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SELECT COMMITTEE ON BENGHAZI,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

INTERVIEW OF: [REDACTED]

Wednesday, July 29, 2015

Washington, D.C.

The interview in the above matter was held in Room HVC-205,
Capitol Visitor Center, commencing at 10:05 a.m.

Appearances:

For the SELECT COMMITTEE ON BENGHAZI:

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For the U.S. DEPARTMENT OF STATE:

AUSTIN EVERS, SENIOR ADVISOR

Mr. Grider. Let's go on the record, please.

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

Mr. [REDACTED], can you please state your full name for the record.

Mr. [REDACTED]. [REDACTED].

Mr. Grider. On behalf of the committee, we appreciate you coming today. My name is Mark Grider. I am one of the lawyers or counsel on the committee staff, the majority staff. And I am going to have everyone else go around the room at the table to introduce themselves, and then we will continue on.

Mr. Missakian. Good morning. I am Craig Missakian. I am also a lawyer with the majority staff.

Mr. Kenny. Peter Kenny with the minority staff.

Ms. Sawyer. Heather Sawyer with the minority staff.

Ms. Robinson. Kendal Robinson with the minority staff.

Mr. Desai. Ronak Desai with the minority staff.

Mr. Chipman. Dana Chipman with the majority staff.

Ms. Jackson. Sharon Jackson with the majority staff.

Ms. Barrineau. Sara Barrineau with the majority staff.

Mr. Evers. Austin Evers, State Department.

Mr. Grider. All right, I would like to go over some ground rules

and explain how the interview will proceed. Generally, the way the questions proceeds is that a member from the majority staff will ask questions first for up to approximately an hour, and then the minority will have an opportunity to ask questions for the equal period of time, if they choose.

A question may only be asked by a member of the committee or the designated staff member. We will rotate back and forth. Possibly we will consider, if we go 1 hour per side, until we are out of questions and the interview will be over.

Unlike a testimony or a deposition in Federal court, the committee format is not bound by the Federal rules of evidence.

The witness, you, may ask your counsel -- you or the counsel may raise objections for privilege, subject to review by the chairman of the committee. If these objections cannot be resolved during the interview, the witness can be required to return for a deposition or a hearing at a later point.

Members and staff of the committee, however, are not permitted to raise objections when the other side is asking questions. This has not been an issue we encountered in the past, but I want to make sure you are clear and have a clear understanding.

This session is to begin unclassified. If any question calls for a classified answer, please let us know. We'll reserve that answer until we move into a classified setting. In preparing for your interview, I don't believe any of my questions will go into classified information based on the documents that I reviewed. But if you feel

it does, please confer with your counsel and we will handle it accordingly.

You are welcome to confer with counsel at any time throughout the interview, but if something needs to be clarified we ask that you make this known to us. If you need to discuss anything with your counsel, we can go off the record, stop the clock, and provide you an opportunity to talk to your lawyer or your counsel.

We will also take a break whenever it is convenient for you. This can be every hour, after every hour of questioning, after a couple of rounds, whatever you prefer, so you just let me know.

During a round of questioning, if you need anything, a glass or a bottle of water, we have plenty here, the use of facilities, or just to talk to counsel, please let us know. We like to make this process as easy as possible on you.

As you can see, to my left there is an official reporter who's taking down everything you say to make a written record. So we ask that you give verbal responses to all questions, yes and no, as opposed to nods of the head.

I am going to ask the reporter to please free to jump in, in case you do not respond verbally. Do you understand that?

Mr. [REDACTED]. Yes.

Mr. Grider. Also, and this is something I need to work on, we should not try to talk over each other so it is easier to get a clear record. We want you to answer our questions in the most complete and truthful manner possible. We will take our time to repeat or clarify

any questions, if necessary. If you have any questions or you don't understand any of our questions, please let us know. We will be more than happy to clarify or repeat our questions.

If you honestly don't know the answer to a question or don't remember, it is best not to guess. Please give us your best recollection. And if there are things you don't know or can't remember, just say so and please inform us who, to the best of your knowledge, would be able to provide a more and complete and full answer.

Mr. [REDACTED]. Okay.

Mr. Grider. So do you understand that you have an obligation to answer questions from Congress truthfully?

Mr. [REDACTED]. Yes.

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

Mr. [REDACTED]. Yes.

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

Mr. [REDACTED]. Yes.

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

Mr. [REDACTED]. No.

Mr. Grider. Okay, that is the end of my preamble. We are going to clock it at 10 after 10, and we will get started.

EXAMINATION

BY MR. GRIDER:

Q All right. Mr. [REDACTED], can you just give us a little background about your job background prior to joining Department of State Department?

A Prior to joining Department of State?

Q Yes.

A I was a student.

Q So when did you join Department of State?

A January of 2003.

Q So can you walk me through your to current position, your titles?

A Starting from 2003?

Q That is correct.

A I came into the Department as a presidential management fellow. So it is a 2-year program, 2-year fellowship. I worked at Bureau of Resource Management, I did -- as part of the fellowship, I went to the Pentagon for 6 months, returned back to State. Went to another detail within the Bureau of Public Affairs where after my fellowship I was hired on permanently. Worked in their press office for -- until about 2008, I think. Then went to the Bureau of Near Eastern Affairs, where I currently am.

Q So just to clarify, you went to NEA, the Bureau of Near Eastern Affairs, in 2008?

A Yes.

Q And you have been there to the present?

A Correct.

Q In 2008, can you walk me through just your titles? Tell me what's your current title right now?

A Current title is senior advisor for strategic communication.

Q We will come back to a little bit more of the structure. But in 2008, until you became the senior advisor for strategic --

A Communications.

Q -- communications, what were your other positions?

A Before my current title, I was deputy spokesperson for domestic media.

Q And in 2012 -- what was your title in 2012? What were you, if you recall?

A I believe in 2012 is when I became senior advisor, which is my current title.

Q Do you possibly recall when in 2012 that occurred? Was that before or after the attack in 2012?

A My best guess is before.

Q Okay. Okay, let's sort of focus on the Senior Advisor of Strategic Communications. What were your specific duties and responsibilities? Just sort of explain that to us.

A In a nutshell, I run the press section in the Bureau of Near Eastern Affairs, which is primarily responsible for the production of talking points, statements, preparing the State Department spokesperson daily for his or her daily press briefing, making sure

that they are prepared to deal with whatever issues may arise that are NEA related. I also conduct interviews with journalists on NEA-related issues.

Q Can you explain what are NEA-related issues? So what areas? I have a map of it.

A Basically anything in North Africa, from Morocco up through the Levant, across all the way to Iran.

[Discussion off the record.]

BY MR. GRIDER:

Q Go ahead.

A So what we consider the Middle East, so all the way, the Levant, North Africa, Levant, Iraq, Iran, it stops there.

Q Obviously, that includes Algeria, Libya, and Egypt.

A Correct.

Q Just so you know, my counsel may jump in as well to sort of clarify questions.

Okay. You mentioned that you run the press section.

A Uh-huh.

Q So can you explain what is the press section? How many people? Who do you report to?

A The press section consists of roughly, and it varies because people come and go and at any given time we may have a couple of interns, but it is basically seven people, but it changes. And the press officer, Secretary, you know, the press officers that I supervise, again, are the ones that are responsible primarily for producing daily

press talking points and press statements, helping prepare the spokesperson for their daily press briefing.

Q So I just want to be clear, so we have -- you were the Senior Advisor. I imagine underneath you, you had press officers, you are suggesting?

A Correct, correct.

Q Okay. And how many people were -- you are saying about seven?

A About, about, it is not a hard number.

Q Okay. And so those seven press officers would report up to you, is that correct?

A Correct. That includes a secretary, it might include a couple of interns.

Q Okay. You mentioned that you were preparing statements for the spokesperson. Who is that, who are you referring to?

A Currently it is John Kirby.

Q Now is that the spokesperson for --

A For the entire Department.

Q Okay. In 2012, who, if you recall?

A At the time it was Toria Nuland.

Q Now, just looking at your role in 2008 as the deputy spokesperson, who was in your role, who was the senior -- whose role did you take over as senior advisor?

A There was -- it wasn't -- it was a new position.

Q Okay. All right. So let's talk a little bit more about

sort of the structure of -- I think we have a general sense of the structure of the NEA press office. We may come back to it a little bit more. But can you sort of clarify the structure of NEA and sort of what is the role of press in sort of the broader context of NEA?

A Within NEA, so we -- the press section reports to the deputy assistant secretary for public diplomacy. There are roughly half a dozen deputy assistant secretaries within NEA that supervise the various policy offices, and they report to the assistant secretary and the principal deputy assistant secretary.

Q If you can give me, when you were there in 2012, who was the deputy assistant secretary of public diplomacy?

A For public diplomacy it was [REDACTED].

Q How do you spell that last name?

A [REDACTED].

Q And so is that who you reported to?

A Yes.

Q So that was your boss?

A Yes.

Q It is my understanding that you have, of NEA, you have a policy section and then you have sort of what's called EX?

A Yes.

Q So can you explain the difference between EX and sort of the policy section?

A EX, from my understanding, primarily deals with management administrative functions. I don't really deal with them too much,

through.

Q That was going to be my next question. Does the press office obtain any information from EX or do you all interact with them on occasion?

A Not -- on occasion, not often.

Q Can you give an example on --

A If there is a press issue relating to, you know, staffing in our Embassy in Iraq, we might reach out to them to obtain information.

Q So who primarily would you be getting your information from? It wasn't EX. Were you more working with the policy folks? Who are you getting your information from, who are you communicating with?

A During our work of planning to prepare the spokesperson and producing whatever press documents may be needed, we communicate with the NEA policy office to obtain facts.

Q All right. So just to clarify, you were saying in preparation of the spokesperson you primarily work with the NEA policies offices?

A Correct.

Q And just so I am clear, because I have not worked at State, so you're saying policy offices. So can you name them? Are they different offices or --

A They cover different parts of our region that we cover, the Middle East.

Q So the policy offices within NEA, is that correct?

A Correct.

Q Okay. So can you explain to me which -- how many different policy offices are within NEA? Does Egypt have its own?

A Right. So there is one for the Maghreb, North Africa, there is one for Israel, Palestine, there is one for the Levant, there is one for Iraq, there is one for Iran.

Q Okay. So within -- do they call it the MAG?

A Yeah.

Q So within MAG, who is sort of your primary point of contact within MAG?

A Now?

Q Now, and then we will go back to 2012.

A I can't remember who is currently the head of MAG.

Q Do you recall when you became the strategic communication advisor who you were dealing with in MAG?

A At the time it was -- Ray Maxwell was the director, [REDACTED] [REDACTED] was the deputy, and then of course under them there's various desk officers.

Q Does the name [REDACTED], does that ring a bell?

A Yes, she was a desk officer on the Libya desk.

Q So that's within MAG?

A Correct.

Q Did you work with her?

A Uh-huh, yes.

Q So we are going -- later we are going to sort of, obviously, get to the attacks in Libya, okay?

During that time, were you primarily working with MAG or were there other offices, when you were handling that issue, were you working with other policy offices?

Mr. Evers. The attacks in Benghazi?

Mr. Grider. That's correct. That's correct. Thank you.

During the attacks in Benghazi.

Mr. [REDACTED]. I mean, the Middle East is a pretty dynamic region with a lot going on any given day, so I am dealing with various offices.

BY MR. GRIDER:

Q So in gathering information you could have gotten information from MAG policy desk?

A Yes.

Q Israel, Palestine?

A Yes.

Q So that is within NEA. Any other -- I'll just give you sort of the metaphor, sort of hub and spoke. I am trying to figure out where you are getting all your information to sort of prepare. So can you help me any other places within NEA that you are getting information that I may not be --

A Within NEA?

Q Yes, correct.

A No, that's primarily it.

Q Okay, okay. So let's go outside of NEA. So, obviously -- I think you said Toria, Victoria?

A Victoria Nuland.

Q Nuland. She didn't sit with NEA, correct?

A Correct.

Q What was her role and where did she sit?

A She was the State Department spokesperson and she sat within the Bureau of Public Affairs.

Q And who do they report to?

A Who is "they"?

Q The Bureau of Public Affairs, who do they report to?

Mr. Evers. If you know.

Mr. [REDACTED]. I don't work in that Bureau so --

Mr. Grider. Okay. So Toria Nuland was the spokesperson for the entire State Department, is that correct?

Mr. [REDACTED]. Correct.

Mr. Grider. So can you explain to me, once you got information within the NEA, what was your process in preparing her? Was it a conference call, were you emailing. So explain that. I'm not sure how the press office works there, so if you can explain that to me.

Mr. Evers. Are you asking as a general matter or --

Mr. Grider. Yeah, a general matter first, yeah.

Mr. Evers. Okay.

Mr. Grider. And then we'll get to some of the specifics of what happened on that --

Mr. Evers. I appreciate it.

Mr. [REDACTED]. So generally speaking, my press officers and I go down every day and sit at a table like this where she sat across from

me, like you are, and we'd just go over the talking points on a given issue that we feel she may have to deal with in her briefing with reporters. She'll ask questions. We'll answer, help prepare how she may get questions, that sort of thing.

BY MR. GRIDER:

Q I have been in the State Department probably, like, two or three times. So you mentioned you go down. So is the press -- where is your -- are you within main State?

A Yes.

Q Okay. And so, is the press office -- this is helping me just sort of -- is the press office on the first floor or -- you said you would go down, is that essentially --

A Actually, the spokesperson at the time sat -- we would go up, it was on the sixth floor.

Q Okay. So they sat on the sixth floor. All right. And then what floor were you on?

A At that time we were on the second floor.

Q Second, okay. So you would go up, you would go up in the morning, and you would give them sort of an update on sort of all NEA talking points issues in a general context, is that correct?

A Yes.

Q Okay. Now during this time, was it just -- would she just schedule a time solely with NEA press or would there be other press officers from --

Mr. Evers. Can you say which time?

Mr. Grider. In the general context, we are not specifically referring to the September 11th timeframe. So I'll point that out when we go there.

Mr. Evers. So you mean when Toria Nuland was the spokesperson?

Mr. Grider. That's correct. When Toria. Thank you.

BY MR. GRIDER:

Q When Toria Nuland was the spokesperson and you went up to the sixth floor in the morning to sort of brief her or go over talking points, was it just NEA or were there other bureaus there?

A There was other bureaus as well.

Q Okay. So I think we've covered the waterfront with respect to NEA. I have a pretty good idea of what's on the sixth floor and the press. Did Toria have anyone else from her staff there or was it just her?

A Generally speaking, on any given day when we were prepping her, when we were prepping her, she had her deputy spokesperson there usually, maybe one of her press officers.

Q Do you recall who that was at the time?

A The deputy spokesperson?

Q Yes.

A I believe it was [REDACTED].

Q Were there any agencies outside of State Department that you collaborated with to get information prior to briefing Toria?

A Again, generally, we'd collaborate with the NSC press office.

Q The NSC press office?

A If need be. The press office within DOD, if need be. And others as needed. It kind of just depends. But those are the two that we most frequently deal with.

Q Primarily NSC, DOD. Can you give me some of the other ones that possibly?

A It could be the press office within DOJ, Department of Justice.

Q Would you coordinate or communicate with the White House press office? And I'm not too familiar with that.

A It's very, very rare. I can't even remember the last time we did. The NSC press office is our main point of contact.

Q What about the U.N., does the U.N. have a press office?

A Our mission to the U.N. does.

Q Explain that to me. What do you mean by the mission to the U.N.?

A I guess the best way to describe it is we have, obviously, as you know, embassies, posts we call them, missions, but the U.N. is essentially our mission, our post for the United Nations.

Q So on occasion would you communicate with them or not or would it be someone else?

A On occasion myself or someone within my office.

Mr. Grider. Craig?

Mr. Missakian. Just keep going.

Mr. Grider. So we are going to move, direct your attention to

2012, the year of 2012. We will narrow a little bit more as we go.

During that time period, if you recall, was there ever a time that you assisted in drafting talking points to Congress.

Mr. [REDACTED]. To Congress?

Mr. Grider. Yes.

Mr. Evers. Do you mean -- given the context, do you mean for Members of Congress to use or for the State Department to use when talking to Congress?

BY MR. GRIDER:

Q Let's go with State Department employees talking to Congress?

A No.

Q Was there ever an occasion that you were involved in preparing anyone for Hill briefings, sort of in mid-2012? Were you involved in preparing State employees for Hill briefs?

A No.

Q So is that a role that NEA press would play?

A I draw a hard line within my office that we only deal with -- primarily with reporters, the press.

Q During 2012, did you ever draft speeches for the Secretary?

A No.

Q Does your office contribute to drafting speeches for the Secretary?

A No.

Q The sixth floor is where Toria Nuland sat at the time. It

is my understanding that you have sort of seventh floor principals, a lot of the principals sat on the seventh floor?

A Yes.

Q On occasion did you, during 2012, did you ever coordinate with seventh floor principals in your role?

A Yes.

Q Can you tell me who?

A At the time?

Q Yes.

Mr. Evers. Any particular issue?

Mr. Grider. I just want to know did he coordinate.

Ms. Sawyer. I just ask what you mean by coordinate.

Mr. Grider. Or talk to. I am just trying to figure out information. I'm trying to understand his role and who he was communicating with, on a broad sense, and then we can narrow it if you want to narrow it?

Ms. Sawyer. So are you asking him if he talked to anyone on the same floor --

Mr. Grider. Yes. In your role.

Ms. Sawyer. -- during 2012?

Mr. Grider. Yes. In your role.

Mr. ██████████. I mean, that was a long time ago. But my best guess, my recollection is talking about the seventh floor, people who physically sat on the seventh floor. So I would have perhaps -- Jake Sullivan, staffers who sat on the seventh floor, staff, principals.

Mr. Grider. Okay. So in your communications role on occasion you did talk to individuals on the seventh floor like Jake Sullivan and staffers?

Mr. [REDACTED]. When you say "talk," I would characterize it more as emails.

Mr. Grider. Okay.

[Discussion off the record.]

Mr. Grider. I want to direct your attention to the protest in Cairo, September of 2012. Do you recall that event?

Mr. [REDACTED]. Yes.

Mr. Evers. Can we go off the record for just a second?

[Discussion off the record.]

BY MR. GRIDER:

Q So what was your involvement as NEA press officer during the protest in Cairo?

A I was in my role, as I described earlier, in running the press section for NEA.

Q So how did you hear about the protest?

A I don't recall at the time how I first heard about it. My best guess is through media reports.

Q And based on the media reports, what, if anything, did you do?

A We usually -- I don't recall any specific instance, but just generally speaking we probably huddled with my press officer, who may have been dealing with Egypt issues, to see how we should respond to

questions, you know, we may get or were getting. I don't recall any specific instance.

Q To your knowledge, did Cairo or State have any advance warning of the protest?

Mr. Evers. Can we put a date on the protest?

Mr. Grider. I think I mentioned September 11th.

Mr. Evers. Thank you.

Mr. [REDACTED]. Repeat the question, I'm sorry.

BY MR. GRIDER:

Q To your knowledge, did Cairo or the State Department have any advance warning of these protests in Cairo?

A I don't recall. I don't recall one way or the other.

Q Any information that the protest might have occurred before it began on Twitter or Facebook, anything, any knowledge about --

A I just don't recall.

Q So do you have any opinions or belief of what prompted the Cairo protest?

A I don't recall having an opinion at the time.

Q So when the protest occurred, I believe I have it here at 11:00 a.m. on September 11th, you stated you got the information through media reports. You may have met with the press officer with Egypt on issues. Do you recall briefing, if Toria was there at the time? Was there any briefing about the protest that you were involved in?

A I don't recall specifically that day what what we did. But again, generally, we would have coordinated or communicated with the

spokesperson's office or her, herself, as it would have been, I would imagine, one of the issues she had to deal with in her press briefing that day.

BY MR. MISSAKIAN:

Q Mr. [REDACTED], let me just jump in. You said you don't recall having an opinion about the cause of the Cairo protests at the time. Are you saying that you may have had one and you have since forgotten or you don't believe you ever had one at the time?

A I, frankly, I just don't remember.

Q Don't remember one way or the other?

A One way or the other.

Q Since that time, have you formed an opinion about what led to the protests in Cairo?

A Honestly, I haven't given it that much thought.

Q Have you given it any thought?

A No. So much happens in NEA that we are just dealing with crisis after crisis. You just kind of just move on and you don't have really time to think about what happened in, you know, before or something else.

Q Do the events of that day stand out in your mind in any way compared to the other many crises that you face at NEA?

A The events of that day -- are we talking specifically about Cairo.

Q Cairo, yes.

A No.

Q So your best recollection then is the events that were happening in Cairo were not unusual in your mind?

A In Cairo, no.

Q Not unusual?

A Not unusual, not unusual.

Q Thank you. Actually, I'm sorry, let me jump back in. Mr. Grider asked you about possibly getting information about those protests in Cairo from Twitter or Facebook. Was it the practice of the NEA press office to have somebody monitor Twitter and Facebook, Twitter feeds and Facebook pages that might relate to your work in that part of the world?

A Within my office?

Q Yes.

A We didn't -- there wasn't a designated person whose sole job was to do that. We individually on our own wouldn't do -- monitor social media. But at that time it wasn't a formal process or a designation of a person to do that.

Q Do you recall if at that time you, yourself, monitored Twitter or Facebook for relevant information about the area that you covered?

A I don't recall at that time doing that.

Q So what is your best recollection? I believe you said that you believe you heard about the Cairo protests through media reports. Is that correct?

A I would imagine my best guess is that's how I learned about

it.

Q And do you have in mind a particular media outlet that you would have heard it through or is it just a jumble in your mind at this point?

A I would imagine there is media outlets who were reporting on it. I can't tell you -- I can't recall which specific outlet is the one that informed me first.

Q And how would you have seen those media reports? For example, would somebody send them to you or would you be monitoring them yourself on your own personal computer?

A It would be either through my television in my office, which I typically have on, on the news channel, or through my computer after receiving various media alerts from the Bureau of Public Affairs.

Q So as best you sit here today, your first knowledge of the protests in Cairo came from a media report as opposed to an official channel within the State Department. Is that correct?

A To the best of my recollection.

Q Thank you.

BY MR. GRIDER:

Q To follow on that, later, once you were informed through media, were there official channels that you received information through about Cairo?

A There would have been on that day, most likely, to the best of my recollection. We would have been in touch with our Embassy there, their public affairs section.

Q How would you have been communicating with them?

A Over email.

Q And what, if any, types of reports were they giving you over email?

Mr. Evers. If you remember.

Mr. [REDACTED]. I don't recall specifically, but it would be standard practice to receive just informal -- if you say report, it wouldn't be on a formal report. But it would be an email perhaps just informing us of what's going on.

BY MR. GRIDER:

Q What took place?

A Right.

Q During the Cairo protest, other than the Embassy, would you be receiving any other information from any other source?

A I don't recall.

Q Going back, you mentioned that you coordinate with NSC, DOD, DOJ. So let's walk through this list, that is why I was going through it earlier. During that timeframe in the Cairo protests, did you have an occasion, if you recall, of communicating with NSC?

A I don't recall.

Q During the Cairo protest, did you have an occasion to communicate with DOD's press office?

A I don't recall.

Q During the Cairo protest, did you on occasion have a chance to talk to or communicate with the U.N. press office?

A I don't recall.

Q During the protest, was Toria Nuland the press secretary at that time?

A She -- to the best of my recollection, yes, she was the spokesperson, yes.

Q That protest occurred approximately 11 a.m. on September 11th. Were you involved in any way with the attacks, managing the message with respect to the attacks on Benghazi?

A I don't recall.

Q Did you receive information, did you know about, do you recall the attacks?

A Yes, of course I recall the attacks.

Q So how did you hear about the attack in Benghazi?

A I don't recall what was -- what initially informed me of the attacks.

Q Do you recall what you did once you were notified? Do you recall that day?

A I recall the day, but I don't recall what first informed me of them.

Q Okay. Let's move past what first informed you. Do you recall receiving any information about the attacks in Benghazi?

A Yes. I mean, generally, yes.

Q I'm sorry?

A So generally I recall receiving information.

Q So let's go into sort of the afternoon timeframe, if and

when you were notified. You don't recall exactly when you were notified about the attacks in Benghazi, but you do recall receiving information about the attacks, correct?

A [Nonverbal response.]

Mr. Evers. You have to answer for her.

Mr. [REDACTED]. Oh, yes.

BY MR. GRIDER:

Q In this initial timeframe, do you recall -- I am not saying the initial contact -- do you recall receiving anything from the MAG desk?

A No, I don't recall.

Q During that timeframe did you coordinate -- in the initial phase did you coordinate with anyone in the MAG office or communicate with anyone in the MAG office?

A I don't recall having done so, but as a general matter there would have been, but I just don't recall specifically having done so.

Q Do you know who more than likely you would have been communicating with during the attacks?

A During the attacks there would have -- again, generally speaking, there would have been communication, as would be standard, with MAG, people on the Bureau of Public Affairs, the NSC press office.

Q Who in the NSC press office during that timeframe would you more than likely have been communicating with?

A At the time it likely would have been Bernadette Meehan. Bernadette Meehan.

Q What was her role or title, if you recall?

A I don't recall her title.

Q What was her role?

A She was a press officer within the NSC press office.

Q My colleague mentioned the monitoring of Twitter or Facebook. Do you recall yourself monitoring anything about the attack on social media?

A I don't recall myself monitoring it on social media.

Q Okay. What about anyone else in your office?

A I don't recall. I don't recall.

Q During the September 11th, do you recall meeting or communicating by email with Toria Nuland?

A On this -- on that day?

Q Yes.

A I don't recall having done so specifically.

Q Do you remember having a meeting? So you mentioned that you would have these morning meetings and briefings?

A I don't recall a meeting, having a face-to-face meeting on that day with her.

Q Do you recall emailing?

A I don't recall any email communication with her specifically on that day.

Q So I realize there has been sort of a timeframe as far as between now and the attacks. So let me ask a general question. Do you recall anything about the attacks?

A That was a long time ago in NEA time. As I said earlier, we deal with ever since -- especially since the Arab Spring we will dealt with many, many crises.

For myself, I don't -- it's a long time ago, it's hard to retain a lot of information, because you just kind of move on to the next thing, and to the next, and to the next, and you're dealing with a crisis on any given day. And so it's -- my memory from that time is -- I don't remember a lot.

Q So in preparation for this meeting, hearing, or interview, did you -- what, if anything, did you review, or did you review anything in preparation for this?

A In preparation for this I sat with counsel to help refresh my memory, because I don't remember a lot and I still don't. Frankly, it's something I just haven't wanted to think about for the last 3 years. With counsel, I reviewed some documents, transcripts from that time.

Q So when you sat with counsel, you were attempting to refresh your recollection of the attacks in Benghazi. Is that correct?

A From that day.

Q Right, from that day.

A Yeah.

Q So you have reviewed information about the day of the attacks. Is that correct?

A [Nonverbal response.]

Q How long ago was this, this meeting that you had to refresh your recollection?

A I met with counsel yesterday.

Q So it was yesterday you went over sort of you said transcripts and over your recollection with respect to the attacks. Is that correct? Yesterday.

A [Nonverbal response.]

Q You have to --

A Yes.

[Discussion off the record.]

Mr. [REDACTED]. To clarify, when I said transcripts, I'm talking about transcripts of Toria. I recall yesterday seeing a transcript about a press briefing that took place around that time. It's press transcripts.

Mr. Grider. So tell me about the press briefing, do you remember the date? This is just yesterday. So what press briefing do you --

Mr. [REDACTED]. For example, I saw a transcript yesterday from a background press briefing that took place, it would have been maybe a week after the attacks.

Mr. Grider. And what, if anything, on that transcript -- it was dealing with Victoria Nuland or anything that recall from the review yesterday about that transcript?

Mr. [REDACTED]. That transcript was a background briefing from senior State Department officials speaking to the press about the attacks.

Mr. Evers. Can I just interject? We are spending a lot of time talking about yesterday and not September of 2012. I guess for the

sake of the record I would just like to clarify that documents -- as we have told you guys before, the documents that he reviewed were to refresh his memory for today. They have been produced to the committee. So --

Mr. Missakian. That's fine. For the record, we're entitled to know which documents he used to refresh his memory. So Mr. Grider is entitled to ask both about the transcripts and the documents he reviewed.

Ms. Sawyer. Well, I'm not sure that that is the case actually that we are entitled to know exactly what he reviewed yesterday.

Mr. Missakian. Do you mind if I stop the clock?

Ms. Sawyer. No, I would like this to be on the record. You can stop the clock. I don't have an objection to that.

Mr. Missakian. That is what I was talking about. I didn't say the record, I said the clock.

Ms. Sawyer. That's fine. I'm not sure that we are entitled to that. I don't think that's in any way -- there are no rules that govern this. This witness has never been shown any rules that would govern what he has to answer, he doesn't. I'm not sure that we are entitled to that information.

These daily press briefings are not only made available to the committee in discovery. They are on the Web site of the State Department. They are public documents. So to the extent you guys have questions based on documents that we have gotten as part of our document production request or that are in the public domain, I think it is

appropriate to ask him specific questions, but I am not sure that it is both respectful of his time and really in furtherance of this investigation to have him try to recall what he may or may not have looked at yesterday and whether it was in the public domain or in the document production.

So if you have specific questions, would you please just move to asking them?

Mr. Missakian. Okay. Well, I think there's some confusion, Heather. I mean, if the witness reviewed documents that he used to refresh his memory, we're entitled to know what he looked at. We're not going to ask him specific questions about documents that may be in the public domain, but we are entitled, like any witness who testifies after having reviewed documents, to know what they looked at. And that's simply it. Once he identifies the documents, we'll move on.

Ms. Sawyer. I think it's asking a lot for him to be able to remember every document.

Mr. Missakian. If he can't remember, that's fine, that's fine. All he has to do is say so.

Mr. Evers. Either the instructions at the beginning of interviews are sincere or they're not. You guys say if he doesn't remember things, that's all right. And you also say that this interview is not governed by the Federal rules of civil procedure or evidence.

So we've never gone down this road before. I think it is

intruding. I don't think we need to go down it. I would say that it would probably be in everyone's best interest for a productive investigation to ask him the questions that you wanted to ask him when you identified him as a witness, not what happened yesterday.

Mr. Missakian. Well, I think it's very simple, this has gone on much longer than it needed to be, if he can't remember what he reviewed yesterday, he can simply say that and we'll move on. Is that fair?

Mr. Grider. I think it goes to the credibility of the witness, of his recollection.

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

Mr. Evers. We were on the record.

Ms. Sawyer. Well, I disagree --

Mr. Missakian. I mean, go back on the clock.

Ms. Sawyer. If he does not recall honestly every document he looked at yesterday, that has nothing to do with his credibility.

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

Mr. Evers. No, stay on the record.

Mr. Grider. I'd like to go off the record and talk to my chief counsel real quick.

Mr. Evers. That's fine.

Mr. Grider. Off the record.

[Recess.]

Mr. Grider. Mr. [REDACTED], once again I want to reiterate we appreciate you being here. And I want to clarify, as we were having discussions about sort of committee rules and how we get information,

we or I was in no way communicating anything about your specific credibility. We're here just to get the facts and to plumb your recollection based on what you recall happening. And we were trying to do that and see if you had refreshed your recollection yesterday.

So in no way were we talking about your credibility. We were more talking about the process of getting a witness and what they recall during the timeframe.

Mr. [REDACTED]. Thank you. I appreciate that. And if I can just get out for the record that I am here to cooperate and I am here to tell the truth and be as accurate to the best of my ability, to the best of my recollection.

Mr. Grider. Well, we appreciate that.

So can you tell us, during the night of the attacks, can you sort of walk us through what happened and what you recall during that timeframe when you were at State?

Mr. [REDACTED]. What I can remember most, if I can just say, what I remember most about that night -- that day -- is the facts are very jumbled. Like, I don't remember a lot of actions or things that I or other members of my team or others in NEA or another office may have done.

You asked my earlier were you in contact with MAG. So things like that, I don't remember, I have a hard time remembering, because for me what I remember most about that day and what I have tried to not think about is the emotions. So the facts are all fuzzy.

What stands out for me that day, that night, is the emotions, the

worry about where are our people. Where's Chris Stevens, you know, we couldn't find him. The immense -- I remember the sadness when we first learned that he had died that night. To me, those emotions are the memory that stick out for me from that day, that night, and, frankly, in my State Department career, that and when Secretary Clinton came to speak to us. She spoke with us in NEA, in our NEA conference room, I think it would have been the next day. And I remember the heartfelt talk and the emotions from that.

So that's what I remember the most from that day and those events. So, you know, who talked to who, who communicated, all that, frankly, like I said earlier, I haven't really wanted to give it much thought. I know this has been in the news. I tune it out, I intentionally avoid it. I, frankly, as an American, I'm frustrated that we're still talking about this. So if I keep saying I don't remember, I don't remember, I don't remember, I haven't wanted to remember.

RPTR GENEUS

EDTR CRYSTAL

[11:25 a.m.]

Mr. Evers. You want to go off the record for just a quick second?

[Discussion off the record.]

Mr. Grider. Are we back on the record?

BY MR. GRIDER:

Q First, I want to acknowledge sort of the emotional aspect. I understand that was a significant event, and I don't want to dismiss that in any way. Any other witness I have dealt with, I acknowledge there were a lot of facts going on, but there was enormous amount of emotion about your colleagues. So I want to be very respectful about that, and I ask that you help me be very respectful.

Nevertheless, based on your counsel telling me, you do have somewhat of a chronology that you can walk us through, and I would welcome that.

A Okay. It's going to be a rough chronology, because, again, I don't remember a lot of specifics.

So I remember spending most of that day in my office monitoring news reports. I remember, again, the overriding theme was to worry about where is Chris, where is Chris, what are the people -- you know, are they okay. I remember trying to get information about, you know, just any kind of information about were our people okay. I remember --

Q Let me pause you real quick so everybody's with you, we understand. So help us. The first thing you said you recall

monitoring reports. Give me a timeframe. Was it in the afternoon or was it in the evening, was it night outside when you started monitoring reports? Was it in the morning, you had a cup of coffee?

A Yeah. I don't remember when it started, frankly. I remember being there for the most part in my office monitoring news reports on television or through the computer. I remember it was a very long day. I was there very late.

Q Do you recall how late you were there?

A It was past midnight. I want to say, roughly, guess, it was like 2 in the morning when I left.

Q So between you being notified, monitoring news reports, and 2 a.m., let's walk through that.

A I remember being in touch with -- just with other people within NEA. I remember my colleague [REDACTED] at the time. Again, the overriding concern about, where is Chris, where are our people, are they okay. I remember being in touch with members of my leadership in NEA, what the time would have been, all kinds of things, Acting Assistant Secretary Beth Jones, Principal Deputy Liz Dibble, Deputy Assistant Secretary [REDACTED]. I remember my phone ringing off the hook. It was just ringing and ringing and ringing.

Mr. Missakian. Timing is everything.

Mr. Evers. Let the record reflect that a phone just rang.

Mr. Grider. Let's pause, go off the record.

[Discussion off the record.]

BY MR. GRIDER:

Q Let's go back on the record.

A I remember my phone ringing off the hook, which I didn't answer because I knew it was journalists calling trying to get a comment or find out what was going on, because they were getting information from their sources. And I didn't have any information to give them. And so rather than pick up the phone and say, "I have got nothing for you," I just avoided answering the phone.

I remember going up to Beth's office. So I was primarily in my office, but I would occasionally run up to what we call the front office, the NEA front office, where our leadership sits on the sixth floor. And I remember huddling with Beth and Liz, [REDACTED], [REDACTED] was coming in and out. Everybody was just focused on trying to find out whether or not our people were okay.

Q I'm going to let you continue on. Anything else that you remember?

A I mean, that's what stands out for me. I mean, it's hard for me to give you a chronology like, you know, at 3 o'clock this, at 6 o'clock this, at 7 o'clock. All that is very scattered in my memory. I just kind of generally remember just being in my office, the emotion, the focus of trying to find out if people were okay, going up to Beth's office, monitoring news reports, my phone ringing off the hook. That's what I remember.

Q So you mentioned [REDACTED]. What was his role? What was [REDACTED] role?

A At that time he was the deputy director for the press section

within the NEA. I guess his title was spokesperson and deputy director for the NEA press office. I guess that would --

Q Did he report to you?

A We were colleagues at the time.

Q And what, if anything, do you recall communicating with him or working on with him?

A Again, it was just -- it was more just, you know, what have you heard about? What are you hearing about people? Are they okay? It was more like, again, it was finding out information. That was the overriding thing at the time.

Q Sure. Very good. All right, let's slow down.

How were you attempting to find out this information?

A It was primarily through the news reports, because oftentimes reporters know stuff before we do, even though reporters come to us for information, but oftentimes they get it first. So monitoring news, hearing what -- you know, being in touch with other members within NEA on what they may have heard through contacts they have on the ground.

Q Did you have any contacts on the ground?

A We had, if I recall correctly, we had -- I think he was an information officer. I think that was his title, our IO. He would have been in Tripoli, I think, during that -- at that night. I don't recall specifically where he was physically located. I think it was Tripoli. So I recall email communications with him. Again, what do you know, like, what is going on?

Q So you recall emailing back and forth with this individual in Tripoli, presumably in Tripoli?

A Yeah, roughly, yeah.

Q Do you recall this individual's name?

A [REDACTED].

Q Can you spell that for me?

A I think it's --

Q I just couldn't hear it.

A [REDACTED].

Q [REDACTED]?

A Yeah. And I don't recall his last name.

Q What, if anything, do you recall [REDACTED] communicating to you via email about the situation?

A It was, you know, for the longest time we didn't know the status of our folks in Benghazi, and so it was a lot of -- everybody was just grasping at whatever tidbits of information. It would have been -- I think it was him just saying for the most part that day, to the best of my recollection, that, you know, we don't know where Chris is, you know.

Q Were you communicating with anyone in Benghazi?

A I don't recall communicating with anybody in Benghazi, because my principal point of contact would have been our -- as a press person would have been the press person in Libya, so that would have been [REDACTED].

Q Understanding the emotion and sort of the confusion at that

time, based on your role as a communications person, what was your job to do during that time?

A On that day?

Q Right.

A When there is a crisis like that it -- we all went from having a job to being -- again, it was -- it's almost like we didn't have a job anymore. It was all about -- it all stopped. It was all about our people. And like I said, my phone was ringing off the hook with journalists. There was nothing to tell them. So I wasn't -- I wasn't -- there wasn't a job in the -- it was all about finding out whether or not people were okay. That was -- it was -- it was --

Q You were gathering information.

A Right.

Q Correct?

A Right. All attention was on Chris and our people.

Q Once you were gathering that information, who were you relaying that information to?

A It was -- it would have been to my leadership. That's what I recall. So it would have been Beth and Liz, kind of this is what I'm seeing in the news. They were also monitoring the news, so it was a lot of just -- I mean, everyone just was focused on news reports.

Q So when you went to Beth's office, to your recollection, what was sort of the sum and substance of you going there? What was the purpose?

A Just like to hear, you know, this is what I am hearing, this

is what I am seeing on the news, to hear what they may know, what is going on, you know, again, about Chris and our people there. It was a -- you know, when something tragic like this happens, there is like a huddle atmosphere that happened to console -- it is almost like to console. It's like we're a family. You know, at NEA at that time, even now, but at the time we were like a family. And so one of your family members may be hurt or worse, and so there's this huddle mentality to, like, console one another.

Q Was anyone working on talking points, a press release during that timeframe?

A Not that I recall. Well, not that I recall in my office. When something like that of that magnitude occurs, it's kind of taken out of NEA and it goes up to a much higher level.

Q So that's -- go ahead.

A Yeah.

Q So where's that higher level? If not you, then who, who is that higher level?

A So it would usually, in an instance like that, it would be the spokesperson, the seventh floor, and the NSC.

Q During the night of the attacks, you stated that you left around 2 a.m. Were you in any meetings with -- I think you said the spokesperson was Toria Nuland, the seventh floor, the NSC?

A On that day, I don't recall any meetings. My memory is primarily of me being in my office and occasionally running upstairs to the NEA front office.

Q And in the NEA front office, based on what you're communicating, it sounds like there was an exchange of information, you were communicating what you found, they were communicating. Who would, to your recollection, who would take sort of that information and move it up the chain? Who was sort of the lead person there?

A Within --

Q Within that sixth floor. I think you were saying you were going to Beth's office. So I don't want to assume that Beth -- you were sort of giving information to Beth. But who were you giving information to? And do you know who was sort of taking that information somewhere else?

A So I was communicating what I was learning through the press reports to Beth, to Liz, I would imagine others within the NEA, and I don't know what they were doing with that information.

Q Okay. Do you recall anything between the timeframe of, you know, before you left at 2 a.m.? Do you recall -- sort of getting to the close here -- but do you recall before, what prompted you to go ahead and go home?

A Well, it was late, and we had unfortunately learned that Chris had passed. I remember sticking it out that late because they had IRN calls that we were getting -- I don't remember if it was from media reports or through our people there -- that they had found the body, you know, so there was this waiting, and we were waiting and waiting, the staff, there may have been others, for them to finally get American eyes on it and identify that it was indeed Chris. So I

wasn't there. It wasn't long thereafter that I left, I feel like I left at that point.

Q You mentioned the next day.

Ms. Sawyer. Is that an hour at this point?

Mr. Grider. Yeah. Go ahead.

Ms. Sawyer. We are done with --

Mr. Grider. No, that's good. That's good. Thank you.

All right. Let's go off the record.

[Recess.]

Mr. Desai. Let's go back on the record. The time is 12 noon.

Mr. [REDACTED], good afternoon. My name is Ronak Desai. I am one of the counsels with the minority staff of the Select Committee. I am joined here today by some of my colleagues, Heather Sawyer, Peter Kenny, Kendal Robinson, and Susanne Sachsman Grooms. And on behalf of the entire minority staff of the Select Committee, I just want to thank you, first, for your appearance here today. And also want to thank you for your service to our country. I know appearing in front of Congress can be a formidable task, but I will do my best to make this as easy and straightforward for you as possible.

BY MR. DESAI:

Q So just to jump right back in, I want to pick up on a thread that my colleague in the majority had asked you about right before the break. And I think one of the things that you told him was that when an incident of the magnitude of Benghazi occurs, that the press response and press coordination is taken out of the relevant bureau and then

escalated up to, I think you had said it was the Department spokesperson. Is that right?

A Definitely to the higher chain of command, to the higher leadership.

Q Okay. And that person would have been Ms. Victoria Nuland. Is that right?

A That would have been one of them.

Q One of them?

A Yes.

Q Is one of the reason why that occurred, why it's brought up higher, is to assure the accuracy and consistency of information, to make sure that there is a wider coordination taking place, just to basically ensure that there is information moving along at the right levels at the right way?

A Correct.

Q Okay. You mentioned, I think, that -- you used the term the seventh floor. Is that right?

A Yes.

Q If I could just ask you, were you personally aware at the time who on the seventh floor these press responsibilities would have been escalated to from the relevant bureau up to the seventh floor, if you are aware and if you can recall?

A I don't recall in the specific instance on that day.

Q Okay. So you wouldn't have been privy to any conversation that would have happened about press from anyone on the seventh floor

since you don't recall. Is that right?

A I don't recall.

Q Okay. You also mentioned, if I am not mistaken, that when an incident of this magnitude occurs, the NSC press department, if you will, gets involved. Is that right?

A Yes.

Q Okay. And do you recall who at the NSC press bureau or department would have been involved with Benghazi that evening?

A It would have been Bernadette Meehan and other colleagues of her at the time.

Q Do you recall who those colleagues would have been at NSC?

A The other one that I would recall is Ben Rhodes.

Q Now, is one reason why, again, press responsibilities would have brought these folks from the NSC press in because an attack like Benghazi, where we have four Americans who have been tragically killed, will necessarily implicate equities of other agencies, in this case, for example, the White House. Is that right?

A Correct.

Q Okay. And were you privy personally to conversations that took place between State's press coordination and NSC's press bureau, which would have been with Ms. Meehan and Mr. Rhodes?

A Was I privy on that day? I don't recall.

Q Okay.

BY MS. SAWYER:

Q Before we go on, you indicated -- my colleague asked

specifically about other agencies, arms of the executive branch that potentially would have had equities in an instances like Benghazi. You know, it was an attack, Americans were killed. One of the other entities certainly would have been the Department of Defense, who would have equities in that instance. Is that correct?

A That would be fair.

Q And they would have been, in the same way that the State Department was getting press inquiries, being asked to confirm information, they likely were getting those same kinds of inquiries. Is that likely?

A That's very likely.

Q And along with the Department of Defense, ultimately, the Department of Justice and the Federal Bureau of Investigation would have been entities that would have equities at stake in this type of an incident. Is that accurate?

A That's fair, yeah.

Q And like the Department of Defense, like the Department of State, like the NSC -- and that stands for National Security Council?

A Although I think at the time they called it NSS.

Q The National Security Staff?

A Yeah.

Q They also would receive inquiries from the press about the Benghazi attacks?

A Yes. I would imagine a lot of people's phones were ringing off the hook.

Q And so part of the need in getting the Department's spokesman, Ms. Nuland, and other individuals in the interagency press offices involved is to ensure that information is being shared among the various entities as it comes in. Would that be accurate?

A Yes.

Q And you want to then be able to vet through these different arms of the executive branch the information each is receiving?

A Yes.

Q And to try to ferret out? Because I think you told my colleagues in the first hour that oftentimes reporters know information before we do -- you said "we do," meaning the press folks -- to be able to both share that and vet the accuracy of what's coming in as quickly as possible. Is that correct?

A Correct.

Q So the goal there is to share, vet, get accurate information as quickly as possible. Would that be accurate?

A Yes. As accurately as possible, certainly.

Q And then to have all of the executive branch speaking in a consistent voice so as not to cause further confusion about an incident?

A Correct.

BY MR. DESAI:

Q So Ms. Nuland was the Department of State's Department spokesperson, and it appears that she was then the point person for conveying information about the attacks on behalf of the Department

the day of and the days subsequent to the attack. Is that correct?

A Correct.

Q Okay. And it appears that one way she would convey information to the press were these Department daily press briefings that I believe you had mentioned in the last hour. Is that right?

A Yes.

Q And if I recall correctly, you were involved in helping her prepare for some of these press briefings, correct?

A Correct.

Q Now, in the days immediately after the attack it appears that Ms. Nuland held these daily press briefings. Is that right?

A Yes.

Q And the entire briefing was not exclusively focused on the Benghazi attacks. Is that right?

A I don't recall, but I would imagine that was the case.

Q That the briefing would cover other --

A They cover a variety of subjects as well, what is in the news at the time.

Q A variety of subjects across different regions, different places in the world, not just Benghazi, not just Libya. Is that right?

A Correct.

Q Okay. During one of her briefings, which was on September 14th -- I am just going to read you just a very short response that Ms. Nuland had given to a question about the attacks. And what she says is, quote: "I am going to frustrate all of you infinitely by

telling you that now that we have an open FBI investigation on the death of these four Americans, we are not going to be in a position to talk at all about what the U.S. Government may or may not be learning about how any of this happened, not who they were, not how they happened, not what happened to Ambassador Stevens, not any of it, until the Justice Department is ready to talk about the investigation that it's got. So I'm going to send you to the FBI on any of those kinds of questions and they're probably not going to talk to you about them while the investigation is open."

So, generally, do you recall her making that statement in response to an inquiry? I know it was a long time ago.

A I don't recall it. I don't recall it.

Q Do you generally agree with what she said?

A The way I interpret that statement is that it was -- it conformed to, I think, the overriding -- of what we were all trying to achieve, which was to get all the facts, get all the information, be responsive, but be accurate.

Q Okay. So your understanding of why she said that was just to ensure that -- it was to achieve this goal of -- I think what you just said was making sure you got all the facts and that those facts were as accurate as possible. Is that right?

A Correct.

Q Okay. At the time, do you recall, to the extent that you did, did you have any reasons to object or express concerns about what she said in that passage that I just read to you?

A I'm sorry. Can you repeat the question?

Q Sure. So from what you recall, to the extent that you did, did you have any objections or concerns to this idea of telling the press that she wouldn't be able to convey any information because there was an ongoing FBI investigation?

A No, not on my part.

Q And at this time the investigation was ongoing. Is that correct?

A From my recollection, yes.

Q And from what you recall at this point in time, there hadn't been any definitive conclusion that had been reached about what happened or many of the different components or aspects of the attack. Is that right?

A Yes.

Q So I'm going to shift focus here just a little bit, Mr. [REDACTED]. I want to talk to you about the intelligence community's talking points.

So just to start off, are you aware that the same day that Ms. Nuland gave this press briefing, September 14, 2012, it was a Friday, that Congress requested unclassified talking points about the Benghazi attacks from the intelligence community?

A No.

Q You were not aware of this?

A No.

Q So at this time I am going to enter into the record exhibit

1.

[REDACTED] Exhibit No. 1

Was marked for identification.]

Mr. Desai. So I have entered into the record Exhibit 1. And what we have here is a single page from the U.S. Senate Select Committee on Intelligence Review of the Terrorist Attacks on U.S. Facilities in Benghazi, Libya, September 11th to 12th, 2012, together with Additional Views, dated January 15, 2014.

Mr. Missakian. Just so the record is clear, are you admitting both pages in or just the single page that you referred to?

Ms. Sawyer. Both pages.

Mr. Desai. Both pages. So the cover sheet and then the adjoining page, which is page 43.

Mr. Evers. Do you want him to take a second to read the page?

Mr. Desai. Yes.

Mr. Evers. Why don't we go off the record for 1 second.

Mr. Desai. Sure. We can go off the record.

[Discussion held off the record.]

Mr. Desai. Go back on the record.

BY MR. DESAI:

Q So I have entered the exhibit right before we went off the record -- to the record, excuse me -- exhibit 1, which comprises with a cover sheet of the Senate Select Intelligence Committee report, as well as a second sheet, page 43. At the very top of the page it says: "Appendix I: The Benghazi Talking Points." And you have had time to

review is that. Is that right, Mr. [REDACTED]?

A Correct.

Q If I can, please, direct your attention to the middle of the page where it says, quote: "The final, unclassified version of the CIA talking points, as provided to HPSCI on September 15th, 2012, reads as follows."

And just for the record, HPSCI stands for the House Permanent Select Committee on Intelligence. Is that right?

A Yes.

Q So it looks as if, based on this, that the talking points in this document originated with the Central Intelligence Agency, and it appears as if that these talking points then went through an interagency coordination review process on September -- around this time, September 15th. Were you aware of that?

A No.

Q At that time?

A At the time, no.

Q Were you part of that process of interagency coordination review at the time?

A No.

Q Do you know who was involved in this process at the time?

A I don't.

Q Were you aware at the time that Ms. Nuland was involved in this process, if you can recall?

A I don't recall. My guess would be yes, but I don't recall,

specifically.

Q Right. So Congress requests these talking points on the 14th. They go through this process over the weekend. Did you ever see these talking points over that weekend either on the 14th, 15th, or 16th of September, 2012?

A I don't recall, no, ever seeing these.

Q At the time?

A At the time.

Q Given that you were not involved or aware of these talking points at the time or involved in the process of interagency review and formulation, I can assume, then, that you didn't see the original draft or any of the changes that were made before these talking points were finalized by the intelligence community?

A That is correct.

Q Nor are you aware at the time that the deputy director of the CIA at the time, Mr. Michael Morell, was responsible for shepherding through these talking points through the interagency coordination process and then finalizing them for HPSCI and the other intelligence committee. Is that correct?

A That is correct.

Q Okay. So if I can now turn briefly to the actual content of these talking points. The very first bullet reads, quote: "The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the U.S. Embassy in Cairo and evolved into a direct assault against the U.S.

diplomatic post in Benghazi and subsequently its annex. There are indications that extremists participated in the violent demonstrations."

The very next bullet point makes clear that this assessment may change as more information becomes available. And this bullet point reads, number 2: "This assessment may change as additional information is collected and analyzed as currently available information continues to be evaluated."

So these were delivered to Congress on September 15th, 2012. Ambassador Susan Rice then appears on Sunday morning talk shows the next morning, September 16, 2012, where she was asked and spoke about the attacks in Benghazi and said the protests -- that protests preceded the attacks in Benghazi.

Mr. [REDACTED], do you recall seeing Ambassador Rice on these talk shows?

A I don't recall having watched them that day.

Q Did you learn about them through any other means?

A Yes.

Q That day?

A I don't recall if it was that day, but I do recall learning about them through media reports and, to the best of my recollection, through contacts within the State Department.

Q Right. So she appears on these talk shows on the 16th, she is asked about the attacks, and she says that protests preceded the attacks in Benghazi.

To the extent that Ambassador Rice said on those shows that a protest or demonstration took place in Benghazi, that statement is consistent with that first bullet that we just reviewed, which says that there were demonstrations in Benghazi that evolved into an attack. That statement -- Ambassador Rice's statements on that show to that extent are consistent with this first bullet point. Is that correct?

A Yes.

Q Now, the day after Ambassador Rice appeared on the Sunday shows, Ms. Nuland was asked about Ambassador Rice's statements during the daily press briefing, which would have then been on September 17th, 2012.

So at this time I am going to enter into the record Exhibit 2.

[█████████ Exhibit No. 2

Was marked for identification.]

Mr. Desai. And if I can direct your attention, Mr. ██████████, to page 6. And for the record, this document has a document ID of C05394583, and it is designated "unclassified" at the bottom of that document. And I believe I directed your attention to page 6 at the very top of that document. I'll allow you to just have a few minutes to review it.

You can just go back off the record while the witness reviews that portion of the document.

[Discussion off the record.]

Mr. Desai. Back on the record.

BY MR. DESAI:

Q Mr. ██████████, I have just handed you a document that I have marked exhibit 2. Can you please just confirm that the document that I have handed you with the document ID that I just read to you before we went off the record is a transcript of the State Department's daily press briefing from September 17th, 2012, as indicated on page 3 of the document -- excuse me, page 4. Yes?

A Yes.

Q Great. So refocusing your attention to page 6, at the very top of the page, Ms. Nuland is reminded that in the last State Department briefing, which took place the Friday before the 14th of September, 2012, she referred all questions about the Benghazi attacks to the FBI given the ongoing investigation. The reporter asking the

question then points out to Ms. Nuland that Ambassador Rice, on the Sunday talk shows the day before, had provided more information and notes that, quote: "Given that Ambassador Rice is out there talking publicly about it" and not referring the press to the FBI, will Ms. Nuland not answer questions in this press briefing?

In response, Ms. Nuland answers -- and here I am saying -- she says, quote: "Ambassador Rice in her comments on every network over the weekend was very clear, very precise about what our initial assessment of what happened is. And this was not just her assessment. It was also an assessment that you heard in comments coming from the intelligence community and comments coming from the White House. I don't have anything to give beyond that."

Do you see that on page 6?

A Yes.

Q Great. So it appears here that Ms. Nuland is confirming on Monday, September 17th, 2012, Ms. Rice's statements from the Sunday talk shows the day before in which Ambassador Rice said that the initial assessment is what it is, and that was given to her by the intelligence community and others. Is that right?

A Yes.

Q And it appears that Ms. Nuland is making clear that this isn't Ms. Rice's assessment alone, but rather reflects the intelligence community's assessment, as well as others. Is that right?

A Yes.

Q Did you disagree with Ms. Nuland and what she said on Monday, September 17th, here in this capacity?

A Nope.

Q And one thing I would like to point out is Ms. Nuland in her response to this particular reporter's question, she says that this was the IC, the intelligence community assessment at the time, and that they are entirely responsible for making these types of assessments. Would you agree with that?

A Yes.

Q So if I can switch gears here a little bit. At this point in time, I'd like to enter another document into the record, and this is going to be exhibit 3.

[██████████ Exhibit No. 3

Was marked for identification.]

Mr. Desai. So I have marked this as Exhibit 3 for the record. Let me first read the document ID number. For the purposes of the record, it is C05580618. And I'll just give the witness a few minutes just to read through the chain.

We can go off the record in the interim.

[Discussion off the record.]

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

BY MR. DESAI:

Q So, Mr. ██████████, I've just handed you a document that I've marked as exhibit 3. This is an email chain which appears to comprise some discussion between you and your colleagues about some of the

statements that Ambassador Rice made on the Sunday talk shows.

Now, you appear at the very top of this document as the sender. But what I would like to do is just start, actually, from the bottom of the chain, the email thread, and make our way up.

So starting at the bottom, which for the purposes of the record looks like page 32, but really is page 31, it appears that someone by the name of [REDACTED] sends press guidance on -- NEA press guidance, September 17, 2012. The title here is "Libya: Update on Investigation on Attack in Benghazi."

So just to start off with, who's [REDACTED], Mr. [REDACTED]?

A She was one of my press officers.

Q In the NEA Bureau, is that right?

A Correct. Correct.

Q And were you on this initial thread? Were you one of the recipients of the press guidance that Ms. [REDACTED] sent -- Ms. [REDACTED], excuse me.

A Oh, Ms. [REDACTED] is a male.

Q Mister.

A Mister.

Q Third time's a charm.

A I don't see myself. I'm not on any of these distros. I don't see myself in the initial sent email.

Q Okay. You weren't included in the original chain. From what you can tell by just reviewing this document, what was the purpose of this press guidance that Mr. [REDACTED] had sent out to the distribution

list and to these various recipients?

A This looks like an email that [REDACTED] would have sent to various people to okay that morning's press guidance.

Q Okay. So we move a little further up the chain, and it seems as though Mr. -- it seems that Ms. [REDACTED]. Is that right?

A Yes, right.

Q And who's [REDACTED]?

A She worked -- or works -- in the M Bureau.

Q Okay. And just for the purpose of the record, what bureau is that?

A Management.

Q Right. So it seems as if Ms. [REDACTED] sends an email to these same recipients. And she says here: "Hi - I made some tweaks. I am not keen on the first point, even as I edited it, but don't have any better suggestions. Maybe it was not 'planned well in advance.' The rest of it looks good. I added DS to this message also. Thanks, [REDACTED], M/PRI."

For the purpose of the record, what's DS?

A Diplomatic Security.

Q Okay. We then move further up the chain. So Ms. [REDACTED] sends this email at 12:34 p.m., September 17th, 2012. Two minutes later, at 12:36 p.m. the same day, we get another email from Mr. [REDACTED]. And what he writes to these recipients is: "This is actually the most recent. Just saw NSS language, which I used as the key points here."

Now, Mr. [REDACTED] is indicating that this language is from NSS, and I think you mentioned just a little while ago that's the National Security Staff --

A Correct.

Q -- which is also akin to the National Security Council at one point. Is that right?

A Correct.

Q Okay. So what is your understanding of what she is referring to here and what's happening in this portion of the email thread?

A So it looks like [REDACTED] has revised the press guidance to conform to the NSC -- NSS points, because they are the ones driving the message, the messaging.

Q Right. So if I can have you -- so it looks like she's provided the updated talking points, which she says are based on: Just saw the NSS language.

If I can just have you -- and the key points -- if you can take a look back at exhibit 1, and page 43 of exhibit 1, that second sheet behind the cover page. And if I could just have you, Mr. [REDACTED], compare the talking points that Mr. [REDACTED] provides, the most updated one, with the talking points that we had here under Appendix 1 of the Senate Intelligence report on page 43 that we were just discussing, just take a couple of minutes to take a look at that compare those. Let me know when you are ready.

A Ready.

Q Okay. So you have gotten a chance, Mr. [REDACTED], to compare the talking points provided by Mr. [REDACTED] with the updated NSS language, and you've compared that to the Benghazi talking points provided by HPSCI and the intelligence community, which are memorialized on page 43. Is that right?

A Correct.

Q Okay. Provided to HPSCI, excuse me, from the intelligence community. And you've compared those two things. And the language is identical. Is that right?

A Yes.

Q And do you see any differences between the language of the talking points provided by Mr. [REDACTED] and the talking points provided by the intelligence community to HPSCI?

A No, not with respect to those three points.

Q Okay. Now, when Mr. [REDACTED] had sent along these talking points to these recipients, at this point in time had you --

Mr. Missakian. Just for clarification, I'm sorry to interrupt, my reading of this email is there are two sets of what I would describe as talking points coming from Mr. [REDACTED], so the extent you are referring to Mr. [REDACTED] talking points, can you refer to the first set or the second set, just so the record is clear?

Mr. Desai. Sure. No, I tried to make it a point to say the most recent talking points, but I am happy to clarify further.

Mr. Missakian. Thank you.

BY MR. DESAI:

Q So we are looking at recent set that Mr. [REDACTED] at 12:36 p.m. Now, at this point, when these talking points are sent to these recipients by Mr. [REDACTED] at 12:36 p.m., had you seen at this point the CIA-formulated talking points that went through the interagency coordination process?

A No.

Q You had not seen those?

A No.

Q Okay. So this language, the most recent talking points that had been sent by Mr. [REDACTED], when you finally do see them once you are included on this chain, that was the very first time you were seeing this particular language. Is that right?

A To the best of my recollection, yes.

Q Okay. And when you finally did see the language that are memorialized in these talking points provided by Mr. [REDACTED] at 12:36 p.m., the most recent, to your recollection, this was the very first time you saw them, is that correct, you just said?

A Yes.

Q Now, did you have any idea at the time that the language that's reflected in these talking points provided by Mr. [REDACTED] the second time, at 12:36, that that language actually came from the Central Intelligence Agency and not the NSS as Ms. [REDACTED] -- or that Mr. [REDACTED] indicated in her email?

A I did not know that.

Q You did not know that at the time. Is that right?

A Correct.

Q Okay. Now, continuing up the same chain, and I am still here on page 29 of the document, what we have now is Ms. [REDACTED], am I pronouncing that correctly?

A I have trouble pronouncing that as well, but I think that's close enough.

Q Okay. So we have Ms. [REDACTED], [REDACTED], is that her name?

A [REDACTED].

Q [REDACTED] sending you an email now dated the same day, September 17th, 2012, the time is now 1:59 p.m., and she says: "[REDACTED] - per my call. Note sure we want to be so definitive - what does A/S Jones say?"

Now, just for the record, who is Ms. [REDACTED]?

A At the time she was the deputy director of the MAG office.

Q Okay. And it looks as if that you then respond -- I am now on page 28 of the document -- it looks like you respond to a host of folks here, [REDACTED], Ms. [REDACTED], Ms. [REDACTED], and you say here, "Toria planned on walking it back just a bit, though."

So, again, just to start off with, who is [REDACTED]?

A [REDACTED] was a colleague of mine in NEA press.

Q And that is a mister?

A Mister.

Q Mr. [REDACTED]. Okay. Very good. We have identified Ms. [REDACTED]. Who is [REDACTED]?

A She was a -- on the Libya desk.

Q Okay. So you write back to these folks, and you say: "Toria planned on walking it back just a bit, though."

And, again, just for the record, who is Toria?

A Spokesperson for the Department.

Q Okay. And Ms. [REDACTED] email further down the chain, it looks as if she raises a concern about being so definitive. What was your understanding about what she meant by that?

A To the best of my recollection, it had to do with the characterization of the attack having been spontaneous.

Q Okay. And the concern was that?

A The concern was that it was, within NEA, with some of us anyway, was that it was too definitive. By that, meaning that there was still a lot of information that we didn't have, a lot of things we didn't know. And so I think what we wanted to do is -- was have language that was more open to give time for the investigations to happen and conclude. Because, again, the overriding goal here was to be accurate in whatever we were putting out.

Q Right. Just to make sure I have understood, the concern here from Ms. [REDACTED] that she is reflecting in this email is that Ambassador Rice on her appearance on the Sunday talk shows had been too definitive and that the concern in NEA and the sentiment was that we want to make sure that we have all the facts and that we are as accurate as possible and that this is a fluid situation that's developing. Is that right?

A That's correct.

Q Okay. Now, when you said to Ms. [REDACTED] here at the bottom of page 28 of the document that she planned on walking it back, what were you referring to exactly? Do you recall?

A I don't recall specifically why I wrote this email, but, again, I think the general sentiment was that we needed to be very careful. There was a lot of scrutiny on everything that folks were saying on this issue. And because there was this cloud, because there was -- you know, events were fast moving, it was very fluid, we wanted to be accurate. We wanted to make sure we had all the information. We wanted investigations to happen. So we wanted to have language that allowed for that.

Q And did you feel as if Ms. Nuland actually did walk it back during that September 17th, 2012, press conference?

A I think that -- I think -- I don't disagree with anything that she said.

Q Right. Because on the contrary, it appears as if -- again, going back to exhibit 2 -- that Ms. Nuland actually just confirmed and reiterated Ambassador Rice's statements insofar as Ambassador Rice, you know, appearing on these talk shows and saying -- giving her assessment, which were fully consistent with the intelligence community's assessment as enumerated in the talking points prepared for Congress by the intelligence community. Is that right?

A Correct.

Q So going back to the document, exhibit 3, we are going further up the email chain. We are now on page 28. We have Ms. [REDACTED]

saying: "I think Rice was off the reservation off this one." And then further up she says: "Off the reservation on five networks!"

Now, did you ever talk to Ms. [REDACTED] or Mr. [REDACTED] about what they meant about Ambassador Rice being off the reservation, if you recall?

A No, I don't recall specific conversations, but just from seeing this chain, that is how I would interpret what we are talking about here.

Q Okay. So you never spoke to them specifically from what you recall about what they meant beyond just looking at the document and speculating yourself. Is that right?

A Correct. I don't recall having, yes, conversations.

Q Okay. And as we discussed just a few minutes ago, Ms. Nuland confirmed in her press statement on Monday, the 17th of September, that the statements made by Ambassador Rice on the Sunday talk shows, at least with respect to the protests, were consistent with the intelligence community talking points that were provided to the Intel Committees on Capitol Hill. Is that right?

A Yes.

Q And are you aware, Mr. [REDACTED], of whether Ms. [REDACTED] had ever seen the intelligence community talking points at the time she made these comments in this email?

A I'm not aware that she ever saw them.

Q And are you aware if Mr. [REDACTED] ever saw the talking points that were provided by the intelligence community to the Intel Committees on Capitol Hill?

A I'm not aware.

Q So it's possible that neither Mr. [REDACTED] or Ms. [REDACTED] were aware that at the time that they wrote these emails that Ambassador Rice was, in fact, speaking consistently with the talking points that had been provided to her by the intelligence community. Is that right?

A That's fair, yes.

Q Now --

Ms. Sawyer. And my colleague asked you with regard specifically to her statement that there had been protests that preceded the attacks. And one of the things you identified that you recall being of concern to you and your colleagues was the notion of whether there was spontaneity involved. And I just want to direct you back to exhibit 1 for just a moment.

And, again, these are the talking points prepared by the Central Intelligence Agency on behalf and at the request of Congress that we've talked about a bit. And, again, in that first bullet point, and I will just read, I know we have read it before: "The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the U.S. Embassy in Cairo and evolved into a direct assault against the U.S. diplomatic post in Benghazi and subsequently its annex."

So, again, akin to what we've discussed with regard to to the extent Ms. Rice mentioned that there were protests that preceded, to the extent she said that those protests -- the protests then spontaneously evolved, her saying that was consistent with the talking

points that had been prepared by the intelligence community and circulated on September 15th, the evening before she appeared. Is that correct?

Mr. [REDACTED]. I would say so, yes.

RPTR MAAR

EDTR ROSEN

[12:46 p.m.]

BY MR. DESAI:

Q Great. So if I can, again, refocus your attention back to the document. Again, on page 28, responding to Ms. [REDACTED], it appears you say, quote, "Yup, luckily there's enough in her language to fudge exactly what she said/meant," end quote. Now, again, at this point, when you wrote this response to Ms. [REDACTED], you hadn't seen the unclassified talking points that had been prepared by the intelligence community provided to Congress, is that right?

A Correct.

Q And just to clarify, what did you mean when you wrote that there's enough in her language to fudge exactly what she said/meant, if you recall?

A To the best of my recollection, to the best of my recollection, it was the fact that, I don't recall specific why, you know, precisely why I said what I said there. I think it would have been because of the bullet point that said this assessment may change as additional information is collected and analyzed and as currently available. So I was trying to, I think, make the point that I think we're going to be okay because we have this, the language.

BY MS. SAWYER:

Q And, in fact, I would just direct your attention back to what we've entered into the record as exhibit 2. And, again, just

directing your attention to page 6 that we spoke about, we directed your attention to a paragraph about half way down that started with Ambassador Rice. The very next paragraph, where Ms. Nuland, again, the very next day, is talking to the press says, quote, "She also made clear, as I had on Friday, that there's an ongoing FBI investigation. So, frankly, I'm not sure that it's useful to go beyond that. I'm not capable of going beyond that. And we'll have to just see what the FBI investigation brings us," end quote. So in that regard, would that have been consistent with your belief that she would be able to walk it back in the sense that she would remind the public that there was an ongoing investigation?

A Correct.

Q And on the Sunday talk shows, Ms. Rice, herself, for example, on Fox News that morning said, quote, "Obviously we will wait for the results of the investigation. And we don't want to jump to conclusions before then. But I do think it's important for the American people to know our best current assessment," end quote. So when you were talking about --

Mr. Missakian. Counsel, is that from the exhibit? Or is that something else -- that you just read?

Ms. Sawyer. It is not from the exhibit.

Mr. Missakian. Okay. To the extent you read anything into the record, I think the document from which you're reading needs to go in as an exhibit.

Ms. Sawyer. We would be happy to do that.

Mr. Missakian. Great.

Ms. Sawyer. Let's go off the record for a second.

[Discussion off the record.]

[REDACTED] Exhibit No. 4

Was marked for identification.]

BY MS. SAWYER:

Q Go back on the record. I'm going to hand the witness what we've marked as deposition exhibit 4 for identification purposes. That document bears the number C05409625. It's a six-page document. The subject line is transcript Fox News Sunday/Susan Rice, U.S. Ambassador to the United Nations. And I want to direct your attention to page 6, about the middle of the page there. And before we went off the record, I had read a statement to you that started "Obviously, we'll wait for the results of the investigation. And we don't want to jump to conclusions before then. But I do think it's important for the American people to know our best current assessment." Do you see that statement there? Take your time.

A Okay.

Q So to the extent you had expressed in the email with your colleagues that you felt Ms. Rice had also certainly left room in her statements on the Sunday talk show, and I've just given you one example, would her referring back to the FBI investigation, indicating that was ongoing, that we would have to wait for results, would that have been consistent with what you thought about what she had been saying?

A Yes.

Q And, again, she indicates in that statement to Fox that she felt, nonetheless, even though we didn't know every single thing about the attacks, it was important to give the American people the best current assessment based on what was available, would you agree with that?

A Yes.

BY MR. DESAI:

Q Great. So if I can refocus your attention back to the document, exhibit 3. We're now at the very top of page 28 of that document. What you write here to Mr. [REDACTED] and Ms. [REDACTED] and Ms. [REDACTED] is you say, quote, "WH very worried about the politics. This was all their doing," end quote. And this first WH, you meant the White House, is that correct?

A Correct.

Q Can you explain to us what you recall of what you meant by writing this to these recipients?

A I don't recall why I wrote the first sentence. The second sentence, this was all their doing, I think I was referring to what I thought at the time was that the talking points had come from the NSS or the White House.

Q Okay. So just to be clear, from what you recall, it appears as if, because Mr. [REDACTED] had sent you two iterations of talking points, the most recent at the time being sent to 12:36 p.m., and Mr. [REDACTED] conveying on that email chain that this was the most up-to-date language from NSS, you may have been confused or under the assumption

that that language had come from the White House or the National Security Staff, and that's why you wrote this is all their doing, is that correct?

A Correct.

Q Aside from the concerns that you've already expressed to us, with respect to, at the time, you were wondering whether or not Ambassador Rice's statements on these talk shows were too definitive, meaning that the investigation was still ongoing, the facts were still fluid, this was a fluid situation, did you, at that time, have any objection to the substance of what Ambassador Rice said on the Sunday morning talk shows on September 16, 2012?

A At the time? At the time --

Mr. Missakian. Can we establish a foundation that he's aware of what she said on each one of those shows?

Mr. Desai. I think we've done that.

Mr. Missakian. I don't think we have. He's not even sure if he saw the shows.

Ms. Sawyer. He did indicate that he later became aware.

Mr. Missakian. Being aware of the shows is one thing. But having specific knowledge of what she said, which is the premise of the question, is something entirely different.

Ms. Sawyer. We can just simply rephrase it to make sure that it's clear.

BY MS. SAWYER:

Q So, Mr. [REDACTED], do you have a recollection at the time,

so around about September 17th, 2012, when this email exchange is occurring, do you recall whether you, you are commenting about Ms. Rice's appearances, do you recall whether you had concerns on a substantive level with what she had said?

A I recall -- I recall having initial concern. Because, if I recall the reporting on this, I don't recall seeing the shows, but it became a big to-do. And I recall a lot of partisan talk focusing on particular comments she had made. And from that, I remember having initial concerns that oh, perhaps we were too definitive saying, characterizing it as spontaneous. But then, you know, seeing this, remembering, refreshing my memory, the comments that I, you know, I think there's enough room in her language, I think, you know, my thoughts at the time, as I recall best, is that we were -- I think we were going to be okay once I saw the language here, as I pointed out, because of the second bullet.

Q And when you talk about the fact that you were too definitive and there was an ongoing investigation, from the best of your recollection, at that point in time, September 17th, 2012, was there a definitive conclusion that you were aware of as to whether or not the attacks were spontaneous?

A There was not.

Q As to whether or not a protest preceded the attacks in Benghazi?

A Right. Correct.

Q There was not a --

A There was not.

Q -- definitive --

A Correct.

Q Sorry. I don't want to speak over you. So at that point in time, September 17th, 2012, to the best of your recollection at that time, there was not a definitive conclusion as to whether protests had preceded the attacks in Benghazi?

A That is correct.

Q And you indicated when you were just talking to us that there was intense scrutiny of how the, how the attacks were being talked about. So was some of the concern that you expressed when you said we were too definitive, was that if some of the information as it was evolving turned out to change, to be incorrect, that there would be a backlash because of that, there would be political criticism?

A Certainly I was aware of the heightened scrutiny, the heightened sensitivity with everything that was being said. I remember feeling very concerned that we had to be extra careful to be accurate. But that's generally what I recall.

Q Do you think that, in fact, you ended up being correct in the sense that when some information did change, there was intense scrutiny and criticism? In fact, eight congressional committees worth of intense scrutiny and criticism, isn't that accurate?

A Yes.

Q And given all that scrutiny, I think it's just important for us to ask, from your perspective, did you ever get a sense that

Ms. Nuland or anyone in her press shop -- so I think you said Bureau of Public Affairs, is that right?

A Yes.

Q Was trying to conceal facts about the Benghazi attacks for political advantage?

A No.

Q Did you get a sense that Ms. Nuland or anyone in the Office of Public Affairs, Bureau of Public Affairs --

A The Bureau of Public Affairs.

Q -- was concealing the truth in order to avoid embarrassment or to perpetuate a false narrative about the attacks?

A No.

Q Turning to the National Security Staff, you indicated Ms. Meehan had, to your knowledge, potentially been involved?

A Yes.

Q Did you ever get the sense that Ms. Meehan or anyone else within, of her colleagues, were trying to conceal facts about the Benghazi attacks for political advantage?

A No.

Q Did you ever get a sense that Ms. Meehan or anyone in her -- any of her colleagues were concealing the truth in order to avoid embarrassment or to perpetuate a false narrative about the attacks?

A No.

Q And then, with regard to within your bureau itself, even though you were not the lead on it, did you ever get the sense -- did

you, yourself, or any of your colleagues, to the best of your knowledge, try to conceal facts for political advantage?

A No.

Q Did you try to conceal the truth in order to avoid embarrassment or to perpetuate a false narrative about the attacks?

A No.

Q Were you ever pressured to conceal facts about the Benghazi attacks?

A No.

Q Were you ever asked to conceal the truth or change the story or perpetuate a narrative about the Benghazi attacks?

A No.

Q Do you have any reason to believe that Ms. Nuland, Ms. Meehan, anyone in their respective press shops or any of your colleagues and yourself were doing anything other than their best, good-faith effort to, as quickly as possible and as accurately as possible, get to the truth of what happened in Benghazi?

A We were all doing the best that we could under difficult circumstances.

Q And you did feel it was important to get the accurate information to the American public as quickly as you could?

A As quickly as we could, but as accurately as we could. That was even more important than being quick.

Q Now, we spoke specifically about the National Security Staff, National Security Council, some people consider them

co-extensive with individuals in the White House. But aside from those individuals, did you have, do you have any knowledge of anyone else, first, beyond the National Security Staff that would have been in the White House press office who would have been involved in helping coordinate and convey accurate information to the press and the American public about the attacks?

A I'm not aware, other than the names that I've given.

Q And with regard to everyone that you engaged with, or that you know was involved, certainly you have no question that they did their very best to get to the bottom of the truth, make sure that that was conveyed to the American people?

A Correct.

MR. DESAI: I think that's it for now. We'll go off the record.

[Recess.]

Mr. Grider. Okay. All right. Let's go back on the record please.

BY MR. GRIDER:

Q Mr. [REDACTED], I appreciate you being back here so that we can sort of walk through some of the questions. I believe we ended with sort of the night of the attacks.

A Uh-huh.

Q Before we go there, I think I initially had asked you about your background before coming to the State Department. And you had mentioned that you came from school into the Presidential --

A Management Fellowship.

Q Yes. Which school was that? Was that college or --

A It was law school.

Q Okay. Which law school was that?

A Boalt.

Q Is that in California?

A Yes.

Q Okay. Let's go back, and I want to touch on -- we're going to come back to government exhibit 3 -- but there's just a few questions that the minority brought up, I just want to just sort of clarify in my notes. Being in the press office, you mentioned that your objective, or your goal, was to be as accurate as possible, is that correct?

A Correct.

Q And during -- and sort of gathering the facts on the night of the attacks, was that your objective to be as accurate as possible?

A Yes.

Q Let's take a look at exhibit 3. And I believe the email that my colleague from the minority staff had us look at was the email that you sent to [REDACTED], [REDACTED], and Ms. [REDACTED] on September 17th at 2:17 p.m.

A Okay.

Q Can you read that for the record, please?

A Yes.

Mr. Evers. The --

Mr. Grider. Just the email.

Mr. Evers. I got you.

Mr. Grider. The language of the email, that specific email.

BY MR. GRIDER:

Q Go ahead.

A "Yep. Luckily there's enough in her language to fudge exactly what she said/meant."

Q Okay. Now, not being involved in press, just what is your understanding of "fudge" when it comes to the context of the notion of being exact?

A What is my --

Q What did you mean by "fudge"?

A Well, I don't recall exactly, precisely why I wrote it in this formulation. But as I said earlier, knowing my thought process, what I think I meant was that I was referring to the language in the email below in reference to that it was my feeling, I think, that we would be okay in that that second bullet gave us enough room, so that we weren't as definitive as I thought we had been, and so we would be okay.

Q We would be okay to be as accurate as possible?

A Yes. That we were, in fact, being accurate.

Q Going up to the earlier email, the email right above that of [REDACTED], where he says, "off the reservation on five networks," to your knowledge, based on -- and [REDACTED] worked for NEA, he was on the NEA desk, he was with NEA press with you, correct?

A Correct.

Q To your knowledge, was there a general consensus within NEA based on what actually had taken place? So we're suggesting that off the reservation, so that means there was a -- there may have been a location and someone is off, someone has moved away from a general consensus. Was there --

Ms. Sawyer. I'm going to object to that, because you are -- that's your definition of off the reservation, it's never what he said.

Mr. Grider. I'm asking --

Ms. Sawyer. I think earlier he said he hadn't talked with them about that that meant, talked with these individuals about what they meant by that specific term.

BY MR. GRIDER:

Q So where did [REDACTED] work at the time that he wrote these emails?

A In NEA press.

Q And was he in the same office as you?

A He was actually physically located at the time on the 6th floor.

Q Okay. So near --

A He was not in the NEA front office suite, but in the suite next to it.

BY MR. MISSAKIAN:

Q Mr. [REDACTED], if I could just follow up on the objection that was raised. In the email from [REDACTED] she says, and I'm quoting

here, "I think Rice was off the reservation on this one," end quote. You then respond to that email. Now, in your response, you don't ask her what she meant. You don't express any confusion about what she meant. So is it fair to conclude that you had an understanding in your mind about what she meant when you wrote your email in response?

Mr. [REDACTED]. Yeah, I don't remember. I don't remember what I thought at that moment.

BY MR. MISSAKIAN:

Q I'm not asking you if you remember what you thought at the moment. I'm just now asking you if you had been, if there was a question in your mind about what she meant, it would have been logical for you to respond back and say I'm not sure what you mean. You would at least agree with me there?

A I agree that at the time, I must have had an understanding.

Q Right. As you sit here today, do you have an understanding of what she meant?

A I think I know what she meant. I can't speak for her.

Q Of course not. We're not asking you to. We're asking you if you have an understanding of what you believe she meant and what is that understanding?

A I think what she meant was that Susan Rice had been too definitive in some of the language that she used.

Q Okay. What is that belief based upon?

A From the email chain, from exhibit 3.

Q So your understanding at the time, we're talking about what

you believed at the time, was based solely on your reading of the email chain that preceded your response, is that what I'm understanding?

Mr. Evers. I think you were just asking what his understanding is today.

Mr. Missakian. No. I'm not.

Mr. [REDACTED]. That's what I thought you were talking about.

BY MR. MISSAKIAN:

Q I'm asking if you had an understanding of what she meant when she used the term "off the reservation" at the time.

A Oh, at the time --

Mr. Evers. I think he said he doesn't remember what he thought.

Mr. Missakian. Please, you know, he's the witness here. You don't have to put words in his mouth.

Mr. Evers. Neither do you.

Mr. Missakian. If you have an objection, please do. I'm not. I'm simply asking the questions. And I think the record will reflect that.

Ms. Sachsman Grooms. The record will reflect he's already answered this particular question, which I think is what the attorney was trying to reference. But go ahead.

Mr. Missakian. That's not what the attorney said.

Ms. Sachsman Grooms. Why don't you answer the question again.

Mr. Missakian. Please do.

Mr. [REDACTED]. I don't remember what I thought at the time. I'm basing what I'm saying on seeing this email again now at this time.

BY MR. MISSAKIAN:

Q Okay. So you're basing your understanding of her use of that term based on reading the email as you sit here today?

A Correct.

Q Is this one of the emails that you reviewed yesterday with the attorney that is sitting next to you?

A I did see this email yesterday, yes.

Q Did you have any conversations with Ms. [REDACTED] at the time, or since, about the contents of this email exchange?

A No.

Q Other than the email exchange, you had no other face-to-face communications?

A At what point?

Q Back then.

A I don't recall.

Q Have you had any conversations with her at any point since then?

Ms. Sawyer. About this particular exchange?

Mr. Missakian. Yes.

Mr. [REDACTED]. About this?

Mr. Missakian. Yes.

Mr. [REDACTED]. No.

BY MR. MISSAKIAN:

Q So if you could, just flip through the email that we're talking about here, this is exhibit 3. And could you point to the part

that, in your mind, leads you to conclude that what she meant by use of the term "off the reservation" was what you testified to earlier?

A So if we start at the email at 1:41, and then the email at 1:59. I would say those --

Q Those two emails?

A Those helped inform me, yes.

Q Those helped inform you. Okay. Thank you.

BY MR. GRIDER:

Q During the night of the attacks, you stated you were at your desk. You often went to the 6th floor, gave information, received information, is that correct?

A I spent most of the time at my desk. I remember running up, on occasion, up to the 6th floor.

Q During the night of the attacks, did you have any definitive information concerning the motive of the attacks, did you?

A I did not have any definitive information.

Q Did you have any information about the motive of the attacks? Or did you receive any information about the motives of the attacks?

A I did not, I don't recall receiving information about the motives of the attacks.

Q So when did you learn, so government exhibit 3 talks a little bit about the motive of the attack, correct? Protest. Video. When did you -- was it September 17th that you formed your opinion? Or did you have an opinion during the night of the attacks?

A During the night of the attacks, there was a lot of confusion of what was going on. I may have said this before, there was a cloud, some call it a fog of war. You don't really have definitive information, none of us did, about what was going on. We certainly -- there was bits and pieces coming in. And you try to make sense of it all, based on information that was, in no way, definitive. My opinion, that night, was simply that this was a terrorist attack.

Q So let me just make sure I'm clear. So your opinion on the night of the attack, when you were at the State Department, your opinion was that it was a terrorist attack?

A Correct.

Q And what was the basis for that opinion?

A Conversations that were -- of overhearing conversations. Again, as I said, I was, some of the time that day, I was in Beth's office because I was trying to figure out what was going on. And so that helped inform my opinion, because everyone was reaching out to their contacts. So as I said earlier, with me it was my press counterpart or press contact in Tripoli. I'm sure others, Beth, Liz, were reaching out to people, their contacts. Everyone was trying to get information to find out about Chris and the rest of our people.

Q How long did you hold that opinion, that it was a terrorist attack?

A I continue to hold that opinion.

Q So even today?

A [No verbal response.]

Q So do you believe that that opinion is somewhat based on your -- the email traffic here?

Mr. Evers. Do you understand the question?

Mr. [REDACTED]. Yeah, I'm not sure I understand it.

BY MR. GRIDER:

Q All right. Let me rephrase. Your opinion, you stated that on September, the night of the attack -- let me pause.

We don't have the ability for a readback, so I don't want to mischaracterize -- I have in my notes that you may have stated, or maybe I wrote this, you were concerned about a false narrative being perpetuated. That may have been a question.

Mr. Evers. My memory is that it was a question.

Mr. Grider. A question, that's correct.

BY MR. GRIDER:

Q And I think your response was were you concerned about a false narrative being perpetuated?

Mr. Evers. Before going on memory, the best of my memory, for what it's worth, is that the question was: Did you ever have any concern that people, and it was phrased several ways, various press offices were trying to perpetuate a false narrative.

Mr. Grider. Right. Do you want me to repeat the question?

Mr. Evers. No. No. That's fine.

Mr. [REDACTED]. No one was trying to.

BY MR. GRIDER:

Q Were you ever concerned about a false narrative being

perpetuated?

A What I was concerned about was being too definitive in the language that we would use going forward in how we respond to press inquiries, given that we didn't know a lot, and there was a lot of confusion about what exactly happened.

BY MR. MISSAKIAN:

Q Let me ask you this, Mr. [REDACTED]. Let's just try to cabin the information you had at the time. What did you know about what happened that night? And I'm talking about in the period after when you first learned of the attack and, say, when you went home that night?

A None of us really knew much. We certainly had opinions. But we were keenly aware that there was a lot of confusion, there was a lot of cloud. No one knew, I mean, know in the use of the word. We certainly had impressions. We had opinions.

Q I'll accept that. But if you could, just kind of think back to that night. And you said you had opinions. I assume you had opinions about what had occurred. Typically, opinions are based on something. Sometimes they're based on other opinions. Sometimes they're based on facts. Sometimes they're based on a combination of things. To the extent you can, what was your opinion based upon?

A It was based upon, as I said earlier, based on, from the best, from the best that I can recall, conversations that I may have been a part of or overheard from my leadership and colleagues that day.

Q Right. So let's try to break those down a little bit. Do any of those conversations stand out in your mind now? Or do they all

kind of blend together as just one big conversation?

A It all blends in together. Nothings stands out.

Q Do any of the individuals that you had these conversations with, or who may have been part of a conversation, can you identify any of those people?

A Yes. As I said before, Beth Jones, Liz Dibble, [REDACTED]
[REDACTED].

Q [REDACTED], I think you said.

A [REDACTED].

Q Right. Let's go -- do you recall anything that night that Beth Jones said about the attack?

A I don't recall specific things. But I recall, in general, a sense that a general opinion that what was occurring was a terrorist attack.

Q And would that be the same sense that you got from the conversations involving Liz Dibble, [REDACTED], and [REDACTED]?

A I can't be specifically one by one down the line. But in general, I remember there was a general opinion among us.

Q In these conversations that you're referring to, were they conversations that were limited to the personnel in the NEA, or were these conversations that may have gone beyond NEA, involving other departments or areas of the State Department?

A I don't recall specifically. But my -- I think that night, that day, I would have been in contact with others not just within NEA, but other offices, maybe other agencies. But I don't recall

specifically.

Q Fair enough. I think you may have said that you recalled speaking to Victoria Nuland at some point during that time period that we're talking about. Do you recall anything specific from your interaction with Ms. Nuland during that time period?

A That day?

Q That day, yes. Again, the time period I'm talking about is when you first learned about the attack up until the time around 2 a.m. in the morning when you went home.

A Okay. I don't remember any specific conversation or exchange with her.

Q Do you recall anything generally?

A I don't.

Q What about any of the other more senior-level leadership in the State Department? Did you participate in any meetings where any of the folks sort of at the Jake Sullivan level were involved, for example?

A No.

Q Why was that? Do you know?

A The focus within NEA, and especially with the folks that I mentioned, was -- again, it wasn't work, it was concern for Chris, for our people. There was a lot of emotion. A lot of the contact that I had, that I vaguely, in general, you know, recall having with others in the building, or perhaps other agencies. You have to recall, we're not just colleagues, but with a lot of these people, we're also friends.

Again, the overriding concern, the overriding topic of the conversations were having to do with Chris and his well-being and those of our people.

Q Is that a function of the fact that it seems as if the press reporting element of what was going on that day was moved out of NEA into the Victoria Nuland main press shop?

A Correct. It wasn't within NEA.

Q Is was not?

A Right.

Q So at that point, your shop, for lack of a better term, didn't have any formal product it was putting out?

A I'm sorry, repeat the question.

Q So at that point, once Victoria Nuland's department took over, did NEA, did your press shop have any responsibilities to put out any formal statements or press releases or anything like that?

A I don't recall working on anything like that that day or having responsibility for that.

Q Sure. Afterwards, obviously, you guys came back into the picture. We've seen some talking points from somebody from your department here. So by the 17th at least, the NEA press shop is brought back in and working on statements and press releases and talking points and that sort of thing, at least by that date?

A The primary responsibility on this subject matter, even after that day, was with leadership.

Q Okay. How would you describe NEA's role, they had the

primary role, how would you describe your press shop's role?

A We did not have, frankly, much of a role, which I was perfectly fine with, because there were other things within NEA going on, as there always is.

Q Let me just ask you, I have a whole bunch of other questions about exhibit 3, but focusing on page 31 of exhibit 3, which is, these are the actual talking points that Mr. [REDACTED] had prepared and sent around to Bernadette Meehan and others. And before I get to that, there's a group email address here, NEA-LIBYADESK. Are you are part of that distribution group?

A NEA-LIBYADESK?

Q Yes.

A No.

Q Who would be part of that, do you know?

A That would be the Libya desk officers. And it may be their leadership in that office. But I don't recall who was on it at the time.

Q So do you have any understanding why Mr. [REDACTED] prepared these key points, these talking points? What is the purpose of this document?

A Yes. Oftentimes in these kind of situations of this gravity or this magnitude, there isn't always, because NEA was somewhat taken out of it, it's not unusual, we don't always know what is going on with leadership. And so what I think this was was, you know, we still try to be helpful as much as we can within NEA press and to make

sure that leadership has what can be helpful to them. And so I think [REDACTED] was taking initiative to draft, and to be helpful, to draft talking points for use that day. So, as you can see then, later on in this chain, unbeknownst to us, there were already talking points from the NSS.

Q At the time, you were Mr. [REDACTED] boss?

A Yes.

Q So when you say you believe he may have taken initiative to do this, was this an assignment you gave him? Or do you believe he came up with this on his own?

Mr. Evers. If you remember.

Mr. [REDACTED]. Yeah, I don't recall. I don't recall having a conversation with him about that that morning.

BY MR. MISSAKIAN:

Q Was it his practice, if you can recall, to do something like this on his own? Or would he have expected to get direction to do it from you?

A I mean, generally speaking, it would have been standard for him to come to me and be like, Hey, how should we approach this this morning?

Q And would this document have been edited by you or reviewed by you before it was circulated?

Mr. Evers. If you remember.

Mr. [REDACTED]. Yeah, I don't remember specifically with this.

Mr. Missakian. Again, all the questions I'm asking, just so your

lawyer sitting here doesn't have to repeat it every time, we're just looking for what you remember, not asking you to guess.

BY MR. MISSAKIAN:

Q And I know you answered this already so I apologize, who is [REDACTED]?

A She is -- she works -- I don't know what her title is, but she works in the M Bureau, M as in management.

Q Would it have been typical for somebody in your department, in the press department in NEA, to send talking points like this to somebody in the M Bureau for review? Or is that something unusual in this situation?

A Generally speaking, it's pretty standard to when we produce press guidance or talking points, that we coordinate with offices that may have equity to make sure that it conforms to policy and facts.

Q Do you recall having any conversations with Ms. [REDACTED] about these talking points?

A I don't recall having a conversation.

Q I believe you said that one of the documents you reviewed yesterday was, at least some portion of this exhibit 3. Did the document you reviewed include this last section, pages 31 and 32, if you recall? Did it have the actual talking points?

A 31 and 32, yes.

Q And I notice on the first paragraph, the first bullet right below key points, there are certain words that have been stricken out. I haven't seen, maybe it exists, a document that doesn't have that.

Do you have any understanding of what we're looking at here? For example, are we looking at a Word document that was cut and pasted into an email, and there might be a Word document out there that hasn't been produced? Do you have any sense of what we're looking at?

Mr. Evers. If you know.

Mr. [REDACTED]. I mean, it looks to me, I mean, I don't know. It looks to me like it's just an email with press guidance.

BY MR. MISSAKIAN:

Q It appears these changes were made before these key points were circulated. I just wonder if you have any understanding of who made the changes? And by "changes," I mean, struck out the word "time" in the second line and struck out the words "premeditated" or "coordinated" in the last line.

Mr. Evers. If you know.

Mr. [REDACTED]. Yeah, I don't know who made those changes.

BY MR. MISSAKIAN:

Q All right. Prior to seeing this document yesterday, did you have any recollection of seeing it at the time? And by the time, I mean September, whenever it was circulated, September 17th or thereabouts?

A No.

BY MR. GRIDER:

Q Okay. Let me, my colleague may come back to that, we're going to just sort of try to -- to your knowledge, during the night of the attacks, do you know if there was an operations or ops center?

A Well, we always have an ops center within State.

Q Okay. Did you interact with the ops center during the night of the attacks?

A I don't recall having done so.

Q Do you know during the night of the attacks was a task force formed?

A I don't recall one being formed the night of the attacks.

Q What about after the attacks?

A I recall, I recall there being a task force being formed. And I say that with parentheses, because I don't recall if we called it that, but there was something like that formed, yes.

Q What's the basis of that recollection?

A Just, I mean I just recall that. The basis is just --

Q Did someone tell you about it? Or did you observe it?

A I recall being informed that one had been stood up, which often happens during crisis situations of this magnitude.

Q So do you recall who informed you?

A No.

Q But you were informed. Do you recall when you were informed?

A I have the memory of it, but I don't recall how that --

Q How you came to know that there was a task force?

A Correct.

Q We earlier talked about Cairo. To your knowledge, do you know if there has a task force created for the Cairo protest?

A I don't recall one being formed for that.

Q For daily meetings with the Department spokesperson, did you or others prepare written materials, for instance, bullet points?

Mr. Evers. Generally are we talking about --

Mr. Grider. Generally.

Mr. Evers. Okay.

Mr. [REDACTED]. In general, on the subject matter, at some point.

BY MR. GRIDER:

Q During those meetings, you had mentioned earlier you met with Nuland in the morning. Did you prepare, did you come with materials, bullet points?

A On the day after you're talking about?

Mr. Evers. He's asking generally.

Mr. [REDACTED]. In general, yes. In general, that's what we do.

BY MR. GRIDER:

Q With respect to Libya, where are those documents, those general bullet points, where are they kept?

A The ones that are produced by my office are kept in our files.

Q So if you were briefing or preparing talking points for Toria on Libya --

A Uh-huh.

Q -- based on what you stated, you would have bullet points with respect to Libya if you're going in to talk to her generally, is that correct?

A Correct.

Q To your knowledge, were those turned over to this committee?

Mr. Evers. If you know.

Mr. [REDACTED]. I don't know.

BY MR. GRIDER:

Q It's my understanding that with respect to the Cairo protest, there may have been an embassy message that was posted on social media. Do you have any recollection about that embassy message posted on social media?

A I vaguely recall a message.

Q Can you tell me what you recall?

A I vaguely recall the message having to do with protests in Cairo around our embassy, if I recall correctly.

Q And was there ever an occasion that that message was, quote/unquote, "dialed back"?

A I remember vaguely that there was a big to-do about the message that Embassy Cairo put out somehow. I don't recall if it was social media or what, social media. But there was an issue with the message. I don't recall what that issue was. I vaguely recall discussion about it back here in Washington, there being an issue, and us having to have Cairo pull down the message.

Q Okay. So what was the nature of the message? Was it the sky is blue? What was the nature of the message?

A As I said, I vaguely recall it having to do with protests that were happening.

Q Okay. So you said it was a big to-do. So I'm assuming you don't recall exactly that message?

A That is correct.

Q Okay. So it was about a protest. And then based on your testimony, there was a big to-do about that message, is that correct?

A Correct.

Q And then later you stated that that message was either, was it changed or pulled down?

A I recall it having to be taken down.

Q And why was that?

A Because there was a determination made in Washington that that wasn't a message that should have gone out.

Q Okay. Do you recall generally, so it was about a protest. Do you recall generally what it was suggesting about the protest?

A I don't recall.

Q With respect to the task force that you recall being set up on the night of the attacks or, after the attacks, were you a part of that task force?

A No.

Q Do you recall the individuals that were part of the task force?

A I don't recall who was on it.

Q During or before the night of the attacks, did you receive any ops center alerts?

A I don't recall specifically, but that would be, that would

not be unusual. It would be pretty standard to receive ops alerts.

Q So during the Cairo protests, you may have received an ops center alert?

A I may have, yes.

Q So tell us, what is an ops center alert?

A It generally tends to be a message, distributed widely, with what is believed to be the best information at the time on what we're to be alerted about, or to update us on events that may be happening.

Q Where does that information come from?

A Ops, I've never worked in ops, so I don't know where they get the information exactly. But it's, it's from various offices I would imagine involved.

Mr. Grider. Let's go off the record for just a minute here.

[Discussion off the record.]

BY MR. GRIDER:

Q Are you familiar with the term SVTCS?

A I am.

Q Can you tell me what it is? I'm glad you are.

A I couldn't tell you what it stands for. Even I don't know that. And I've been working at State for a while. It's kind of embarrassing. SVTCS is a meeting that would be, that we would have in the Department in a room with a video conference, and it would beam in other officers.

Q So have you ever attended a SVTCS?

A Yes.

Q During the night of the attacks or post-attack, did you receive a SVTC?

A On this subject matter, I don't believe I ever did.

BY MR. MISSAKIAN:

Q Mr. [REDACTED], I just kind of want to walk through exhibit 3 in a little more detail with you know. I think you've got it in front of you. You may have covered this in your prior answers. But going back to the second to the last page in exhibit 3, which is marked as page 31, Mr. [REDACTED] is transmitting a PG, which, I gather, means press guidance, this is all I really have for today. Is this something that was done a regular daily basis or weekly basis where someone within your press shop would send guidance to the White House or the National Security Staff, or was this something that was done on an ad hoc basis as needed?

Mr. Evers. Can I ask if you're asking about a particular time period or just as a general matter?

Mr. Missakian. General matter.

Mr. [REDACTED]. As a general matter, the production of press guidance occurs in the NEA press on a daily basis.

BY MR. MISSAKIAN:

Q Is it typical for that press guidance to be directed to this distribution list, Bernadette Meehan, White House and National Security Staff, and some of these others folks? Or does this list appear to be something that was cobbled together specifically for this document?

A The distribution list, the clearance process for press guidance varies from issue to issue.

Q On this issue, what was the, who were the people that had the clearance for press guidance?

A It would have been people who worked in offices that we felt or ██████ felt, or whomever felt had equities on this issue.

Q Let's go through the list then. We know who Bernadette Meehan is, obvious equities in it. After NEA-LIBYADESK, it says CAPRESSREQUESTS. CA press requests, I gather?

A Uh-huh.

Q What does that stand for?

A That's the distribution list that contains the press officers in the Bureau of Consular Affairs, press section.

Q ██████ we talked about. ██████, who is that?

A ██████ at the time was spokesperson for U.S.

Q And ██████, or ██████?

A ██████ at that time, I don't recall what job ██████ had at that time.

Q Do you recall what agency she worked for?

A State.

Q State?

A Yes.

Q And how about ██████?

A I don't recall. It was at State but I don't recall his specific job at that time.

Q [REDACTED] ?

A [REDACTED].

Q [REDACTED].

A [REDACTED], again, also at State. But I don't recall her position at the time.

Q And, lastly, [REDACTED] ?

A Now, that is a name that I really don't remember. I couldn't even tell you if it was State. I'm assuming it would be, but I don't remember.

Q Fair enough. Thank you. Let's go to the next page. There are a couple of names that are added here and then a cc. You've got [REDACTED], do you recognize that name?

A [REDACTED], I do not.

Q How about [REDACTED] ?

A I do not.

Q And M Clearance?

A M Clearance, oh, M Clearance on the cc line, that would be the distribution list within the M Bureau, Management Bureau.

Q Who was the head of that bureau at the time?

A At the time, Pat Kennedy.

Q All right. Let's flip forward to page 29. I just want to ask you a couple of questions about the two emails that you had referred to earlier. The first one is from Ms. [REDACTED] at 1:41 p.m. in which she says, quote, "I really hope this was revised. I don't think we should go on the record on this -- period." And I gather you agreed

with her sentiment there?

Mr. Evers. If you remember.

Mr. [REDACTED]. I don't remember.

Ms. Sawyer. I just want the record to reflect that I don't think he's on the chain yet.

Mr. [REDACTED]. Yeah, I'm not on the chain yet.

Mr. Missakian. Right. I know.

BY MR. MISSAKIAN:

Q But you previously, in your testimony, when I asked you about how you came to your conclusion about the fudge language, and how you responded to Ms. [REDACTED] statement about being off the reservation, you pointed to those two emails as informing your opinion. Do you recall when you testified to that?

A Yes.

Q So I'm now just asking you if you agree with the sentiment she expresses in this that she didn't, I don't think we should go on the record on this. At that time, do you believe you agreed with that sentiment?

A In general, I agreed that we shouldn't have language that was very definitive.

Q Okay. And why was that?

A Again, because we still didn't know a lot. There was still facts coming out. There was an investigation that had to be done. And so we wanted to be as accurate as possible in whatever we said.

Q Fair enough. And when you said an investigation had to be

done, are you referring to an FBI investigation that had to be done, or some other type of investigation?

A I'm referring to, in general, any investigation at the time that would gather all of the facts.

Q Were you aware of any such investigations that were ongoing at the time?

A I recall there being an FBI investigation.

Q How do you recall hearing about the FBI investigation?

A I'm just now refreshed from our discussion earlier that there was one.

Q So --

A I think there was mention in the transcript of Victoria Nuland.

Q Putting aside what you read in the documents that you used to refresh your memory yesterday, do you believe that you, at the time --

A That was today.

Q Okay. Whether it's today or yesterday, putting those documents aside, the information that came to you from those documents, do you believe you were aware of an FBI investigation back at the time on or around September 11th?

A I vaguely recall that there was one, or would be one.

Q Fair enough. Do you recall how you learned that there either was one or there might be one?

A I don't recall.

Q Now, you were shown a transcript of some comments that

Victoria Nuland made, and I'm paraphrasing what she said, but she was essentially asked a question and she said she was not able to answer because of a pending FBI investigation. Do you recall that? It's page 6 in that exhibit, if you want to review it.

A Yes.

Q Please go ahead. And I believe that you were asked if you agreed or disagreed with what Ms. Nuland said in that portion of the transcript. And you said that you agreed with what she said.

A That's correct.

Q Okay. Could you be more specific about what you were referring to when you said you agreed with what she said? If you could just, if it's the whole section, fine. If it's a sentence or a word, fine. We just want to know exactly what you were talking about.

A I agree, there's nothing in here that I disagree with.

Q Okay. So we know -- obviously you haven't read the whole thing.

A I'm speaking for this section.

Q What are you speaking of? Okay. Starting, why don't you identify the first work in the first paragraph.

A Starting with "Well, let me start by reminding you," and then finishing with "and we'll have to just wait to see what the FBI investigation brings us."

Q Great. Thank you. So you agree that during the pendency of an FBI -- putting aside what she said. I'm just now asking you what your opinion is. Pending the completion of the FBI investigation, it

would have been appropriate to direct all questions about the Benghazi attack to the FBI?

A It would have been appropriate for us to convey in our messaging that, that there wasn't a lot we could say, because we're still waiting on information and facts to come to light.

Q Where do you draw the line between what you can say and what you, where you stop and say for that you have to go to the FBI? Again, I'm not referring to that document. I'm just talking now generally about the attack.

A You know, generally speaking, it would be anything that we just don't know.

Q As an example, as an example, we knew that, you knew at that point that Ambassador Stevens had passed away. So would that be an example of something you would be comfortable confirming or saying and beyond that, say, the identity of the attackers, for that you would refer to the FBI, something that was known versus unknown?

A Correct.

Q Now, were you, specifically you, given any direction with regard to how the pendency of the FBI investigation would impact press statements from your press shop?

Mr. Evers. You mean NEA press shop specifically?

Mr. Missakian. Let me withdraw the question and ask it again.

Mr. Evers. Thank you.

BY MR. MISSAKIAN:

Q Were you, specifically, as the head of the NEA press shop,

given any direction about what you could, or the NEA press shop could or could not or should or should not say about the attacks because of the pendency of the FBI investigation?

A Our general posture within NEA press, just that world, was to defer to leadership on the messaging.

Q My question is a different one. Were you, as the head of the NEA press shop, given any instructions one way or the other about what you could or could not say as a result of the pendency of the FBI investigation?

A I don't recall receiving specific instructions.

Q Do you recall receiving general instructions?

A No.

Q Okay. I had to ask. Okay. Now we're going to, we're still on the exhibit 3. If you could flip back to exhibit 3, page 29, move you up from the [REDACTED] email at 1:41 to the [REDACTED] email at 1:59. Do you see that?

A 1:59, yes.

Q In the email, she writes "[REDACTED], per my call, not sure we want to be so definitive. What does AS Jones say?" Let's start at the beginning here. Do you recall having a telephone call with [REDACTED] [REDACTED]?

A I don't.

Q At the end of the sentence, it suggests that you were either going to speak with Assistant Secretary Jones or you had, or it implies you knew what Assistant Secretary Jones would say on the subject. Do

you recall anything that Ambassador -- withdraw that. Do you recall anything that Assistant Secretary Jones said on this topic?

A On this specific topic, here in this email? No.

Q Do you recall having any conversations with her about the topics in this email?

A No.

Q Have you ever had a conversation with [REDACTED] about this email or the contents of the email?

A No.

Q Have you ever had any conversations with anyone else on this email distribution list, Ms. [REDACTED], Mr. [REDACTED]?

A No.

RPTR DEAN

EDTR CRYSTAL

[2:55 p.m.]

BY MR. MISSAKIAN:

Q Let's flip to the front page then. This is now page 28. At the very bottom we have an email from you, September 17th at 20:05 p.m., you are sending it to [REDACTED], [REDACTED], cc'ing [REDACTED]. The subject is: "RE: Libya PG." You write: "Toria planned on walking it back just a bit, though."

First off, do you recall what you meant by that?

A I don't recall specifically, but as a general matter, though, in my thought process, I think it was important to, again, not be so definitive in our language, to allow for more facts, to be as accurate as possible. And to emphasize the language in the talking points, that I think was inappropriate, which was that the information may change as more information came to light.

Q And what was your basis for expressing your belief that Toria planned on walking it back just a bit?

A Again, I don't recall specifically, but there was, as I gather from the email, concern with what Susan Rice had said. Our policy people on this chain appear to be concerned. As a press person, it's often my job to try to calm them down, that, look, it's going to be fine, we have language here that actually -- if we emphasize the second bullet, we're fine.

Q And what specifically about the talking points were you

concerned with?

A Well, I was -- it's not so much concerned, it was that Toria emphasized the fact that our initial assessment may change as more information comes to light.

Q Right. But that only comes into play, you only have to rely on that language, the language that you referred to as kind of fudged language, if you have to change something else that was said. So was there anything in particular about the talking points that gave you concern, that might have to be walked back?

A I was -- I recall vaguely there being concern that, again, because a lot of the reporting at the time was focusing -- overly focusing on certain words or word that Susan Rice said on the Sunday shows. And so I think it was important to emphasize and provide the full context of the message.

Q Okay. First, you were going to answer that question by expressing your personal belief, then I think you changed it and said there was concern. Either way is fine.

Mr. Evers. I didn't appreciate that. I'm not sure you know how he was going to answer a question.

Mr. Missakian. Well, he said the words, and then he changed it, so I know exactly how he was going to answer it.

Mr. [REDACTED]. It was -- it was --

BY MR. MISSAKIAN:

Q Let me ask it this way. You've referred to there being concern about specific words that Susan Rice emphasized on the talk

shows. Is that fair?

A Not that she emphasized. It was the way it was being reported.

Q Correct, correct. So there was concern about certain words. Now, was that your personal concern or was that a concern shared by others as well?

A I recall it being the concern from the reporting was general, not just my own, but others as well.

Q And who were those others, if you recall?

A There was a general concern within NEA.

Q And what were the words that people were concerned about?

A It was -- again, it was the reporting that we were concerned about and the overemphasis by the reporters of certain words.

Q And what certain words were they overemphasizing?

A From what I recall from the reporting at the time, the focus was on her saying that -- characterizing the protest as spontaneous.

Q Okay. At that point in time, did you have any information to suggest that a protest preceded the attack in Benghazi?

A I'm sorry, repeat the question.

Q Sure. At that time, you say September 17th, you are now almost a week into -- after the attack, up to that point, did you have any information to suggest that a protest preceded the attack in Benghazi.

Ms. Sachsman Grooms. You mean other than the NSS talking points?

Mr. [REDACTED]. I did not have that information.

Mr. Missakian. Please, please. I mean, you know that it's inappropriate to put words in the witness' mouth.

Ms. Sachsman Grooms. I was asking you to clarify the question.

Mr. Missakian. I ask you not to do that. The question was perfectly clear.

Ms. Sachsman Grooms. Perfectly clear to you, not to me. I apologize.

Mr. [REDACTED]. I did not have information.

Mr. Missakian. I'm sorry, could you repeat --

Mr. [REDACTED]. My answer was I did not, I was not aware of information. I didn't have information.

Mr. Missakian. Okay. Thank you.

BY MR. MISSAKIAN

Q At that time were you aware of any information that would go to the motivation of the attackers in Benghazi?

A No.

Q Did you have any information as to the identity of the attackers in Benghazi?

A No.

Q So at the time you were not aware of both public and private reports that a group called Ansar al-Sharia had initially taken responsibility for the attacks?

A Again, the facts are fuzzy. I don't recall who initially claimed responsibility. I don't recall when that claim first came in.

Q Fair enough.

Now, I know my time is up. What I'd like to do is just finish a couple more questions on this email and then hand it back over to you guys, if that's okay?

Ms. Sawyer. Sure.

BY MR. MISSAKIAN

Q Just so it's clear, we have referred to the NSS talking points and the CIA talking points and you have been shown exhibit 1. Prior to seeing that document here today, had you ever seen the CIA talking points prior to today?

A I don't recall ever seeing them, no.

Q Do you recall being aware of it then in the week period after the attacks?

A I don't recall being made aware, no.

Q Do you recall any discussion about the CIA talking points in the office at any point after the attacks, up until today?

A At some point there was discussion. I recall vaguely discussion about NSS talking points.

Q And what do you recall about that discussion?

A I mean, I just vaguely recall there being a discussion.

Q Okay. But you don't recall any, generally or specifically, anything that was said?

A Correct.

Q Now, moving up to the very top of the email chain where, again, you are writing here: "WH very worried about the politics." And I know you were asked this, I just want to make sure I have got

your full recollection on this. What did you mean in reference to "the politics." Were you referring to, for example, the Romney campaign using the attacks in Benghazi to potentially attack the Obama administration, for example, or was there something else, if you recall?

A As I said before, I don't recall at the time why I wrote this sentence.

Q Do you recall the basis for your expressing that opinion?

A I don't.

Q And when you refer to, "This was all their doing," again, what is the "this" that you're referring to?

A I don't recall. But, again, just going back to just -- what I think I was referring to at the time was my understanding that the talking points came from the White House and the NSS.

Q Now, when you say the talking points, you're not necessarily referring to the talking points contained in this email, there could have been other talking points, for example?

A I don't know.

Q You just don't recall?

A I just don't know. What other talking points may exist?

Q Right. For example, there are -- I can represent to you, you don't have to take my word for it, but we have seen documents that are labeled talking points that came from the White House.

Ms. Sawyer. I am absolutely going to object, since you objected before and asked me to show him a document.

Mr. Missakian. That's fair, that's fair. I'll withdraw that question. That's fair.

Okay, I'll turn it back over to you guys?

Mr. Evers. Five-minute break?

Ms. Sawyer. Yeah, let's take a break. We can talk.

[Recess.]

Mr. Missakian. Back on the record.

BY MR. MISSAKIAN

Q Mr. [REDACTED], I am going to go through my notes and ask some follow-up questions primarily. So bear with me. There may be points where I'm just reading my notes and formulating questions. So appreciate your patience.

Before I get to that, I finished by asking you some questions about the attacks, and I think I asked you if you had any information that a protest preceded the attack and you had answered that.

Did you have any information at the time, around the time of the attacks, that suggested the motive of the attackers had anything to do with the video that led to the protests in Cairo?

A I did not.

Q Did you have any facts available to you that suggested the attacks in Benghazi were spontaneous?

A I don't recall having facts, no.

Q At the time, do you recall having any facts to suggest that the attack in Cairo was somehow related to what had occurred in Cairo earlier in the day?

Mr. Evers. You mean the attack in Benghazi? You said Cairo twice.

Mr. Missakian. Oh, did I? Okay, let me ask the question again.

BY MR. MISSAKIAN

Q At the time, did you have any facts to suggest the attack in Benghazi was related in any way to what had occurred in Cairo earlier in the day?

A I don't recall, no.

Q I believe you had testified earlier that there was some process of collaboration between the press offices, press office or press offices in the State Department and the National Security Council's office or National Security Staff office. Do you recall testifying to that?

A Yes.

Q Could you just describe in more detail the nature of that collaboration? And I am speaking generally.

A Generally, on any given day, with the documents that we produce, usually it's press guidance talking points or press statements. We send them to the NSS press office so that they can review them and talk on them if need be so that we're all coordinated.

Q Mr. Grider had asked you about briefings that the State Department had provided to Members of Congress. Do you recall that?

A Yes.

Q As you sit here today, are you aware of any of the briefings that the State Department provided to Members of Congress about the

Benghazi attacks?

A I'm generally aware that people have testified.

Q When I refer to briefings, I'm not referring to people that have appeared on Capitol Hill who testified before a hearing. When I use the term briefing, I am really referring to a closed door meeting or a closed conference call where a member of the State Department or members of the State Department would provide information to Members of Congress or their staff.

A Yes, I am generally aware of that, yes.

Q Okay. What briefings are you aware of?

A I'm just generally aware that those briefings take place. It's not unusual for leadership to come in and brief Members or staffers.

Q Are you aware of any briefings the State Department provided to Members or staff on the Benghazi attacks?

A I'm not aware of specific briefings.

Q Are you aware of any individual from the State Department that participated in any such briefing?

A I am not.

Q Did you participate in the preparation for any such briefings at any time?

A No, I definitely don't recall that.

Q In my earlier questioning, I tried to focus on the time period before, between the time you first learned of the attack and when you went home that night about 2 in the morning. I'd now would

like to kind of focus on the time period between when you went to bed that night and we'll say the 17th of September. Are there any meetings or conversations or any information that you received that stands out in your mind during that period? Now, we are talking about basically September 12th forward?

A That stands out? No, I don't recall specific conversations or meetings that stand out during that time.

Q And do you recall whether or not you met with Victoria Nuland during that period?

A I mean, that -- that would have -- that would have happened. We'd meet with her almost daily, or we did.

Q Do you recall -- I believe, although I am not sure, that she gave a press conference on Friday, September 14th, there may have been others that preceded that between the attack and that -- do you recall any specific meeting with Victoria Nuland to prepare her for either that press conference or any other press conferences she may have given?

A I don't recall specifically that we did, but I would imagine that we in fact did meet with her that Friday, as would have been customary.

Q Did you have any practice or with regard to those meetings of taking notes?

A No.

Q You wouldn't have taken notes?

A No, that's not standard. When we prep her or meet with her

before she briefs?

Q Yes.

A No, I don't think so.

Q Okay. Does anybody on your team who participates in those meetings take notes?

A No, it's very much a verbal back and forth conversation or discussion.

Q And just to make sure, as you sit here today you can't remember any specific meeting related to the Benghazi attacks. Is that correct?

A Not a specific meeting, no.

Q Again, focusing on that period, September 12th forward, were there any other people from the State Department leadership that you recall meeting with about the Benghazi attacks?

A No.

Q Do you recall being contacted by anybody in the State Department's leadership about the Benghazi attacks?

A Not specifically, no.

Yeah, I do -- I had referenced earlier when Secretary Clinton came to talk about what had happened that night, but I guess I didn't equate that, I think of that as a personal thing, it was very much a very personal talk. But I obviously recall that.

Q Right. Thank you for clarifying.

Do you recall having any interaction with Patrick Kennedy during that period of time?

A No.

Q Do you recall anybody coming to the NEA press shop to obtain information about the Benghazi attacks?

A No.

Q I believe you testified that you believe your primary source of information about the Benghazi attacks was coming through news reports at the time?

A That night.

Q That night?

A Yes.

Q Did that change after that night?

A Again, a lot of it was, yes, we were learning a lot just by watching the news or reading the news. There were, obviously, conversations throughout the building about what had happened. It was a very big event. But I don't recall the specific conversations that I can recall and tell you about.

Q Do you recall any discussion about eyewitness accounts to the attack?

A I vaguely recall discussions about with -- not with, but about our people who were there on the ground and what they may have seen or not seen.

Q What do you recall about that conversation or conversations?

A I mean, again, a vague recollection of conversations being had about that.

Q Do you recall about when those conversations took place?

A It would have -- soon thereafter, but I couldn't give you a timeframe.

Q So it could have been that night, it could have been in the immediate aftermath?

A Right.

Q Okay. You may have answered this, and if you did I apologize -- I think you did, I withdraw that.

When counsel from the minority asked you about the importance of the government or all of the executive branch agencies, I believe she used the term speaking with one voice or a single voice. Do you remember those questions?

A Yes.

Q She asked you if it was important to do that to avoid what she referred to as further confusion, and you agreed that, yes, it was important to do that. What did you mean by that?

A Well, you want to ensure a consistent message, because when dealing with reporters and the fact that reporting can be, for lack of a better phrase, all over the map, you want to try to convey the message that will -- that is most accurate and that we are all saying the same thing so that you don't have reporting all over the place.

Q So consistency is just one goal, accuracy is also an equally important goal?

A Correct.

Q Mr. [REDACTED], you testified that some of the information you

were receiving was coming to you through media reports. Would you ever rely solely on media reports in preparing talking points or a press statement that was going to be used by the State Department?

A No, no.

Q What process, if any, would you use to look at those press reports, vet them, and decide whether or not they should or should not be used?

A Well, we don't use press reports in our formulation of talking points. We try to use, to the best of our ability, the facts, because reporting can be wrong, and so we didn't rely on it. So we use the facts that we -- as we know them through our internal reporting channels.

Q You were asked if the intelligence community was -- the word was entirely responsible for making the assessment that was reflected in exhibit No. 1. Do you recall when you were asked and you gave those answers?

A Yes.

Q What did you mean by that?

A That it was my understanding that these came from the intelligence community.

Q And your understanding of that is based on what?

A Based on this document.

Q So you had no independent knowledge of those talking points or the basis for the talking points or whether they were accurate or anything like that. You're just reading a document and drawing a

conclusion here as you sit today?

A As I stated earlier, I have not seen these documents before or these talking points in this form.

Q Again, I think you touched on this when I was asking you questions earlier, but at some point immediately after the attack the messaging aspect of the response was taken away from NEA and it was handled by the main press shop, correct?

A Yes.

Q And now we know, looking at exhibit 3, that at some point NEA press got back involved?

A I would not -- we never got back involved. We were never involved. It was immediately taken away from NEA.

Q Well, then, if you could, just to help me understand, put the talking points that Mr. [REDACTED] drafted, put those into context then.

A I can see why that would be confusing to someone who doesn't work in our building but -- or in NEA press -- but it would not be unusual if there is so much confusion, especially the day after, when we are dealing with a press issue, that we don't know yet how it's going to be handled. And so our first instinct is to try to be helpful to our leadership. And so it wouldn't be unusual that talking points are drafted within my shop, but then don't ever -- never get used, because leadership goes: Oh, no, we got this. And we're like: Okay.

Q So it's possible that they were just being sent to the White House just to be clear, which seems to be the standard procedure?

A This would have been standard procedure, yeah.

Q Can I just have a moment? Can we go off the record, please?

[Recess.]

Mr. Desai. The time is approximately 3:50.

BY MR. DESAI:

Q So, Mr. [REDACTED], just a short handful of questions to wrap up where we are.

In the last session my colleagues in the majority asked you a set of questions about what you knew on the night of the attacks with respect to certain factual dimensions of the attack. And my goal here is just to convey that the absence of information wasn't in one direction or the other. So I am just going to ask you a set of questions about the attack and the night that these attacks took place and what you knew.

So on the night of the attacks, did you have any independent information that there wasn't a protest that preceded the attacks in Benghazi?

A I did not have independent information.

Q And do you have any independent information or independent facts that the attacks that took place in Benghazi weren't connected to the protests in Cairo that happened earlier that same day?

A I did not.

Q And did you have any independent factual information that the attackers who perpetrated the Benghazi attacks weren't motivated by a YouTube video insulting the Prophet Mohammad?

A I did not.

Q On the night of the attacks, would you be able to verify that

evening with any degree of certainty with respect to questions of who the attackers were, what the motivations were, and how the attacks unfolded?

A No.

Q Now, I think in the last few sessions from today's interview you testified, and I think you used the term "fog of war" maybe once or twice. And you painted a pretty powerful picture, I think, of the fact that there was a lot of fluid information, that things were -- developments were ongoing, you were receiving information from various sources.

Were there any facts that you could have definitively verified with respect to what happened in Benghazi on the night of the attacks themselves?

A No.

Q And at the end of the day, as the spokesperson for the NEA Bureau, is it your responsibility to assess and to verify the information that you're receiving or to draw conclusions about the veracity of the information connected to those attacks?

A No.

BY MS. SAWYER:

Q And can I just quickly -- my colleague focused on the night of -- we spent a lot of time today talking about the Sunday talk shows which happened on the 16th, and then kind of some of the follow-up from that. So expanding out just from the night of the attacks through we'll just say the following week, so up through when Ambassador Rice appeared

on Sunday, with regard to that, the questions my colleague just asked, did you have independent information to be able to say with certainty that no protests occurred in Benghazi on the night of the attacks?

A I did not.

Q That the attacks in Benghazi were not connected in any way to what had happened in Cairo with regard to protests earlier that day?

A I did not.

Q And with regard to whether attackers at the mission compound or at the Annex in Benghazi had been motivated by the anti-Muslim film mocking the Prophet Mohammad, did you have any information up through when Ambassador Rice appeared on Sunday that would have indicated that was not --

A I did not.

Q -- the case. Thanks.

BY MR. DESAI:

Q So, Mr. [REDACTED], I'm going to shift gears a little bit here and I would like to ask you a series of questions about a number of public allegations that have been made related to the attacks. We understand that the committee is investigating these allegations and therefore we have to ask every witness about them, but I don't want you to think that by asking you these questions that either I or the Democratic members of the Select Committee are saying that any of these allegations have merit.

You also see that there are a lot of these allegations, so this takes a little bit of time, and I apologize in advance and ask for your

indulgence, so please just bear with me. The way we will proceed is I will ask you whether or not you have any evidence or information to support each one of the allegations I'll convey to you. If you do not have any information, we'll move on to the next allegation. Is that clear?

A Clear.

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

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

A No.

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

A No.

Q It is has been alleged that Secretary Clinton personally signed an April 2012 cable denying security to Libya. The Washington Post Fact Checker evaluated this claim and gave it four Pinocchios, its highest award for false claims.

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

A No.

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

A No.

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

Do you have any evidence that Secretary Clinton misrepresented or fabricated intelligence on the risks posed by Colonel Qadhafi to his own people, nor to garnish support for military operations in Libya in spring 2011?

A No.

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

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

A No.

Q Do you have any evidence that the U.S. facilities in

Benghazi were being used to facilitate weapons transfers from Libya to Syria or to any other foreign country?

A No.

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

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

A No.

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

A No.

Q A concern has been raised by one individual that in the course of producing documents to the Accountability Review Board damaging documents may have been removed or scrubbed out of that production. Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials

that were provided to the ARB?

A No.

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

A No.

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

A No.

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

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

A No.

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

A No.

Q It has been alleged that Ambassador Susan Rice made an

intentional misrepresentation when she spoke on the Sunday talk shows about the Benghazi attacks. Do you any evidence that Ambassador Rice intentionally misrepresented facts about the Benghazi attacks on the Sunday talk shows?

A No.

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

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

A No.

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

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

Do you have any evidence to contradict the conclusion of the House

Armed Services Committee that there was no stand down order issued to U.S. military personal in Tripoli who sought to join the fight in Benghazi?

A No.

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

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

A No.

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

A No.

Q I think that's it from us. Thank you so much, Mr. [REDACTED]. We can go off the record now.

[Discussion off the record.]

Mr. Missakian. Mr. [REDACTED], I just have a couple of follow-ups.

BY MR. MISSAKIAN

Q Mr. [REDACTED], just a couple of follow-ups and we'll be done

here.

Going back to the day of the attacks, I believe you testified that you at some point during the day became aware of protests in Cairo.

A I have a vague recollection, yes.

Q And what is your best recollection as to how you heard about those protests?

A Past recollection, best guess is through media reporting.

Q Do you recall having seen any media reporting that suggested there was a protest in Benghazi that preceded the attack?

A I don't recall.

Q And you were just asked a question about production of documents to Congress. Were you asked at any point in time to collect documents under your custody or control that might be relevant to the Benghazi investigation for purposes of producing those to Congress?

A I don't recall ever being asked.

Mr. Missakian. Thank you. Nothing further.

Mr. Grider. The only thing we have to say is, on behalf of Chairman Gowdy and the committee, we appreciate and want to thank you for your time, and also thank you for your service at the State Department.

Mr. [REDACTED]. You're welcome.

[Discussion off the record.]

Ms. Sawyer. We'll just go back on the record, briefly. I promise that I will be very brief.

BY MS. SAWYER:

Q Again, Mr. [REDACTED], thank you for your patience. I just have a couple of quick follow-ups. I didn't want to walk away and leave the record with the impression that there had been no press reporting on night of the attacks --

A Right.

Q -- about a potential protest in Benghazi.

I understand you said that you didn't recall?

A A lot of it is just a blur.

Q Right. And that was -- my math is always horrible, I think it was 3-1/2 years ago. Is that approximately right?

A In NEA time, that is a long time. There is a lot that's happened in the Middle East.

Q Yes. I understand. And so I just wanted to make sure it didn't sound as if there had been no such reports, understanding that it is understandable that you wouldn't recall how many, the volume, et cetera. But our review of documents that were turned over by the State Department did reveal --

Mr. Missakian. I would object to this line of testimony. You are talking about documents that you have reviewed, that the witness hasn't.

Ms. Sachsman Grooms. I think she is going to show him the document.

Mr. Missakian. That's fine, but she's talking about multiple documents that have been produced by the State Department, not just the one that she has in her hand.

Ms. Sawyer. I would be happy and I am going to as quickly as I can show you a few examples of what are we going to cover. So I am going to hand you right now what I have marked for identification purposes as exhibit 5.

[REDACTED] Exhibit No. 5

Was marked for identification.]

BY MS. SAWYER:

Q That document bears the number C05561847 for identification purposes. It's a two-page document. I'm going to give you just a moment, but I want to confirm as you're reviewing it that you are indeed on the email. So I just direct your attention to the middle of the first page.

A Uh-huh.

Q There is a "from" line that says arshad.mohammed@thormsonreuters.com. It is to Victoria Nuland. On the cc line includes [REDACTED], [REDACTED], [REDACTED], and [REDACTED], which is you?

A Correct.

Q And the time stamp on this indicates Tuesday, September 11th, 2012, 6:12 p.m. Do you see that?

A Yes.

Q I want to give you a moment just to read. The subject line says: "Libya - any comment?" So I just want to give you a moment to read that few paragraphs there. Just let me know when you're done.

A [Nonverbal response.]

Q Just going down to the body of the email sent, it looks to me as if -- I don't know if it's Mr. Mohammed. Do you know who he is?

A I do.

Q Who is he?

A He's a reporter for Reuters that covers for the State Department.

Q And this appears to me, I don't know you can tell, you are steeped in the press world much better than I am, as if he is sending a Reuters report and asking for a comment on that report. Does that seem accurate?

A That would be my understanding, yes.

Q And in the body of the Reuters report it says: "Benghazi, Libya, September 11 (Reuters) - Gunmen and security forces clashed at the U.S. consulate office in the eastern Libyan city of Benghazi on Tuesday as the armed group protested over a film being produced in the United States, a security officials said. The incident followed a protest in neighbouring Egypt where demonstrators scaled the walls of the U.S. embassy, tore down the American flag and burned it during a protest over what they said film that insulted Prophet Mohammad."

Do you see that in the report?

A Yes.

Q So does this refresh your recollection as to whether or not there were press reports on the night that indicated that a protest had occurred in Benghazi?

A It does.

Q And that there was a connection between what occurred in Benghazi and what had occurred in Cairo earlier that day?

A I recall the reporting to that effect, yes.

Q And in this particular report, the source there, if you go

to the next paragraph under what I just read, there is another quote: "There are fierce clashes between the Libyan army and an armed militia outside the U.S. consulate." And then it says, "Abdel-Monen Al-Hurr, spokesman for Libya's Supreme Security Committee, said."

So this particular report cites someone from what is called the Libya Supreme Security Committee. Is it possible that was someone on the ground in Libya at the time?

A It would be possible, yes.

Q And that person later in the same report, if you go down two more paragraphs, says, quote: "There is a connection between this attack and the protests that have been happening in Cairo" end quote. Did you see that?

A Yes.

Q So twice in the same story there is a connection drawn between what happened in Benghazi to what happened in Cairo earlier that day. Is that accurate?

A Yes.

[REDACTED] Exhibit No. 6

Was marked for identification.]

BY MS. SAWYER:

Q Now I am just going to show you what I'm marking as exhibit 6 for the record. And this is just a 1-page document. It bears, for identification purposes, the number 05561964. This is a pretty short email. And just so the record reflects, the "from" line says Catherine Chomiak, spelled C-h-o-m-i-a-k, and then in parens (NBC Universal).

The "to" line includes Victoria Nuland, [REDACTED], you, and then [REDACTED]. The subject line is "American killed in Libya?" And I will give you a moment to read that.

A Okay.

Q Now, it looks to me as if, again, there is a first line on this email that reads: "We are seeing this from APF sourcing Libyan official - can you confirm? Any details?" And then below that it says: "From AFP." And then there is a short report.

Was it your understanding that Ms. Chomiak was seeking to confirm the information in that report?

A Yes.

Q And I just want to read for the record what the report actually states. It says, quote: "A U.S. official was killed and another wounded on Tuesday as an armed mob protesting over a film they said offended Islam attacked the U.S. consulate in Benghazi, an official told AFP."

It goes on to say, quote: "Libya's deputy interior minister Wanis al-Sharef said: 'One American official was killed and another injured in the hand. The other staff members were evacuated and are safe and sound.' He could not say if the dead man was a diplomat," end quote.

So, again, does this refresh your recollection as to whether there was press reporting that there was indeed a protest in Benghazi on the night of the attacks?

A It does.

Q And do you have a recollection with regard to either of these exhibits, both of them represented reporters reaching out seeking to confirm or obtain details from the State Department. Did you personally respond to either of these, to the best of your recollection?

A I don't recall responding to either of these specifically. My general posture that day, that evening, was one of radio silence because we didn't know. And we didn't want to go out and confirm something that we weren't sure about or confirm anything for that matter that we weren't sure about. So I don't recall responding to either of these.

Q And do you know whether anyone else in the Department, either the individuals that were included on either email or anyone else, responded to Ms. Chomiak or Mr. Mohammed?

A I don't recall any response by anyone.

Ms. Sawyer. Thank you. I think that's really all that we have.

Mr. Evers. You're going to do another one?

Mr. Missakian. Yeah. It will be fine, I promise.

BY MR. MISSAKIAN:

Q Mr. [REDACTED], you were shown a couple of exhibits, one marked exhibit 5 and one marked exhibit 6. Let's begin with exhibit 5. Do you have that in front of you?

A Yes.

Q Now, counsel referred to the portion of the email at the bottom as a Reuters report. I just want to clarify, when I read this, it appears to be something that has not yet been disseminated by

Reuters, but something that may be disseminated that they are asking for comment on before doing so.

A This looks like a report that has already been disseminated.

Q Already been disseminated?

A Yes.

Q And they are asking for comment on the content of it?

A Yes, that's my understanding based on [REDACTED] response.

Q Does it ever occur where a reporter will send a draft of the story to get a comment on it before it's published?

A Reporters typically don't send their drafts. They typically just -- it is an ethical thing for them. They usually will generally say: I'm working on X, Y and Z, this is what I think I know, can you confirm or provide more information or context?

Q As you sit here today, do you recall having read this particular set of emails that's been marked as exhibit 5?

A I don't recall seeing this until now, I haven't seen this until now.

Q Put yourself back to the night of September 11th, there was a lot going on, you described it as a crisis situation, I believe. Was it your practice to read every one of your emails that came in at that point or as many as you could?

A I would definitely read as many as I could. Traffic can be heavy at times, especially on an incident like this. But definitely you're trying to keep up with what's coming in.

Q So it would be possible, since I think you testified that

you weren't answering your phone because you thought many calls were coming from reporters, it is possible that when you were picking and choosing emails to read, that those involving reporters you may have skipped? Is that possible?

A Emails from reporters I tend to read. I don't necessarily respond, but I do read them.

Q And in this case, since the email was actually going to Victoria Nuland, would you have expected the response, if any, to come from her?

A In this particular situation, yes.

Q Now, this email came in at 6:12 p.m. eastern time, and if my math is correct, that is a little bit after midnight in Benghazi, so well after the attacks in Benghazi had concluded. I would like to focus your attention now on the period before you -- I believe the attacks began at about -- around 3:40 p.m., eastern time. I'd like you to focus on the period before that.

A Before it.

Q Before 3:40 p.m. eastern time.

A Eastern time?

Q Yes. In that period of time, do you recall seeing any media reports, getting any information to suggest that there was a protest going on in Benghazi?

A I don't recall.

Q Okay. If that information had existed, how do you believe it would have come to you, either through media reports or some other

channel?

A How the press reporting would have come to me?

Q No. If you had received information that there was a protest in Benghazi, now I'm talking about this period right before the attack, how would that information have come to you?

A It would have either come through press reporting or, for example, perhaps through [REDACTED], who was the press person who I think physically was in Tripoli on that day, or it may have come through the Libya desk. It depends.

Q But as you sit here today, you can't remember anything specifically that came to you on that subject?

A Correct.

Q Putting aside the press reporting that may have referred to a protest in Benghazi, as you sit here today, are you aware of any other information that there was a protest in Benghazi preceding the attack?

A No.

Q Are you aware of any information that the -- aside from press reporting now -- any information that the motive of the attackers in Benghazi was somehow connected to the video that was referred to?

A No.

Q And other than the press reporting, are you aware of any other facts that would draw a connection between the attack in Benghazi and what occurred in Cairo?

A No.

Mr. Missakian. Thank you. I don't have anything further.

Ms. Sawyer. Off the record.

[Whereupon, at 4:21 p.m., the interview was concluded.]

Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date

Errata Sheet

Select Committee on Benghazi

The witness did not respond to multiple contacts from the State Department requesting corrections to the accompanying transcript.