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EXECUTIVE SESSION

COMMITTEE ARMED SERVICES,

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS,

Joint with

COMMITTEE ON OVERSIGHT AND

GOVERNMENT REFORM,

U.S. HOUSE OF REPRESENTATIVES,

WASHINGTON, D.C.

INTERVIEW OF: GENERAL CARTER HAM

Wednesday, April 9, 2014

[REDACTED]

[REDACTED]

Washington, D.C.

The interview in the above matter was held at room 2212, Rayburn House Office Building, commencing at 10:00 a.m.

Present from the Committee on Armed Service: McKeon, Heck, Conaway, and Wittman.

Present from the Committee on Oversight and Government Reform: Representatives Issa, Chaffetz, and Jordan.

[REDACTED]

Participant Key

AR = Armed Services Committee Republican staffer

AD = Armed Services Committee Democratic staffer

OR = Oversight and Government Reform Committee Republican staffer

OD = Oversight and Government Reform Committee Democratic staffer

[REDACTED]

ARI [REDACTED]. Good morning. This is a transcribed interview of General Carter Ham.

Welcome, General, and thank you for coming today.

I think those in the room have already introduced themselves. And for the record, the record of our proceedings will show those who are in attendance. However, for the record, again, I am ARI [REDACTED]. I'm a professional staff member with the House Armed Services Committee.

As you may know, General, the Committee on Oversight and Government Reform and the Committee on Armed Services are among the committees in the U.S. House of Representatives who are investigating many aspects of the attack on the U.S. facilities in Benghazi, Libya, in September 2012. The topics being considered include how the U.S. Government was prepared in advance of those attacks, how it responded when the attacks started, and what changes have been instituted as a result of lessons learned.

I am joined today by colleagues representing the chairman and ranking minority members of the Committee on Oversight and Government Reform and the Committee on Armed Services. In fact, I am joined today by the chairman of the Armed Services Committee and the chairman -- oh, and the chairman of the Oversight and Government Reform Committee, in addition to the staff.

In order to simplify these proceedings, I'm making these introductory remarks and will start the questioning, but please understand that this interview is an equal and joint effort of both committees.

[REDACTED]

[REDACTED]

We will proceed in the following way. I and a representative of the other committee's chairman will ask questions for the first hour. Then representatives for the ranking minority members will have an to pose questions. We will alternate this way until our questions are completed.

We will recess for a short lunch or not, as you maybe indicated, and take other breaks, but please let us know when we are switching questioners if you need some additional time for any reason.

During our questioning, we will aim to have only one questioner at a time. An exception to this may occur if an additional staff member requires a follow up for clarification. In such instances, it's usually most efficient to do that as we proceed rather than at the end.

Also, because, obviously, the transcriptionist cannot record gestures, we ask that you answer orally, and if you forget to do this, the transcriptionist may remind you to do so. The transcriptionist may also ask you to spell certain terms or unusual phrases that you might use in your answers.

We hope to proceed methodically and generally chronologically, and some of our questions might appear to be basic, but this is done to help us clearly establish facts and to clearly understand the situation in Libya.

We ask that you give complete and fulsome replies to questions based on your best recollections. Please provide unclassified information to the greatest extent possible. If it's necessary to provide classified information in response to questions, everyone in

[REDACTED]

[REDACTED]

this room is cleared to the top secret level, and therefore, you should not hesitate to provide relevant information and details up to that classification level.

Furthermore, if a question is unclear or if you are uncertain in your response, please let us know. If you do know or remember the answer to a question or do not remember, simply say so.

You should also understand that although this interview is not under oath, by law, you are required to answer questions from Congress truthfully, including questions posed by staffers in an interview such as this.

Do you understand these circumstances?

General Ham. I do.

ARI [REDACTED]. Thank you. Is there any reason you are unable to provide your own truthful answers to today's questions?

General Ham. No such reason.

ARI [REDACTED]. Thank you. Pursuant to an agreement between the Armed Services and Oversight and Government Reform Committees and the Department of Defense, a transcript of today's proceedings will be provided to the Department as soon as it is prepared. The Department will confirm that the transcript contains top secret material, or alternatively, it will apply a lower classification to the document. The document -- has also agreed to return the original transcript to the committees, along with a second version that includes only secret information.

In conducting this work, the Department has agreed not to share

[REDACTED]

[REDACTED]

the contents of previous interview transcripts with interviewees subsequently appearing before the committee or to use these documents to prepare interviewees for their appearances.

With this in mind, has the Department made any classified transcription from previous interviews available to you in preparing for today?

General Ham. They have not.

ARI [REDACTED] Finally, I note that you are accompanied by an attorney from the Department of Defense. I ask the DOD counsel to please state your name for the record and any statements you may wish to make.

Mr. Richards. My name is Edward Richards. I'm [REDACTED] Agency counsel. And before we begin, I'd just like to take a minute to state for the record that General Ham, a highly decorated 40-year Army veteran and former combatant commander, has cooperated fully with the numerous Benghazi-related Congressional investigations to date. Specifically, he accompanied Congressman Chaffetz on his tour of the U.S. facilities in Tripoli in October 2012. Further, he provided a telephonic Benghazi briefing to Senators McCain and Graham on October 19th, 2012. General Ham also briefed the chairman and ranking member of the Senate Homeland Security and Government Reform Committee on December 6th, 2012, to assist in their bipartisan Benghazi investigation and report. Additionally, General Ham provided a classified briefing regarding Benghazi to members of the House Oversight and Government Reform Committee, along with Congressman Rohrabacher, on March 15th, 2013, per Chairman Issa's request.

[REDACTED]

[REDACTED]

On June 26th, 2013, General Ham provided a classified Benghazi briefing to the House Armed Services Committee, along with members of the House Oversight and Government Reform Committee, at the request of the chairman of the HASC Oversight and Investigation Subcommittee. Further, General Ham testified regarding Benghazi at the U.S. Africa Command posture hearings before the Senate and House Armed Services Committees on March 7th, 2013, and March 15th, 2013. In addition to these congressional engagements, on November 7th, 2012, General Ham appeared before the Accountability Review Board, chaired by Admiral Mullen and Ambassador Pickering, to answer their questions regarding Benghazi.

Neither the ARB report nor any of the many congressional reports regarding the tragic events have taken issue with General Ham's command decisions in responding to the attacks of September 11th and 12th, 2012. Thank you.

ARI [REDACTED]. Thank you.

And, General, again, we appreciate very much your service and for your patience and your participation today.

Do you have any introductory remarks that you --

General Ham. I do not.

ARI [REDACTED]. Thank you. So the clock now reads 10:06, I think, and I'll start now the first hour of questions for representatives of the committee chair.

EXAMINATION

BY [REDACTED]

ARI

[REDACTED]

[REDACTED]

Q So, General, can you tell us when you became AFRICOM commander?

A March 9th, 2011.

Q You became AFRICOM commander when, General?

A March 9th, 2011.

Q And when did your tenure as AFRICOM commander end?

A April 5th, 2013.

Q And in the time that you were AFRICOM commander, did you visit Libya?

A I did. Several times. The first, I believe, was in December of 2011.

Q And, General Ham, what about the subsequent visits? Do you remember the specific --

A I don't remember the specific dates, but several visits, four or five, probably.

Q Four or five others or --

A Four or five other visits, yes.

Q So directing your attention now to the December 11th visit, you went to Libya in the company of the Secretary of Defense, Leon Panetta, at that time? Is that correct?

A We met in Tripoli, but, yes, it was the Secretary of Defense's visit, and I joined him for that visit.

Q And did you stay for the -- did you overlap precisely -- in other words, did you stay in the time that he was there? You were in the country at the same time he was?

[REDACTED]

[REDACTED]

A I think I probably arrived maybe an hour or so before he did and probably departed an hour or so after he departed.

Q I see. And while you were -- you were in Tripoli, correct?

A Correct.

Q And did you form, while you were there, a particular impression of the security situation in Libya or Tripoli in particular during your visit?

A Yes. A couple of things struck me during -- this was my first visit to Libya. First, was the presence of different militia, most noticeable at the Tripoli airport, but then as we -- as we traveled from the airport to the U.S. diplomatic facilities, a number of checkpoints, again, manned by militia, but generally, I was struck by the normalcy, if you will, of Tripoli at that time, traffic, the shops opened, vendors, people out just, you know, doing apparently normal daily activities.

Q And in connection with the diplomatic facilities, did you have any particular impression of the extent to which they were secure, insecure? Did you have any particular impressions of the security of the actual facilities, the diplomatic facilities themselves?

A I don't recall anything out of the ordinary, any remarkable recollections of security at the diplomatic facilities in Tripoli.

Q And when you were in country with the Secretary of Defense, did you and he have an occasion to talk about either of those topics, which is to say, the security situation in Libya writ large? And I presume you didn't have an opportunity to talk about the physical

[REDACTED]

[REDACTED]

security since you said you didn't have any particular observations about that. Did you have an opportunity while you were in country to reflect on what you were seeing with the Secretary?

A Yes. The purpose of the Secretary of Defense's visit was -- well, there were several purposes, one of which was a first visit by him with his counterparts, with the minister of defense, meet the chief of defense, meet the prime minister of the -- the newly established government officials in Libya, ~~staffing~~, that was the primary purpose, but also taking the opportunity of being there to meet with U.S. Government officials, Embassy and from [REDACTED] [REDACTED] to get their assessment of the security situation in Libya post the collapse of the Qadhafi regime.

Q And after leaving the country and returning, did you go back to AFRICOM headquarters at the end of that, or --

A I think so, but I'm not exactly sure.

Q In any event, when you returned to headquarters, did you have an occasion to share the discrete impressions that you had of the security situation with those in your command or others after you left the country?

A Yes. Normally I would do a couple of things. I would normally have a post-travel meeting with the senior leaders of the command, both the military and the civilian deputy, the senior enlisted leader, chief of staff, most often the intelligence officer, the operations officer, plans ~~of~~ ^{officer} how those -- kind of that -- mostly general and flag officer and senior executive service level people, just to kind

[REDACTED]

[REDACTED]

of back brief them on observations and their -- so that they understood, but it would also be in typically a weekly report that I would send through the Chairman of the Joint Chiefs of Staff to the Secretary of Defense. Most often there would be a summary of the previous week's activities and a forecast of the coming week's activities.

Q And again, in general terms, can you recall the sort of things that you briefed out of your observations, having left the country then and maybe having an opportunity to think about in totality your visit?

A Yes. I think, in December of 2011, there was a genuine sense of optimism by the Libyans from the prime minister on down. At that first visit, the minister of defense had been a militia commander during the -- during the Libyan uprising and revolution, who had -- again, I think, a well-intentioned man, but I guess my overall impression was those who were in senior positions in this newly established Libyan Government did not have the background and experience that had prepared them to operate at that level, whether they were the military officers or those in civilian positions.

Secondly, a very noticeable concern, I think, across the U.S. Government and the military, at the Embassy and in the intelligence community for the growing presence of violent Islamic extremist organizations, particularly in the eastern -- the far eastern portion of Libya and specifically in the City of Derna, and the opportunity to talk with the [REDACTED] and others in Tripoli who had a deeper understanding of that condition was very helpful.

Q And in your reports or your briefings out on these

[REDACTED]

[REDACTED]

two points, did you recommend any particular actions on the two points? Again, the -- how do I characterize it? The maybe lack of capability in the Libyan Government and then the growing extremists? Were there keyed actions, then, that you recommended in connection with those two observations?

A Yes. In the discussions with the Secretary of Defense, I obviously don't mean to speak for the Secretary of Defense, but I think he noted the same thing in terms of lack of experience and capability within the institutions of the Libyan Government and felt that there were efforts that we could -- we, Department of Defense, could undertake in partnership with the Embassy and the Department of State, as the U.S. Government has done in other places, to help build the institutions, help the Libyans build the institutions of government that they -- that they required.

The specific military focus we had already begun thinking about, but I think the trip to Libya and the interaction with Libyan officials probably crystalized thinking, my own and that with the members of the command to say, what ought we be doing to help the Libyan military reestablish itself, and not as a model of the previous Libyan army, but an army, a military that would be appropriate to the needs and requirements of a non-authoritarian government in Libya?

Q And I don't want to jump ahead too much, then, but was, in fact, a plan developed to get to the sort of development of a Libyan military that you had contemplated?

A Yes. There was general acceptance by the uniformed and

[REDACTED]

[REDACTED]

civilian leadership of the Libyan Government. They were desirous of a training relationship, professional development relationship with the United States, I think with the right decision to begin small and to initially focus on a special forces capability for the Libyans, and so that was the initial focus. It has since -- again, with the changes, with the frequent changes in Libyan Government, it's been difficult to have continuity of effort in those undertakings, and we see that effort still ongoing today as Africa Command and others seeking to help the Libyans build the forces they need.

Q I understand. Later I'm going to ask you to draw that out a little bit, but I just want to, for our purposes right now, to understand, then, that that thought was one of the upshots of your December 11th visit, as I understand you to say?

A Well, the idea of training and helping the Libyans develop the forces, I think predated the visit to December, but -- the December of 2011 visit, but in my mind, and it crystalized it, and for the -- and for me, it was the -- and I think for the Secretary of Defense, the opportunity to meet personally with the Libyan officials, both military and civilian, who would be responsible on the Libyan side for approving and implementing a program. So that -- I think that --

Q I see.

A -- that assurance from the Libyans that they wanted to do this probably gave some impetus to moving forward.

Q I see. And I take it from your description, then, that that -- those programs had not yet begun?

[REDACTED]

[REDACTED]

A That's correct.

Q They were contemplated?

A That's correct.

Q So, then, let me back up for just a bit and go back to your actual visit in country in December 2011 and talk about the physical security of the diplomatic facilities there. Do you have any recollection of a Site Security Team or site support team being at the Embassy in Libya during your visit there? I'm sorry. USDOD team known as the site security, site support team.

A I don't recall specifically when the Site Security Team was requested, approved and deployed, but they probably were there in that time frame, because I think -- my recollection is that the State Department requested this capability of the Department of Defense in order to repopulate the U.S. Embassy in Tripoli.

OR2 [REDACTED] And just to help you out, General, actually, you're correct. It was -- the SST would have been approved prior to your visit. Just to help you out with that.

BY [REDACTED] ARI

Q So that gets to my point, though. You don't -- I don't mean this negatively, but you don't have any particular recollection of in country of seeing the team, meeting the team, having any particular impressions of the team?

A I probably met with them. It would be normal for me to have -- I mean, we're AFRICOM folks.

Q Sure.

[REDACTED]

[REDACTED]

A I probably met with them, but I don't have any specific recollection of anything unusual about that encounter.

Q But, again, I take it from your earlier answer, you don't particularly remember how large or small the team was?

A I think -- my recollection is the team was 16, I think, was the right number.

Q That's your recollection of when you were there --

A Right.

Q -- in December? And, again, you don't remember if you met with the team leader at the time?

A I don't. I probably did, but I don't have specific recollection of that.

Q Thank you. So now I'm going to move just a couple months forward into early part of the next year, which is when there were discussions within AFRICOM and the Department of State about extending the SST team. So as we've established, the team was there and the discussions came in February about extending it. This, of course, would have been the final extension. Nobody knew at the time it was going to be the final extension.

Do you recall discussions with Ambassador Cretz about what was the second extension of the Site Security Team from 90 or 120 days in the February 2012 time frame?

A I don't recall the specifics of a conversation, but I had pretty frequent conversations with Ambassador Cretz, and I'm confident that we talked about it. I was supportive of the team's initial

[REDACTED]

[REDACTED]

deployment and the subsequent extensions. And I will admit that part of my support was a selfish motivation. I knew that we were headed toward some kind of military-to-military engagement with the Libyans, and the more -- and because we had essentially no one in the U.S. military, with the exception of a couple of attaches, who had any experience in Libya, and had -- and didn't have the -- no one had personal ^{experience} confidence, that my selfish motivation from the Africa Command standpoint was the more military personnel I can get exposed to Libya, language, culture, environment, start to build relationships, then my thought was that when it came time, we had all the necessary approvals to begin the military-to-military cooperation and engagement, I'd be better postured to do that. So I was supportive of the team's initial deployment and subsequent extension.

BY [REDACTED]: OR2

Q And actually, sorry. If I could, General, just before we get too far ahead of ourselves, could you maybe walk us through? You've alluded to the military-to-military relationship role of the SST. What was your understanding of any other roles or missions that the SST may have had? Was there, for example, a diplomatic security or personnel security role in addition to the military-to-military training?

A Yes. My recollection is the three principal roles for the Site Security Team were personal security for Embassy officials; communications, because the Embassy's communications had largely been destroyed before it was reoccupied and repopulated; and thirdly, a medical capability. I think those were the three primary purposes that

[REDACTED]

[REDACTED]

the Department of State asked of the Department of Defense in deploying the Site Security Team.

So while the military-to-military engagement was not a principal focus of the Site Security Team, I knew that just in the normal conduct of the site security team's daily activities, they would have an interaction and engagement with Libyan officials, and as we could move forward and better understand who it was on the Libyan side that we would be working with to start to build the relationships and the trust, frankly, with the Libyans, that would improve the implementation of the military-to-military programs once approved.

OR2 [REDACTED] That's helpful. Thank you.

BY [REDACTED] ARI

Q So, again, this is a very important point, I think, to establish for our investigative record that the Site Security Team originated with a particular set of responsibilities. And as I understand what you're saying, then, people have a broader set of responsibilities, which is to say, picked up the mil-to-mil activities at some later date?

A It's not quite accurate. The Site Security Team had a set of responsibilities that was laid out in the State Department's request of the Department of Defense: We would like a team to deploy to accomplish these tasks, and I think principally the three tasks that I described. The team would deploy under chief of mission authority, meaning they would take their daily direction from the United States Ambassador and his staff rather than taking daily direction, on the

[REDACTED]

[REDACTED]

alternative is combatant command authority, in which obviously I wouldn't be directing their daily activities --

Q Sure.

A -- but through exercise of military chain of command.

The decision was they would deploy under chief of mission authority. That meant that, while I was desirous of advancing the military-to-military relationships, they could only do that with the consent and within the bounds established by the chief of mission authority. Both Ambassador Cretz and Ambassador Stevens were supportive of those -- of establishing those kinds of relationships and making those kind of interactions, but the first missions came first, so that there -- the specifically requested missions, personal security, communications, medical, that came first, and then the military-to-military stuff was kind of on an as available basis, if you will.

BY [REDACTED]: OR2

Q And we've actually, having talked to the defense attache, to the head of the Office of Security Cooperation, some folks from the Embassy, we do understand that at some point in this time frame, while they are still SST, a chief of mission authority unit, that they are starting to do some of this military-to-military training, some assessments, for example, of Libyan partners. Was that your understanding as well?

A Yes. But, again, very limited. We didn't have authority yet to begin the actual training --

[REDACTED]

[REDACTED]

Q Okay.

A -- but the identification in -- obviously these were Libyan decisions, but working with the Libyans to say, what type of capability do you want? What unit are you going to base this on? A process that the Libyans, with the site security team's assistance, but the Libyans going through a screening process to identify the individuals who would go through the training. So, yes, there was -- the Site Security Team was able to accomplish some of those tasks that would be preparatory to the actual conduct of military-to-military training.

Q And this would have been before, then, I think I heard you say before the formal approval of 1208 --

A Yes.

Q -- per se?

A Correct.

Q Okay. Do you happen to recall when the 1208 program was officially approved?

A I do not. I'm assuming it's in the record someplace, but I don't.

Q Do you happen to recall if it was prior to the September 11th attack?

A The U.S. approval, which was -- which required both Secretary of State and Secretary of Defense, my recollection is both Secretaries had approved the 1208, the military-to-military training, but the Libyans had not yet formally approved it and laid out how they would effect it. And as my recollection of where things --

[REDACTED]

[REDACTED]

Q Sure.

A -- stood, it certainly was a point of discussion in August with -- that I had with Ambassador Stevens in terms of trying to best determine how do we move forward after the site security team's mission ended on the, I think, 3rd of August.

Q And if I could just clarify, I think our understanding was that 1208 at the time, that may have changed subsequently, I'm not sure, but at the time, it was Secretary of Defense and chief of mission, Vice Secretary of State. For 1208. I'm just curious, was that your recollection or --

A I thought it was -- I thought it was one of these so-called dual keys that required both State and Defense, but I -- it was chief of mission, and I --

Q That may be. Okay. Thank you. That's helpful.

BY [REDACTED] ARI

Q So we also have some information collected from these interviews and so forth that suggests this mil-to-mil activity, these assessments that you talked about, when I say, picked up the pace and broadened their scope in this final SST deployment, so the April, May, June, time frame, which might suggest that when the second deployment was -- beg your pardon -- the second extension was authorized, that might have been a trigger to implement some of the mil-to-mil things that you talked about describing the need for in December. Do you have any recollection of that timing or that --

A Well, from the outset, the Libyans, particularly the chief

[REDACTED]

[REDACTED]

of defense and ministers of defense, those individuals, changed over time, were very supportive of beginning this training, but they also had a very fragile government, the Transitional National Council and then its follow ons in Libya. So they were -- they were proceeding quite cautiously in terms of commencing, at least in a visible way, U.S. military support to the Libyans. I think that had more to do with Libyan domestic politics than anything else. [REDACTED]

[REDACTED] So I think once we knew that the 1208 was going to be approved on the U.S. side, or it was approved on the U.S. side, then I think that gave the chiefs of mission, it was probably Ambassador Stevens for the most part by this point, the confidence that we could be a little more forward leaning with the Libyans in terms of preparing to do this.

[REDACTED] And my recollection is that Ambassador Stevens would press the Libyans, and particularly the minister of defense and the prime minister, to say, we're ready to begin and we want to begin, but we -- but obviously, we need your approval to be able to do this. [REDACTED]

[REDACTED] Part of it was just, again, identification of a place, of units, of all those things, but there was also an issue of exchange of diplomatic notes. While the Site Security Team operated under the chief of mission authority, then they were protected, they had the normal immunities and protections that any member of the U.S. Embassy would have. [REDACTED]

[REDACTED] When the Site Security Team mission ended in August of 2012 and then the team would then operate under combatant command authority, absent a Status of Forces Agreement or an exchange of diplomatic notes, there was no overarching diplomatic immunity or protection for the [REDACTED]

[REDACTED]

[REDACTED]

uniformed military personnel. And that became a bit of a stumbling block in terms of when to get started.

And, again, the context of all this is as those conversations are occurring, the Libyans are also in the midst of elections and forming a new government. So one of the challenges Ambassador Stevens and his staff had is, who do I talk to? Who -- you know, in the Libyan Government. Who are the -- who people that can actually commit? You know, who can sign an exchange of diplomatic notes that we have a reasonable assurance that our military personnel will be protected?

Q So that's very helpful. And looking at, I think, some additional questions when we get to the August time frame along those discussions that you were mentioning, but again, in, say, February when Ambassador Cretz was still there and the Site Security Team was up for renewal, you have no particular recollections, then, I take it, of discussions with Ambassador Cretz about expanding the mil-to-mil activities, perhaps any objections he might have had to expanding mil-to-mil activities or, for that matter, perhaps he had -- he was going to enthusiastically embrace the expansion of mil-to-mil activities?

A My recollection is Ambassador Cretz was supportive of moving forward, but I think, again, with a degree of caution, given the fragility of the Libyan Government, but in principle, my recollection is that he was supportive and understood the value of the military-to-military engagement that would -- that would follow what -- we didn't really know what it was going to be at that time, but would follow the Site Security Team whenever that mission changed.

[REDACTED]

BY [REDACTED]: ORZ

Q And just to help you out, General, on that, I know it was a long time ago, obviously, do you recall, was there perhaps a memorandum of agreement of some sort, perhaps in the May 2012 time frame, between you and Ambassador Cretz relating to this issue about moving SST to move mil-to-mil engagements? Do you happen to recall that?

A I do not. I remember after the discussion with Ambassador Stevens in August of 2012, a memorandum of record kind of codifying what we had talked about --

Q Sure.

A -- but I don't recall -- it wouldn't be all that unusual, but I don't recall specifically whether there was such a record of conversation with Ambassador Cretz.

BY [REDACTED]: ARI

Q And, again, I take it, the discussions were a long time ago, you don't have any previous recollection of the specifics, in other words, 16-member SST or the composition of the team?

A Well, I think the composition -- again, my recollection is that the composition of the team was, "negotiation" may not be quite the right word, but when the Department of State requested of Department of Defense, you know, we'd like to team for this capability, my guess is, I don't recall specifically, it probably -- it probably specified a number of personnel, because there's physical limitations, frankly, on how many people the Embassy could support, and so that became a part -- you know, once Department of Defense approved State's request,

[REDACTED]

then on the military side, that resulted in a Secretary -- in a Secretary of Defense execution order to me and Africa Command said -- to say do this. And, again, I certainly read the execution order at the time, and I don't recall specifically, but I would -- I'm reasonably certain that it specified a number of personnel to be deployed.

BY [REDACTED]

ORZ

Q And on that, General, if I may, we understand that during the earlier days, during, for example, Operation Odyssey Dawn, The Unified Protector, Odyssey Guard, there were some kind of restrictions on boots on the ground with respect to U.S. engagement in Libya. Do you recall, was the SST itself, was that in some way an exception to that or was there some way it was worked out such that they could accommodate the boots on the ground concerns?

A Well, I do recall having discussions with the Chairman of the Joint Chiefs, with the Secretary of Defense that said, you know, at the conclusion of the -- of Odyssey Dawn, the U.S.-led effort, which was -- lasted only a few weeks. And then Operation Unified Protector, the NATO-led operation, once that had concluded, then there was -- I do recall having discussions that, say, we need now to have -- in order to have a normalized military-to-military relationship with a new Libyan Government and a new Libyan military, the no-boots-on-the-ground policy has to change. And the Site Security Team was probably the first step in that direction.

Q Okay. Oh, and one other question. I'm sorry. As a chief of mission authority entity as opposed to a COCOM authority entity, do

[REDACTED]

[REDACTED]

you recall, did the SST count against the boots on the ground as such, or was that sort of a workaround, or how did that work exactly?

A Well, I think, again, because they -- because there was a specific execution order from the Secretary of Defense, you know, to me, as a combatant commander, made just in a practical sense, the Secretary of Defense gives me an order to go do this, you know, we're going to go do this.

Q Sure.

A We probably had a discussion about what does this mean about the no-boots-on-the-ground kind of overarching policy, but at that point, I think the -- again, my sense at the time probably was, you know, this is the -- this is the first step toward lifting the no boots on the ground, because while it made sense during combat operations, it didn't make sense in an era of a new relationship with a new Libya.

ORZ [REDACTED] Thanks.

BY [REDACTED] ARI

Q And when you made reference to specified the various things about the SST, you mean that there's a number specified?

A I believe so. It would be normal in -- it would be normal in a -- in a Exec Sec execution order to say, you know, I'm directing you to deploy this capability on this timeline for this purpose. And most often there would be a personnel number attributed to that, you know, whether it was a, you know, deploy 16 people or whether it was a deploy no more than or something, but that would be a normal part of an execution order.

[REDACTED]

[REDACTED]

Q And it might also specify the MOS that should be included or at least the functions that should be represented?

A The capabilities of the team would be directed in the execution order.

Q And the fact that those in the SST were Special Forces would be specified, or that --

A Maybe not. I mean, it could have been, but maybe -- you know, that typically would -- the sourcing of the -- of the team would probably not necessarily be directed, other than to say, Africa Command, you do this, you know, you don't -- we're not going to provide you people from other places, but I don't -- it would be a little bit unusual to get to that level to say they must be Special Operations, unless there's a specific need for that capability.

Q And is there a particular reason that the SST was comprised of special operators?

A Yes, for a couple of reasons. One, again, is in my selfish motivation of a precursor to military-to-military engagement, the Special Operations folks had the right skills to try to start that relationship building. Frankly, in many cases, Special Operations personnel, for the most part, having been through a special selection and training process, there's a level of maturity and judgment, knowing that, again, a small team operating in unfamiliar territory, you know, we didn't have lots of people with experience in Libya, interacting in an interagency way with the United States Embassy, it just made sense that, to me, at least, that Special Operations personnel for the most

[REDACTED]

[REDACTED]

part were probably the right choice for this mission.

Q And similarly, the fact that in 2005 when the lieutenant colonel was put in charge, does that indicate desire for a particular -- I mean, for 15 other military members, that maybe the senior officer for a team of that size, or not?

A I think, my -- again, my recollection is that when we were talking about the level of the Site Security Team commander, a couple of things came into play. Again, recognizing that this individual was going to have daily or at least near daily interaction with the Ambassador and senior members of the Ambassador's team, you need someone with enough rank to kind of hold their own in that discussion. Same for interactions with the Libyans. You didn't want to, you know, send in a lieutenant, you know, to be dealing with a chief of defense of a newly formed military.

And then the third piece of this was the defense attache was a lieutenant colonel, 05 level, and didn't want to have someone senior to the defense attache. If we sent a colonel or a Navy captain, an 06, in there, that could have complicated things, because now you have a more --

Q I see.

A -- in the military hierarchy, a more senior officer to the defense attache, and that could have been a little bit complicated, so -- but ultimately 05, and the Special Operations Command Africa had what they would identify the right kinds of people to fill those requirements.

[REDACTED]

[REDACTED]

Q And did you ever meet or did you know Lieutenant Colonel [REDACTED] who was the SST --

A I didn't know him well, but I did -- I met him -- I don't recall -- again, I don't recall if I met him in December of 2011, but I do recall meeting him on subsequent visits to Libya.

Q And perhaps you got reports from him?

A I mean, they wouldn't come directly to me, but, yes, I would see the -- typically not the specific report that he had sent, but I would see the nature of the reporting, as Special Operations Command and my staff would -- would report on conditions.

Q Sure.

Mr. Issa. If I could jump in for a second. While we're still on the selection of the SST commander, the reason for that sensitivity of not greater, not less, did it include the fact that they were both going to be under chief of mission? In other words, you were sending people to work together under an Ambassador. Was that part of the consideration? Would it have been different had SST been sent in initially as Title 10?

General Ham. No, Mr. Chairman, I don't think -- I don't think I would have made a different determination on the rank or the grade of the commander if they -- if that team had deployed under a combatant command authority. It was more the point of not wanting to trump the attache, if you will, by sending a more senior officer in.

Mr. Issa. And on September 11th, 2012, the SST, of course, was back under Title 10, under your command, correct.

[REDACTED]

[REDACTED]

General Ham. That's correct.

Mr. Issa. While the military attache would still have been under chief of missions.

General Ham. Yes, sir.

Mr. Issa. So just for the record, it's fair to say that the Ambassador, or the charge at that moment had the authority to send the attache anywhere he wanted to, while only you could dispatch or not dispatch the Title 10 personnel that were on the ground in Libya?

General Ham. Yes, sir. In a technical sense, that's right, but obviously, you know, one of the -- one of the principles that I tried to establish at Africa Command was we recognize -- even though military personnel may be in a country under combatant command authority, we always recognized that the senior American in that country was the Ambassador or the, in this case the charge d'affaires, and we were going to do all that we could to be supportive of that senior American official.

Mr. Issa. And just following up on what you had said earlier, in this case Gregory Hicks could have dispatched SST members in ways that would not put them in the possibility of absence of SOFA, you know, in possibility or likelihood of using harm, but if they were to fire a weapon, they would have no diplomatic cover at the time of September 11th. Is that correct?

General Ham. Yes, sir, Mr. Chairman. That was one of the concerns post-August 3rd, was, what are the protections, the legal protections of military personnel who are not under chief of mission authority. That was -- as many may recall, that was brought to light,

[REDACTED]

[REDACTED]

I believe on the 6th of August, when there -- when there was a shooting incident with members of the former Site Security Team and members of the Libyan militia, and I think that really -- that brought a very sharp focus to this issue of legal protections for military personnel.

Mr. Issa. So it's fair to say that as of August 6th, 2012, DOD and the State Department had an acute awareness that Title 10 personnel, and I don't want to put words in your mouth, but needed to be protected from any activity that could, absent some agreement that wasn't in place, put them in peril of domestic arrest and prosecution?

General Ham. Mr. Chairman, I think what that incident at the Libyan checkpoint brought to -- brought to light was, yes, military personnel not under chief of mission authority are legally vulnerable, and that -- and I think that brought -- that highlighted the need for the Embassy to push even harder with the Libyan Government for the approval and the exchange of diplomatic notes so that the team members would be protected.

It also, I think, factored in to the decision of how many military personnel would stay in Libya until such time as diplomatic notes were exchanged and until such time as the election issue settled in Libya and the Libyans were ready to proceed with the military-to-military training. So I -- it was, I think, all of these events kind of coming together around, you know, the 6 August and days thereafter that precipitated that discussion.

Mr. Issa. So it's fair to say both on the ground and at AFRICOM on August 1st, 2012, had the consulate facility in Benghazi been

[REDACTED]

[REDACTED]

attacked, a view of Title 10 personnel responding might have been very different than it was on September 11th, 2012, because of the events of early August?

General Ham. On August 1st, the Site Security Team still operated under chief of mission authority, and it was at its full strength.

Mr. Issa. I guess I'm inappropriately saying that. If not for the events of August 6th, on September 11th, would there have been the level of concern of Title 10 personnel going downrange to Benghazi that obviously was on the minds of both people in Libya and people at AFRICOM? In other words, that shooting or that exchange of gunfire had an effect on how people at AFRICOM viewed Title 10 personnel being used in response to protecting either themselves or diplomatic personnel? Is that correct?

General Ham. Mr. Chairman, I'd say that the checkpoint shooting of August 6th was a factor, certainly a significant factor, but not the only factor in determining the number of military personnel who would remain in country under combatant command authority. And I -- had that -- I think what you're asking, Mr. Chairman, is had that shooting not occurred, would things have been different? And I -- it's hard to say?

Mr. Issa. It's a judgment call --

General Ham. Yeah.

Mr. Issa. -- but did it change the considerations that would have been in the minds of people, which is different than was it a tipping point or not? I understand it's hard to say --

[REDACTED]

[REDACTED]

General Ham. Yeah?

Mr. Issa. -- it absolutely would have or absolutely wouldn't have, but was it a factor that became in play that short time later when you had an actual threat to American personnel and you had Title 10 people, who everyone was acutely aware did not have diplomatic cover?

General Ham. I think, Mr. Chairman, the more significant impact was how many DOD people remained in Libya. Leaping forward to 11, 12 September, I don't recall, there probably was at some level, but I don't recall a discussion that said when there was, again, a small number of -- DOD people were in Libya, when there was a decision that two of them move forward with others to Benghazi, I do not recall at least anyone raising to my level that says, hey, wait a minute, you know, these guys don't -- we haven't -- we don't have exchange of diplomatic notes, these guys don't have diplomatic protection, they shouldn't go. I do not recall that kind of a discussion, or the absence, if you will, of diplomatic notes being an impediment to those DOD people.

I think, again, Mr. Chairman, this is in the world now of hypotheticals, had there been -- had the Site Security Team been extended or had there been more DOD people in Tripoli under combatant command authority, it's hard to judge what that would really -- how that really would have played out on September 11th and 12th. You know, would somebody have made a bigger issue out of the absence of diplomatic protections? I think that's just -- it's just something we can't know in hindsight, but there would at least have been greater capability in Tripoli had the team been --

[REDACTED]

[REDACTED]

Mr. Issa. Well, in the hearing, Admiral Mullen had said, in his judgment, that had there been a sufficient armed capability in Benghazi, had there been Americans with weapons on the wall, so to speak, that there wouldn't have been an attack, in his judgment, that ultimately it was the vulnerability that was a factor, which was actually a surprise to me in the hearing, that it was -- he was as candid in his judgment.

During the period of time from early August until September, was there any communication, to your knowledge, to the Title 10 personnel in Tripoli, in Libya, as to changes in their response or their movements as a result of their losing their diplomatic cover?

General Ham. I don't recall specifically, Mr. Chairman, what --

Mr. Issa. Were there any discussions that you had or thoughts you had as to their movements, their response if attacked and so on?

General Ham. I don't recall. Again, I don't recall having that specific of a discussion that said, okay, you know, Site Security Team mission has ended on the 3rd of August. Combatant command people -- military people are now under combatant command authority and here's what this means.

What -- I'm confident that that conversation probably occurred. I don't recall it specifically, but I don't -- I also don't think it would have -- I think, until the 6th of August, it didn't have a significant impediment on how the DOD, non-chief-of-mission-authority personnel conducted themselves.

Mr. Issa. Okay. Can I just do one more thing? It's way back, but earlier on you did some -- you said something that was very

[REDACTED]

[REDACTED]

reminiscent, because I've heard it so many times on my trips into Afghanistan and Iraq. When you were describing your first trip into Libya and you were describing the normalization, if you will, you know, shops were open, people were doing things, the way you described it was, if not identical, reminiscent to what I've heard in going into theater when they were describing, you know, oh, yeah, you can now go down this lane. I was with the commandant some years ago, and we walked down, with guards on -- you know, heavy, heavy armor on both sides, we walked down the street with one of the village leaders. So that term probably has levels. [REDACTED]

[REDACTED] . When you used that level of activity, what level -- can you describe it in a little better detail of, you know, was this a place in which, you know, you would -- you would leave your daughter to go out on a date, or was this an area in which you would have a cappuccino without a large contingent of people with weapons? Or was this more simply that people didn't run for cover and move in the shadows; they walked through the street when they were indigenous people trying to do business? You know, can you quantify, because it does seem like there's a lot of -- that term gets used from not currently having machine gun fire, to ready for elections and militias going away? [REDACTED]

[REDACTED] General Ham. Yeah. Mr. Chairman, I think it's a great question. And, of course, it's a -- you know, it's a little -- a little difficult to judge where on that scale Tripoli was based on being there for a couple of hours and, as you well understand, you know, with the Secretary of Defense, with the minister of defense, with the chief of defense, with

[REDACTED]

[REDACTED]

the combatant commander.

Mr. Issa. He wasn't doing a cappuccino --

General Ham. I mean, there's a -- so you're in a security bubble, so you have -- I always would remind myself that, you know, I wasn't all that often afforded to see reality. I mean, you're in the security bubble.

When I -- Mr. Chairman, what I -- what I would just -- what I just tried to describe as a sense of normalcy was perhaps a sense of normalcy as much as an outsider could, from a Libyan perspective, that the Libyans appeared to me to be kind of going about their daily routine in a normalized fashion. There were traffic, there were traffic jams, there were -- again, the shops were open, vendors were open, gas stations were open. I mean, it was -- you know, markets were there. It was just kind of a -- it just -- nothing -- it didn't strike me as anything abnormal.

Mr. Issa. Other than Libyans were still seeing AK-47s and militias?

General Ham. But not so -- well, but -- but in Tripoli, it was -- they were -- again, I'm not -- I wasn't allowed to see reality, so we'd go to a checkpoint, and it was obvious that it was a check point that was not necessarily under government control, because they -- I mean, you know, typically you just get breezed through, but they didn't; they'd stop and they'd question and all that. So there was -- there was that which -- that aspect of it, which conveyed that the central government had still a long way to go to exert its control.

While Tripoli, in my view, in December of 2011 appeared pretty

[REDACTED]

[REDACTED]

normal for a normal Libyan, as much -- again, as much as an outsider can judge that, I don't think that that -- that it was -- it isn't a place where I think outsiders, in particular Westerners, would feel particularly comfortable, again, because of the militia presence, and I think because of, you know, 40 years of a closed --

Mr. Issa. Of a captain running the place.

General Ham. -- society. So I would say, you know, normalcy returning, yes. You know, if at -- if the other end of the spectrum is Geneva, it wasn't Geneva, you know, but -- so I think progress, but certainly a long way to go still?

Mr. Issa. So closer to Afghanistan a year or so into our presence there or Iraq even a little sooner. I mean, it's that sort of people back on the streets and commerce going on, but still, in the case compared to Afghanistan, a lack of true government control over -- and, of course, we weren't there, so -- in those other two examples, we asserted control, but what you're saying is militias had the ability to stop the Secretary of Defense in his movements. A little bit of a pucker factor even though he had military, because these people --

General Ham. Right?

Mr. Issa. -- had weapons that were not under the control of the host nation.

General Ham. That -- Mr. Chairman, I think that's -- to me, the overarching thing was that there was not -- it was clear to me from discussions with others and, frankly, the -- it's just one anecdote in this. In the meeting with the minister of defense and the military

[REDACTED]

[REDACTED]

chiefs, the militia commander for the airport walked into the meeting,
and --

[REDACTED]

[REDACTED]

Mr. Issa. Just to let you know who was in charge?

General Ham. Well, and the thing that was interesting was how deferential the minister of defense was to that militia commander, and so that, I think that to me conveyed that this is still very fragile, but also in December of 2011 I think there was, Libyans were still largely in a period of joyous celebration, so there was, I think, there were American flags; I don't know whether those were, you know, put out there because the Secretary of Defense was there or not, but there just seemed to be, you know, this real sense of we have a new beginning now. I think that changed over time as the militia became more strident in their internal conflicts and struggle for control, but in December of 2011, it was pretty calm, and I think again a sense of optimism abiding throughout the city.

Mr. Issa. Thank you.

General Ham. If I may, Mr. Chairman, just one other note to say, to the best of my knowledge, the Site Security Team, while it was operating as the Site Security Team, I don't think the team or any member ever traveled to Benghazi. I think they only stayed inside Tripoli, at least to the best of my knowledge.

BY [REDACTED]: OR2

Q Actually, General, since you brought it up, I was going to ask you later, but we understand from some documents that we reviewed that there was at least a discussion among State Department officials,

[REDACTED]

perhaps just in the Embassy, about sending a permanent contingent of SST personnel to Benghazi, and I'm just wondering if that ever, if those discussions ever percolated up to your level. Were you ever made aware of those or brought into those discussions at all?

A I don't remember having that discussion. It would -- I think, again, my recollection of the execution order, the team operating under chief of mission authority, I don't recall that the execution order limited the team geographically, so if the chief of mission had a need for the team or members of the team to go anywhere in Libya, I think that was in his authority to do so.

Q So understanding that the exhort to your understanding wouldn't have limited that, any decision not to send them to, for example, Benghazi on a permanent basis, that would have been a State Department decision, is that my understanding?

A The relationship was such -- again, I believe knowing Ambassador Cretz and Ambassador Stevens, I'm certain that they would have said, Hey, I'm thinking about doing this, do you have any problem with it?

Q Okay.

A And maybe they did, you know, at kind of the staff-to-staff level.

Q Sure.

A I don't remember having that discussion either with Ambassador Cretz or with Ambassador Stevens.

Mr. Issa. There was one last thing, and it will be quick. Keeping

[REDACTED]

it not at a classified level, when you had the conversations with the [REDACTED] on that trip and subsequent trips, did you -- do you specifically recall a portion of the briefing or your questions including specifics about Benghazi and the various facilities there? Not the content, just did you have conversations that included those questions?

General Ham. About the U.S. facilities, Mr. Chairman.

Mr. Issa. Yes, sir.

General Ham. No, I don't recall having that conversation. It was -- with the [REDACTED] the conversations were much more about where are the nodes of the extremist organization, you know, how do we see them seeking to establish, in some cases reestablish their networks, and it was, again, my recollection was it was much more about Derna in the far east and probably a little bit about Benghazi but not so much about Benghazi.

Mr. Issa. But not based on the facilities.

General Ham. Not based on the U.S. facilities, no, sir.

Mr. Issa. Thank you, sir.

ARI [REDACTED] Just for the record, I think Colonel [REDACTED] did go to Benghazi twice.

OR2 [REDACTED] That's correct.

ARI [REDACTED] He testified before the --

Mr. Richards. I don't think he spent a night there, I just want to clarify.

Mr. Issa. Right, but he testified in open hearings on some of the

[REDACTED]

[REDACTED]

details.

ARI [REDACTED] Again, but I take it you don't remember that or knew that?

General Ham. I don't, but, again, operating under chief of mission authority, to me that seems perfectly normal if that's what the chief of mission needed him to do.

OR2 [REDACTED] And just to be clear, my question was specifically about sending a permanent contingent of SST, not any temporary trips they may have made to do security assessments or anything of that nature.

General Ham. My sense is the relationship was such that the Embassy would have advised Africa Command they were thinking about doing this, do you guys have any concerns?

ARI [REDACTED] That's fine. We have only about 3 minutes, so I propose that we, rather than start a new line of inquiry.

OR2 [REDACTED] Actually, could I just --

ARI [REDACTED] We have just 3 or 4 minutes.

OR2 [REDACTED] Actually I think we have 2 minutes, so let's go off the record.

ARI [REDACTED] Okay, we'll go off the record.

Mr. Issa. Can I use the 3 minutes?

ARI [REDACTED] Sure.

Mr. Issa. I may be going in and out, General.

A slight digression. I was given the opportunity to go to Stuttgart and visit the various commands, including obviously AFRICOM, and the briefing was in one of your facilities, and they went through

[REDACTED]

[REDACTED]

a little bit, June, you might remember her, about a 30-something year old Asian woman.

General Ham. Dr. Bando.

Mr. Issa. Dr. Bando.

General Ham. Yes, sir.

Mr. Issa. She was the only one that happened to be there that seemed to have a lot of continuity, but they gave us an idea of steps that they would take without direction when there was an event, an alert, something. On September 11 -- and we'll get back to this in more detail, but I want to sort of give you an alert -- what were you aware of off the top of your head that was going on or likely going on down range in Stuttgart based on the alert that something was happening on the ground first in Egypt and second in Libya? If you could opine on that shortly, and then we'll revisit it sometime later, but I sort of wanted to get you thinking in those terms.

Also one other quick question that goes with that is, were you provided any documents, either ones that you retained or other documents so that you could prepare yourself for today's hearing?

General Ham. If I may, Mr. Chairman, I'll take your second question first. I did retain personal, private counsel in preparation for this testimony, and that personal counsel provided me with some, I suspect not all, but documents that were in the public domain. So whether they were transcripts of hearings that had been released by the Congress, some of which had been redacted, so I had those in terms of preparation, and some media reporting. So that was the extent. And

[REDACTED]

[REDACTED]

as indicated, I did not have access to classified information, and if I may, Mr. Chairman, just to note that I also purposely did not have conversations with the -- I think the previous officers and others who have been questioned by, in this process and others, and with one exception, I did have a discussion with Rear Admiral Retired Richard Landolt, but it was about an employment possibility, not -- we specifically steered clear of any comments about Benghazi.

To the first point, Mr. Chairman, and maybe now is as good a time to provide maybe just kind of a general overview from my perspective of how events unfolded on 11-12 September. Is that --

Mr. Issa. Well, we're technically out of time. So you guys decide the rules.

OR2 [REDACTED] General, the way we're constrained to do this by the rules is the majority gets an hour and the minority gets an hour. We will definitely come back to that.

Mr. Issa. I did it as an alert, in a sense, that that was an area of interest, and I want to make sure I'm in the room for it, but I want to respect the back and forth we usually do.

General Ham. Thank you, Mr. Chairman.

Mr. Issa. Thank you, General.

[Recess.]

EXAMINATION

BY [REDACTED] OD2

Q It is 11:20. We can go back on the record. General Ham, I would like to take this opportunity to thank you for your service and

[REDACTED]

[REDACTED]

for speaking with us today. My name is [REDACTED] ^{OD2}, I'm with the minority staff of the Oversight and Government Reform Committee. I'm joined by my minority colleagues on both the Oversight and Government Reform Committee, [REDACTED] ^{OD1} and Armed Services Committee, [REDACTED] ^{AD1}. During our discussion my colleagues and I would like to ask you a bunch of questions, many on topics that we've already touched upon, so if those topics seem redundant, again, it's to establish a clear record, and so I apologize if there is any redundancy to those questions.

So my first question, sir, is you were interviewed by the Accountability Review Board?

A I was.

Q Okay, and can you tell us about your experience, the nature of the questions asked, and its thoroughness?

A My recollection is it was in November of 2012. I actually interviewed by video teleconference as it was impossible for me to appear personally before the Board. My recollection is all of the Accountability Review Board members were present, chaired by Ambassador Pickering and cochaired by Admiral Mullen. It lasted a few hours to my recollection. It focused specifically I think on my understanding, the Command's understanding of the intelligence leading up to September 11th, the actions of 11-12 September 2012 in Benghazi, my discussions with the Chairman of the Joint Chiefs, with the Secretary of Defense, and decisions that were made as the events were unfolding. My estimation, I thought the Accountability Review Board was, they were very professional in their approach, they were obviously very, very well

[REDACTED]

[REDACTED]

prepared. I'm certain that they had spoken with a number of other individuals before they spoke with me. They were very knowledgeable of the matters at hand, the attack at the Temporary Mission Facility in Benghazi, and while they were certainly professional in their dealing with me, my sense was there were, they didn't pull any punches. I mean, they were hard questions, they were in my view difficult questions, you know, asking about, you know, the nature of decisions that were made. So my sense was it was quite a -- I felt it was quite a thorough inquiry when I appeared before them.

Q Okay. And you were provided with the opportunity to share all the information you deemed pertinent with the Board?

A Yes. There were no constraints. It was conducted at a classification level that did not inhibit the conversation whatsoever.

Q Okay. As part of our investigation on the Oversight and Government Reform Committee, we interviewed Admiral Mike Mullen on June 19, 2013, and he described the ARB's review of the military response on the night of the attacks. I will make this Exhibit No. 1.

[Ham Exhibit No. 1

was marked for identification.]

BY [REDACTED]

OD2

Q So describing the ARB's review of the military response on the night of the attacks, Admiral Mullen stated on page 53 the following, quote, "I personally reviewed and as the only military member of the ARB," A-R-B, "I personally reviewed all of the military assets that were in theater and available. Now, I also did this in conjunction with -- we

[REDACTED]

listened to -- we interviewed General Ham; we interviewed Admiral Tidd, who was the operations officer for the Joint Staff, who was the current operations officer. We also brought back the -- Tidd's predecessor, a Marine three star whose name I am blanking on right now, to look at the possibility of moving forces. We walked through the forces that moved, the ones that could or couldn't that night, and then after those interviews or in conjunction with those interviews, we actually went to the Pentagon, and we reviewed with many -- many of the Joint Staff that I know, knew from my time there I have great regard for. And we walked through the force posture in Europe notionally and looked at every single U.S. military asset that was there and what it possibly could have done, whether it could have moved or not. And it was in that interaction that I concluded, after a detailed understanding of what had happened that night, that from outside Libya we'd done everything possible that we could."

General Ham, do you agree with Admiral Mullen's findings that the military did everything it could on the night of the attacks?

A I do.

Q And do you believe that Admiral Mullen has the capacity to evaluate the military movements and issues on the night of the Benghazi attacks?

A I do.

OD2 [REDACTED]. Okay. I'll turn to my colleague Peter Kenny here.

BY [REDACTED] ODI

Q General, thank you. At the beginning of the last hour your

[REDACTED]

[REDACTED]

counsel read from a statement that enumerated the various times during which you appeared before Congress to discuss the incidents or the attacks in Benghazi, and I would like to just maybe hear from you directly about some of your prior appearances.

So I would just like to ask you, General, to the best of your recollection, how many times have you appeared before Congress and provided information related to the Benghazi attacks?

A I think my recollection is three, three hearings, two posture hearings, one each before the Senate and House Armed Services Committees, both of which had a bit of a discussion about Benghazi and certainly was an opportunity for members of those two committees to ask about the events in Benghazi, a classified hearing with the House Armed Services Committee Subcommittee on I think Oversight and Investigations, which was at the time chaired by Mrs. Roby. I think those were the three formal hearings. There was a discussion with the House Oversight and Government Reform Committee in a classified session, not a hearing, but a briefing, if you will, and also a classified briefing with, particularly with Senator Lieberman and Senator Collins about the matters of Benghazi. A number of phone calls with various members of both Chambers as well.

Q So just to summarize some of that, so it is in fact the case that you've appeared numerous times, also had numerous conversations with Members of Congress to include members from the House Armed Services Committee as well as the House Oversight and Government Reform Committee, is that accurate?

[REDACTED]

[REDACTED]

A Yes. And I guess the one comment I would add was that the June 2013 hearing with Oversight and Investigations Subcommittee of the House Armed Services Committee was after I had retired from Active Duty. All the previous I was still on Active Duty.

Q Thank you, sir, that's helpful. And during these previous appearances and your previous discussions on the attacks in Benghazi, were you in any way prevented or inhibited from providing full and accurate answers to the questions that were posed to you?

A No, certainly, no constraints that way.

Q Okay.

A Well, with one exception. There were a couple of the phone calls and the posture hearings were unclassified, so, obviously, in those sessions, I could not present any classified information, but I don't think that that provided an impediment. Certainly in the hearings, if the answer to a question by a Member would necessitate a classified response, there was always the opportunity to say to the questioning Member, May I come back to you in a classified session, and I think with regard -- I think in the Senate Armed Services Committee posture hearing, I think that happened.

Q Thank you, sir. And some of the occasions, the hearings, the discussions we were just talking about, those took place or occurred, it sounds like they occurred primarily during 2013, and I just would like to know how, you know, today you would characterize your recollection of the events on the night of September 11th and 12th, 2012, today as compared to when you first appeared before Congress. Can you

[REDACTED]

[REDACTED]

characterize, is your recollection today better, is it worse, is it the same?

A Well, I think over time, some of the details fade, so with regard to the specific timing of events, such as, for example, meetings with the Chairman of the Joint Chiefs of Staff or with the Secretary of Defense, you know, probably in late 2012 and early 2013 I probably could have given a pretty accurate if not definitive definition of when did those meetings occur. Now my recollection is a little more general, I think, rather than a specific timing. But I think the -- and the other difficult part of this, of course, is as the events of September 11th and 12th were unfolding in real time, and we make decisions based on what you know and what information that you have at the time, and sometimes that information is often incomplete, sometimes ambiguous, sometimes contradictory, and so you are trying to sort through all of that and make as good a decision as you can based on what you know and make good recommendations to others based upon what you know. Now, in April of 2014, it's hard to compartment, you know, what did I know then as opposed to what has become known since then. I mean, I know a lot more about the events that unfolded in Benghazi that night now than I did. As one example, I've been able to see the closed-circuit television recordings from the Temporary Mission Facility in Benghazi. Obviously, I didn't see that as the events were unfolding, and that builds, that contributes to a more complete understanding of the events as they were unfolding but didn't have access to that at the time.

Q Okay. You mentioned during the last round that your private

[REDACTED]

[REDACTED]

counsel had made available to you some public transcripts related to the attacks, and I would just like to ask whether you've personally had the opportunity to review some of the statements you made during the June 26, 2013, briefing between, before the House Armed Services Subcommittee on Oversight and Investigations?

A I did. I think that was one of the transcripts that was released publicly. I believe there are some elements of that which had been redacted, which I obviously was not able to review, but, yes, that transcript was made available to me.

Q And you had mentioned just a moment ago trying to compartment some new information versus information as you knew it the night of the attacks. Can I ask what -- has any new information surfaced since that briefing, since the June 26, 2013, briefing, come to your attention that would cause you to revise any of those statements you previously made?

A Since the June 26, 2013?

Q Yes, sir.

A No, not that I can readily think of.

Q Okay, thank you. I would like just to provide a little road map for you. I know during the last round you had a fairly exhaustive discussion about the Site Security Team, and I think we would like to return to that at some point, but if we could, I think we would like to fast forward to the night of the attacks, and I think this is where Chairman Issa had left off in the last round.

General, before discussing, you know, your decisionmaking process and how you and others would have arrived at certain decisions on the

[REDACTED]

[REDACTED]

night of the attacks with regard to specific options, I would just like to begin with a discussion of what forces were, in fact, deployed on the night of the attacks, and in order to help or assist in that I would like to mark Exhibit 2.

[Ham Exhibit No. 2

was marked for identification.]

BY [REDACTED] ODI

Q General, again, this is a portion of a transcribed interview that the House Oversight and Government Reform Committee conducted of Admiral Mike Mullen, the former Chairman of the Joint Chiefs of Staff and the vice chair of the Accountability Review Board. It's dated June 19, 2013. Again, referring to the military's response on the night of the attacks, Admiral Mullen stated, and this is beginning on page 65, and I quote, "Well, I would go back to I think it's important in my experience with two Presidents is that when something like this happens, the Presidents say do everything you possibly can do, and that's all the guidance I need to move forces and certainly with two Secretaries of Defense that I served with, that's all the -- all the guidance Secretary Gates and Secretary Panetta would need. So we're -- and in fact in this situation it does not seem to be, at least from a public standpoint, widely understood, we moved a lot of forces that night. They don't move instantly, but we had a significant force that was deployed doing other things, Special Operations Force in Europe, in Croatia, which was redeployed to a base in southern Europe. We had a significant force from the United States which was deployed to a base

[REDACTED]

[REDACTED]

in Southern Europe. So there were a lot of forces moving. And you make those packages, if you will, as robust as possible because you don't know when it's going to end, and you don't know exactly what's going to happen next, and I'm very confident that was done. All of that while you're trying to put together the picture as rapidly as possible, moving a drone over -- a UAV, unarmed UAV over Benghazi as rapidly as possible to give you, give yourself better situational awareness. That was done. You're pulling every single string you possibly can to find out what's going on including those forces that are -- and this isn't just the Pentagon, this is -- I certainly saw this in the State Department, I saw this in the intelligence community from my review, if you will," close quote.

First, General, I would like to ask, do you agree with Admiral Mullen's assessment that the U.S. military, quote, "moved a lot of forces that night," close quote?

A I do agree with that.

Q Okay. And to the best that you're able to do so, understanding that this is a classified setting, but the best that you can provide your response to the next question in an unclassified format, can you just walk us through some of the forces that the U.S. military activated and moved on the night of the attacks?

OD2 [REDACTED]. Spend as much time as you need on this, sir.

General Ham. Perhaps it would be helpful just to kind of start with an overview, from my perspective, if you will, kind of how things, from my perspective, how things unfolded that night, and then we can

[REDACTED]

[REDACTED]

talk about the specifics of force movement. Is that okay if we do that?

ODI [REDACTED] Please, sir.

General Ham. So -- and with the understanding that these events, again, were unfolding in real time, and so decisions made upon, again, incomplete, sometimes contradictory information. I think, as many people know, I happened to have been at the Pentagon on September 11th for a meeting of all the combatant commanders and the service chiefs called by the Secretary of Defense and Chairman of the Joint Chiefs of Staff, a meeting that occurred three or four times a year, so not particularly unusual. I was notified by the Africa Command Joint Operations Center based in Stuttgart that there was an attack ongoing at the Temporary Mission Facility in Benghazi. Didn't know much more at that point. I immediately notified the Chairman of the Joint Chiefs of Staff. I just walked down the hall to his office, told him what we knew. We went upstairs to brief Secretary of Defense on what was happening. And during those, you know, short meeting in the chairman's office, short meeting in the Secretary's office, bits and pieces of information are coming in, the most important of which in the early stages was that the Ambassador was at -- Ambassador Stevens was at the Temporary Mission Facility. Secretary of Defense was very rapid, in my view, in making decisions to first alert and notify and deploy the Commander's In-Extremis Force. This is a Special Operations Force based in Europe. It was at that time shared between European Command and Africa Command. Africa Command did not gain its own Commander's In-Extremis Force until 1 October of 2012. So this is a shared force.

[REDACTED]

[REDACTED]

The Secretary of Defense made the decision to alert that force, happened to be in Croatia in -- for a deployment. Similarly ordered the alert and notification and deployment of Fleet Antiterrorism Support Teams based in Spain, so those were the first forces that started to move. Again, I don't recall the specific timing, but not long after those initial discussions, we got the sad news that at the Temporary Mission Facility, there was one dead. We learned soon thereafter that it was Mr. Smith, a member of Ambassador Stevens' team. Ambassador Stevens was unaccounted for. A team from the annex, another U.S. facility in Benghazi, had moved to the Temporary Mission Facility, secured all of the Americans, less Ambassador Stevens, moved them back to the annex, the second facility in Benghazi, and the attack then significantly subsided in Benghazi. At that point in military thinking in terms of now responding to an ongoing attack, a besieged diplomatic facility, if you will, now the more likely situation is we potentially have a hostage rescue of a U.S. Ambassador which we just didn't know where he might be. The Secretary of Defense then alerted the [REDACTED]

[REDACTED]

[REDACTED] we directed their deployment to a staging base in Europe.

A few hours after that, the Libyans recovered the body of Ambassador Stevens, so we sadly knew there were now two dead. The Embassy had put into motion a plan to get an aircraft into Benghazi and then move all the Americans from Benghazi back to Tripoli. A team deployed from Tripoli, got detained for a number of hours at the Benghazi

[REDACTED]

[REDACTED]

airport, was not allowed to move, and in that period, that delay in moving off the airfield, a second attack occurred. This one again focused on the annex, the second facility, and again tragically two more were killed, Mr. Woods and Mr. Doherty were killed in that attack. All the Americans then moved to Benghazi and subsequently evacuated to Tripoli and then ultimately evacuated to Germany. So that's kind of a broad overview from my perspective of how things played out.

So back to the specific question, the two immediate teams in theater, in the European theater were the Commander's In-Extremis Force and the Fleet Antiterrorism Support Teams, both of which were alerted for movement and actually prepared for movement soon after we learned of the attacks in Benghazi.

BY [REDACTED] ODI

Q Thank you, that's very helpful. I think we would like to maybe unpack some of that and then walk through a few of those items. Does the fact that the military, the Department of Defense began moving those forces, does that suggest to you that the Department was taking its response to the attacks seriously on the night of?

A Yes. I mean, again, as the commander of Africa Command, this was a very, very serious matter. That's why, you know, went immediately to see the Chairman and the Secretary as soon as we learned of the attacks.

Q Okay. And just to take a little bit of a step back, the process that was underway, the decisionmaking process about which options to utilize, was that a process that considered all available

[REDACTED]

options?

A Yes. So one of the things I didn't mention that occurred very quickly upon the command learning of the attack was that the deputy, the military deputy commander of Africa Command ordered the repositioning of an unmanned aerial vehicle which had been operating in the eastern portion of Libya toward Benghazi. He made that decision. I certainly, when I learned of it, very much approved of it, but that's the kind of initiative that we would expect people to implement. So that was the biggest challenge was to try to gain some understanding of what was happening in Benghazi. So, from a military standpoint, getting the Predator overhead was a first necessary start. The communications with those who were on the ground in Benghazi was largely over commercial cell phones for the most part since the Temporary Mission Facility had been attacked pretty severely, and then the people moved out of there, so communications were spotty, if you will, from Benghazi. So that was the first thing was to try to understand what was happening.

Q General, at the outset, you mentioned that upon learning of the attacks, you first notified the Chairman of the Joint Chiefs of Staff General Dempsey, and then the two of you also notified the Secretary of Defense, then Secretary of Defense Panetta. Can you just describe for us what the response was. Would you say that they became immediately engaged upon learning of the attacks?

A Yes, both of them very much so. So I was in my -- Africa Command has a liaison office at the Pentagon, which is where I was. As soon as I was notified of the attack, I called the Chairman of the Joint

[REDACTED]

Chiefs of Staff office, I said I'm walking down the hall, I need to see him. It's a pretty uncommon thing to say I need to see him right away. He obviously made time for that. The combatant command says I've got to see you right away. I saw him, he was very clear that, the Chairman of the Joint Chiefs of Staff, that this was a very serious matter. My recollection is, you know, a quick discussion of what forces do we have available, bits and pieces of information were coming in, and he said very quickly, I mean, within just initial notification to him, we need to go see the Secretary, so his office called the Secretary's office, but we didn't wait. We just immediately walked upstairs. Secretary Panetta saw us immediately upon arrival, and it was very, very clear to me that both the Secretary of Defense and the Chairman of the Joint Chiefs of Staff understood the significance of this initial report of an attack and were fully engaged. [REDACTED]

Q And not to jump too far ahead, but was it your sense that both General Dempsey and Secretary Panetta remained engaged throughout the night? [REDACTED]

A Yes. I had a couple of discussions with the Secretary of Defense, many more discussions throughout the night with the Chairman of the Joint Chiefs of Staff and particularly with his, members of the Joint Staff and particularly those at the, in the National Military Command Center, kind of the nerve center, if you will, of the Joint Staff. [REDACTED]

Q Thank you, sir. We understand that shortly after you notified both Secretary Panetta and General Dempsey that they traveled to the White House for a previously scheduled meeting, and we further [REDACTED]

[REDACTED]

[REDACTED]

understand that while yourself did not attend the meeting, you again spoke with Secretary Panetta and General Dempsey on their return.

I would like to ask you about those conversations, and in order to do so we'll mark this as Exhibit 3.

[Ham Exhibit No. 3

was marked for identification.]

ODI [REDACTED]. This is a portion of a hearing transcript from the February 7, 2013, Senate Armed Services Committee hearing on the Benghazi attacks. I'll just give you a moment, sir, to read that. Take your time, please.

General Ham. I'm just trying to -- who's the witness?

ODI [REDACTED]. So this is Secretary Panetta testifying.

General Ham. Okay. So as I look, I'm looking at page 8.

ODI [REDACTED]. Yes.

General Ham. Is this now Secretary --

ODI [REDACTED]. This is Secretary Panetta.

General Ham. Speaking?

ODI [REDACTED]. Yes, sir.

General Ham. Beginning on page 8?

ODI [REDACTED]. Yes, sir. And just so you know, I'm going to focus on some portions from page 9 and page 31.

General Ham. Okay.

BY [REDACTED]: ODI

Q General, I would like to draw your attention to the top of page 9. I'll read a portion of this transcript into the record. Here

[REDACTED]

Secretary Panetta testified that, quote, "Soon after the initial reports about the attack in Benghazi were received, General Dempsey and I met with President Obama, and he ordered all available DOD assets to respond to the attack in Libya and to protect U.S. personnel and interests in the region. It's important to remember that in addition to responding to the situation in Benghazi, we were also concerned about potential threats to U.S. personnel in Tunis, Tripoli, Cairo, Sanaa, and elsewhere that could potentially require a military response. In consultation with General Dempsey and AFRICOM Commander General Ham, I directed several specific actions. First, we ordered a Marine Fleet Antiterrorism Secure Team, a FAST team, stationed in Spain to prepare to deploy to Benghazi. A second FAST platoon was ordered to prepare to deploy to the Embassy in Tripoli, a Special Operations Force which was training in Central Europe was ordered to prepare to deploy to an intermediate staging base in Southern Europe, Sigonella, and a Special Operations Force based in the United States was ordered to deploy to an intermediate staging base in Southern Europe as well at Sigonella," close quote.

And just to cap on, tag on to the end of that, on page 31, Secretary Panetta also testifies, and I'm in the middle of the page here, and in response to a question Secretary Panetta stated this, quote, "He," referring to the President, "basically said, Do whatever you need to do to be able to protect our people there," close quote.

And, General, I just would like to ask you again, the actions that were directed by the Secretary of Defense on the night of the attacks,

[REDACTED]

did they to you reflect the seriousness and importance that the Department attached to its response?

A I believe so, yes.

Q Did anybody from the State Department, including the Secretary, ever object to the sending of these military forces to the region?

A Not to my knowledge.

Q Okay. Was it your impression that the State Department, including the Secretary, was fully behind your military efforts on the night of the attack?

A I don't have any personal knowledge and had no personal conversation with the Secretary of State, but I believe that to be the case.

Q Okay. And after they both returned to the Pentagon, Secretary Panetta and General Dempsey provided you with an update on their conversations. Is that correct?

A It was more upon their return providing them with what information, what further information we had learned while they had been in their meetings at the White House, but it was clear, certainly from both the Secretary of Defense and the Chairman, you know, that they were both fully engaged in this and exploring what were the best ways that the U.S. military could support response to this attack.

Q Okay. I would like, if I may, at this point to enter, this will be Exhibit --

OD2 [REDACTED] Do you want to enter the whole thing?

[REDACTED]

[REDACTED]

ODI [REDACTED] Sure.

OD2 [REDACTED] 4.

ODI [REDACTED] Exhibit No. 4. This is the unclassified transcript from the June 26, 2013, briefing before the House Armed Services Subcommittee on Oversight and Investigations.

[REDACTED] [Ham Exhibit No. 4 was marked for identification.]

BY [REDACTED]: ODI

Q General, I would just like to direct your attention to pages 73 and 74. And here, sir, you engage in an exchange with Congressman Chaffetz, who is a member on the Oversight and Government Reform Committee, and that exchange reads as follows, and I quote:

"Mr. Chaffetz: What was your understanding that the President was authorizing you to do?"

"General Ham: The Secretary of Defense gave me clear direction at the outset, you know, to deploy forces again in anticipation that the first mission was a potential hostage rescue of the U.S. Ambassador, recovering evacuation of wounded, and other persons from Benghazi.

"Mr. Chaffetz: Was there --"

"General Ham: And then as that shifted, when the Ambassador's body had been recovered, then it shifted to identification and pursuit of the perpetrators," close quote.

General, it sounds like the Secretary of Defense had provided some direction early on to deploy various units for multiple possible missions, whether that be evacuation of certain personnel or a hostage

[REDACTED]

[REDACTED]

be inserted.

Q Thank you, General. And, General, remaining in this transcript here, I would like to turn your attention to page 45 of the transcript.

BY [REDACTED]: ADI

Q Let me just ask a quick question, sir. Those forces, we had a discussion about the legal protections of the Title 10 forces and whether or not that influenced the decision, Title 10 forces in Tripoli, and whether that influenced operational decisions that night, but of course, none of those deploying forces have those legal protections. It's all done under the authority of the President, right? So there's no consideration in a time of -- I guess I'll rephrase it. So those legal protections considerations don't apply to any of the forces that night. Is that correct?

A I don't know from a legal standpoint whether they would apply or not. I do not recall --

Q Influence the decision to deploy?

A I do not recall there being any discussion, at least in the discussions I had with the Chairman of the Joint Chiefs, with the Secretary of Defense, with the operations officer for the Joint Staff, I don't remember any conversation that said, Well, wait a minute, we don't have the legal protections. I don't recall any such conversation. It may have occurred at the staff level, but I don't remember it rising to my level, and I certainly don't remember it being an impediment in any way to deployment of any of the forces.

[REDACTED]

[REDACTED]

Q Because in a time of crisis, provided it's legal under our domestic law, we're going to do what we need to do to rescue our people?

A I believe that to be the case, and it certainly was my opinion at the time.

ADI [REDACTED] Thank you.

BY [REDACTED] ODI

Q General, I would like to shift gears and again focus you on page 45. This is the June 26, 2013, briefing, unclassified transcript, and I would just like to read a brief, somewhat brief quote from this page. You state the following, quote, "I will admit to giving a lot of thought about close air support, and in the lead up to September 11th in the discussions about what forces should we have available, it was my determination, obviously with advice from others, but the responsibility was mine as the commander, was that close air support was not the appropriate tool in this situation. And as I look back on the events of that day and say and think in my own mind, would air have made a difference, and in my military judgment, I believe the answer is no. It was a very uncertain situation and an environment which we now, which we know we had an unknown surface-to-air threat with the proliferation particularly of shoulder-fired surface-to-air missiles, many of which remain unaccounted for, but mostly, it was a lack of understanding of the environment, and hence the need for the Predator to try to gain an understanding of what was going on. So, again, I understand that others may disagree with this, but it was my judgment that close air support was not the right tool for that environment,"

[REDACTED]

close quote.

General, you touch on some examples here, but can you just maybe explain for us more what you mean when you say that the attack of fighter aircraft was, quote, "not the right tool for the environment," close quote?

A In the days and weeks leading up to September 11th across the Africa Command area of responsibility, we had a lot of focus on what intelligence, is there intelligence that would indicate that an attack against U.S. persons or facilities or interests is imminent, how ought we best posture our force, and what's the nature of the type of attacks that we could, we might anticipate, and so, in that time, my assessment was with lots of input, obviously, from the staff and from the service component commanders of Africa, saying Army, Air Force, Navy, Marine Corps, and Special Operations, the view was if there is going, if there is going to be an attack on September 11th, to the best of my knowledge, there hadn't been an attack, a significant attack on the anniversary of September 11th prior, but if there was going to be an attack, it was likely to be an improvised explosive device or a car bomb or a sniper or a kidnapping, some mission like that or an attack like that against American persons or facilities or interests. If those were, and I thought they were, the more likely types of attacks that we could anticipate, then how ought we be best postured to militarily respond to that, to those kind of attacks? And in that consideration I considered, and the staff, we had obviously, it wasn't just a single person, but the staff helping me through this, I came to the conclusion

[REDACTED]

that close air support was not a militarily appropriate response to the types of events that we envisioned, at least that I envisioned that might occur on September 11th. So based upon that, I could have but chose not to direct the air component commander to place strike aircraft on heightened alert because, again, in my assessment, that wasn't the nature of the response that we would need. [REDACTED]

Q And was there anything, did those circumstances change on the night of the attack? In other words, was there any information that would have caused you to revise or reassess that decision? [REDACTED]

A Again, as I look back to how the events were unfolding in real time, the staff I'm sure had, the Africa Command staff I'm sure had a more exhaustive conversation with the Air Component Command, but I did consider one of the responses that we did talk about, that I did talk about with my staff was, is there an air response to this? We looked at the posture of aircraft, but overriding that to me was, again, not the right military instrument to respond in this circumstance, and then, again, I will go back to my general overview that says, in my recollection, about an hour after the attack began, it largely subsided, and the team from the Annex had moved all the Americans, less the Ambassador, back to the Annex. Again, the fighting significantly subsided. It didn't appear that there was any specific significant military action directed against U.S. personnel in Benghazi at that point, and so, again, just in my mind reaffirmed my decision that air was not a good response and, at this point, not needed because the attack had largely subsided. [REDACTED]

[REDACTED]

[REDACTED]

Q Thank you, General, that's very helpful. So, on the night of, it does sound to us like you gave at least that option some sort of serious thought or you or at the Joint Staff level rather than something that was just quickly considered and dismissed, is that a fair assessment?

A Yes. Again, when an incident like this occurs, the staff, the operations and intelligence staff at the Command is now again first trying to gain situational understanding and secondly, what are the best methods? You know, how ought we be prepared to respond? What are the options that we want to lay out? And certainly an air response was one of those considerations. Ultimately, it was my decision that said no, not the right response in this circumstance.

Q General, many military experts have also added to this conversation and stated that not only the considerations that you just mentioned but that it would have also been impractical to deploy either attack or strike aircraft on the night of the attacks. For instance, Admiral Mullen, General Dempsey, they both publicly testified that some sort of fast mover in the region would have taken 20 hours to spool up and deploy. Was that fact generally well understood within AFRICOM, that it would take a significant amount of time to, given the alert status at the time, to prep an aircraft?

A Yes. So there was -- again, as the events were unfolding, one of the things the operations center does is make sure it has open lines of communication with the component. So the air component, which was headquartered in Ramstein, to have a clear understanding of what

[REDACTED]

[REDACTED]

the capabilities would be. So I think there was a very clear understanding of the timelines that might be required for the deployment of air forces, and again as the attacks subsided, significantly subsided in Benghazi, it appeared that again that was perhaps the wrong instrument.

The other challenge, of course, I think, is a very uncertain environment. We knew there was a proliferation particularly of manned portable air defense systems, and --

Q How serious was that threat?

A Well, it was unknown. We knew there were manned portable systems since the collapse of the Qadhafi regime that were unaccounted for and certainly some large number of them in my view, and I think the intelligence would support this under, you know, under control of either militia or violent extremist organizations in Libya, so it was a very unclear situation there, and I think this applies generally with the whole idea of hypotheticals or, you know, what if. We don't really know what had happened, had I made a different decision, had strike aircraft deployed, we don't really know what the outcome would have been. Maybe it would have been positive, but maybe it would have got shot down. Maybe it would have killed civilians. I mean, there's so many unknowns if we go down the hypothetical path that I'm reluctant to do so.

Q Thank you. General, I would like to now turn to some allegations that certain DOD personnel in Tripoli were ordered to stand down on the night of the attacks. You've previously addressed this topic specifically during the June 26, 2013, briefing, again before the

[REDACTED]

[REDACTED]

House Armed Services Subcommittee on Oversight and Investigations, and I would like to turn your attention now to page 30 of the unclassified transcript, of Exhibit 4, and draw your attention to an exchange between yourself and Congressman Conaway, and the exchange reads, and I quote:

"Mr. Conaway: Were you aware of Lieutenant Colonel [REDACTED] activities on the 11th? Were you in communication with him?"

"General Ham: I was not in direct communication with him. I had met him previously, but as the events unfolded in Tripoli and Benghazi, I was not in direct contact with him."

"Mr. Conaway: Did you receive an order to not go from anybody in your chain of command?"

"General Ham: He did not. I didn't know that night. I know now that Lieutenant Colonel [REDACTED] requested approval to move to Benghazi in the morning of the 12th, and it is understandable to me why he would want to do that. What military people want to do is move to the sound of the guns. The decision was, no, you have a mission in Tripoli," close quote.

General Ham, do you recall this exchange?

[REDACTED]

[12:12 p.m.]

General Ham. I do.

BY [REDACTED]: ODI

Q Okay. Is it still an accurate reflection, that you weren't in direct contact with Lieutenant Colonel [REDACTED] --

A That is correct.

Q -- on the night of the attacks?

General Ham, you then continued to state this -- or the exchange continues, and I quote, "Mr. Conaway: Whose decision was that?

"General Ham: Rear Admiral Losey, as the commander of the Special Operations Command Africa.

"Mr. Conaway: Okay. Did you agree with that decision, I guess?

"General Ham: I didn't know of it at the time. I certainly agree with it now," close quote.

General, I'd just like to ask, do you still agree that the order given by Admiral Losey was -- do you still agree with that decision? And if so, why?

A I do agree with Admiral Losey's decision. At the time, the situation in Tripoli was very uncertain. There was a real concern, significant concern on the part of the Embassy that the Embassy and its personnel in Tripoli might be threatened. And so there was a necessity to make sure there was adequate security there.

And Lieutenant Colonel [REDACTED] and his team were among the only

[REDACTED]

security elements that could have played out -- or could have contributed to security. And they did. It's my understanding after the fact that they were very significantly involved in securing the movement of U.S. personnel from one facility to consolidate in a single facility.

And, importantly, Lieutenant Colonel [REDACTED] had with him a medical person, well-trained, that was necessary. And I think, if I remember the timeline right, had Lieutenant Colonel [REDACTED] and team moved to Benghazi, then by the time the people from Benghazi actually got to Tripoli, there would not have been a medical person in Tripoli.

So it is very, very understandable to me why Lieutenant Colonel [REDACTED] wanted to go to Benghazi. Had I been in his shoes, I believe I would have wanted to do the same thing. But I believe the decision to say, no, you have a valid mission in Tripoli, unknown threat, I think, was a sound military decision.

Q Thank you.

BY [REDACTED] ADI

Q Just to get two things on the record real quick, sir, is it unusual that a lieutenant colonel did not have direct communication with the combatant commander?

A No, that's not at all unusual.

Q And was Rear Admiral Losey's decision to tell him to remain in Tripoli and continue that mission within the scope of the Admiral's authority?

A It very much was, yes.

[REDACTED]

[REDACTED]

Q Thank you.

BY [REDACTED]: ODI

Q And, again, General, just to clarify this, you had mentioned you learning about these factors after the fact. And, again, just to clarify, that's because you weren't directly involved in the decision-making with respect to the order that night. Is that correct?

A That's correct. Admiral Losey made that decision. It was within his authority to make that decision. My guess is that the Africa Command operations center knew of the conversation. I did not that night. I learned of it later.

Q Thank you, sir.

BY [REDACTED]: OD2

Q Just very briefly, sir, do you recall the aid that was rendered by Colonel [REDACTED] team on the injured personnel as they returned from Benghazi to Tripoli and, sort of, what assistance they were able to provide?

A I don't recall the specifics of the medical aid that was rendered. But I do remember, when I met with many of the people who had been evacuated to Germany, when I met them as they were departing Germany for the United States, and a couple other members who had remained in the hospital at Landstuhl, Germany, they were complimentary of having the aid available when they arrived back in Tripoli. But I don't remember the specifics.

Q Okay.

ODI [REDACTED] So, General, I think, rather than starting a new line

[REDACTED]

[REDACTED]

of inquiry, we'll just --

ADI [REDACTED] Wait, wait, wait. I'll take this opportunity real quick.

BY [REDACTED]: ADI

Q Sir, we've been talking about Libya in sort of a vacuum. Could you spend 3 minutes going around the AFRICOM's area of responsibility that summer of 2012 and the other areas and concerns you had, national security priorities, and sort of help us understand Libya in the context of the rest of your AOR?

A In the lead-up to September 11th, there was a broad concern about U.S. military personnel -- U.S. personnel writ large, but my focus was specifically on military personnel -- across the continent. And so there were, you know, cautions about, you know, just not a good day to, you know, be out traveling in, you know, non-mission-essential -- but just being heightened, heightened awareness of your surroundings on those days. So there was a broader understanding of the significance of 11 September.

As it turned out, there --

Q Excuse me, sir. What I really meant was Libya in the context of AQIM --

A Right.

Q -- Somalia, all the other things that AFRICOM --

A Yeah.

Q -- had to focus on.

A So there were a couple of areas that we were particularly

[REDACTED]

[REDACTED]

focused on. There was a threat stream in Khartoum that the Embassy was concerned about, and so we had a response force in [REDACTED] that was watching that very carefully. There was a threat stream in Tunis, which was also of concern. And in Niger and northern Mali, the threat of Al Qaeda in the Lands of the Islamic Maghreb, who had conducted attacks previously; there was concern there. And then, lastly, Boko Haram in northern Nigeria.

So there was a broad general sense, but there were a couple of specific places where the threat reporting was of greater concern. None of them rose to a level, to my recollection, of an imminent attack against U.S. persons or interests. But, certainly, some places across the area of responsibility were receiving greater focus than others.

Q Thank you.

OD1 [REDACTED] Okay. We'll go off the record.

[Recess.]

OR2 [REDACTED] Back on the record. And the time is 12:28, we'll call it.

BY [REDACTED] OR2

Q General, so I just wanted to step back, if I could, in the interest of moving as chronologically as possible. And I just want to also say that, to the extent that I'm repeating any questions that may have been addressed already, that it should not be interpreted, by any means, of us questioning prior answers. It's just, in the interest of establishing a precise record, I need to march through this thing as best I can.

[REDACTED]

[REDACTED]

A Okay.

Q So I just want to ask your indulgence, sir, if I could.

So with reference to the SST and discussions about whether or not to extend SST as a chief of mission authority entity, on 9 July of 2012, Embassy Tripoli had sent a cable to Washington in which it requested additional security personnel, to possibly include SST.

Were you contemporaneously aware of that cable from the Embassy to D.C.?

A I don't know that I was aware of the specific cable, but certainly aware of a conversation about whether or not State would ask to extend the Site Security Team.

Q Okay.

Mr. Richards. Can you just clarify what you mean by "Washington, D.C."?

OR2 [REDACTED] Well, actually, what I can do is I can introduce --

Mr. Richards. Great.

OR2 [REDACTED] -- the cable into the record as Exhibit 5.

[Ham Exhibit No. 5

was marked for identification.]

OR2 [REDACTED] I'm going to put that in front of you. And, sir, if I could just direct your attention to the first paragraph.

Mr. Issa. Is that Foggy Bottom?

OR2 [REDACTED] That'll work. Although I believe --

Mr. Richards. It is the Department of State, not the Pentagon.

Mr. Issa. Well, the Pentagon is not in Washington.

[REDACTED]

[REDACTED]

BY [REDACTED] ORZ

Q I'll give you a chance to read it, and then I'll just go ahead and read it into the record.

And I'm only going to read the first two sentences of the first paragraph.

A Okay.

Q For the record, this is a 9 July 2012 cable from Embassy Tripoli to Washington, D.C., comma, Secretary of State, marked "Routine." It's unclassified, marked "SBU."

And the first two sentences of the first paragraph read, "Summary and Action Request: Embassy Tripoli requests continued TDY security support for an additional 60-days, through mid-September 2012. Post assesses a minimum of 13 TDY U.S. security personnel, either DS MSD, domestically assigned HT trained DS agents, DS SPS, or DOD/SST personnel or a combination of these personnel, are required to maintain current transportation security and incident response capability while we transition to a locally based security support structure," unquote.

Now, sir, I'll just help you out. So, based on information that we've reviewed subsequently, it appears that at least some in the Pentagon viewed this language in this July 9th cable as a request, albeit perhaps a tacit one, by Embassy Tripoli for an extension of the SST team.

And so, to the extent that you were aware of this cable contemporaneously, I mean, did you view this cable that way?

A No.

Again, I don't recall being aware of this specific cable. But,

[REDACTED]

[REDACTED]

procedurally -- and I'm captured by my own experience on the Joint Staff -- procedurally, in order for Department of Defense [REDACTED] to -- internally in Department of Defense, what they would do is they would extend the execution order that I was in receipt of from the Secretary of Defense. [REDACTED]

In order for that to happen, it would require a request from the Department of State, not the Embassy, but from the Department of State to DOD to say, we'd like to extend or modify or do whatever they wanted to do with the Site Security Team. [REDACTED]

Q Okay. That's helpful. And we're going to talk in a minute about State Department and the Joint Staff and their interaction on this, but one other question before I move forward. [REDACTED]

Were you aware around this time, July, the summer of 2012, were you aware of any views of the Ambassador, Ambassador Stevens, of his team at the Embassy, or perhaps even the DOD personnel in Libya about the value of SST remaining in Libya for specifically personnel security purposes? And that would be as opposed to, you know, the mil-mil training mission that we've discussed. Were you aware of any of those? [REDACTED]

A Briefly. [REDACTED]

In discussions with Ambassador Stevens about the extension of the Site Security Team, my message, what I tried to convey to Ambassador Stevens was, first of all, I was supportive of extending the teams, of the Site Security Team, frankly, mostly for selfish reasons of maintaining a military presence upon which to build relationships with the Libyans and at some point begin in a meaningful way our [REDACTED]

[REDACTED]

[REDACTED]

military-to-military engagement.

But I also knew that there was some reluctance -- was aware secondhand of some reluctance of the Department of State main to request of DOD a further extension of the Site Security Team.

Q And that's helpful. Could you just expand on what that reluctance that you were aware of was, number one? And, two, how did you become aware of that perceived reluctance?

A Well, it was partly in discussion with Ambassador Stevens. In our discussions, I would, again, make it known to him that I was supportive and prepared to extend the team, should that be the decision, but that, obviously, I couldn't do that on my own authority, nor could he do it on his own authority.

Q Sure.

A It required main State to DOD to request. And absent that, then we knew that the Site Security Team mission would end on the 3rd of August.

Mr. Issa. So it's your testimony that you had it secondhand but the firsthand was Ambassador Stevens.

General Ham. Well --

Mr. Issa. The way you said you got it secondhand, you got it from the Ambassador?

General Ham. Well, Mr. Chairman, not only from Ambassador Stevens, but I have a civilian deputy at Africa Command who is a very senior career foreign service officer, former ambassador, and a former policy advisor, who was also a senior career foreign service officer. *former Federal*

[REDACTED]

[REDACTED]

And they had connectivity with the Department of State and with the Embassy.

So I probably -- I certainly did hear it in -- I don't recall Ambassador Stevens ever saying to me specifically, you know, State is not going to ask DOD of this, you know, to extend the Site Security Team. But, clearly, in our staff-to-staff interactions, it became pretty apparent as July was ending that the Site Security Team would -- that there would not be a request forthcoming from the Department of State to DOD to extend the team.

Mr. Issa. So, from a variety of sources, you became aware that there was a reluctance. In spite of that, Ambassador Stevens made the request.

General Ham. I know now, reading this cable, that he made a request, and one of the alternatives that he offered was perhaps the Site Security Team, but not as the only option.

BY [REDACTED] ORZ

Q And we've heard similar things or observed similar things about this reluctance, but just, from your optic, what was the specific reluctance that you were able to garner from perhaps your staff at AFRICOM on the part of the State Department about SST? What was the reluctance there?

A Frankly, I don't really know why main State would be reluctant. My recollection is that State did not pay. I think this was an unfunded request from State to Defense.

I do know that, I think, at lower levels at the Pentagon there

[REDACTED]

[REDACTED]

was some reluctance to this request, but never -- in my discussions with the Chairman of the Joint Chiefs, with the Secretary of Defense, there was never any hesitancy to support the mission. It was basically, you know, if State asks, and based on my recommendation that I was prepared and supportive of this, they were supportive, as they were for the initial deployment and the extensions.

Mr. Issa. I want to codify for the record -- and I'm taking some of your words, so if I'm mischaracterizing, please stop me.

But it was obviously in Ambassador Stevens' best interest -- he wrote the cable, and you had conversations with him -- to have an extension of the SST. It was in your best interest, because that gave you, albeit backdoor, but mil-to-mil opportunities that came with having this group of a dozen-plus military personnel on the ground.

And the cost -- that's the important part I want to get to -- the cost of this team was borne by the Department of Defense and not by Department of State. Is that correct?

General Ham. Mr. Chairman, my recollection is, yes, that this was provided essentially at no cost to Department of State. Now, they obviously incurred costs for living accommodations and food, sustenance and subsistence --

Mr. Issa. But no significant costs for --

General Ham. -- but they didn't pay for the personnel, for the training, and all of that.

I would, though, Mr. Chairman, just again say, as I read this message from Embassy Tripoli, in my interpretation, it's not a

[REDACTED]

[REDACTED]

specific request, please ask DOD to extend the Site Security Team. It offers the Site Security Team as one of a number of possibilities for added security.

Mr. Issa. So it's fair to say, though, he's asking for Diplomatic Security or SST. And the Diplomatic Security comes out of a budget that -- in open hearings, there has been a complaint that there was about \$200 million less in security in that fiscal year than what the President and the State Department originally requested. In the case of the military personnel, they would be substantially free.

So he's asking for both, but your understanding is, obviously, Diplomatic Security they pay for, the others you don't. So, in a sense, he's saying, "You figure it out. Whether you have money for it or not, you have two options." Is that -- that's pretty much -- cutting through all the diplomatic, he's asking for security, and one of them doesn't cost the State Department any money.

And the actual question for you would be, you didn't have a financial negative to providing these troops? In other words, it was in your best interest, and you didn't have a budgetary constraint, did you?

General Ham. Mr. Chairman, no. I was, from an Africa Command standpoint, prepared to and supportive of continuing the Site Security Team if so ordered. I'm, frankly, personally unaware of what the internal State deliberations may have been with regard to a response to this Embassy cable.

BY [REDACTED] ARI

[REDACTED]

[REDACTED]

Q And you believe -- excuse me -- and you believe you made it clear that the Department of Defense was prepared to provide or continue the SST if it was requested from the Department of State?

A Well, let me try to be as precise as I can. I obviously was not in a position to approve. I couldn't say, "We will do this," because that, obviously, was a decision ultimately for the Secretary of Defense.

What I did convey to Ambassador Stevens and I conveyed to the Chairman and to the Joint Staff was, I am supportive of the Site Security Team staying, I am prepared for the personnel to continue there, and, as the chairman has mentioned, in my view, it was in Africa Command's best interest to have the personnel stay there.

But I had no authority -- Ambassador Stevens had no authority to ask me, can these guys stay? He obviously had to ask, you know, ask main State; main State had to ask DOD. And, again, I'm unaware of the internal State Department conversations or deliberations.

Mr. Issa. But these kinds of things, General, was it fair to say, because some of this record may someday go to a public that doesn't understand how these things work, is it fair to say that a little bit like when a high-ranking officer wants to visit a country, there's an informal communication to say, if we ask, will we be told yes, and you get that assurance before you make an ask that would be a no, that that pre-work is part of the process in which you had a conversation with Ambassador Stevens so that he would not make a request which would be summarily, you know, declined for some reason that he could preclear?

I mean, isn't that sort of what you and your deputy, a former

[REDACTED]

[REDACTED]

ambassador, would do in the process, is, without stepping over your authority, make people aware of whether or not you could favorably recommend to your leaders that you could comply with the order, that you had the assets and the capability?

[REDACTED] General Ham. Mr. Chairman, I tried to make it clear to Ambassador Stevens why I was supportive and that we were prepared. Similarly, to the Joint Staff and to the Chairman of the Joint Chiefs, and to those in the Office of the Secretary of Defense who managed such things, I conveyed my support.

[REDACTED] And, again, I obviously can't -- I didn't have the authority to make the decision, but I'm confident that those in senior leadership positions in the Pentagon, both uniformed and civilian, knew of my support.

[REDACTED] And, again, this falls into the hypothetical category, but I had a high degree of confidence, not certainty, but a high degree of confidence that, had the Department of State requested an extension of the Site Security Team, that DOD, probably largely based on my recommendation and willingness to support, probably would have said yes. But I don't know that with certainty -- can't know that with certainty.

[REDACTED] Mr. Issa. Thank you.

[REDACTED] BY [REDACTED] OR2

Q So, General, moving forward, we know that on 13 July of 2012, Under Secretary for Management Patrick Kennedy, State Department, informed Lieutenant General Bob Neller at the Joint Staff that the Department of State would not be requesting another extension of the

[REDACTED]

[REDACTED]

SST.

To the best of your recollection, when did you become aware of that decision by the State Department?

A Probably about that same time. I don't recall specifically.

Q Sure. And did any officials from the State Department or the Joint Staff consult with you or AFRICOM, maybe at the staff level, about that decision to end SST by the State Department?

A I'm certain we did, because part of the discussion was, okay, what happens on the 3rd of August --

Q Sure. Yeah.

A -- when the authority for the Site Security Team expires? What happens at that point? So I'm confident -- I don't recall specifics, but I'm confident we had those discussions.

Q So, more dealing with the aftermath, because it is ultimately a State Department decision, if I understand you correctly. Is that fair to --

A Well, actually, it was joint. I mean, it had to begin with a State Department request of DOD to extend the team, and then DOD would make its decision. As I've stated, I believe with high confidence that DOD would have ordered me to, you know, to continue the deployment of the team.

Q Sure.

And you mentioned just earlier briefly some concerns you may have been aware of, sort of, at the mid-level of the Pentagon. This is somewhat consistent with some things that we've seen. And, you know,

[REDACTED]

[REDACTED]

we understand, for example, that the SST personnel were highly trained special forces, that they would normally be doing more sensitive missions than personnel security details.

But, to the best of your recollection, I mean, do you recall what some of those concerns might have been inside the Pentagon that you mentioned about extending SST?

A Well, going back to the original request for the Site Security Team from State to DOD, again, while that certainly was -- that was ultimately approved and resulted in an execution order, and I was supportive of it, of the deployment of that team, there were those at more junior levels, you know, not higher than kind of mid-management levels, both uniformed and civilian, at the Pentagon that basically were of the opinion that says, hey, we're stretched, you know, the Department is stretched, and we have a lot of activities ongoing, and, you know, security of diplomatic facilities is principally the responsibility of the Department of State in collaboration with the host nation, and DOD shouldn't be getting into that business.

And I understand that. In my view, it's a pretty parochial view of things and didn't reflect the -- perhaps not unique, but particular circumstances that were prevalent in Libya at the time.

Q Sure.

And just to emphasize again, I mean, you've said -- I mean, the message, as I understand it, coming from you and the other top-line folks at the Pentagon was supportive of the extension, if requested.

A That was very clearly my view, yes.

[REDACTED]

[REDACTED]

Q Okay. Thanks.

So, based on documents reviewed by the committee, we're aware that there were a series of discussions post the decision to end SST by the State Department, both by email and in person, between you and Ambassador Stevens in the month of August 2012.

We've talked a little about this, I think, in the first hour, but I just want to step back and clarify the record as much as we can.

And those discussions between you and Ambassador Stevens, as I understand them, based on the documents, concerned the future of the AFRICOM personnel in Libya post-SST and the parameters of security force assistance missions like the 1208 program.

We understand that Ambassador Stevens had some concerns about the loss of diplomatic privileges and immunities that were enjoyed by SST personnel under chief of mission authority. And that occurred as of 4 August 2012 when the SST mission reverted to a COCOM mission. And also that the Government of Libya had not yet agreed to a SOFA, which would provide the legal protections that the team would enjoy under COCOM authority.

So I guess the first question I wanted to ask you is, we understand that, on or about 4 August 2012, when the SST reverted to COCOM, that you may have signed a memorandum to Rear Admiral Losey, the SOCAFRICA commander. And this is, I want to emphasize, a classified memorandum, and we're in a classified setting. But this memorandum to Admiral Losey authorized him to continue the 1208 mission in Libya without adequate status protections, which would expose U.S. DOD personnel to the full

[REDACTED]

[REDACTED]

extent of the law and practices of the Libyan Government.

First of all, my first question is, do you recollect that memorandum?

A I don't recall the specifics, but, yes, I do remember doing that. It was not a routine matter, but when there was a requirement, a valid requirement, for U.S. military personnel under combatant command authority to operate in a country where there was not a Status of Forces Agreement or not an exchange of diplomatic notes that provided for security, then, under DOD policy and in concert with the chiefs of mission in the particular country, I could sign such a memorandum.

And basically what that memorandum said: I understand, as the commander who is ordering the deployment of these forces, I understand that they are not protected by a Status of Forces Agreement. I understand they're not protected by an exchange of diplomatic notes. But, having reviewed all the relevant information, I determine that the mission should go forward.

And, obviously, this is done in collaboration with the Embassy.
But --

Q Sure.

A -- ultimately, I'm the guy that signs it that says, yes, you can deploy, absent the normal protections which we would like to have for military personnel.

Q And you anticipated my second question about this, which was, this was not a, perhaps, routine matter, but it sounds like this was at least a procedurally necessary matter given the circumstances you

[REDACTED]

[REDACTED]

were facing at the time. Is that fair?

A It is -- again, Libya, certainly, a different circumstance. A more normal circumstance for such a memorandum might be something such as a ship visit in a particular port in Africa in a country where we didn't have a Status of Forces Agreement, where we would work with the Ambassador, again, to make sure that the military personnel -- that we, in concert between the command and the Embassy, had at least a high enough degree that we could resolve any matter involving a U.S. military personnel satisfactorily with the host nation.

Q Sure.

And, actually, sir -- oh, sorry. Go ahead.

Mr. Issa. General, having Tijuana in my backyard, I'm very aware of sailors and marines ending up in Tijuana and having to be pulled out in a place where they don't get special treatment.

But another example that I want to make for the record is assets that you controlled out of Djibouti that operate throughout a number of areas of Africa. Were they in a similar situation, or were they covered -- or were they all covered under other procedures?

General Ham. Mr. Chairman, it's mixed. The team in Djibouti is protected -- I believe there's a Status of Forces Agreement. At least there's an exchange of diplomatic notes. So --

Mr. Issa. So that's a safe haven while they're there.

General Ham. So while they're in Djibouti, they're okay.

But as they deploy for specific missions in East Africa, then it is very much a case-by-case. If they go to Kenya, there's a Status of

[REDACTED]

[REDACTED]

Forces Agreement. If they go to Burundi, there's not. And so we would have to make this same kind of determination in concert with the U.S. Embassy, do we want to do this and do we have sufficient confidence that if a situation arises that we'll be able to work with the host nation to satisfactorily resolve it.

Mr. Issa. But it's fair to say that your predecessor, your successor, from time to time had to approve Title 10 assets that went into countries without a SOFA and they went in armed?

General Ham. It varied, but sometimes, yes, Mr. Chairman, they did go armed, but not always, I think. My recollection is not always.

Mr. Issa. You know, and I only want to deal in not all the exceptions, but on one or more occasions -- and let's just say, on more than one occasion, you would, either directly or through your surrogates, would have to authorize Title 10 assets to deploy out of Djibouti or other places into countries in Africa in which there was no SOFA agreement.

General Ham. Now, Mr. Chairman, if --

Mr. Issa. With weapons.

General Ham. Mr. Chairman, yes, but, to my recollection, that was not an authority that could be delegated.

Mr. Issa. Okay.

General Ham. It was either me or the acting -- if I was absent, then the military deputy acting on my behalf.

Mr. Issa. But you did do that, since it wasn't delegated. You had to do it on more than one occasion.

[REDACTED]

[REDACTED]

General Ham. That's correct, Mr. Chairman.

Mr. Issa. Thank you.

BY [REDACTED]: **ARI**

Q So, General, when you learned that the SST was not going to be renewed -- or, beg your pardon, that the State Department was not going to request the SST to be renewed, was it your understanding at the time that the purpose of that request was because the State Department intended to provide that security function itself?

A I --

Q Or did you have no understanding of --

A I simply -- I simply -- I'm just unaware of the -- again, the response to the previous cable that we looked at. I just don't know the internal State Department deliberations. I just don't know.

Q Including the conversation with Ambassador Stevens?

A Well, with Ambassador Stevens, again, it was simply me conveying to him my support for the team's extension and why. And, at some point, it became clear that main State was not going to request -- I don't know -- Ambassador Stevens and I, to the best of my recollection, never talked about what his advice was to State or what State's response was to him or any internal State Department deliberations on this matter.

Q So I take that to mean that that includes the fact that you never had any indication from Ambassador Stevens' druthers that any reluctance or ambivalence about the SST was related to the mil-to-mil activities that they were undertaking, that that was the origin of the Department of State's --

[REDACTED]

[REDACTED]

A I am unaware that that was a concern.

Q Unaware of --

A Right.

Q And do you have any understanding if Ambassador Stevens ever discussed the prospect of the mil-to-mil activities or the expansion of mil-to-mil activities with a higher authority, let's say the Deputy Secretary of State?

A I do not know.

Mr. Issa. Can I ask one more question? Because it's sort of germane to that line I just went through.

On September 11th, Title 10 assets in country, you said only you or your deputy could deploy them. Is that also true once they were in country?

In other words, lieutenant colonel's there; people are being attacked, presumably captured or killed downrange. Who had the authority to allow someone to go to Benghazi? Was it already in country, and thus they had been allowed to deploy? Or did they need specific authority from you or your deputy?

General Ham. I think, Mr. Chairman, not from me personally or the deputy.

But given the nature of that team from Special Operations Command Africa, and certainly with the consent or approval from the Embassy for internal traffic -- I'd have to look more specifically if there was any other kind of constraint in the order that deployed the team post Site Security Team -- I would be very surprised if there was any kind of

[REDACTED]

[REDACTED]

constraint like that that said, you have to ask -- you know, if you're going to leave Tripoli, you have to, you know --

Mr. Issa. Well, I was more meaning that they were deployed for a non-combat, non-aggressive role; they were now, as you're well aware, getting on an airplane to go down to where live gunfire was occurring, and a decision was made to send them somewhere else.

But the question really was, the authority to send them in had its own caveats, because the authority to send them in said what they would do. Going downrange and fighting their way in, presumably, to rescue the Ambassador if he were still alive was not within their description.

So if they were sitting in Rota, Spain, under AFRICOM and they wanted to get on a plane and go to Benghazi, they would have needed yours or your deputy's authority; is that correct?

General Ham. Yeah, Mr. Chairman, I think I misunderstood the initial part of your question. I thought you were talking about the former Site Security Team personnel who were already in Libya.

Mr. Issa. I was. I was.

General Ham. Okay.

Mr. Issa. What I'm saying is that they were certainly not there to fight their way in and rescue people, but that was the mission that became a mission on September 11th and 12th of 2012.

General Ham. Right.

Mr. Issa. So, from a question of authority, sitting in Djibouti, they needed your authority to go to Benghazi and fight. Sitting in Tripoli, did they need yours or your deputy's authority to go in and

[REDACTED]

[REDACTED]

fight?

General Ham. Mr. Chairman, I probably need a lawyer to answer that question from a legal standpoint.

Mr. Issa. That's why DOD has so many lawyers now.

General Ham. Yeah.

From an operational standpoint, I think it played out the right way, that the commander on the ground, Lieutenant Colonel [REDACTED] became aware of a situation and said, I can go and help in this situation, and he made that request -- he made that known and appropriately notified his higher headquarters, said, this is what's happening, this is what I'm going to do.

And though I understand why he was chagrined at the decision, I think the decision from Special Operations Command Africa to say, no, you need to stay where you are because of the factors that we've discussed already for the -- I think that's the right way for that to have played out.

Mr. Issa. No, I think that we could debate whether you needed medical personnel to go to a hospital where there were doctors or whether you needed people who could pull triggers to go downrange; we could have that discussion. And I'm sure the War College will have that discussion in the future, or at least command and general staff.

But the question was, many people in the chain of command have the authority to say no. Who had the authority to say yes to that request? Had commanders wanted to say yes, would they inherently have been doing the equivalent of a trip from Djibouti to Benghazi and had to move it

[REDACTED]

[REDACTED]

up the chain to your deputy, who was acting, or you at the Pentagon?

General Ham. Mr. Chairman, I don't think so. Again, given how the situations were unfolding, I think had Lieutenant Colonel [REDACTED] notified, again, I think, as was his duty, notified Special Operations Command Africa, this is what I think I should do, I believe Admiral Losey could have had the authority to say yes to that, assuming that the Embassy agreed, which I believe they probably did. [REDACTED]

So, again, it's always a bit dangerous dealing with hypotheticals, but Lieutenant Colonel [REDACTED] makes the request, works its way to Admiral Losey from his staff, then Admiral Losey says yes, I believe he has the authority to do that. I also believe Admiral Losey, at that point, has an obligation to advise his higher headquarters, Africa Command, that says, hey, I got a request from my guy on the ground to do this, I have approved it. And, at that point, you know, Vice Admiral Leidig or I could have said, no, stop. But I believe it was within Admiral Losey's authority to have said yes or no. [REDACTED]

Mr. Issa. Yeah. [REDACTED]

I have one final question. You know, we're the Committee of Oversight and Reform, and I am senior member of the committee of jurisdiction. But, in your opinion, after 40 years of service and lots of situations, Title 10 authority in country in which at a time, whether it's a convey being attacked that you're in or a convoy a few miles away being attacked and you're sitting at a consulate, Embassy, or somewhere in country, the level of speed and authority to respond, do you believe that the chain of command, Title 10 chain of command, inherently has [REDACTED]

[REDACTED]

[REDACTED]

some problems when this kind of thing occurs?

You're Title 10, and you're just outside the wall in Cairo, and people are going over it. You're Title 10, and you either are or are not in Benghazi, and people are shooting. The chain of command goes back to AFRICOM. The chief of mission or his representative is right by your side.

From a standpoint of how Congress, in concert with this administration and future administrations, creates laws and agreements, do you believe that the senior officer on the ground, Title 10 senior officer on the ground, should have the authority, when the imminent threat of life is there, to take action? Or do you believe that this chain is always necessary?

And this has nothing to do with the events. And I want to make it very clear, I'm not asking about second-guessing the events there. But I am asking -- because all the committees of Congress periodically have to ask, have we given the right authorities and organization between competing branches of the executive branch? And so that's a question I'd like you to opine on from your history.

Because as we look at potential reforms -- and Congressman Thornberry is there and so on -- that may be something that the Armed Services Committee and the Foreign Affairs Committee may want to really look at, is, you may be 10; but Americans are in harm's way in your immediate AO; what should be the ability to do?

Are you satisfied with the existing system or would more flexibility when you deploy somebody be appropriate under chief of

[REDACTED]

[REDACTED]

mission, even if they're not currently assigned to chief of mission?

General Ham. Mr. Chairman, I think you raise a great issue. I think part of it goes back to an earlier discussion we had about having the proper level of experience and seniority for the commander to be able to make those reasoned judgments. And it eventually comes down to the exercise of what the Army calls mission command, operating within the higher commander's intent.

And I think in this case and I think in cases similar, the types of situations that you described, I think if a military commander, Title 10 commander, or, frankly, not a commander but a military personnel, has an ability to act instantaneously to save life or limb, to make a difference in a situation, whether they have the technically legal authority to do that, I think, is less important than do they feel empowered to make that decision.

And I know you don't want to talk about this one specifically, but if I may, with Lieutenant Colonel [REDACTED] I think, had this attack unfolded in Tripoli, where he was physically present and could instantaneously or near-instantaneously respond, then I think he had an obligation and a duty to do so, and as time permitted, "Oh, by the way," to his higher headquarters, "here's what I've done."

In the circumstance as it unfolded, it required movement and a degree of preparation, and I think he was right. I think he was right in his motivation, and I think he was right in his request of the command.

I think, Mr. Chairman, it also raises a more fundamental question of, what is the expectation of the Department of Defense, of the Armed

[REDACTED]

[REDACTED]

Forces of the United States, for crisis response at U.S. diplomatic facilities worldwide? How are the Armed Forces expected to be postured and respond, on what timelines, to emerging situations?

And there are all kinds of issues with that. It's force, it's end strength, it's posture, it's basing, it's transportation and cost and all of the rest of that that factors into that. But I believe that's a debate that the Nation ought to have.

We have lived for 238 years, almost, with the premise that the host nation has primary responsibility for the protection of U.S. diplomatic facilities. Are there some circumstances where we ought to reconsider that? I think it's a worthy debate. There's probably not a single answer to that question, but I think the question you raise is an important one.

Mr. Issa. I'm going to stop now, but in the next majority hour, I'm going to want to touch back on FAST team and what the Marines have done post and get your insight in that. And then, obviously, I mentioned earlier some of the other areas I gave you a heads-up on.

But I want to let you finish yours. And I apologize for taking so long.

OR2 [REDACTED] No apology necessary, sir.

OR2 BY [REDACTED]

Q If I could just clarify, though, on one thing that we were talking about just now. And I want to do this, frankly, for the benefit of you, because you've not been in some of the interviews we've been having. We have interviewed both Colonel [REDACTED] and Admiral Losey.

[REDACTED]

[REDACTED]

And I just wanted to, for your sake, clarify that, at least our understanding from them, from Colonel [REDACTED] specifically, is that when he called in to SOCAFRICA, it was more to inform SOCAFRICA of his intention to proceed on the second response flight to Benghazi.

And it was at that point when he called, for purposes of, he told us, of Blue Force tracking, to basically notify personnel movements that -- you know, appropriately, it was at that point that he was told by SOCAFRICA -- again, he fully acknowledges legal and lawful order and that he believed at the time that SOCAFRICA had more information than he had. But, at that point, that's when he was told not to get on that flight to Benghazi.

I just wanted to clarify that for you, because I know you haven't been in the interviews.

A Okay.

Q Now, if I could just step back to August 2012, because we were talking about the post-SST environment that we all found ourselves in. And, as I understand it, you were having a dialogue with Ambassador Stevens about how to structure the presence of AFRICOM personnel in Libya post-SST.

Now, emails and documents that we've reviewed describe this process by which you and Ambassador Stevens reached an accommodation on the way forward for AFRICOM personnel and the 1208 mission. And what I'd like to do is read into the record the content of what we believe to be an unclassified email from Ambassador Stevens to the Acting Assistant Secretary for Near Eastern Affairs, Beth Jones, which

[REDACTED]

[REDACTED]

describes the agreement reached between you, Rear Admiral Losey, and Ambassador Stevens on a series of VTCs after the 6 August 2012 checkpoint attack that we talked about in the first hour.

And I wanted to show you this document because I thought that you would benefit from seeing how folks at the State Department side of the house were thinking about this issue.

And I would just note that, while this email appears to be unclassified, unfortunately, just so you know, we're going through a process of document production and discovery with the State Department. And the way that the State Department has produced documents, there's been a lot of redactions and things that make it very difficult sometimes to be 100 percent clear sometimes both who's saying what to who but also whether it's, in fact, classified or not.

So, out of an abundance of caution, I wanted to run this through a classification review with State before formally introducing it into the record. So I won't introduce this as an exhibit now. But what I would like to do is show it to you, give you an opportunity to read it, and then I'll read it into the record, if that's okay with you, sir.

So this is an August 8th email from Chris Stevens. And you can just start right here, and I'll give you a minute to read through that, sir.

A Okay.

Q Okay. Let me have that. That's the only copy I have.

So, for the record, this is an email from Christopher Stevens to Beth Jones, the Acting Assistant Secretary for Near Eastern Affairs.

[REDACTED]

[REDACTED]

It CCes [REDACTED]

The date is Wednesday, August 8th, 2012. And the subject is, "Libya, follow-up regarding AFRICOM elements in country."

And it reads, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

assessment? This is, I guess, 2 days after the attack.

A Yes. In my view, at least, the attack at the Libyan checkpoint emphasized quite clearly the need for immunities and legal protections for military personnel remaining in Libya who were not under chief of mission authority.

Q And so the pause in the 1208 mil-mil activity, that was an agreed-upon pause until the necessary status protections could be negotiated? Was that a fair --

A Well, again, gaining the legal protections was one component for the change, as referred to in the email that you just read. It's also the Libyans were not ready to begin the training. The Ambassador, I think rightfully, wanted to get the Libyan acceptance in writing and to make sure that, again, as the Government of Libya was in the midst of the electoral process, and just to get the facilities and the personnel identified.

So there were a number of reasons, but, certainly, legal protections for DOD personnel were among those reasons for delaying the implementation of 1208.

Q And, to your knowledge, did the State Department or, I should say, the Ambassador or the Embassy, did they then proceed expeditiously to seek the necessary collaboration with the Libyan Government to achieve that status of forces --

A Yes. In my personal conversations with Ambassador Stevens and the defense attache and feedback from the staff, we knew and I knew that the Ambassador, as indicated in that email, was pressing the Libyan

[REDACTED]

Government for these approvals so that we could proceed.

Q And we understand -- just one last question on this -- we understand that the Government of Libya was in a bit of, it's fair to say, turmoil at this period in time. Was the Embassy successful in obtaining this Status of Forces Agreement prior to the attack of 11 September, or were those, to your knowledge, still ongoing prior to the attack?

A To the best of my knowledge, that remained an unresolved matter on 11 September.

Q Did the Ambassador share any challenges that he may have had in getting that subsequent to this? I mean, was it a challenging --

A Yes.

Q -- process?

A My recollection is that, in his discussion with high-level officials, with the Prime Minister, with the Prime Minister's chief of staff, that there was agreement in principle of the necessity of getting the exchange of diplomatic notes accomplished. But, again, in the fledgling nature of the Libyan Government, what ought to have been a fairly routine diplomatic endeavor, they just -- there wasn't the experience on how to do that.

So I think it was just -- I don't know that anyone in -- I'm not aware that anyone in the Libyan Government was opposed to this. I think it was just process. They didn't have the systems in place to expeditiously deal with a request from the U.S. Ambassador like this.

Q Understood.

BY [REDACTED] ARI

Q So when you learned that there was going to be no request to renew the SST team, did that cause you some angst, because, potentially, without the team being renewed, that might call into question their status in country and consequently complicate your nascent mil-to-mil efforts?

A Yes. I was concerned that we might experience a loss of momentum. Not that there had been great momentum, but there had been some in interaction with the Libyans, particularly in members of the Site Security Team helping the Libyans select the personnel for training, start to think about where would the training occur and the like. I was worried that if the DOD personnel who were going to oversee that training had to leave theater that we would lose momentum.

Q It would set you back.

A Right.

Q And that element, not the site security, physical security, but the loss of momentum in the mil-to-mil, do you have any recollections if Ambassador Stevens was sympathetic to your concern that you would lose momentum, potentially lose personnel, as a result of the SST not being extended?

A Ambassador Stevens, I think, was very, very supportive of the 1208 program as it was laid out and wanted it to get approved. And I believe he -- again, he pressed Libyan officials, up to and including the Prime Minister, for approval so that we could begin this.

The 1208 program as initially envisioned was relatively

[REDACTED]

small-scale, purposely so, one, to make sure we had the right people, but also as a way to demonstrate our commitment to the Libyans, to get a small win, if you will, to say, you know, we're serious about wanting to be a military-to-military partner with you, here's what we want to do, and if this first endeavor works to your satisfaction, then we can start talking about something larger-scale.

[REDACTED]

BY [REDACTED]

ARI

Q And is it your recollection that before the checkpoint incident, so between the SST's expiration and the checkpoint incident, that it was the intention to retain the full 16 personnel in country but transition their authority to COCOM authority and kind of wait out, if you will, remain in country and wait out until the mil-to-mil proceeded?

A That was my desire was to keep the team there so that so that we were ready to be --

Q The full 16?

A The full 16 from the previous Site Security Team so that we could continue the momentum, continue the effort on the 1208, and then when the Libyans were ready, we were postured. I think the shooting at the Libyan checkpoint caused all of us to pay more attention to the legal protections issue. That, combined with the fact that the Libyans again were still in the throes of election, still in the process of forming the government, the fact that the Libyan Government was not forthcoming in the exchange of diplomatic notes I think is what caused the Ambassador to say we're not going to be able to begin the 1208 in earnest for a while, let's take a pause, let's, you know, keep a small number of people here to kind of keep the relationships warm but get the rest back to Stuttgart, and when we're ready to proceed, then bring them back. I thought in my personal discussions with Ambassador Stevens

[REDACTED]

that that was a very reasonable way ahead.

Q That's very helpful. Thank you. And we know that that number ultimately settled at six, again the post-SST Team Libya?

A Correct.

Q Do you remember in your discussions or the discussions that took place, did it go from, whereas the idea was we have 16 now we'll go straight to 6, was there some debate about where that was settled out, did it start lower and get higher? Do you have any recollection how the number six was determined?

A As I think the cable that we talked about just a few moments ago indicates, I think the initial discussion was two to four. My recollection is that in conversation with Rear Admiral Losey he said, you know, we probably could use a couple more, and so as I went, when Ambassador Stevens was in Stuttgart, again, my recollection is I proposed to him, said we would like to do six, could we keep six, and he was agreeable to that.

Q So you started maybe two to four remaining and Admiral Losey countered with something higher?

A With a couple more. That's my recollection, yes.

Q But the two to four maybe was your suggestion?

A I think that's right, yeah.

ARI [REDACTED] Are we out of time?

OR2 [REDACTED] I think just a few more minutes. I just have one last question, and it relates to the topic you've been precisely talking about, so the Senate Select Committee on Intelligence released a report

[REDACTED]

[REDACTED]

on Benghazi on 15 January of this year, and there's a statement here I just wanted to run by you that relates to just what we've been talking about. I've marked the page there, marked it as Exhibit 6.

[Ham Exhibit No. 6
was marked for identification.]

0R2 [REDACTED] You can read it from right here, and I will read it into the record as you read it, just in the interests of time: Quote, and this is page 20, "DOD confirmed to the committee," the Senate Select Committee on Intelligence, "that Ambassador Stevens declined two specific offers from General Carter Ham, then the head of AFRICOM, to sustain the SST in the weeks before the terrorist attacks. After reading the August 16, 2012, EAC, Emergency Action Committee, cable, General Ham called Ambassador Stevens and asked if the Embassy needed the SST from the U.S. military, but Stevens told Ham it did not. Shortly thereafter, Stevens traveled to Germany for a previously scheduled meeting with Ham at AFRICOM headquarters. Ham, again, offered to sustain the SST at the meeting and Stevens again declined," unquote.

So I guess my only question, General, is from my perspective, based on the conversation we've just been having about the cooperative negotiations between you and Ambassador Stevens, is this your recollection of this exchange, or is it somewhat different?

General Ham. I think there is a fairly significant difference. I, of course, had no authority to offer to Ambassador Stevens that the team be extended. I did convey to him that I was supportive of the extension and prepared to support the extension should I be ordered to

[REDACTED]

[REDACTED]

do so, and that order began with a request from main State to DOD. So I think the word "offer" is probably not quite the right word.

ORZ [REDACTED] And to that point, I think what I understand from our previous discussion is that Ambassador Kennedy had already in July informed DOD that they wouldn't be requiring an SST.

General Ham. They wouldn't require it.

ORZ [REDACTED] Thank you, that's very helpful.

ARI BY [REDACTED]

Q So one final question I think before we're out of time today. So you described the number being settled on six in this interim period until all the proper authorities were obtained. Did you have any kind of ballpark of how long that was going to be until the authorities were in hand?

A It certainly was -- it was unknown precisely, but we were thinking, I think Ambassador Stevens and I kind of in the back of our minds had about a month or so in terms of getting the exchange of diplomatic notes resolved, the Libyans moving forward formally, signing and accepting the 1208. So we kind of thought about a month, at least to the best of my recollection.

Q And then it was your expectation that upon achieving those authorities the number would go back up to 16?

A The team that had been brought back to Stuttgart would go back to Libya to begin the 1208 process in earnest.

ARI [REDACTED] Got it, very good. That's very helpful to understand.

[REDACTED]

[REDACTED]

ORZ [REDACTED] So I think we're all set. We'll go off the record, and we'll take a break.

[Recess.]

BY M [REDACTED]

ODI

Q Let's go back on the record. The time is now 1:45.

General, we appreciate your patience today. During the last round as well as rounds before we've had an extended conversation about the Site Security Team, SST team, and we would like to pick up from there and kind of ask some follow up, some clarifying questions based on some of the statements, information you just provided to us. I would like, if I may, to first refer back to Exhibit 5, which is the July 9 cable and, General, I would just like to ask you, again, you described your awareness generally of this cable when you first read it, and I just want to be as clear as possible as to whether or not you viewed this cable as a request for an extension of the Site Security Team after August 3.

A As I read this, I do not interpret it as a specific request for extension of the Site Security Team. In my view, it is Ambassador Stevens suggesting extension of the Site Security Team or part of it as a potential resolution of the request that he makes.

Q Thank you, sir, and again, this is the July 9, 2012, cable, and can I just ask, are you basing that determination, it sounds like, based on some of your conversations with Ambassador Stevens, your recollection of them as well as your reading here that the specific ask or the request, if you will, it seems to lay out a number of potential

[REDACTED]

options for security resources. Is that your understanding as well? They mention various Diplomatic Security Service agents.

A Again, I don't recall if I saw this actual cable at the time it went out. I'm just saying that as I read this today, I do not -- my personal interpretation is this is not a specific request for extension of the Site Security Team but, rather, a request for additional security and a suggestion that one possible source for additional security is extending the Site Security Team.

Q And just so that the timeline is absolutely clear, but the decision by the State Department not to renew or to rerequest SST came after this cable. Is that correct? Sometime in mid August?

A I'm not aware of the State Department's decision timeline.

Q Okay. I would also like just to take a different look at this cable, if I could draw your attention to paragraph 5, the last sentence in this paragraph reads, quote, "post anticipates supporting operations in Benghazi with at least one permanently assigned RSO employee from Tripoli. However, would request continued TDY support to fill a minimum of three security positions in Benghazi," close quote.

General, can I just ask, are you aware of what the security posture was in Benghazi on the night of the attacks, the Diplomatic Security security posture at the Temporary Mission Facility?

A Not prior to the attack, no. I did not learn until the attack was underway that the Ambassador and his small team were at the Temporary Mission Facility.

Q I would like to turn to a comment that you made during the

[REDACTED]

last round. We were having a discussion about the rerequest of the Site Security Team through August, and you had mentioned that you became aware that some junior level personnel within DOD had expressed some concerns about an extension, and I was wondering if we could just maybe talk a little bit about that and maybe you could help us understand what those concerns were and how were those concerns being communicated?

A It goes back, frankly, to the initial request from Department of State to DOD for the Site Security Team, and then I do recall -- I don't recall the specifics. I do recall that there was some disagreement from, at the staff level, kind of junior to mid-level staff level at the Pentagon as to -- basically the gist of it was, you know, this is not a DOD mission. This is the State Department's mission. The DOD is stretched, and State should provide for its own security. I think, again, that viewpoint, while somewhat understandable, I think is particularly parochial, and I think is not reflective of an understanding of the conditions as they existed in Libya at the time. So I don't think that that viewpoint got much credibility or much traction, if you will, in the Joint Staff or in OSD, and obviously, the decision was contrary to that. The decision was to deploy the team, extend the team, but I think each time there was an extension request, there was some surfacing of this notion that, you know, should we really, should DOD really continue to provide what is essentially a State Department mission, but, again, I think that that argument didn't carry a lot of weight and certainly was not persuasive inside DOD.

Q Were any of those staff, did they communicate any of those

[REDACTED]

[REDACTED]

concerns to the State Department, to your knowledge?

A I don't know.

Q I would like to talk now about the time frame after August 3rd. There was, I believe it's Exhibit 6, which refers to, I guess it uses the SSCI report. Some conversations that you had with Ambassador Stevens, and I wonder if we could just drill down a little bit further on what those conversations were and what specifically you relayed or explained to the Ambassador at that time.

A At what time frame are we talking about?

Q So this is after August 3rd, and this is with respect to the comment that you twice offered additional assistance to Ambassador Stevens.

A Again, I would be very careful to characterize it. I had no authority to offer to Ambassador Stevens that the team be extended. I did convey to the Ambassador my desire, my support for the team to be extended and the fact that we at Africa Command were prepared to support the extension of the team but, clearly, that absent a request from State Department Main to Department of Defense, then there was no authority for the team to continue, at least continue under its Site Security Team authorities.

Q And what was the Ambassador's response when you made it clear to him that DOD would be willing to support a potential request?

A Well, again, I was -- I tried to be very careful because, again, I didn't have authority to commit DOD. I couldn't say DOD was going to support it. In my conversations with the Chairman of the Joint

[REDACTED]

[REDACTED]

Chiefs and with others, I had high confidence that if State Department requested that DOD would approve an extension of the team, but I recall trying to make it and making it clear to the Ambassador that I could not on my own, of my own authority, approve the extension, and I know that he understood that. I'm not -- I do not know, frankly, other than the cable that we just looked at, Exhibit 5, I didn't, I was not aware until I saw that, and again I don't remember if I saw the exact cable, but I wasn't aware of the internal State Department conversations about the Site Security Team. [REDACTED]

Q So I believe you answered this already, but then just to further clarify, so then you were unaware of whether the decision not to rerequest or request the extension was based on the State Department's decision to transition to a traditional security paradigm where [REDACTED] Diplomatic Security, the Bureau of Diplomatic Security, its own internal security services as well as host nation support would provide Embassy security? [REDACTED]

A Yeah, I simply don't have any insight into the rationale of the State Department's decision making. [REDACTED]

Q Are you familiar with any other Embassies in your AOR on the continent that where maybe high risk or high threat type locations where the State Department does rely, in fact, on its own security resources and host nation support? [REDACTED]

A Well, most. A significant difference being that in many, perhaps most of those diplomatic, those Embassies, there's also a Marine security guard detachment, and while as we know not principally charged

[REDACTED]

[REDACTED]

with the physical security of the Embassy, that that's a component of overall security, but for most U.S. Embassies in Africa, it is a combination of either host nation security forces or in some cases a contracted security force that provide security at the U.S. Embassies. Again, and some, most, but not all, have, also have a Marine security guard detachment.

Q Okay. We had discussed the 1208, Section 1208 training program that was planned and in the process of being implemented. I was wondering if we can just take a step back and maybe you could describe for us, you know, the benefits, at least based on your experience, of these traditional or more normalized military-to-military engagements with countries where we try to develop partner country's capacity, whether it's to defeat violent extremist organizations or otherwise. Can you maybe just talk about some of the benefits of those types of programs?

A One of the primary missions of Africa Command is to strengthen the defense capabilities of Africa partners so that they're increasingly capable of providing for their own defense, contributing to regional stability and security as well. So a part of that overall strategy is a military-to-military relationship to help host nations develop the kinds of military forces that they need for their own security. From a U.S. perspective, there are a couple of benefits in doing so. One, if a nation has its own capable, well-trained military forces that are disciplined and subordinate to legitimate civilian control, we think that contributes overall to security, lessens the

[REDACTED]

[REDACTED]

likelihood of conflict, but if conflict emerges, they're also better trained, equipped, and prepared to more effectively deal with conflict. And I think an underlying principle is that in Africa, it's better for the Africans to do that than an outside force, whether that be U.S. or others. So that's kind of the overarching principle of the military-to-military training programs.

In the particular case of Libya, in the aftermath of the revolution and the toppling of the Qadhafi regime, there was essentially a total collapse of defense and security institutions across Libya, basically having gone from control by one man or one family, if you will, and how do you build after 40 years of that, how do you help a nation build the kinds of security forces that it needs? And so this 1208 effort was an initial effort with the Libyans to try to help them build, first, a small, very small Special Operations capability that the Libyans recognized that they needed to deal with an emerging extremist threat in their country, but it also was a way to convey to them our commitment, the United States' commitment to Libya, and if we could achieve success in this relatively small endeavor, that might lead to a larger-scale operation with more, with larger military forces in Libya. So those are some of the reasons why we sought to undertake this effort in Libya.

Q Thank you, that's very helpful, sir. I would like to turn now to the checkpoint incident, and there was a discussion about an email relaying some events, and of course you're seeing that email for the first time today. Is that right? You haven't seen that email prior to this?

[REDACTED]

[REDACTED]

A Not to my recollection I have not.

Q And so I would just like to ask a few questions about some of the developments around that time frame with respect to the detachment that was in Tripoli. You had mentioned that it was your desire to keep the full 16-person Special Operations Forces unit in Tripoli at that time in order to maintain the momentum it had built up with respect to the training program. Is that generally accurate?

A That's correct.

Q Okay. And I guess can you help us just understand after the checkpoint incident, and we've seen some of the concerns now raised about the privileges, immunities, the diplomatic status of the stay-behind force or of the training force, how do we get from your desire to keep the full complement there down to the six that ultimately did stay behind? Can you just kind of walk us through that process?

A Yes. So I was -- you're correct, I was desirous of keeping the full team so that we could maintain relationships with the Libyans, so that the team could continue to build their understanding of the environment in which they were operating and also to be prepared when the Libyans gave formal approval that there would be no hesitation, and we could begin the training in earnest. That changed, obviously, on August 3rd, upon the ending of the Site Security Team mission and the team then operating under combatant command authority, vice chief of mission authority, which they had operated under as the Site Security Team. The shooting incident at the Libyan checkpoint on August 6th I think served as, really brought into focus the issue of legal protections

[REDACTED]

[REDACTED]

and immunities for U.S. military personnel not operating under chief of mission authority. Certainly it was recognized before that, but this was kind of a crystallizing event, if you will, and it contributed, along with two other circumstances, I think, to revisiting what the right number of personnel. The other two events, the other two issues being the Libyan Government trying to form in the immediate post-election period. The government still had not quite been formed, and so that created difficulty in getting approvals of the diplomatic notes that would provide the legal protections, and then, lastly, getting formal Libyan Government approval of the 1208 program itself. Ambassador Stevens I think rightfully said, you know, in order for us to proceed, we really need the formal approval of the Libyan Government in order to commence this training in earnest, and I think he was right in that view. So it wasn't just the checkpoint incident in isolation. It was the checkpoint incident and the other factors that caused, I think, all of us to say let's take a look at what's the right number to remain in country.

Q Okay. There have been some public allegations that I would ask you to maybe respond to those, but it's been alleged that you may have wanted to withdraw the entire 16-person team, but the Ambassador had to convince you or was somehow able to convince you to leave 6 behind. Is that accurate?

A That is not accurate. I was initially desirous of the whole team staying. Again, after the incident, the checkpoint incident of August 6th, in, frankly, a continuing dialogue with Ambassador Stevens,

[REDACTED]

[REDACTED]

we had lots of conversations, I think the thought was we'll leave a small number of personnel in Libya to maintain contact with the Libyans. Most of the team will redeploy to Germany, and then they'll be called back when we're ready to begin the training in earnest and have the diplomatic protections.

I think my initial proposal was somewhere in the range of keeping two to four personnel there. My recollection is Rear Admiral Losey, the commander of Special Operations Command Africa, suggested six would probably be a better number to let us continue to interact with the Libyans. Ambassador Stevens concurred with that. And when he visited the command headquarters in mid August in Stuttgart, Germany, we kind of solidified that agreement, that we would keep six personnel, keep the others in Germany to be called back to Libya when the conditions were right.

Q Okay. So is it fair then to describe this as a collegial dynamic in which both parties ultimately ended up agreeing and concurring in the decision to draw down to that number?

A That's certainly my view. I believe Ambassador Stevens was highly supportive of the 1208 program. He wanted to get it underway, as did I. Again, my initial view was we ought to keep the whole team there, but given the three conditions, the checkpoint incident, the slowness of forming the Libyan Government, and the lack of approval from the -- formal approval to begin the training, I think all of those three combined that brought me to a point in close agreement with the Ambassador.

[REDACTED]

BY [REDACTED]

002

Q And can I just ask a quick question. If there had been an incident involving a DOD personnel in country, a shooting, for example, without the privileges and immunities in place, what kind of issue does that create for the Ambassador and yourself?

A Well, it becomes quite problematic, again, absent a Status of Forces Agreement or other legal protections. Basically what has to happen in those circumstances, that the Ambassador, his or her legal staff, regional security officer, general counsel or others then go into a laborious discussion with the host nation because if you don't have -- the United States Government in those circumstances does not have the force of law to say, well, you agreed that you would allow us to exercise jurisdiction in this course, in this case, so it becomes a deliberation, a conversation with the host nation government rather than implementation of a previously-agreed-upon set of rules in the case of apprehension or misconduct by a U.S. person.

Q So it could be a very serious matter, in other words?

A It certainly can be.

Q So would you say that then the reasons that the Ambassador had for throttling back or bringing down the number from 16 to what you agreed upon, ultimately 6, were legitimate reasons or legitimate concerns?

A I agreed with the Ambassador. Again, I initially wanted to keep all 16 there. As the conditions unfolded, I think the mutually agreed upon number of six was the right decision.

DDZ [REDACTED] Okay.

BY [REDACTED]: ODI

Q General, another allegation, and again just we would like to ask for your brief response to this, it's this allegation that the Ambassador had wanted to postpone the decision to draw down the Special Forces unit but that the Department, DOD, acted without the Ambassador's concurrence, which was required. Is that accurate?

A That is certainly not accurate from my perspective. Again, at the conclusion of the Site Security Team, the team then fell under combatant command authority, vice chief of mission authority. It was ultimately a mutually agreed upon decision to go to six members of the team would remain in Libya, and then the rest would be on recall status from Germany when the conditions were right.

Q And in the course of these conversations, did the Ambassador ever express to you any security related concerns about drawing down from 16 to 6?

A I don't -- I don't recall that being a topic of discussion because, of course, that was -- with the team there under combatant command authority, that was not their mission. Their mission was no longer the personal protection, transportation, communication, medical. The nature of their mission shifted. So I don't recall. If there was conversation, it wasn't a major part of the conversation of how many people should stay.

ODI [REDACTED] Thank you, sir.

OD2 [REDACTED] I just have one final question. I believe what was

[REDACTED]

the June 26, 2013, exhibit -- is that 3?

Mr. Richards. It's 4.

OD2 [REDACTED] Four. If you can just go to page 14. And, again, sir, quoting from the second paragraph, this is about the SST team and discussions between you and the Ambassador, and you say, quote, I am not aware of the internal discussions either at the Embassy or between the Embassy and Main State as to why the SST was not extended beyond the 3rd of August, and that is not a topic Ambassador Stevens and I discussed.

And I believe you've alluded to the fact that you did not discuss that, but just for the record, is that still accurate?

General Ham. That is a correct characterization of my recollection.

OD2 [REDACTED] Okay.

BY [REDACTED] ODI

Q General, I would like to return to our discussion about the night of the attacks. Just at the outset here, around the October 2012 time frame, Congressman Chaffetz from the House Oversight and Government Reform Committee had made a number of appearances on national television where he recounted some conversations he had with you during a trip that he had made to Libya in October 2012. Could I just ask you, do you recall that trip?

A I do. Congressman Chaffetz came first to the AFRICOM headquarters in Stuttgart, Germany. We had a briefing with him, and then we flew together to, to and from Tripoli.

[REDACTED]

[REDACTED]

Q And I would just like to go ahead and mark Exhibit 7.

[Ham Exhibit No. 7

was marked for identification.]

BY [REDACTED] ODI

Q This is a posting from a Web site called the Gateway Pundit. The posting itself is dated October 28, 2012, and it's entitled, quote, "Top AFRICOM Commander General Carter Ham Was Never Ordered to Save U.S. Men in Benghazi," close quote, and this Web site contains a link to a YouTube video of a national television interview on or around October 28, 2012, in which Congressman Chaffetz stated the following, and I quote, "I can tell you that in a firsthand account in my meeting with General Ham, I asked very specifically, did we have resources in the area? The answer is yes. Did we have proximity? The answer is yes. And then asked why we didn't send in some of those assets, the general said he was not requested to do so, meaning that somebody higher up than him, he's a four-star general, which there aren't a whole lot of people between him and the President, did not request him to take action," close quote.

General, I would just like to discuss those comments, those characterizations of your conversation of what took place on the night of the attacks and, you know, perhaps tie it back to some of the statements that we read earlier from Secretary Panetta, from General Dempsey as well as yourself regarding the direction to deploy numerous forces on the night of the attacks. Is it accurate to say that none of your superiors requested you to take action on the night of the

[REDACTED]

attacks?

A No. In conversation with the Chairman of the Joint Chiefs of Staff and the Secretary of Defense, the conversation really was more along the lines of, you know, what do you need? What can we do? And every request for forces that I asked of the Secretary of Defense was approved.

Q Is it accurate that you had assets that could have responded, but they did not because the request wasn't made of you?

A I think it, again, depends on one's perspective. There certainly were strike aircraft in Europe, and in some people's views, those strike aircraft were available to respond. In my military judgment, they were not the right instrument to apply in this particular circumstance. So, again, I think it probably depends on your point of view as to whether there were assets available that were not employed.

As the combatant commander, again, I would say that any force that I requested of the Secretary of Defense, forces that I needed his approval to move, the Commander's In-Extremis Force, the Fleet Antiterrorism Support Team, [REDACTED] in each circumstance the Secretary of Defense, with the advice of the Chairman of the Joint Chiefs of Staff, gave verbal approval when I asked and then followed that up with written execution orders to deploy those forces.

Q But, again, with respect to the aviation assets, for instance, the reason you didn't deploy those was not because nobody asked you to but, rather, because you had reached some sort of independent determination or participated in some sort of consultative process, is

[REDACTED]

that --

A I had. In the lead up to September 11th, the staff and I and the Air Component Commander considered heightening the alert status of strike aircraft. I chose not to do that because I did not feel that those assets were the right tool in response to the likely types of attacks that might occur or incidents that might occur on September 11th, and on the night of September 11th and 12th, again, I didn't think that, given the uncertainty of the situation, given the complexity of a large urban environment, and the fact that the first attack subsided pretty significantly about an hour or so after it began, that it was my military judgment that strike aircraft, close air support were not the appropriate tool.

Q Turning back again, General, to Exhibit 4, the June 26, 2013, transcript, I would like to draw your attention to an exchange on -- at the bottom of page 36, the top of page 37.

This is an exchange between you and the chairman, and the chairman states, and I quote, "Sure, this might be a good time to ask. At some point, you know, in the months that have gone by, the intervening time, I heard that you made the statement that you were prepared to go to their aid, and somebody told you no, and you said, We are going anyway. Is that all some supposition that comes from some reporter?"

"General Ham: Yes, sir, no one ever told me no," close quote.

General, did anyone on the night of the attacks ever instruct you to stand down or not go to the aid of Americans in Benghazi?

A They did not.

[REDACTED]

[REDACTED]

Q On the night of the attacks, did you or to your knowledge anyone in your command receive any order from then Secretary of Defense Panetta to stand down?

A We did not.

Q On the night of the attacks, did you or to your knowledge anyone in your command receive any order from then Secretary of State Hillary Clinton to stand down?

A No, and we would not receive direct communications from the Secretary of State.

Q And just one final matter, General. Again, there have been these public allegations, many surrounding the events, including related to you and your actions. After the attacks, can I ask, was your departure from AFRICOM, was that related to the events in Benghazi in September 2012?

A It was not. In fact, my change of command and retirement had been approved in principle several months prior to that in discussions with the Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, and Secretary of Defense.

BY [REDACTED]: ADI

Q Who in Stuttgart would have known about the Annex and the Secretary in Benghazi?

A The command had [REDACTED] at the command. I'm certain that he and the small team knew of his presence. Probably -- I mean, there may have been others in the [REDACTED] who may have known

[REDACTED]

[REDACTED]

about it.

Q But probably not in the plan shop or something like that?

A I don't know.

AD1 [REDACTED] That's all right. Thank you. That's all.

OD1 [REDACTED] Just one final matter, General.

Following the attacks, did you participate in any way in the shaping or the drafting of a set of unclassified talking points that were prepared and relied on during some television appearances on September 16, 2012.

General Ham. I did not.

OD1 [REDACTED] Okay, go off the record.

[Recess.]

OR2 [REDACTED] So we're back on the record. I have 2:28 p.m.

General, we're just going to move as quickly as we can. Just a couple of follow-up questions. There was some discussion just in the last hour about your awareness of the [REDACTED] Annex in Benghazi, and I know you had mentioned that a rep at Stuttgart who presumably knew. Just to be clear, were you aware that there was such an Annex in Benghazi prior to the attack of 11 September 2012?

General Ham. I was not.

BY [REDACTED] ARI

[REDACTED] And did you learn of it in the course of the attack? In other words, when you were apprised about personnel movements is when you learned about it?

A Yes. Shortly after the attack began, when there was a

[REDACTED]

[REDACTED]

discussion of an Annex, and it was referred to as an Annex with the team that could move and did move to the Temporary Mission Facility, that was my first awareness of the Annex.

Q And from an operations standpoint, did that concern you at all? I mean, here's a U.S. facility that you're learning about for the first time in the course of a fire fight.

A Yes, it did concern me. Not that we were, you know, at anytime contemplating military strikes in Benghazi, but in terms of contingency planning and all the rest of it, I think it's important for our combatant command to have awareness and understanding of all of the U.S. facilities in its area of responsibility. My guess is, again, obviously, I'm certain, virtually certain that the [REDACTED] representative at the command knew of it and had we ever gotten to the business of doing strike planning, that would have been surfaced immediately, but it shouldn't, in the midst of a crisis is not the time, is not the ideal time to become aware of such facilities.

ARI [REDACTED] Sure, I understand.

BY [REDACTED] OR2

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q Okay, thank you. Actually, can I ask one quick follow up?

[REDACTED]

[REDACTED]

How many times and when roughly did you visit, do you recall?

A The first visit to Tripoli was in December of 2011, along with the Secretary of Defense, and over the course of my time at the command, I don't recall specifically, but I probably went to Tripoli four or five times.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

OR2 [REDACTED] Okay.

BY [REDACTED] ARI

Q Did you visit Libya between December 11th and the attack?

A Yes. I don't recall specifically when, but I'm certain that I visited at least once and probably more than once between December of 2011 and September of 2012.

Q Do you have any recollection that maybe you were contemplating or your staff was contemplating on your behalf a visit in around the time of the attack? I've seen some paperwork that suggests that the groundwork was necessary for a senior leader visit of commander U.S. AFRICOM in early October, late September, but that may have been occurring without your knowledge.

A Yeah, I don't recall specifically. It would have made sense because when Ambassador Stevens and I jointly made the decision to reduce the size of the U.S. military team in Tripoli, the thought was about a month or so for the Libyans to kind of get their approvals to begin

[REDACTED]

[REDACTED]

the 1208, so it seems logical to me that the staff was kind of thinking about, okay, it would probably be a good time for the commander to go back if the Libyans will be in a position, it would be a new government, in a position to talk about the military-to-military training endeavor.

Q So that's helpful because I've also seen some paperwork that suggests separately but approximately the same period of time again, September, early October, Admiral Losey was planning a senior leader visit to Libya. So from what you're saying -- well, do you have any recollection of that?

A I don't, but --

Q It would make sense?

A It would be normal for Admiral Losey to make a visit. His would be, would probably be a little more tactical about the specifics of beginning the training program and mine would probably be a focus a little bit with the Chief of Defense, Minister of Defense level.

ARI [REDACTED] Sure, I understand.

BY [REDACTED] OR2

Q [REDACTED]

[REDACTED] If I could just shift to the Temporary Mission Facility, the State Department, what was commonly called the consulate by some in Benghazi. Forgive me if you've answered this already, I may have missed it, but prior to the 11 September attack in Benghazi, were you aware of the State Department facility there?

A I knew there was a Temporary Mission Facility in Benghazi, yes.

[REDACTED]

[REDACTED]

Q And when did you become -- let me ask it like this: Had you been aware of it since the time when it was Envoy Stevens location during the revolutionary period of Libya? When did you become aware of that?

A I knew that Mr. Stevens, then Mr. Stevens was in Benghazi coordinating with members of the Libyan opposition. I don't recall, you know, when did that, when did it change its designation, if you will, of a Temporary Mission Facility, but I knew there was a place in Benghazi where the U.S. Government operated from.

Q And with respect to, we know that DOD often provides noncombatant evacuation services to U.S. official Americans in places like Libya. We understand that during Operation Odyssey Guard, the State Department mission in Benghazi was, and I should clarify, this is post the reopening of the Embassy in Tripoli, so about the October time frame of 2011, we understand that the State Department mission in Benghazi was still in communication with the AFRICOM Joint Personnel Recovery Center, in case there was a need to evacuate mission personnel. To your knowledge, was there a point at which AFRICOM stopped communicating with the Benghazi Temporary Mission Facility about potential evacuation needs of State Department personnel or was that a continuous dialogue that AFRICOM would have continued to have with the State Department personnel in Benghazi?

A Well, it would have been continuous, but once the Embassy was reestablished, the communication would have been principally through the Embassy and the regional security officer.

[REDACTED]

[REDACTED]

Q Thank you. If I could just now fast forward --

A And, if I could, it's also possible, I just don't know, that in the coordination for noncombatant evacuation, the AFRICOM staff who oversees it, they may well have been aware at that point of the Annex. I just, I personally was not aware of that facility.

Q Thank you, sir. If I could just fast forward now to right before the attacks of 11 September 2012, when did you learn that Ambassador Stevens planned to travel to Benghazi?

A I did not know beforehand. I knew shortly after the attack was reported. One of the first pieces of critical information was that the Ambassador was present.

Q When you learned it, were you surprised that the Ambassador was in Benghazi on the anniversary of September 11th?

A No, not particularly.

Q Were you aware of any deteriorating security concerns in eastern Libya generally or Benghazi specifically leading up to the attacks of 11 September?

A Yes, very much so. More so in eastern Libya, particularly in the city of Derna, but post the collapse of the Qadhafi regime in Libya, the intelligence reporting became very focused on violent Islamic extremist organizations either establishing themselves or in some cases reestablishing themselves in eastern Libya centered around Derna. There was -- the situation from Benghazi was certainly a presence of extremist organizations, but also in significant competition with militia and those who had participated in the Libyan revolution, but

[REDACTED]

[REDACTED]

the real focus for us for extremist organizations and a widening network was focused and centered around Derna. [REDACTED]

Q And were you aware, just briefly, were you aware, there would have been a series of incidents, security incidents in Benghazi, attack on the consul itself, where there was a hole blown in the wall. There was an attack on the British Ambassador shortly thereafter, a series of other attacks on western targets and government of Libya targets in Benghazi in the weeks and months preceding the attack. Was this something that you were aware of as AFRICOM commander that you were tracking?

A Yes. The deteriorating security situation generally, and then the specific attacks. In hindsight, as we looked at the reporting of all the incidents that had been reported, some of them in the media, some of them here in the Congress and others, not all of the incidents that were reported publicly had made it into the intelligence community reporting, but any incident that made it into the intelligence community reporting I was aware of generally, in some cases specifically. For example, the attack on the British Ambassador was something that would have been included in my daily intelligence update, but I think it is -- it certainly was apparent to me and to others that the security situation broadly across the east was deteriorating and certainly a concern in Benghazi.

Q And to your knowledge, did anyone at AFRICOM, including yourself, raise this with State or other officials in Washington perhaps? I mean, was this a topic of conversation about the downward

[REDACTED]

[REDACTED]

trend of security in the eastern part of Libya?

A Yes, it was a significant topic of discussion, and it had from a military standpoint manifested itself a couple of different ways. One was the urgency, in my view, of establishing the 1208 training program to start to work with the Libyans so that they would have a capability to deal with, deal effectively with some of these extremist organizations. It factored significantly in requests for intelligence surveillance and reconnaissance assets, both manned and unmanned because, again, the greatest shortfall was understanding the environment that was unfolding in Libya. So intelligence, surveillance, and reconnaissance from a military standpoint was a very, very high priority. Some of that necessitated, much of it necessitated interaction with the Libyans. They had, it was their air space obviously. They were broad -- the Libyan Government was broadly supportive but had periodic concerns, particularly for manned systems that could be a little bit noisy, and they got, again, some public complaints about that.

BY [REDACTED]

ARI

Q So, General, in September 2012, say just the day before the attack, as I understand, there were 10 uniformed personnel in Libya, 10 U.S. uniformed military personnel in Libya. One was Lieutenant Colonel [REDACTED] and the five other members of the former Site Security Team. One was the defense attache, Lieutenant Colonel [REDACTED] you know, warrant officer assigned to him, Mr. Taylor, there was the Office of Security Cooperation officer, Lieutenant Colonel [REDACTED]

[REDACTED]

[REDACTED]

and then I think the day of the attack (inaudible) a staff sergeant, arrived to be part of the OSC team. That adds up to 10. Is there any particular reason you knew that number? You knew it was six of course from the former SST team?

A Well, and certainly knew the attache and --

Q Had interactions with the attache?

A Right, sure.

Q And how about Lieutenant Colonel [REDACTED]

A Certainly, I would see Lieutenant Colonel [REDACTED] in visits and when I would visit Libya.

Q So, in general terms, you had, what would I say, an understanding of the approximate size of the number of uniformed personnel that led --

A That's correct.

Q And in considering at your command posture the forces in your command should assume in anticipation of the 9/11 anniversary, you had a very good explanation and discussion I think about considering fighter aircraft and changing the posture and the decision made about that. You made a quite clear explanation about that. In the course of that discussion or in the course of considering, contemplating the posture that the fighter wing at Aviano might assume, did you have any reason to know that the wing there was in a training posture on September 11th or anticipated being in training posture on September 11th?

A I did not know that at the time. But I would also say that, again, if I had made, if my determination prior to September 11th had

[REDACTED]

been that strike aircraft were an appropriate response, then, and I have full confidence that if I had directed the Air Component Commander to have aircraft on some kind of heightened alert status, they would have.

Q Oh, certainly, I understand that. I didn't mean to suggest otherwise. Absolutely. And, similarly, did you know in the days before 9/11 that the EUCOM Commander's In-Extremis Force was going to be in Croatia on a training mission?

A I didn't personally know that, but I'm sure that was known within my operations staff.

Q And how about -- there's been various discussions about a FAST team was sent to Sanaa. Again, that's a little far afield, but is there any particular reason to have any visibility into the dispatch of the FAST Team in or around this period of time?

A Again, it may have been part of a normal intelligence briefing, but I don't have any specific recollection of that.

Q Fine, I understand. And you mentioned, I think, some sort of response team that was in Djibouti in and around this period of time.

A So Djibouti is the one forward operating base that Africa Command maintains on the African continent. The commander of Combined Joint Task Force Horn of Africa had formed essentially out of hide a small response force for any possible contingency. At the time, I think he was thinking mostly of Khartoum, but that was good initiative and a good way to have a force postured for Eastern Africa.

Q And my understanding that that team was not, correct me if I'm wrong on that, that team was not political to a Libya situation,

[REDACTED]

just the distances are so great?

A Correct. That was designed specifically for a possible deployment within the Combined Joint Task Force Horn of Africa area of responsibility, which is essentially East Africa.

Q I see, very good.

Mr. Chaffetz. General, good to see you. Thank you for being here. I thank you for your service, I appreciate it. You've done a lot for this Nation at every level of the military, your rise to a four-star general is a great success story and should be recognized as such, and appreciate your service through the decades that you've done it.

General Ham. Thank you, Congressman.

Mr. Chaffetz. I wish you nothing but the best. It's an amazing system we have where Representatives come and chat about these things and have discussions and ask very pointed questions, and I'm grateful for that, this opportunity, and I'm grateful for the interaction that we have to ask these because we do need to learn from mistakes and try to do the best we can to make sure they never, ever happen again. So I have a few questions that I would like to ask as well, and I know you've been over this ground multiple times.

You did have some assets that may not have necessarily been reporting directly to you but that were in some proximity to Libya. You've also, I believe, testified and said publicly that you believe that the fighting was, after I believe an hour, hour and a half, and I don't want to put words in your mouth, but describe to me what you

[REDACTED]

[REDACTED]

saw from the beginning of the attack and then about an hour, hour and a half into it, you believed that the fighting had changed, correct?

General Ham. I do, Congressman, I think probably, maybe not the best, but in my view, an appropriate descriptor would be that as the team from the Annex arrived at the Temporary Mission Facility and secured all of the U.S. personnel there, less Ambassador Stevens, but to include Mr. Smith's remains, that the fighting in and around the Temporary Mission Facility significantly subsided and that the team from the Annex was then able to successfully evacuate all the persons from the Temporary Mission Facility back to the Annex.

Mr. Chaffetz. And at this point, you have, you do have an unmanned aircraft that is able to see at least part of what's happening there at that point, correct?

General Ham. Yes, Congressman. My recollection is it arrived a little more than an hour after the attack began that the Predator, which had been diverted from east Libya, arrived over Benghazi.

Mr. Chaffetz. And there was still some fighting, there was still small arms fire and other types of weapons being used, correct?

General Ham. I think that that is true. I don't recall, again, that there was any significant level of fighting. Again, I think in my view the word "subsided" is good, and the Predator is not particularly good at identifying, you know, particular points of origin of small arms fire, so the Predator would not, particularly in its early deployment as the operators were trying to get bearing and get familiar with an area over which they had not previously or habitually operated, the

[REDACTED]

Predator would not have detected small arms fire unless the operator really zoomed in on a particular point if there was cause to do so.

Mr. Chaffetz. And you're also getting communications from the people on the ground. There are various people using telephones and communicating back to not only military points of contact but also the State Department and others, correct?

General Ham. Yes, Congressman, but, again, you know, I think you characterized it correctly, cell phones and I don't recall that any of those conversations were coming direct into the Africa Command Joint Operations Centers. They would go back principally to Tripoli, and then communications then relayed, the nature of communications relayed from Tripoli to various points, one of them being the Africa Command headquarters, and for the most part, it was the defense attache at Tripoli who was in communication with the AFRICOM Operations Center.

[2:50 p.m.]

Mr. Chaffetz. So who else felt like it was over?

Mr. Richards. I'm sorry, he said "subsided." I just want to clarify that point.

Mr. Chaffetz. Well, subsided. At what point did you actually feel like that the fighting was over and that our U.S. personnel were safe?

General Ham. When the team from the Annex had arrived at the Temporary Mission Facility and was able to secure and evacuate all the U.S. personnel, less the Ambassador, including the remains of Mr. Smith, and, again, based on the reporting and the information that I had, that the fighting had significantly subsided, that that was the condition that applied then. And the focus, at that point, shifted to potential hostage rescue of an unaccounted-for Ambassador.

Mr. Chaffetz. What tools were at your disposal -- if it had subsided, there's an opportunity that it could have escalated or that it could have diminished to nothing, correct?

General Ham. Well, certainly. I think, you know, there's certainly a range of possibilities.

Mr. Chaffetz. Did you plan for the potential that hostilities were going to escalate?

General Ham. My sense was and I think the sense that we received via the Embassy was, again, that all U.S. personnel had been evacuated

[REDACTED]

from the Temporary Mission Facility to the Annex and the Ambassador was missing. And that became the focus of our efforts at that point.

Mr. Chaffetz. Did you think they were safe?

General Ham. The personnel at the Annex?

Mr. Chaffetz. Yes.

General Ham. Largely, yes, because, again, the fighting had significantly subsided. I don't recall, whether at the operations center and then relayed to me, I simply don't recall that there were any reports of fighting at the Annex.

Mr. Chaffetz. Did you plan or put anything in motion if the fighting were to escalate?

General Ham. The emphasis at that point was getting the forces postured for a potential hostage rescue. That was the emphasis.

Mr. Chaffetz. So there was nothing else in motion if the others that were still alive came under further attack?

General Ham. Well, there were forces in motion. The Commander's In-Extremis Force, the Fleet Antiterrorism Support Team, those forces had been alerted and notified for deployment --

Mr. Chaffetz. So when --

General Ham. -- by the Secretary of Defense.

Mr. Chaffetz. When did the FAST team -- I believe there were two. They operate on an N plus 6, correct?

General Ham. My memory's, frankly, a little foggy, but that sounds about right.

Mr. Chaffetz. When did that N start? That is, when did that clock

[REDACTED]

[REDACTED]

start ticking? "Ladies, gentlemen, prepare," when did that start?

General Ham. I can't recall the specific time. My guess is that it's probably in a Joint Staff official record someplace.

But in an early conversation with the Secretary of Defense, the gist of the conversation is, what do you need? And, at that point, he, the Secretary of Defense, gave verbal approval to begin the movement of the Commander's In-Extremis Force and of the Fleet Antiterrorism Support Team.

Mr. Chaffetz. To move the Commander's In-Extremis Force, when did that start?

General Ham. Again, I don't recall the specific timing. It was early on in a conversation with the Secretary of Defense.

Mr. Chaffetz. And this is one of my great concerns, is that if you have a FAST team that operates on an N plus 6 and they're not able to get there until 9:00 p.m. the next night, why the lag? When did that start?

General Ham. Congressman, I can't answer. I simply do not recall the --

Mr. Chaffetz. Do you think it's a fair question?

General Ham. I do. I just don't have the answer for you. The answer, I'm certain, is in the record someplace. I just don't have it.

Mr. Chaffetz. And that's one of my frustrations, is I don't have it either, and I've been asking for a long time.

The Commander's In-Extremis Force, they operate on an N plus -- and I'm not sure what that timeframe is. Do you have any idea when they

[REDACTED]

[REDACTED]

started?

General Ham. My recollection is, in one of my early conversations with the Chairman of the Joint Chiefs of Staff and the Secretary of Defense, I had asked for, and was approved, for the alert notification and deployment of the Commander's In-Extremis Force and the Fleet Antiterrorism Support.

So my recollection is that the Secretary gave verbal approval shortly after the attacks began. And then a formal written execution order came sometime after that, but the wheels had already been put in motion.

Mr. Chaffetz. And, again, just for my own edification, this is one of the concerns that I have, is I don't know when that started. I know they operate on supposedly a very fast timeline, a quick timeline, but I just don't understand why they weren't put into motion sooner as a contingency to give the President options. And I think it's something we seriously need to look at.

If, as you say, an hour to an hour and a half, you believe that the mission was changing to one of primarily recovery and a potential hostage situation, if that was not the case, if we were still under attack, what would have been done differently?

General Ham. Well, Congressman, you'll understand my reluctance to deal in hypotheticals.

As these events were unfolding in realtime and as -- in my view, the primary role for the U.S. military after the team from the Annex had moved persons from the Temporary Mission Facility back to the Annex,

[REDACTED]

[REDACTED]

the role for the U.S. military now shifts principally to hostage rescue.

[REDACTED]

I asked for and the Secretary of Defense, again, with the support of the Chairman of the Joint Chiefs of Staff, gave verbal approval to begin the deployment of that unit. Written orders followed sometime thereafter.

Mr. Chaffetz. Do you recall when that started?

General Ham. It was not long after we learned that the people from the Annex had secured all the personnel, less the Ambassador. So, I mean, within an hour or 2, I think.

Again, Congressman, I understand your desire for the specifics. I simply don't have it. You know, at what time did the Secretary give that verbal approval, at what time was the execution order released, I simply don't have that in my mind.

Mr. Chaffetz. And --

OR3 [REDACTED] Mr. Chaffetz?

Mr. Chaffetz. Go ahead.

OR2 [REDACTED]. Actually, I think just to help it be a productive discussion, if I could, I was going to give this to you anyway, but I'll just do this now.

I don't know what exhibit we're on. Do we know?

Mr. Richards. Eight, I think.

OR2 [REDACTED]. Eight? I think it's 8, too. Okay.

[Ham Exhibit No. 8

was marked for identification.]

[REDACTED]

[REDACTED]

OR2 [REDACTED] So what this is is -- this is a DOD official timeline that was released. And I'm just going to mark right here, because I think this is the part that you and Mr. Chaffetz were discussing, just to help you out.

Mr. Chaffetz. So if the primary -- if there are two concerns that are foremost in your mind, one is potential hostage, the other is recovery, why is it that the -- let me try to find it here on the timeline for you -- why is it that -- on page 2, first item under Wednesday, September 12th, "AFRICOM orders a C-17 aircraft in Germany to prepare to deploy to Libya to evacuate Americans."

Why does it take so long to start to even prepare to extract people from Libya?

General Ham. Congressman, I'd start by saying that the mission, the military mission, after, in my view and I think the view of the command, that the attack at the Temporary Mission Facility had largely subsided, the mission was hostage rescue. You said "recovery." I didn't say "recovery," and that's not a phrase that I would use. So hostage rescue became the focus of our efforts.

I don't recall at that point what the specifics of the discussion with the Embassy was about the movement of the personnel from Benghazi. I simply just don't recall the nature of that conversation and what timelines the Embassy was thinking about and the like.

Mr. Chaffetz. So you had no contingencies for an escalation of violence on the facility where there was now consolidation?

General Ham. The understanding of the situation, which we

[REDACTED]

[REDACTED]

were getting -- we were starting to build situational understanding. A Predator overhead; a second Predator came in. Reports that we were getting did not, in my view, give any indication that there was a likelihood of further escalation of fighting.

Mr. Chaffetz. And with all due respect, I just find that stunning. A, that didn't turn out to be true. B, everybody that I'm aware of did not think that our U.S. personnel were ultimately safe. Is that fair, in your mind?

General Ham. Congressman, you can come to whatever conclusions the information you have leads you to. The information I had -- again, as this was unfolding in realtime, not in hindsight, but in realtime, my sense was, and I think the sense of most others was, when the U.S. persons were evacuated to the Annex and fighting had largely subsided, then the conditions had significantly changed in Benghazi.

Mr. Chaffetz. What specifically did your superiors tell you to do?

General Ham. My superior was the Secretary of Defense, obviously. The law requires that operational orders are normally transmitted via the Chairman of the Joint Chiefs of Staff.

Congressman, I think, as you know, I happen to have been in the Pentagon that day, along with all the other combatant commanders and service chiefs. So I met with the Chairman immediately upon learning that there had been an attack. After a very brief discussion, we walked upstairs and met with the Secretary of Defense.

And the gist of the conversation was, what do you need, from the

[REDACTED]

[REDACTED]

Secretary and the Chairman to me, and discussions, again, about FAST, about the Commander's In-Extremis Force, [REDACTED]

[REDACTED]. And those were approved. But there were --

Mr. Chaffetz. Those are things that you asked for.

General Ham. Yes. No force that I asked for was -- no request that I made of the Secretary was ever disapproved.

Mr. Chaffetz. What specifically did he command or ask you to do?

General Ham. Well, the general direction was, you know, we need to do what we need to do to support the Embassy and to get our people safe.

Mr. Chaffetz. So to support the Embassy, does that mean that the State Department was going to make decisions about what to do or not do?

General Ham. Well, Congressman, I think it's not quite that clean. But it's very much a collaborative effort. The then-charge d'affaires on the ground, obviously the senior American now exercising authority in Libya, he's advised by a whole team, to include a defense attache and a [REDACTED] [REDACTED] And there are certainly military personnel there, as well.

So it's very much a U.S. Government collective and, I would say, from my perspective, largely cooperative effort to deal with an emerging crisis.

Mr. Chaffetz. So the Secretary of Defense, is it fair to say, gave you no specific orders to engage in the fight?

[REDACTED]

[REDACTED]

General Ham. The Secretary of Defense ultimately issued very specific orders, in terms of an execution order with regard to deployment of the Commander's In-Extremis Force, the Fleet Antiterrorism Support Team, [REDACTED]

Mr. Chaffetz. Did he direct you to prepare them, or did he direct you to have them engage in the fight in Benghazi?

General Ham. My request of the Secretary was, these are the capabilities that I think will be most useful as we learn more about this situation. And he made those forces available to me to employ at my direction as the combatant commander. [REDACTED]

In my experience -- and, admittedly, you know, I've been a combatant commander at this point for about a year and a half and had been director for operations on the Joint Chiefs of Staff for a while before that. But, in my experience, it's not particularly normal for the Secretary of Defense to issue tactical direction to a combatant commander. Rather, the Secretary of Defense makes forces available based upon assessment of the situation for employment by a combatant commander. [REDACTED]

Mr. Chaffetz. Were you ever commanded to engage in the fight in Benghazi?

General Ham. I didn't need to be, Congressman. I mean, I didn't need anybody to tell me, you need to take action here. There are Americans in harm's way. [REDACTED]

Mr. Chaffetz. So the Secretary of Defense is making forces available. And are you saying that you, and you alone, made the decision [REDACTED]

[REDACTED]

[REDACTED]

to not engage in the fight there in Benghazi?

General Ham. I would strongly disagree with your characterization. As the situation unfolded and the conditions changed significantly over time, in some cases over a very short period of time, in my view, again, as the events were unfolding in realtime, that the military forces that were deployed were appropriate for the conditions as they existed in realtime.

Mr. Chaffetz. So when we started to take more fire and we lost two more Americans and we were under heavy attack, you would agree that the conditions changed, correct?

General Ham. They did, Congressman.

Mr. Chaffetz. And so, what did you do in response to that?

General Ham. I think, again, Congressman, as these events unfolded in realtime, I think it's important to go back in time to what led to that situation.

As the U.S. personnel were evacuated from the Temporary Mission Facility to the Annex, less Ambassador Stevens, and then a few hours later Ambassador Stevens' remains were recovered, and at this point all Americans who had been in Benghazi were accounted for, regrettably two dead, Ambassador Stevens and Mr. Smith, the Embassy put into motion what I believe was a sound plan from the Embassy to evacuate all personnel from Benghazi back to Tripoli. And they dispatched a small team from Tripoli by aircraft to Benghazi to facilitate that.

Again, as events were unfolding in realtime, that seemed to me to be very reasonable. The information we had, admittedly secondhand or

[REDACTED]

[REDACTED]

so, was that the Embassy had coordinated that move with the Libyan Government fully and that all was to be expected to proceed smoothly.

When the team arrived at Benghazi Airport, they were not allowed to leave. The Embassy team was detained or somehow prohibited from moving off of the Benghazi Airport for some number of hours. And in that number of hours is when I believe the second attack was able to occur.

Had the timeline for evacuation from Benghazi occurred on or near a timeline that the Embassy had planned in agreement with the Libyan Government, then Americans would have been out of Benghazi by the time the second attack occurs. There likely would not have been a second attack.

Mr. Chaffetz. So you had full authority to do what you needed to do from the very beginning of this attack?

General Ham. Yes.

Mr. Chaffetz. Was there any direction from the Secretary of Defense that was specific in its nature in terms of what you should specifically do?

General Ham. Yes, Congressman. Again, in the very specific nature -- I mean, execution orders, which I presume are matters for the record, and I would assume that the committees have access to those, though they were classified, perhaps are still classified, they are very specific as to what the deployment of forces mean.

But in the conversation with the Secretary of Defense, with the Chairman of the Joint Chiefs of Staff, the Secretary of Defense, as all

[REDACTED]

[REDACTED]

of us were, trying to gain better understanding, his basic guideline to me is, what do you need? And he gave me every force that I asked for.

Mr. Chaffetz. In retrospect, is there anything you would do differently?

General Ham. Yes, Congressman, there is. I would begin probably with an obvious statement of advise the Ambassador to not go to Benghazi. But I say that a little tongue-in-cheek, because, in my view, no one understood the conditions in Libya, and Benghazi specifically, better than Ambassador Stevens. And I'm convinced, if he thought there was a likelihood of attack, not out of any personal concern -- I believe he was a personally brave man -- but he would not have put others at risk if he thought there was an attack. But, clearly, I would start with that.

The second piece, I think, would be, as the personnel from the Temporary Mission Facility were consolidated at the Annex, then I would, in hindsight -- again, not as events were unfolding in realtime, but in hindsight -- I would try to work with the charge d'affaires, with the [REDACTED] with the Libyan contacts that I had, chief of defense, Minister of Defense, to hasten the movement out of the Annex to the Benghazi airport and either from there back directly to Germany or to Tripoli, as the Embassy had requested.

Mr. Chaffetz. Going back to the exfil, why, do you recall, did it take so long for the C-17 to be prepared and then deployed into Libya?

General Ham. Congressman, I don't -- again, in hindsight, it

[REDACTED]

[REDACTED]

seems like a long, long time. I think in realtime, with the uncertainty as the situation was unfolding -- and, frankly, my recollection is they -- I don't remember whether either airport, Benghazi or Tripoli, were safe for night landings. I just don't recall. But I just, in the back of my head, there's something that says that was a part of this conversation.

Mr. Chaffetz. My recollection is they didn't have the ability to land at night, and that was part of the problem. But landing at 2:15 in the -- or departing Germany at 2:15 in the afternoon put them probably at more risk of landing at night on the other end.

But, nevertheless, one of my concerns, going to the timeline again on this same document, on Wednesday, September 12th, 7:57 p.m., the EUCOM Special Operations Force and associated equipment arrives at an intermediate staging base in southern Europe.

I don't know if you can shed light on this, but one of my concerns is, why, when a team operating on N plus, whatever that number is, is supposed to be able to deploy so quickly, why did it take until nearly 8:00 p.m. of the following night to get there? That's just to the staging base.

General Ham. Congressman, they very clearly could have arrived somewhere else sooner, but as the nature of the missions changed -- so there was an initial alert and notification, very uncertain situation in Benghazi. We didn't know what was going to happen. Again, as the events that I've already described unfolded and the nature of the missions changed a bit from immediate response to hostage rescue, and

[REDACTED]

[REDACTED]

then, with the recovery of the Ambassador, that no longer was a military mission, that the next step post-crisis, post-this-immediate-crisis, we viewed, was the next likely mission would be identification, pursuit of the perpetrators of this.

And so, as those missions were unfolding, at some point, I don't recall the specific point, but it was for the Commander's In-Extremis Force, while they were prepared to move and could have moved, there was no mission to move them toward at the time.

[Discussion off the record.]

BY [REDACTED] ARI

Q General, I want to -- I believe this is something that you talked about earlier, and I think you're going to understand why this is of interest. I think you said you were with the AFRICOM liaison at the Pentagon on the day of the attack.

A Yeah. At the Pentagon.

Q Sir --

A I got notified at the liaison office.

Q Sorry. And I guess, because word had come through them or to the --

A I don't recall specifically whether I was at the office or whether someone tracked me down wherever I was, but, yeah.

Q And, obviously, we're intensely interested in how the events were characterized to you, as to whether or not there was an attack under way, a disturbance of some sort, a shooting. Do you have any recollection of -- you've used the word "attack" today. I don't know

[REDACTED]

[REDACTED]

if you have a recollection of how it was --

A I don't remember specifically when the operations center initially notified me of the incident. I don't remember what word they may have used.

But it certainly became apparent very quickly, I mean, very, very quickly. I mean, there were reports of rocket-propelled grenades being fired and the like. And I don't know how you characterize that other than an attack.

Q Sure. And is this sort of information, rocket-propelled grenades, shooting, and so forth, the sort of description that you remember conveying to General Dempsey and Secretary Panetta?

A Yes. Again, I don't recall specifically, you know, if I knew about RPGs when I walked into the Chairman of the Joint Chiefs of Staff office or if I learned about it while I was in his office or en route to the Secretary. But, again, it was very clear in my mind very, very quickly that this was an attack, this wasn't -- you know, that's the best way I can explain it.

Q Sure, sir. And I don't question that for a second. I'm just trying to establish -- you said very quickly it became apparent to you. I think you're conveying to us that you very quickly conveyed those impressions to others.

A To the Chairman of the Joint Chiefs and the Secretary, yes.

Q Right. I mean, obviously, there's lots of discussions about who knew what when about what was going on in Benghazi, which is why this is of interest to us. And so, again, we're interested to know if

[REDACTED]

[REDACTED]

you think, from your recollection, General Dempsey and Secretary Panetta departed the Pentagon and went to the White House with some understanding that the events that were under way in Tripoli were an attack, as you would commonly describe it, as opposed to a tumultuous protest or something of that nature.

Do you have any recollection of, kind of, the information that you believe you imparted to them and that they may have gone on to the White House with?

A I obviously do not know what the nature of their conversations were at the White House --

Q I understand that, but --

A -- but I do --

Q --- you know what information you imparted --

A Yes.

Q -- to them before they left.

A And I don't -- I certainly do not recall, in those very initial discussions, of any discussion about protests or demonstrations. I don't think there was -- I just don't recall that that entered into the conversation. It was clearly about an attack on a U.S. diplomatic facility.

Q When you say "those conversations," you mean --

A With the Chairman and the Secretary.

Q -- which was in the Secretary's office, I think you said.

A Initially with the Chairman in his office --

Q Right.

[REDACTED]

[REDACTED]

A -- then we walked up, he and I walked together to the Secretary's office.

Q And do you have any knowledge, was the information that the Chairman and the Secretary were receiving about the events in Tripoli, were you their sole conveyor of information? Or while you were in briefing them, were staff officers coming in with other updates or there was some other input describing the situation?

A I believe I was the first one. Just by the nature of the communications, I think I was the first one to notify the Chairman of the Joint Chiefs of Staff and then, together, notify the Secretary.

But as I had a very short meeting in the Chairman of Joint Chiefs of Staff office, as we were walking, as we were in the Secretary of Defense's office, more information would come. Some of it came from my liaison office at the Pentagon. Some of it came from the Joint Staff National Military Command Center. I suspect some of it came from representatives of the intelligence community who work at the Pentagon, as well.

Q And to the extent you were privy to these incoming, you know, discussions or this piece of information, do you recall hearing anything that ran counter to your assessment of an attack? I mean, someone come in and say, well, we've got a protest run amok, or we've got some confused circumstance, we don't know what it is. Do you have any recollection of --

A I have no recollection of such a comment. And, again, this was unfolding --

[REDACTED]

[REDACTED]

Q I understand.

A -- pretty fast.

Q I understand.

A Because, kind of, the direction from the Chairman of the Joint Chiefs and Secretary, when they told me that they had a scheduled meeting with the White House, it was, you know, let's get what we can.

And my recollection also is that, as they were traveling, I think, you know, that the National Military Command Center was feeding information, you know, to their executive officers and those kinds of things.

Q Because they would have secure communications in the car, so they could receive information.

A Correct.

Q And you didn't accompany them, right?

A I did not.

Q And I am not trying to be pedantic about this, but, I mean, were you with the Secretary and the Chairman until they literally departed for the White House or went to their cars?

A I don't remember specifically. But, again, that I have a vague recollection, after that first initial meeting, and it wouldn't be all that unusual, I may well have walked out of the building with the Chairman, you know, just kind of giving him the last information we had as he prepared to move to the White House.

Q Now, how about on the return? I think you said that when they got back from the White House, you imparted to them some information

[REDACTED]

[REDACTED]

about what had changed in the interim, in their absence.

A Correct.

Q I think that's what you said.

A That's right. Because when they came back from the White House, we reconvened. And, obviously, the two of them were interested in, you know, what more do we know about this situation? And so there was a bit of that discussion. But most of it was focused on, what do we do now?

Q And what did you know new about the situation? Do you remember what you knew then?

A My recollection is, upon return from their meetings at the White House, when they returned, either right then or shortly thereafter, was when we learned that all the Americans had been accounted for, Mr. Smith dead, Ambassador unaccounted for. And that's when the focus shifted to hostage rescue, [REDACTED]

[REDACTED]

Q And is it your recollection that when you reported that back to them when they got back, that was new information to them? I mean, they didn't say, oh, yeah, we heard while we were --

A I think it was -- I think it was new. Again, the time is a little foggy, but I think it was new information to me and, I believe, new information to them, I believe.

Q Okay. That's very helpful. Thank you.

To talk just briefly about the fighter aircraft, the Aviano fighter wing, you've explained why that was an inappropriate tool to posture

[REDACTED]

[REDACTED]

differently that day, on that day. I understand that explanation.

Just for the record, I want to establish that, on the night of the attack, just as you considered fighter aircrafts at Aviano an inappropriate tool, in your mind, to use at the issue under way, presumably you considered NATO attack aircraft equally inapplicable to the scene, to the events in Benghazi?

A My thought wasn't specific to Aviano. It was more a discussion of our strike aircraft; is close air support an appropriate tool to use in this circumstance. And my military judgment was, no, it was not.

Q So --

A I do not recall that we had a conversation that said, okay, you don't want to use American aircraft, would you use -- I think it was -- once I had made a decision and said, I don't think close air support is the right tool, I don't think there was a further discussion.

Now, there may have been at the staff level. I mean, there may have been, you know, some AFRICOM, EUCOM discussions that said, hey, are there any NATO aircraft that might be more available, you know, on a quicker timeline? That may have occurred, but I don't know.

Q But you don't have any recollection --

A I do not.

Q -- of those discussions.

And I'm just going to run through a couple things.

How about dispatching an armed drone?

A We didn't have -- we had unarmed flying out of Sigonella at

[REDACTED]

[REDACTED]

the time. There was a capability to arm them at Sigonella. [REDACTED]

and, at that point, it was more important -- the collection was the priority. Understanding was the highest priority, trying to understand what was going on.

Q I see. I understand.

Mr. Issa. But your question was, did you reject the use of that aircraft, not the timeline.

ARI [REDACTED] Or even consider --

Mr. Issa. Were you considering it, regardless of the timeline?

General Ham. I don't recall specifically, Mr. Chairman, whether we had that discussion. I mean, I'm sure at some point we had a conversation about arming, but I don't remember the timing of it.

ARI [REDACTED] But you were aware at that time of the timeline?

General Ham. I knew that there was a capability to arm the Predators at Sigonella. [REDACTED]

ARI [REDACTED] Okay.

Mr. Issa. But you didn't launch a Predator from Sigonella. You repositioned an existing one, is my understanding.

General Ham. We did, Mr. Chairman, but then we did launch a second.

Mr. Issa. Was there still one on the ground at Sigonella?

General Ham. Yes, there were -- there were two. So the

[REDACTED]

[REDACTED]

one -- again, I think it's in the timeline, but the first one had been flying. The second one was preparing to fly, to take off, to relieve the first one on station. Yeah.

ARI [REDACTED] And, finally, did you contemplate, have discussions about or consider the dispatch of an AC-130 to the Tripoli area?

General Ham. I did not. I think I knew that there were no AC-130s in theater. And I believe that was an accurate statement.

ARI [REDACTED] That you think you knew that at the time?

General Ham. I do.

ARI [REDACTED] Okay, I was going to change topics, but do you have anything you want to --

Mr. Issa. Just to follow on that, did you order an inventory of assets that could be brought to bear at any point during those first few hours?

General Ham. Mr. Chairman, I mean, I didn't need to do that specifically. The operations center at Stuttgart, working under the direction of the military deputy, had already done that. And so, in my discussions with them, it was an abbreviated conversation, but basically the word back to us was, hey, General, here's the forces that we've got and the posture.

But, certainly, the operations center had the detailed information of forces available, and in complete cooperation with European Command, who owned most of those forces.

Mr. Issa. But you didn't ask for an inventory further of possible assets, including Djibouti, Cairo --

[REDACTED]

[REDACTED]

General Ham. Mr. Chairman, I --

Mr. Issa. -- Tel Aviv?

General Ham. Yeah, I think that the sense was that the operations center had, kind of, total visibility, if you will, of the military assets that could have responded under the direction of the military deputy commander. They, kind of, consolidated that down and said, okay, you know, General, here's the stuff that really is no-kidding available for us for employment.

Mr. Issa. But your testimony today is that the fighter aircraft were not used because they were inappropriate, in your opinion, for the battle, for the mission.

General Ham. Mr. Chairman, that's correct. And that's why, prior to September 11th, why I had not directed the air component to have strike assets on heightened alert.

Mr. Issa. The only reason I follow up on that is that many people have said, including SecDef's representatives, they've harped on the nearest refuelers being in Britain, when, in fact, there were refuelers closer.

Your testimony is the refuelers were not the determining factor. You determined that the mission did not fit the aircraft, regardless of whether or not you could top them off.

General Ham. Mr. Chairman, I think that's an accurate characterization. If I had directed the air component commander prior to September 11th, said, hey, I want X number of aircraft postured for response, then the air component commander would have taken action not

[REDACTED]

[REDACTED]

only to have the strike aircraft but all the supporting aircraft. There would have probably been an AWACS which would be necessary, the refueler. They would have done all that.

Those systems were not postured on the September 11th because of my previous decision.

Mr. Issa. Right. But I still would -- the chicken or egg. Israel has AWACS. They have seven KC-135s. They regularly train and top off our aircraft. There were assets that were potentially available.

Notwithstanding those assets that I'm sure you knew that European Command had the ability to ask for, you made a determination on September 11th not to use combatant fighter aircraft; is that correct?

General Ham. It is, Mr. Chairman. I'd made a decision prior to, in terms of staging them in a heightened alert, and I did make a decision as events were unfolding in realtime that strike aircraft were not appropriate for the conditions as they were unfolding in realtime.

Mr. Issa. Thank you. Thanks a lot.

ORZ [REDACTED] We're out of time, so we'll go off the record.

[Recess.]

ODZ [REDACTED] It's a quarter till. We can go back on the record.

BY [REDACTED] ODZ

Q General, in the last hour, it was implied that the Secretary of Defense wasn't calling the shots at Benghazi, that he wasn't, sort of, the tactical individual making these decisions.

But isn't it the case that, very early on in the attacks, he gave

[REDACTED]

[REDACTED]

you full authority to do what you needed to do and that what you asked for, in terms of tools, he provided? [REDACTED]

A The conversation with both the Chairman of the Joint Chiefs of Staff and the Secretary were very much in the -- first of all, trying to understand what was happening, but very clear direction from the Secretary to me was, you know, do all that -- you know, basically, what do you need? And, again, as I made those requests of him, he approved everything that I asked for. [REDACTED]

So it was very clear, he was engaged, he was focused. And I think, again, in my experience as director for operations and in the year and a half or so as a combatant command, appropriately to a combatant commander, saying, you know, I'm giving you these resources, I'm giving you authority to implement. And I think that's the -- I think that's the appropriate role, in my view, of a Secretary of Defense-combatant commander relationship. [REDACTED]

Q And that was going to be my next question, sir. You're the combatant commander, so you're the commander, but also then the person that would determine the tactics, if you will, in terms of how to deploy those forces. Is that correct? [REDACTED]

A Well, ultimately, yes. I mean, obviously, there's a tremendously talented supportive team, ranging from Lieutenant Colonel [REDACTED] and the defense attache, who were on the ground, Special Operations Commander Africa, Rear Admiral Losey, Vice Admiral Leidig, my military deputy, advised by a whole staff. So there's a whole bunch of experts who are wrestling with these issues and ultimately distilling

[REDACTED]

[REDACTED]

them.

But, yes, ultimately, as the commander, the combatant commander, it is my responsibility to make those decisions to say, yes, we're going to do this, no, we're not going to do that. And I had been given the full support and, again, all of the assets that I asked for by the Secretary of Defense in order to execute those tasks.

Q Okay. So to be as clear as I can, then, the Secretary of Defense empowered you to exercise your best military judgment and respond to the attacks as you saw fit and as they were unfolding.

A Yes.

Q Okay.

And then, early on, it was determined, in consultation with the Chairman of the Joint Chiefs of Staff and yourself and I guess the Secretary, that a CIF would be made available, a FAST would be made available, and then, a bit later, [REDACTED] Is that correct?

A That's correct.

Q Okay. And just so I understand, these were made available relatively early on in the evening or as the attacks were communicated to Washington?

A Yes, very quickly. Again, I don't recall the specific timelines, but in early conversations with the Secretary, he gave verbal approval to begin to alert and deploy those forces, followed, as procedurally must be, followed by a written execution order. But he gave verbal approval very quickly.

[REDACTED]

Q Okay.

And I'm going to be very clear about this next set of questions. So not to oversimplify the application of those forces, why don't you just simply, as soon as you hear the first gunshot or learn of the first gunshot in Benghazi, just say, "You're going to Benghazi, no matter what, you are going to Benghazi," and so you start the clock rolling?

I'm gathering that you're trying to assess what's going on on the ground and figure out what tool best fits the job. But could you explain, sort of, you have this package of forces, while at the same time you're trying to understand the dynamics on the ground and how you then roll those forces to the region and apply them?

A Yes. One of the challenges is, how do you do those two things that you described simultaneously: gain sufficient understanding of the events as they are unfolding and the environment in which they are unfolding for potential operations; at the same time, getting the forces that are most likely to be useful postured so that they could be applied in a useful way.

I don't know this for certain, but my guess is, given how Special Operations forces, kind of, monitor operations, my guess is the Commander's In-Extremis Force was already thinking about and probably taking some preliminary steps to gather their personnel, their equipment, before any specific order. I mean, they are, by their nature, a very aggressive, initiative-taking organization.

So, again, I don't know that for certain, but my guess is, when the order, if you will, came to the Commander's In-Extremis Force, "Hey,

[REDACTED]

get ready for potential employment in Libya," the answer was probably, you know, we're already leaning forward in that direction.

They couldn't actually move, they had no authority to actually move, absent the Secretary's decision. But they would have already been leaning forward.

BY [REDACTED] ADI

Q Just to clarify the timeline, when you say those forces have been alerted verbally early, is it safe to say prior to the movement from back to the Annex? Were they in motion by the time American personnel in Benghazi were consolidating at the Annex? Was the process in motion, not necessarily the forces physically moving.

A I'm certain that the -- I'm relatively certain, my recollection, [REDACTED] Because, again, my recollection was that occurred after the Secretary and the Chairman of the Joint Chiefs of Staff returned from the White House and we knew that everybody was accounted for except for the Ambassador. [REDACTED]

Again, I don't recall the specific timelines, but my recollection is that the verbal direction to alert and deploy the Commander's In-Extremis Force and the Fleet Antiterrorism Support Team occurred before -- the verbal, before they went to the White House. But, again, I'm not -- my recollection is not precise on the timing of that.

Q What I was getting at is the discussion about, you know, we didn't know it was over with -- we knew the fighting had subsided, but

[REDACTED]

[REDACTED]

we didn't know it was over, and why would we not continue to alert, marshal, and deploy available forces.

But as your staff was developing courses of action, you had already -- you had the situational awareness of what you had available. Nationally, I guess, besides the Special Operations Task Force that deployed, global response is maybe the 82nd or if there's a Ranger regiment battalion back in CONUS, that's 36 hours out.

Are there any other forces that I'm missing that, in your judgment, could have alerted, marshaled, and deployed and been useful in this operation?

A I don't think so. Certainly, as the events were unfolding in realtime, I think we identified the forces that would be of greatest utility and available. So I'm pretty confident in the judgment and decisions that were made, again, as events were unfolding in realtime.

So I don't -- maybe another way to ask -- to think about it, you know, was there anything left on the shelf.

Q That's right.

A And I don't -- not in my --

Q So there's no point in asking for something if you know nothing is useful anyway. So the absence of the ask does not necessarily indicate the absence of consideration.

A I'd come back to an earlier statement to say, again, you know, obviously, ably assisted by my staff --

Q Right.

A -- and by subordinate commanders, you know, I made requests

[REDACTED]

[REDACTED]

through the Chairman of the Joint Chiefs to the Secretary of Defense, and everything that I asked for was approved. So we weren't lacking, you know, for response forces. I mean, there wasn't, you know, another Special Operations team or something else, that I'm aware of, that could have been made available but either wasn't or I didn't ask for.

Q Right. I mean, that's the issue, right? When you say, "Everything I asked for was approved," some could interpret that, "Well, you didn't ask for enough." And the reason, I guess I'm getting at, the reason one doesn't ask for enough is one already knows that's all there is, so what's the point in making another request.

And I'm wondering if that's the sort of staff work that probably went through teeing up courses of action for you on that night.

A I think it, frankly, was more of, again, as our situational understanding improved over time and as the conditions changed, you know, crisis response, you know, response to a diplomatic facility under attack, now that attack largely subsided, Americans, less the Ambassador was missing, in relative safe haven at another U.S. facility in Benghazi, focus shifts to hostage rescue. Different kind of force, different kind of capability, different kind of timeline, frankly, to execute that mission.

Mission shifts again when the Ambassador's body is recovered. And now the emphasis really is, how do we support the Embassy on the evacuation of the people from Benghazi to Tripoli? And that really became -- you know, after the Ambassador's body was recovered, that became the focus of our efforts at that point.

[REDACTED]

[REDACTED]

And we did have the -- again, the assets that were going to be used for that were from in-theater that the Embassy had coordinated with the Libyans. I think in one case they contracted for an aircraft, but others, I think, were Libyan air force aircraft. So, I mean, there wasn't a need for further U.S. military capability, at that point, to execute what was then the primary mission, which was get the people out of Benghazi, back to Tripoli.

Q In the general sense, as you were looking across pre-September 11 and making decisions, what are the costs associated with holding units to a higher alert status than a normal duty status?

A Well, I mean, it varies by component. Most costly is the air component, to have the --

Q Not just dollars.

A Right. But just in terms of personnel, I mean, in order to have some number of strike aircraft on some heightened alert status, that also means command and control, typically AWACS, tankers, maintenance crews, ammunition. I mean, it gets to be a pretty extensive list. And you can wear people out pretty quickly in a -- with the force structure that existed in Europe at the time, that was not built to have forces on heightened alert status for long periods of time.

So we would have pretty quickly exhausted the ability of European Command to support that heightened alert status for a long period of time. And then the air component commander, European Command, would have to then go back to the larger force pool. And, of course, this is at a time when the U.S. military force is engaged pretty significantly

[REDACTED]

[REDACTED]

elsewhere globally. And, frankly, I think it would have been tough for the Armed Forces, for the Air Force and for others, to provide the forces necessary.

So it's a pretty costly endeavor when you put forces on heightened alert.

Q Thank you.

BY [REDACTED] ODZ

Q Let me revisit what I started with earlier. Congressman Chaffetz implied that there was no contingency plan, in the sense that, after the first attack, you weren't planning for the possibility of something else.

And I guess what I'm trying to understand is that, early on, you have the CIF, the FAST, [REDACTED] at your disposal, and you begin spooling them up to move to the region, correct?

A That's correct.

Q Okay. So --

A What we didn't know -- I mean, again, as the nature of the mission changed over time, so it was unclear, in my view, of, you know, where should they go, when should they get there, and what would be the nature of the mission. But, yes.

Q And so that's exactly the question --

A But they were moving, yeah.

Q That's exactly what I want you to flesh out. From a combatant commander perspective, what are the concerns of adjusting the mission based on the flow of intelligence that you're receiving?

[REDACTED]

[REDACTED]

In other words, it's easy to sit back and say, well, you just should have deployed the FAST team and just kept it moving to Benghazi. But, for example, if a FAST team arrives in the middle of the night in an uncertain situation, is that a possible risky scenario?

And so are you constantly trying to understand what you're dealing with on the ground to, A, understand if the tool is appropriate and, B, adjust the application of that tool based on the risk that you might be receiving?

A Yes. And I think this characterization of risk is pretty important. In this circumstance, at the initial attack, where there is a U.S. diplomatic facility under attack, that the acceptability of risk, to me, at that point, is very -- I mean, I'm willing to accept a lot of risk to insert a military force that might be able to make a difference in an attack against a diplomatic facility, recognizing all the inherent dangers and risks. But as a military commander, you say, if I've got Americans under duress, my risk acceptance is pretty high.

The conditions change. Most Americans now are in relative safe haven --

Q And give -- I'm sorry -- give me that, sort of, in realtime --

A Yeah.

Q -- for you, the initial changes.

A An hour and a half, 2 hours or so after the initial report, you know, the Americans, less Ambassador Stevens, who was unaccounted for, and Mr. Smith, who we know is dead at this point, they're in relative safe haven at the Annex in Benghazi.

[REDACTED]

[REDACTED]

So, again, the emphasis shifts on, do we have a hostage rescue situation? That's a very different type of a mission. And that, more than anything else, requires very, very detailed intelligence and understanding of the area. So that's a much more deliberate action.

And while my level of acceptance of risk would be high in the execution of hostage rescue, until you had some idea of, you know, the conditions under which you might conduct a hostage rescue, that's a different -- that's a different factor.

Once the Ambassador is recovered, we know we no longer have hostage rescue, and the mission is to help the Embassy evacuate the people out of Benghazi, who were not under duress -- I mean, they were under, you know, relative safe haven. Again, the fighting had largely subsided, at least as I perceived it.

And I understand that my perception, getting reports second- and thirdhand, may have been different from those who were on the ground, you know, that say, hey, we're still getting shot at here periodically. That's a different sense.

But the issue then is, okay, yes, there's a degree of urgency, but it's certainly not the degree of urgency as when people were directly under attack. So all of that factors in, I think, to levels of acceptance of risk in determining possible courses of action.

[REDACTED]

BY [REDACTED]

ODI

Q General, just to follow up on that point. You've used this phrase unfolding in real time several times today, and I think it's very helpful for you to just walk us through how circumstances as you perceive them changed throughout the course of the night and how that informed your decision making. I would just like to ask, General, you know I've read some of your statements before where you place an emphasis, a priority on, you know, the intelligence, surveillance, and reconnaissance, and so I just wanted to ask on the night of the attacks, did you have a perfectly complete picture of what was unfolding in Benghazi, did you have perfect information?

A No, certainly not. It was very confusing, as might be expected in a circumstance like this. It took a long while to build understanding, most of it coming from reports from those who were on the ground in Benghazi, some of it coming from once the Predators got overhead and we gained a little bit of information from there; [REDACTED] so it took a long while to understand, to have a fundamental understanding of how things were unfolding. And I think even after the second attack at the Annex and people had been evacuated, for me personally, I think it was probably only in hindsight that I had a pretty clear understanding, when we had a chance to look at all the intelligence reporting, look at the closed-circuit TV, to look at the analyzed Predator feeds, not just the

[REDACTED]

raw feeds, so it was a pretty confusing night.

Q Thank you, sir, that's very helpful. And just to be clear, you've never claimed to have some sort of perfect information on the night of the attacks?

A No, certainly not.

Q You just described for us some of the sources of information and reporting. In the early phase of the night is it fair that most of your reporting was coming at least through AFRICOM was being reported by the DAT, who was in Tripoli?

A That's correct, so the defense attache in Tripoli was receiving information, I presume mostly by nonsecure commercial cell phone, and then he was relaying that, the defense attache relaying that back to the combatant command operations center. That was the primary source of our information.

Q And you had mentioned also that some of your understanding, your situational awareness was enhanced somewhat by the UAV, the feed, although it sounds like that was a marginal improvement of your understanding, is that also fair?

A Yes. The arrival of the Predator and then ultimately a second Predator to help gain understanding, they're amazingly capable platforms, but they are at their best when the analysts are able to focus their collection on a specific point looking for specific indicators. In this circumstance the Predators, my recollection, had not routinely operated over Benghazi, so it wasn't an area the Predator operators were specifically familiar with, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] So it was a difficult challenge that night because we were trying to use the Predator as the only platform we had at the time, essentially to give us a general understanding and then work toward the specific, [REDACTED]

Q And just so I can be clear, the two data points we just referred to, the reporting from the DAT Tripoli and the UAV that had been repositioned, neither of those gave you the sense that there was an ongoing siege in Benghazi at the Annex?

A That is correct. My sense was, based on the information that I had from a multitude of sources, was that once the Annex team had evacuated all the U.S. personnel, less Ambassador Stevens from the Temporary Mission Facility, that the fighting had largely subsided. I'm certain in Benghazi that there was sporadic gunfire, but it didn't -- it was not my understanding that there was any concerted effort to target Americans or American facilities after the subsiding of the initial attack at the Temporary Mission Facility.

Q Okay. Although to be fair, there were, it did sound like there were some lingering concerns about Tripoli, is that --

A Yes. There was, I think, as I recall, a very real threat stream in Tripoli. It was unknown. I think, you know, it was a

[REDACTED]

[REDACTED]

reasonable precaution taken by the Embassy to say if our diplomatic facility in Benghazi is under attack, you know, we need to pay attention to what's happening here in Tripoli, and I think the decisions by then charge d'affaires at Tripoli to consolidate the U.S. personnel at one facility was warranted. As it turns out, I don't think there were any attacks against American personnel that night, but there certainly were indications that there might be. [REDACTED]

Q We talked a little bit about how you perceived the mission to change throughout the course of the night, and I would just like to ask when the mission, it became somewhat clear to you that there would be an evacuation component to that, I would just like to understand, you know, there were some questions I think about the C-17, the airlift, and just based on the limited information and the timeline, trying to reconcile or understand what the basis for those delays might have been, but I just -- I would like to ask you, did you consider it a priority to get people out of harm's way on the night of the attacks? [REDACTED]

A Yes. Again, as the U.S. personnel were consolidated at the Annex, and particularly after the recovery of Ambassador Stevens' remains, and for the most part, my understanding was that, again, the best term I can come up with is relative safe haven. I mean, this is, after all, this is Benghazi, this is not -- it is still a place with a fragile security environment, but it was very clear that the Embassy was very highly -- was a very high priority in us in support along with the others, the safe evacuation of the personnel from Benghazi was a high priority. [REDACTED]

[REDACTED]

Q And, again, just discussing some of the airlift capabilities, was it your understanding that the CIF or the FAST team, that those did or did not have dedicated airlift capabilities, and that may have played some role in the timing for their deployment that night?

A My recollection is that the Commander's In-Extremis Force had dedicated aircraft that were collocated at an airfield nearby where the element was training in Croatia. I think that is -- that at least is my recollection. And that would be normal for the Commander's In-Extremis Force to have those aircraft, so I would -- I think the Commander's In-Extremis Force could deploy, could move on fairly short notice, again, because of my recollection that they had dedicated aircraft. The Fleet Antiterrorism Support Teams did not have dedicated aircraft, so part of the issue in the alert notification of them was also alert notification to air crews and aircraft to execute that mission as well.

Q Okay. General, I would just like to ask, are you familiar with the Accountability Review Board, the final report that was issued by the Accountability Review Board in December?

A I know there is a report. I read the Accountability Review Board's publicly releasable report. I believe there is a classified report, but if there is, I have not seen it.

Q Are you familiar with the recommendations it made, the public recommendations in that report? I believe there may have been 24.

A I mean, I don't recall specifically, but generally yes, I recall that, the Accountability Review Board making recommendations.

[REDACTED]

Q Okay. In your time as commander at AFRICOM following the attacks, were you made aware of any improvements in security at Embassies or diplomatic facilities within your AOR? [REDACTED]

A In the follow on, the days and weeks following the attacks in Benghazi, the changes in force posture occurred quite quickly in Africa Command. One of the important steps was on the 1st of October of 2012, the command gained its own Commander's In-Extremis Force. This -- previously the Commander's In-Extremis Force was shared with European Command. It had been actually long in planning for Africa Command to have its own. Most combatant commands or all geographic combatant commands are supposed to have their own Commander's In-Extremis Force. With Africa Command being new and Special Operations Forces being stretched in the late 2000s with commitments to Iraq and Afghanistan, it just took a long time to stand up its own Commander's In-Extremis Force, but that occurred on the 1st of October, which gave the commander of AFRICOM his own dedicated Commander's In-Extremis Force. That's a good thing. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The Marine Corps established what they called the Special Purpose Marine Air Ground Task Force for Crisis Response based in Spain, I recall. I don't remember the exact timing, but it occurred, I believe,

[REDACTED]

[REDACTED]

in the autumn of 2012, a very rapid response, again, to provide to the commander of Africa Command a well trained, more capable fast, speedy response team. The command, within its own resources, formalized the establishment of the East Africa Crisis Response Force, built upon the forces that were available in Djibouti. Lastly, the Army established a program called Regionally Aligned Forces, which made available, again, to the commander of Africa Command the Army forces on a much more predictable basis than had occurred before, some of which could be used for crisis response. I think we saw some of that in the response to unrest in South Sudan just in the past several months. So there was the command, and the Department of Defense writ large in my view responded quite quickly and made significant strides forward in a relatively short period of time to provide to Africa Command more responsive forces than had existed previously.

Q Thank you, sir. I know you've been retired now for a little bit, but just given the breadth of your experience, do you have any recommendations for us or where the committees can be looking in order to either improve interagency coordination, contingency planning or just shore up diplomatic security broadly speaking?

A Well, I think certainly it begins with that, and I think that, you know, as an outsider now looking in, you know, the Department of State needs to have capable, robust security forces for its personnel, particularly those who are in high-risk posts. I think, as I've mentioned, I think in response to a question by Chairman Issa, I think it is appropriate for us, for the U.S. Government to look more

[REDACTED]

[REDACTED]

holistically at, what is it that we expect of the United States Armed Forces in crisis response with regard to diplomatic facilities? I think it's a big question and has lots of implications for force structure and authorities and basing and host nation costs and all the like, but I think it's a debate that's worthy of having, and so I think, as we move forward, that's where I think our efforts should focus.

ODI [REDACTED] Thank you, sir. Go off the record.

[Discussion off the record.]

BY [REDACTED] OR2

Q Thank you, General, and it's 4:20, and first, I just want to say that there's been a lot of discussion about decisions made and not made, and I just want to say that we're not here, I want you to know this, and I want to say on the record that we're not here to second guess your command decisions taken in the heat of the moment and in the fog of war. We also -- I just want to put that on the record, sir, that that's not what we're about here today.

A I understand.

Q And really what we're trying to understand in part is whether there may have been information gaps for various folks that were making decisions that night, and that's one of the intentions of the questions that I'm going to ask you. Also, I just want to say, again, as I said earlier, some of these questions are going to be retreads of things that we've talked about two or three times today, and I apologize for that. I just want to make sure the record is as clear as possible, and I'm sure you understand there's sometimes a difference between what question

[REDACTED]

[REDACTED]

is asked and how it's asked, so I just want to say that and sort of just ask for your forbearance as I move through this as quickly as I can.

With respect to the -- let me ask you this first: On the night of, when you're in the Pentagon with Secretary Panetta, General Dempsey, and there's these meetings that are going on that are in this timeline, do you have access to information from other parts of DOD other than AFRICOM? Are you getting information from, say, [REDACTED]

A Yes.

Q Okay.

A The Predator feed certainly would be available at the AFRICOM Joint Operations Center, probably was available at the Pentagon National Military Command Center. I just don't recall. It's just a matter, frankly, of shifting it. And certainly, we were in, [REDACTED]

[REDACTED], so there was very, very close communication with them, with European Command particularly, Transportation Command, who had obviously almost all the mobility assets, [REDACTED]

[REDACTED] So a broad spectrum. I felt comfortable that, particularly at the AFRICOM Joint Operations Center, that we had access to all of those who had a role to play in events as they were unfolding.

Q Thank you. And with respect to the timeline here, where it talks about the 6 to 8 p.m. time frame where Secretary Panetta, and this

[REDACTED]

[REDACTED]

is D.C. time, where Secretary Panetta convenes a series of meetings in the Pentagon with senior officials, including yourself and General Dempsey, and you discuss additional response options for Benghazi and for the potential outbreak of further violence throughout the region.

Now, it says here that there were, Secretary Panetta directed or provided verbal authorization to these three units we've been talking about, the FAST platoon, the EUCOM CIF and the Special Operations Force in the U.S. My question, sir, is would you explain what this verbal authorization consists of and how it differs from formal authorization?

A Yes. So when the Secretary gives verbal authorization, then that allows elements to begin movement and proceed, and it carries -- again, I'm not a lawyer. I would defer to others, but my sense is it carries the full weight of the law. This is a legal order from competent authority, the Secretary of Defense, to me and to other combatant commanders and force providers, you know, I'm ordering you to do this.

Q Okay.

A Then it's always followed by a written execution order so that you have now a document for the record and to clarifying things, to say, Oh, well, wait a minute, I didn't understand this in the verbal order. But it's a relatively normal procedure.

Q Sure. And was the verbal order to have them start to prepare to get ready, or was it specifically to go and do X?

A It was with regard to the first two decisions, which was the Commander's In-Extremis Force and the Fleet Antiterrorism Support Team.

[REDACTED]

[REDACTED]

My recollection is the first, with regard to the Commander's In-Extremis Force, it was authority to alert, prepare to move and, at my direction, deploy and employ that force. So he gave, the Secretary of Defense gave all the authority that he needed to tell that force to be ready to move, and direction to me that says they now operate under your control. When you tell them to move and where to move and what to do, that's what they do.

Q So you have anticipated my next question. So with respect to the two units you mentioned, FAST, EUCOM CIF, were you essentially given operational control of these units by Secretary Panetta?

A Yeah. And again, I believe that's what the written execute order would be. So the Secretary's verbal order probably was not quite that clear in military terminology. He would say, Do this. But then, in the written order, then it would codify the command and control relationship, I am transferring operational control of the Commander's In-Extremis Force from commander European Command to commander Africa Command.

Q Is it fair to say that at the giving of the verbal order, your understanding was that you had operational control of those teams?

A Correct, yes.

Q Thank you. We talked about it a little bit already, but I just want to step back about your perspective from Washington about, you know, how there was this first attack, it subsided about an hour or so after it had begun, and that the mission had shifted at that point in some way. I just want to step back and ask you about that briefly,

[REDACTED]

[REDACTED]

and I want to emphasize, I'm not here to question your prior statements, however, we do want to understand where there may be gaps in information that was provided to you and to others in positions of responsibility that night.

Now, I just want to say that based on information that the committee has reviewed, we know that while all the Americans did evacuate the State Department facility in Benghazi by about 11:20 p.m., so about an hour and a half after the attack began, we also know that the Americans in Benghazi continued to receive a considerable amount of fire, both en route to the Annex in Benghazi, and then once they arrived at the Annex, and that that incoming fire continued until after 1 a.m. on the 12th. So I just want to ask, at the time were you aware of this, that the Americans in Benghazi continued to take hostile fire for at least another 2 hours after evacuation of the State Department facility there?

A I don't recall discussions that the personnel at the Annex or the Annex itself were subjected to any sustained level of attack. I would caveat that by saying, I also understand that I was receiving information second or third hand, so from Benghazi to Tripoli to Stuttgart to Washington, and so, you know, what understandably would be a very concerning effect, Hey, we're in Benghazi, we're getting shot at, that as it works its way through the various levels and filters probably becomes less intense. All of that to say, you know, I probably, I certainly did not have the same tactical understanding of the environment as did those who were in Benghazi.

Q Sure. And just to follow up on that, and you've alluded to

[REDACTED]

[REDACTED]

it I think already a little bit, at the Annex now, post evacuation of the State Department facility, we have [REDACTED] personnel. We have State Department personnel. Is it possible that because those individuals are feeding information into their respective chains in the bureaucracy, is that, may that account for the potential gap in the information that you were aware of at the time, you know, where you sat at the Pentagon?

A Well, I think there are a number of factors that were contributing to less than complete information. First, I mean, the people in Benghazi clearly are in crisis mode.

Q Sure.

A They've got some wounded. They've just been subjected to a pretty significant attack. Their Ambassador is missing. They have one dead already. So there, I mean, you can just imagine the turmoil that was ongoing. And then now there's the question of again reporting. I don't know, but my assumption is that the people who worked at the Annex probably had good, reasonably good secure communications back to [REDACTED]. The State Department people didn't. They were working principally off commercial cell phones. That sometimes can lead to gaps and seams in the information just because of the nature of communications means, and then as that gets, again, further filtered at Tripoli and disseminated further back to Washington to both the intelligence community, to State, and to DOD, to AFRICOM, and, again, in all of its components there, so it's I think relatively normal that in crisis situation the information sometimes was incomplete, sometimes confusing, and sometimes even contradictory.

[REDACTED]

[REDACTED]

Q Thank you. And this may be rhetorical and forgive me if it is, but if you had access to the information at the time on that night where you sat in the Pentagon that these Americans were still under fire, would that have altered your assessment that the attack had ended about an hour or so after or subsided about an hour or so into it?

A I think it's hard to judge. Clearly, I think my understanding now well after the fact is that the level of fighting, even though there was sporadic fire still directed toward the Annex, it was nothing like the intensity that had occurred at the Temporary Mission Facility. So there was, I think, a significant difference in the level of violence that had existed in the initial attack and that which was occurring at the Annex. So, again, it's hard to judge. If I had known that then, what difference would it have made in how I would have thought differently? I don't really know. The emphasis, again first hostage rescue, that went away upon the recovery of the Ambassador's remains, and then the real focus was evacuation of the personnel in Benghazi, and as I have stated in response to a previous question, I think, again, knowing now what I know, I would like to think that I would have been much more forceful with engaging with the Libyans, engaging with others to say, We've got to get these people out of Benghazi fast rather than wait for the situation to resolve itself at the airport.

Q Sure. [REDACTED]

[REDACTED]

[REDACTED] Was that what your assessment was?

[REDACTED]

[REDACTED]

A The Commander's In-Extremis Force exists, they are very well trained. They're more highly trained than a normal Special Forces unit, but they are not -- [REDACTED]

A It could have been. Yes, there was certainly some thought to that, but, again, once the -- in my view, once the majority of the fighting had subsided, [REDACTED]

Q Could we just talk briefly about the information gap you had with respect to the ongoing fire fight in Benghazi post-evacuation of the Temporary Mission Facility. Hypothetically, if you had not had that information gap and had been aware of what was going on, that Americans

[REDACTED]

[REDACTED]

were still under fire in Benghazi, my question is, would the EUCOM CIF have been an option for you? Would you have considered EUCOM CIF to send it in for assisting those Americans that were still under fire, or would that have been not something you would have considered?

A I think, again, hypotheticals are always fraught with some danger.

Q Understood.

A But the CIF could have been one of those elements again to hasten the evacuation out of Benghazi, and had I had a different appreciation for the level of fighting post-Temporary Mission Facility, I would like to think that I would have had a different consideration. That's not to say I would have employed them, but it would have been a consideration.

Q And then real quick with respect to the FAST. You may or may not, we interviewed Rear Admiral Landalt recently, and Admiral Landalt helpfully talked with us about how the Marine FAST platoon is not a force that's designed to move offensively into a situation like the Benghazi attack but more to secure a piece of real estate, like the Embassy in Tripoli. That having been said, in the meetings and the conversations you were involved with in Washington that night, was there ever a consideration of sending the FAST platoon to Benghazi, or was the intention to always send FAST just to Tripoli to secure the Embassy there?

A The initial discussion was that one FAST team would be alerted for deployment to Benghazi and a second to Tripoli, which I think

[REDACTED]

[REDACTED]

in the initial indication was probably the right decision because, again, the situation was very unclear and uncertain, and we didn't know, you know, was there going to be, would there be a requirement to secure the Temporary Mission Facility?

Q That anticipates my next question. Was the FAST, was there discussion of sending the FAST to the Temporary Mission Facility? Was that the thinking? Was that discussed, sending the FAST to the TMF?

A Yes, I think with the discussion of one of the FAST Teams to Benghazi, at least in my mind, what that meant most likely would be secure the Temporary Mission Facility, and then the second FAST team into Tripoli to secure --

Q To your knowledge, did that option of sending them to the TMF in Benghazi, did that reach the planning stage or was it simply something that was discussed at a high level and something that you would consider if needed?

A I don't know specifically what direction was given to the FAST team in terms of their actual deployment.

Q Okay.

ARI [REDACTED] Because the situation may have changed by the time they were prepared to deploy?

General Ham. Yes, but I do think the initial thought was perhaps that they would head to Benghazi, and in my view at least, the likely employment for them was to secure the Temporary Mission Facility.

BY [REDACTED] ORZ

Q Were you aware of any discussion about FAST having to wear

[REDACTED]

[REDACTED]

civilian clothes if they were to go into either Benghazi or Tripoli? Was that discussed?

A I know about it after the fact. I don't remember if I knew of it as it was occurring, but I know now that there was -- I guess the best way to state it is whether it was a request or a demand of the Libyan Government translated, transmitted through the Embassy that says, you know, we don't want these guys arriving in uniform, and so there was a communications delay while the team transitioned into civilian clothes. That probably cost a couple of hours to do that.

Q So, earlier on in the evening, was that discussed in the context of considering sending FAST to Benghazi? In other words, my question is, was it discussed if we send FAST to Benghazi, they're going to have to put on civilian clothes to get from the airport to the TMF? Was that discussed or was it kind of OBE by that point?

A I don't remember that occurring at the initial point. I think my recollection was, again, and I don't remember the specific timing of this, but my vague recollection is that it was a very late arising issue, that it did probably insert a couple of hours delay in getting the team to Tripoli.

Q So, with respect to Colonel [REDACTED] and I know we talked, you told some of my colleagues earlier that at the time you weren't aware of the issue with Colonel [REDACTED] calling in and informing of his intent to go to Benghazi. I just want to clarify. We interviewed Colonel [REDACTED] and he told us that when he arrived at the [REDACTED] he found there to be a very capable organic defense capability at the

[REDACTED]

[REDACTED]

[REDACTED] and that that fact informed his decision to join the second response flight to Benghazi. In fact, Colonel [REDACTED] told us that upon completing the evacuation of the State Department personnel from the Embassy [REDACTED] he felt that his mission, which he had been given by Colonel [REDACTED] to safeguard the Embassy personnel, was complete at that point [REDACTED], and it would therefore allow him to reasonably proceed to Benghazi.

You've mentioned before, and again today, that from your perspective at the time, Colonel [REDACTED] team was one of the only trained defense forces in Tripoli, and it was therefore appropriate for him to actually stay in Tripoli. In the vein of us trying to understand what information gaps, again, you may have been working with, were you aware at the time about the inherent defense capabilities [REDACTED] [REDACTED] and how that may have informed or not informed Colonel [REDACTED] thinking about going to Benghazi?

A Well, I certainly knew that there was an element that did provide security [REDACTED]

Q You mentioned you had been there.

A Yeah, I've been there. I was not aware, frankly, until just now of Lieutenant Colonel [REDACTED] assessment that that force was capable in its entirety of providing security for the consolidated Embassy staff [REDACTED], so I just, it was not something I was aware of as events were unfolding.

ARI [REDACTED] Did you learn that just in this conversation?

[REDACTED]

[REDACTED]

General Ham. Yes.

OR2 [REDACTED] Why don't you go ahead.

BY [REDACTED] AR1

Q Two quick questions, General. When the defense in Benghazi were known to be underway and verbal authorization was given to the CIF to prepare the FAST deployment and so forth, presumably is it correct then that you were asking for a situation report on those assets. In other words, the authority has been given to move these folks, how do we stand, what's their posture, what are we looking at?

A Yes. So the details would be monitored at the Joint Operations Center, but certainly, you know, as events are unfolding, you know, and the staff would relay to me here's the situation, here's the posture of those forces.

Q Am I correct to understand from something you said earlier that at maybe one of those reports they said, General, you know, that the CIF, the EUCOM CIF has been alerted, it's been shopped to us, but they are on training mission in Croatia. Is that when you learned that that was the location of the CIF?

A Probably a little sooner than that. We probably learned pretty quickly from the AFRICOM Joint Operations Center that the CIF was in Croatia.

Q But my point though, is or my question is that you learned that in the course of contemplating a response?

A That's correct.

Q And did that make you uncomfortable in any way or disappoint

[REDACTED]

[REDACTED]

you because you thought that might impede their response? Did you have any particular reaction to their training in Croatia?

A No. I was probably a little surprised that they were in Croatia, but I also learned that they had deployed with all of their equipment and with their dedicated aircraft, and again having years of experience with Commander's In-Extremis Force, I felt that they would be ready to respond to whatever we needed them to do.

Q Sure. And in the case of the CIF or the two FAST teams as you maybe got periodic updates about here's the status now, here's the unit's preparations, were you at any time disappointed, dissatisfied or uncomfortable with the speed and extent to which they were following through on the orders that had been issued to prepare to respond to events?

A Again, in hindsight, particularly the FAST teams would probably maybe not have dedicated airlift for them but have designated aircraft to be ready to respond on a faster timeline to deploy the FAST teams, at least the first one.

Q But were you struck by that problem that evening, or is this something you thought later looking back?

A Well, probably a little bit of both. I mean, my guess is I was probably a little disappointed -- I mean, not disappointed, but maybe chagrined that it might take, to get the airlift there might take a little bit longer than I would have liked, and then, in hindsight, I think, you know, as the situation calmed down and we had an opportunity to kind of look at how do we want to posture for the future, one of the

[REDACTED]

[REDACTED]

pieces of that is at least for the FAST team 1, the one that's on first alert, again, it's very, very costly to have aircraft sitting on a ramp someplace, but to have designated aircraft and air crews that could be called on not an immediate time but a shorter timeline to deploy the FAST I think would be helpful.

Q And here you're talking about the lift for the FAST?

A Lift for the FAST.

Q Are there other forces, again trying to think of your mindset that evening, you know, you think about responding to this event in Tripoli, the CIF, the FAST, were there other forces you remember thinking that night or other elements you were thinking, gosh, you know, I'm absent this or what would be good in this position is this tool and I don't have that. Is there something that sticks in your mind that you thought that night?

A Well, I would begin with the collection, and I think I was pretty consistent in my time as the AFRICOM commander to say that, you know, that the greatest resource shortfall for Africa Command was intelligence, surveillance, and reconnaissance. I think that that -- that certainly remained true throughout the period of my time in command, so that's I think, I put that at the top of the list. If you said what would you like to have had more of on September 11th, it would have been rapidly deployable intelligence, surveillance, and reconnaissance to better understand the events as they were unfolding.

Q That's very helpful. Thank you. Then one other comment. Are you aware that I think on the 13th of September, the fighter wing

[REDACTED]

[REDACTED]

at Aviano did put, I think the former wing commander told us, two planes on strip alert, they came off the chain of posture and were on strip alert for 45 days or so. Do you have any recollection of -- this was after the fact of course.

A I was probably aware of that, particularly as events were now unfolding in Tunis, and there was still the lingering concern in Khartoum, uncertainty in Mali and Niger and northern Nigeria. So I'm certain that I was aware of it at that time that they placed those aircraft on heightened alert.

Q You're linking the heightened alert to activities in Tunis and so forth, presumably because you thought those planes on heightened alert might be utilized in Tunis or utilized in the broader sense, might be dispatched to Tunis or other danger locations?

A Having seen, obviously, witnessed and lived through the events as they unfolded in Benghazi, having seen some very, very large-scale demonstrations and well-organized activities in Khartoum, and so, you know, I think that it was a prudent decision to then say, okay, let's have that capability so that if we encounter something else large scale, which I had not anticipated before September 11th, to have that capability.

Q I see, very good. Again, you don't remember, you say you don't doubt that those planes were on alert, but you don't recall?

A Yeah, I don't recall. I don't think it began with me. I don't think it was me turning into the Air Component Commander to say, do this. I think it more likely was the Air Component Commander coming

[REDACTED]

[REDACTED]

to me and saying, Hey, boss, we're going to do this because of the uncertainty and what we've seen unfold in the past couple of days, we're going to do this for the next 45 days.

ARI [REDACTED] Fine, thank you.

ORZ [REDACTED] Just a couple more questions, and I think we're almost done.

ARI [REDACTED] I'm done.

BY [REDACTED] ORZ

Q Any point during the evening of 11 September into 12 September, do you recall any discussion, or were you privy to any discussion that events in Benghazi may have been related to a YouTube video that may have been insulting to the Prophet Muhammad, was that discussed at all?

A Certainly not as the events were unfolding in real time. Very, very little discussion that I can recall about why did this happen. It wasn't -- there just wasn't time for that, frankly. It was trying to gain understanding of what was happening and what ought we be doing in response to that and to shape activities for the future. So my knowledge about, you know, conversations about the video, about demonstrations, frankly about, you know, direction from Al Qaeda main and protests for the killing of Abu Libi, I mean, all of that was, at least to me, was mostly after the fact.

Q Okay, okay. We also understand there may have been a lessons learned document prepared by DOD for the Benghazi incident, but did you participate in any formal after-action review to distinguish between

[REDACTED]

[REDACTED]

from lessons learned, but any formal after action review of AFRICOM's response to what took place in Benghazi?

A Several subordinate units joined Special Operations Command, Special Operations Command Africa, Air Components, some others did their formal, did I think after-action reports. We did not do a formal after-action report at Africa Command, but, rather, shifted our focus into implementation of what some people have termed the new normal.

Q Sure.

A You know, okay, given what we have just been through and what we have learned, how do we need to posture ourselves, not only at the headquarters but with forces, so putting those things into action, and frankly, we also started, again, principally with [REDACTED] entities in support of the FBI now in the business of identification of perpetrators. So that became a big part of our immediate post-attack efforts as well.

Q Thank you. One last --

Mr. Richards. Can I just add one point?

OR2 [REDACTED] Yeah, please.

Mr. Richards. All after-action reports regarding the incident were delivered to the House Armed Services Committee, and I don't know if the ones he listed are necessarily all accurate. For example, I'm not sure if SOC Africa had one or not, but I defer, all of them were delivered to the HASC, so I just want to say that for the record.

OR2 [REDACTED] I appreciate that, also the House Oversight and Government Reform Committee requested the lessons learned document that

[REDACTED]

[REDACTED]

I believe you're referring to, and were told to refer to the one delivered to HASC.

Mr. Richards. Thank you.

ARI [REDACTED]. And HASC does, in fact, have them?

Mr. Richards. Yes --

ARI [REDACTED] -- ask your question.

BY [REDACTED] OR2

Q One last question, General. You mentioned you were interviewed by the ARB. Was that an in-person interview or VTC or how did that happen?

A My participation with the Accountability Review Board was by classified VTC, just -- I think just the mechanics of timing and availability of them didn't allow me to be there in person.

Q Sure. Was that just the one time, that interview?

A Yes.

Q Okay, and was that just you one on one with the member, I shouldn't say one on one, but was it simply you with the members of the ARB, or was it part of a group interview of AFRICOM personnel?

A It was me with no one else in the room on my end, and I think the members of the Accountability Review Board. I don't recall if they had any of their supporting staff on their side, but on my side, it was just me.

Q Okay. And do you remember roughly how long the interview lasted?

A A couple of hours at least.

[REDACTED]

[REDACTED]

Q Okay.

A Yeah. It was pretty lengthy.

Q Thank you. That's all the questions, unless -- you're good?

OR4 [REDACTED] Yes.

OR2 [REDACTED] Okay. I just want to thank you on behalf of everybody for your time today. We really appreciate it.

ARI [REDACTED] Our colleagues are going to take over for just a minute. Thank you very much.

OR2 [REDACTED] Off the record.

[Recess.]

BY [REDACTED] AD 1

Q Two real quick tactical level questions. If you had asked, if you determined that the CIF would be useful in sort of a semi-forcible entry, you know, move to the objective, given what you know about how long it takes them to alert, marshal, and deploy, and then time of flight, would they have gotten to Benghazi before Benghazi was evacuated? And I think Benghazi was evacuated, let's see, 9:40 to 7:40, doing the math in public, 10 hours I guess.

A Again, hypotheticals are always dangerous, but in a perfect world, yes, the Commander's In-Extremis Force could have deployed and arrived at Benghazi before all of the, before the evacuation occurred. It would have been close, but I think they --

Q They would have had to fight their way off the air -- the team that deployed from Tripoli, the small team, was delayed at the airfield?

[REDACTED]

[REDACTED]

A Right. But I'm stating in a perfect world, with no other disruptions or distractions, was it physically possible to alert and deploy the Commander's In-Extremis Force from Croatia and have them land in Benghazi before the U.S. personnel were evacuated, I think the answer to that question is yes. When you start to put in all of the other complicating factors, you know, would the Libyans block the aircraft from landing, would -- you know, all the rest, all of the rest of that, would there have been, you know, would the aircraft get shot at by some militia, would -- I mean, all the other things, the what-ifs that could happen, and I think the answer to the question is a little more speculative, but if you just look at it cleanly, no distractions, no disturbances, from alert, I think that the team, the Commander's In-Extremis Force could have arrived at Benghazi prior to the evacuation of the U.S. personnel.

Q Thank you. There's some speculation about how preplanned this attack was. I wonder, the enemy, he applied pretty accurate mortar fire on the Annex, but he didn't get his mortars in operation until about 7 hours into the fight. Do you draw any implications from that sort of thing?

A I do. I do believe, given the precision of the attack that in my estimation, it was a well-trained mortar crew, and in my estimation, they probably had a well-trained observer. Given what we would call in military terms the bracketing method of round short, round long, next round on target, that shows a degree of sophistication and military training that is relatively unusual and certainly I think

[REDACTED]

[REDACTED]

indicates that this was not a pickup team, this was not a couple of guys who just found a mortar someplace. I think there probably -- again, I'm not current in the intelligence, and I've been away from the intelligence for a long time, but my personal view is given the time lapse between the subsiding of the attack at the Temporary Mission Facility and then the mortar attack at the Annex, I think, I don't know this, but I think it's reasonable that a team came from outside of Benghazi, that they saw -- that it was an opportunity that these violent extremist organizations saw and said, Let's get somebody there. Because absent that, if the team was already there, then why didn't they shoot sooner? So I think that, again, in my view, that time delay, that inability of the team to get off of the Benghazi airport and get to the Annex and back I think allowed sufficient time for the second attack to be organized and conducted.

ADI [REDACTED] That's all.

BY [REDACTED] ODI

Q General, just returning to the CIF for just a moment, could you just clarify for us what the response time would have been for that unit on that night?

A My recollection is that they were on an N+6, meaning from notification to 6 hours, wheels up. I think that's right, but we should probably look in the record to make sure that that's correct. But I would also say typically they move faster than that, and particularly I think in this circumstance where the members would say, you know, there's Americans, they probably would have been ready to move sooner

[REDACTED]

[REDACTED]

than that, but I believe that was the established alert posture.

Q Okay, so N+6. And so just referring to the timeline, Exhibit 8, between 12 and 2 o'clock local time roughly when the prepare to deploy order is given for the CIF, so taking that as the starting point, then fast forward 6 hours?

A Right.

Q That's including time of flight from Croatia? That's after --

A I mean, it would be close. It would be very, very close I think.

Mr. Richards. Just to clarify, after the second attack or after the evacuation? Because he was speaking to the evacuation.

ODI [REDACTED] Right.

Mr. Richards. Which didn't occur until, finish until many, many hours. So I think there was a little disconnect on your question. So I take your point, but I just want to clarify.

ODI [REDACTED] Sure. I guess we could take both of those.

BY [REDACTED] ODI

Q So they arrived, they would have, under best conditions, arrived after the second attack, the mortar attack on the Annex?

A Again, I think it would be a very near run thing. I mean, I think, you know, winds and, you know, air speed and, you know, whether they are able to deploy a little bit earlier than N+6, you know, all of those factors, there again I think in a perfect world without all of the distractions and disturbances, my estimation is that they could

[REDACTED]

[REDACTED]

have arrived in Benghazi prior to the evacuation.

Q To the evacuation, okay, thank you. Do you know just offhand what the flight time would be from --

A I don't recall off the top of my head. Probably 3 or 4 hours.

Q Three or four hours.

ADI [REDACTED]. Given that, they would have had an impact on the outcome, it's a possibility they would have had an impact on the outcome.

General Ham. I would agree with that characterization. It is not a given, but again, I think with lots of caveats about wind and air speed, and you know, would they be allowed, would the airfield be blocked and all the rest of that kind of stuff, I think it is possible that the team, that the CIF could have arrived prior to the evacuation of U.S. personnel from Benghazi.

BY [REDACTED] OP1

Q And when we say evacuation, we don't mean evacuation from the Annex to the airport, we mean final departure from Benghazi airport?

A I think those were near simultaneous. I think the move from the Annex to the airport was not a very long period of time. I don't think that took very long to do that. So I think arriving at the Benghazi airport, I think you're at that point, my recollection is 10 or 15 minutes away from the Annex, but I don't -- I mean, it wasn't very far from the airfield to the Annex.

Q Right, but there was also some delay then once Americans had arrived after?

A No, no, I'm talking about had the CIF landed at Benghazi

[REDACTED]

airport at the earliest possible moment, I think -- maybe I misunderstood your question. I thought the question was, you know, if they arrived at the airport, would the people still have been at the Annex or -- and I think, again, the time distance between the Annex and the Benghazi airport was not particularly significant. I think my recollection is it was 15 minutes or so, so something along those lines. So arrival at Benghazi is just about, you know, is not, would not be a significant delay, and particularly the way the CTF is postured, they can posture essentially to roll off of the aircraft ready to deploy. I mean, they wouldn't have everything with them, but they would have essentially what they would need. So they could, again, perfect world, which never exists, you know, they could have rolled off the aircraft and gotten to the Annex in 10 or 15 minutes.

[REDACTED]

BY [REDACTED] ODZ

Q General, can I ask you a quick question? It was your understanding on the night of the attacks that there were two principal attacks, and I think you characterized between those two attacks as sporadic fighting or a lull?

A Yes. Well, I don't -- I don't know that I used the word "lull," but in my view, the attack on the Temporary Mission Facility subsided significantly when the personnel from the Annex evacuated all of the U.S. personnel, less Ambassador Stevens, back to the Annex.

I don't know recall reports of any sustained or precise fire directed against U.S. personnel or the Annex in the intervening period. I'm aware after the fact that my understanding of the character -- my characterization of the level of firing in Benghazi, which I probably that night would have characterized as sporadic, may be very different than what those at the Annex or how those at the Annex would have describe it that night.

Q Okay. And, sir, where was your information coming from with respect to what was taking place at the Annex? How did that information flow, do you know?

A Most of it came still from the State Department personnel, largely through commercial cell phone back to the Embassy, to include --

Q In Tripoli?

A In Tripoli. To include the defense attache. And the

[REDACTED]

[REDACTED]

defense attache was our primary means of information flow from the Embassy at Tripoli. There was -- I don't know, but I'm confident in saying there was also intelligence reporting from the Annex to [REDACTED], and then from [REDACTED] to the [REDACTED], which my intelligence directorate and particularly my [REDACTED] representative at Stuttgart would have been aware of. So those were, I think, the principal information flows. We had a deputy commander, civilian deputy commander, and the foreign policy advisor in contact not, with the charge, because we tried to be very respectful of understanding what the charge was going through at this time, to -- you know, he didn't need other people nagging him for information, but with others at the Embassy to get information. And also in conversation, I think, with the Joint -- with the Joint Staff and with folks in D.C. So that's -- I think that's -- and for me personally, I was getting principal source of information from my operations center, but also getting information from the National Military Command Center at the Pentagon and from people who worked in the intelligence community at the Pentagon as well. [REDACTED]

Q Okay. And so if there was -- and I don't want to characterize what the fighting was between those two events, but if it was heavy fighting, why wouldn't that have been conveyed to you through either the DAT chain of command or from the Annex chain of command up their chain of command to wherever that goes?

A I believe it would have been. If the -- I believe that if the personnel at the Annex felt that they were

[REDACTED]

[REDACTED]

being subjected to an intense, deliberate fire and an assault, I believe the characterization of that likely would have come through in the reporting. So my sense -- my description of the fighting having significantly subsided and sporadic fire is probably a mischaracterization at the low end of the spectrum.

I've also found out from personal experience, when somebody's shooting at you, no matter how often or -- I mean, it is intense fire. So I also understand why those on the ground would have a different characterization.

But I believe if it was a concerted effort and an attack, if you will, I believe that characterization would have come through in reporting and necessitated, frankly, a different response, because the environment was different than I had characterized it.

Q Okay.

OD1 [REDACTED] Thank you.

General Ham. Okay.

OD2 [REDACTED] Off the record.

[Whereupon, at 5:07 p.m., the interview was concluded.]

[REDACTED]