

A (U) Should have been.

Q (U) Were there any other militias that you were coordinating with in Tripoli that might have been available to assist in Benghazi?

A [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

A (U) Local groups or otherwise?

Q (U) Local groups or Libyan military or even foreign military or anyone else that you were pulsing in Tripoli for assistance when you got to Benghazi?

A (U) We had called Colonel [REDACTED] asking if we could take

[REDACTED]

[REDACTED]

his medic with us, but they were having issues getting ahold of their commander. Colonel [REDACTED] was the SF commander.

Q (U) Right. So you had called Colonel [REDACTED] asking for permission to deploy his medic --

A (U) Yes, sir.

Q (U) -- with your team going from Tripoli to Benghazi?

A (U) Yes, sir.

Q (U) And this medic was part of that stay-behind SST element?

A (U) He was, sir.

Q (U) So as I understand it, Colonel [REDACTED] had a total of four personnel or six personnel?

A (U) He gave six, including himself, sir.

Q (U) Six, including himself?

A (U) I can't remember exactly.

Q (U) And one of them was a medic?

A [REDACTED]

Q (U) I am sorry?

A [REDACTED]

[REDACTED] [REDACTED]

A (U) A better medic, yeah.

Q (U) And so from that call to Colonel [REDACTED] you or your team leader reached and spoke with Colonel [REDACTED] about getting the medic released?

A (U) We did.

Q (U) And what was Colonel [REDACTED] response?

[REDACTED]

[REDACTED]

A Again, sir, they couldn't get ahold of their commander. I am positive he wanted to go, but I think the issue was getting approval to go.

Q [REDACTED]

[REDACTED]

[REDACTED]

A (U) Yes, sir. I think they were working directly for SOCAF.

Q (U) SOCAF.

A (U) I think.

Q (U) And so that would have been the op center or Admiral Losey who is in command of SOCAF?

A (U) Admiral Losey, sir.

Q (U) Okay. All right. So you had identified the four personnel that your team leader had asked you to locate for the deployment?

A (U) Five, including the case officer.

Q (U) Five, including the case officer. So four were GRS and then one case officer/interpreter?

A (U) Yes, sir.

Q (U) And then yourself and your fellow team member?

A (U) Yes, sir. Total of seven.

Q (U) Sorry, team leader.

A (U) Yes, sir.

Q (U) And so you were anticipating reception on the other end by a Libyan Shield member in Benghazi. Is that accurate?

[REDACTED]

[REDACTED]

A (U) We were, sir.

Q [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q (U) Great. And so you were getting updates from HUSH in Benghazi, GRS at the annex, at least initially. What was it -- was he at the mission compound or was he back at the annex? Do you recall?

A (U) He was back. I could not -- I didn't get ahold of him, obviously, when he was going to the consulate to pull everyone back to the annex, but I did get ahold of him once he had gotten back to the annex.

Q (U) And what was HUSH providing you in the way of situational awareness?

A (U) We were just asking updates for wounded personnel, are they still under attack? If so, how heavy? Small arms, small, light, medium. So I think the issue was just trying to see the most recent they had been attacked and how long it had been since that attack.

Q (U) So did HUSH relay that there had been attacks that were occurring at the annex?

A (U) He did, sir.

Q (U) Okay. And he gave you the nature of those attacks, whether it was small arms or RPG?

A (U) I think "harassing fire" was the exact verbiage.

[REDACTED]

[REDACTED]

Q (U) Harassing fire. Did he indicate the presence of any crew-serve weapons or higher caliber weapons such as RPGs or rockets?

A (U) RPGs, sir.

Q (U) RPGs, harassing fire, was kind of the nature of the threat that HUSH conveyed to you?

A (U) Sporadic, yes, sir.

Q (U) Sporadic. Okay. And do you recall, Mr. [REDACTED] kind of what timeframe these discussions were occurring? Was this, you know, an hour after your alert, was it -- as best you can recall.

A (U) I believe the conversation that I had was when we had gotten to the airport in Tripoli. That is around the time we found out the ambassador was missing.

Q [REDACTED] [REDACTED]
[REDACTED]
[REDACTED]

A (U) Yes, sir. I think it was around that time. I can't remember exactly the time.

Q (U) And were you informed also that there was any killed or wounded in Benghazi?

A (U) Yes, sir.

Q (U) You learned of the identity of the one KIA?

A (U) Yes, sir, the one that they had known so far, sir, yes.

Q (U) Okay. And what were you conveyed as far as the injuries or the wounded in Benghazi? Did you have a number of wounded you were anticipating?
[REDACTED]

A (U) We did. I think the only thing they had at the time was

Q (U) But again, the five of you deployed. And what did you

A 

Q (U) Now, when you got to the airport in Tripoli, as I

A (U) No, sir.

Q (U) Okay. Did AFRICOM headquarters or SOCAFRICA have any

A (U) No, sir.

Q [REDACTED]

A (U) Yes, sir.

Q [REDACTED]

[REDACTED]

A (U) No, sir.

Q (U) How about the embassy itself there in Tripoli, were they directing the deployment from Tripoli to Benghazi?

A (U) Not that I recall, sir.

Q [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

A (U) I know they were supportive of us going to Benghazi.

Q (U) You mentioned that you were in contact with Benghazi base. And I suspect that was via cell phone with HUSH?

A (U) Yes, sir.

Q (U) Okay. And did you have any, at that time, before leaving Tripoli, any coordination ongoing with the special mission compound or the consulate?

A (U) No, sir.

Q (U) You didn't have any -- anybody you were talking to there that was --

A (U) At the consulate in Benghazi?

Q (U) -- at the consulate in Benghazi?

A (U) No, sir.

Q (U) So your sole node, your sole communications node that you were actually getting updates from Benghazi was through HUSH at the annex?

[REDACTED]

[REDACTED]

A (U) Yes, sir.

Q (U) Were you able to coordinate with any other U.S. military assets prior to leaving the Tripoli airport?

A (U) No, sir. Again, we attempted to talk to Colonel [REDACTED] but he was having difficulty getting ahold of his commander.

Q (U) Okay. And how about any other foreign military assets? Were you in contact with the Tunisians or the Italians or the French or anyone else who might have been able to support you with assets, equipment, personnel?

A [REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

A (U) Yes, sir. We were trying to leave as quickly as possible. So if they didn't meet the timeline, leave as quick as we were trying to leave, then we got pushed.

Q So what drove the timeline for your deployment? Was it the availability of the aircraft?

A [REDACTED]
[REDACTED]
[REDACTED]

Q (U) And how long did it take from the time that the call was
[REDACTED]

[REDACTED]

made to the aircraft owner, what did he say about his ability to take off from Tripoli to Benghazi? How long a timeframe do you recall?

A (U) I don't remember what time he said, but I know we had got there around 11:30 or midnight, but he was ready to go when we had gotten there. And they actually had expedited us through the airport. We didn't go through any -- the actual airport procedures. We had weapons and ammo, obviously.

Q (U) So you had local expeditors or facilitators that enabled you to board the aircraft more rapidly than normal --

A (U) Yes, sir.

Q (U) -- and depart from Tripoli?

A (U) Yes, sir.

Q (U) And who were those expeditors? Were they arranged by you all, [REDACTED] by --

A (U) They were arranged by us calling our local military contacts [REDACTED]. There was a sheik there that was trying to get us through the airport.

Q (U) And there was no limitation on daylight only flight ops with this Learjet, as I understand was the limitation on the Libyan military C-130?

A (U) Absolutely, sir. He -- I don't think they could fly at night, but he could because he was a privately owned company. The Learjet was privately owned.

Q (U) But your understanding was, at least with respect to the Libyan C-130 --

[REDACTED]

[REDACTED]

A (U) Daytime, sir.

Q (U) That was limited to daytime ops?

A (U) Yes, sir.

Q (U) Okay. Do you recall seeing a C-130 on the tarmac there at Tripoli? Was it Mitiga airport?

A (U) Mitiga. I don't recall, sir.

Q (U) Okay. So your team leader led the Tripoli response team, I think, is what you told us earlier?

A (U) Yes, sir.

Q (U) Okay. Composition was the seven you have identified already, yourself, your team leader, the case officer interpreter, and four GRS personnel?

A (U) Yes, sir.

Q (U) Okay. And you knew all of the other team members? You knew the six besides -- obviously the five besides your team leader and yourself?

A (U) Some better than others. I knew some of them in passing. I worked with some more than others.

Q (U) Okay. But you had at least worked with a few of them in Tripoli as you were providing security [REDACTED]

[REDACTED]

A (U) Yes.

Q (U) As you drove to the Tripoli -- to Mitiga airport that night, did you observe any ongoing protest activity as you traversed through Tripoli to get to Mitiga?

[REDACTED]

[REDACTED]

A (U) Traffic was unusually bad for that time of night, but I did not see any protests.

Q (U) And had you been tracking throughout the day the demonstration or the activity at the Cairo embassy?

A (U) Not after that, sir.

Q (U) Okay. After you got your initial text from your team leader, then you no longer had any access to updates on what was going on in Cairo?

A (U) We would have, but that wasn't our focus at the time.

Q (U) So what drove the selection of Mitiga airport? Was it just that is where the asset was located?

A (U) Yes, sir. We were more familiar with the personnel at Mitiga than we were at the actual airport, sir.

Q (U) Did the Learjet have to relocate from Tripoli airport to Mitiga to get you, as far as you recall?

A (U) I am not sure, sir.

Q (U) Do you recall roughly or as accurately as you can what time you departed Tripoli Mitiga airport?

A (U) I think it was around midnight.

Q (U) And what is the duration of the flight time with a great Learjet from Mitiga to Benghazi?

A (U) I think we landed 02 local time, sir.

Q (U) So about a 2-hour flight?

A (U) An hour and 45 minutes.

Q (U) An hour and 45. And as you were en route, I imagine you

[REDACTED]

[REDACTED]

didn't have any ability to do any mission planning as you were airborne from Mitiga to Benghazi?

A [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

A (U) Yes, sir.

Q [REDACTED]

[REDACTED]

A (U) Yes, it did. And we conveyed that to the GRS team lead in Benghazi.

Q [REDACTED]

[REDACTED]

A [REDACTED]

[REDACTED]

[REDACTED]

Q (U) Okay. So from your understanding, initially, at least, you would have gone straight from Benghazi airport to the annex to reinforce HUSH and his team securing the annex?

[REDACTED]

[REDACTED]

A (U) Yes, sir.

Q [REDACTED]

[REDACTED]

A (U) We did.

Q (U) Okay. You mentioned that you are as fluent as you can be in Arabic, and you had an interpreter/case officer. Were the two of you the primary language capability resident in that seven-person element?

A (U) He was the primary language capability. I was just listening. It is much easier than trying to speak with them. Libyan dialect is a little bit different.

Q (U) You mentioned expecting or anticipating the linkup from the Libyan Shield, based upon your prior coordination. When you arrived in Benghazi, was that Libyan Shield individual present?

A (U) No, sir.

Q (U) Was anyone present from the Libyan armed forces or local militia that you could liaison with upon arrival in Benghazi?

A (U) Not as soon as we landed, sir.

Q (U) Okay. And you arrived at Benina airport?

A (U) We did.

Q (U) And what was the nature of the activity ongoing at Benina at 02 in the morning?

A (U) It was completely dead. We were the only plane that had landed in quite some time, it looked like, and the guard actually came out in his pajamas and asked us what was going on.

[REDACTED]

[REDACTED]

Q (U) Okay. So there was no airport personnel. This was not a 24/7 airport?

A (U) I don't think so, sir. It didn't appear to be. Only one individual came out to meet us once we had landed, and it was clear that he had been sleeping before that.

Q [REDACTED]
[REDACTED]

A (U) We did, sir.

Q (U) And what did HUSH relay at this point? This is at some time at 02 or shortly thereafter.

A (U) A lull in fire.

Q (U) A lull in fire.

A Yes, sir.

Q (U) Did he indicate how many harassing attacks they had sustained over the period of time?

A (U) Not specifically that I can remember, sir.

Q (U) Okay.

A (U) Just the last time of it.

Q (U) And there was a lull at some point starting at 02 or after 02. At least there was a lull when you talked to him?

A (U) Yes, sir. When I had talked to him, there had been a lull, and no one had been attacking the annex in quite some time.

Q (U) Did you get an update on accountability of personnel from HUSH at that time?

A (U) We did.
[REDACTED]

[REDACTED]

Q (U) And what was your understanding about the number of personnel who remained at the consulate or the special mission compound?

A (U) I think it was 26 or 27 that they had at the annex.

Q (U) Okay. And so had anybody, any U.S. personnel remained at the consulate or the mission compound?

A (U) Not at the consulate, no, sir, but the ambassador was still missing.

Q [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

A (U) Yes.

Q (U) And so as you arrived to this lack of activity at Benina airport, what actions did you take to try to identify support at that point?

A [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

A (U) They were giving updates on reports for ISR, movement of crowds, things like that, in relation to where we were at the airport and the annex.

Q [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

A (U) No, sir, it was being conveyed.

Q (U) I am sorry.

A (U) It was being conveyed by -- just in talking to us.

Q [REDACTED]

[REDACTED]

A (U) Not that I know of, sir. I can't remember.

Q [REDACTED]

[REDACTED]

[REDACTED]

A (U) Yes, sir.

Q (U) How long did that exercise take?

A (U) I don't think we actually left the airport until about 0430.

Q [REDACTED]

[REDACTED]

[REDACTED]

A (U) Yes, sir.

Q [REDACTED]

[REDACTED]

[REDACTED]

A [REDACTED]

[REDACTED]

Q (U) And how did you learn that? How did you find that out?

A (U) One of the local militia had told us that he -- they thought he was at the hospital. Reporting had indicated he was at the

[REDACTED]

[REDACTED]

hospital.

Q (U) So based upon the calls that were made to Tripoli, your team leader had identified -- or your team leader had called somebody in Tripoli who had called somebody in Benghazi, so there were militia elements that showed up at the Benina airport at some point?

A [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q (U) The least of several bad options?

A (U) Yes, sir.

Q (U) So as I understand it, this was a Libyan Shield individual in Tripoli who was vetting the affiliations of the local militia elements that had showed up at Benina airport?

A (U) Yes.

Q (U) But these local elements informed you that the ambassador had been brought to the hospital?

A (U) They did.

Q (U) Okay. And did they indicate whether he was still alive or whether he had been deceased?

A (U) They would not say specifically. They were being

[REDACTED]

A (U) The Libyan Shield commander, I think, Libyan Shield 2, because they had numbers, Libyan Shield 1, 2, and 3. I can't remember the exact number.

A

Q (U) Roughly, if you can, in that timeframe.

Q (U) Okay.

Q [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

A (U) It was later, sir. Yes, sir.

[REDACTED]

[REDACTED]

BY MR. CHIPMAN:

Q [REDACTED]
[REDACTED]
[REDACTED]

A (U) We did.

Q [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Q (U) And how were you going to proceed? What was the nature of your transport from Benina to the annex?

A (U) The Libyan Shield commander had several gun trucks that we were using, as well as some Land Cruisers, to get us to the annex.

Q (U) And this is, again, Libyan Shield 2, the less bad element of militia?

A (U) Less bad, yes.

(U) Ms. Adams. Can I interrupt really quick? Who was the Libyan Shield that was supposed to meet you that never came? Was that 1, or did they never give you the guy's name --

(U) Mr. [REDACTED] There was two groups in Benghazi -- and I can't remember the numbers that were there -- and one from Trip -- I can't remember the exact number. I think it was 3.

(U) Ms. Adams. Okay. And so 3 is essentially who never showed up, and then 2 finally is the one who came? I think I have the numbers

[REDACTED]

[REDACTED]

wrong, but it was a different element. It was a different number designation.

(U) Mr. [REDACTED] It was, yeah.

(U) Ms. Adams. Okay.

(U) Mr. [REDACTED] And I can't -- it was groups mixed together, so it was sort of fluid that 17 Feb and Libyan Shield -- a lot of them worked together and they were interchangeable. So when you are talking about 1, I mean, they don't know who they're working for most of the time, so it's hard for us to keep up with it as well.

BY MR. CHIPMAN:

Q [REDACTED]
[REDACTED] [REDACTED]
[REDACTED]

A (U) Not Fort Bragg, sir.

Q (U) You were not?

A (U) No.

Q (U) Okay. So did you have any idea that there were other DOD assets that were being mobilized to respond to what was going on in Benghazi?

A (U) We knew that one of our squadrons was getting stood up to try and come over and help.

Q [REDACTED] [REDACTED]
[REDACTED]

[REDACTED]

Q Okay. Got it. Did you have any sense of the timeline those
[REDACTED]

[REDACTED]

assets -- those additional assets were operating on? Did you have any sense of how long it would take to expect them to arrive?

A (U) Not exactly, sir. I knew the timeline that we operated on, but I'm not entirely sure -- and I wasn't at the time -- how long it would take me to get there.

Q (U) Fair enough. Okay. So you deployed with gun trucks and armored Land Cruisers, I guess, to the annex?

A (U) They weren't armored, sir.

Q (U) They weren't armored. They were just --

A (U) Just regular Land Cruisers.

Q (U) -- regular Land Cruisers and gun trucks. And during your movement from Benina Airport to the annex, did you learn of any additional vehicles joining that convoy?

A (U) No. We got stopped along the way going to the annex by another militia group that wanted to take us to the ambassador.

Q (U) And do you know the identity of that militia group?

A (U) No clue, sir.

Q (U) Who was navigating from the airport to the annex?

A (U) My team leader was with the Libyan Shield commander. We all had our GPSs out in case we got split up, so each vehicle had a vehicle commander, if you will. They all had GPSs in case something did happen.

Q (U) So who selected the route from the airport to the annex? Was it the team leader? Was it the Libyan Shield commander?

A (U) We decided on it while we were in the plane over. We stepped to it, sir.

[REDACTED]

[REDACTED]

Q (U) And you mentioned you had not been to Benghazi before. Had your team leader also not been to Benghazi before on this deployment?

A (U) Neither one of us had, sir.

Q (U) Neither one, okay. You mentioned trying to raise contacts at the Benina airport from Tripoli so that they could arrange local Benghazi forces to show up. Did you try to contact any other foreign military? The Italians? The Turks? Anyone else?

A (U) Not that I'm aware of, sir.

Q (U) Okay. At least from your efforts, you didn't try to contact any forces.

A (U) No, sir.

Q [REDACTED]

[REDACTED]

A (U) Not that I knew of, sir.

Q (U) Okay. Did you have any sense during the 2 and-a-half hours that you spent at Benina airport that you were being prevented from departing the airport? Could you have left at any time from 02 to 0430?

A (U) We didn't have a mode of transportation that was ours, so we were depending on those local militias. So it took us that long to find one that was capable of taking us out into town. Again, initially we were trying to go to the hospital, which we were all being told, "No, we can't take you to the hospital. We can take you to the annex."

(U) So that fight went on for a little while, with us thinking that

[REDACTED]

[REDACTED]

he could possibly be at the hospital needing medical care. So we were pushing hard enough to go there that it prolonged our time at the airport. Then once we found out he was deceased, we had obviously gave that up, and they had no problem taking us to the annex.

Q (U) Okay. And roughly the timeframe for the trip between the airport and the annex is --

A (U) About 30 minutes drive, sir.

Q (U) And was it the Libyan Shield commander who gave your clearance to leave the airport, or was that your team leader's decision? How was the decision made to leave the airport to head to the annex?

A (U) I'm sure it was my team leader's decision. We all decided -- loaded up and then left as soon as possible, once we had found out.

Q (U) And, again, the militia force was supportive of taking you to the annex. There was no problem that hindered your departure from the airport once you determined you were headed to the annex?

A (U) No, sir.

Q (U) Okay. Mr. [REDACTED] it's been about an hour, and I'd like to give you an opportunity to take a break. So if we could go off the record, please.

[Discussion off the record.]

BY MR. CHIPMAN:

Q (U) We'll go back on the record. It's 11:22. And I'll begin with the second hour of questioning.

(U) And I wanted to clear up one issue from the prior hour. I

[REDACTED]

[REDACTED]

understand there may have been somebody called the Zintanis in Tripoli, a militia force. Is there any chance that your team leader was talking to the Zintanis or the Zintanis were actually performing perimeter security at the annex in Tripoli?

A (U) Yes.

Q (U) Okay. So it could have been the Zintanis vice Libyan Shield or 17 Feb?

A (U) I'm positive 17 Feb was there, but it was Zintanis as well.

Q (U) Okay.

A (U) Yeah.

Q (U) All right.

A (U) And Libyan Shield I don't think had anything to do with annex security in Tripoli.

Q (U) But both Zintanis and 17 Feb?

A (U) Yes, sir.

Q (U) Great. Thank you.

(U) Okay. So when we closed the last hour, you had departed on a 30-minute trip from Benina airport to the annex there in Benghazi. When you arrived at the annex, tell us what occurred. And I'd like you to have a chance to go through the narrative, if you want, about what you recall occurring once -- upon arrival at the annex.

A (U) Yes, sir. Once we had gotten to the annex, we called probably 3 minutes out, and the GRS Team Lead HUSH was actually out there to meet us with the gate open. We didn't take any of the vehicles inside.

[REDACTED]

[REDACTED]

We exited the vehicles and walked inside.

(U) We took the Libyan Shield commander inside with us so his guys would stay there, ultimately. Went directly to the main house where the TOC was. I think it was Building Three. Team leader started talking to chief of base, and I was talking to HUSH on the security situation, wounded personnel, what did he need from us that he didn't have already, and how we could help the security posture.

(U) Shortly after us being there, we were all sitting outside while we were talking about this on the front patio of Building Three. We had some sporadic gunfire over the top of Building Three, and immediately following, the first mortar round hit. I believe it went long, hit out in the road where our convoy had been. The gate is obviously closed to the compound now. Next one hit short just behind Building Three on the wall towards the warehouse. The other three or four mortars hit directly on top of Building Three.

Q (U) Now, as a result of your experience, can you tell the difference between a 60-millimeter mortar and an 81-millimeter mortar?

A (U) Yes, sir.

Q (U) And was this the lighter 60-millimeter or the 81-millimeter, from your own experience?

A (U) The heavier, sir.

Q (U) The heavier, the 81-millimeter?

A (U) Eighty-one.

Q (U) Okay. You arrived at the annex and all seven of the GRS or the Team Tripoli came into the annex. Again, you started talking

[REDACTED]

[REDACTED]

with HUSH. Your team leader was talking with the chief of base. You brought in, I think, with you six shooters total?

A (U) With the seven that came with us?

Q (U) Right. Were six of that seven shooters or all seven?

A (U) Six out of seven were.

Q (U) Six out of seven.

A (U) Yeah, the one case officer was not.

Q (U) And when you arrived and did that initial coordination with HUSH, did he indicate, "Hey, we need some immediate reinforcements on the roof here at the annex in overwatch or in security?" Was there any direction about how you would augment their security posture?

A [REDACTED]

Q [REDACTED]

A (U) Yes.

Q (U) And he went to talk to their medic, which was --

A [REDACTED]

A Yes.

Q [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q (U) Okay. And their coordination had been to ascertain the status of the wounded personnel that were there in the annex?

A [REDACTED]

[REDACTED]

Q (U) Okay. And then with respect to the 26 or 27 other personnel that were evacuated or that had gone to the annex from the Special Mission Compound, some of whom were already at the annex, some of whom came from the Special Mission Compound, where were they physically located?

A (U) Inside Building Three. There were GRS and a couple of State Department security guys that were on the exterior security of Building Three, but no one was outside the walls of the annex.

Q (U) And so you arrived at roughly 0500 local?

A (U) Yes, sir. I think it was around 0445. It was just before 0500.

Q (U) Okay. And how much light was there at that time? Was it still relatively dark?

A (U) It was dark.

Q (U) Okay. Did you observe or hear any gunfire upon your arrival at the annex?

A (U) Not upon our arrival, but within 5 to 10 minutes after us being there is when those mortars came in. And prior to that there was some sporadic AK and PK fire into the compound.

Q (U) Upon your arrival, I know you were talking with HUSH and

[REDACTED]

[REDACTED]

the team leader was talking with the chief of base, what did you understand about your mission as you were heading from Benina airport to the annex? Was your mission then evacuation of nonessential personnel?

A (U) It was nonessential personnel only prior to that mortar attack happening.

Q (U) So what was the plan, Mr. [REDACTED] if you can recall? Was it to load up those nonessential personnel in that same gun truck convoy and carry them back to the airport?

A (U) It was. We were going to take 14 personnel back with us to the airport, let the jet take off, take them back to Tripoli. We were going to come back to the annex and help hold up with the GRS guys until further notice.

Q (U) Okay. So there would've been some security element remaining at the annex, here in the annex?

A (U) Yes. The majority of those people would have stayed there. Shooters, if you will.

Q (U) And then some security elements with the convoy heading the nonessential personnel back to the airport?

A (U) Yes.

Q (U) And, again, you would see them off in that Learjet?

A (U) Yes.

Q (U) Returning from Benghazi to Tripoli?

A (U) Yes.

Q (U) And then was the plan for that bird to turn and come back

[REDACTED]

[REDACTED]

to Benghazi for a second lift?

A (U) It was not. We had not got that far into the plan, sir. We did not make the decision for that bird to come back. We didn't know how long we were going to have to stay at the annex. We were under the understanding they wanted to stay. They did not want to leave. So we were just trying to get the nonessential personnel out to get further direction from chief of station back in Tripoli on what he wanted them to do.

Q (U) Got it. Whose understanding or whose preference was it that they stay, that you understood? Was that the chief of base? Was that HUSH? Who had stated, "Hey, we're going to remain here and only the nonessentials are leaving"?

A (U) I believe it was the chief of base that wanted to keep some individuals there. I'm sure he was talking with the chief of station in Tripoli, but I didn't hear the conversation.

Q (U) Okay. And, again, this was all prior to the mortar rounds beginning?

A (U) Yes.

Q (U) So your understanding at least was the plan is load up the nonessentials, 14 or so, whatever the Learjet can carry, we'll get them to the airport, they'll go back to Tripoli?

A (U) Yes.

Q (U) Okay. And then at some point the mortar rounds and the mortar attacks began. And if you would, please just talk us through the actions you took or that you observed in that timeframe.

[REDACTED]

[REDACTED]

A (U) Once the mortar round -- the first mortar round hit outside the gate where the convoy was, we saw the vehicles driving away, the gun trucks that were out there driving away.

Q (U) So their allegiance to their commander was overcome by their reluctance to stick around and take mortar shots?

A (U) It was, yeah.

Q (U) Okay.

A (U) I can't remember if one had got wounded, but I do believe later on we found out one of those guys had gotten wounded. So their excuse was they were taking him to -- all of them were taking him to healthcare --

Q (U) Fair enough.

A (U) -- leaving the commander behind.

Q (U) I'm sorry I interrupted. Please continue.

A (U) No, sir. Once the first mortar round hit, we moved everybody back into the center of the house. And myself, my team leader, the GRS Team Lead Tripoli and Benghazi both stayed near the initial entrance, trying to make sure that there wasn't going to be a follow-on attack after the mortars, possibly VBIEDs or suicide bombers coming through the main gate.

(U) I can't remember the direction of the gate right now, the cardinal direction, but there was two main gates to the compound, and we were trying to keep eyes on both. But everybody else was still inside the middle of the house while the mortars were going off.

Q (U) And, again, you mentioned three or four additional mortar

[REDACTED]

[REDACTED]

strikes that occurred after the first one that was long and the second one that was short. And what actions did you take at that point?

A (U) Once the mortar fire had stopped and machine gunfire had stopped, it was probably between 2 and 3 minutes afterwards, we decided to go and find out what personnel had been wounded and their status, and hopefully get them medical care. We took a team of four guys outside the house to go on top of Building Three to assess the casualties from the mortar fire. That was myself, my team leader, GRS Team Lead Tripoli and Benghazi.

(U) We move around to the backside of the house. We climb up a ladder to get to the roof, 15 feet, somewhere thereabouts. There is a large lip as you climb down onto the roof which made kind of a bowl for the mortar round to hit so it caused the shrapnel to bounce around and make it more casualty producing, which was obvious once we got up there.

(U) Everybody was wounded, obviously, from the mortar rounds. Two were passing away as we came up to the roof. One was a walking wounded. He had a pretty decent injury to his arm. I think it was his left arm. And the other individual, State Department individual was laying on the ground missing part of his leg, and heavy shrapnel wounds as well.

Q (U) And so at that point you evacuated the wounded as best you could from the roof?

A [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q (U) Correct.

A (U) -- had came up to the roof. He was at the bottom of the ladder. We asked him to come up and help the walking wounded down and to go back inside and get a litter to get the other wounded off the roof, and informed him the other two were deceased.

(U) We took the deceased's personal effects, weapons, night vision goggles, things like that, threw them off the roof, and then proceeded with medical care on the State Department's individual that was wounded, and then eventually moved him off the roof as well.

Q (U) At that point, what was the direction from the chief of base? Was that when the decision was made to evacuate the annex entirely?

A (U) We did. Once we got back, we decided that the situation we had was untenable to stay at the compound. We didn't have enough shooters and there were too many wounded, and we were definitely going to lose our State Department wounded if we had stayed there much longer. So we were pushing to get out as fast as we could.

Q (U) And who made the decision to evacuate the annex entirely? Whose decision was that?

A (U) That was us as a whole. We had all gotten together in a group and talked about the situation, and we all agreed, the chief of base, both team lead for Tripoli and Benghazi, and myself and my team leader.

Q (U) So that decision was a consensus between the chief of

[REDACTED]

[REDACTED]

base, Tripoli GRS team lead, Benghazi team lead, and your team leader as well?

A (U) Yes.

Q (U) Okay. And so at that point, there were no vehicles to evacuate the annex?

A (U) There was no security vehicles, no gun trucks that would help us get to the airport. And we determined we could probably make it with the vehicles we had inside the compound. They had two to three up-armored vehicles, as I recall, and two or three unarmored vehicles. So we were trying to disperse personnel inside those vehicles or figure out numbers to fit inside the vehicles we had inside the compound. We were going to make a run to the airport, if you will.

Q (U) Was there any resistance to evacuating the annex from any of the OGA or CIA personnel that were there, or was it a unanimous consensus?

A (U) Not that I recall. It was unanimous.

Q (U) Okay. And at some point, do I understand that elements from Libyan Shield returned to assist your evacuation?

A (U) That was a little bit later, sir, after we had already decided we were leaving without them. Our interpreter/case officer was talking to the Libyan Shield commander we had with us about him being on the phone since the attack happened. So we were at first concerned maybe he caused the attack, and then realized that he was just trying to get himself out of there after letting the interpreter listen to what he was saying.

[REDACTED]

[REDACTED]

(U) So he was calling his buddies back to say, "Come get me. You know, obviously there has been some trouble. I need to get out of here." So we were like, "Hey, look, you're not going anywhere without us. You're going to take us to the airport, and here is why."

(U) Again, he said they would show up. He didn't give an exact timeline. Once we had found out he was calling trying to get them back, within 10 minutes they were at the gate.

Q (U) You say within 10 minutes later after he had called and they returned to the annex?

A (U) Within 10 minutes of us finding out what he was doing. He had been calling them all along --

Q (U) I see.

A (U) -- trying to get them back. But within 10 minutes of us actually finding out what he had been doing, they showed up.

Q (U) And at that point then you had sufficient lift capability and fire support capability for that convoy to the annex?

A (U) Yes, sir.

Q (U) And what was directed about actions to prepare for the evacuation? Were you involved in the preparation of the annex for evacuation?

A (U) Yes, sir.

Q (U) And what do you recall having occurred?

A [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

Q (U) Okay. And so at some point you loaded up the deceased, the wounded, the nonessential personnel, and all of the security personnel into that single convoy?

A (U) We did. We lined the trucks up in order of movement. And then everybody that was a non-shooter was in an up-armored vehicle, and all the shooters were in thin-skinned vehicles to be able to shoot out of the cars.

Q (U) And at that point, you convoyed back to Benina airport?

A (U) We did. Libyan Shield showed up. They gave us a lead and rear element outside the gate. We pulled in between the two, and they led us to the airport. And as we were leaving, chief of base set off the destruction plan for the TOC.

Q (U) Was anyone at all left behind at the annex? Was any U.S. personnel left at the annex?

A (U) Not at the annex, sir.

Q (U) Okay. And as far as you knew, there were no U.S. personnel left at the mission compound either, in the consulate?

A (U) No, sir.

Q (U) When you arrived at Benina airport, talk me through what happened there.

A (U) On the way back it was business as usual. The Sun was up and there were -- the town was as it would normally be, I'm assuming.

[REDACTED]

[REDACTED]

We get to the airport, and there are a lot of Libyan Shield militia members waiting for us to come in, probably more people than we would have liked because of cameras, phones, things like that.

(U) We drive directly onto the airfield right back over to the jet and try to get the wounded State Department individual onto the jet. We were trying to keep Lookie Loos away, obviously, but, I mean, the airport is open. They can stand back away from the personnel fence they had made, you know, the Libyan Shield had made, but they were trying to look and see what was going on. So part of the effort was keeping them away and the other part was trying to get individuals on the plane.

Q (U) As we understand, the time of the mortar attack was somewhere around 5:15 that morning?

A (U) Thereabouts, sir.

Q (U) And how long did it take from that mortar attack until the time you all packed up and left the annex in toto?

A (U) From the mortar attack?

Q (U) Correct.

A (U) I want to say about an hour, sir.

Q (U) About an hour?

A (U) I can't remember exactly. I know we got back to the airport around 0730. It was about 35 -- we took a little bit longer route back. Not sure why, probably to avoid downtown areas, but --

Q (U) And so then you loaded the wounded on that Learjet, prepared for transport along with the other nonessential personnel for the first lift from Benina airport back to Tripoli?

[REDACTED]

[REDACTED]

A (U) Yes, sir.

Q (U) And then how was the rest of the party going to proceed from Benghazi back to Tripoli?

A (U) We were asking the pilot to come back and pick us up, once he landed to do a turnaround and come back and take us back as well. The problem was he would not take deceased individuals on his plane, so a lot of the private pilots that were owned by -- you know, private personnel would not allow more than one deceased individual on their plane. Not sure why, but that was the readout we were getting from them. So we were trying to find other planes that would take us at the Benghazi airport.

Q (U) And then at some point the committee understands that a Libyan C-130 was made available?

A [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q (U) Who was that coordination occurring between? Was that your team leader and the Libyans at the hospital?

A (U) That was myself, my team leader, the case officer/interpreter, and Libyan Shield commander.

[REDACTED]

[REDACTED]

Q [REDACTED]
[REDACTED]
[REDACTED]

A (U) We were not talking to anybody at the hospital. We were talking to the Libyan Shield commander and said, "Hey, you need to get him back from the hospital over to here." He was complaining that the hospital was guarded by Ansar al-Sharia and that it wouldn't be that easy to get him back. And we said, "We don't care. If you don't go get him, we're going to go get him."

[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]

Q [REDACTED]
[REDACTED]

A (U) Yes, sir, it was.

Q (U) And how do you understand that that Libyan C-130 was made available?

A (U) I'm not entirely sure, sir. I think it was at Benina already. I don't remember seeing it fly in, although it may have. But I think it was the only functional C-130 they had on the eastern side of Libya.

Q (U) And that C-130 then was provided to you all to load up the rest of the remaining personnel at Benina?

A (U) Yes, it was. They were more than willing to take all of us and the deceased.

[REDACTED]

[REDACTED]

Q (U) And did the C-130 return then to Mitiga or to another airport in Tripoli?

A (U) I think we went back to Tripoli International.

Q (U) Tell me what happened when you arrived at Tripoli International Airport. You were in the second bird, that C-130?

A (U) We were, yes, sir.

Q (U) And what did you do or what actions did you take upon arrival at Tripoli International Airport?

A [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED]

Q (U) The annex there in Tripoli?

A [REDACTED] [REDACTED]
[REDACTED]

Q (U) Were you involved in the effort to evacuate from the embassy to the annex before you left Tripoli to head to Benghazi?

A (U) No, sir.

Q (U) So that all occurred after your departure?

A (U) It did.

Q (U) Okay. So you went from the C-130 back to the annex?

A (U) Yes, sir.

Q (U) And did you remain in Tripoli?

A (U) We did.
[REDACTED]

[REDACTED]

Q (U) You didn't fly onto Kaiserslautern or Ramstein, or wherever the aircraft took off?

A (U) No, sir.

Q (U) Okay. And how long did you remain in Tripoli?

A (U) I think October, late October, sir. I can't remember -- the total time of my deployment was around 4 and-a-half months. I can't remember exactly the date we left.

Q (U) When the party left the Benghazi airport to head back to Tripoli, how many of the State Department people did you know? Did you know the composition of that element that went from Benghazi airport back to Tripoli that you flew with?

A (U) I had not met them before, no.

Q (U) The committee has heard that there were a couple of individuals who may have been contractors to the State Department on that lift from Benghazi to Tripoli. Did you know either of these individuals?

A (U) It was a little bit of a weird situation. Once they found out the jet was leaving, they walked up with suits and rolling suitcases and apparently had been at the airport the entire time. Not sure their role and where they came from, to be honest with you. They kind of came out of nowhere. But they were there, as I understood it, at the airport the entire time, but I'm not sure who they were.

Q (U) They were in Benghazi?

A (U) Yes, sir, they were.

Q (U) So they must have gotten there sometime between 02 and

[REDACTED]

[REDACTED]

0730ish?

A (U) I'm not entirely sure, sir. It was a little weird, and they never really brought it up again who they were or what they were doing there.

Q (U) Okay. But they flew on the C-130 with you and not on the Learjet on the first lift?

A (U) They flew on the Learjet, sir.

Q (U) Oh, they flew on the Learjet, okay.

A (U) Yeah.

Q (U) Was anybody in charge of manifesting the party that went from Benghazi back to Tripoli? Were you performing a manifesting role? Was anyone else in your team?

A [REDACTED]

[REDACTED]

[REDACTED]

Q (U) And so we should be able to identify manifest from both flights, both from the Learjet and the later 130 flight, if they exist?

A (U) Yes, sir, should be.

Q And do you know if those two personnel that showed up with the suits and the rolling suitcases, do you know if they stayed in Tripoli or went on to Germany when that bird later left from Tripoli to Germany?

A (U) I didn't see them after that.

Q (U) Because you were off to the annex?

A (U) We went off to the annex. And they should have been there if they had came back and stayed at the annex, but they weren't. So

[REDACTED]

[REDACTED]

I didn't see them again after that.

Q (U) So they didn't return to the annex with you and the rest of that party. They either went on to Germany or went somewhere else?

A (U) Yes, sir.

Q (U) Okay. And have you seen them since then?

A (U) No, sir.

Q (U) Okay. At any time during these events as they transpired throughout the night of 9/11 and into 9/12, are you aware of any request that was made to the Libyan armed forces for Libyan MiGs to respond to these events?

A (U) No, sir.

Q (U) Are you aware of whether they had any operational MiGs in Libya at the time?

A (U) They had one operational MiG at the time that I knew of.

Q (U) One operational MiG?

A (U) That I knew of, all because I'd seen it doing test flights.

Q (U) And was that MiG located at Mitiga Airport in Tripoli?

A (U) I think it was, sir.

Q (U) Do you have any understanding or awareness of the alert status that aircraft was on?

A (U) No.

Q F(U) rom your own background and operational experience, can you envision where a MiG would've been any value added to the annex defense mission?

[REDACTED]

[REDACTED]

A (U) No, sir, I can't. It was in the middle of a populated area. I can't see what they would've been able to do.

Q (U) Did you return to Benghazi annex at any time on a date anytime after 9/11 of 2012?

A (U) We went back for the FBI investigation, sir.

Q (U) And tell me about what you recall from that return trip. What was your role there?

A [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q (U) And how many security personnel assisted in their visit to Benghazi, if you can recall?

A [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q (U) And that squadron deployed from Sigonella down to Tripoli and then to Benghazi?

A (U) Right into Benghazi, sir.

[REDACTED]

[REDACTED]

Q (U) So they deployed from Sigonella into Benghazi?

A (U) Yes.

Q [REDACTED]

[REDACTED]

A (U) Yes, sir.

Q (U) Okay. And how long was the FBI on site in Benghazi?

A (U) It was that entire day. We stayed there the entire day and came back that evening, sir.

Q (U) So you were there only during a single daylight cycle --

A (U) Yes, sir.

Q (U) -- for the FBI to do its forensic efforts?

A (U) Yes.

Q (U) And then you returned to Tripoli?

A (U) Yes, we did.

Q (U) And remained there until October?

A Yes.

Q [REDACTED]

[REDACTED]

[REDACTED]

A (U) Yes, sir, we did.

Q (U) Okay. And did you learn anything additional that related to the attack such as the location of the mortars or anything else about the attack?

A (U) On the --

Q (U) On that second visit.

[REDACTED]

[REDACTED]

A (U) On the annex, sir?

Q (U) On the annex.

A (U) We did. We were trying to find the location where the mortars could have come from. Speculation only. But, yeah, other than that, that's really all we did to try and find out. I know the FBI went through and they were measuring bullet holes and which direction they came from. We can pretty much pinpoint, if you stood on the roof, where it came from. There was only a few buildings that could see inside the annex, so we knew generally where those shots came from.

Q (U) Is that because you would have to be able to see inside the annex to accurately adjust fire with the mortars?

A (U) From how accurate the mortars were, you would have to have somebody spotting for you to say. For the one to go long, normally what would happen is they would have to know it went long, so someone would have to see it. So one that went long and one went short, and it's called bracketing, so that means normally someone's calling that bracket for you. Says, "Hey, you're long; drop 50. Hey, you're short; add 25."

(U) So that seemed like -- and, again, the pattern, after looking at it, as well, especially from footage shows that long, short, all on target. So that would assume that someone had a spotter.

Q (U) When you say long and short, that typically would imply to me as a trained mortarman that you could kind of know the location that the mortar fire was originating, because it could've been short-long?

[REDACTED]

[REDACTED]

A (U) It could have, sir. We thought we knew -- there was a horse track that was nearby around 600 to 800 meters away, and it looked like that was the best place to shoot the mortars from and it seemed a likely spot. They couldn't see the building itself, but they could see the direction of the building and they could have had anything to let them know where that building was located and trying to adjust fire onto them.

Q (U) And, again, this would've been in the hours of darkness that they were adjusting fire?

A (U) Yes, sir.

Q (U) So clearly they had an FO, a forward observer, a spotter of some sort to adjust that fire. But you never could definitively conclude where those mortars may have been positioned?

A (U) Not definitively. All speculation, sir.

Q (U) Okay. And so what's your opinion on the skill of those who were actually employing the mortars that evening in the attack on Benghazi annex?

A (U) I would say personally that it was probably a skilled mortar team. It's not easy. And you, being a trained mortarman, know how hard that would be to shoot inside the city and get something on target within two shots. That's difficult. I would say they were definitely a trained mortar team or had been trained to do something similar to that.

Q [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

A (U) No, sir. That's why I was kind of surprised. I had not heard of or seen anybody or talked to anyone that had been trained on mortars at all. So it was unusual.

Q [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

A (U) I did hear that, sir.

Q (U) And what's your recollection of that allegation, or what do you know about it?

A (U) I don't know anything firsthand, sir. It was all secondhand information. I'm not sure the conversation that was had with Colonel [REDACTED] but I do know that when we left they were having a hard time getting a hold of their commander. That's the only thing I was aware of them having. And they would not release their 18 Delta without talking to their commander, which we understood.

Q [REDACTED]

[REDACTED]

A (U) Admiral Losey.

Q [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

A (U) Colonel [REDACTED]

Q (U) Colonel [REDACTED]

A (U) Yes, sir.

[REDACTED]

[REDACTED]

Q (U) Did you know him as well?

A (U) I do know Colonel [REDACTED]

Q (U) Did you know him during your time in Tripoli?

A (U) I had known him before that as well. I worked at the MACE in Quantico. He came by pretty often. He started the Marine Corps Martial Arts program, so I was familiar with Colonel [REDACTED] before that.

Q [REDACTED]

[REDACTED]

[REDACTED]

A (U) Not that I know of, sir. I don't think that Colonel [REDACTED] was contacted.

Q (U) Do you know if [REDACTED] had a doctor at the annex in Tripoli? Were you aware of any medical personnel stationed -- permanent personnel -- at Tripoli annex?

A (U) I know the embassy had a surgeon, like a trauma surgeon. I can't remember their name right now off the top of my head, but all the medically-qualified personnel at the annex were 18 Delta-qualified GRS agents.

Q (U) To your knowledge, did the annex in Tripoli ever consider evacuating, or was there an adequate security posture there after 9/12?

A [REDACTED]

[REDACTED]

[REDACTED]

Q (U) You mentioned that the Zintanis and 17 Feb had the exterior security mission for the Tripoli annex. Do you have an opinion

[REDACTED]

[REDACTED]

about their capabilities, their effectiveness?

A (U) We had talked to them before in passing. They seemed capable. I think they had their own equities, obviously, for keeping us safe, but they were doing a good job of it, as far as I could tell. I never passed them sleeping on post or anything like that.

Q (U) And how about the Blue Mountain Group? Did you ever become familiar with somebody called the Blue Mountain Group?

A (U) The name is familiar, but I can't remember exactly.

Q (U) Okay. Did you know the leader of 17 Feb in Tripoli or ever meet Fawzi Abu Khatif?

A (U) Again, that name sounds familiar, sir, but I can't remember meeting him personally.

Q (U) Do you remember having formed any opinion about the leader of 17 Feb, Mr. Khatif?

A (U) No, I don't.

Q (U) I know that you mentioned before leaving Tripoli you were advised there wouldn't be any additional air assets available to support you. Did you renew the request for air support upon arriving in Benghazi?

A (U) We, again, just asked what we had available. We were referring more to ISR and how our posture as a unit had been, knowing that they were going to be relatively quick as well. And thinking that we could possibly have a situation where we had to hunker down inside of Benghazi, it would've been more likely they would've been the first ones there.

[REDACTED]

[REDACTED]

Q (U) When you say knowing the posture of your unit, meaning the unit responding from Fort Bragg?

A (U) Yes, sir. We just wanted to know if they had been blown out or not, and they had. And we had gotten informed that they were moving to Sigonella.

Q (U) Okay. But in specific, other than that unit that was responding from Fort Bragg, did you ever learn about a potential response from the Commander's In-extremis Force also in Europe?

A (U) No, I did not.

Q (U) Are you familiar with the CIF or the -- it's now the Commander's Response Force?

A (U) Yes, sir.

Q (U) And were you aware that when the team from Fort Bragg or squadron back in Fort Bragg was alerted that there was also an alert that extended to the CIF?

A (U) I was aware of the alert, but I did not know they were there before that.

Q (U) You say you were aware of the alert?

A (U) I was. And that was the first time I had known where they were located.

Q (U) Okay. But in terms of any active -- any additional air support, whether AC-130 gunship, armed helo gunship, anything from the Mediterranean, were you aware of any potential for additional air assets from any other source?

A (U) No, sir. They were pretty clear that the timeline we

[REDACTED]

[REDACTED]

were asking for couldn't be met. And I wasn't exactly sure what assets were even available. We were, of course, asking for anything at that point. We weren't very specific with what we wanted, and we were happy with the ISR that we had. That was better than nothing.

Q [REDACTED]

[REDACTED]

[REDACTED]

Q (U) But you didn't know of anything that was available in the North Africa region that could be called to respond to assist you in the way of air support?

A (U) No, sir.

Q (U) When you arrived in Benghazi, were you aware whether MedEvac had already been requested, medical evacuation capability for the wounded that were relocated from the consulate to the annex?

A (U) I knew there was already steps in place to prepare for us to bring wounded back. I wasn't sure exactly what that was.

Q (U) And did you have any sense of the timeline for that response effort either?

A (U) No. I assumed that would be relatively immediate because of the -- we had the trauma surgeon there as well as the 18 Delta that stayed back. So there was no doubt in my mind that when we got back they would be ready for us.

Q (U) Okay. There was a statement that Secretary Panetta made sometime after the attacks in Benghazi, and I want to ask your opinion on this statement. And what Secretary Panetta said is, "The basic

[REDACTED]

[REDACTED]

principle here is that you don't deploy forces into harm's way without knowing what's going on, without having some real-time information about what's taking place. And as a result of not having that kind of information, the commander who was on the ground during that area, General Ham; General Dempsey, the chairman, and I felt very strongly we could not put forces at risk in that situation."

(U) So from your own background and your own operational experience and perspective that night, could the CIF, the In-extremis Force, have provided value to what was going on in that situation in Benghazi?

A (U) In the timeline that we were meeting, I don't think they would have made it in time, sir. I mean, they obviously could have helped, but as quick as we were in and out of Benghazi, I don't think they could have made it. They would've had to have been sitting in the planes ready to go when it happened, which is not likely.

Q (U) So the reality is the CIF wasn't close enough or postured close enough to be able to respond to the situation in Benghazi on that timeline?

A (U) I think had it been prolonged and we had stayed and tried to defend the annex, I have no doubt that someone would have come shortly thereafter. But we were -- I think once the decision was made for everyone to leave as quickly as possible -- I'm not sure the decision that was being made, but I know that -- I'm sure no one knew they could meet that timeline of how quickly we wanted to get in and out of Benghazi. But, again, had we stayed, no doubt that there would've been more than one group coming to help.

[REDACTED]

[REDACTED]

Q (U) Mr. [REDACTED] did you ever participate in an after-action review at some point relating to this operation?

A (U) Yes.

Q (U) And do you know of any security changes or policy changes that took effect that were directed based upon what occurred in Benghazi or through the AAR process?

A (U) Not through the AAR process. I met individuals since then that have had different groups stood up because of what happened in Benghazi just throughout traveling to different embassies.

Q (U) Okay. Are there security changes from your perspective that you would recommend based upon your experience of having gone through this attack and responding to the attack in Benghazi? Are there things that you would suggest that they do differently, State Department do differently, [REDACTED] do differently?

A (U) I think they've done a good job reacting to it. I think all those have probably already been done.

Q [REDACTED] [REDACTED]
[REDACTED]

A (U) No, sir.

Q [REDACTED]
[REDACTED]
[REDACTED]

A (U) Once we got home, sir?

Q (U) Yes.

A (U) We did not specifically for a debrief or an AAR. But

[REDACTED]

[REDACTED]

for memorial services, things like that, we discussed things that had happened, but wasn't an official AAR.

Q (U) Have you ever talked to the deputy CIA director, Mr. Mike Morell, or other CIA management as part of, you know, either attending the memorial services or as part of an AAR process after the attacks in Benghazi?

A (U) No, sir. I spoke with him briefly at the awards ceremony that we had at the building, but that's the only time I've spoken to him.

Q (U) Any recommendations you might offer about how to improve upon or collect and prepare for an attack scenario like this one that occurred at the embassy or at the annex?

A (U) Again, sir, I think all those steps have probably been put in place since then. Recently had one of the individuals from State Department come to work, and I think he is in charge of all the high-risk embassies and consulates at this point. So I think they've done or taken appropriate action.

Q (U) You say -- I'm sorry. I missed that last -- you say because the State Department implemented this -- you knew this individual?

A (U) I just recently met him before I came here. He was at work and asked to talk to me. And then he is in charge of all the high-risk outstations or consulates and embassies, so obviously have more oversight on what's going on because of Benghazi.

Q (U) So this individual here in Washington that has got that

[REDACTED]

[REDACTED]

additional duty, as far as you know?

A (U) I'm not sure where he's working out of. It's probably here. I would assume so, sir.

Q (U) Okay. Do you ever get up to Foggy Bottom to the State Department headquarters?

A (U) Yes, sir.

Mr. Chipman. Okay. I'd like to go off the record, please.

[Discussion off the record.]

[REDACTED]

[REDACTED]

(U) Ms. Rauch. The time is, looks like, 12:20, but I don't think we'll take a full hour, so I think you're good to go here.

(U) Let me reintroduce myself. I'm Laura Rauch with the minority staff. I'm joined by my colleague Shannon Green and our chief counsel, Heather Sawyer. And on behalf of the ranking member, Elijah Cummings, and the other Democratic Members of Congress who serve on this committee, thank you for your tremendous service to our Nation, and thank you for agreeing to be here today to answer our questions.

(U) And my colleague in the last couple of hours did a pretty thorough examination of the narrative. And we appreciate that. And so we just have a few questions for you --

(U) Mr. [REDACTED] Okay.

(U) Ms. Rauch. -- and then we'll wrap this up pretty quickly.

EXAMINATION

BY MS. RAUCH:

Q (U) At the outset of our discussion today, you were asked about a document, an operational narrative --

A (U) Yes.

Q (U) -- and you had -- you said that you had a chance to review it --

A (U) Yes.

Q (U) -- recently. And I just want to confirm that it -- that operational narrative accurately captures your experience.

A (U) It does. It was the -- yeah. It was the soonest thing we wrote. It was within 48 hours of the actual incident, so, yeah, it

[REDACTED]

[REDACTED]

was the freshest on our mind. Everything in there is the best it could be timeline-wise as well.

Q (U) And so you think because of its -- because of when it was written, it was probably one of the more accurate --

A (U) The timeline, definitely. I mean, there was definitely more -- two or three different timelines put out over a period of time, but we stuck to that one only because it was the first thing that was written and it was the best timeline that we had.

Q (U) And once again, just confirming that you stand by everything that's in it at this point?

A (U) Yes.

Q (U) Very good. So setting aside -- moving on to your operations at QRF, setting aside the obstacles that you immediately had to deal with, such as the distance and securing a jet and other logistical challenges that you obviously had in front of you, in your initial push to Benghazi, was there ever a pause in your operation?

A (U) No. It actually moved pretty quickly getting to Benghazi. The pause came after we landed. That's really the only pause we had, and it was --

Q (U) So is it correct to say or fair to say that there was never a moment when you and Team Tripoli weren't doing everything in your power to get to Benghazi as quickly as possible?

A (U) No.

Q [REDACTED] [REDACTED] [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

A (U) Absolutely.

Q A(U) And just can you tell me, were you in continual communications within your -- with your chain of command?

A (U) Yes. Minus being the flight over, we were.

Q (U) So except for the, you said it was a 2-hour flight, during --

A (U) Hour and a half to 2 hours.

Q (U) -- that time is when you couldn't be in communication?

A (U) But that was the only time.

Q (U) That was the only time. Other than that, it was pretty regular. And as they went up, did information come back down between --

A (U) It did. We had pretty much an open phone call. The radios weren't working at the time, our secure radios, so we were using our cell phones. But it would stay -- either I was talking or my team leader talking.

Q (U) Okay. And you said that communication was mostly through cell phones?

A (U) It was.

Q (U) Okay. Very good. So there's been a book published called "13 Hours" --

A (U) Yes.

Q (U) -- by some of the members of the GRS team that served in Benghazi. Have you had a chance to read that book?

[REDACTED]

[REDACTED]

A (U) I've read portions of that book, yes.

Q (U) And so just portions, not all of it?

A (U) I've not read the complete book.

Q (U) Okay. So in that book, the heroics of some of the GRS team who authored the book is showcased pretty front and center, but many others, you and your team included, the task force -- or I'm sorry, Team Tripoli, played a critical role in the successful evacuation of all U.S. personnel from Benghazi. Is there anything that you would like to address in or add to the narrative of the book?

A (U) I would say our narrative follows exactly what happened; the book's, I probably could not say the same. The portions of the book I read didn't seem factual after being there. Obviously, we were on the ground in specific situations they were talking about, and the majority of that book was not factual, because of that. And I can attest to it, because we were there.

(U) Ms. Sawyer. Are there particular things in that regard that stood out to you as not resonating factually with your experience on the ground?

(U) Mr. [REDACTED] I think the fact that some of those GRS agents had said that they were on the roof when their friends passed away or actions they took to secure the compound, things like that, were not factual. I mean, there was more than one or two instances. A lot of it wasn't based on facts, especially after having been there. The majority of the GRS personnel I saw were the GRS team leads. The guys that came with us and some of the ones that wrote the book were not as

[REDACTED]

[REDACTED]

present as they said they were in the book, so I did not give much credibility to that after I read those excerpts of things they were writing that I was actually there for.

(U) Ms. Rauch. Okay. Well, thank you for your candor. And my colleague, I think, had a question.

BY MS. SAWYER:

Q (U) I just had a couple quick questions to follow up on some of the discussion from the last hour. And, you know, again, we appreciate both your candor and your willingness.

(U) From our perspective, there were obviously things that were quite tragic that night. There were also tremendous successes. And you've spoken, I think, very clearly about, you know, the steps that your team took. And I think you described it kind of as how quickly you were in and out of Benghazi and helping get all U.S. personnel -- you confirmed all U.S. personnel had been evacuated.

(U) One of the things that had come up was just with regard to medical personnel who could help attend to the wounded.

A (U) Yes.

Q (U) And you had indicated that, I think, while you were still in Tripoli, you had been given a sense that there was at that point in time one already killed in action?

A (U) There was, yeah. Smoke inhalation, as we understood it, because of the fire.

Q (U) And that had been at the consulate?

A (U) Yes, ma'am.

[REDACTED]

[REDACTED]

Q [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Q (U) And I think you indicated that there was one additional wounded.

A (U) Yes. We were not sure the extent of the injuries or what had happened. We assumed it was moving from the consulate to the annex.

Q (U) Did you have any under -- you said you didn't have a strong understanding of what the extent of the injuries were. Did you understand them to be at that point life-threatening injuries?

A (U) No, no. There were no life-threatening injuries that we knew of. And the one that was already deceased was, you know, obviously too late.

Q (U) And the individual who was injured at that point in time that you had heard about in Tripoli, and to the extent you know, was that person then ultimately successfully evacuated?

A (U) They were. I think it was as they were moving back, one of the guys had fallen over one of the walls. They were climbing some reasonably large walls, so I think that's what they were referring to. No one had any bullet wounds or anything like that of that nature once we got in there.

Q [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

A (U) There were.

Q (U) But aside from the individuals who were then killed in action, were all the other injured U.S. personnel on the ground successfully evacuated?

A (U) Yes.

Q (U) So, you know, it was our understanding -- we've heard some testimony about pretty tremendous, I think, medical attention that was given. Was it your sense that the people who were there kind of pulled together and provided what they needed in order to get everyone, even the injured, back to Tripoli, where they got additional medical care?

A [REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q (U) So with the exception of the individuals killed in action, we -- we, I say that magnanimously -- you all were able to successfully evacuate all personnel, including the wounded, to Tripoli, where they then got life-saving care?

A (U) Yes, ma'am.

BY MS. RAUCH:

Q (U) Okay. Very good. So this is the eighth congressional investigation into the attacks in Benghazi, and there are a number of public allegations and a lot of speculation. While anyone can speculate, there is only a limited universe of people who have firsthand knowledge about what happened. We're asking about these allegations because it's our understanding that all of these continue to be investigated. So I have a series of allegations, some of them you will have knowledge about, some of them won't relate to you at all, but I just ask you to answer them as easily as possible.

A (U) No problem.

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

[REDACTED]

[REDACTED]

assets to help in Benghazi.

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

A (U) No.

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

A (U) No.

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

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

A (U) No.

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

A (U) No.

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

(U) Do you have any evidence that Secretary Clinton misrepresented or fabricated intelligence on the risks posed by Qadhafi to his own

[REDACTED]

[REDACTED]

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

A (U) No.

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

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

A (U) No.

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

A (U) No.

Q (U) A team of CIA security personnel was temporarily delayed from departing the annex to assist the special mission compound. There have been a number of allegations about the cause and the appropriateness of that delay. The House Intelligence Committee issued a bipartisan report concluding that the team was not ordered to, quote, stand down, but that instead there were tactical disagreements on the ground over how quickly to depart.

(U) Do you have any evidence that would contradict the House Intelligence Committee's finding that there was no stand-down order to

[REDACTED]

[REDACTED]

CIA personnel?

A (U) No.

Q (U) Putting aside whether you personally agree with the decision to delay temporarily or think it was the right decision, do you have any evidence that there was a bad or improper reason behind the temporary delay of the CIA security personnel who departed the annex to assist the special mission compound?

A (U) No.

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

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

A (U) No.

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

A (U) No.

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

[REDACTED]

[REDACTED]

A (U) No.

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

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

A (U) No.

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

A (U) No.

Q (U) It has been alleged that ambassador Susan Rice made an intentional misrepresentation when she spoke on the Sunday talks show about the Benghazi attacks.

(U) Do you have any evidence that ambassador Rice intentionally misrepresented facts about the Benghazi attacks on the Sunday talk shows?

A (U) No.

Q (U) It has been alleged that the President of the United States was virtually AWOL as commander in chief on the night of the attacks and that he was missing in action.

Do you have any evidence to support the allegation that the

[REDACTED]

[REDACTED]

President was virtually AWOL as commander in chief or missing in action on the night of the attacks?

A (U) No.

Q (U) It has been alleged that a team of four military personnel at Embassy Tripoli on the night of the attacks, who were considering flying on the second plane to Benghazi, were ordered by their superiors to stand down, meaning cease all operations. Military officials have stated that those four individuals were instead ordered to remain in place in Tripoli to provide security and medical assistance in their current location. A Republican staff report issued by the House Armed Services Committee found that there was no stand-down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi.

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

A (U) No.

Q (U) It has been alleged that the military failed to deploy assets on the night of the attack that would have saved lives. However, former Republican Congressman Howard "Buck" McKeon, the former chairman of the House Armed Services Committee, conducted a review the attacks, after which, he stated, "Given where the troops were, how quickly the thing all happened, and how quickly it dissipated, we probably couldn't have done more than we did."

[REDACTED]

[REDACTED]

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

A (U) No.

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

A (U) No.

Q (U) Very good. So that ends our questioning.

A (U) Okay.

Mr. Chipman. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(U) I served in your command 20 years ago. At the time, we referred to people like you as genetically superior national assets, we referred to the staff as locally inferior regional liabilities. I think that your appearance here today reflects the soundness of that observation. I think, if anything, your command has gotten better in the 20 years since I've seen you, and I just want to thank you for your service to the Nation, your continued service ahead, and for what you've done for all of us.

ZI265001) (U) Mr. [REDACTED] Thank you, sir.

[REDACTED]

[REDACTED]

(U) Ms. Rauch. All right. Thank you very much.

(U) Mr. [REDACTED] Thank you very much.

[Whereupon, at 12:37 p.m., the interview was concluded.]

[REDACTED]

**INTERVIEW OF
LIEUTENANT GENERAL MICHAEL
FLYNN**

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, SEPTEMBER 29, 2015

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

CHRIS DONESA, *Deputy Staff Director*
DANA CHIPMAN, *Chief Counsel*
MAC TOLAR, *Senior Counsel*
SARAH ADAMS, *Investigator*
HEATHER SAWYER, *Minority Chief Counsel*
PETER KENNY, *Minority Senior Counsel*
SHANNON GREEN, *Minority Counsel*
LINDA COHEN, *Minority Senior Professional Staff*
LAURA RAUCH, *Minority Senior Professional Staff*

FOR THE DEFENSE INTELLIGENCE AGENCY

* * *

[REDACTED]

Mr. Tolar. All right. Let's go on the record. This is the transcribed interview of Lieutenant General Michael Flynn conducted by the House Select Committee on Benghazi. This interview is being conducted voluntarily as part of the committee's investigation into the attacks on the U.S. diplomatic facilities in Benghazi, Libya, in September 2012, and related matters pursuant to House Resolution 567 of the 113th Congress and House Resolution 5 of the 114th Congress.

General Flynn, would you please state your full name for the record.

General Flynn. Michael Thomas Flynn.

Mr. Tolar. Thank you, sir. On behalf of Chairman Gowdy and this committee, we appreciate your time and willingness to come in and talk with us today. My name, again, is Mac Tolar, and I am an attorney with the committee's majority staff. At this time, I'm going to ask everyone in the room to go around and introduce themselves for the record.

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

Ms. Adams. I'm Sara Adams with the majority staff.

Ms. Rauch. And Laura Rauch with the minority staff.

Mr. Kenny. Peter Kenny with the minority staff.

Ms. Sawyer. Heather Sawyer with the minority staff.

Ms. Cohen. Linda Cohen, minority.

Mr. [REDACTED] [REDACTED] deputy general counsel, DIA.

Mr. Donesa. I'm Chris Donesa with the committee staff.

Mr. Tolar. Thank you all. At this time, I want to go through

[REDACTED]

[REDACTED]

a few procedural issues, sir, before we get started.

Generally, the way the questioning proceeds, is that a member from the majority will ask questions for an hour. At that time, the minority staff will have an opportunity to ask questions for an hour. We will go back and forth until we have concluded all our questions.

We will rotate -- let's see, questions may only be asked by a member of the committee or a designated staff member. In terms of -- unlike depositions or testimony in Federal court, a transcribed interview by the committee is not bound by the rules of evidence. You or your counsel may raise objections for privilege, subject to review by the committee chairman. If the objection cannot be resolved in the interview, you can be required to return for a deposition or hearing. That said, members and staff of the committee are not permitted to raise objections when the other side is asking questions.

As you can see, Catalina is transcribing verbatim everything that we say here today. As such, we would ask you to please give verbal responses such as yes and no to all questions. Please avoid nodding your head or saying "huh-uh," or otherwise she is going to give me a dirty look and make me call you out on that.

You are welcome to confer with your counsel at any time throughout the interview. Just let us know and we will be happy to go off the record and stop the clock and provide you with an opportunity to do so.

We will also take breaks whenever it is convenient. This can be every hour after questioning, after a couple of rounds, or whenever

[REDACTED]

you prefer, just let us know.

General Flynn. Okay. Can I ask one question?

Mr. Tolar. Sure, yeah.

General Flynn. So in terms of counsel, Brenton represents DIA.

Mr. Tolar. Okay.

General Flynn. Not me. So I don't have a counsel here today. I understand he's representing DIA just as a -- I guess as a courtesy.

Mr. Tolar. Thank you for clarifying that for the record, sir.

General Flynn. Okay.

Mr. Tolar. I would ask you to answer all questions in the most complete and truthful manner possible. We will take our time and repeat or clarify any questions, if necessary.

If you don't understand a question, I would just ask you to please let us know. If you honestly do not know the answer, that's okay. Just please don't guess. Give us your best recollection or indicate who you think might be better poised to answer that question.

Sir, do you understand that you have an obligation to answer questions from Congress truthfully?

General Flynn. I do.

Mr. Tolar. Do you understand this obligation extends to congressional staff in an interview such as this one today?

General Flynn. Yes.

Mr. Tolar. Do you understand that a witness who knowingly provides false testimony could be subject to criminal prosecution for perjury or for making false statements?

General Flynn. Yes.

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

General Flynn. None.

Mr. Tolar. This interview will be conducted at the TS/SCI level. That is the end of my preamble.

Do you all have anything to add?

Ms. Sawyer. Not at this point. We'd just thank you for being here today and look forward to hearing your testimony.

General Flynn. Okay. All right.

Mr. Tolar. I've got 9:06 in the a.m. Let's start the questioning, please.

EXAMINATION

BY MR. TOLAR:

Q Sir, first off, I want you to talk to me a little bit about your background in both the intelligence community as it relates to military operations, just kind of walk us through how you got to where you are today?

A Okay. I have 30 -- just slightly over 33 years in the Army. I have 16 years at a place called Fort Bragg, North Carolina, so in an organization like 82nd Airborne Division, 18th Airborne Corps, Joint Special Operations Command. I have served overseas in the 25th Infantry Division.

I have multiple tours in Iraq and Afghanistan, almost 5 years in Iraq and Afghanistan. I have had tours as a trainer at the Joint

Readiness Training Center, twice at the Army's intelligence center, once as a young officer, and then I went back later on as the commander for the Intelligence Training Brigade there. And most recently, I have had assignments as the senior intelligence officer for the Chairman of the Joint Chiefs, senior intelligence officer or assistant director of National Intelligence for Partner Engagement over in the DNI side, so at the national level, and then as the Director of the Defense Intelligence Agency, so -- and that was the sort of the culmination of my career was the -- was my final assignment as the Director of DIA.

And you know, just accumulated, you know, a range of training experiences, educational experiences, had the opportunity to get three master's degrees that the government supported me on, and just other, you know, awards and decorations that go with a typical long career like that, so --

Q What was your billet immediately prior to taking over as Director of DIA?

A Yeah. It was the assistant director of National Intelligence for Partner Engagement was the title.

Q Talk more about what that is and what that entailed?

A Yeah. So I was responsible for international military and domestic engagement, which one of the big roles was I ran the information sharing board for the National Intelligence Community, which is a really important, you know, component where we decide how we are going to share intelligence with other nations and with inside of our own intelligence community, and with inside of government.

It was -- gave me -- it gave me a perspective of certainly the international community, and probably even greater perspective of our domestic law enforcement community, including the Department of Homeland Security and the Department of Justice. I worked very closely, for example, with the FBI in that role.

Q In that role, can you talk a little bit more about the IC community in terms of our operations overseas, how that interface occurred?

A Sure.

Q Did you implement any changes? What did you -- did you see challenges and --

A Yeah.

Q -- are there challenges that still exist today, et cetera?

A Sure. One of the biggest challenges is information and intelligence sharing. It still exists today. It's a cumbersome process, sometimes for the right reasons, sometimes just because we are -- we have a, you know, an enormous bureaucracy and a whole range of, you know, interagency processes that get through.

So how it -- how it generally works is there are policies that you put in place or that are already in place, and you execute those policies to the best of your ability.

In times of crises, which seem to be, you know, damn near every week, if not, certainly every month, you are always having to have a crisis response meeting, and make decisions about [REDACTED]
[REDACTED]

[REDACTED]

[REDACTED] And you are in a fairly daily contact with your counterparts in the Department of Justice, Department of Homeland Security, Department of Defense, and also, all of the other sort of big intel agencies, you know, that we have in the U.S. Government.

So a pretty robust position. I was actually assigned to it as the first ADNI partner engagement, so assistant director of national intelligence. Jim Clapper, the current Director of National Intelligence, created the position and asked me to fill into it and then kind of -- and basically define it.

Q Okay. You had -- am I correct, and you had a couple of tours at DIA early in your career?

A Yeah. I mean, I -- you know, if you consider my job, my assignment at CENTCOM where I was the J2 at Central Command, you know, as a military officer, you are really assigned to a joint billet in support of the commander, but your intelligence support comes from DIA. And, in fact, the year that I was at CENTCOM was the year that the Department made the very significant change to align all of DIA, the civilian structure underneath -- underneath the Defense Intelligence Agency, the Department decided to do that, and then basically align them with the J2.

My second time working directly for DIA was as the J2 on the joint staff, senior intelligence officer to the chairman. That billet is actually not a joint staff billet. That billet is a deputy director to the DIA with an assignment to the joint staff. Not a lot of people

[REDACTED]

know that.

Q How long was that tour?

A That tour -- CENTCOM was a year, and the joint staff was 1 year.

Ms. Sawyer. Mac, just for a moment, I just wanted to make sure we had an opportunity to introduce to the witness Congresswoman Duckworth from Illinois.

General Flynn. Hi, how are you?

Ms. Sawyer. Who is here as also a veteran of the Armed Forces.

General Flynn. Good. Super.

Ms. Duckworth. Thank you for being here, General.

General Flynn. Yeah, thanks. Thank you.

Mr. Chipman. General Flynn --

General Flynn. Thank you for your service.

Mr. Chipman. -- during your time at CENTCOM, was this when CENTCOM was also actively managing theaters of operation in both Iraq and Afghanistan?

General Flynn. Absolutely. Oh, yeah, yeah. And also, at that time, CENTCOM still retained six countries in East Africa, so that was -- that was also during the period of time when we transitioned from some of the countries at CENTCOM, essentially, had in its AOR to Africa Command, and that was a big deal, too. So yeah, I mean, we had significant operations -- significant combat operations still ongoing in Iraq and in Afghanistan.

Mr. Chipman. And by AOR, you meant CENTCOM's area of

responsibility?


General Flynn. Yeah, yeah, sorry.

BY MR. TOLAR:

Q Sir, prior to joining DIA in 2012 as a Director, talk a little bit about your background as it relates to intelligence collection, analyst reporting with regard to Libya. What kind of association or work did you do in Libya or about Libya?

A Sure. I would just say that, first of all, you know, the very front side of your question, I mean, I have extensive experience training, you know, doing the job of an analyst, the collection management component of intelligence operations, running -- running not only, you know, very tactical level efforts, intelligence efforts, you know, intelligence, counterintelligence, physical security, special security operations, intelligence surveillance and reconnaissance, but all the way up to the national level, you know, building out architectures for combat zones as well as for entire theaters of operations. So I have had my hands in or have done some of that quite a bit.

In terms of Libya, I think that the majority of my time directly related to Libya really started when I was in Iraq, because many of the individuals who we were after or we captured or killed were from Libya. Many of the senior leaders of Al Qaeda were from Libya,



[REDACTED]

So a lot of experience studying the situation in Libya as it related to how it affected and impacted our operations in Iraq. Many of the leaders, as I said, not only at the Al Qaeda level but -- and I am talking about the senior Al Qaeda command and control, but also, many of the individuals who were leading Al Qaeda in Iraq were from Libya, and Libya was a transit point for foreign fighters coming in at that time, you know, and this is 2004 to roughly probably 2010, you know, [REDACTED]

[REDACTED] but you know, paid a lot of attention to Libya because of what it represented in terms of the fight that we were having inside of Iraq.

Mr. Tolar. Just spending -- go ahead.

Mr. Chipman. Just one question I will try to get the context here.

General Flynn. Yeah.

Mr. Chipman. And so this time when you talk about capture and kill operations with Al Qaeda operatives in Libya, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

And then I went from there to CENTCOM, and then from CENTCOM to the joint staff. So my -- you know, so I never broke contact with -- because I -- you know, Iraq was still the main effort at that time for the Nation, and so I never really broke contact from the time

[REDACTED]

I was at [REDACTED] till I actually ended up going become to Afghanistan in 2009.

BY MR. TOLAR:

Q Have you ever been to Libya?

A I have not.

Q When did you report in as Director of DIA?

A It was -- I think it was 24 July 2012. I think that was the date. July 2012.

Q If you will, once you came aboard as Director, kind of walk me through your daily routine?

A Yeah, my daily routine was probably, you know, it started at about 5:00 in the morning, and it would typically -- you know, it would typically end at about 1900, you know, 2000, but you know, I had, you know, in my home, which is part of the problem, you know, you end up with, you know, communications systems at your home. I lived over on Fort McNair, and so you are never out of touch. And you are just never -- in that job, you are never out of touch.

Q Talk to me a little bit about in terms of what kind of products you reviewed on a daily basis. Was there a morning briefing for you? Was there a morning read book?

A Yeah.

Q Were you looking at --

A Yeah, every day, for the most part, I was pretty religious about reading the Presidential Daily Brief. I was one of the few that had the privilege of having access to that, and so I -- as you know,

if I was -- if I was here in D.C., and sometimes I actually did get pieces of it overseas or other times when I traveled, it was harder, but I would typically, you know, after my morning normal routine of some PT, you know, I would go out for a run, I would come in, and I would read the PDB, and that usually would take me about 30 to 45 minutes, maybe sometimes an hour, depending on the substance that was in that book.

That was my -- that was my typical start of the morning before I would drive in to different meetings and updates and things like that.

Q When did you leave DIA?

A I left DIA 4 August 2014.

Q There have been several congressional inquiries regarding the events surrounding the attacks in Benghazi. Am I correct in saying that you've never testified before Congress in any of these inquiries?

A You are correct.

Q Were you even asked?

A No.

Q Do you find that peculiar?

A Very peculiar.

Q Why do you say that?

A Well, because I just think that as the head of one of the intelligence agencies, I just found it stunning that -- you know, and I was prepared to do that, but just, you know, was never asked.

Q Okay.

A And you know, I -- people go, well, why didn't you say

something? Well, I mean, you know, I was in multiple conversations with our leadership, but nobody ever said, hey, we want you to come over, and nobody from -- nobody from the Hill ever said, you know, let's -- what does DIA think?

Q Sure.

A At least not to me.

Q Yes, sir. Talk to me briefly about the mission at DIA, a little bit how DIA fits into the intel community.

A Yeah.

Q Those kind of things.

A So two roles. One, I am the -- the DIA has its own responsibility to run itself as an agency, so the Director is responsible for [REDACTED]. Things like the defense attache system around the world is under DIA. Our real mission is to provide really strategic indications and warnings for conflict and any particular threats to our country around the world 24 hours a day, 7 days a week.

We have a range of capabilities. Probably the most important capability that we have is we are one of three -- but we are one of two of the largest all-source intelligence agencies, not only in the United States, but in the world. So that is the DIA side.

The other -- another hat that I wore was I was the chairman of the military intelligence board, which set standards, policies, procedures for all of military intelligence. So essentially, I am the senior military intelligence officer for the Department of Defense in [REDACTED]

that role and ran a -- you know, a very, I thought, good process with all of the other senior intelligence leaders within the Department on a fairly routine basis to just make sure that, you know, resources were argued for appropriately, we understood the direction that each service was going, and also, daily, sometimes -- sometimes daily, definitely weekly interaction from DIA through the joint staff to the combatant commands.

So we have 11 -- 11 four-star commands around the world. You know, a couple of them are functional commands like Korea, but then I include that in the 11 as a sort of a combatant command level, but those 11 four-stars are also part of that sort of daily, you know, interaction, frankly, and it is either -- that interaction, you know, there is the formal processes and the meetings and the routine and the battle rhythm that we have, but there is also just the constant communications with VTCs, and of course, email, Tandberg sessions based on crises that are going on around the world. And just, you know, I mean, these last few years, I think as everybody has seen, is probably some of the most complex times we have faced.

Mr. Chipman. Sir, you talked about an all-source intelligence agency, and I think you meant that the CIA and the DIA are the two all-source intelligence agencies within the intelligence community?

General Flynn. Yeah. And that -- yes. So there is a third one, and that is the State Department. The State Department has a small, we would call it an all-source intel agency, and they are actually -- you know, my read of them and using them and communicating with them and

being briefed by them over the years, and they are actually pretty effective, good professional people over there, but they are small, very small, and they are focused on, really, the State Department; whereas the DIA, the Defense Intelligence Agency and the Central Intelligence Agency, you know, have large all-source intelligence analysis capabilities, and I like to say that they are -- they should be competitive with one another, because, frankly, our views will be different, will be different, and the defense side, because of the -- because of the scale of the Defense Department and the role of the defense intelligence beyond DIA, it's much larger actually.

Mr. Chipman. Okay. And by all-source intelligence, what does that mean?

General Flynn. All-source intelligence means you look and you bring in every form of information that is possible to support the intelligence assessments that you would craft for your decision makers. So that would mean things like signals intelligence, counterintelligence, human intelligence, imagery intelligence, open source, multiple open sources of information, you know, that you have that is called MASINT, which is measurements and signatures intelligence, you know. You have all the space-based stuff, so there is an enormous amount of intelligence that is brought together, and the Defense Intelligence Agency and the Central Intelligence Agency have those roles and responsibilities for the U.S. Government. One is CIA is national, and DIA would be defense.

Mr. Chipman. Thank you.

BY MR. TOLAR:

Q Would you talk about DIA's mission versus military intelligence mission? Is there overlap there? How much coordination is done, et cetera?

A Yeah. There's a lot of overlap, and you know, sitting here today in looking at it, and there is probably, at times, too much, but the coordination, I think, is really -- I think the coordination is actually pretty effective.

Now, the best coordination is not necessarily at the leader level. The best coordination actually happens at the analytic level because analysts just have a knack for developing their own networks inside of the sort of the, you know, the subtext to, you know, leaders getting together in a room and going, okay, is this what we want. The analysts down at the engine deck, or the engine plate level, they actually have a very effective network and they communicate very well, so that happens more than daily. That happens on almost a constant basis, particularly those who are paying close attention to, you know, their particular areas of the world.

Q Talk to me a little bit about what section in DIA or group or organization handles Libya specifically.

A Yeah. So in DIA, it would be -- today would be the MARC, which is the Middle East Africa Regional Center. Middle East Africa Regional Center. And you know, at the time that we are really talking about, we had not gotten to that organizational construct yet. We still had just what I would just call DI, defense intelligence element

[REDACTED]

of our all-source component, and we had a sort of a North Africa desk, if you will, that handled North Africa and handled specific things like AQIM, you know, and the various other AQ networks.

Q With the rise of the Arab Spring and the Libyan revolution, did you find that North Africa desk bumping up in resources and personnel and things of that nature, or did you stay the course?

A Well, I tell you, no, we went through a radical basically reorganization, and -- because what I saw in my time in combat and my time in places like Central Command, places like the joint staff, I found the structure of defense intelligence very cumbersome, and not focused on providing really good connections between national and the warfighter. So I wanted to focus more on the warfighter, and you know, and figured if we did that, we would provide better assessments for the, you know, for the decision makers that we had, everybody from the chairman to the Secretary to the DNI.

And so we went through a bit of a restructuring and created what I just mentioned a little bit earlier was this Middle East Africa Regional Center, and that basically -- that particular one, because there is five of them, that particular one overlapped three combatant commands because, [REDACTED]

[REDACTED] So this overlapping of the commands I always saw presented problems, especially when I was at Central Command and at the joint staff.

So what we were trying to do was create sort of umbrellas over [REDACTED]

those where they overlapped to try to make sure that we were more seamless in what we were doing to share, talk about, assess intelligence.

Q Did you utilize a Red Team concept for Libya?

A No, I don't -- I wouldn't say we did. I wouldn't say we did. Our counterterrorism task force inside of DIA, I thought, had a really good -- we called it JITFCT at the time, now it's called DCTC. JITFCT was basically the Joint Interagency Task Force for Counterterrorism. Now it's national -- now it's DCTC, which is Defense Combating Terrorism Center, so we just adjusted the name, did some other things with them, but I thought they had a very, very good read on the situation in North Africa and the situation in Libya.

Q You talked about the challenges that the ground forces have getting intel potentially. Do your DIA analysts have access to operational traffic, operational information?

A Yes.

Q Did it exist prior to the attack?

A You know, I don't know. I mean, you know, if you were to say operational traffic, if they had -- you know, I mean, if there were military forces on the ground, they likely had -- they likely had access to some of that reporting. They likely had access to some of that reporting, and that would help them in their overall determination of assessments that they were going to make.

I mean, one of the things that we're very concerned about, you know, and still are, is the return of GTMO detainees, as an example,

to the battlefield, and we were tracking a number of them that were in various parts of that part of the world, and always trying to figure out whether or not they were going to return to the battlefield, and in some cases, they did.

Q Prior to the attack, do you have an appreciation as to how often combatant commanders would request products from DIA?

A I would say they would get them daily. Oh, yeah. Combatant commanders would get a DIA product daily.

Q Was that just a product you all generated on a regular basis or was that a specific request from the combatant commanders?

A Probably a combination. I would say a combination. I mean, you know, they would have -- they would have something specifically that they would ask for, and, you know, and then the machine -- the DIA system would prepare it for them, you know, a specific question maybe on an individual for a particular weapon system or whatever, or a particular area of their area of responsibility that they wanted specific information, so that would be prepared as a special product. But every day, they -- they likely saw something that was created by the Defense Intelligence Agency, you know, system that we had.

Q Was there a single specific daily product that DIA produced that was disseminated throughout the ranks or was it a multitude of things?

A It is a multitude, but specifically, we do something called the Defense Intelligence Digest, an acronym is the DID; and then the

other one is the chairman's briefing, so the daily chairman's briefing, and I've always called it the most widely read intelligence product in the world, and DIA produces that, and that --

And I have seen -- I have used them,

So I mean, so that -- those two products, the DID, other, you know, specialty products and the chairman's briefing, those are daily.

Q Sir, at this time, I just wanted, for the record, recognize that Congressman Westmoreland has joined us, as well as Congressman Schiff.

A Good. Okay.

Q Talking about -- we move on from combatant commanders. Would the OSD or DNI or NSC or any of those organizations typically request products from DIA?

A Yes, they would. They would see them. I mean, you know, I don't know exactly what they -- what their sort of daily, you know, briefing books or whatever. You know, I do know that the USDI and the DNI both have access to the PDB, but in terms of what they -- what they read on a daily basis, would they request products from us? Absolutely, yeah.

Q Same goes for the Department of State?

A Department of State, absolutely.

[REDACTED]

Q Prior to the attack, did you ever have any discussions with anyone at the Department of State about Libya specifically?

A No, none that I can remember.

Q And in terms of the products, I assume the President's administration would also receive something?

A Oh, yeah. I mean, you know, again, the Presidential Daily Briefing is supposed to be an accumulation of the products prepared by the whole of the U.S. intelligence community, and if it's a specific product like a [REDACTED]

[REDACTED], and that might be -- that might, you know, get raised to the level of the President of the United States. But mostly the products were -- normally, they were all-source products, and those all-source products means that they are prepared by the entirety of the intel community.

And again, back to what I talked about earlier, CIA and DIA were the two all-source agencies. And in those all-source products, if there is a -- if there is a difference like, you know, if there is some other -- if somebody has a difference of opinion, so if DIA did not agree with CIA, that either can be told by the briefer to the President or it's stated right in the product itself.

Q So the product, especially the PDB will have counter arguments?

A I should, it should. Yeah, any counter argument should be [REDACTED]

presented. If it's not, it's irresponsible.

Q Prior to the attacks in Libya, did you ever have any discussions with Michael Vick or anyone else from the administration about Libya?

A Michael Vickers?

Q Vickers, excuse me.

A Yeah, yeah, yeah. No. No.

Q When you came aboard at DIA, did you have a feeling that DIA was being utilized properly based on their expertise and abilities?

A Well, I thought it was -- I felt like DIA needed a shot of energy and a refocus on our warfighting commands. That is what I really believed. That is where I came from, and frankly, my conversation with -- my one conversation with Secretary Panetta early on, before I even took over, you know, we talked about that.


So you know, my emphasis was going to be to bring a, you know, some energy into it, retool it and focus on our warfighting commands because the problem that I saw, certainly, and I think in the collective sense, I saw the environment that we were operating within growing more complex, particularly on the, you know, the Islamic radical -- the growth of radical Islam in terms of just number of organizations that, you know, frankly, had doubled over the time before I even took over.

In addition to what other countries were doing, what the [REDACTED] and all the different aspects of what we were involved in, I felt that there was this too -- for the DIA, I felt it was too much of a Washington focus, and I saw that.


I mean, I saw that in my own, you know, my own processes, my own assignment history that I had, certainly the previous, you know, probably 8 years.

Q You touched on, a few minutes ago, about the differences between CIA and DIA. Kind of flesh that out a little bit more in terms of how they go about their collection methods, or not their sources of methods, per se, but how they do their approach to that kind of focus.

A Yeah, DIA and CIA, you know, for the most part, you know, are supposed to have access to, for the most part, because there is always some other sensitive, you know, intelligence sources that are out there that are just going to be kept so sensitive, but for the most part, DIA and CIA analysts have access to essentially what each other has seen.



But for the most part, I would say, you know, 90 to 95 percent of their -- of the information and the views are certainly shared



amongst each other, and that is why I think, you know, like I like to say sometimes, I think that between the CIA and the DIA, you know, if I were in a senior leadership position, I would want to know what are -- you know, do we agree, do we disagree, you know, why do we disagree if we do because the presentation of opposing views, what I call competitive intelligence, is critical.

Q Do you typically coordinate collections efforts?

A Yes. One of the hats that I wore as the head of Defense Intelligence Agency was I was the -- essentially, the collection manager for the Defense Department, so we set broad, broad priorities, you know, down at the -- down at the warfighter level they would set very tactical, some operational priorities, but yeah. So we would -- and then that would be based on, you know,

, so yeah.

Q Did you have regular meetings or phone conversations with the Director at CIA?

A Not really. Periodically, you know, we set the national HUMINT board together, and a phone call here and there based on what was happening. If something was going on, you know, in the world, you know, we would likely communicate, but some of it, you know, as long

[REDACTED]

as my, you know, sort of the key deputies for me were my head of defense analysis, and as long as they were talking to their colleagues over at the Agency, over at CIA, you know, I was confident that there was a good line of communications opened up.

Q In 2012, did you ever have a conversation with either Mr. Morell or General Petraeus about Libya?

A No, not at all.

Q I want to talk a little bit about military capabilities. Talk to me about -- do you all monitor military asset locations around the world at DIA or you just rely on a document from DOD itself?

A I mean, define military assets.

Q Well, I mean, locations of military organizations, units?

A Oh, yeah, yeah, yeah. I got you. I got you. So the defense attache systems belongs to DIA, okay, and I think there were -- I think it's 142 countries. So defense attaches in a country, you know, are supposed to have knowledge of where, you know, Department of Defense assets are in that particular country. They typically do. [REDACTED]

[REDACTED]

Q As Director of DIA, did you have an appreciation of what kind of quick response forces were readily available for hotspots around the world --

A Sure.

Q -- if we had personnel there?

A I am very aware of what crisis response elements we have, [REDACTED]

call them CREs and other, you know, where we have, you know, assets generally postured or based for quick reaction to, you know, to emergencies, sure.

Q Do you recall what CREs were available in September of 2012?

A Well, there is always supposed to be one available to every combatant command, so a CRE should be available to every combatant command. You know, I don't know, because of the -- because we were tapping into some of those crisis response elements just because of need in places like Iraq and Afghanistan, but every geographic, so every geographic combatant command, so AFRICOM, CENTCOM, EUCOM, specific command, would have a crisis response element, usually part of their special operations forces.

Q Were you tracking the military response on September 11 as well?

A I was not. I was not. I was -- I know that I was asking about it, but I was not tracking it specifically as to, you know, what was happening. I think for me, it was just to -- you know, it was to get informed about what was going on because it was as much about -- you know, it was as much about what was happening in Libya because it was -- it just didn't sound really that things were going, you know, all that well with Benghazi, but there were other things happening.

And, of course, one of our -- one of our number 1 things

really is always about safety of our people, probably number 1. In fact, it is the number 1 priority, and accountability, so do we have -- you know, do we have accountability of everybody? Are they in a place where they are relatively safe? And then you can go from there.

Q Okay. Subsequent to the attack, whether it was weeks and months or whatnot, did you ever have an opportunity to go back and review the military response in terms of the timeline, et cetera?

A Yeah. I have looked at it. I have looked at everything on that, yeah.

Q Did -- do you have any concerns about what you saw in terms of how we responded? For example, do you have concerns about potential delays in the VOCO or delays in the vocal order, delays in the in-hour establishment or delays in the air response, do you have any concerns about something like that, what you saw?

A Yeah. So let me give you a little bit of experience first.

So I understand rapid deployment very, very well, and I understand posturing forces for rapid deployment in times of emergency, so I have a lot of experience here.

My principal concern, kind of in hindsight, and really even at the time, because it was like, you know, it was -- we -- when it all began, you didn't know how long it was going to go on, so -- so you know, you are -- you know, you are, frankly, it's other people's responsibilities to deploy and to decide to deploy forces, but certainly, in hindsight, nobody really knew how long this thing was

going to last.

So I mean, you do everything you can to protect, you know, lives of American citizens around the world. I mean, that is the nature of why we have these rapid response forces, especially in the case of a United States Ambassador's life who is at risk, you know, and then subsequently he was murdered.

Q In addition to the crisis response elements that were launched, do you believe that other elements should have been launched or mobilized?

A I believe that we could have used a lot more imagination, yeah.

Q Could you flesh that out for me?

. But you know, in addition to other capabilities that may have been postured, you know, and the time-distance factors were, I know, extensive, but you know, you do everything you can to, you know,

to protect American citizens abroad.

I mean, one of the things -- one of reasons why we do things like we do, even though the calvary may not show up in time, is so the next time we put people's lives in a difficult place, they know that somebody is going to actually come for them.

Q Did we do everything we could?

A I don't -- I don't personally believe we did.

Q What else do you think should have been done?

A That is my --

Q I mean, you talked about using more imagination, but can you give me specifics about what you think we should have done?

A I mean, I don't know. I would say anything from, you know, putting aircraft up in the air, getting, you know, posture -- you know, literally committing more forces, even into Tripoli, I mean, just to show that we were not going to stand for the murder of an Ambassador. I mean, even after it all sort of -- even after the dust settled, which I think was like, I don't know, 5 or 6 o'clock the next morning their time, you know.

Mr. Westmoreland. Sir, I'm Lynn Westmoreland, and thank you for your service. I was just at Suda Bay in Crete.

General Flynn. Right.

Mr. Westmoreland. That is probably a less than an hour's flight to Benghazi.

General Flynn. Uh-huh.

Mr. Westmoreland.

[illegible]

[REDACTED]

[REDACTED]

Mr. Westmoreland. You know, I don't know if that is right or not. I think -- I don't know if Suda Bay is part of EUCOM or AFRICOM because I know that Egypt --

General Flynn. Uh-huh.

[REDACTED]

Mr. Westmoreland. -- is part --

General Flynn. Central Command.

Mr. Westmoreland. Yes.

General Flynn. Egypt is Central Command.

Mr. Westmoreland. Yes, Central Command. And so I don't know -- I can't remember which one it is, but I just -- I didn't know if -- or I guess my question is, who would have known those assets were there.

General Flynn. Well, I think that the operational leadership in certainly our combatant commands should know where all friendly assets are all the time, and those are -- those should be judged -- those should be available at the various operation centers, so --

Mr. Westmoreland. [REDACTED]

[REDACTED]

General Flynn. I personally, Congressman, I personally don't think that this was an intelligence issue. I think that this is an operational -- what you are getting at is this is an operational decision, and number 1, is to understand where all of your capabilities are in a time of crisis, you know; and the second part of that is -- that understanding is knowing what are their abilities and capabilities to be able to be employed if they had to be employed, how far could they

So that is a -- those are operational decisions and operational understanding, and I think, you know, as you guys go through this, you know, those are questions to ask. The intelligence piece of this from what we knew prior, you know, from really January, I think, because that is kind of where I -- I went back and looked at the January timeframe, 2012, up to the attack itself, and then even subsequent and even past, you know, post the attack, what did we know. And I thought we know -- I know we knew quite a bit about the threat. You know, the risk decisions and the operational decisions about where things are postured, whether they are able to respond, those are -- that's a different part. It's not the intelligence community or --

Mr. Westmoreland. No.

General Flynn. -- DIA, you know.

| Bar Index | Relative Length (approximate) |
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| 1 | 100% |
| 2 | 85% |
| 3 | 65% |
| 4 | 100% |
| 5 | 65% |
| 6 | 100% |

[REDACTED]

General Flynn. Sure. Sure. I mean, that is -- those are the kinds of things that we have to learn from this. I mean, you know, what decisions were made. You got to -- I'm not sure what the posture -- I don't remember what the posture of like the Eastern Mediterranean fleet was. They may have been in the Red Sea, they made have been in the Eastern Myth, you know, it's still tyranny of distance in especially North Africa is significant, but not knowing the -- not knowing how long this thing was going to last, I think, is -- has to be part of it.

Even if it was going -- even if you knew it was going to end at 5 o'clock in the morning, you know, sort of local time, you know, what assets are you moving to the sound of the gun, so to speak, in order to secure a site where we knew we had casualties already, to include a U.S. Ambassador.

Mr. Westmoreland. Yes.

General Flynn. So, I mean, again, those are sort of operational decisions that, you know, I was not in that conversation. I would have certainly given my two cents were I in that conversation.

Mr. Westmoreland. Thank you.

BY MR. TOLAR:

Q Sir, in the earlier stages of the Arab Spring, were you aware

[REDACTED]

if we had any assets on a heightened alert status?

A

Q People are --

A People are more alert.

Q I am talking more specifically about back in 2010 timeframe, back in there -- 2011, excuse me. Had we ramped up or increased our alert status as the Arab Spring took flight, so to speak? Were you aware; do you know?

A

[REDACTED]

[REDACTED]

Q Do you have appreciation for what kind of key issues the policymakers were concerned about regarding Libya?

A I think that, you know, the results of ousting Qadhafi, you know, what was it turning into. And you know, I mean, it was, from our assessment, I believe we saw it turning into essentially a failed state. I mean, we saw -- our assessments were that the various associated movements of Al Qaeda, essentially, were gaining a pretty strong foothold. They were involved in -- you know, they were moving, I thought, you know, one assessment I saw about movement of weapons that were stolen out of the arsenals of the Qadhafi regime, they were being used and sent, you know, all over Africa, and certainly into the Middle East.

Q Sir, in the past, you talked about the politicalization of

[REDACTED]

the intelligence community. Explain what you mean by that?

A Yeah. What I mean is that, you know, you've got to be -- if you are in the intelligence community --

Ms. Sawyer. Just to clarify. He may have testified about that today. I didn't hear him say it earlier, so just the context of where he made these comments.

BY MR. TOLAR:

Q Sir, in the past, outside of this, have you ever commented on the politicalization of --

A Yes.

Q -- the intelligence community?

A Yeah, I talked about it in the context of we have to be careful that we don't politicize the intelligence that goes into leaders and --

Ms. Sawyer. I think I was asking more are these press statements, are these statements to Congress, are they congressional briefings, are they hearings? I am just trying to get a sense of the context, who he said that --

General Flynn. Yeah, I think I said that -- and I have to remember, but I think I was in the front of HASC maybe one time saying that.

Mr. Tolar. I want to say I read it in one of his interviews or something.

General Flynn. It may have been a --

Mr. Tolar. I don't recall the specific --

General Flynn. It may have been a press statement, recent press statement.

Ms. Sawyer. An interview that this committee had?

Mr. Tolar. No, no, no, no, somewhere online. I was searching the Internet, so somewhere online I found a comment where he -- that he said this.

General Flynn. Yeah.

Ms. Sawyer. Okay.

General Flynn. But the idea is -- and this can happen down at the tactical level, you know, if a intelligence officer, you know, he or she is the type of intelligence officer that, you know, puts their finger on their tongue and looks at which way the wind is blowing, you know, what does the commander want to hear, that is an ineffective intelligence officer as far as I am concerned.

So at the tactical level, it's very dangerous because you're talking about, you know, lives on the line, and I've seen -- I've seen intelligence officers at that level that do that, and good commanders get rid of them. At the -- you know, at the level that we're talking about here, the sort of the national level, I think we have to be careful that we don't have senior intelligence leaders or the decision makers looking for intelligence that supports a policy.

That is my belief. And I think that that is -- that is something that we always have to be cautious of, and frankly, if you are in the leadership role, if you are the decision maker and you have somebody who you can't trust to come in and give you the -- you know, the absolute

what we know, brass tacks, you know, ugly picture, because typically intelligence is not necessarily going to give you the, you know, the light. It's going to give you the dark.

You know, you have to -- you have to look for other people. You have to figure out how you're going to work with somebody like that because they may not always necessarily be in line with what you're trying to do politically. That's very dangerous for this country, because when I -- what I do believe is that the intelligence system that we have is actually, like the rule of law, is actually a strategic advantage for this country.

As long as it's focused properly and prioritized properly and adhered to, listened to, they don't have the use it, but they at least got to understand that they're getting those -- is this the whole picture, is there anything else that I'm not hearing, and I think the leadership has to -- has to understand that and use it that way. And you know, instead of -- because I have seen people go into different meetings and just -- and you're like -- that is why if I'm in there, I've always been somebody that's like, Hey, you know, before we leave, you know, you need to know this.

BY MR. TOLAR:

Q Sir, do you believe that the politicalization may have impacted or affected the IC's prioritization of assets and collections in Libya?

A I don't know. I don't know.

Q I've got a couple of minutes left. Real quick, talk to me

briefly about DIA's role in PDB itself. What kind of input do you all provide to the PDB?

A Quite a bit actually daily. We have people that work on PDB staff during my time, the chief of staff or the PDB team was from DIA, so quite a bit.

Q The chief of staff of the PDB team is from DIA?

A At that time.

Q Okay.

A At that time, yeah. I mean, those are joint billets.

Q And who gives final approval at DIA for DIA's CHOP on the PDB?

A Well, our head of analysis, or our head of analysis would be involved in that process, but usually, the PDB team, and there's a head, there's a leader for the PDB team that makes decisions. And the way that Director Clapper has organized it, the Deputy Director for national intelligence -- I forget the exact. There's another title part of it, is the individual who gives the final CHOP, and at the end of the day, it's the DNI that's really responsible, but you know, because it's a daily grind, he turns it over to one of his deputies, and that deputy the DNI level is responsible for that.

Mr. Chipman. Congressman, anything further in our first hour? And just to clarify, the NIPF that Mac Tolar mentioned was the National Intelligence Priorities Framework?

General Flynn. Right, right. Yeah, National Intelligence Priorities Framework; that is right.

Mr. Tolar. Okay. I'm going to transition into a whole another category, so I'm going to stop here at -- I've got 10:05. Sir, let's take a break.

Mr. Kenny. Are we off the record?

Mr. Tolar. Off the record. I'm sorry, yeah.

[Recess.]

[10:15 a.m.]

Mr. Tolar. I've got 10:15 a.m.

BY MR. TOLAR:

Q Sir, I want to talk about a little something different here. I want to talk a little bit about Libya, kind of the lay of the land prior to 9/11.

A

Q As the Libyan revolution came to an end, with the capture of Tripoli and the death of Qadhafi, was DIA tasked to provide any kind of post-revolution analysis such as consequences of removing a dictator, things of that nature? And you talked about the power vacuum and --

A

Q Who's "we"?

A DIA.

Q Okay.

A You know, the outflow of weapons from Libya, because I remember that -- seeing that specific --

Q Talk about that specifically just for a minute, please.

A Well, just the -- you know, there was real concern about the number of weapons that were remaining in Libya post-Qadhafi and what was going to happen to them.

Q Briefly talk about the consequences of a failed state and what that means when you've got a power vacuum.

A It gets filled immediately by typically by bad actors. In this case it got filled by al-Qaida for sure, specifically al-Qaida in the Maghreb, Ansar al Sunnah I think was the other group -- or al Ansar was the other group in the eastern part of Libya. I mean, it just gets filled, the vacuum gets filled, and it got filled.

Q Was it your impression that Libya, especially eastern Libya, became a haven for training camps?

A Yeah. We knew that to be the case for -- I knew that to be the case since at least, at least 2005 from my time in Iraq.

Q Did it concern you all that the use of radical Islamists and how they were being vetted in terms of the revolution, in terms of their being used to overthrow Qadhafi?

A Um --

Q Let me ask that a better way.

A I don't know.

Q Was the use of radical Islamists within the vetted revolutionaries and their role in the post revolution, did you talk about that or measure that?

A Yeah. I think there was some -- there was some assessments

done about the -- there were assessments done about the type of people that we were looking at to basically fill the void of not having a, you know, Qadhafi regime in power anymore, so --

Q Did you have any concerns about the type of people who were --

A

Q I want to talk to you a little about the intervention that the U.S. did. Were you aware or did you participate in any discussions within the IC regarding U.S. intervention into Libya during the

revolution?

A No. I mean -- you know, I mean, I think formal ones, no, no. Informal ones, probably a number of them, but definitely not in any formal discussions.

Q Do you know why the U.S. decided to intervene in Libya in the revolution?

A I have no idea. Can't sit here and tell you why, other than to remove Qadhafi.

Q Did you ever discuss U.S. intervention with the NSC, with Congress, with the administration writ large?

A I never did.

Q Okay. Do you have an appreciation of who in the executive branch supported intervention versus those who did not?

A I can't sit here and tell you that I know specifically.

Q

A I was not.

A What does the acronym stand for?

A Oh, yeah.


A Yeah. The fact that we had a consulate, a presence in Benghazi, yes.

A Did not know about the Annex.

A I mean, it's not surprising. I mean, it's just --



[illegible]



[REDACTED]

[REDACTED]

[Flynn Exhibit No. 1
Was marked for identification.]

BY MR. TOLAR:

[REDACTED]

[REDACTED]

[REDACTED]

[Flynn Exhibit No. 2

Was marked for identification.]

BY MR. TOLAR:

Q [REDACTED]

Have you seen that before, sir?

A Yes. Yep, I sure have.

Q Who would typically receive this report?

A Frankly, anybody -- anybody in the Intelligence Community, anybody that uses intelligence, up to and including the President of the United States.

Q Would this report ever be challenged by any other IC -- is

[REDACTED]

it unusual for a report like this to be challenged in terms of its veracity by other members of the IC community?

A Not unusual. I think that this was a good report, though.

Q Explain the characterization of this report as high confidence?

A Yeah. So the confidence levels, and I think it's probably explained, it should be explained on some of these papers here, but the confidence levels, you know, high, medium, low confidence, the high confidence report means that we have multiple sources that their truthfulness, their veracity is high, and so the judgment by the analysts putting this together is that they're confident that what they're saying is pretty close to the truth.

Q

A

Q You're welcome to read this report if you'd like, but what I want to do is just get your appreciation or your sense of what the significance of this report is.

A Yeah. I mean, I think what you're talking about is in -- you know, if you go through, like, some of the subparagraphs, the bulletized things, which I'm just, you know, looking at, you know,

[REDACTED]

where you talk about all of the -- what this report shows is the analysts that put it together took an accumulation, a quantity of reporting, and this is what all source reporting is about.

They took a quantity of reporting, you know, around the timeframe that talks about different things, you know, you -- you know, [REDACTED]

[REDACTED]

So, I mean, there's factual statements in here, and then there's probably some, you know, supposition in some of what the analysts when they make their conclusion, like the bold paragraph at the top, but this is one that I would say is based on more fact than assumption.

Q [REDACTED] Do you recall?

A I don't recall.

Q That's okay.

A Yeah.

Q Let's move on.

A I don't recall.

Q That's okay.

[Flynn Exhibit No. 3

Was marked for identification.]

BY MR. TOLAR:

Q Sir, now I want to show you another document, please, and this document is dated June 18th. It was produced by the joint staff, J2. I guess that was a billet you previously held?

A Yep. Sure was. Yep. This is a chairman's briefing.

[REDACTED]

[REDACTED]

Q Yes, sir.

A So this is when I mentioned the chairman's briefing earlier, it's a DIA product.

Q Sir, Ms. Roby has just joined the committee, the interview.

[REDACTED]

A No. Actually, this report would be produced with DIA. DIA produces this report.

Q Okay.

A Now, the [REDACTED]
[REDACTED], because the J2 is the senior intelligence officer for the chairman, you know, who's the principal military advisor to the President. So you know, I always put a lot of -- I mean, the way [REDACTED]
[REDACTED], you know, with the various bullets and things like that, and then the [REDACTED]

[REDACTED], because sometimes with no time, [REDACTED]

Q Sure.

[REDACTED]

[REDACTED]. I think you've alluded to this in the past, but just talk about what that means --

A Yeah.

Q -- the significance of that.

[REDACTED]



Q Talking about that, let's --

Mr. Kenny. Sorry, Mac. Just to be clear, this exhibit 3 you refer to, this is a single slide of a briefing? Is that correct?

Mr. Tolar. Yes. I don't --

General Flynn. No. Well, what they are, this is a -- this the
format, [REDACTED]

the slide is give you the full context.

So essentially that's a briefing on one slide. And those were really difficult to do, and there are some great people that pull these things together, but that -- I've seen [REDACTED]

. So the slide is a briefing in and of itself?

BY MR. TOLAR:

Q Is it typical of what would go into the daily chairman's briefing?

A Yeah. That is the -- yeah, this is an example of a daily chairman's briefing slide. And that's a really -- that's actually a very good slide. Now, you're -- you know, they're in color and everything else.

Q Yes, sir.

A Yeah, that's -- that's a good slide.

[Flynn Exhibit No. 4

Was marked for identification.]

BY MR. TOLAR:

Q All right. Sir, now if you'd look at exhibit No. 4, which you should have to your left,

[REDACTED]

A Yeah.

Q Talk about the significance of that?

A So this is a -- this is a very good slide and good information, because this is exactly what DIA is responsible for, which is warning. Okay?

[REDACTED]

[REDACTED]

[REDACTED]

And you can see in all cases, so I look down this, in all cases

[REDACTED]

So, these are good slides. I mean, these are -- that's an entire briefing in and of itself about the terrorist efforts inside of Libya.

Q All right. I got one more for you, sir.

[Flynn Exhibit No. 5

Was marked for identification.]

BY MR. TOLAR:

Q This dated September 7th, and this is a report entitled,

[REDACTED] Again, it's a DIA product.

A Uh-huh.

Q Are you familiar with this product, sir?

A Yes, I am, actually.

Q If you notice right there in the second sentence,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q Given the Arab Spring, you know, coupled with the Libyan revolution, is it safe to say that the Intelligence Community was flooded with intelligence reports such as the four we just looked at?

A Yeah. I mean, I think that what I remember looking back at, like I said earlier on, when I kind of said take me back to January, so this is September, so take me back to January, and I wanted to see every single report that we had ever put together that had anything to do with Libya.

Q Are you aware --

Ms. Sawyer. Can I just clarify on that? When you made that request, when was that request made?

General Flynn. I think it was after Benghazi happened.

Ms. Sawyer. It wasn't before Benghazi?

[REDACTED]

[REDACTED]. That's a lesson, you know, did we -- can we learn a lesson from this [REDACTED].

Mr. Tolar. So for the record, which slide are you looking at, exhibit number?

Mr. Tolar. Thank you.

BY MR. TOLAR:

[REDACTED]

[REDACTED]

Q Do you believe there was enough actionable intelligence available prior to the attacks to either warrant ramping up security at the consulate in Benghazi or even withdrawing U.S. personnel from Libya?

A Yes.

Q Talk more about that.

A Well, I mean, I think that some of the attacks not only on our own facility, but also on other foreign partners who were in that area, and if I'm not mistaken and I -- you know, don't hold me to this, but I think one of the countries actually left the area, left their consulate, but there was a sufficient number of you a talks and activities and knowledge that warranted at least a consideration to increase security, if not just depart the area.

[REDACTED]

Q Did you have an appreciation for how much security was at the consulate at the time of the attack?

A I did not.

Q Knowing what you know now about what was there, do you have a comment about what was there, whether or not it was adequate?

A I would just say that obviously it was --

Ms. Sawyer. Mac, I'm not sure we've ever established what he does know now and what it's based on. I mean, I'm just not sure how he answers that question --

General Flynn. Yeah.

Ms. Sawyer. -- knowing what he knows now about the security.

Mr. Tolar. Okay.

Ms. Sawyer. I just want to be fair to you and fair to the record.

General Flynn. Well, I mean, I -- yeah. No, I agree. I agree. I mean, I'd be --

Ms. Sawyer. I mean, I just --

General Flynn. Yeah.

Mr. Tolar. Okay. Thank you.

Ms. Sawyer. Just to be fair to the record.

General Flynn. Yeah. Yeah, yeah.

Ms. Sawyer. I don't know what he knows now.

Mr. Tolar. Understood.

General Flynn. Given the fact that, you know, that they were able to overwhelm with combat power the consulate, you know, shows that we weren't prepared to level that -- the threat presented, and I think

that that's obvious. The threaten ended up presenting themselves in a much more robust way, and we were not prepared for that. That's obvious.

I mean, with mortars and other capabilities that they used, you know, we obviously didn't prepare ourselves to stop that level of an attack. That's a tragedy.

Ms. Sawyer. Do you know how it was postured --

Mr. Tolar. Well, now, please.

Ms. Sawyer. Mac, we spoke --

Mr. Tolar. Right.

Ms. Sawyer. -- before this hour began about the fact that we had both been advised --

Mr. Tolar. Right.

Ms. Sawyer. -- by the witness, understandably, that he has a 12 o'clock --

Mr. Tolar. Sure.

Ms. Sawyer. -- stop time.

Mr. Tolar. You're going to get equal time.

Ms. Sawyer. And I asked you guys to work with us in a way that was flexible --

Mr. Tolar. Okay.

Ms. Sawyer. -- that allowed us all to get our questions in.

Mr. Tolar. Okay.

Ms. Sawyer. I can ask him these questions later or we can just get the foundation here that brackets kind of how he knew what he knew.

Mr. Tolar. Go ahead. Go.

Ms. Sawyer. I'm happy to wait.

Mr. Tolar. Go.

Ms. Sawyer. So you're withdrawing your objection to my --

Mr. Tolar. Yes.

BY MS. SAWYER:

Q So did you -- were you involved ever before 9/11/2012 in assessing the exact security assets --

A No.

Q -- environment in Benghazi?

A Nope.

Q In Tripoli?

A No, other than assessing -- I mean, if involvement is assessing DIA's involvement to assess the intelligence, you know, to assess the environment, that's -- if that's being involved, yeah, we were involved in assessing the environment. I mean, you -- that's what all these things are.

Q Right. But you had just indicated to me you had not reviewed those prior to --

A Yeah. The tactical -- the tactical array of security forces in Benghazi or Tripoli, I was not involved in any of that.

Ms. Sawyer. Okay. Thank you.

BY MR. TOLAR:

Q Given all you knew -- all that we knew about Libya at the time, how would you rank that country in terms of being one of the most

[illegible]

Q You previously talked about a strategic warning and others, I mean, IC had talked about a strategic warning. Explain briefly what a strategic warning is.

Q Which slide, sir?

A That's exhibit 4.

A That's exhibit 4.

██████████

Q Okay.

A

So we -- this is not a non-standard kind of a product. This is a very standard type of product that will come out on everything that -- all the different threats that we face around the world.

Q Did you previously predict that the Russian encroachment into Crimea would occur, and notify the administration accordingly?

Mr. Kenny. When?

Mr. Tolar. See what he says and then --

Mr. Kenny. Well, but this is --

Mr. Tolar. We'll ask why or when he did it.

Mr. Kenny. I mean, respectfully, I mean, this is the Select Committee on Benghazi. You're asking whether or not the general provided strategic warning regarding a completely wholly different matter.

Mr. Tolar. There's a reason for it, Peter. I promise. It's relevant. It's to show a pattern here.

BY MR. TOLAR:

Q Go ahead. Did you do that, sir?

[REDACTED]

A Well, I think that [REDACTED]

[REDACTED]

So I would say that [REDACTED]

[REDACTED]

Q Okay. I want to talk a little about it about the attack --

A And I believe that I've also -- I believe that I testified that to the HPSCI.

Mr. Kenny. So, Mac, can I hold you to that, then? Are you going to tie that back to --

Mr. Tolar. No. I'm going to --

Mr. Kenny. Okay.

Mr. Tolar. Well, not now, so, no.

BY MR. TOLAR:

Q I want to talk about the attack now, sir. Where were you on the take of the attack, September 11, 2012?

A I was at actually in Fort Huachuca, Arizona, at a senior leader intelligence conference for that day, and returned the very next day, and I was given a presentation out at Fort Huachacu, Arizona.

I was back about -- you know, I was in communications the whole time, but left prior to the attack, if I remember my timeline right, and returned the very next day and immediately went in to work, so it

[REDACTED]

[REDACTED]

would have been the 12th. So I left -- if I remember right, it was like a Tuesday, right? So I left on a Tuesday, I think I was back on Wednesday.

Q Yes, sir. What was your first course of action once you were notified of the attack?

A Basically to make sure that we had accountability and then to get, you know, an assessment of the situation not only there, but I wanted to know where else were -- where were embassies and consulates where we had U.S., you know, personnel, where else was there pressure.

[REDACTED]

Q Were you given any specific tasks?

A No. No. I mean, I think I told our folks to make sure that they -- you know, to basically -- my typical thing is let me know if they need any help, if they need additional resources, you know, make sure that I gave them guidance to make sure they were in touch with the right people, you know, AFRICOM, joint staff, CIA, you know, et cetera, just to make sure that everybody's talking to each other.

Q Was there anybody outside of DIA you were in regular

[REDACTED]

communication with?

A Not -- I mean, not necessarily. I mean, the joint staff probably, probably AFRICOM at the time.

Q Subsequent to the attack, did you participate in any meetings regarding the attack?

A After?

Q Yes, sir.

A Yeah, yeah. After I went to our --

Q And just for perspective, I'm talking about in the coming -- in the subsequent days.

A Oh. Yeah. I was involved in a couple of ETCs with the White House for the next couple of days. They were running -- if I remember right, they were running, I think, three a day for a couple of days after.

Q Did you ever attend any deputy committee meetings?

A I did not, no. Wasn't asked to attend any of those.

Q Does DIA ever have a presence at a deputy committee meeting?

A Yeah, they do sometimes, and it would be in the -- usually, like,

Q What's USDI?

A USDI is the Under Secretary of Defense for Intelligence.

Q Okay. Did DIA conduct any post-Benghazi analytic or line review of either the assessment produced by DIA or produced by the IC, things of that nature?

A Yeah. I mean, I think we produced -- we actually went back and we produced a very thorough timeline of everything, you know, from the reporting back as far as, you know, let's just say January, and then I think we -- if I remember right, there was a very detailed timeline literally hour by hour, minute by minute of what we knew and what happened and that all the different pieces and parts of it.

Q Do you recall when that document was produced?

A I don't. I don't, but I'm certain it was produced, maybe a couple of days later, maybe a week later, I don't know, but it was produced.

Q

Q Prior to September 11th, 2012, during your tours with DIA, so to speak, were you ever involved in any other high profile attacks that occurred against U.S. interests?

A Oh, God, yeah. I mean, in Afghanistan and Iraq, significant attacks. We --

Q What I'm trying to get at here, sir, is if DIA engaged any differently during those than they did in the Benghazi attack.

A Oh, no, no. I think the response that -- in these crises moments, I think the response mechanisms are relatively the same. I

mean, you know, you can light a fire under people sometimes for different things, but I think that the people, the analysts and the leaders that were running those analytic teams that were responsible for those areas, I think they did what they were asked to do and they did it in a professional way.

Q Subsequent to the attack, as the IC community and others were doing their post-attack analysis, was DI engaged in that or do you feel like they might have been excluded from some of those discussions?

A I certainly was not engaged. I mean, nobody asked me for what I thought. Personally as an agency head, I -- you know, nobody came and said, you know, what do you think?

Q So I understand you've said -- previously said that with regard to the inquiries conducted by the various congressional agencies -- or committees.

A Right.

Q But I'm talking about the IC community itself?

A Yeah, no, not really. I mean, we had conversations about everything, but I think it was still -- you know, for those couple of days, you know, let's just say 12, 13, 14, whatever, nobody -- I mean, you know, I will say, I guess, just thinking about it, because I don't want to beat around the bush here, I mean, what our assessment was, I stood by our assessment.

Q And what your assessment?

A Our assessment was that this was an attack by a terrorist

organization networked, part of al-Qaida. You know, it was an al-Qaida-based, you know -- I mean, because of the abundance of intelligence that we had and I think the assessment that we made, I think, the next day, the 12th, that is a pretty good assessment.

[Flynn Exhibit No. 6

Was marked for identification.]

BY MR. TOLAR:

Q That's what I want to talk to you about right now, sir. You're looking at exhibit No. 6, dated September 12, 2012, and it's a joint product produced by DIA and CIA.

A Uh-huh.

Q It's entitled, "Middle East and North Africa Situation Report". Is that the product you were talking about?

A Yeah. I mean, this looks like it. I mean, we actually produced our own as well.

Q Yes, sir. We'll talk --

A The DIA produced our own too, but, yeah. I mean, this looks like it.

and then I know the one that DIA created, which basically tied it to the terrorist organizations that

Thinking about that, I want you to turn to exhibit No. 7, which you were just handed. This is dated September 13th, it's a DIA report entitled [REDACTED]

[REDACTED] defense intelligence daily, or this looks like it's a response to a request for information on the perpetrators and motivations behind the Benghazi attack on 11 September and an outlook on future threats, so what you know, again kind of back to warning.

Q Is this document typically disseminated throughout the IC?

A Oh, yeah. Oh, yeah. This is available to anybody that has the right, you know, clearances that you see at the top of this thing.

Q Would anybody outside of DIA vet or proof or CHOP this prior to DIA's issuance thereof?

A No. This would be a DIA -- this would be our belief, this would be DIA's assessment of, you know, possible terrorist involvement and motivations behind the U.S. consulate attack in Benghazi, as the title says.

Q And is this, as far as you know, the first report issued by DIA subsequent to the attack about the attacks?

A I think it might be. I don't know. You know, I don't know.

Q Given --

[REDACTED]

A It seems to me that we might have produced something on the 12th, you know. We likely had chairman's briefings, chairman's slides that were produced on the 12th, certainly the 13th, and then of course this is on the 13th, so.

Q This reports uses the term in the first sentence there of -- or the first large paragraph, moderate confidence.

A Uh-huh.

Q We previously talked about high confidence. Would moderate confidence indicate it's better than 50 percent, or can you equate --

A I mean, I wouldn't put a percentage on it. I would just say that moderate confidence is a pretty good level of confidence, it's a good -- you know, it's better than low, you know, not quite as high, but -- but based on what we knew, and I think the evidence that the analysts lay out here in this report, you know, [REDACTED]

[REDACTED] --

Q Yes, sir.

A -- where they're headquartered and -- [REDACTED]

[REDACTED] --

Q Sure.

A So, I mean, I think that there's an abundance of intelligence that -- and previous reporting that led the assessment

[REDACTED]

and the -- led to the conclusion.

Q And is it fair to say that the previous IC reports that talked about those who might engage and did in fact engage, this report's consistent with those in terms of whether it be an [REDACTED], things of that nature?

A I think it's consistent, right.

Q [REDACTED]

A Okay. Not the escalation of a peaceful protest. Yeah. I mean, I am not quite clear on your question you're asking me --

Q Okay. Let me --

A -- but I think what I would just say is that, you know, one is the 12th, an immediate report right after, you know, kind of get what's the assessment of the two -- like we talked about, the two largest all source agencies that we have with a lot of capability, and then this is a DIA assessment the next day.

So, the evolution of the intelligence as it was coming in and people really taking a hard look at this thing, I think there was a

real belief that this, in fact, [REDACTED]

[REDACTED] I believe that's kind of what this tells me. I didn't read the whole --

Q Yes, sir.

A -- this exhibit 7. I believe that's sort of what it says.

Q And I know we're moving quickly here, sir, and if you need me to slow down, you let me know and I'm happy to do it. But I'd like to talk to you about exhibit No. 8 now to your left.

[Flynn Exhibit No. 8

Was marked for identification.]

BY MR. TOLAR:

Q It's the Defense Intelligence Note as opposed to report, and it's entitled, [REDACTED]

A Yeah.

Q So what's the significance of this report moving back up to the high confidence level in terms of the veracity of it?

A Yeah. So this basically says that we believe, based on the evidence, and probably the evidence in this case is an accumulation of all source intelligence and then it looks like some [REDACTED]

[REDACTED]

So I think that, you know, this -- you know, the spontaneity and the video, which we always have known to be, you know, radioactive with this crowd whenever there's any kind of video or something that goes -- that happens to a Koran or something like that,

[REDACTED]

Q Sure. All right, sir, we're going to take it another direction real quick. I want to talk to you a little about what's affectionately known as the talking points.

A Yeah.

Q Was DIA ever tasked to provide any talking points to either senior military leadership and/or Congress after the Benghazi attacks?

A Not to my knowledge.

Q Are you aware of the unclassified HPSCI talking points that were produced or prepared by CIA?

A Now I am.

Q Okay. At the time, did DIA provide any language to the HPSCI talking points?

A Not that I'm aware of, not -- I mean, they -- you know, they could have provided it through some of our analysts or certainly through our reporting, but, you know, the reporting's pretty clear to what we believed, so.

Q Did you personally edit --

A I did not.

Q -- or CHOP --

A No, I did not. I did not see any talking points nor was I asked for my, you know, expert judgment.

Q When the final talking points were released, did DIA provide any kind of opinion about the final product after it was on the open

[REDACTED]

market per se?

A No. I mean, nothing formal. I mean, I certainly -- when I saw them and saw what -- how they were -- how the situation was presented, I was, you know, I think as surprised as anybody.

Q Going back to what you said earlier, you said it sounds like it's possible that some of your analysts down the food chain might have participated in --

A Yeah.

Q Okay.

A Yeah. I mean, they might have. They might have -- you know, they -- I mean, the intelligence, the documents that you've been handing me, they're, you know, at least post Benghazi, post the attack are pretty clear about what DIA believed.

Mr. Tolar. Okay. Let's go off the record real quick.

[Recess.]

Mr. Kenny. We will go back on the record.

General Flynn, I just want to take this moment to thank you again for appearing before the Select Committee, take a moment to reintroduce myself. My name's Peter Kenny. I'm counsel with the Select Committee.

We've proceeded in a slightly unusual manner in that we deferred an initial hour to our Republican counterparts in order that they could ask some of the questions of you that they had intended to ask of you today. We'd like to use our full hour now to ask some follow-up questions, some clarifying questions based on some of the statements

you made in the last two rounds.

And at this point, we are joined by a member of the Select Committee, Congressman Adam Schiff is also the ranking member of the House Permanent Select Committee on Intelligence. And at this point I'd like to turn it over to the congressman.

General Flynn. Okay.

Mr. Schiff. General, thank you for being here and thanks for your many years of service to the country. Greatly appreciate it.

General Flynn. Thanks.

Mr. Schiff. I want to ask you primarily about intelligence, but -- on the attack on Benghazi, but I want to begin more generally by asking about your responsibilities at the time.

In the period leading up to the attack on Benghazi, you were the head of the Defense Intelligence Agency. In that position, did you have responsibility over operational decisions in how to respond to the attacks in Benghazi? Were you part of the chain of command in terms of deciding what assets could be mobilized and where they were located and how they'd be utilized?

General Flynn. No.

Mr. Schiff. So apart from the general observations you made earlier, you weren't really a participant in the discussions about what resources were available, how quickly they could get there, what utilization they might have? That was not really part of your responsibilities at DIA?

General Flynn. That's right. That's not part of my

responsibilities at DIA, to be part of that sort of decisionmaking process. That was not a responsibility I had. Certainly could have offered it.

Mr. Schiff. But you weren't tasked to?

General Flynn. No.

Mr. Schiff. Your primary responsibility at the time was really in overseeing the intelligence workforce for the DOD all over the world?

General Flynn. Right.

Mr. Schiff. And as you're aware, there were problems not only in Benghazi, but there were problems in many capitals --

General Flynn. Oh, yeah.

Mr. Schiff. -- throughout the --

General Flynn. Yeah.

Mr. Schiff. -- Muslim world at the time?

General Flynn. Yep.

Mr. Schiff. At that time, about how many protests were going on around the world?

General Schiff. Well, so this is, you know, the September 11th and then the next few days. The number that sticks in my head, and I think I got this from one of the VTCs that the White House was having, was that there were 93 embassies or consulates in some sort of array of, you know, a threat or concern; I mean, not that there were protesters, although there were protesters at other places around the world.

Yemen was one that I definitely remember outside the U.S. Embassy

[REDACTED]

in Sana'a. So the number that sticks in my head is about 93, and that's embassies and consulates. So a pretty significant, pretty significant number.

Mr. Schiff. Which means that, you know, the resources that you had at DIA to keep track of all of those dangers to DOD personnel and non-DOD personnel had a lot of work on their hands?

[REDACTED]

Mr. Schiff. And, you know, while the violence turned deadly in Benghazi, it had the potential to turn deadly in multiple capitals around the world at that time?

General Flynn. Yeah, I believe it did. Yeah, you're right.

Mr. Schiff. What did you think of the DIA workforce?

General Flynn. At that time?

Mr. Schiff. Yeah.

General Flynn. Professional, exceptional, experienced, because of the amount of years of combat that DIA employees, civilians, you know, primarily, certainly our military workforce had had already up till that point. So most of our -- or a large portion of our civilian analysts actually had a lot of combat experience, particularly those involved in counterterrorism.

Mr. Schiff. And you mentioned they were professionals. I take it you didn't see evidence that they were trying to politicize their work product --

[REDACTED]

General Flynn. No.

Mr. Schiff. -- or --

General Flynn. No.

Mr. Schiff. -- feed you conclusions that you wanted to hear?

General Flynn. No. No. None at all.

Mr. Schiff. Now, I know we're all aware there's an IG investigation now of intelligence work product in the CENTCOM.

General Flynn. Right.

Mr. Schiff. Did you have any indication -- and I don't know what period the whistleblowers may be referring to and whether it extended into your tenure. Did you have any indication during your tenure that --

General Flynn. None.

Mr. Schiff. -- your analysts --

General Flynn. None.

Mr. Schiff. -- were politicizing intelligence in any way?

General Flynn. No. The analysts, I don't think that's the -- from what I understand, what this IG is -- I've only seen really in the media, that it's not the analysts politicizing, it's the leadership. That's a big difference.

Mr. Schiff. And did you have any indication of that by the leadership going on while you were there?

General Flynn. No, no. Did not. I always thought that the assessments that I saw coming out of all the elements of Central Command, all of their components was pretty good; didn't see

any indications that there was anything, any differences, that there were -- you know, like I said earlier, I don't know if you were in here, if there was differences, the responsibility is to make sure that those differences are shared within the community.

Mr. Schiff. Let me ask you about some of the Defense Intelligence Agency work product at the time. I think some of the committee staff has gone through a piece of it with you, one exhibit, No. 6, which was from September 12. Let me ask you about another Defense Intelligence work product of the same date. And if we could have this -- I don't know what exhibit. We'll mark this as exhibit 9.

[Flynn Exhibit No. 9

Was marked for identification.]

Mr. Schiff. This is a Defense Intelligence Report of September 12, 2012, entitled, "Libya: Terrorists Likely Involved in Attack on U.S. Consulate in Benghazi". Do you have a copy of that?

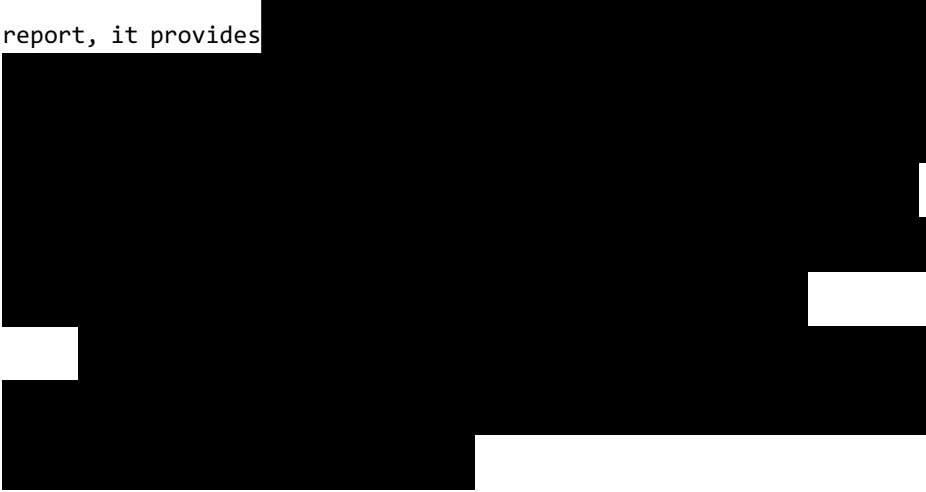
General Flynn. I don't. I do not have a copy.

Mr. Schiff. Okay. We'll get you a copy. We're getting you a copy now.

General Flynn. Thank you.

[11:30 a.m.]

Mr. Schiff. Just looking at the first bullet point on that report, it provides



General Flynn. I'm not sure. I'm not following you. Where are you looking at?

Mr. Schiff. The very first bullet point on the front page where it says --

General Flynn. "DIA assesses with moderate confidence"?

Mr. Schiff. Well, actually I'm going to get to that, but even above the source summary statement.


General Flynn. Okay.

Mr. Schiff. Look at literally where the first bullet is.

General Flynn. Where you're saying "On 11 September."

Mr. Schiff. Exactly. 11 September --

General Flynn.



[REDACTED]

Mr. Schiff. So initially, at least in this report --

General Flynn. So that's a piece -- so as you read these, that's a piece of evidence, in addition to -- usually like the bullets that you see in these type of reports, you know, you see the -- sort of the conclusionary statements up front, and then those are -- it's just evidence that they add, you know, like you can see that one on 11 September, the next one that comes up is on 12 September, and 12 September, so it's just -- it's evidence that's an accumulation at this time, 12 September, which would have been, you know, the day after, and more than likely this was -- this was prepared, you know, I guess is not early morning but probably later that afternoon as more information was coming in.

Mr. Schiff. And that -- the bold paragraph on the cover, is that essentially the summary of the report.

General Flynn. Yeah, that's the summary of the whole -- of all the evidence that's presented, you know, in the report itself, yes.

Mr. Schiff. Well, if you look at the bold section of the summary of the report.

General Flynn. Uh-huh.

Mr. Schiff. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

General Flynn. Yeah. I mean, I think the whole of the assessment, the whole of the judgment is that we are confident that

[REDACTED]

Mr. Schiff. Exactly. And I don't think there's any dispute that terrorists were eager to have the opportunity to attack us.

General Flynn. Al Qaeda-associated terrorists.

Mr. Schiff. Al Qaeda-associated terrorists.

General Flynn. Yeah, yeah.

Mr. Schiff. The big bone of contention, though, has been whether there was a protest, whether there was a belief of a protest, or whether that was made up for some political purpose, but this DIA work product --


General Flynn. Yeah.

Mr. Schiff. -- that the analysts you believe were very professional, believed initially that there was a protest.

General Flynn. Uh-huh.

Mr. Schiff. Isn't that right?

General Flynn. There was a protest. I mean, I think there was -- I think there was an indication that there was activity certainly in some -- you know, however you want to define it at the -- at the consulate, you know. I mean, you have to understand that none of these things happened as an individual thing. This is an accumulation of threats that we saw building up over a long period of time, and, in fact,



So I think the -- I think the real challenge is that, you know, protest or not, you know, that this was an associated -- this was associated -- the protests and the attack itself was associated with an Al Qaeda-associated terrorist organization who we had been watching for a long time who had been up to no good, and I think that's the real bone of contention, honestly, Congressman. I mean, I just think it is.

Like I have said, you know, in uniform and out of uniform, had -- had the National Security Advisor gone on national television and just said we don't know or it could be a combination of things, we just -- we don't have enough, you know, evidence yet to know exactly what's going on, we wouldn't be having this conversation.

Mr. Schiff. Well, General, I think the Ambassador did say that we're continuing to get intelligence on this and -- but you know, I know our committee, because we asked for talking points.

General Flynn. Right.

Mr. Schiff. And the American people were eager to know what's happened, what do we know about this.

General Flynn. Yeah.

Mr. Schiff. And --

General Flynn. You know, knowing what I know about the talking points now, if I had ever seen those talking points, if they were -- if somebody had floated them by me and asked me for my judgment, I would not have given that judgment based on what those talking points say, and I didn't see those talking points so --

Mr. Schiff. I understand that.

General Flynn. I would have not said -- I would have not confirmed that -- they could have still said, okay, well, we appreciate your judgment, Flynn, but we are going to go with these talking points, okay, that's your judgment. But I -- you know, I wasn't given a shot at looking at them.

Mr. Schiff. And General, I'm sure that we would all had our own separate input into what the talking points were --

General Flynn. But I'm a head of an intelligence agency, and this is a really -- you know, this is an interesting -- it's an interesting dynamic, I think, is what I learned from it. I mean, I learned a lot from this. I'd have probably been far more vocal. I mean, I learned to be -- I learned to be from this, you know, I probably had a responsibility to say more, especially after hearing what I was hearing.

So it's a lesson learned for me, but I -- knowing what I know about the talking points that Susan Rice used on five Sunday talk shows, I would have never said I agree with those.

Mr. Schiff. Well, you would agree, wouldn't you, General, that the DIA analysis --

General Flynn. Uh-huh.

Mr. Schiff. -- that I just referred to --

General Flynn. Uh-huh.

Mr. Schiff. -- expresses the view that there was a protest, and you, I think, have just said yourself --

General Flynn. Sure.

Mr. Schiff. -- did think there was a protest going.

General Flynn. I think that that's true, but again, the accumulation of everything --

Mr. Schiff. General, if you'll let me finish.

General Flynn. Yeah, yeah.

Mr. Schiff. So when Ambassador Rice talked about the possibility of a protest or what appeared to have begun as a protest, that was consistent with the DIA's analysis, the analysis of your agency, was it not.

General Flynn. But I think that that's only -- you know, if you're breaking the whole judgment down into percentages, I'd say that's about 25 percent of the truth.

Mr. Schiff. Okay.

General Flynn. And that's a subjective 25 percent because there's other parts of that judgment that aren't part of what you just said. I mean, you can say there's a protest, you can say that there was prior planning, that you can say that there was potential Al Qaeda leadership that was looking at attacking Western and U.S. interests. I mean, why not add all that into the whole talking point and just, you know, say it -- say it like that and say we don't know.

I mean, that's what I would have rather -- you know, again, hindsight and knowing what I, you know, saw eventually, just saying we don't know would have been a far better answer.

Mr. Schiff. General, I appreciate that opinion. I'm not sure

that anyone would have been satisfied with the administration saying, After an attack that left Americans dead, that we don't know what happened.

General Flynn. Yeah, but that's -- but see, that's a different issue. You go on a Sunday talk show and you say that, why not just have -- I mean, just say we don't know but as we get additional information, we're going to get the word out, you know, as to what happened because we lost a U.S. Ambassador.

So again, this gets back to the issue that I have with, you know, being -- be careful what pieces of intelligence you use for what it is that you're trying to -- the point that you're trying to get across.

Mr. Schiff. General, let me go back to the analysis, if I could. In addition to the September 12 intelligence report that we just went through --

General Flynn. Uh-huh.

Mr. Schiff. -- I'd like to direct your attention to exhibit 7, which was produced the following day also by the Defense Intelligence Agency.

General Flynn. Uh-huh.

Mr. Schiff. In this report, just looking at the first paragraph, "DIA assesses with moderate confidence Al Qaeda in the Lands of the Islamic Maghreb, AQIM, and AQIM-inspired terrorists participated in two September 11 attacks against U.S. facilities in Benghazi, Libya, that killed the U.S. Ambassador to Libya and three other citizens. However, we have no indications AQIM directed the attacks in Benghazi.

It appears the violence was opportunity-based rather than planned."

General Flynn. Uh-huh.

Mr. Schiff. The next sentence reads, "While there were no indications of preoperational planning for this specific target before the attack, we estimate target terrorists were planning unspecified attacks against U.S. and Western interests and likely leveraged a target of opportunity amidst security vulnerabilities created by protest activity."

So the following day, on September 13th, it was DIA's continuing assessment that there was a protest that was essentially --

General Flynn. That presented a target of opportunity.

Mr. Schiff. Gave an opportunity.

General Flynn. Sure, sure.

Mr. Schiff. You are reading this as well?

General Flynn. Yeah. I mean, that judgment right there on that 13 September report, that's a good talking point. That could have been a talking point that they could have easily put onto the -- to these talking points that are really driving this whole, you know, issue.

Mr. Schiff. Well, with respect, General, I think the main controversy around Ambassador Rice's comments was the fact she mentioned a protest, and that's consistent with the DIA analysis.

General Flynn. But I understand, and I don't have the talking points in front of me, but, you know, not tying it to Al Qaeda or the -- because of the threat that Al Qaeda presented, I mean, you know, even at that time, I think that the -- almost the nearly doubling of

[REDACTED]

Al Qaeda -- of Islamic radical terrorist groups by our own State Department that designates them, I think at that time had nearly doubled.

So I mean, that's the issue. I mean, let's face it, that's the real issue. Not associating this attack with Al Qaeda or an Al Qaeda-associated group, that's really where I think, personally, I think where the -- you know, everybody gets upset and just thinks that we're trying to brush this off as this was just a -- an attack based on a video.

Mr. Schiff. [REDACTED]

[REDACTED]

General Flynn. Yeah.

Mr. Schiff. The citing of this press report --

General Flynn. Uh-huh.

Mr. Schiff. -- by DIA --

General Flynn. Uh-huh.

Mr. Schiff. -- without any contradiction of the press report, does that indicate to you that, in the view of the analysts, they gave weight to this press report, is that why it would have been included here?

General Flynn. [REDACTED]

[REDACTED]

General Flynn. Yeah, or they wouldn't use it, yeah. Or they wouldn't use the report. I mean, there's lot of -- you know, there's a lot of speculation in the press.

General Flynn.

[REDACTED]

General Flynn. I don't. I mean, I don't know that's the case today.

Mr. Schiff. If that's not the case and if the opposite conclusion were more in line with intelligence community thinking, is that perhaps one of the reasons why it would not be wise to get out on -- in the week following the attacks and express conviction about who is responsible?

General Flynn. Yeah. Well, [REDACTED]

[REDACTED]


So I think what they're highlighting here is, you know, looking at the different groups that may or may not have been involved, you know, they're just making the statement that [REDACTED]

[REDACTED]

General Flynn. Uh-huh.

General Flynn. And here's the guy right here,

Mr. Schiff.



[REDACTED]

[REDACTED]

Mr. Schiff. Have you followed the intelligence that say who is responsible the attacks in Benghazi up to the present? Are you familiar with the current intelligence on who is responsible?

General Flynn. On who is responsible for what now?

Mr. Schiff. For the attacks in Benghazi on that day.

General Flynn. I mean, I would say that sitting here today, I don't know. I mean, I don't know. I mean, I, you know, followed the reporting, you know, until I got out, obviously, but --

Mr. Schiff. [REDACTED]

[REDACTED]

Mr. Schiff. And how long was it after the attacks that you left DIA?

General Flynn. Oh, God, I was only like a few -- I was only not even 2 months into the job, so it was almost 2 years.

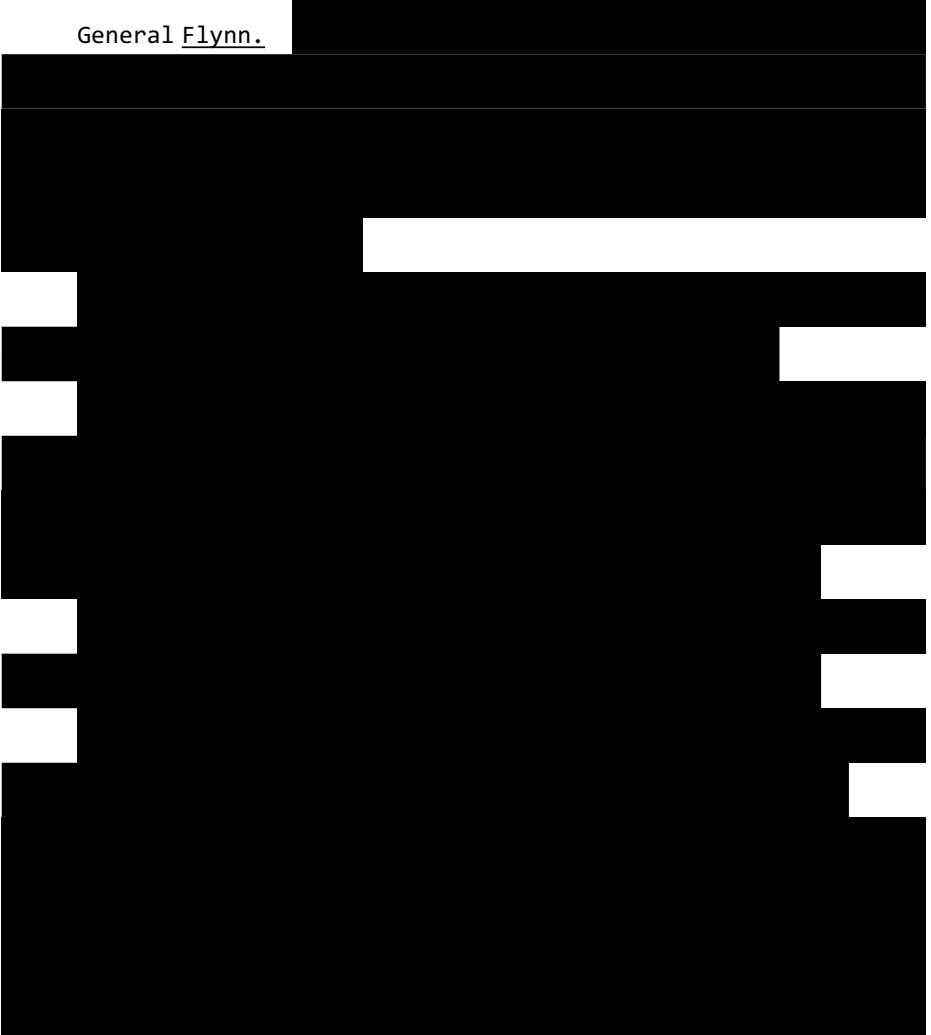
[REDACTED]

Mr. Schiff. So you left 2 years after the attacks?

General Flynn. Roughly. I mean, you know, 22 months.

Mr. Schiff. And in those 2 years before you left, did DIA reach definitive conclusions about all those that were responsible for the attacks?

General Flynn.



Mr. Schiff. General, let me direct your attention to -- I guess

[REDACTED]

Mr. Schiff. Okay.

General Flynn. What is interesting about this is this is really the first time I've really, I think, seen this one. Certainly -- or it's been some time. You know, when you look at the line between 10 and 11 September, this -- the spike in whatever this is, I guess, is this a Twitter? Is that what this represents?

Mr. Schiff. The social media highlights?

[REDACTED]

General Flynn. Yeah, so elements of social media.

Mr. Schiff. Yeah.


General Flynn. It shows you that there's a spike there. You know, that -- this is a good lesson learned is that, you know, that spike indicates something.

Mr. Schiff. Yeah.


General Flynn. You see that little tiny spike, you know, the scale of the paper takes away from the -- from what it is, but that's, you know, zero is at the bottom, but then it goes up to 50,000, so you know, you're looking at maybe 20,000 maybe, 20,000 in different words that were being used. I mean, that's very, very telling, and then, of course, all the other spikes that you see along the path here. That's the -- the lesson learned here is that we got to pay really close attention to social media.

Mr. Schiff. Yeah.

General Flynn.



Mr. Schiff. Thank you, General. If you look at the assessment



that accompanies this timeline at the top left, it provides "DIA assesses terrorist groups operating in the region have long been targeting U.S. and Western interests in Benghazi, including the U.S. diplomatic facilities. However, there are no indications the terrorists had planned to attack the consulate on 11 September before the outbreak of anti-U.S. protests that day. Rather, we assess that the video-related protests earlier in the day served as the impetus to launch an attack against a target of opportunity in the city that has been a semi-permissive environment for terrorist groups since the fall of the Qadhafi regime."

General Flynn. Uh-huh.

Mr. Schiff. So that indicates, once again, that at this point in the timeline, it was the DIA assessment that there were no indications that terrorists had a preplanned attack for that day, but rather, took advantage of those protests?

General Flynn. Yeah. I think that -- the way I would sort of synthesize that statement that you just read from that -- from this assessment is that we don't know. We still don't have enough information, and we just flat don't know. That's what I get out of that, so I would -- as a guy who's looked at a lot of these things, I would look at this and I would pay more attention to -- you know, to the graphic and what are we learning from this type of collection. And the actual assessment itself, I would say to whoever would brief me on something like this, I would say, okay, so the bottom line is we still don't really know what happened, but we do know certain things.

[REDACTED]

We do know that it was -- that there was threats prior, we do know that there are Al Qaeda associated groups operating in the area, we do know that there were attacks against not only the consulate, but other places in and around the area, [REDACTED], so we know that all the things that lead us to believe that there's a real potential security problem there are all there.

So this just says we just don't know enough about whether or not the protest was the impetus or what, you know, what happened. So the answer -- you know, my long answer to this assessment is we just don't -- still don't know enough, and that would have been -- that might have been the right answer.

Mr. Schiff. And there were, you know, the professional work product of your people, and you stand by them, right?

General Flynn. Yeah, I sure do. I sure do. I mean, you know, the pieces of paper that I have in front of me that you guys have given me as exhibits, I think, is very consistent, tells a very consistent story, and I think it's -- and I think that -- but like I said, I think that I'm surprised that we're not -- that we have not arrested or detained or captured, you know, others, that are -- that were part of this.

Mr. Schiff. Well, General, thank you again.

General Flynn. Yeah, thanks a lot, Congressman. Thanks for your service, too, appreciate it.

EXAMINATION

[REDACTED]

BY MS. SAWYER:

Q Thank you, Lieutenant General, we appreciate it. I had a couple of questions. My colleague, Peter Kenny has a few questions.

A Okay.

Q And then hopefully we'll be able to turn it back to our colleagues.

A Okay.

Q And then we may have a few questions at the very end.

You know, early in the first hour with my colleagues, you were asked if you had ever testified before Congress. Later, I think there was a broader statement from my colleague that you had not been asked by Congress about the attacks.

A Yeah, yeah. I mean, I think that I have spoken about it. I mean, I would have to go look at transcripts maybe, but I was never specifically asked to come in to testify about Benghazi. This is really the first time, other than when I was initially called by Counsel Chipman to come in to -- to, can you answer a few questions? That's the first time that anybody ever formally asked me anything about Benghazi, and that was only a few months ago.

Q And by saying that, you personally were not asked.

A Right.

Q Is that meant to represent that the Defense Intelligence Agency was not asked to participate in this prior --

A No, I think that that's fair. You know, analysts in my organization might have been asked, you know, I mean, these

assessments, so they might have -- there might have been some discussion. But I think, really, what it -- what this whole thing revolves around are these talking points, you know, and I have been asked to look at talking points in the past on other issues.

These, these I was not asked to review, was not asked for what I -- what I feel is an expert assessment, expert judgment.

Q So I'm going to show you what we're marking as -- I'm going to give you both of these at once, exhibit 11 and exhibit 12 for identification purposes.

A Okay.

[Flynn Exhibits Nos. 11 and 12
Were marked for identification.]

BY MS. SAWYER:

Q We're getting it together.

A It's okay.

Q So the first document, exhibit 11, is a letter -- on the letterhead of the Committee on Armed Services. It's my understanding this is now available on a publicly available Web site. It's dated October -- gop.gov, dated October 18, 2012. It's addressed to you, I understand, and I'm not meaning to say that that means you saw it at the time, but it is addressed to you, is it not?

A Yeah. Yes, it is.

Q And in that first paragraph, it indicates that one of our predecessor committees investigating the Benghazi attacks -- and I just would point you to that second sentence. "I greatly appreciate,

however, the DIA's cooperation with the committee's efforts, particularly the briefing to committee staff this morning, as well as the other briefings and assistance you have provided."

Do you have a sense of what that -- does this come as a shock to you that DIA did brief HASC?

A No, no. I mean, this is not unusual. We had people over on the Hill just about every day talking about, you know, every issue on the planet, so not at all. I mean, so with these, I just did a quick cursory of these, and no, I mean, this is -- this is, you know, within -- within line of what DIA gets asked to do on a daily basis.

Q So any indication that certainly DIA had not been asked or DIA had not provided information when asked would have been an inference on your part?

A What do you mean?

Q I mean, you had indicated to us that you had -- you believed you had never been reached out to. Well, here, obviously, is a letter addressed to you.

A Right, right, but this is after -- yeah, this is after -- this is October 18th, okay.

Q Right. And it is clearly about the investigation of Benghazi.

A Sure, sure.

Q So --

A About, but I'm -- my point is on the sort of immediate aftermath, the first few days, you know, really the rest of that week

and then leading to the real big question, you know, or the issue in question is the talking points.

Q So you believe that with regard to everything else, you all -- other than the talking points and what happened, about the talking points and how the administration talked about the attacks, DIA did fully cooperate with Congress and answered all questions?

A I think we did. I mean, we usually did. You know, I wouldn't say that I would know for certain, you know, 100 percent, but I think if we're asked, we generally were pretty good about responding, especially on formal stuff like we did here, so yeah.

Q And this seems -- I mean, I also gave you the response.

A And like he says here, "I am hopeful that in the 5 weeks since September 11th, you have examined the actions taken by your command in the lead-up to the Benghazi attack. Therefore, I respectfully request you address these questions verbally or in writing," so yeah, so -- and we did.

Q So the request was to address everything you all had done prior to 9/11/2012, and you believe that you fully answered those questions?

A I think so. I mean, you know, we probably, you know, hindsight, probably could have given more detail. I mean, you know, you see all the things that I think this committee has been provided, you know, this particular binder, and there's probably more than that, you know.

Q Yes. Those were binders that were actually given to this

committee by the House Armed Service Committee, so it was information --

A Yeah.

Q -- probably provided by your organization --

A Sure. I put it together, so I had DIA put it together because I wanted to review everything, I want to learn lessons, I want to see what, you know, what did we do right, what did we do wrong, how could we, you know, do something different in the past from one perspective. I also wanted to know what happened, and what, you know, sort of what did we know, when did we know it, and what was provided.

Q Do you have any reason to believe that the information you --

A So there's probably -- there's probably more than that. There's probably a lot more than that, just because it's the nature of intelligence and the various reports that are going to come back and forth, so --

Q And with regard to your answer, I think, which is exhibit 12?

A Yeah.

Q There's a signature line. It says Michael T. Flynn.

A Yeah.

Q You know, there's been allegations in the course of the investigation that that means that someone personally reviewed and actually signed a document. We, I think --

A Signed what document?

Q Your letter, the letter that --

A Exhibit 12?

Q Yes.

A Yeah, I signed that.

Q Did you personally review it at the time?

A This letter?

Q Uh-huh.

A I imagine I did.

Q Okay. So you believe that was a complete answer to the letter that had been sent to you all on October 18 and 19?

A Yeah, I think at the time, I think based on the question that was asked, I think at the time, yeah, it was a complete answer to the chairman's question, yeah, I do. I mean, you know -- I mean, now -- now, there's more and more stuff out there, but I think at the time, yeah, I do.

Yeah, like he says in his -- in his request, the number 1 part of his statement, it says, "Excluding formal DIA analytic products, did you or anyone at DIA formally or informally," and he goes on to different things. So excluding the DIA analytic products, which were many.

Q Right.

A So that's really what I'm talking about.

Q Right.

A So we're answering what -- you know, this.

Q Additional questions, in addition to the formal --

A We're answering this without adding all the other DIA analytic products.

Q Do you have any reason to believe they didn't have that -- those products?

A It wasn't asked for. You didn't ask for it.

Q In these letters. Do you have any reason to believe --

A He says right there, "Excluding formal DIA analytic products, did you or anyone at DIA formally or informally," you know, need.

Q Do you believe this was the only communication with DIA, they never asked for the products otherwise?

A I don't know. I don't know. I mean, I don't know. I know that we provide daily -- you know, we have people going over to the Hill --

Q Sure.

A -- I mean, just about every day for some reason, so you know, I don't know. I don't know.

Q So you don't really know what materials were provided to the House Armed Services Committee?

A I would say that every single thing that was prepared on -- from DIA's perspective, you know, the likelihood of providing all of that, we dropped a lot -- in fact, we dropped all of our -- I forget the name of the system that we have that communicates, this electronic system that communicates with the Hill, but those are dropped on the electronic system just about every day. In fact, every

day.

Q So those would have been provided to the Hill, both contemporaneously with their production, as well as --

A Sure.

Q -- in any review of specific --

A To those that had access and those that had the right clearances, yeah, sure. Sure.

Q So the, before --

A Like these types of -- these other exhibits that you've -- you know, that you provided to me. All that -- those kinds of things get dropped on the -- you know, I forget the name of the electronic system that we share stuff, but it exists.

Q Right. So the standing committee with jurisdiction over the Department of Defense, certainly have access to these products, both in real-time as they're being produced?

A Sure, sure, absolutely.

Q And they would have had them also if there had been a compilation of specifically intelligence products --

A Sure.

Q -- related to Benghazi, they would have had that?

A Absolutely.

Q Okay.

A No doubt.

BY MR. KENNY:

Q Thank you, sir.

[REDACTED]

A Yes.

Q We touched on, in the previous rounds, the concept or the system you referred to as the DAT system?

A Defense attache, yeah.

Q And the DAT is the -- as we understand it, is a senior defense official also in countries that you --

A Usually, usually, yeah, yeah. Not all the time. Not all the time. Usually.

Q And was there a defense attache in Tripoli, to your understanding?

A Yeah, I believe there was, actually, and I think his name is in this letter here. [REDACTED].

Q Okay. And do you know about when that office was created within Embassy Tripoli?

A I don't know. I don't know. I mean, you know, it may be -- it could go, you know, way back. I don't know.

Q Okay. And would the DAT, would that be staffed from DIA resources?

A Yes.

Q Okay. So that's a DIA --

A Defense attache is a -- yeah, it's a -- you know, depending on the priority, depending on the size of the -- you know, depending on the size of the mission itself, the physical size of the mission, because some of it depends on literally is there enough room for people, so Libya would probably be a smaller team of people.

[REDACTED]

Q Okay.

A But again, it could be anywhere from, you know, a couple, two, three to, you know, a couple of dozen.

Q

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q So at this point, I will mark exhibit 13.

A Okay.

[Flynn Exhibit No. 13

Was marked for identification.]

BY MR. KENNY:

Q And I'll just describe this for the record. This is a portion of a now declassified transcript of an interview conducted jointly by the House Committee on Armed Services and the House Committee on Oversight and Government Reform.

A Uh-huh.

[REDACTED]

Q This interview is conducted of the defense attache Embassy Tripoli?

A Right.

Q The interview is dated January 31st, 2014, and the declassified transcript was publicly available on the Armed Services Committee Web site.

A Right.

Q So I know we're in a classified setting. We've opted to use, for our purposes here, a declassified transcript, so I'll do my best to help aid our discussion.

A Uh-huh.

Q

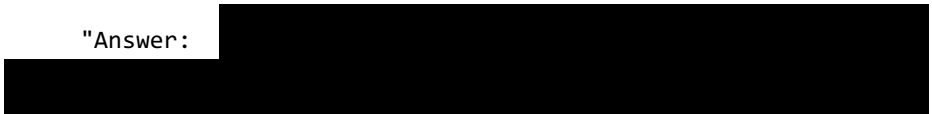


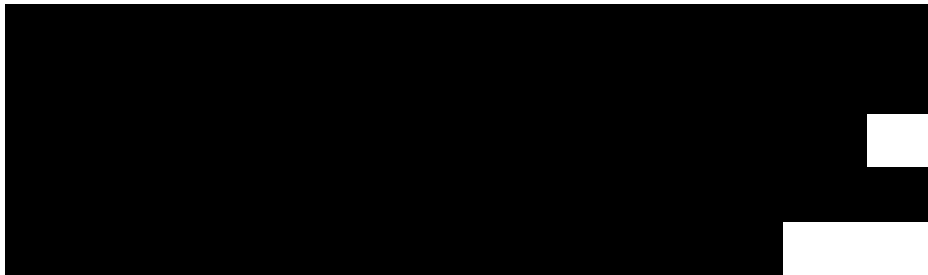
A Okay. Okay.

Q Okay. So just for the purposes of the record, I'll begin reading at the top of page 83. There's a question posed to defense attache.

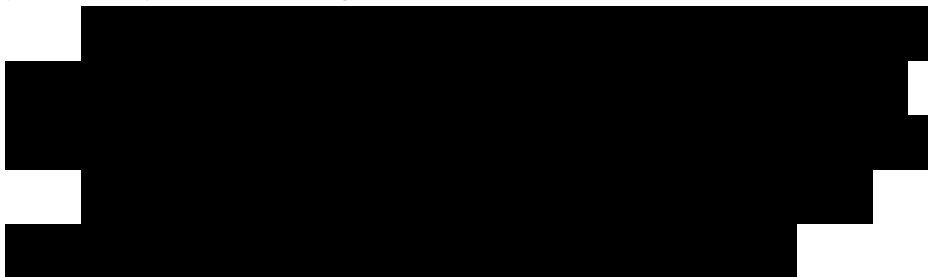
"Question: In your estimation, with all the dynamics at play, was the security environment getting more tenuous or degrading, if you will?

"Answer:





"And you went straight from elections into Ramadan, which is kind of the quiet period traditionally in a Muslim country, so there was a bit of a lull, I feel, during that period. So it wasn't easy by any stretch of the imagination or obvious to read these tea leaves, but there was a sense that both the Libyan government and military officials and in the international community, I think there were a series of periodic episodes in Benghazi.



And I'm going to jump ahead to the bottom of page 82, but you are more than welcome to read the full portion. But at the bottom of 82, the question begins: "And do you have any sense or any recollection -- again, they declared that the IC produced hundreds of analytic reports in the months preceding the attacks talking about the fact that terrorists and affiliated groups had the capability and intent to strike U.S. and Western facilities and personnel in Libya.

"Again, in the months or weeks preceding the attack, did you sense



[REDACTED]

[REDACTED]

Now, what you feel is you do feel differently, because when you're in an area like that where, you know, the threats to -- I mean, the threats to our embassy in Tripoli -- now this is -- this is after the Benghazi stuff, but the fact that -- I mean, what I read from that right there, from that transcript is that, you know, that he -- he had -- he was comfortable with what he was able to read and that the threats in the east were -- were increasing.

Q Okay. And it may or may not be in this portion.

A From his recollection.

Q Sure. And it may not be clear here, but this defense attache, as we interviewed, did tell us that he did personally travel to Benghazi at least once.

A Good, good.

Q But his characterization here that it wasn't, quote, "glaringly obvious that things were going south extremely in a precipitous manner," do you disagree with the defense attache's assessment that to him, his belief was that the situation wasn't, to use his language again, not glaringly obvious that things were going south extremely in a precipitous manner?

A Yeah, I --

[REDACTED]

Mr. Chipman. Excuse me, you're talking about Tripoli or Benghazi?

General Flynn. Yeah, yeah.

Ms. Adams. This seems to say only Tripoli, and says the east is different, so that's unclear.

General Flynn. Yeah.

Mr. Kenny. You know, his statement there, he doesn't specify which, but he does, in that sentence, reference Benghazi, so then he makes the differentiation and --

Ms. Adams. He's established --

General Flynn. But he talks about that --

Mr. Kenny. Read the full exchange. The question is asked, security in Libya, and he's referring to both --

General Flynn. Yeah, I mean, he basically says that the security --

Mr. Kenny. -- locations, and he's referring --

General Flynn. I mean, he basically says the security in Libya, particularly the east, is going in the wrong direction. That's the gist of that -- that part of that transcript. So I don't disagree. I don't disagree.

BY MR. KENNY:

Q He also describes a bit of a lull that occurred, and again, this may be --

A Yeah, but you got to -- what period of time? I mean, you know, and what is a lull. You know, no attacks?

Q [REDACTED]

A Yeah.

Q Do you recall when the election occurred?

A I don't off the top of my head.

Q Okay. Does July 2012 sound about right?

A I don't remember off the top of my head when the elections occurred.

Q Okay. My understanding is they occurred around July 7th, 2012.

A Right.

Q [REDACTED]

A [REDACTED]

A I'm not sure what you're asking me.

Q You said you were unclear as to which time period he's referring to. He makes a reference to the Libyan election, so presumably, he's referring to post-election.

A Yeah. So he's probably -- yeah, so if he's referring to at the election period, then yeah, sure. And that's -- if I -- you know, looking back, I mean, those -- at that time, I mean, I wasn't personally, I didn't think the thing was going to go in the right direction just because we knew what the threats were, but --

Q Uh-huh.

A But I -- you know, what he -- what he said sounds reasonable to me.

Q Sure.

A I mean, again, the gist that I get out of that, this particular exhibit is that the situation -- the security situation in Libya was not good.

Q Correct, yeah. I think that's a fair assessment.

A Yeah.

Q I don't think anybody disputes that. There were probably reports --

A And at the east was probably worse.

Q And there have been several reports that have documented that.

A Yeah.

Q And I think to return to a discussion you had in an earlier hour, because you did make reference specifically to Tripoli and security in Tripoli here, the defense attache does seem to appreciate that there is a difference between that was occurring in Tripoli and Benghazi.

A Yeah. I mean, you know, you have to look at the last couple of years, but there has been -- there's been some significant attacks in Tripoli. This was after Benghazi, but --

Q Uh-huh. But here it specifically says I would draw a distinction between the two, so the defense attache -

A Sure.

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Q      -- perceived a difference between the two.
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A Sure.

Q Okay.

BY MS. SAWYER:

Q And in that regard, do you think what he told the House Armed Services Committee was accurate?

A

A

[REDACTED]

[REDACTED]

Q Great. Thank you. We want to be respectful of your time.

A Great. Thank you. Thanks for that.

Q So that's all we have for right now. We may have some questions after our colleagues conclude, but we will certainly try as well, and be respectful of your time then.

A Yeah, great, great. Thank you, everybody, that's good. I'll just hold on to these until you guys are done.

Mr. Chipman. That's fine.

General Flynn. You know, and this can be on the record while you guys are transitioning.

Ms. Sawyer. We are off the record, and then we will go back on so she is able to get it clearly. Let's go off the record for a sec.

[Discussion off the record.]

Mr. Tolar. Let's go back on the record, please. Heather, do you want to clean anything up with that last comment?

Ms. Sawyer. Oh, I just thought if he -- I certainly think if the witness -- we did not mean to cut you off in any way.

General Flynn. Yeah, so. I'll just answer based on at the end

[REDACTED]

of the last set of questions.

Q So they certainly would be one of the important data points --

A Yeah.

Q --

[REDACTED]

Ms. Sawyer. Great. Thank you.

BY MR. TOLAR:

Q All right. So let's drive on. I'm going to move very quickly here --

A Okay.

Q -- in order to get you out of here, but if I'm moving too fast, please tell me to slow down.

A Okay.

[REDACTED]

[12:31 p.m.]

BY MR. TOLAR:

Q So the first thing, looking back at exhibit No. 9, which was introduced to you a few minutes ago, just for the record, sir, will you note in that first line what level of confidence this report is?

A Yeah. DIA assesses with moderate confidence.

Q Thank you, sir.

A Yeah.

Q All right. Now, sir, during your 33-year career in the military, were you ever involved in either the planning and/or participation of a military operation in response to a crisis?

A Yes, many times.

Q Did you do so at the company grade level?

A I did it at every single level.

Q Including the flag officer level?

A Yes. Multiple times.

Q Sir, do you believe that you have the requisite expertise to provide an informed opinion as to whether or not a given military operational response is appropriate?

A Yes.

Q Thank you.

[Flynn Exhibit No. 14

Was marked for identification.]

Q I want to show you -- go back to the talking points just for a minute and talk to you real quick. I'm going to give you an

exhibit, please, sir, and it's exhibit No. 14, and this is an email dated September 14th, 2012.

And, sir, we'll give you a little context, because I want to talk about something specific, but basically this is an email from a gentleman named Ben Rhodes. Does that name sound familiar to you?

A Yes, it does.

Q Okay. And he prepared some talking points for Ms. Rice prior to the Sunday shows. And I want you to look specifically at the four goals that he laid out for the talking points and would you review those very quickly, and I want you to pay particular attention to goal number two.

A Okay.

Q You read it, sir?

A I did.

Q Given the fact that Mr. Rhodes was at the time the Deputy NSA for Strategic Communications, does it give you pause that such a senior official in the Intelligence Community would engage so blatantly in the shaping of policy discussions?

A Yeah. I mean, I read that as basically telling me what I needed to say.

Q In your mind, does that constitute --

A That's what I read that second bullet as.

Q And in your mind, does that constitute the politicization of intelligence?

A Well, if you're looking for intelligence that supports that

goal, I would -- and you cherry picked the intelligence to support that goal, yeah.

Q But does that meet -- and previously you've talked about your concerns over that.

A Yeah, yeah.

Q Does that meet with what you talked about in the past?

A Yeah, because the role that he's in, that Ben Rhodes is in, he's a national security advisor, you know, in role, he's a deputy, but he's still a national security advisor, so he definitely you know, has access to every bit of intelligence that we have.

Q Okay.

A And, you know, I mean, to state a goal that shapes what it is that we're looking for, I think, is not a good thing.

Q Moving on, sir, did you -- the DIA support the FBI investigation on Benghazi in any way that you're aware of?

A I don't know. I don't know. You know, I mean, we have had -- DIA and FBI have a very close working relationship, had one certainly, so if they needed any support, we gave it to them.

Q I want to talk to you

A

[REDACTED]

Q Are you aware of any efforts by the U.S. Government in Libya to provide any weapons directly or indirectly to any opposition to Qadhafi's forces?

A I am not.

Q Are you aware of any efforts by the U.S. Government in Libya to provide any weapons directly or indirectly to any Libyan rebels or militia?

A I am not.

Q Are you aware of any efforts by the U.S. Government in Libya to provide any weapons directly or indirectly to any opposition to Syrian forces?

A Yeah. I'm not. I'm not.

Q Are you aware of any efforts by U.S. Government in Libya to provide any weapons directly or indirectly to any Syrian rebels or militias?

A None.

Q All right. And you indicated previously -- or let me -- for the record, were you interviewed by the ARB?

A I was not.

Q Thank you.

Do you happen to know how many attackers have been identified to

[REDACTED]

date that you're aware of, attackers on Benghazi?

[illegible]

Q Sir, it's been said that context is everything when it comes to analysis. Do you agree with that statement?

A Yeah, I do. I do.

Q Senior administration officials have stated it makes no difference why the attacks in Benghazi occurred. However, is it fair to say that knowing not only the perpetrators of the attack, but more

importantly the motivations behind the attack are critical to the analysis -- to the analysts in the IC?

A Yeah. That's you know, absolutely a part of analysis. Hell, we train analysts to think like that --

Q What --

A -- and to analyze, you know, a range of pieces of information to get to those kinds of judgments.

Q Who all might benefit from knowing who the perpetrators were and why they did it?

A I mean, not only are -- I mean, from the top down, you know, our entire -- certainly our national leadership, our counterterrorism forces, that are trying to get after these guys, our partners that we work with in either the region or elsewhere around the world, other intelligence services, a lot of people.

Q Could this information potentially mitigate future threats and/or attacks on U.S. personnel and facilities abroad?

A Yep. Absolutely. Absolutely. Yeah.

BY MR. CHIPMAN:

Q General Flynn, you mentioned that

A

Q

Q Okay. And you had mentioned earlier that you had a DAT -- that we had a DAT in Tripoli?

A Yes.

Q

[REDACTED]

Q There was an extensive back-and-forth conversation you had with Congressman Schiff before he left in the last hour, and it appeared that he was very much focused on the fact that there was protests or demonstration language --

A Right.

Q -- throughout in the exhibits that you were shown.

A Right.

Q And that I sensed your personal professional frustration

that it was not the presence of that language, but the absence of other language that you found --

A Yeah. Absolutely.

Q -- a problem?

A And that's cherry picking. I mean, let's face it. I mean, so if I say that an al-Qaida-associated terrorist group, you know, had intended to attack western and U.S. interests, you know, leading up to the Benghazi attack and we knew certain leaders, and they spontaneously took the opportunity because of a video, and you only say -- you only say the result of the -- or the reason for the attack was a spontaneous, you know, video, you're leaving out the other half, the other two-thirds of the evidence.

Q Okay. So it's the omissions, not the --

A Yeah. It's absolutely.

Q -- inclusion of the protest?

A Yeah. I mean, I got that there's a protest, but absolutely. There was protests going on in Cairo. There was a protest outside of our Embassy in Sana'a that I'm very aware of. We were concerned that that was going to be attacked.

Q And so your same concern by the comments by Ambassador Rice related to the --

A Yeah.

Q -- she included the one point about a video --

A Yeah.

Q -- or a protest, but didn't include the remainder of the

language that you thought would have shaped this more effectively?

A Right.

Ms. Sawyer. And, Dana --

General Flynn. Right.

Ms. Sawyer. -- could we just clarify?

BY MS. SAWYER:

Q What is that language specifically that she should have included?

A I think that she should have said up front, we don't have all the information yet. We know that there was elements of a terrorist organization associated with al-Qaida that were part of this, we know that we are -- you know, [REDACTED]
[REDACTED] So we know these things.

There was definitely a video that we know from previous, you know, things that have occurred with, you know, the exposure of a Koran in a different way, I mean, some of the things that we had already seen, had she had said those kinds of things and, you know, at the end of the day, we just don't know yet, we don't have you all the information, we're going to be examining this and we'll continue to stay on this until we actually bring to -- you know, to bear the people that actually perpetrated this, the American public would have been just happy.

Q So can I just boil that down to, my understanding is that --

A I just said that in about 30 seconds. She could have put that out in 30-second increments five times on a Sunday talk show on the -- you know, on that Sunday, but she didn't.

Q So it was the failure to use the word "terrorists"?

A The failure to assure -- well, the failure to really take all the pieces of the puzzle that we knew at that time up until that day, up until the day she walked onto the -- you know, into those studios, to take all the pieces that we knew and put together as accurate a puzzle as she could, you know, given sensitivities of intelligence, but this was a big deal.

And a lot of this stuff, you know -- I mean, national security advisor, she can -- and the President, they can declassify whatever they want to bring confidence to the American people.

I mean, that -- to me, I was surprised, one -- you know, I was not given an opportunity to look at those talking points or to give my 2-cents on them; and two, I was surprised when she went on the Sunday talk shows and said what she said, because I was, like, wow, that's not the whole story.

Q Again, just to try to clarify and boil it down, it was the failure to specifically mention that there were potential involvement of individuals associated with al-Qaida --

A Yeah.

Q -- associated with --

A



[REDACTED]

Q And there was then an inspired -- an al-Qaida-inspired attack?

A Because we knew, because we had previous evidence that showed that this -- that there were -- I mean, you know, [REDACTED]

[REDACTED]

Q And when you mentioned sensitivities of the Intelligence Community --

A Yeah.

Q -- what -- what -- you said --

A Well, I mean, I'm just saying, you know --

Q -- you said given the sensitivities of the Intelligence Community.

A She would have to judge, she and whoever was going to prepare her would have to judge exactly what, you know -- you know, if she used a name, for example, if she used an individual's name that we knew was one of the potential people there, how did we know that.

[REDACTED]

[REDACTED]

Q Yeah.

[REDACTED]

[REDACTED], it

sounds like you would say --

A Yeah, but, I mean, you know --

Q -- was a legitimate concern --

A -- the things that I just rattled off a few -- you know, a minute or so ago, none of that's classified, none of it.

Q Do you think it was her decision to make at the time --

A I don't know.

Q -- as to whether that was classified or not? Would it have been appropriate for Ambassador Rice to decide whether that information --

A Yes, yes, and here's why: because she's the national security advisor for the United States of America and she was going to be the one going on television. So, I mean --

Q She wasn't the national security advisor at the time. Is that not correct?

A Well, she was the -- what was her role?

Q She was the Ambassador to the United Nations.

A Yeah, that's right, the UN ambassador. I'm sorry. UN ambassador. So, I mean, she -- I'm sorry. So she's got to make the judgment about what she's going to say. If she doesn't believe what

[REDACTED]

she's going to say, then she's the wrong person to put out in front of the television.

Q Should she have overruled determinations of the Intelligence Community about --

A She could have.

Q -- what was sensitive information and what was --

A Well, she could have.

Q -- in the public domain?

A Yeah, she could have. I mean, she could have, yes, certainly. Absolutely. She could have. If she didn't -- you know, if -- if she's going as a -- you know, I mean, does she have a mind of her own, is what you're asking me?

Q I'm not asking you that. I actually asked a particular question, which was, is it in her purview and is it something you would advocate for to overrule the assessment of the Intelligence Community as to what information --

A Yeah. She wouldn't overrule the assessment of the Intelligence Community, because --

Q Can I just finish my question --

A Yeah. I'm sorry.

Q -- because I do want --

A Yeah.

Q -- you to answer my question fully. So --

A Yeah. Yeah.

Q Do you think it would be appropriate and in her authority,

but more, actually, appropriate for her to overrule a determination that the Intelligence Community had made about what particular information was sensitive from their perspective? Do you understand my question?

A Not really. I mean, I think that if she was handed a set of talking points without, you know, as somebody, in fact, as the Congressman asked me, the context or somebody asked me about the context, if she didn't have the context of the whole situation and she was handed a set of talking points, then I question her judgment, because if she doesn't have that context, she's taking a very dangerous course of action to go on national television on behalf of the President, because that's the only reason she's going on there, she's not going on behalf of herself, and she's going to make some statements about, you know, the murder of an Ambassador and three other Americans and the wounding of a few others, I mean, without having that context, the background and seeing as much of the puzzle as possible --

Q Sure.

A -- I mean, I would have thought for a couple of days, I mean, knowing how -- how we prepare people, that I would have prepared a lot more and had some context instead of just being handed a piece of paper and saying, "Okay. Here you go. Employ these."

Q And then just to be clear, so your concern with what she said was not that what she actually said was inaccurate, it was an error of omission of sorts?

A Yeah. I mean, I think so. I think that's probably more

correct. I think that's more correct.

Q And you would have wanted her or whoever was --

A Yeah. I wish --

Q -- speaking to --

A Honestly, I wish I had seen those talking points. I wish I had seen those talking points and had an opportunity to weigh in on what I think they should have -- how it should have been caveated. That's what I do believe that -- you know, I would not have agreed with the talking points that she employed, as an agency director, as an Intelligence Agency director.

Q And, again, you weren't involved in the actual crafting of the talking points for the House Permanent Select Committee on Intelligence. Is that accurate?

A No. I mean, I didn't -- I mean, sometimes -- like, I had talking points sent to me on Snowden as an example, but not -- this one wasn't one that I was given the opportunity to make a cut on, you know, to give my 2-cents on, huh-uh.

Q So if there's was back and forth on particular issues about including or omitting the term "al-Qaida," you would not have known about those conversations?

A



Q Right.

A Even though the idea that they used the protest to take advantage of it.

Q Understood. But with regard to the specific crafting of talking points for the House Permanent Select Committee on Intelligence, you would not have been aware of any --

A Now, for those, you know, because you're asking something different than those that were prepared for Susan Rice.

Q Oh. Okay. With regard to ones for the House Permanent Select Committee on Intelligence, were you involved in that process?

A Yeah. I don't know. I don't know. I don't know. I mean, if I was, you know, maybe I was. I don't know. I don't recall that, though.

Q Okay.

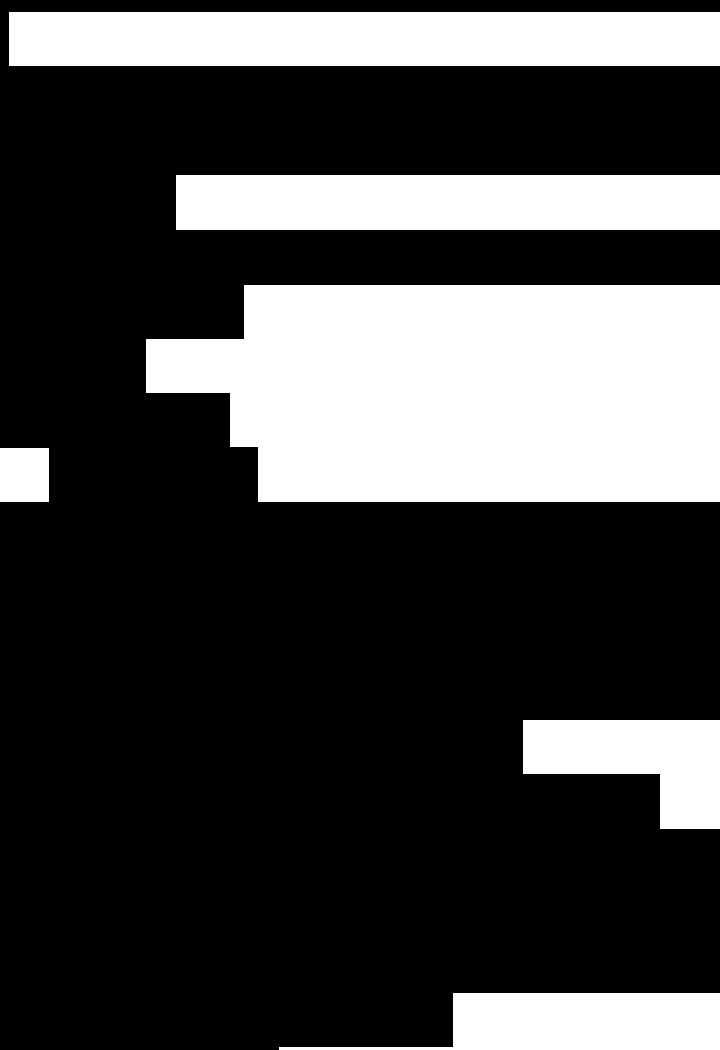
A I mean, I couldn't tell you off the top of my head if I saw something that was going to go to the HPSCI. I don't know. I don't remember that. But I definitely would know if I was given a shot at looking at the ones that Susan Rice employed, you know, immediately after the whole thing, you know, happened. So those I was not given an opportunity to look at.

Q Thank you, Dana.

A Okay.

BY MR. TOLAR:

Q Real quick. Just one other thing, sir, real quick. Were you aware --



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[illegible]

Q

[REDACTED]

BY MR. TOLAR:

Q Sir, is there anything else that you think is important for this committee to know about the attacks on Benghazi that you'd like to share with us before you leave today?

A Yeah. No. I mean, just, you know, looking at it from the time that it occurred till now, you know, sadly the situation's gotten worse, far worse. It's much worse today than it was then. So you can imagine how bad it was then where they had the ability to attack a U.S. Consulate, you know, kill a U.S. Ambassador and other -- and other Americans and are apparently still getting away with it, and the situation's far worse today, you know. I mean, there was a time when in 2009, 2010 where we were looking at, you know, 150 foreign fighters coming into Iraq, now we're talking about 1,500 a month.

So what we know for certain with, you know, great facts, and a lot of them, is that eastern Libya has been a hot bed of extremism supporting al-Qaida with variations, with different group names, different leaders for a long time in this fight we've been in. And so to have had ourselves postured the way we were in terms of security

[REDACTED]

and doing the kinds of things that I know that were going on, you know, it's sad that we didn't make better decisions.

And I will tell you, I mean, as a -- as, you know -- I'm a guy that's put together a lot of pieces of a lot of puzzles, and the pieces of this puzzle to me are very clear, you know, when you lay out all the evidence prior to 9/11, prior to that date, you know, that this happened, and the evidence was clear that there was direct threats to U.S. interests, and the primary U.S. interest was a consulate out there that was attacked, actually.

So decisions aside of what the Ambassador did or what more force protection was put there, I just look at this whole thing as it's just such a calamity of errors, and then, frankly, it's like I have said, you know, and this is really for -- Heather, for you as well, you know, we wouldn't be here talking about this had Susan Rice employed talking points properly. And given the entire context of what occurred, and then, frankly, saying, you know, we just don't know enough right now. That was only, what, 5 days, 6 days after. I mean, my God, you know.

BY MS. SAWYER:

Q Do you think that in her appearance, she failed to say this assessment is initial, there's an investigation ongoing --

A I don't know.

Q -- and we need to wait?

A Yeah. I don't know. I don't know. I don't -- I don't know that. I don't remember that specific, but only providing a portion of what we knew, is -- is kind of the way I felt. Boy, it's

like, wow, she just gave a -- she just gave an assessment that's not accurate.

Q And do you think in the talking points that were given to the House Permanent Select Committee on Intelligence to speak to -- to communicate with the public about what had happened in Benghazi --

A Yeah.

Q Those were given to HPSCI on September 15th.

A Okay.

Mr. Chipman. Excuse me. Can I make sure the record reflects, were those talking points actually provided to the committee on the 14th of September?

Ms. Sawyer. The 15th of September.

Mr. Chipman. 15th? The Saturday?

Ms. Sawyer. Yes.

Mr. Chipman. Okay.

Ms. Sawyer. Yes.

BY MS. SAWYER:

Q Do you think that --

A So I -- you know, I wasn't provided those.

Q The ones that were --

A And I don't -- I can't sit here and tell you that I ever saw those.

Q Would you have expected them to --

A I mean, now -- now, after the fact, I probably have seen them.

Q Would you have had the same expectation that you had for any talking points for Ambassador Rice, to the extent there were being talking points created for Congress to communicate with the public, would you have the same expectation that it would tell the full picture, that it would mention al-Qaida and affiliates, associations with al-Qaida?

A Yeah. I mean, I think so. I'm not quite sure I understand what you're asking, but I think that the broader context of -- and it doesn't require that much more, but the broader context is that this was not a bunch of hoodlums hanging outside of the consulate that night, and a video came out and they got upset and they attacked. That was sort of the message that came across, and that -- and we know that's not the case. We knew it then.

Q So regardless --

A We knew it then.

Q -- of who was communicating, the talking points that were being created for them --

A Yeah.

Q -- should have mentioned --

A I believe so.

Q -- the belief that al-Qaida was involved?

A Yeah. I think that there should have been more context probably provided in those talking points, sure. Certainly, you know, that al-Qaida was a -- you know, we believed that al-Qaida was responsible for this thing. Yeah. I think that would have been very

fair. And that would have helped her and, frankly, others who are -- you know, want to pick their battles. Yeah.

Ms. Sawyer. Okay. Were you guys finished? I think Peter had a couple.

Mr. Tolar. No, no.

BY MR. KENNY:

Q Sir, I appreciate the flexibility with your schedule to accommodate our questions today. Just one housekeeping matter. I want to refer back to a response you gave in an earlier hour just to help us with the timeline of the night of the attacks, or the day of the attacks here in D.C. You'd indicated that -- were you in Washington, D.C., when you first learned of the attacks? Was that correct?

A I was in Fort Huachuca, Arizona.

Q So you learned of the attacks when you were at Fort Huachuca?

A Right.

Q Is that right? Okay. And to the extent that the committee may have -- or let me ask it this way. Would there be a situation center that would track your movements?

A Yes.

Q Okay. And would that provide us with a general sense of your whereabouts, your movements --

A Oh, yeah.

Q -- at the accurate point in time?

A Yeah. Yeah. You can look at my -- you can look at my

calendar, you know. It probably shows, you know, when I departed, when I took off or when I -- when I, you know, returned from --

Q Okay. Do you recall when you landed at Fort Huachuca?

A Yeah. I think -- well, out there? I don't know off the top of my head.

Q Early evening?

A I know I was back the next day, you know, probably midafternoon or so, because I remember I went in and I went right into our CT center.

Q Sure. But your departure, would that have been midafternoon --

A Probably.

Q -- early evening?

A Yeah, probably, yeah, because I know I had some meetings that day. I think I had a meeting that day with, like, the --

[REDACTED], that day, if I remember right, because I -- you know, I was still sort of in my early days of the directorship and so I was doing various meetings with different people to, you know, introduce myself and get a sense of what they were doing, so -- but, yeah, yeah.

Mr. Kenny. I think we're all set. Oh, sorry.

Ms. Sawyer. We've got --

Mr. Tolar. No. Go ahead.

BY MR. KENNY:

Q So, sir, just at this point, we do have one final matter. And I'll just preface by saying this: our the select committee is the eighth congressional investigation into the Benghazi attacks. On the minority side, this is our attempt to help ensure that it is the last, and we've been asking every witness a series of public allegations that have been made over the course of the last few years since the attacks. It's our understanding even though that some of these questions have been answered by other investigations, our colleagues in the majority continue to pursue these allegations, and that's why we are continuing to ask about them.

Anyone can speculate about the Benghazi attacks, plenty of people have, but only a limited universe of people really have the firsthand knowledge, actual knowledge of what happened either before, during, or after the attacks. So, again, what I'm asking for here is not so much opinion, but just whether you have firsthand knowledge of some of the matters I'm going to ask you about. If you don't, we'll just simply move on to the next allegation. And there's about a dozens of these, so please bear with me.

A Okay.

Q It's been alleged that the Secretary of -- that Secretary of State Clinton intentionally blocked military action on the attacks. One Congressman has speculated that, quote, "Secretary Clinton told Leon Panetta to stand down," close quote, and this resulted in the Defense Department not sending more assets to help in Benghazi.

Do you have any evidence that Secretary of State Clinton ordered

Secretary of Defense Panetta to stand down on the night of the attacks?

A No.

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

A No.

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

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

A No.

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

A No.

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

Do you have any evidence that Secretary Clinton misrepresented or fabricated intelligence on the risks posed by Qadhafi to his own people in order to garner support for military operations in Libya in spring of 2011?

A None that I can remember, no.

Q

[REDACTED]

A Well, the way you asked the question, I question the judgment.

Q Okay. And can --

A So --

Q -- you elaborate?

A So -- because you used the word "bad." I mean, so, yeah, there was bad judgment.

Q So which judgment specifically are you --

A Probably at every level.

Q Okay. And are you referring to some -- a person in particular?

A I may not know specific evidence, but that's not the question that you asked me.

Q Okay. Well, actually I asked if you had any evidence that there was a bad or improper decision, reason behind the --

A Yeah. The evidence is -- yeah. The evidence is a dead Ambassador and three dead -- other dead Americans and others wounded. I mean, that's the evidence. So there was judgment calls at the ground all the way up to the highest level. I question the bad judgment. So

[REDACTED]

that's -- my evidence is the -- is the dead Americans and the wounded Americans and the fact that we had to leave a country. So, yeah, I question -- based on the evidence that I know, I question the bad judgment.

Q Right. So just to clarify, you're referring to the consequences of some of these decisions, the tragedy that unfolded, not any specific evidence that there was a bad or improper reason. Is that correct?

A There was bad judgment. That's obvious. It was bad judgment multiple, multiple levels of the government, starting with the guys on the ground, and that's the hardest place to be, but on up. I just question the judgment, yeah. So based on your question and the evidence that we know, there was obviously bad judgment.

BY MS. SAWYER:

Q And just to clarify, when you reference the evidence that we know, the evidence you're talking about is the consequences, what unfolded, not actual evidence that you had in your possession at the time?

A Yeah. Like, I don't know why they made a particular decision at the Annex or the consulate or at AFRICOM or back here in the White House, but it's pretty clear that the judgment was lacking, and clearly the decisiveness was lacking.

BY MR. KENNY:

Q A concern has been raised by one individual that in the course of producing documents to the Accountability Review Board,

damaging documents may have been removed or scrubbed out of that production.

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

A I don't. I was never -- no. And I have had no interaction with the ARB at all.

Q Do you have any evidence that anyone at the State Department --

A Which is an amazing statement in and of itself --

Q Okay.

A -- when you think about it.

Q Well, perhaps we could explore that a little further.

A Well, why would the ARB not come and talk to the director of one of the largest intelligence agencies in the country about -- when everybody's questioning the intelligence? Why would the ARB not do that? That's what you ought to ask the ARB. I mean, honestly, I was surprised that they did not come and talk to me.

Q All right. Do you have an awareness of the individuals who they did interview?

A I'm not. No.

Q Okay.

A I mean, I'm sure I could go get a list of them, of who they interviewed, but, no.

Q And there was a representative from the Intelligence

Community, or a person who represented the intel side of the House on the ARB. Is that your understanding as well?

A I don't know. I don't know what the -- I don't know what the makeup of the ARB was.

Q All right.

A I know who the guy in charge and the -- and sort of his deputy.

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

A No. No.

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

A No. No.

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

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

A I do not.

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

A Yeah. I don't know.

Q It's been alleged that Ambassador Susan Rice made a, quote, "intentional misrepresentation," close quote, when she spoke on the Sunday talk shows about the Benghazi attacks.

Do you have any evidence that Ambassador Rice intentionally misrepresented facts about the Benghazi attacks on the Sunday talk shows?

A Yeah. I think the key word there is "intentionally," and I would not be -- you know, I would not want to understand what was in her head, but she clearly employed talking points that were -- where there was omissions that probably could have clarified quite a bit of this mess that we're in right now, why we're sitting here today, and I believe that. I believed it the day that I watched her do that, and I just couldn't believe it, couldn't believe it.

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

Do you have any evidence that the President was, quote, "virtually AWOL as Commander in Chief," close quote, or, quote, "missing in action," close quote, on the night of the attacks?

A No. No.

Q It has been alleged that a team of four military personnel advanced to Tripoli on the night of the attacks were considering flying on the second plane to Benghazi were ordered by their superiors to stand down, meaning cease all operations. Military officials have stated those four individuals were instead ordered to remain in place in Tripoli to provide security medical assistance in their current location. A republican staff report issued by the House Armed Services Committee found that, quote, "there was no stand-down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi," close quote.

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

A No.

Q It has been alleged that the military failed to deploy assets on the night of the attack that would have saved lives. However, former Republican Congressman Howard "Buck" McKeon, former chairman of the House Armed Services Committee, conducted a review of the attacks, after which he stated, quote, "given where the troops were, how quickly the thing all happened and how quickly it dissipated, we probably couldn't have done more than we did," close quote.

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

A I think that -- I mean, I don't have any evidence, but my

judgment is that we didn't do everything we could. I mean, I just think we lacked imagination that night.

Q And you had mentioned earlier, I think tying back to --

A I mean -- I mean, I would have used --

Q [REDACTED]

[REDACTED] I mean, use your imagination.

Q Sure. And, again --

A I just think that people get -- you know, in a crisis, which I've been in a lot of them, I think that people tend to get -- they stiffen up. So, yeah, I just think that we failed to use our imagination. I don't have any evidence about what you're asking me, but I just think that not every single tool -- you know, we tend -- sometimes we use a hammer to just hammer. You can do it -- you can use it for other things too.

Q But, again, on the night of the attacks, you were not in any operational role --

A No.

Q -- regarding this?

And, finally, do you have any evidence that the Pentagon had military assets available to them on the night of the attacks that could have saved lives but the Pentagon leadership intentionally decided not

to employ?

A Yeah. I don't know that. I don't know that.

Q Okay.

BY MS. SAWYER:

Q So just a quick question. We've talked a fair amount today about the talking points and Susan Rice's appearance. You indicated right now that you actually saw her on the shows that Sunday. Is that accurate?

A I did, yeah. Yeah.

Q And I think you said you couldn't believe it, what she had said?

A I couldn't. I could not believe it.

Q And even now you feel pretty strongly about that?

A I do, because I was surprised that she -- you know, I mean, I felt bad for her, because I think that she was put into a position where she really didn't know, and that's a problem in and of itself, but that's a different issue. But I think that she was put in a position to employ some talking points that weren't totally accurate.

Q And feeling that strongly about it even at the time --

A Yeah.

Q -- did you take any steps to address it, to correct the record, to bring it up with your partners in the interagency? Anything that --

A Yeah. I let it be known. I -- you know, it was -- it was -- you know, I let it be known.

Q Did you raise the issue --

A I mean, I didn't write -- I mean, it was done, it was a done deal and we were -- now it's recovering.

Q Did you raise the issue with anyone in CIA?

A No. I raised it at the -- you know, I raised it in conversation that I had with leadership in the Intel Community.

Q And do you remember any of the people that you contemporaneously raised it with?

A You know, it might have been -- might have been Director Clapper, you know. I mean, I just know that it was like, wow, what -- you know, she just -- she just, you know, really employed some things that were not totally -- they weren't -- they weren't a lie, they just weren't the whole -- you know, it wasn't a good contextual set of talking points that had they been employed properly, had there been a little bit more stated, then I think we wouldn't be here today. Yeah. I really -- I really believe that.

Ms. Sawyer. Okay. I think from our perspective, that's all we have for you. We do really appreciate --

General Flynn. Yeah.

Ms. Sawyer. -- all your time in coming in. By the clock up there that isn't working, it's really only noon --

General Flynn. Yeah, I know it, I know it.

Ms. Sawyer. -- so we didn't keep you past noon, but we do appreciate you --

General Flynn. 1:15.

Ms. Sawyer. Yeah. I understand that clock is not correct, but thank you and thank you for pushing back your departure time.

General Flynn. Yeah.

Mr. Tolar. And, sir, also on behalf of Chairman Gowdy and the other members of the committee, we want to thank you for your time involved here and coming in here today.

General Flynn. Yeah.

Mr. Tolar. Also appreciate your service to this country and your family's sacrifice during your service. It's really important that we recognize that. And thank you again.

General Flynn. Thank you.

Mr. Tolar. We're off the record.

[Whereupon, at 1:20 p.m., the interview was concluded.]

**INTERVIEW OF
SPOKESPERSON,
NEAR EASTERN AFFAIRS BUREAU**

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, OCTOBER 9, 2015

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

CRAIG MISSAKIAN, *Deputy Chief Counsel*
MARK GRIDER, *Deputy General Counsel*
HEATHER SAWYER, *Minority Chief Counsel*
RONAK DESAI, *Minority Counsel*

FOR THE U.S. DEPARTMENT OF STATE

AUSTIN EVERS, *Senior Advisor*
ALISON WELCHER, *Attorney-Advisor*
ERIC SNYDER

Mr. Grider. This is a transcribed interview of Mr. [REDACTED] conducted by the House Select Committee on Benghazi.

This interview is being conducted voluntarily as part of the committee's investigation into the attacks on the U.S. diplomatic facilities in Benghazi, Libya, and related matters pursuant to House Resolution 567 of the 113th Congress and House Resolution 5 of the 114th Congress.

Mr. [REDACTED], can you please state your full name for the record?

Mr. [REDACTED]. [REDACTED]

Mr. Grider. On behalf of the committee, we appreciate you coming in. I understand that you flew in. Was it today or --

Mr. [REDACTED]. A few days ago.

Mr. Grider. A few days ago.

Mr. [REDACTED]. Yeah.

Mr. Grider. We do appreciate your willingness to come in and talk to us today.

As you may know, my name is Mark Grider. I'm one of the counsels on the majority committee staff. And I'll go around and room and let everybody introduce themselves.

Mr. Desai. Ronak Desai with the minority staff.

Ms. Sawyer. Heather Sawyer with the minority staff.

Ms. O'Brien. Erin O'Brien, minority.

Ms. Welcher. Alison Welcher, State Department.

Mr. Evers. Austin Evers, State Department.

Mr. Grider. All right. Briefly, I would like to go over some

ground rules and explain how the interview will proceed today. Generally, the way questioning proceeds is that a member from the majority will ask a question first for up to an answer. Then the minority will have an opportunity to ask questions for an equal period of time if they so choose.

Questions may be only asked by a member of the committee or a designated staff member. We'll rotate back and forth, 1 hour per side, until we're out of questions, and the interview will be over.

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

Members and staff of the committee, however, are not permitted to raise objections when the other side is asking questions. This has not been an issue we've encountered in the past. I just want to make sure you're clear on how the process works.

Mr. [REDACTED]. Understood.

Mr. Grider. This session is to begin as unclassified. If any question calls for a classified, please let us know and reserve that answer until we move to a classified setting. In preparing for your interview, I don't believe any of my questions will go into classified information based on the documents that I reviewed, but if you feel it does, please confer with counsel, and we'll handle it accordingly.

You're welcome to confer with counsel at any time throughout the interview, but if something needs to be clarified, we ask that you make this known to me. If you need to discuss anything with counsel, we'll go off the record and stop the clock and provide you this opportunity.

We'll also take a break whenever it's convenient for you. This can be after every hour of questioning or after every couple of rounds. You just let us know. You know, we usually say we'll get you coffee and water, but this time I think all we have is water in here. But we can go down to 205 and get some coffee if that's needed.

As you can see, an official reporter is taking down everything you say and I say to make a written record. So we ask that you give verbal responses to all questions, "yes" and "no," as opposed to the nods of the head. I'm going to ask the reporter to feel free to please jump in in case you respond nonverbally. And so I welcome her coming in and letting us know if things are unclear in any way.

Also, one thing I need to work on is trying not to talk over each other as you answer questions. We want you to answer our questions in the most complete and truthful manner as possible. We'll take our time and repeat or clarify our questions if necessary. If you have any questions or don't understand any of my questions, please let me know. We'll be happy to clarify or repeat.

If you honestly don't know the answer to a question or you do not remember, it's best not to guess. Just please give your best recollection. If there are things you don't know or can't remember, just say so and inform us, to the best of your knowledge, who may be

able to provide a more complete answer to our question.

All right. Do you understand that you have an obligation to answer questions from Congress truthfully?

Mr. [REDACTED]. I do.

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

Mr. [REDACTED]. I understand that.

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

Mr. [REDACTED]. I understand that.

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

Mr. [REDACTED]. There is no reason.

Mr. Grider. All right. That's the end of my preamble.

I always like to check in with the minority to see if there's anything they want to add.

Ms. Sawyer. No.

Thank you for being here. We appreciate your willingness to come. We appreciate the fact that you flew -- my geography is always bad.

Mr. [REDACTED]. A long way.

Ms. Sawyer. A long way here. We appreciate that and your taking the time to do so.

Mr. [REDACTED]. Sure.

Ms. Sawyer. So thank you.

Mr. [REDACTED]. My pleasure.

Mr. Grider. Right now, the clock reflects 10 after 11.

EXAMINATION

BY MR. GRIDER:

Q Okay, Mr. [REDACTED], can you just give us a brief background of your history, starting at the State Department, your work history?

A Sure. I started at the State Department in March of 2003 as a career Foreign Service officer. I began my diplomatic service in Ethiopia, where I served for 2 years, and then returned to the Department, where I worked in the State Department Operations Center, which is the Department's 24-hour crisis response center.

I then moved to the Iran desk, where I worked Iran policy, and then went into the Arabic language program with a plan to go to Oman, where I would serve as the public affairs officer, but I did not quite get there.

I volunteered to go to Iraq in 2008, where I served on a Provincial Reconstruction Team, a PRT, from 2008 to 2009 in southern Iraq; then returned to the United States, studied another year of Arabic; volunteered to go back to Iraq for a second time, where I served as the deputy spokesperson at the U.S. Embassy in Baghdad.

And, as no good deed goes unpunished, I volunteered to come back to Washington and serve as the spokesperson for the Middle East Bureau, which I did from 2011 to 2013.

After that, I entered the Department's intensive 2-year Japanese

language program and did that from 2013 to 2015. And just 2 months ago, I started at the U.S. Embassy in Tokyo as the counselor for political and military affairs, where I will serve for 3, possibly 4 years.

Q That's a very impressive background and history.

Well, so let's focus on, sort of, the 2011-2013 time period.

A Sure.

Q Can you once again clarify, what was your title and your role?

A Sure. I served as the Deputy Director for the Office of Press and Public Diplomacy in the Bureau of Near Eastern Affairs. I was also dual-hatted as the Bureau, NEA, spokesperson.

So, in that capacity, I conducted live interviews, both on the record, background, deep background, off the record. I coordinated our office's daily press guidance, which would feed into the State Department spokesperson daily press briefing that happens every afternoon. And I would advise the Assistant Secretary of State, the Deputy Assistant Secretaries of States, office directors, other folks in the Bureau on press and public diplomacy matters.

Q Just back up real quick. You had mentioned, sort of, the daily press briefing that happened. Who was making those daily press briefings during your tenure there?

A What do you mean by "who was making"? Like, who was the person who was briefing?

Q Yes. You're saying your information flowed up to --

A Oh, sure. Sure. Yeah.

So, just to clarify, each regional bureau and functional bureau in the State Department has a press office, but, unlike embassies overseas, you want to have centralized messaging. And so the Bureau of Public Affairs and the State Department spokesperson, who at the time was Victoria Nuland, she would conduct daily press briefings in the press briefing room on the second floor of the State Department.

And so all of the bureaus, NEA included, would receive press taskings early in the morning, questions that I think the spokesperson's office believed might be asked at the press briefing, things that were stories that had been covered in the news that morning that could come up, and then we would generate talking points, working with the various offices, working with our embassies overseas to figure out what do we want to say about this issue or that issue.

Q To be clear, your office, NEA, they issued its own, sort of, press statements on occasion. Is that correct?

A "Issued" -- like, do you mean "issued" meaning released in the name of the Assistant Secretary of State for Near Eastern Affairs?

Q Yes. I mean, not everything that you did flowed up to Victoria Nuland. Is that --

A I mean, a lot of times -- so I guess I would respond this way. When you're back in Washington, the primary spokesperson for the State Department really should come from the Office of the Spokesperson. But a lot of times, the other part of my job was, if an ambassador overseas wants to give an interview, that the embassy

public affairs officer, let's say in Lebanon, would send my office back a series of talking points. And we would look at those talking points, taking into consideration broader regional equities that a public affairs officer in a country like Lebanon, who is only focused on maybe Lebanon and Syria, might only be thinking about, and say, look, you might want to say this, or you might not want to say this; the Secretary is going to be traveling, maybe, next week, and he's going to be making an announcement on something very similar, so we don't want to steal his thunder. So we would clear talking points for our embassies overseas.

Q Are you familiar with the name [REDACTED]?

A Yes.

Q And what was his role?

A So [REDACTED] was a member of my staff at the time in the office of NEA press --

Q So he reported to you?

A Yes and no. [REDACTED] was on my staff, but he had found a cut-out to report to the Deputy Assistant Secretary of State. So he kind of reported to me at times maybe on paper, but, really, his boss was the DAS at that stage. But --

Q He was on your staff.

A He was on my staff. Yeah.

Q And are you familiar with the name [REDACTED]?

A Yeah. She was the Libya desk officer at the time.

Q And what was her role?

A So, in the Bureau of Near Eastern Affairs and any other regional bureau, each country has either a single desk officer or multiple desk officers who work on that country's issues. And so [REDACTED] was, at the time, the Libya desk officer, the person who was in charge of liaising with our diplomatic mission in Tripoli and also connecting with the Libyan Government that had representatives here in Washington.

Q All right. Let's just talk about, sort of, information in and then, sort of, how that information flowed out.

A Sure.

Q How did you gather your information? You know, if a speech or documents came to you, I imagine you fact-checked those documents. How would you gather information to see if things were accurate? Or who was on the ground that was sort of feeding information to you or who was in the State Department that was feeding information to you about Libya or other Middle Eastern countries that you were --

A I mean, it would really depend on the type of information we're talking about. I mean, as a press officer, I was constantly getting information in from multiple sources -- for example, media reports, translations of pan-Arab press reports from Al Jazeera or Al Arabiya or those stations. I was also hearing from our diplomatic missions overseas, saying, hey, you know, journalists are asking about this. So it really depended on the specific issue.

Q So let's focus on Libya.

A Okay.

Q When you were working on the Libya issue, who were you

getting information generally from? And we'll focus on September 11 and 12 and 13. But, just generally, if you were getting information and they were making some type of statement about Libya, who from Diplomatic Security or, you know, media, who were you dealing with to sort of fact-check your information when it came to Libya?

A Well, I mean, are we talking prior to September 11?

Q Correct.

A So, at that stage, we were engaging with the mission overseas. I was also chatting a lot with [REDACTED].

I'll give you an example. Probably in August 2011, I'm not sure the exact date, but I had given an interview on CNN International specifically about Libya. And it was after the fall of Qadhafi but before Qadhafi had been found. And so that was an opportunity where CNN asked for a 5- to 7-minute standup with a State Department spokesperson. I then did the interview. But, prior to that interview, I talked to the Libya desk officer, I think I talked to the DAS, the Deputy Assistant Secretary of State, asking, okay, what are my top-line messages, what is it that we want to convey? And so I would, you know, put together those talking points.

You know, I would reach out to the local CNN person to see, do you have a sense what Hala Gorani is going to ask me? You know, what is it going to be about? And so I had sort of a sense of things. I think the interview focused on human rights abuses by the -- I don't know what they were called, but the Libyan freedom fighters. And so I looked at press guidance from the Bureau of Democracy, Human Rights,

and Labor to sort of get a little sense of what that bureau was saying about human rights violations and things like that.

Q In light of you working -- you said State Ops in 2005? Is --

A Uh-huh.

Q -- that correct?

A Yeah.

Q Did you ever, sort of, keep those relationships, that if you ever, you know, needed some information coming in from Diplomatic Security, did you ever contact State Ops?

A So one of the things that I did is I asked to remain -- and to this day, I still remain -- on the distro lists of the State Department Operations Center's watch alerts. These are, sort of, bits of information, unclassified information, that are generated to let folks know that things are happening. So they might be press reports; you know, Prime Minister Abe in Japan signed a historic agreement. Or they might be DS, Diplomatic Security, spot reports.

So I've always kept on those, because it's a good way not only for me to keep up to date with what is going on, but, you know, on these spot reports, they're often cc'd to Assistant Secretaries of State. And so, as a spokesperson, I now have a heads-up that the Assistant Secretary of State is now thinking about this issue. It might not be related to press, but her question might be, okay, well, what are we going to say about this? And if I'm on that distro, that helps me do my job better.

Q Just to clarify, how did the information flow into State

Ops? Where were they getting that information from?

Let's say -- and let's just keep it focused on Libya. I don't know if you were working on Libya in 2005, but if someone was in State Ops and they were overseeing Libya, how were they getting information into State Ops about Libya?

A So embassies overseas -- I mean, when you join the Foreign Service, they try to drill into your head 202-647-1512, which was the telephone phone for the State Department Operations Center. So, you know, if things are happening overseas, you call into Ops. There's a seat in the Operations Center called the editor chair, and that person is in charge of drafting the Secretary's afternoon brief or the Secretary's overnight brief.

And so, a lot of times, embassies overseas would feed into the Ops Center. Sometimes the Ops Center would see something in the press, an AP or Reuters ticker, and then call out to the embassy and say, hey, we saw that there's a protest here, or we saw that there's a demonstration; could you tell us more about that?

Another way is that there's a DS Command Center. I've never worked there. I don't know a lot about it. I don't know a lot of what happens there. But I know that the DS Command Center has a more direct channel of communication in with the regional security officers overseas.

Q And we're going to turn our attention to September 11. But I just want to be clear that if you needed to, sort of, have some fact-based information about what is actually going on on the ground,

whether it be in Libya or Cairo, would State Ops be able to give you that information?

A Not necessarily.

Q Okay.

A I mean, Ops is a clearinghouse. There aren't Libya experts in the Operations Center. We're a bunch of generalists who are on staff who are answering calls.

And so perhaps at the moment when I would call into the Operations Center, folks would know exactly what is happening at that very moment; they might know what's happening. But, generally speaking, those aren't, sort of, the subject matter experts. They don't know the name of this person or the name of that person.

Q Gotcha. Very good. Okay.

Let me direct your attention to what I think people have called, sort of, the protest in Cairo. Do you recall that event?

A I do.

Q Okay. And can you tell me, sort of, your role and what you recall from that event taking place?

A I recall that I was up quite early that morning. Because the Middle East is some hours ahead of us, I tended to wake up earlier and earlier every morning, because the crises, you know, were sort of brewing for hours by the time I was up and even before I got in the office.

So I think sometime around 5 a.m., maybe 5:30, I had looked at my BlackBerry and saw a message from Cairo indicating that there was

a statement that they were going to issue on the demonstrations outside of the embassy.

Q And let me just be clear on the pronoun. You said "they" were going to issue. And let me just make sure, who are you suggesting when you say "they"?

A Embassy Cairo.

Q Embassy Cairo.

Q Yeah. So sometimes embassies will release press statements for a wide range of reasons. It may be a local issue that does not raise to the level of affecting U.S. foreign policy globally.

At that stage, it's my understanding that the folks at Embassy Cairo felt that they wanted to get ahead of what was an increasingly intense situation on the ground. And by issuing a statement, they thought that that might quell any sort of concern that protesters had about this video and things like that.

Mr. Evers. Mark, just for the sake of the record, can we get some time/date on the record? I don't think we've talked about when we're -- I know what you're talking about --

Mr. Grider. Fair enough. Fair enough.

Based on your recollection, do you recall -- you said you woke up at 5 a.m. Do you recall what day that was?

Mr. [REDACTED]. I'm pretty sure it was the morning of September 11, but that's -- yes, that's my recollection.

Mr. Grider. Okay.

Mr. Evers. 2012.

Mr. [REDACTED]. 2012. Sorry.

BY MR. GRIDER:

Q Now, you were communicating about, sort of, what the intentions of Embassy Cairo was trying to do with issuing a statement, you know, before we just had to answer that. How did you know that? I mean, is that just speculation, that you're saying, hey, this is what I think they were trying to do? Or was that communicated to you, "We wanted to get ahead of this"? I'm trying to understand the basis of what you just stated.

A I don't remember exactly what Cairo's message was to me. I mean, I think Cairo -- if I recall, Cairo was sending me a message, Washington a message, to say, "We are going to issue this statement."

Q Okay.

A Why it got perhaps a little more complicated at the time is that I did not like that statement. I did not think that was a good statement. It sounded tone-deaf to me. And I understood the desire to counter an increasingly hostile situation, but my thought was, we can do exactly what you want to do, but let's just rework the statement so it actually accomplishes what we need to accomplish.

Q And in light of talking about the statement, why don't we go ahead and just bring up that exhibit that you're referring to.

A Okay.

Mr. Grider. Let's go off the record just to get this all straightened out here.

[Recess.]

Mr. Grider. Let's go back on the record.

[REDACTED] Exhibit No. 1

Was marked for identification.]

BY MR. GRIDER:

Q Okay. I've marked a document government exhibit 1. The document number is "C" as in "Charlie," 05390721. It's an email that contains communications from Mr. [REDACTED]. And we'll walk through that.

But before we focus on this, let's just go back to -- I just wanted to bring this document out just to refresh your recollection. You were stating that Embassy Cairo was sending a message, and you essentially -- and correct me if I'm wrong -- you were sort of pushing back on that message, or, as you communicated here, it was sort of tone-deaf.

Can you explain that again, what you meant by "tone-deaf"?

A Sure. I mean, as I look at what I wrote on that Tuesday morning, I think it's pretty self-explanatory.

And I think, first and foremost, press statements need to be concise. The messaging needs to be very clear. And when I looked at the statement, you know, it was 9/11, and this is a really important day for the United States. And I recognize that there were protests happening overseas, but the idea that we were going to issue a statement on 9/11, even from Embassy Cairo, that first discussed the hurt feelings of protestors just seemed not appropriate as the first sentence of a statement.

Q Sure.

A And, you know, I completely -- as I said in my email, you know, there are a lot of these parts that I agreed with.

Q So, based on the email -- first, let's start at the bottom of the email.

A Sure.

Q Can you tell me who is -- you know, this is an email, I think, that was sent from [REDACTED] on Tuesday, September 11, 2012, at 5:26 a.m. to a number of individuals. Where would you have been on that? NEA-Press-DL?

A I was on the NEA-Press-DL.

Q Okay.

A Yep.

Q Can you clarify for the record, who is [REDACTED]?

A So [REDACTED], at the time, was the -- his title was, I believe, the Acting Director for Press and Public Diplomacy in the Bureau of Near Eastern Affairs. But he was also sort of a senior advisor for public diplomacy for the Bureau at that stage. But, at this stage, he was out working at Embassy Cairo on TDY.

Q And so, with respect to -- if we go to the very first page, on Tuesday, September 11, 2012, at 12:18 p.m., you walk through and make specific comments or suggestions about the statement that Mr. [REDACTED] wanted to go ahead and send out. Is that correct?

A That's correct.

Q Okay. And why don't you walk us through -- because there's just more than one. But let's just walk through -- you had talked about

the 9/11, some of the other edits or suggestions that you had with respect, or concerns that you had with respect to this statement.

A Yeah. I mean, as I wrote here, we, as I said, you know, we condemn violence, we condemn human rights abuses, we condemn war. But, you know, condemning the misguided efforts to hurt people's feelings just sounded inappropriate and not becoming of a U.S. Government statement. That was my position.

Q Okay.

In paragraph 2 of your critique -- do you mind reading that?

A Sure. Beginning with "is there"?

Q Yes.

A Sure.

"Is there any evidence this video has gone viral? I agree it's pretty bad, but when I watched it yesterday morning there were only 1,082 hits. It's now up to 6,000. Not exactly viral. I'm happy to debate the merits of this, but this statement seems really tone-deaf to me."

Q Let's talk about, obviously, your opinion or thoughts about the video. Can you explain, what were you communicating there?

A I mean, during the course of my time as NEA spokesperson, we saw lots of religiously insensitive videos, and it was very difficult to know which one was going to go viral, which one was going to -- I mean, I can't remember the pastor's name from Florida, but there was a guy, you know, whose hobby was burning Korans. And so we would always, you know, be concerned, is this going to be the video that,

sort of, ignites a real storm of protest in the region.

And so, at this point of the email, I'm asking how worried do we really need to be about this. You know, if only 6,000 people have seen this video, then the video really hasn't gone viral. So, you know, at this stage, we were monitoring the impact of the video, but, you know, 6,000 hits at that stage, for me, was not something that caused a huge amount of concern.

Q And I just want to be clear as far as, was it a function of the video causing concern or the video causing somewhat of a protest? Based on your review of [REDACTED] statement, was it more of a function of, you know, "Hey, we're concerned about this video," or did you have reason to believe that [REDACTED] was sort of connecting the video to the protest and that's what raised the concern?

A It was my understanding that they were concerned about the video and that the statement that [REDACTED] drafted was to try and nip in the bud, from a U.S. Government perspective -- I mean, the idea here would be that this statement was drafted -- or, I'm sorry, the video was done by a random American citizen that had no connection to the United States Government but that people protesting would look at the United States Embassy and think, "That's America. America made that video."

And so I think [REDACTED] idea here was to get a statement out from the United States Government that condemned this video, to put some distance between the United States Government and a random video created by a private citizen completely unrelated.

Q No, I appreciate that. So would your view -- when you read this, you didn't believe that [REDACTED] was conflating the issues of the video caused the protest. He was just sort of saying, the video happened, and then, you know, we've got a protest.

A So, at this stage, I don't remember if protests had already begun. I just don't recall. But I think, like many of us who were doing messaging, we wanted to get out ahead of things and see if we could, you know, prevent demonstrations from happening. And, you know, if a strong statement from the United States Government condemning maybe made some protesters think, "All right, well, that was a random American citizen, we can't really blame the United States Government," then that was a really good idea.

Q All right. Okay.

And in your role as NEA press, were there opportunities -- obviously -- to sort of express your objections to, whether it be statements coming down that you disagreed with, or factually disagreed with -- was that sort of an open policy, that you were able to sort of say, you know, I don't agree where this factually, I don't agree based on my assessment? Were you able to express those thoughts?

A I certainly felt that I could. And this email is a great example of that. I mean, I saw the email; I replied to all. I thought that we could -- as I said, I was happy to debate the merits of this.

Q Right.

A But I felt it was important to be on the record because,

you know, in this email, [REDACTED] suggests that we released it for Egypt only, but we live in a media environment where a statement that is released overseas, you know, immediately is a global statement. So I just wanted to make sure that we all were on the same page.

Q And so you raise your concerns. And help me here on [REDACTED] response back. What was your understanding of -- he stated, "We released it for Egypt only. No need for you to do anything if it's not affecting other missions. We have a demonstration planned here today."

What was your understanding of that response?

A Again, my understanding was that, in line with how U.S. embassies work overseas, where, in the name of the Ambassador or in the name of the United States embassy, they may issue a statement that is targeted to a situation in country, I understood that [REDACTED] wanted to issue the statement for Egypt only because there were demonstrations planned for today.

Q Now, at 12:18 you gave your edits, and at 12:20 it sounds like it had already gone out. Was that your understanding? Or, you know, did you all have a telephone conversation? It looked like he may have read your comments, but he sort of said, well, we've already released it.

A Yeah. My understanding, actually, is that -- my understanding about these times is that these are Middle Eastern times. This was all happening -- this was not 6 hours later.

Q Fair enough.

A So, yes, I think [REDACTED] sort of wrote back and said --

Q It's gone. It's done.

A Yeah, it's done. Like --

Q Thanks. Okay.

What was your understanding of that sentence, "No need for you to do anything if it's not affecting other missions"?

A Again, because press statements in one country can be easily picked up by the media in other countries, I think [REDACTED] was suggesting that -- or may have been suggesting that, you know, we're doing this for Egypt; there's nothing really for you to do unless you feel like this statement is going to have an impact in Tunisia or Lebanon or Saudi Arabia or somewhere else in the region. So they were communicating that this was an Egypt-only thing and they wanted to send it out.

Q Okay. We may come back to that.

You may have answered this. How did you become aware of the protest in Cairo? You had mentioned your email, but was it a telephone call? Was it watching the news?

A It might have been this email. I don't recall. I just don't recall. And it also might have been the fact that it was 9/11 and we were all thinking about what could possibly happen on a day like today.

Q And, to your knowledge, did Cairo or State have advance warning of the protest?

A I don't recall.

Q Do you have any belief of what prompted the Cairo protest,

you know, based on your information that you were receiving in?

A It was this "Innocence of the Prophet" video. There were two videos. I'm not sure if that was the first one. But it was a video depicting the Prophet Muhammad in a negative light that I think had appeared on Egyptian television, but I'm not quite sure.

Q And how did you form that opinion? I mean, what's the basis of that opinion?

A I was in touch with folks who were out there in Cairo. And, I mean, we were meeting about these videos. Again, whenever there was a Koran burning or something that we were concerned would resonate negatively out in the region with a connection to the United States, we were always, sort of, keeping up with that.

Q So, I mean, number one, it was based on meetings that you were having. And then, number two, you stated that you were in touch with people on the ground?

A Uh-huh.

Q Okay.

All right. Let's turn your attention to the September 11th through the 13th timeframe. Are you familiar with the attack that occurred at Benghazi?

A I am.

Q Okay. Can you walk me through? What was your role, and how did you find out? Just walk us through.

A So there were lots of protests happening around the region that day. I mean, I think there was a protest in every country in NEA

that day. So I had worked a full day. I was in the office till quite late that evening, when I think I had heard, either from the front office, from Beth Jones' office, that something was happening in Libya.

And so I had heard there were protests, and then, at some stage, there was some information coming in that the compound in Benghazi was under attack. And then, at some stage, you know, we heard that, you know, Chris had been killed or Chris had been wounded.

And I think I had, you know, Al Jazeera on or some other pan-Arab network. So I was watching TV but also shuttling back and forth. I was receiving some press inquiries, but I had no information to share.

And then sometime that evening, you know, we got confirmation that Chris had been killed. And so we were there in the office till quite late. And then I think I went home and then came back a few hours later and started the day again.

Q During that time, during that day, did you have an opportunity to talk to State Ops?

A I don't believe I talked to State Ops at that stage. I just don't think there would have been a need for me to reach out to State Ops.

Q You said you were on the email system of State Ops. Do you recall if there were emails from State Ops?

A I think there were watch alerts, maybe, from the DS Command Center sort of giving updates, but I don't recall specifically.

I mean, let me say, at the time, I remembered everything very vividly, but there was a lot happening at that stage. I mean, there

were protests -- I mean, you see from the emails that I was up at 5 that morning, you know, and there was a lot going on at that time.

Q To your knowledge, did either Benghazi or State have advance warnings of the attack?

A Not to my knowledge.

Q Any information that the attack might have occurred, before it began, on Twitter or Facebook?

A I wouldn't know.

Q You know, based on your review and being there on those 2 days, do you have an understanding of the reason or the reasons for the attack? What was your basis or thought?

A I mean, I didn't know. I mean, it was a day where there were, you know, hundreds of -- not hundreds, but there were protests all over the region. But, you know, NEA is a volatile region. This is a region where Al Qaeda -- and this was before the rise of ISIS, but where Al Qaeda had a presence in a lot of different places. So it was just tough to know exactly, for me, what happened.

And, to be frank, you know, Chris was a friend of mine. So I wasn't really thinking about talking points. I wasn't really thinking about, you know, the particulars of who was responsible for this. And I just -- it was a shock, I think, to all of us who worked in NEA that we lost a friend.

Q I understand that. And your counsel, State counsel, did mention that, you know, you had known him and sat next to him. So I do understand that point, and I appreciate the relationship there.

With respect to Cairo, it sounds like you were able to sort of determine that there was a reason for that specific protest, based on your earlier statement. Is that correct?

A I mean, we had a piece of information that that video had been broadcast on Egyptian television. That was something that -- I don't know where I got that, whether I got it from the embassy, but that was something that was on my radar, so there was a connection there.

Q Okay. And did you have any pieces of information about what caused the attack in Benghazi during that day?

A I didn't. But, again, there were so many demonstrations happening. I mean, Khartoum -- I mean, there were demonstrations just all over the region that day. So it was very tough to know -- I mean, the entire region was just sort of engulfed in demonstrations.

Q Right, and multiple issues. But you didn't have any specific intelligence or information on what caused the attack?

A I did not.

Q Okay.

I know you had a long day. Who were you meeting with? I mean, were there any meetings with Victoria Nuland? Were there press meetings? How was information -- what was you all's role, what was NEA's role on the 11th and the 12th?

A There were lots of meetings. I don't recall meeting with anyone from Bureau of Public Affairs, Victoria Nuland. There were email exchanges, I think. I don't know if I had had a specific email exchange with her.

I met with, you know, my staff who were in the office: [REDACTED] and Beth Jones and I think Liz Dibble, who was the Principal Deputy Assistant Secretary of State. But --

Q And what were those meetings generally about?

A You know, what's the latest, what do we know. But, to be frank, you know, they weren't really about my role as NEA spokesperson. They were just, you know, me wanting to know, you know, is our friend dead? Like, what do we do now? What happens now? I mean, what does this mean for us as diplomats?

I mean, this, sort of, entire event was such a huge moment, I think, for so many career diplomats who served in the Middle East, you know, who had gone out to places to deliver schoolbooks to a place that, you know, might be really, really dangerous. And I think all of us who, you know, had served, you know, saw ourselves in Chris that evening, the potential that that very same thing could have happened to us.

Mr. Grider. I'm going to tee up another exhibit, but let's go off the record.

[Recess.]

Mr. Grider. Let's go back on the record.

[REDACTED] Exhibit No. 2

Was marked for identification.]

BY MR. GRIDER:

Q I've handed you government exhibit 2, "C" as in "Charlie," 05580618.

A Is that your number?

Q That's the document number.

A Oh, okay. Yeah, I'm not familiar with that number. Okay.

Q Have you had a chance to review through this exhibit?

A Yes.

Q Do you recall the conversations or the email exchanges?

A Yes.

Q Okay. So why don't you explain -- starting at the back of the document, why don't you walk us through. I believe the first email came from, perhaps, a [REDACTED]?

Mr. Evers. What page are you on?

Mr. Grider. On page 30, if I'm not mistaken.

Mr. Evers. I believe there's an email below it.

Mr. Grider. Yeah, there is.

Mr. Evers. But I don't believe the witness is on either of the emails that originate on page 30.

Mr. Grider. Okay. Fair enough.

BY MR. GRIDER:

Q So, based on your review of the email, as you were commenting on information, where on the chain did you enter in, based on your review?

A It looks like [REDACTED] dropped me into the chain on the second page, halfway through. So, up until that stage, I had not seen these points.

Q Okay. So you're stating that [REDACTED] on Monday,

September 17, 2012, 1:59 p.m., subject "FW: Libya PG," that's when you came into the chain. Is that your understanding?

A Yeah, that is my understanding. I don't see myself on any of the emails. And the number of email distros are not distros that I -- referenced in some of these previous emails are not distros that I was a member of.

Q Okay.

So, based on reviewing this email, why don't you walk us through each response, starting with [REDACTED] at 1:59 p.m., where she says, "[REDACTED] -- per my call. Not sure we want to be so definitive. What does A/S Jones say?"

What was your understanding of that?

A My understanding is that it was very early in the investigation and it was tough for us to know exactly what had happened. And I think what [REDACTED] was saying is, do we really want to be so definitive about the fact that these were spontaneously inspired protests. And we were seeking clarification from the Acting Assistant Secretary, Beth Jones.

Q Let's move forward. And if you can, sort of, walk us through -- you know, this is an email from you, and you can walk me through and just go ahead and read it and then tell us your thoughts and what you meant.

A Sure.

I wrote, "The horse has left the barn on this, don't you think? Rice was on FIVE Sunday morning shows saying this. Tough to walk back."

And I think, by that, I meant it was maybe a foolish errand to debate the merits of talking points when the talking points had already been used and these things had already been said. So I think my comment was, we can ask anybody what they think of this, but it's already been said, so that's where we are.

Q Just to be clear, what was the rub here? Spontaneous versus something else? What was your understanding of what was the dispute, a factual dispute, that maybe you were suggesting that we need to walk something back?

A I can't speak to what anyone else was thinking at the time, but for me -- you know, early on in any crisis, when it comes to messaging, being more general is, I think, the prudent course of action. Because if you don't really know what's happened, you don't want to have to go back and say, "Well, this didn't happen this way. We thought it happened this way." But if you are general in the beginning, then you can slowly say, "Well, as the investigation continues, we've now learned this," and you're not going backward, you're just going forward.

And so when I made the reference saying it's tough to walk back, it was in response to [REDACTED] comment, do we really want to be so definitive? Well, we had been definitive.

Q And definitive about what? What level of specificity were you all concerned about?

A "The current information suggests that the demonstrations in Benghazi were spontaneously inspired."

BY MR. GRIDER:

Q So let's move to the next email by [REDACTED] on Monday, September 17, 2:05 p.m. He stated, "Toria planned on walking it back just a bit, though." What was your understanding of that?

A Reading it, I think what [REDACTED] meant was that -- although I don't know, but I suspect -- that Toria would be giving a daily press briefing that day, and that was an opportunity to walk it back maybe a little bit, to perhaps ensure that the most important message was, "This assessment may change as additional information is collected and analyzed and as currently available," which, for me, as a spokesperson, was the most important part of the talking points.

Q Then we go to the next email from [REDACTED], stating, "I think Rice was off the reservation on this one." What was your understanding of her statement?

A I'm not -- I mean, I think --

Q So, first, let's just -- let's break it down. "Reservation." What did you all mean? Because you had mentioned that -- what was that understanding of "reservation"?

A It's perhaps not a very politically correct term.

Q Understood.

A I don't know, but I read this that [REDACTED] probably felt that Ambassador Rice was -- maybe she disagreed with what Ambassador Rice

was saying, and so felt that maybe it was a bit too much to go on all those morning talk shows saying this. But I'm not sure. She would know.

Q You had mentioned earlier that the general principle, at least the one that you sort of walked through in your time as a press person, is to be more general than to, you know, pinpoint and have a level of specificity.

If that doesn't happen -- I guess, on two occasions, one with Cairo, it seemed like, based on your email, there was sort of a pumping of the breaks and sort of saying, "Well, let's -- I'm not sure. Let's take another look at this statement."

So, based on the exhibit 1, it seemed like there was a culture of, you were more of, sort of, "Hey, let's be more conservative." And you sort of expressed, sort of, your conservative thought process on what was taking place, whether it be in Cairo and Benghazi. What was going on that you felt like people were sort of moving away from your general process of being general and then let's wait and be more specific, in your mind, if you can answer?

Mr. Evers. I was just going to say I think you've characterized a lot of testimony that hasn't happened. So there's a lot going on there --

Mr. Grider. Fair enough.

Mr. Evers. -- if you want to -- do you understand the question?

Mr. [REDACTED]. Can you be a little more specific?

Mr. Grider. Sure.

BY MR. GRIDER:

Q Earlier, you talked about your general policy --

A Yeah.

Q -- I'm not sure if it was State's policy, and correct me if I'm wrong -- of, just being in press, that, you know, usually, your process is to be more general --

A Sure.

Q -- and then, as things unfold, to try to have a level of specificity.

A Sure.

Q Based on exhibit 1 and your response to exhibit 1, it seemed like once again you were sort of following that type of process. Would you agree?

A That's an accurate assessment.

Q In government exhibit 2, it seems like once again you're following that process and sort of saying, "Hey, let's stay more general as opposed to being more specific." Is that correct?

A Yes.

Q Okay.

[Discussion off the record.]

Mr. [REDACTED]. Well, I guess I would say this. I think that you've accurately characterized my messaging posture as conservative. And that is because, if we say the wrong thing first, it causes lots of problems later, so we just want to be very careful.

So, in exhibit 1 and exhibit 2, we're really talking about two

slightly different things -- the same conservative messaging philosophy but two different applications.

Mr. Grider. Fair enough.

Mr. [REDACTED]. In exhibit 1, I sort of listed my problems with this statement --

Mr. Grider. Sure.

Mr. [REDACTED]. -- which were not really about general versus specific. It was about tone and tenor.

And then, in No. 2, I think this goes to more of what you're asking me about general versus specific.

Mr. Grider. Right.

Mr. [REDACTED]. And so --

BY MR. GRIDER:

Q And moving to your process of being a press person, general versus specific also goes to, sort of, something that can be substantiated and fact-based --

A Right.

Q -- correct?

A Yes.

Q So, in exhibit 1, though -- you do go to the facts in exhibit 1 about, sort of, viral and, sort of, defining -- I don't have it in front of me, but, sort of, some concern about -- I mean, you used math on, "Well, I'm not sure if this is viral or not viral, so I'm not sure if we can, sort of, from a fact-based standpoint, suggest that it's really gone viral, based on my review of the video."

A Yeah. I mean, I --

Q Would you agree with that?

A What I was attempting to do was -- one thing that happens in media is that statements can sometimes lead the story. There are times where a story is not a story until somebody issues a statement, and the statement then generates press coverage.

Q Correct.

A And so anytime the United States Government says something, it has the potential to make the story.

And so, in this case, I was debating, you know, if this was not a huge deal, if it had not gone viral and then there was no statement, then perhaps it would just be best to leave it alone. So that's exhibit 1. That was my thinking there.

Q Absolutely.

I don't need a read-back, but you made a statement -- and I'm learning more about, sort of, how press works. Sometimes you stated that a statement by press can actually make the story, correct?

A Yeah.

Q Your process was, if we don't necessarily have all the substantiated facts, let's be cautious on making the story so we don't have to walk it back. Is that a correct assessment of your view?

A I mean, in exhibit 2, I wouldn't say that I was applying a "let's not say this because we don't want to make the story." Like, this was a story already. Like, there was no debate as to whether or not this was a story.

Q And when you say "this"?

A I mean Benghazi.

Q The attack --

A Yes.

Q -- in and of itself.

A Yes. Early on, on September 1 --

Q Sure. Fair enough.

A -- in Cairo, we still did not know whether this would metastasize into something tragic.

Q Correct.

A At this stage, you know, I'm looking at this, and I'm just thinking, do we know enough --

Q Right.

A -- at this stage to say that it was a spontaneous attack?

Q Correct.

And, with respect to Cairo, you had specific -- later, you determined there was specific evidence of a video that possibly caused this protest. You had mentioned that, yes, you know, it was sort of the consensus that it was a video that caused the protest. Is that correct?

A Yes.

Q Yeah.

In this instance, you stated that there was a bunch of information coming in from all over. There was no one definitive reason, at this point in time -- and this is September 17. Like Cairo, you didn't have

anything -- you, personally, didn't have anything definitive to sort of say, this is it, and this is what happened. Is that correct?

A That's correct.

Q And so, in light of that, some of your colleagues -- [REDACTED], [REDACTED] -- would you suggest that based on this email some of the "off the reservation" -- and then we go to [REDACTED] email, in which he states, "Yup. Luckily there's enough in her language to fudge exactly what she said/meant."

So there was some concern, based on this reading of this email, just based on the analysis, that maybe all the facts were not there. Would you agree with that?

A I can't speak to what they were thinking, but I can speak to what I thought at the time, which was: It was early in the crisis. For me, it was unclear as to what the cause was. There was a video, but Al Qaeda was rife across the region. So I did not know.

And, as a spokesperson, I just wanted us to be extra-careful about not going down a road of saying that it was caused by this and then having us have to walk it back later on to say, oh, well, actually, we found out that it was something else.

Q Right.

A And by remaining more general early in the crisis, that would give us an opportunity to be responsive, to say things, but not to get too far out on a limb. That was my thinking.

Q To me, I mean, that seems a standard thought process. Would you agree? Or were there other people in NEA that agreed with your

process? It seems like, here, that other people agreed.

A It seems like everyone on the email agreed.

Q Okay.

So, with respect to this communication, were your concerns about, sort of, I'm using the term being more "conservative," based on the facts, were your concerns ever expressed at a higher level, to your knowledge?

A I just don't recall. I mean, I don't recall if I -- I mean, let me say this. I don't recall if I expressed these concerns to a higher level. But let me explain, perhaps, why that is.

I did not generate these talking points. And I did not know that Ambassador Rice would be going on the Sunday morning talk shows. And so, at this stage, I don't have my hands on the steering wheel of messaging of this issue.

So, again, when I said "the horse has left the barn," a decision was made, at some part of the process, of which I was not a part of, to go with these talking points.

Q And to go with this level of specificity. Is that correct?

A Yeah. I mean -- yeah. I mean, I do not recall exactly what she said. You know, these talking points also include, "This assessment may change as additional information is collected."

Q Sure. Absolutely. Absolutely. But it wouldn't have -- I mean, it wouldn't have generated this type of email about being "off the reservation on five" -- and then let's -- we go to your email. Let's just -- "off the reservation on five networks." Can you

just clarify what you meant by that?

A As someone who enjoys watching the five Sunday morning talk shows and someone who is interested in politics, I'm keenly aware that, when you go on all five morning talk shows with the same message, you want to send a clear and unambiguous message as broadly as possible.

And so what I was suggesting was that it was -- that I agreed with [REDACTED] that the messaging sounded off to me, but that was further enhanced by the fact that it was on five networks.

Q And then --

A But can I just say one other thing?

Q Sure. Absolutely.

A You know, I didn't have access to whatever Ambassador Rice knew. And so, you know, had this exchange gone on further, it might have included me saying, "But I don't know what they discussed." You know, I wasn't in -- she's a member of the Cabinet, as the U.N. Ambassador.

Q Right.

A So I don't know what she knows. And, at this stage, you know, there were lots of things happening that were completely above my pay grade and out of my line of sight.

Q Absolutely.

A So --

Q Absolutely. You're --

Mr. Evers. Can you let him finish?

Mr. Grider. Oh, go ahead. Yeah.

Mr. [REDACTED]. So I guess I just -- I want to make sure that -- you know, I'm expressing a personal opinion about a set of talking points, and that opinion is based on what I knew at the time, which even then and today I recognize might not have been the entire picture. So I just want to be clear about that.

BY MR. GRIDER:

Q And so your opinion then -- I'm not sure if I understood your last statement.

A I don't know what happened. I have no idea.

Q So even today?

A I don't know. It may sound ridiculous that I have not studied this, but maybe because I sort of lived through part of it I don't feel the need to -- I mean, a great example. Were you -- well, I'm not supposed to ask you questions, but -- I was in New York on 9/11. I watched the towers fall. I watched the planes hit. I've never read a single book on 9/11 because I don't have to. I was there.

Q Right.

A And so --

Q Fair enough.

And I'm just asking these questions from just, you know, your experience in handling press and handling messaging and just trying to get clarity during that timeframe. And so, I mean, your opinion was expressed, but, also, in some ways, you would have been somewhat of a subject matter expert, you know, on handling press and crisis. I think that would be fair to say, correct?

A Yeah.

Q Okay.

Earlier, with respect to exhibit 1, it was somehow communicated to you what the intent or the reason why the Cairo Embassy wanted to issue a statement. And that intention was communicated to you.

A Uh-huh.

Q Or you interpreted it. Is that correct?

A Yes.

Q With respect to this press statement or these statements by Secretary Rice, the intention of why they chose to go to more specificity versus being general, was that intent or reason ever communicated to you?

A No, not to my recollection.

Q Okay.

Now, let's turn to the last email on this, where [REDACTED] responds back to you, [REDACTED], and [REDACTED]. Can you read what he states there?

A "WH very worried about the politics. This was all their doing."

Q What was your understanding -- "WH," what is "WH"?

A I would assume it means the White House.

Q Okay. And what was your understanding of his response?

A That this was decided at the White House level, that [REDACTED] was probably making a reference to the fact that folks were worried about the politics, the political optics of this, and that they were

responsible for crafting the language of the statement.

Q And, as you stated earlier, with respect to the crafting of language of the statement, you were not involved in that. Is that correct?

A That is correct.

Mr. Grider. Let's go off the record for a second.

[Recess.]

Mr. Desai. Let's go back on the record. The time is approximately 12:40.

Mr. [REDACTED], good afternoon. My name is Ronak Desai. I am one of the counsels with the minority staff of the Select Committee. I'm joined here today by my colleague Heather Sawyer and our newest member of the team, Erin O'Brien.

On behalf of the entirety minority staff and its members, we want to thank you for your appearance here today. I also want to thank you for your service to our country.

Let me apologize in advance. There is a good chance we might retread some old ground that we covered in the last hour. If we do, please bear with me. It's just to make sure that we've garnered the information that we need and that we've captured the full extent of your response.

I also may ask you some questions that may have obvious answers to you, to explain acronyms and such, but, again, that's just for the purposes of the record to clarify the information that we need.

Mr. [REDACTED]. Understood.

Mr. Desai. Thank you.

EXAMINATION

BY MR. DESAI:

Q In the last hour with my colleague from the majority, I think when he was referring you to exhibit 2 -- and if I could just have you refer back -- when he asked you to explain your comment on the first page of that document, "off the reservation on five networks," if I recall correctly -- and if I don't, please correct me -- I think one of the things that you said to explain that was, you know, from your perspective, Ambassador Rice, when appearing on these five networks and conveying the information that she did, had gone off message, that she had, you know, from a press spokesman's perspective, gone off message. Is that right?

A I'm not sure that I would expand that to include "from a press spokesperson's perspective," but -- I would make two caveats.

Q Please.

A The first was the caveat that I made in the last hour, which is I only knew what I knew. So she may have known far more to be able to be that definitive -- what I felt was very definitive.

So, with the information that I was armed with at the time, her comments, to me, felt very specific, perhaps too specific that early on in the crisis, and that, had I been drafting talking points, I probably would have drafted talking points that were a bit more general.

Q Okay.

And if you've answered this in the last session, again, I

apologize. You weren't involved in preparing Ambassador Rice for her appearances on the talk shows. Is that right?

A I was not involved and had no idea that she would be on the morning talk shows. I turned on the television and saw her and thought, "Oh, I should watch this."

Q Right. And I think what you just told me, just literally a minute ago, was that you did not have the information that she had with respect to what she was going to convey on the Sunday talk shows. Is that right? That she had more information than you did at that time. Is that correct?

A That is what I assumed. The information that I had at the time was not a lot of information, so I would have crafted talking points that were far more general. She gave talking points that were far more specific, so I can only assume that she had more information than I did.

Q Right. And you had no access to whatever information you assumed she had before she went on those shows. Is that correct?

A That is correct.

Q Were you aware, Mr. [REDACTED], that on -- just to establish a timeframe, Ambassador Rice appears on the Sunday talk shows on September the 16th, 2012, which is a Sunday. The preceding Friday, were you aware that the intelligence community actually prepared talking points with respect to what happened in Benghazi, the Benghazi attacks, which were eventually, you know, passed on to Ambassador Rice? Were you aware of that at that time?

A I was not.

Q Okay.

At this time, if I can enter into the record exhibit 3. And let's go off the record for one second while we prepare the exhibit.

[Recess.]

[REDACTED] Exhibit No. 3

Was marked for identification.]

Mr. Desai. Let's go back on the record.

BY MR. DESAI:

Q Mr. [REDACTED], I've just handed you exhibit 3, and exhibit 3 comprises two pages. The first page here is the cover sheet of the "Report of the U.S. Senate Select Committee on Intelligence Review of the Terrorist Attacks on U.S. Facilities in Benghazi, Libya, September 11-12, 2012, Together with Additional Views."

The second page of exhibit 3 is "Appendix I: The Benghazi Talking Points." And these are a copy of the talking points that the intelligence community prepared at the request of Congress.

And have you had the opportunity to review this document --

A Just now, yes.

Q -- Mr. [REDACTED]?

A Yes.

Q So, if I can focus your attention to the second page, page 43 of Appendix I. And allow me to direct your attention to the middle of the page, where it says, quote, "The final, unclassified version of the CIA talking points, as provided to HPSCI on September 15, 2012,

read as follows," end quote.

And just for the purposes of the record, "HPSCI" is the House Permanent Select Committee on Intelligence. Is that right?

A I actually don't know that acronym. That's the first time I've heard it. So, if you're saying that's what it is, then that's what it is.

Q Great.

So it appears that these talking points, based on that sentence I just read to you, originated with the CIA and then subsequently went through an interagency process. And, again, were you a part of that process with respect to the formulation of these talking points?

A I was not.

Q So Congress requested talking points on the 14th. They go through this process. And do you recall ever seeing these talking points at any point between September 14 and September 16, 2012?

A I don't recall seeing these talking points.

Q Okay. So then, again, just for the purposes of the record, I assume you didn't see any draft or any iteration of these talking points at that time. Is that right?

A Not to my recollection, no.

Q And, at that time, then, you were not aware that CIA Deputy Director Mike Morell actually played a significant role in finalizing those talking points. Is that right?

A No knowledge of that.

Q Okay.

If I can direct your attention, Mr. [REDACTED], to the actual content of these talking points. The very first bullet, midway on page 43, the second page of exhibit 3, reads, quote, "The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the U.S. Embassy in Cairo and evolved into a direct assault against the U.S. diplomatic post in Benghazi and subsequently its annex. There are indications that extremists participated in the violent demonstrations," end quote.

Do you see that first bullet point?

A I do.

Q The next bullet point makes clear, it says, quote, "This assessment may change as additional information is collected and analyzed as currently available information continues to be evaluated," end quote.

And I think you said in the last session with my colleague from the majority that, from, again, your perspective, this sentiment, this idea, that talking points and the information that's coming in is fluid and, as a result, the assessment may change, that, from your perspective, I think the quote you used was, "This is the most important part of the talking points." Is that right?

A Yes.

Q So these talking points were delivered to Congress on the 15th. As I said earlier, Ambassador Rice appears on the five Sunday morning talk shows the next morning, on September 16, 2012, where she is asked and spoke about the attacks in Benghazi as well as the protests

that preceded the attacks in Benghazi.

And just to refresh my memory, you saw Ambassador Rice on those talk shows. Is that right?

A I did.

Q And you saw her on all five of those talk shows, if I'm not mistaken?

A That's what my recollection -- yeah, my recollection is that I did.

Q Okay.

So, to the extent that Ambassador Rice said on those talk shows that a protest or a demonstration took place in Benghazi, that statement is consistent with the first bullet point I just read to you in the intelligence community talking points, which says that there were demonstrations in Benghazi that evolved into an attack, and that statement was consistent with the first bullet point. Is that correct?

A Yes.

Q Okay.

Now, if I can turn your attention back to exhibit 2 that my colleague in the majority handed to you in the last session. And I'm just going to quickly walk you through this chain. And I know we've discussed certain portions of it, but I think it would be helpful just to start at the outset and make our way up.

So it looks like this thread begins on the penultimate page of exhibit 2, page 31.

A Can I just say something about these talking points?

Ms. Sawyer. Yes. Please.

Mr. Desai. Please.

Mr. [REDACTED]. So this is the first time I'm seeing this document.

Mr. Desai. Okay.

Mr. [REDACTED]. And, you know, I guess what I've said before is it just sounded too definitive. Like, I can read this now and see "the currently available information," "the assessment may change." And so I understand that. My recollection of watching the talk shows is perhaps different from -- and I'm sure Ambassador Rice was very faithful to reading these exact talking points.

So I guess what I want to say is, my recollection, as I listened to those and I guess as evidenced in the email about me feeling like it was too definitive, is that it felt too definitive. As I read these points today, you know, maybe with a lot of hindsight, I guess I can see how "the currently available information" suggests that it is not -- maybe the language isn't as problematic.

So I guess what I'm just trying to say is my impression at the time was very much as I expressed it, but as I can see these talking points now, you know, perhaps there's enough -- well, anyway. I'm probably not being very articulate right now, but --

Mr. Evers. I'm sure they can ask you some questions with regard to that.

Mr. Desai. Thanks for clarifying that. And I think we'll just have a few followup questions with respect to that.

Ms. Sawyer. Yes.

Mr. Desai. And my colleague may have some questions.

BY MS. SAWYER:

Q And, just to make clear, you know, part of why we want you to see that document is because we have asked you a lot of questions about exhibit 2, about a conversation, about talking points in here, and we just are trying to have an understanding of, at the time you were making these comments --

A Right.

Q -- kind of, what was your universe of knowledge. So, you know, just to explain where --

A Okay.

Q -- we're coming from a little bit on that.

And so, on that front, I think what we wanted to do was just direct your attention in that -- that's exhibit 2 -- to page 29.

A Okay.

Q And that's the email that -- it looks like it comes from [REDACTED].

A Uh-huh.

BY MR. DESAI:

Q And who is Mr. [REDACTED]?

A He was a member of my staff.

Q Okay. Wonderful.

So we're on page 29 of exhibit 2. Mr. [REDACTED] sends this email out to a host of individuals. The body of the email says, quote, "This is actually the most recent. Just saw NSS language, which I used as

the key points here," end quote. And then, after that, a couple of bullet points are enumerated.

So, just as an initial matter, what's the "NSS," Mr. [REDACTED]?

A The National Security staff.

Q And is that entity now known as the National Security Council?

A Yes.

Q And is that entity a part of the White House?

A It's the -- yeah. It's the policy advisor for the White House.

Q Okay. Wonderful.

So Mr. [REDACTED] sends this out. He says that this is the most recent version of the talking points. "Just saw NSS language, which I used as the key points." It looks like he's drawing upon some talking points.

Now, Mr. [REDACTED], if I can ask you to take a look at the key points that Mr. [REDACTED] sends out and the content of those key points and have you compare those to exhibit 3 and the two bullet points --

A Yep.

Q -- and just have you compare the two sets of talking points, the ones that are sent by Mr. [REDACTED] at 12:36 p.m. on Monday, September 17, 2012, with the talking points that are enumerated in the Senate Select Committee's report that were formulated by the intelligence community.

A And so your question is you want me to determine what the

difference is between these points?

Q So you've had the opportunity to compare the two sets of talking points. Is that right?

A Yes.

Q And do you see any differences between the two sets of talking points with respect to especially the first and second talking points?

A Yeah. Both points are slightly different.

Q Where is that?

A In the first point, there's a reference to the U.S. mission, and then in exhibit 3 -- in exhibit 2, there's a reference to a direct assault against the U.S. mission, and then in exhibit 3 there's a specific reference to the U.S. diplomatic post in Benghazi.

And then in the second point, there's a bit more length to the language on exhibit 3, where it says, "analyzed as currently available information continues to be evaluated." That doesn't exist in the talking points in exhibit 2.

Ms. Sawyer. I think it might just be on the next page.

Mr. [REDACTED]. Oh, is it?

Ms. Sawyer. Yeah. We had the same problem.

Mr. Desai. Flip over.

Mr. [REDACTED]. Okay. Oh, there it is. Sorry. Okay.

Ms. Sawyer. So the difference that you identified is the description of facility.

Mr. [REDACTED]. Yeah.

Ms. Sawyer. Is that right? In one, it was referred to as the --

Mr. Desai. The U.S. mission.

Mr. [REDACTED]. Uh-huh.

Ms. Sawyer. And in the other, it is --

Mr. Desai. The U.S. diplomatic post in Benghazi.

BY MR. DESAI:

Q So besides that one difference with respect to the characterization of the U.S. facility which was assaulted on September the 11th and 12th of 2012, do you see any other differences substantively with respect to those two sets of talking points?

A I'm just looking at the third point.

Q Please.

A No. Just a punctuation change in the third point, but that's about it.

Q Okay.

And just to reiterate -- and I apologize, but I think -- so this email thread -- so Mr. [REDACTED] sends this out. This language is actually identical to the language of the CIA-formulated talking points. Is that correct?

A Did you say "essentially identical"?

Q With respect to the substance, except for the one difference with respect to how the U.S. facility is characterized as a U.S. mission versus a U.S. diplomatic post.

A Yeah. They are substantially similar.

Q Okay. And, again, at the time, you were not aware that this

language, which was ultimately forwarded to you through this email chain in exhibit 2, that these talking points actually originated with the intelligence community then. Is that correct?

A That's correct.

Q Okay. And this was the first time, then, when you saw this with these talking points when the chain was ultimately forwarded to you, that you were seeing this specific language. Is that correct?

A That's correct.

Q Okay.

Now, moving to the very top of the email thread, where Mr. [REDACTED] says, "White House very worried about the politics. This was all their doing" -- and I understand that you don't know what was in Mr. [REDACTED] head, but is it possible that -- you know, there's some confusion here because Mr. [REDACTED], when he sends out this set of talking points, he says, "Just saw the NSS language, which I used as the key points here."

But the exercise that we just went through, I think what it demonstrated was that these talking points actually came from the intelligence community and not the NSS. Is that correct?

A Well, my understanding of the role of the National Security staff is they are the convenors. And so it would be -- perhaps "inappropriate" is too strong a word, but it would be unusual for a State Department bureau press office to receive talking points from an intelligence agency. And so, oftentimes, when it works well, all agencies are feeding things into the National Security staff, and the National Security staff then decides where those things go.

And so my assumption is that, if, indeed, these points came from the intelligence community, that they were forwarded to NSS. NSS then said, hey, [REDACTED], you know, here are the points for NEA, these are the points that NEA is going to draft and then clear around the building, and this is where we are.

Q Okay.

BY MS. SAWYER:

Q And I think part of -- we're asking you to do an impossible task, which is to try to explain to us what Mr. [REDACTED] might have meant. We've actually spoken to Mr. [REDACTED], and he has given us his assessment as to what he meant.

Did you actually have a conversation with him at the time, that you recall, about what specifically he meant there? Or are you today just trying to give us your best sense based on the document?

A I mean, we talked about lots of things. I mean, we worked together. I don't recall what we talked about at the time.

Q And I think part of the concern is that this initial email from Mr. [REDACTED] specifically just says, quote, "Just saw NSS language," end quote.

So, at the time, did you have any evidence that would indicate that this language here was actually drafted by the National Security staff?

A I mean, a lot of this is sausage-making. Like, we don't know -- when NSS hands us something, I don't have a vested interest in knowing where it came from. Like, they're the National Security

Council. They are the apex of the foreign-policy-making machine. If they tell us these are the points, these are the points. And so --

Q And you had no reason to worry, wonder, or believe that they had actually written the language versus someone in the intelligence community actually writing the language. Is that a fair statement?

A Say it again.

Q I just am trying to clarify. You had no reason to, you know, question or believe or have any opinion as to who actually wrote the key points that were written, whether that was written by someone in the National Security staff or written by someone else and then circulated by them. Is that accurate?

A Yeah. It never occurred to me to actually ask the question of who wrote the talking points. They were coming from the National Security staff. Those were the points.

And I am assuming that -- again, the same way that I talked about Ambassador Rice, I don't know what the points say. Someone from the White House is telling me these are the points. Well, then, they must know what they're talking about.

Q You know, it's a very different matter to kind of believe that something shouldn't be quite as definitive and actually believe that something is incorrect.

A Uh-huh.

Q When you read these key points in this document that were being commented on, did you have any reason to believe that what was included in that key points was actually false?

A I had no specific reason to believe that that information was false. When I expressed an idea of wanting to -- that my own personal opinion is that things were kept general, is that there was so much chaos that took place on that day, and, you know, and the enemies of the United States, namely at the time Al Qaeda -- and it would have been Al Qaeda in the Islamic Maghreb -- were constantly plotting and planning against the United States. This was something that I thought about every single day of my time in NEA. And so I just thought to myself, couldn't it have been an Al Qaeda plot on 9/11? I mean, it was 9/11. Like, this is the day that they all wait for.

And so, as I said to you before, it felt early. It felt too early to say that, with the information that I had and with my experience in having served two tours in Iraq and having seen things blow up and all that other stuff. Like, it just felt too early to me, personally. That's all.

Q And, in the discussion last hour, the thing you had focused on the most as your concern about being too definitive was the notion that it was spontaneous. Is that accurate?

And, again, just talking about the talking points, because, quite frankly, we've talked a lot about what Ambassador Rice said, but we haven't actually looked at what she said. We were looking --

A Right.

Q -- at these talking points. And you had identified that portion, the "spontaneous," whether it was spontaneous or not. Was that your key concern about what was potentially too definitive?

A Yeah. I mean, I think I understood that there were -- and I don't know if this is -- maybe I am misremembering this, but my recollection is that the attack included not only small arms fire but maybe RPGs. That's what I remember. And, while every Middle Eastern country, especially Libya at the time, was just flooded with weapons, you know, a spontaneous demonstration might not have -- people might not have brought RPGs to a spontaneous demonstration.

So we had four dead Americans. It just -- I don't know. And maybe I didn't want to believe that -- you know, there are a million demonstrations every day. People burn the American flag every single moment of every day across the Middle East, and people don't get killed. And Al Qaeda is a plotter and a planner, and they are a really tenacious enemy, and, you know, I've never underestimated them.

And so I think I just saw "spontaneous" and thought, how do we know it's spontaneous? These are bad guys. Like, they dream of killing us.

Q And what about the belief that was expressed that what happened in Benghazi had a connection to the video that you talked about some? I think you said it was the "Innocence of the Prophet." I've heard the title "Innocence of the Muslims." I don't know if that --

A Oh, okay. Sorry. So there were a number of videos that year. There was another -- or during my time. There was another video that we all got very worried about that ended up not being that big of a deal. And so, yeah, maybe this was the "Innocence of the Muslims." I just don't remember.

Q Right.

A There were so many bad things that happened.

Q But, in terms of that belief, that what happened in Benghazi had a connection to the anti-Islam film at the time, did you have a sense that what was said about that was false?

A No, I had no sense that it was false.

I mean, look, I know this issue of how easily people get offended. I mean, in Sudan, somebody named a teddy bear "Mohammed," and they wanted to, like, stone the woman to death. And so, I mean, the level of extremism about things like videos can absolutely prompt these things.

But I go back to the thing that I've said all along, which is that, for me, it was very early in the crisis, and maybe it was early for me because I was still in shock about it all, but it just felt like, you know -- I mean, I didn't know that these points existed, that they were vetted through the intelligence community.

So, if that's what the IC thought, then, okay, I guess that's -- that would have changed my -- perhaps changed my opinion, had I known that there was an IC recommendation that, looking at all of the intelligence at that stage, that they had determined that it really was spontaneous. Like, I would have been like, "Okay. All right."

Q Right.

And just wrapping it back to the notion of the phrase that she was potentially "off the reservation" -- and I took that to mean what

I think my colleague said, potentially, in this context, "off message." Would it potentially have altered at least your view that she was off the reservation with regard to what she was saying?

A Yeah. I mean, yeah. Had I known more of the process, you know, I might have. But, look, there's another part of this, which is that, you know, this was like an incredibly emotional time. And, like, I'm telling you I remember things, but there are a lot of things that I just don't remember.

And so, you know, might it have changed my opinion? It might have. But I might have been, like, "No. Absolutely not. I don't care what the IC says. Oh, look at this language. They're still hedging. You know, I bet this was -- you know, this is Al Qaeda. You know, there are extremist groups operating in Benghazi and in Libya. Like, it might have been a demonstration, but these guys probably had a plan; it was 9/11." So, I mean, I came with my own baggage about this issue.

Q And you used the word "baggage." I won't call it that. You had certain opinions, but did you have any concrete evidence --

A No.

Q -- at the time --

A No evidence. Just --

Q -- to attribute it to Al Qaeda or to a particular extremist individual or group?

A I had heard in some conversations somewhere the name of a number of extremist groups that were operating. And so I did not extrapolate that to mean that, because there was an extremist group

operating in Benghazi, that they were absolutely, 100-percent responsible for planning an attack against our mission. But I did say, well, if there were extremist organizations operating, it is highly possible that they could have planned an event to coincide with the attacks on 9/11. That was my thinking at the time.

Q But, again, not based on any concrete --

A No.

Q -- evidence --

A No.

Q -- you had before you.

A No. And, I mean, this is -- we do this all the time in the Middle East bureau. I mean, there's an existential crisis every single day. And, you know, I don't have a crystal ball, but often we're sort of wondering, you know, what's going to happen? Are these demonstrations going to be the ones that sort of make everybody go nuts?

So I had no -- I had learned nothing. I had no evidence to suggest that this was not true. I just had my own gut that was telling me that there must have been something else going on.

Q Now, again, hindsight often is very clear. Your concern about being too definitive may have been a wise one, given I think we're the eighth congressional investigation. Every congressional investigation has focused very heavily on what was said on those Sunday talk shows. But there was also tremendous clamor for the administration to be talking about both what happened in Benghazi and what happened in the region more broadly.

From your perspective as a spokesperson who's always facing outward, what is the value, even understanding that facts may change -- these key points note that. I think if we were looking at the Ambassador Rice transcript and actually saw what she said, I think on every single one of the five shows she said that. But what is the value of trying to provide as much information as you can as quickly as you can?

A Yeah, I mean, look, we live in a 24-hour media cycle where everybody wants the information now. And, I mean, we live in a policy world that has evolved in the same way, in that, like, we don't really do thoughtful, deep, analytical reporting because everybody wants a spot report now. Everybody wants to know exactly what's happening right now. And I recognize that that's the world that we live in, that we can't be as deliberative. We just have to get the information out as quickly as humanly possible, now.

So, you know, I understand that there is value -- I mean, we had four dead Americans. People want to know what happened. They want to know. And so, you know, the decision was made to brief and to provide folks with what we knew. And that was the decision.

Q And do you have any reason to believe that the information being given in these key points or by Ambassador Rice on the Sunday talk shows was anything other than the best assessment at the time based on the information that was available?

A No. I mean, now that I see that there was coordination with this, it looks like this was the best assessment of the IC at the time

and that she read the talking points and that that's that.

BY MR. DESAI:

Q Mr. [REDACTED], speaking a bit more broadly, unlike on some of the points that you and my colleague were just discussing, as individuals in the government are trying to find out the truth and as things are rapidly evolving and information is coming in and some of it is not entirely clear, definitive, or accurate, you know, stepping back and, again, speaking in a much broader sense, did you ever get the impression that anyone in the government, whether it was Ms. Nuland, her press shop, the NEA Bureau, the White House, anyone in the U.S. Government was trying to intentionally conceal the truth of what was happening in Benghazi?

A No.

Q And did you ever get the impression that anyone, again, broadly speaking, in the government who was involved and had equities with respect to what happened was trying to misrepresent the truth or mislead the American public about what had happened in Benghazi?

A I don't believe so.

Q And you expressed in this email thread that we reviewed in exhibit 2 about the definitive issue and some concerns you had or preferences. And I think in the last hour you told my colleague you expressed them, and here they were, and they were circulated.

At any point, did you ever feel as if you couldn't express how

you felt or express your opinions with respect to any of the information concerning the Benghazi attacks?

A No.

Q And do you have any reason to believe that anyone in the government -- again, Ms. Nuland, the State Department, the White House, anyone with equities -- was doing anything other than his or her best good-faith effort to determine the truth and to convey accurately with regard to what happened in Benghazi?

A What's the first part of the question?

Q Was there anyone at any point -- do you have any reason to believe that, you know, the State Department, the White House, the folks that were involved in this process of conveying information to the American public and trying to determine what happened, that they were doing anything besides their best and operating in a good-faith manner to convey the information accurately to the American public?

A I saw nothing that would lead me to believe that. But you're asking me to comment on something so broad that I couldn't possibly know what every person who was associated with this' motives are.

So my answer is I don't believe so. But that question is so broad that, like, I cannot know definitively if that's completely true.

Q Based on your experience.

A Based on what I saw, I saw no evidence of anybody trying to mislead the American public as to the events of Benghazi, based on what I saw.

Q So, Mr. [REDACTED], we're approaching the end of our session, and I would like to shift focus just a little bit. So this is, as my colleague mentioned to you earlier during our session, the eighth congressional investigation into the Benghazi attacks, and one of our objectives in the minority is to ensure that it's the last investigation.

And, as a result, we're asking every witness who appears in front of the committee about a series of public allegations that have been made with respect to the attacks. And it's our understanding that even when they have been answered by previous investigations who have looked into some of these issues, our colleagues in the majority are pursuing some of these allegations still. And, as a result, we're going to continue asking about them.

Anyone can speculate about the Benghazi attacks, and plenty of people have, but only a limited universe of people are going to have information and actual knowledge or evidence of what happened before, during, and after the attacks.

So the way I would like to proceed is I'm going to just read out to you what the allegation is and then ask you whether or not you have any information or firsthand evidence about the allegation that's being made. I am not asking you about your opinion. I am asking whether or not you have evidence or firsthand information with respect to that allegation.

A Okay.

Q To the extent that you may have evidence, we'll explore that

further. If not, I will just move on to the next allegation until we have none left. There are about a dozen or so, so I ask for your indulgence and your patience until we get to the end.

Do you have any questions before we start?

A I do not.

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

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

A No.

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

A No.

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

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

A No.

Q Do you have any evidence that Secretary Clinton was

personally involved in providing specific instruction on day-to-day security resources in Benghazi?

A No.

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

Do you have any evidence that Secretary Clinton misrepresented or fabricated intelligence on the risk posed by Colonel Qadhafi to his own people in order to garner support for military operations in Libya in the spring of 2011?

A No.

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

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

A No.

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

A No.

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

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

Do you have any evidence that would contradict the House Intelligence Committee's finding that there was no stand down ordered to CIA personnel on the night of the attacks?

A I do not.

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

A I do not.

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

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

provided to the Accountability Review Board?

A No, I do not.

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

A No, I do not.

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

A No, I do not.

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

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

A No.

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

A No.

Q It has been alleged that Ambassador Susan Rice made a,

quote, "intentional misrepresentation," end quote, when she spoke on the Sunday talk shows about the Benghazi attacks.

Do you have any evidence that Ambassador Rice intentionally misrepresented facts about the Benghazi attacks on the Sunday talk shows?

A No.

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

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

A No.

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

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

Do you have any evidence to contradict the conclusion of the House Armed Services Committee that there was no stand-down order issued to

U.S. military personnel in Tripoli who sought to join the fight in Benghazi?

A No.

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

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

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

A No.

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

A No.

BY MS. SAWYER:

Q I think we're just about to the end of our questions, but I did want to ask you a question. I'm going to, in advance, give you every right to decline to answer it because it's not an easy question. But I think sometimes it's hard for Members of Congress and staff in Congress to truly understand at a personal level the impact of congressional investigations. Obviously, sometimes they're

necessary and some level of scrutiny is warranted. But we're now, I think, past 4 years after the attacks. We're still investigating the attack.

So I just -- I know that you commented a few times on the impact at the time, that Ambassador Stevens was a friend. And so I just wondered if you could share with us, because, you know, part of what we hope informs the conversation is, kind of, the cost. There are obviously monetary costs but there are human costs, as well, of congressional investigations.

I just wanted to give you the opportunity, if you wanted, to share anything about the impact on you, on your colleagues.

A I think, from my perspective -- and perhaps maybe why I don't have a lot of answers for you on talking points and what I thought about this talking point is that it really was never about the talking points. That's the least important issue. And I mean that from, like, a personal standpoint. It has nothing to do with politics. It's about, you know, the service that we've rendered to our country.

And, you know, I think it's fine that Congress investigates. You know, I don't have an opinion either way whether there should have been this many investigations or that many investigations. I guess I just hope that folks who are investigating this are asking bigger questions about our diplomatic presence, what it means to be forward-deployed as a civilian, building bridges of communication with hostile audiences. This, for me, is, like, what Benghazi is all about.

Like, Chris Stevens was a former Peace Corps volunteer, like, our

very best. And his example and this idea that he would have been out there in a very difficult place is something that I think a lot of us really relate to, because, especially for those of us who served on PRTs in Iraq and Afghanistan, we did this stuff every day. And we took off our body armor, and we walked hand-in-hand with tribal leaders. And we told our wives back home that, oh, no, I was holding his hand, that's a signal to everybody that he's going to protect me. And, like, could an IED have blown up and killed me, and could there have been an investigation as to why I wasn't wearing my PPD, why I wasn't wearing my helmet? Yeah.

But I guess I hope that, at some stage, folks are thinking about what we really want diplomats to do out there. Like, is it worth delivering a bunch of schoolbooks to some 8th-graders in Basra? And if 10 people get killed doing that, is that okay? Was that the price of doing business? Is that the price of advancing our foreign policy in this sliver of desert?

And, I mean, I guess my mood changed as you read me all those questions because I kept thinking, you know -- I understand why you're asking them, but, like, for those of us who experienced this very personally, these things don't matter. Like, our friends died. And I guess I hope that you, as lawyers, understand this, that, like, we're out there, like, doing these things. We don't want thanks; we just want understanding for the mission that we're doing.

And I think America, after Iraq and Afghanistan, understands our men and women in uniform out there, but they still don't have a concept

of the civilians. And we're a very small number. We don't have a lobby. We're, you know, pinstriped diplo-weenies, I think, to some people, especially on the Hill. But, you know, we're folks that are out there trying to advance our foreign policy in a nonpartisan way. And I guess I hope that that comes out.

Q Well, is certainly is our sense that, with regard to Ambassador Stevens, he, as you put it, was one of our best, and he truly believed in the mission that he was carrying out both in Tripoli and in Benghazi. Was that also your sense of how he viewed his presence --

A Yeah.

Q -- in Libya?

A Yeah. I mean, I think -- and he knew Libya. And, I mean, I just -- I often, like, go back to my own experiences when I was on a PRT because it's the most similar experience that I can draw to, because we went to places where there was no embassy, there was no hardened structure. I mean, you know, I don't know what the State Department regulations are on where you're supposed to sleep, but I slept in a soft structure for an entire year. I am quite sure that, like, that was not following State Department protocol. But I was on a military base, and it was like, oh, well, you're on a military base, you can sleep in whatever the troops sleep in.

And so, you know, I look back to my service, and I think a lot about Chris thinking, you know, I know that tribal leader, I've always known that tribal leader, I'm going to go out and have tea with him, because if I can build that relationship, if I can come in there not

with, like, a million guns and, like, an MRAP or an uparmored Humvee, but if I just take off my vest and kiss him on both cheeks and drink tea all day, that, like, I could actually build a relationship that means something to both him and all of the young men who are in his militia.

Very dangerous. Maybe you can't do that. But maybe you can. And so I think about that. I mean, that's what it, sort of, means to me, that, like, he knew it. And did he know it well enough? I don't know. I guess not. Maybe because of the outcome is that he's dead, he didn't know it well enough. I don't know.

Q Well, again, hindsight is 20/20 vision, so --

A But I think about all the risks that I took that had great results. And I think about all of the other risks that Chris took his entire career that also had great results. But this one didn't.

And so, I don't know. I guess I just hope that Members of Congress see this. I mean, codels come out all the time. You know, they are interested in what they're interested in, and I don't get a good sense that they, sort of, have an appreciation of what we're up to out there. And I guess I just hope that they have an appreciation for that.

Ms. Sawyer. Well, we certainly appreciate your testimony today, as well as your service and your willingness. I think, you know, one thing that is always hard on a transcript is, kind of, emotion does not convey. But I think your willingness to share that information with us and with the committee is very much appreciated.

Again, I think on behalf of the entire committee -- I don't have

if my colleague has some additional questions for you. But, certainly, we appreciate, as I said, both your testimony and your service and the service of, quite frankly, all of our personnel serving overseas, those in uniform and those who are not in uniform but also doing very important work on behalf of this country.

Mr. [REDACTED]. Thank you for saying so.

Mr. Desai. We can go off the record.

[Recess.]

Mr. Grider. Let's go on the record.

Mr. [REDACTED], I wanted to once again thank you for your time here and your candor, your recollection. As my colleague said, on behalf of the committee and Chairman Gowdy, we appreciate you coming in and helping us to establish and ascertain the facts of what happened. And that's our objective, and we really appreciate you helping us to get to that objective.

BY MR. GRIDER:

Q I think all of us want to make sure that the record is clear with respect to even your role. And you used a few terms that -- I just don't want your role to be diminished in any way based on your history.

How long did you work for the State Department? What is your total time at the State Department?

A It should be 13 years now, 2003 to 2015.

Q And prior to the State Department, did you attend law school or go to grad school?

A I went to law school.

Q What law school did you go to?

A I went to Suffolk Law School in Boston, Massachusetts.

Q And then after law school, did you practice, or did you go straight to the State Department?

A I decided I didn't want to be a lawyer and I wanted to have a grassroots experience. And so I disappointed the Middlesex District Attorney's Office and all of my law professors by moving to rural Japan and teaching English for 2 years.

Q Very good.

So I just wanted to clarify, you had sort of mentioned, based on, I think, exhibit 2 and watching Secretary Rice and your views, you mentioned the terms "gut," you know, it was in your gut --

A Uh-huh.

Q -- and maybe it was sort of a "baggage" that you had. But, in fact, you had been in the State Department for 13 years and you had traveled extensively, as we went over in the earlier part.

So your experience, you had 13 years -- or, at that point, it may have been, you know, 9 years or 10 years of experience of being in PRTs in Iraq. And so it wasn't necessarily just a gut instinct. You had experience in, sort of, assessing protests and situations and gathering information, the information that you received. Is that correct?

A Sure. Yes. That's correct.

Q And so, as we talked about, you know, even with respect to Cairo, I mean, you communicated to people on the ground on occasion,

you communicated with State Ops on occasion, you had access to media on occasion, correct?

A [Nonverbal response.]

Mr. Evers. You're supposed to say "yes."

Mr. [REDACTED]. Yes. That's correct. Sorry. Yes. Correct to all those things.

BY MR. GRIDER:

Q You knew about extremist groups and how that worked, and Al Qaeda, and, obviously, you know, your prior experience at the State Department.

So part of your job wasn't just merely to make edits, you know, with respect to press; it was to make an assessment based on your years of experience. Would you say that's correct?

A That is a fair characterization.

Q And, also, in NEA, [REDACTED] wasn't necessarily in the press office. Is that correct?

A She was not in the press office.

Q So what was her -- her role was the NEA Libya desk, correct?

A That's correct.

Q So she would have been gathering information from Libya, right, as the desk officer?

A That's correct.

Q Right.

And [REDACTED] was in the press office, but he was sort of a, as you mentioned, may have been a hybrid, a little bit of gathering information

but also working for you but also giving information to other people.
Is that correct?

A Yeah, I think -- let me just characterize a little bit about NEA press and, sort of, the desks, because you've asked about that.

Q Uh-huh.

A Like, the way -- I mean, each of these desks focus on very specific issues. So the person who focuses on Libya really has no need to know anything about Saudi Arabia.

NEA press is one of these offices that has to know everything about the entire region. And so we are constantly collecting, constantly talking to different folks in the various offices and desks about, well, what's happening in Beirut today, what's happening in Tunis today.

So I would say that, yes, [REDACTED] was reaching out to lots of people, desks, sometimes embassies overseas.

Q But State, just the culture of State, with respect to NEA, was a culture where we're going to hire people that are not merely, you know, editing; we're going to bring in people that have, you know, subject-matter experts and can access information and give their opinions if they think things are factually correct or incorrect. Is that your assessment?

A That would be the ideal, yes.

Q Right. And you would put yourself in that position of, you know, having worked there 9 years at that point in time and, you know, traveled to Iraq. Is that correct?

A I think I was well-suited to be the spokesperson of NEA,

given my understanding of Arabic, my experience in the region, and my management experience over a course of a career at the State and in the private sector.

Q So I just wanted to be clear for the record, when you stated, you know, your gut or, you know, you had baggage, it wasn't merely a gut or baggage; it was based on training and experience over almost a decade of actually being in the region, studying.

And so, when you stated earlier that, after watching the shows, you just -- you stated that you just felt it was too early.

A Yeah. That's how I felt at the time when I watched the shows.

Q And that was based on not just a mere gut instinct; it was based on 10 years or 9 years of working in the State Department, understanding Cairo, the region. Your assessment was it seemed too early to make that specific statement. Is that correct?

A I think that's accurate to say. But I would also add that there were clearly a number of variables that I had no access to or no knowledge of at the time. And so, while I'm not trying to discount my gut, it's also a reality of the situation that there were other variables at the time that I just wasn't aware of that were clearly at play.

Q Sure. Absolutely. Very good.

Now, last question. With respect to the Cairo protest, how did you get that information, that ultimately they said it was the video? You have communicated that you were definitive that it was the video

at a later point. How did that --

A I believe, although I am not sure, that there was some discussion with Embassy Cairo about the fact that the video was referenced on an Egyptian television station, maybe some clip of it -- I mean, perhaps not a clip if it was that offensive. But there was some in-country nexus to that video --

Q Sure.

A -- that made folks in Cairo, along with myself and others, concerned that we needed to be thinking about this video vis-à-vis Egypt specifically.

Q And do you recall when you came to that conclusion, that it was the video?

A I don't. Because, again, I think, at that time -- I mean, at the time, one of the interesting discussions that came up was that Al Jazeera had interviewed a number of people across the Middle East and asked them had they seen the video, and they said, no, they had never seen the video. I mean, that the majority of people protesting were protesting because they heard there was a video out there.

So this, sort of, sense that everybody saw the video and they were so outraged about it, it just ended up not -- I mean, to my understanding, was not true. And there were throngs of people who had a grudge against the United States that heard there was a video, in the same way that, you know, hundreds protested in Khartoum at the teacher who named the teddy bear Muhammad. I mean, no one ever met the woman, no one ever confirmed that, but you had, you know, thousands

of people that day protesting over basically hearsay.

Q Right. Correct.

And then you made a statement that, you know, based on your training and experience, essentially you had never seen anyone bring an RPG to a protest.

A I mean --

Q Or that would be unusual.

A I think what I said was "bringing an RPG to a spontaneous protest."

I mean, I've been to Yemen before, and, I mean, knives, AK-47s, RPGs. I mean, that place it armed to the teeth, and I think people bring an RPG to the toilet sometimes.

But when I said that, I was suggesting that, if you were spontaneously protesting, an RPG might necessarily not be the first thing you grab next to your car keys.

Q And just to make clear, you had received information that an RPG may have been involved in the attack at some point?

A I think, but -- I just remember people weren't just throwing stones --

Q Right.

A -- I mean, looking at, you know, a huge fire at the compound. So that's my recollection, but I may be misremembering.

Q Fair enough.

Mr. Grider. All right. Once again, I just want to thank you for your time. On behalf of the committee, we appreciate you coming in.

And I have no further questions.

Mr. [REDACTED]. Thank you.

Ms. Sawyer. We just have to ask a few based on some foundational stuff. Sorry, Mark, but --

Mr. Grider. That's fine.

Ms. Sawyer. I think we'll be quick. Just a few clarifying questions.

BY MS. SAWYER:

Q We went into some of your background. Obviously, the role of gathering information for press purposes might differ from the role of gathering information for other purposes. So I just want to get a sense -- you've fully acknowledged that there may have been other variables at play when you were assessing what happened that you were not aware of. In general, what kind of other variables are you referring to?

A Well, what I'm suggesting is that the normal process of generating and clearing talking points is that one of my officers writes the talking points, and then we send them around to all of the offices in the building that have equities, and then we get that language cleared. And that is the normal, standard, garden-variety way that we deal with press guidance.

In this case, an issue of national significance, this was handled far above my pay grade. And so I guess what I'm suggesting is that, in this case, the normal procedures, for a whole host of reasons -- one of them may be that when I generate -- I would suggest to you that when

I have generated talking points as the NEA spokesperson, I cannot recall a single time where I have ever spoken to the IC about talking points. I mean, they're sort of -- we don't -- I mean --

Q But let me interrupt you for a second. If you were called upon to give the definitive account about what happened -- I'm stepping aside from talking points. Let's not worry about talking points. You were asked a series of questions about what you believed happened in Benghazi -- you, yourself, based on your experience.

So if you were called upon to give the definitive account about what happened, would you want to know what the intelligence community believed happened in Benghazi?

A Personally? Or are you asking me as, like, professionally, as the NEA spokesperson?

Q Professionally, as the NEA spokesperson, if the intelligence community had an assessment as to what happened in Benghazi and you were being called upon to deliver that, would you want to know what that was?

A Yes, of course. Because I would want to make sure I was not delivering talking points -- I would want to make sure that I was crafting talking points that were truthful to the best of our knowledge.

Q And the underlying assumption there, "truthful to the best of our knowledge," is it fair to say that, among others, but certainly the intelligence community is one of the bodies charged with the actual fact-finding, determining truth or what happened? Is that accurate?

A I think that's accurate.

Q And would it be the role of a press spokesperson, yourself or anyone else, to substitute your judgment for that of the intelligence community if the intelligence community had made an assessment as to what happened in Benghazi?

A No. But can I say -- the answer is no, period. But I will say this, that documents from the IC are often very wonky and wordy. And so it would be a duty of mine to, not change the substance, but to perhaps reconfigure the language in a way that was easier to the average American's ear or eye. That doesn't mean I'm fussing with talking points. It just means that sometimes an intelligence assessment can read exactly like an intelligence assessment.

Q Right. Well, actually, I would say it does sound you're fussing with talking points to make them more user-friendly. Would that be accurate?

A Yes, but I want to make sure that you're very clear that I am not saying I am using my own press instincts to change what the --

Q The underlying facts.

A Yes, the underlying facts. I'm just saying, you know, let's make this sound less like an analyst came up with this and more like this is what someone is going to say.

Q So, from your perspective, is it certainly reasonable to rely upon the intelligence community's assessment as to what happened in Benghazi as the baseline for discussing what happened?

A I mean, I served in Iraq. I mean, we've relied on intelligence that wasn't correct there. I mean, I -- yes. It's a

qualified "yes." I mean, I recognize that intelligence assessments can be wrong. And so, if that's the IC's best assessment and that's what they say it is, I'm willing to take that. But, in my mind, am I also willing to accept the fact that the IC could be wrong?

If you go back to the Iraq IC determination, it was State and Department of Energy that had their footnote where they disagreed with the assessment. And people don't know that there was a footnote there, but there was a footnote. There were two agencies that disagreed with the assessment.

So I come from that experience, where, yes, I accept that when the IC makes a ruling, we're going to go with that, but I also have my own opinion about things.

Q And just in terms of the materials you review when you're, you know, preparing and talking about an incident, do you routinely read classified intelligence reports?

I know that some press people don't because they're a little worried about -- they're very outward-looking; they don't want spillover.

A Yeah.

Q Would your practice have been -- and we can limit it to this time period. Were you reading the intelligence reports about what happened in Benghazi?

A I was not.

And the firewall that you spoke of, or maybe you didn't refer to it that way, but just, sort of, wanting to ensure that I never, as I

did interviews quite often, that I never said something that I read in an intelligence report, you know, intelligence reports were not a huge part of my daily life as a press officer, mainly because, in this case, the IC generated talking points, but in, you know, 99 times out of 100, when we're talking about talking points about Presidential elections and the outcome of things, it's not really the IC that generates talking points. It's Embassy Moscow, who is going to condemn this thing in Ukraine. It's Embassy Tokyo, who is going to applaud the Prime Minister for doing to this. And so, as a press officer, you don't really have to spend a lot of time in the weeds of the intelligence community, because what we're trying to do is talk about things that are open.

Now, I see every day when press folks talk about, you know, whether this Russian missile launched from the Caspian landed in Iran. But that's probably generated by the IC, not by some person, you know, who happened to be boating on the Caspian. So I get that.

But I'm saying, for my purposes in NEA press, I didn't spend a lot of time looking at intelligence reports, especially during this time period.

Q Okay.

Ms. Sawyer. I think that's all I had. Did you have more?

BY MR. DESAI:

Q I guess the last question I have -- and I just want to make sure that I've understood you correctly based on your conversation with my colleague from the majority in the last session -- is that you're

not trying to suggest that somehow, you know, gut feeling in any way is a substitute, or a credible substitute, to explain or to understand what has happened in an instance like Benghazi. Is that correct?

A I think what I'm trying to say is that I had a toolbox. I have my gut, I have reporting in, I have open-source reporting, I have a lot of things that I am able to use to make the determinations that I made professionally. And I don't say that one is the prevailing tool. Some were a hammer, some were wrenches.

And so I am saying that, at that time, given the totality of the circumstances, I was looking at a broad range of things. And my personal opinions were based on my work experience, my gut, the things that I was reading, and the conversations that I was having.

Mr. Desai. Thank you so much.

We can go off the record.

[Whereupon, at 1:54 p.m., the interview was concluded.]

Certificate of Deponent/Interviewee

I have read the foregoing 91 pages, which contain the correct transcript of the answers made by me to the questions therein recorded.


~~Witness Name~~3/15/2016

Date

EXHIBIT 1

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE
 REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

From: [REDACTED]
Sent: Tuesday, September 11, 2012 7:09 AM
To: [REDACTED] NEA-Press-DL; NEA-Egypt; [REDACTED]
Cc: [REDACTED]
Subject: RE: Cairo Condemnation - Final

The statement is now up on our website.

In English: <http://egypt.usembassy.gov/pr091112.html>

In Arabic: <http://egypt.usembassy.gov/apr091112.html>

Also out on Twitter, Facebook, and as press release.

From: [REDACTED]
Sent: Tuesday, September 11, 2012 12:20 PM
To: [REDACTED] NEA-Press-DL; NEA-Egypt;
Cc: [REDACTED]
Subject: RE: Cairo Condemnation - Final

We released it for Egypt only.

No need for you to do anything if its not affecting other Missions – we have a demonstration planned here today.

From: [REDACTED]
Sent: Tuesday, September 11, 2012 12:18 PM
To: [REDACTED] NEA-Press-DL; NEA-Egypt;
Cc: [REDACTED]
Subject: RE: Cairo Condemnation - Final

All,

I think this statement needs work (a lot of work).

We condemn efforts by misguided individual that insight violence, violate human rights, or cause grievous bodily harm. On 9/11, I would strongly advise against a USG statement that condemns "misguided efforts" to hurt "people's feelings." That seems laughable and, quite frankly, insulting to the victims of 9/11. Has NSS seen this? Not to mention the order is all wrong. We're talking about hurt feelings, first, and then a reference to 9/11 on 9/11 second? And, the reference to 9/11 just doesn't fit in the context of the statement.

Is there any evidence this video has gone viral? I agree it's pretty bad, but when I watched it yesterday morning there were only 1,062 hits. It's now up to 6,000. Not exactly viral.

I'm happy to debate the merits of this, but this statement seems really tone deaf to me.

[REDACTED]

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

[REDACTED]
Spokesperson | Bureau of Near Eastern Affairs | U.S. Department of State
2201 C Street NW | Room 6250 | Washington, DC, 20520
Office: +1 202-647-9533 | Email: [REDACTED]@state.gov

From: [REDACTED]
Sent: Tuesday, September 11, 2012 5:26 AM
To: [REDACTED] NEA-Press-DL; NEA-Egypt; [REDACTED]
Cc: [REDACTED]
Subject: Cairo Condemnation - Final
Importance: High

The Embassy of the United States in Cairo condemns the continuing efforts by misguided individuals to hurt the religious feelings of Muslims – as we condemn efforts to offend believers of all religions. Today, the 11th anniversary of the September 11, 2001 terrorist attacks on the United States, Americans are honoring our patriots and those who serve our nation as the fitting response to the enemies of democracy. Respect for religious beliefs is a cornerstone of American democracy. We firmly reject the actions by those who abuse the universal right of free speech to hurt the religious beliefs of others.

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

EXHIBIT 2

C05580618

From: [REDACTED]
Sent: Monday, September 17, 2012 2:19 PM
To: [REDACTED]
Subject: RE: Libya PG

Classification: UNCLASSIFIED
SMARTCategory: Working

WH very worried about the politics. This was all their doing.

This email is UNCLASSIFIED.

From: [REDACTED]
Sent: Monday, September 17, 2012 2:18 PM
To: [REDACTED]
Subject: RE: Libya PG

Off the reservation on five networks!

From: [REDACTED]
Sent: Monday, September 17, 2012 2:17 PM
To: [REDACTED]
Subject: RE: Libya PG

Yup. Luckily there's enough in her language to fudge exactly what she said/meant.

This email is UNCLASSIFIED.

From: [REDACTED]
Sent: Monday, September 17, 2012 2:16 PM
To: [REDACTED]
Subject: RE: Libya PG

I think Rice was off the reservation on this one.

From: [REDACTED]
Sent: Monday, September 17, 2012 2:05 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Libya PG

Toria planned on walking it back just a bit, though.

This email is UNCLASSIFIED.

C05580618

From: [REDACTED]
Sent: Monday, September 17, 2012 2:02 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: Libya PG

The horse has left the barn on this, don't you think? Rice was on FIVE Sunday Morning shows yesterday saying this. Tough to walk back.

From: [REDACTED]
Sent: Monday, September 17, 2012 01:59 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: Libya PG

[REDACTED] – per my call. Note sure we want to be so definitive – what does A/S Jones say?

From: [REDACTED]
Sent: Monday, September 17, 2012 1:41 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Libya PG

I really hope this was revised. I don't think we should go on the record on this.

From: [REDACTED]
Sent: Monday, September 17, 2012 12:36 PM
To: [REDACTED]; Bernadette_M_Meehan [REDACTED]; NEA-LIBYADESK; CAPRESSREQUESTS; [REDACTED]
Cc: M_Clearance
Subject: Re: Libya PG

This is actually the most recent. Just saw NSS language, which I used as the key points here.

NEA Press Guidance

September 17, 2012

Libya: Update on Investigation on Attack in Benghazi

Key Points

- The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the U.S. Embassy in Cairo and evolved into a direct assault against the U.S. mission and subsequently its annex. There are indications that extremists participated in the violent demonstrations.

- This assessment may change as additional information is collected and analyzed and as currently available

C05580618

information continues to be evaluated.

· The investigation is ongoing, and the U.S. Government is working with Libyan authorities to bring to justice those responsible for the deaths of U.S. citizens.

Q: Do we have any confirmation of the names and condition of those injured in Benghazi yet?

· Due to privacy considerations, I have no comment.

Q: Can we confirm the authenticity of the cell-phone video of Amb. Stephens?

· We cannot confirm the authenticity of the video.

Q: Do we have any adjustments in the time line, sequence of events in Benghazi?

· As I said, there is an ongoing investigation and I am not going to comment any further at this time.

Q: Has the FBI provided any investigation updates? Has the FBI been able to even reach Benghazi yet?

· I refer you to the Department of Justice for information on the ongoing investigation.

From: [REDACTED]
Sent: Monday, September 17, 2012 12:34 PM
To: [REDACTED]; Meehan, Bernadette <[REDACTED]>; NEA-LIBYADESK;
 CAPRESSREQUESTS;
 [REDACTED]
Cc: M_Clearance
Subject: RE: Libya PG

HI – I made some tweaks. I am not keen on the first point, even as I edited it, but don't have any better suggestions. Maybe was not "planned well in advance." ?

The rest of it looks good.

I added DS to this message also.

Thanks, [REDACTED] M/PRI

From: [REDACTED]
Sent: Monday, September 17, 2012 12:13 PM

C05580618

To: Meehan, Bernadette; NEA-LIBYADESK; CAPRESSREQUESTS; [REDACTED]

Subject: Libya PG

Importance: High

Hi Everyone –

Please see the below PG on Libya. This is all I really have for today.

Thanks,

[REDACTED]

NEA Press Guidance

September 17, 2012

Libya: Update on Investigation on Attack in Benghazi

Key Points

- We will continue to wait for the findings of the ongoing FBI investigation before reaching a final conclusion, but at this preliminary stage, ~~time~~, we have not yet seen any signs that the attack on our consulate in Benghazi was other than spontaneous. ~~premeditated, or coordinated.~~

- I have nothing more for you due to the ongoing FBI investigation.

Q: Do we have any confirmation of the names and condition of those injured in Benghazi yet?

- Due to privacy considerations, I have no comment.

Q: Can we confirm the authenticity of the cell-phone video of Amb. Stephens?

- We cannot confirm the authenticity of the video.

Q: Do we have any adjustments in the time line, sequence of events in Benghazi?

- As we have said, there is an ongoing investigation into the tragic events that occurred in Benghazi, and I am not going to comment any further at this time.

Q: Has the FBI provided any investigation updates? Has the FBI been able to even reach Benghazi yet?

C05580618

- I refer you to the Department of Justice for information on the ongoing investigation.

Press Officer | Bureau of Near Eastern Affairs | U.S. Department of State

2201 C St, NW Rm 2234, Washington, DC 20520 | ☎: 202.647.4184 | ✉: [\[REDACTED\]@state.gov](mailto: [REDACTED]@state.gov)

EXHIBIT 3



**113th Congress
2d Session**

SENATE

**S. Report
113-134**

REPORT
of the
U.S. SENATE SELECT COMMITTEE ON INTELLIGENCE
REVIEW
of the
TERRORIST ATTACKS ON U.S. FACILITIES IN
BENGHAZI, LIBYA, SEPTEMBER 11-12, 2012
together with
ADDITIONAL VIEWS

January 15, 2014.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 2014


APPENDIX I: The Benghazi Talking Points

On September 15, 2012, the CIA provided the HPSCI and the SSCI with unclassified talking points for Members' use in media and public statements regarding the September 11, 2012, terrorist attacks in Benghazi, Libya. The talking points were requested by the HPSCI during a meeting with then-CIA Director Petraeus on Friday, September 14, 2012. As made clear by 100 pages of emails released by the Obama Administration on May 15, 2013,¹³⁶ the talking points were then also provided to U.S. Ambassador to the UN, Susan Rice, in her appearances on several television talk shows on Sunday, September 16, 2012. The contents of the talking points and Rice's comments in her public appearances generated significant controversy, including in Congress. As discussed in more detail below, the SSCI devoted considerable staff time and held three closed briefings for Members to address the Benghazi talking points issue.

The final, unclassified version of the CIA talking points, as provided to HPSCI on September 15, 2012, read as follows:

—The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the US Embassy in Cairo and evolved into a direct assault against the US diplomatic post in Benghazi and subsequently its annex. There are indications that extremists participated in the violent demonstrations.

—This assessment may change as additional information is collected and analyzed as currently available information continues to be evaluated.

—The investigation is ongoing and the US Government is working with Libyan authorities to bring to justice those responsible for the deaths of US citizens.

¹³⁶ ABC News, "White House Benghazi Emails," accessed December 3, 2013, <http://abcnews.go.com/images/Politics/white-house-benghazi-emails.pdf>