

RPTR MCCONNELL

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

INTERVIEW OF: THOMAS NIDES

Wednesday, December 16, 2015

Washington, D.C.

The interview in the above matter was held in Room HVC-205,
Capitol Visitor Center, commencing at 10:08 a.m.

Present: Representatives Gowdy, Jordan, Brooks, and Roby.

Appearances:

For the SELECT COMMITTEE ON BENGHAZI:

DANA CHIPMAN, CHIEF INVESTIGATIVE COUNSEL

MAC TOLAR, SENIOR COUNSEL

SHERIA CLARKE, COUNSEL

KIM BETZ, MEMBER OUTREACH LIAISON

SUSANNE SACHSMAN GROOMS, MINORITY STAFF DIRECTOR/GENERAL COUNSEL

HEATHER SAWYER, MINORITY CHIEF COUNSEL

RONAK DESAI, MINORITY COUNSEL

ERIN O'BRIEN, MINORITY DETAILEE

For the U.S. DEPARTMENT OF STATE:

ERIC SNYDER, SENIOR COUNSEL

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For THOMAS NIDES:

RUSSELL ANELLO, ESQ.

RAUL YANES, ESQ.

Davis Polk & Wardwell

901 15th Street NW

Washington, D.C. 20005

Ms. Betz. So I'm just going to go over a few ground rules that will sort of guide our discussion today. This is a transcribed interview of Thomas Nides conducted by the House Select Committee on Benghazi. The interview is being conducted voluntarily as part of the committee's investigation into the attacks on the U.S. diplomatic facilities in Benghazi, Libya, and related matters pursuant to House Resolution 567 of the 113th Congress, and House Resolution 5 of the 114th Congress.

Would the witness please state his name for the record?

Mr. Nides. Thomas Nides.

Ms. Betz. We appreciate your willingness to appear at this interview. My name is Kim Betz with the committee's majority staff, and I will ask everyone around the room to go ahead and introduce themselves.

Ms. Clarke. Sheria Clarke, majority staff.

Ms. Sachsman Grooms. I'm Susanne Sachsman Grooms, minority staff.

Mr. Desai. Ronak Desai with the minority staff.

Ms. O'Brien. Erin O'Brien with the minority.

Mr. Snyder. Eric Snyder, State Department.

Ms. ██████████. ██████████, State Department.

Mr. Anello. Russel Anello with Mr. Nides.

Mr. Yanes. Raul Yanes, Mr. Nides' attorney.

Mr. Chipman. Dana Chipman with the committee staff.

Ms. Betz. Thank you. I want to discuss a few process details

that will guide our discussion today. Generally, the way that the questioning has worked, a member from the majority will ask questions first for up to an hour. And then the minority will have an opportunity to ask questions for an equal period of time if they choose. Questions may be asked only by a member of the committee or designated staff.

It has been our practice to alternate back and forth, 1 hour per side, until we are out of questions and the interview is over, but in some cases, we deviated from this practice. Unlike testimony or a deposition in Federal Court, the committee format is not bound by the rules of evidence. The witness or their counsel may raise objections for privilege, subject to review by the chairman of the committee. If these objections cannot be resolved in the interview, the witness can be required return for a deposition or hearing.

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

This session will start as unclassified. If any question calls for a classified answer, please let us know, and we will reserve its answer until we move into a classified setting, and we will move downstairs if necessary to a classified setting.

As I said earlier, we want to make this process as easy as possible for you. You are welcome to confer with counsel at any time throughout the interview. If something needs to be clarified, just ask us, and we will try to clarify it for you. If you need to discuss anything

with your counsel, we will go off the record, and stop the clock to provide you with this opportunity. We would like to take a break whenever it is convenient for you. This can be after every hour of questioning, after a couple of rounds, whatever you prefer. During a round of questioning, if you need anything, a glass of water, use of the facilities, time to confer, you know, just please let us know, and we will go off the record and stop the clock. Like I said, we want to make this as easy as possible.

As you can see we have an official reporter that is taking down everything you say to make a written record, so we ask that you give verbal responses, yes or no, as opposed to nods of the head. I'm going to ask the reporter to please feel free to jump in if you do respond nonverbally so that we can clarify your answer. Do you understand this?

Mr. Nides. I do.

Ms. Betz. Also, we should both try not to talk over each other, so it is easier to get a clear record. I'm guilty of that. So we want you to answer our questions in the most complete and truthful manner possible, so we will take our time and repeat or clarify our questions if necessary. If you have any question, or if you do not understand any of our questions, please let us know. We will be happy to clarify or repeat our questions.

If you honestly don't know an answer to a question, or do not remember, it is best not to guess. Just please give us your best recollection, and if there are things you do not know or can't remember,

just say so. And please inform us who, to the best of your recollection, may be able to provide a more complete answer.

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

Mr. Nides. I do.

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

Mr. Nides. I do.

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

Mr. Nides. I do.

Ms. Betz. Is there any reason you are unable to provide truthful answer to today's questions?

Mr. Nides. No.

Ms. Betz. That's the end of my preamble. I will ask the minority if they would like to add anything.

Ms. Sachsman Grooms. No. Thank you for coming.

Ms. Betz. So the time is now 10:13, and we will start with our questions.

EXAMINATION

BY MS. BETZ:

Q Mr. Nides, is that what you prefer?

A No, Tom is -- Tom, I would prefer.

Q That is very formal. Your position at the State

Department, Deputy Secretary for Management, is a relatively or was a relatively new position. The Secretary talked a little bit about the position earlier this fall when she testified before the committee. So I just wanted to get a sense from you what the reporting structure was, vis-a-vis your position, the Under Secretary for Management, and how the decisionmaking worked. What was in your purview? What was in the Under Secretary's purview?

A Well, first, thank you for having me. I think, as you probably know, that the job -- I was only the second occupant of the job. Jack Lew was the first; I was the second. So it is a work in progress, as I like to say. As you know, I think it was Hal Rogers who actually come up with the idea of a second deputy. It wasn't until Hillary Clinton determined to actually fill the job and called ^{Powell}~~Paul~~, debated it, and then ultimately decided not to. And I think Secretary Clinton was the first one to actually fill the job.

The job was, obviously, new. It is going to take many years, I think, for -- to get clear about what -- who is responsible for what, and the structure the State Department needs to, obviously, shake out as it relates to that.

But as I -- my primary responsibility as the Deputy Secretary for Management and Resources was really focusing principally on the resource side of it. I was the point person on the budget for the State Department. I managed -- not only managed the State Department budget, but I was the chief advocate for the budget up on the Hill. I spent an enormous amount of time on areas that were focused on large

sums of money or people. I spent an enormous amount of time in Afghanistan, in Pakistan, and Iraq because those were the three areas where we were spending huge amounts of resources. We had the structure. I obviously reported to Secretary Clinton.

The Under Secretary for Management reported to me. Although, to be honest, it was a work in progress. I think it still is a work in progress, because when you look at a work chart, although he is under the Deputy Secretary, the exact solid lines, or dotted lines, were somewhat vague. But that job, his job had been around for 50 years, so many of the actual functions reported directly to that individual and, obviously, he reported to me.

Q So it was -- would you say a case-by-case sort of situation as to the decisions that you made versus the decisions that he made?

A Yeah, I would be -- I would probably clarify to say that he would make, you know, he is a 30-year veteran of the State Department, so, I never second-guessed, in many cases, the expertise of someone who had been around for that many years, especially as related to security, or building operations, or technology, having been there as long as he had been.

But I think where I would get involved is if there was a conflict, if there was a decision that couldn't get made, or there was a question of conflicting disagreements among the careerists. But I was very focused, as Secretary Clinton was, to make sure that the career people, the people who were the professionals who were making the decisions, and ultimately we were, you know, responsible to -- would come up to

us only as those decisions were actually implemented or close to being implemented.

Q Would there ever been a time where you would resolve any management issues that were going on, sort of within his division?

A You know, I think that, you know, again -- I, again, as someone who had been there, I had only just gotten there. You know, I was, obviously, not a -- I was a political appointee and only just arrived, and I had been there for 2 years. I would say a great preponderance of the decisions that were made were made by the career professionals, and rarely did those decisions ultimately come up to me to basically be the judge and jury on the decisions. I mean, obviously, I signed off on decisions, on some decisions, but many of those decisions were made by the career people who were actually on the ground making them.

Q Okay. Just taking a step back to the afternoon and night of the attack on September 11, how were you first notified?

A Well, I just returned from Egypt. I was in Egypt on Monday. I think, you know, on the seventh floor, I don't really -- so obviously, 3 years ago, I don't recall exactly the chain of events. I'm presuming that either the watch ops or the ops center may have notified us that there was something going on -- remember that something first was going on in Egypt --

Q Right.

A -- which I had just left and I realized that that had just occurred. So that was going on, you know, the Middle East was kind

of chaotic at this point. There was lots of concerns about this video, about all the kind of concerns around that. So we were all kind of heightened, somewhat heightened alert vis-a-vis that. But I think ultimately I was -- I probably was -- I was probably notified by the ops center. I don't recall.

Q Do you remember what your next step was once you were notified? Did you talk to the Secretary right away? Did you talk to Cheryl Mills, Jake Sullivan?

A You know, I don't really recall exactly the chain of events. It was kind of a bit of a blur. We didn't know how serious it was. We didn't know the capacity of -- we were also still trying to figure out what happened in Egypt, because that was protesters who had jumped over the fence and we saw how serious that was.

I think ultimately we got together at some point, midafternoon, to try to assess it and try to get, you know, clear information because at that point information was coming quite erratically, and ops center was the collection of all of that. So I don't remember the chain of events between 3 o'clock, or 4 o'clock, or 5 o'clock, but I know we were all communicating.

Q Did you reach out to anybody? Did you reach out to your contacts at the NSC, CIA, DOD that afternoon?

A You know, I know there was a flurry of conversations. I just can't remember, you know, who talked to who when. I'm sure there is a log from the ops center.

Q Uh-huh.

A But I know we were all, you know, there's not that many of us on the seventh floor. We were -- at this point, we were just trying to gather information. We didn't know if this was -- something was happening in Benghazi, or what was going on in Tripoli. You know, there's a lots in the Middle East -- North Africa was a little bit inflamed at this point. So I don't really recall who I actually talked to. I'm sure I talked to a lot of people. A lot of people were talking to us, and we were just, you know, they use this word, the fog of war. I don't know, I guess some people talk about that. It was actually -- there's some truth to that, right, especially when you are talking about people's lives. And I think that was what we were basically focused on.

Q Did you -- were you on the call when the Secretary talked to Director Petraeus that afternoon?

A No.

Q Were you on the call when she talked to President Magarief?

A No.

Q Did she update, or did anybody update you as to what was discussed on those calls?

A You know, I don't recall. I don't recall. I may have seen the readouts, but I don't recall it.

Q Well, later that evening, I believe there was a 7:05, or around the 7 o'clock call, conference call that the Secretary convened, I think, with some State Department principals. Do you remember who was on that call?

A All I remember is she was at the State Department, so I was physically there. She was there quite late. So if she had a call, I don't know, I must have been on the -- I don't remember, to be honest with you.

Q Uh-huh.

A -- but she was there quite late that night. So I don't know if she went into another room to have another call, but I was certainly in the room during most of those activities.

Q Was Jake Sullivan on the call?

A I don't -- I have no idea who was on the call. I mean, Jake, obviously --

Q Right.

A -- and Cheryl, and many of those people were all on the seventh floor. I don't know who was in and who was out and I don't know when the call took place, but --

Q But it was a call or a meeting that sort of prefaced the later 7:30 SVTC? Correct?

A To be honest with you, I just don't remember. I don't -- you know, it was 3 years ago. I know we had dozens of meetings and dozens of conference calls, and dozens of trying to find out what was going on. So I don't know the 7 or 7:30, I just don't know.

Q Well, let me ask you this: When you talked, when you convened and discussed what was going on, did you discuss the status of the Ambassador?

A Oh, yeah, I mean, I think, well, we didn't know,

unfortunately. We didn't know if he was -- unfortunately, we didn't know if he was dead or alive. We were told he was missing. We weren't sure where he was. We didn't know where the other Americans were. We didn't know the situation on the ground. It was quite confusing. We were getting all sorts of information that we couldn't figure out if it was fact or fictional. So those reports continued to come in throughout the evening.

Q Did you discuss evacuating personnel?

A Again, I don't remember exactly the conversation. I assume -- remember, there was a very structurally small group of people in Benghazi at that point. I think we were really trying to figure out the status of the people that were there, and the safety of those individuals that were there. And I don't recall exactly what the words were used about getting people in or out. Clearly, they wanted to get people out if they could, at least save their lives. So I don't remember the specific, you know, what was the word, "evacuate." I think the question was, can we, you know, save these people's lives.

Q Did you discuss the deployment of the FEST?

A Not to my knowledge. I know there was conversations could we get resources to Benghazi, and those conversations were going on. But I don't recall that particular team. The question was, was there resources either in Tripoli or somewhere else we get to help? I'm sure those conversations were going on.

Q Did you discuss, there must have been some sort of discussion on strategy, though, in addition to trying to acquire

information as to how to identify the whereabouts of the Ambassador?

A Well, sure. I mean, the strategy was how, if this consulate or temporary facility is under attack, how are we going to save people's lives? Right?

Q Uh-huh.

A So certainly, there was -- that was first and foremost in everyone's mind. First of all, how serious was it? What was going on? We were trying to get -- we couldn't -- the problem was, you know, sadly, we just didn't have enough information, right? The communication was being done through a cell phone, I think, in Benghazi to the office in Tripoli, who were then communicating with us. It was very confusing of what was actually happening.

So I don't recall exactly -- I guess, strategy, strategy was we needed more information on what was actually going on. Because quite frankly, no one knew what was going on until very late.

Q Did the Secretary discuss her conversation with President Magarief with you all in terms of obtaining country clearance, or just putting him on notice for any types of clearance, that any type of potential military deployment of assets would be needed?

A To be honest with you, I don't recall the specific conversations. I think we were trying to figure out anything and everything we could do to save the lives. If, in fact, what was going on was what we are seeing or hearing, that they are under attack. I don't recall who had what conversations and what were asked for and what wasn't asked for.

Q So we just -- we talked a little bit -- you just mentioned the 7:30 White House SVTC. Do you recall being on the SVTC?

A I really -- I mean, I really don't. I mean, I'm sure I was on -- my assumption is I was on most of the calls, but I can't tell you if it was 7:30, or 7:45, or -- the calls all were a blur at that point, because we were getting called by a lot of people at different points, so I have no idea. I'm sure there is a manifest somewhere if I was there or not so I assume. I assume if you ask that, I was there, but I don't remember.

Q Do you remember talking to DOD Panetta's chief of staff, Jeremy Bash?

A I don't remember it. I have been told that I did. Or somehow, I had seen an email and I guess I did, or he sent me an email, but I don't remember talking to him, but I could have. I don't know.

Q Do you remember any potential conversations, or conversations with the CIA on that SVTC?

A Again, I just don't remember. To be honest with you, I don't remember. I assume they were on the call, but I can't, to be honest with you, I can't tell you what was said or wasn't said. I can't remember.

Q Was there ongoing conversations with the CIA that night?

A I -- as I think about it, I assume there was, but I can't tell you when they were. I assume Secretary Clinton reached out to the head of the CIA at that point. But I can't tell you for sure when those conversations happened, but, again, I just, you know, it was

a -- it was a pretty distressing few hours, and a lot of calls were happening, a lot of meetings were happening, a lot of people were trying to figure out what was going on. So I don't recall the specifics of who talked to who when.

Q Uh-huh.

A But my assumption is there was a lot of conversations going on among all the players at the table.

Q Did you, in that discussion, talk about what you saw while you were in Cairo vis-a-vis the beginning of any potential protests or --

A No, I had taken a business delegation with me. We met with the new president and there was no -- it was, quite frankly, I left before the disruption happened.

Q Okay. Do you remember having any later calls with Jake Sullivan or Under Secretary Kennedy later that evening, around 10:00 o'clock?

A You know, I don't. I mean, I assume we had lots of calls, but I don't remember specific calls of when I had them, but we were all, we were all sitting in the Secretary's conference room, you know, for 9 hours, and eating Indian food or something, and trying to figure out what was going on and trying to make sure that we were doing the right thing.

Q Was the strategy at that point to wait and see what you could do or what information you could glean about the Ambassador before any sort of additional steps were taken?

A No. I think there was -- I think we were trying to get -- one, they were trying to assess the seriousness of the situation in Benghazi. I think we then started worrying about the operations in Tripoli.

Q Uh-huh.

A We then started being concerned about the rest of North Africa of what these other embassies -- I mean, there was concerns about what was potentially going to happen in Pakistan. So at that point, we were, you know, somewhat concerned about this spreading very quickly to all parts of the Middle East, and I think that's what we were becoming concerned about.

So now we were concerned about saving the lives of the guys in Benghazi. We were also worried about what was happening in the rest of the Middle East.

Q So that's what I'm trying to nail down at what -- sort of what was the strategy with regard to Benghazi, putting aside what was -- what potentially happened later in the week with regard to other Arab Spring nations? So, do you understand what I'm trying to say?

A So --

Q So I understand, you know, that the, sort of that area, that region, was sort of in turmoil?

A Yeah.

Q But at that point, that night, there were, you know, your personnel --

A Sure.

Q -- on the ground, what was being done to, A, either get them out? What was the decisionmaking process at that time among the senior staff?

A Well, I think principally, we were relying on the Diplomatic Security operations to help us figure out what could or couldn't be done. I know there was lots of calls to the militia that had actually protected us in the past.

Q Uh-huh.

A So there was lots of communication trying to get them to go to the consulate. Again, I'm using the word consulate. It wasn't a consulate. It was a temporary facility, differentiations that you all know now, probably better than most. And so I think there was lots of ongoing -- I wasn't a party to that, but I know there were lots of conversations. Because again, as you are well aware, we count on, because the Vienna Convention, for the host countries to protect these facilities. We can only have so many DS agents and facilities. We count on the country to help us protect. In this particular case, the militia, the local militia had been previously quite helpful in protecting our facilities.

Now, ultimately, what happened, I'm not exactly sure what conversations were taking place, but I know there was some of that. I think we were trying to get more information from the Diplomatic Security, whatever feeds we were getting in from them on actually what's happening. So I think it was really a resource gathering, and then trying to communicate as much as we could with the governments to try

to get as much help as we could.

Q Well, let me ask you this: Because the mission wasn't officially notified to the Libyan Government, so technically, those individuals on the ground weren't technically covered under Chief of Mission authority?

A Yes.

Q So they were really in an unprotected status. Would you agree?

A Well, again, I think the ARB, as you know, looked at those issues, and the recommendations were, quite frankly, to think about in the future, you know, what decisions get made to actually put facilities in those kinds of high-risk areas. And we can obviously have a long conversation about how we made those decisions to have the facility in Benghazi at that point. But again, so the government was somewhat confusing part of our -- part of the security was given, in some cases, by the militia that were in the area who had protected the embassy directly and indirectly for quite a while. But we, obviously, had our Diplomatic Security officials over there.

Q Were you still at the State Department when the second attack occurred?

A Second attack, I don't --

Q The attack on the Annex?

A The attack on the Annex? The second, that night?

Q The CIA.

A That night?

Q Yes.

A Oh, sure, you mean physically at the State Department?

Q Uh-huh.

A Yeah, I don't think I left until 2 or 3 in the morning. I don't remember exactly. Again, I can't refresh my timelines of when. The night was very long.

Q Uh-huh.

A But I assume I was in the facility at that point, or at the State Department at that point.

Q Would the ops center have notified you of the second attack, or the attack on the Annex?

A I assume. I assume.

Q At that point, when you were notified of the attack on the Annex, did anyone reach out to the CIA?

Mr. Yanes. He said he doesn't remember being notified of that, and you are assuming that the ops center was -- notified people. I mean, they may have, but I don't think he remembers being notified of that.

Mr. Nides. Again, my assumption is the ops center, because I assume there's reports from the op center, so I know I haven't looked at all the reports. The ops center was every half an hour, updating things. Right. So I don't know what I read or what I didn't read, or what I was notified or wasn't being notified. So, again, I would have to rely upon the communication from the ops center.

BY MS. BETZ:

Q The decision to evacuate all of the personnel from Benghazi, is that a decision that the State Department, the Secretary, and her senior staff made?

A I think my assumption is -- again, I would have to, again, it is 3 years ago, we would rely upon the security professionals to make the decision. Right? So I don't think Secretary Clinton, nor I, nor Bill Burns would make those decisions on our own, because ultimately, you have people who really understand security, how to get people out, how to move people.

I'm certainly not qualified to do that, nor do I think Secretary Clinton was. So my assumption is, is that we relied upon the people who were part of the Diplomatic Security who protect our men and women. They are the ones that would ultimately make that decision. They would make a recommendation to us, and I would say in almost 100 percent of the cases, we would accept their recommendation.

Q So let me just clarify. Were you -- so you were consulted. So did the security experts or professionals consult you on a decision to evacuate all of the personnel?

A I'm sorry, I would love to tell you I remember. I don't remember. It was ³/₂ years ago. Again, I would -- traditionally, all of the security decisions that were made in any of our embassies are made by the professionals within Diplomatic Security. And I would say the vast majority of those --

Q Uh-huh.

A -- are accepted by. So I assume in this case it was, but

to be honest with you, I don't remember the decision tree at that point, nor do I remember being part of the actual decision about to evacuate folks from Benghazi.

Q Do you recall being part of any discussion on any acquisition, or any modes of transportation to get out of Benghazi to Tripoli?

A I don't -- I don't remember. I, to be honest with you, I don't remember.

Q So moving along, after the attack, there were a number of discussions on the Secretary's appearance on the Sunday talk shows. Were you involved at all in her decision not to appear?

A No.

Q Were you involved in any of the discussions regarding the talking points that Ambassador Rice used to prepare for her appearance on the Sunday talk shows?

A No.

Q Having been in Cairo on that Monday before the attack, you had, you know, you had experienced what was going on in Cairo, and I think I understand from some of the documents, that you had opinions as to the difference between what occurred in Benghazi, and what occurred in Cairo. Is that --

A Well, you know, all I know is what the facts were, which the facts on the ground in Egypt I was well aware of because I was briefed as soon as I got there. There was basically a nonviolent action. There were some protesters jumping over the fence and grabbing a flag,

and they were escorted off the grounds. Obviously, that was substantially different than, I think, what was going on in Benghazi. So I think from that perspective, yes, I could at least compare those two things.

Q Okay, I would like to show you a document. And it's number 2 in your tab.

[Nides Exhibit No. 1

Was marked for identification.]

Ms. Betz. And we will give the witness an opportunity to look at the document. It is State Department document C05562242, produced to that House Select Committee on Benghazi. And while the witness is not identified as a sender or a recipient, he is referenced in the email.

BY MS. BETZ:

Q Okay. Have you had a chance to look at the document?

A Sure.

Q Who is Prem Kumar?

A He worked at the White House. He was the, I think he must have been the desk officer at the White House, I think. I don't know what he -- he moved around a lot. I think he just left, actually, just recently.

Q Okay, and who was [REDACTED]?

A He worked for me. He was one of my assistants at the State Department.

Q And the prefacing email says, "[REDACTED], [REDACTED]
[REDACTED], I believe your boss is going to speak

with the new Egyptian Ambassador," or "Amb today, re: Security of Embassy Cairo. Could I get a readout from you when that's happened."

So then [REDACTED] responds, "Prem, Nides said he understood the difference between the targeted attack in Libya and the way the protest escalated in Egypt, but pushed the Egyptian Ambassador on ensuring security, particularly with protests likely on Friday. Nides also noted" -- this is, I believe, a mistake, "the our request to get 10 visas processed today for extra diplomatic security agents out tonight. The Ambassador said he would expedite."

Does the first sentence reflect your discussion with the Egyptian Ambassador?

A Again, it's 3 years ago. I don't -- I guess, if he had written it, I assume he was in the meeting with me. It's his recollection of a meeting. I'm not sure it was totally my recollection, but I don't have any objections to what was written.

Q Okay. Thanks. So taking a sort of giant step back and looking into 2011, and I want to talk a little bit about the then-envoy's -- Envoy Stevens' mission into Benghazi --

A Uh-huh.

Q -- and the decision to both ask him and send him in. Were you involved in the decision to ask Ambassador Stevens to go into Benghazi?

A No.

Q Was the NSC involved in that decision?

Mr. Yanes. The National Security Council, NSC?

Ms. Betz. Correct.

Mr. Nides. I have no -- I don't know. My assumption is I assume there was some conversation, but I have no idea.

BY MS. BETZ:

Q Was there a request to send him a State Department decision alone, or request?

A Again, I don't know.

Q I was going to show you another document. This would be tab 4, I believe.

A Tab 4?

Q Tab 4.

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

[Discussion off the record.]

[Nides Exhibit No. 2

Was marked for identification.]

BY MS. BETZ:

Q We will go back on the record. For purposes of identifying the document, it is STATE-SCB0075262. It is from a [REDACTED] to you dated Thursday March 24, 2011.

A Got it.

Q Just directing your attention to the last sentence, or last sort of bullet. It says, "We continue to look at options for moving Chris Steven into Libya. The pressure is on for this to happen soon."

A Uh-huh.

Q Do you know where that pressure was coming from?

A I don't. I mean, my working assumption is is that the NEA or the career people, the Ambassador on the ground, really wanted more support. I mean, more embassy officials, and wanted to Chris to come. So I assume that's what she -- and she was my staffer who kind of was the officer in charge of this reporting to me on this particular topic. She was in charge of the decisionmaking. She was in charge of reporting the conversation, so I was kept informed.

Q Uh-huh.

A So my assumption is that was a reflection of the career people asking for Chris to come. But, again, I wasn't in the meeting. I don't recall exactly when it was.

Mr. Yanes. So you are not sure and the document doesn't say.

Mr. Nides. Yeah, that's correct.

BY MS. BETZ:

Q Well, I'm just curious. Other documents suggest that the NSC, NSS was pushing. I didn't know if you had --

Ms. Sachsman Grooms. I think that is a mischaracterization of what other documents say, but if you have other documents, I think --

Ms. Betz. Well, I do, and those are in the safe. So but just move along --

BY MS. BETZ:

Q So there weren't any other discussions at the senior or principal level about sending the Envoy, pressure to send Envoy Stevens in, to your recollection?

A Not to my recollection. No.

Q One of the reasons we were very interested in speaking with you was the detail that your staffer had with regard to the mission logistics.

A Uh-huh.

Q [REDACTED] was a very descriptive and detailed emailer, and probably more so than anybody in the State Department, at least from the documents that we have reviewed. Is there a reason why the emails were so descriptive? Did you have a reason to have --

A She is just really good.

Mr. Yanes. I'm sorry, which emails?

BY MS. BETZ:

Q Well, there are a number of emails. I'm just saying generally.

A I don't know which emails you are speaking of, but, you know, she is a talented career Foreign Service officer.

Q Yeah. Were the email updates from her the only updates on the Envoy's mission that you received?

A I can't remember. I don't, you know, again, it's 3 years ago. I'm not exactly sure what I received or what I didn't receive.

Q Well, were you briefed in person, daily, on the --

Mr. Yanes. Again, on what? I'm sorry, about what?

Ms. Betz. -- on the Envoy's mission into Benghazi?

Mr. Nides. Yeah, again, I don't recall how often I was briefed. We had, obviously, 270 missions around the world. I don't -- you know, again, I can't tell you if I was briefed, you know, every other week,

every month. But most of my stuff that I was receiving was received in written form.

BY MS. BETZ:

Q Do you -- so you don't recall getting an early-morning briefing from those on the ground, from then-Envoy Stevens on the ground?

A I don't.

Q What decisions, vis-a-vis the Envoy's mission did you make versus Under Secretary Kennedy? Did you make staffing decisions?

A No. Ultimately, again, the practice has been to let the professionals make recommendations to the seventh floor.

Q Uh-huh.

A And I would say, in most cases, that's what we did.

Q How was the mission funded?

A I -- I have no idea. I mean, I assume it was funded through our normal process, right, our normal funds. But I don't know if there was a specific -- I assume it is through normal funds that we had available, but I don't recall.

Q Was there concern when Envoy Stevens went in with regard to the no-boots-on-the-ground policy? Was that something that you discussed?

Mr. Yanes. Do you know what that is, the no-boots-on-the-ground policy?

Mr. Nides. I don't know what you are referring to.

BY MS. BETZ:

Q That would be military support.

A Yeah, I know what the word means, but I don't know if you are referencing some --

Q Just the DOD's support for Envoy Stevens in going in, in addition to the diplomatic security agents that accompanied him.

A Yeah, I wasn't aware of any -- involved in those conversations.

Q Was there concern, on the part of the State Department, that leaving Benghazi, if security ever got so bad early on, that would send a negative message to the TNC?

A No.

Mr. Yanes. By anybody in the State Department?

Mr. Nides. Not by me. Are you asking for me?

BY MS. BETZ:

Q You, or did anybody express concern?

A I have no recollection of that. Not by me personally, I don't believe. But I don't -- I have no idea what other people going could have expressed views that I was ^{not} aware of.

Q Later in the spring, as part of our multilateral effort, I believe the United States provided --

Mr. Yanes. This is spring of 2011?

BY MS. BETZ:

Q We are still in spring of 2011, yeah. I haven't deviated from that -- provided nonlethal assistance to the TNC. Correct? Like humanitarian aid?

A Again, I don't -- it's 3 years ago. If you say it's the case, then I assume it is, I don't recall exactly.

Mr. Yanes. Four years ago.

Mr. Nides. Four years ago. I don't recall exactly what was given and what wasn't given at that time.

BY MS. BETZ:

Q Are you aware of any discussions, or were you involved in any discussions vis-a-vis, at some point in 2011, of changing the Envoy's mission to a more permanent presence?

A I don't recall those conversations.

Q Were you aware of concerns by Congress about the mission and its resource implication?

A Again, I'm sorry to say, I just don't recall, you know, those conversations if they occurred.

Q I want to come back to the staffing.

A Sure.

Q So if you would look at tab 10. And I believe this is exhibit 3.

[Nides Exhibit No. 3

Was marked for identification.]

Mr. Desai. This is exhibit 3 for the record. Is that right?

Ms. Betz. Yes. So for purposes of identifying the document, it is STATE-SCB0061065. It is from the witness, to [REDACTED]. I will give the witness a minute to look at the document.

Mr. Nides. Yeah.

BY MS. BETZ:

Q And I would like to draw your attention to the last bullet which says, "The Benghazi Mission is working with NEA on reverse tripwires that must be met before growing the mission. AID/OEDA is interested in sending in more personnel. I reminded NEA and USAID that all staffing increases must be approved by deputies; Jeff's request for an additional five people is on a hold until further notice."

Do you recall this email?

A I don't. But I assume that's the case. Always happens where the career professionals, which Jeff and some of the people you referenced here, generally want more personnel on the ground, and there's a tendency for us to push back on those requests, especially on the career professionals; not on the security side. That's decided on a different level. But this was basically the desire for them to add additional people. And we were constantly pushing back on the idea of having more people on the ground than some of the career people would have actually liked us to have.

Q So ultimately, you were making decisions regarding staffing?

A In this particular case, the decisions were coming to us, and, ultimately, we were pushing back on this particular decision.

Q Uh-huh.

A As articulated in this memo.

Q Right. Was that the case for a number of the staffing requests throughout the Envoy's mission in 2011?

A The only issue that came to us would be issues around permanent FTEs. I mean, counsel, staff, if, in fact, the request would grow beyond what we wanted to do, those questions that couldn't get resolved at the career level, they would be elevated to the deputy level. But that happened very rarely. I'm, obviously, clearly concerned about making sure that the levels of career staff were limited at the time.

Q Do you know in the email, there is a reference to reverse tripwires. Do you know what those reverse trip -- first of all, what is a reverse tripwire?

A I don't know what she is referring to.

Q Okay. So you are not aware of any -- if they were ever met?

A Again, I don't know what she is referring to.

Q So this email is dated June 13. Moving forward a month later --

A Tab 11?

Q No, in the document. The document.

A Oh, moving on. Oh, sorry. I was moving forward.

Q So that is June 2011. I want to fast forward to June 2011 when the United States recognized the TNC as the legitimate government of Libya. Was there concern at this time about formally recognizing a presence in Benghazi and that it would somehow undermine our overall Libya strategy?

Mr. Yanes. By Tom?

Ms. Betz. Just a discussion. Again, this is your knowledge any

discussions that you might have had with the Secretary, or --

Mr. Nides. To be honest with you, I just can't recall those discussions.

BY MS. BETZ:

Q I'm going to draw your attention to tab 12. And this will be Exhibit 4.

[Nides Exhibit No. 4

Was marked for identification.]

Mr. Nides. Very small print.

BY MS. BETZ:

Q Very small print. And for purposes of identifying the document, it reads, "U.S. Department of State Doc# C05578334. It's a document -- there's no heading. There's no identifying information. For purposes of just questioning, I want to discuss the first two paragraphs and in particular, because your name is referenced --

A Sure.

Q -- in here. I wanted to ask you about that.

A Go ahead.

Mr. Yanes. Have you read it?

Mr. Nides. Yeah, I just read it.

BY MS. BETZ:

Q The first paragraph, in short, basically says: "The State Department does not intend to establish," -- and it crosses out "a formal diplomatic mission" -- "consular or diplomatic premise in Benghazi at this point. (Tripoli remains the capital of Libya where

our embassy remains) despite the recent USG decision to recognize the TNC as legitimate governing authority in Libya during this interim process. The United States Government and the TNC have both stated their commitment to a unified, free Libya with Tripoli as its capital; the establishment of a" -- "formal" crossed out -- "diplomatic mission in Benghazi would undermine this commitment and send the wrong political message." And it goes on.

A Uh-huh.

Q Is that a position that was shared throughout the seventh floor by you or others?

A Again, I don't recall the discussion. I don't actually recall -- obviously, I don't recall the memo, or the -- I guess this was in memo form, so I don't recall that. So to be honest with you, I have no idea if this was a widely-held view or not widely-held view. I don't know where this went or if we met on it. I just can't recall.

Mr. Yanes. Did he get this document?

Ms. Betz. I don't know, and I'm conceding that I don't know for purposes of just questioning, his name is mentioned in the document.

Mr. Yanes. Okay.

Ms. Betz. So I wasn't aware if it was shared with you or not.

Mr. Yanes. Still on the second paragraph, right?

Ms. Betz. Yes.

BY MS. BETZ:

Q Was this position discussed, or the future of the Benghazi Mission discussed when Embassy Tripoli reopened, in later in September?

A I'm really sorry. I just don't remember. I just don't remember the conversations around the staffing. This is 4 years ago. I just don't know if we had conversations or no conversations.

Q Did you have any discussion about the resource implications of having both Embassy Tripoli and the mission operational?

A Not to my -- not to my recollection.

Q Did you have any discussion about how both of them would be funded?

A Again, I just -- I can't remember exactly any conversations regarding this. You know, again, we had conversations about every -- again, we have 270 missions. So I'm not -- I can't really recall this particular discussion on this particular staffing of this particular non-consulate.

Q Well, let me ask you this: Given that there were 270 sort of facilities, how many did we send a special envoy into?

A Again, I have no recollection of that. I don't know.

Q How many did we work the U.N. in to establish a no-fly zone?

A Again, I can't venture to say how many. I'm sure there were a few, but I just don't recall.

Q So Libya was not unique in those --

A Libya was always unique, but I can't tell you that one was more unique than the other, depending on what circumstances. I was focused a lot on Iraq. I was focused a lot on Pakistan. I was focused a lot on Afghanistan. They were quite unique since we had tens of thousands of people in each one of those countries. So those were,

in itself, fairly unique, and I spent a huge amount of my time focusing on those individuals.

Q Okay. I'm going to show you another document, and this is under tab 13.

[Nides Exhibit No. 5

Was marked for identification.]

BY MS. BETZ:

Q So for purposes of identifying the document, it is State Department SCB0074167. It is sent from the witness to [REDACTED]. It is actually an email conversation, and the underlying email is an ops alert. And what I want to focus on is [REDACTED] email to you saying: "Latest on Libya. Also Paul Grove will be in Benghazi a few days; he arrived today." Who was Paul Grove?

A You want to focus on how I told her she should take a day off?

Q Yeah.

A Because I'm a nice guy.

Q Some of these things are comical.

A Yeah, sure I promise I will --

Q Who was Paul Grove?

A Paul Grove worked on the Appropriations Committee.

Q Okay. So were you in contact with him after he returned from Benghazi?

A I don't recall. I mean, I talked to Paul Grove a lot. I don't know if I talked to him then or not.

Q So did he report back to you after his trip to Benghazi?
Do you have any recollection?

A I'm sorry, I don't.

Ms. Sachsman Grooms. I'm sorry. I think I just didn't hear.
Did you say you worked on the Appropriations Committee in Congress?

Mr. Yanes. That he did; not that Tom did.

Ms. Sachsman Grooms. Paul Grove.

Mr. Nides. Paul Grove. Yeah, I'm sorry.

BY MS. BETZ:

Q Okay. Turning to tab 14, which will be exhibit No. 6.

A We were on 14?

Q Tab 14.

Mr. Yanes. Tab 14.

Mr. Nides. Same one.

Mr. Yanes. Don't worry about it. We were on 13 before.

Mr. Nides. Same one. Okay. My tabs must be off. Anyway, it
doesn't matter. Go ahead.

Ms. Betz. Are they off?

Mr. Nides. This is the same email I just had, right?

Mr. Yanes. No.

Mr. Nides. Oh, okay, I'm sorry about that.

[Nides Exhibit No. 6

Was marked for identification.]

BY MS. BETZ:

Q For identifying purposes, this document is SCB0074157. It

is an email from the witness to [REDACTED]. Again, it's an email chain. For purposes of this discussion, I want to focus on the underlying email, which describes an email that was sent out regarding NEA posts and a heightened awareness during the 9/11 anniversary.

And specifically, it identifies the missions in Tripoli and Benghazi, and regarding the unique requirements that they have for additional security resources and personnel.

Do you recall receiving this email?

A I don't.

Q So you are not aware of any special precautions that were taken in 2011 regarding the 9/11 anniversary with either at Benghazi --

Mr. Yanes. He didn't say that, but go ahead.

Mr. Nides. No, I don't recall the memo. And I don't recall those conversations, but my working assumption is any time the 9/11 anniversary came around, we were always on heightened alert.

BY MS. BETZ:

Q So were you aware of whether an email went out in 2012 that was similar to this alert?

A I don't know. I have no idea.

Q Are you aware of -- fast forwarding again, to December 2011, there was the discussion and eventual memo drafted for extending the mission? Were you aware of that discussion and/or memo?

A I don't recall. I don't recall the discussions.

Q You don't recall the discussions. Do you recall the memo?

A No.

Q No. Okay. So we should turn to tab 16. I mean. Just to help your recollection.

A No, no, I have no problem with it. Please, that's fine. That's fine.

Q So this will be Exhibit Number 7. Tab 16.

[Nides Exhibit No. 7
Was marked for identification.]

BY MS. BETZ:

Q So for purposes of identifying the document, it is an action memo for Under Secretary Kennedy, with the number, identifying number 201123787. And we will just go off the record.

[Discussion off the record.]

BY MS. BETZ:

Q So have you had a chance to read the memo?

A Sure.

Q And as I said, it is an action memo for Under Secretary Kennedy. It is from Jeffrey Feltman out of NEA. But if you turn to the last page, it was cleared by you, or your staff, [REDACTED].

A Uh-huh.

Q Do you recall this document?

A I don't.

Q So you are not aware whether or not or your staff was consulted? Were you consulted in the drafting of the memo?

A I don't recall. Looks like she signed off, and so she was consulted on it.

Q Is this a memo that you should have been consulted on, given the resource implications?

A My working assumption is that if the head of the NEA and Kennedy, who was the Under Secretary for Management including facilities and security signed off on it, and my staff was a staff person who was working on it, my assumption is a lot of people in the building probably reviewed it and came up with a conclusion.

RPTR KERR

EDTR HUMKE

[11:08 a.m.]

Ms. Betz. And I think this memo is a point of contention. I guess we're trying to understand what the point of the memo is. Was it intended to legitimize or make the mission official within the State Department?

Mr. Nides. Again --

Mr. Yanes. I don't know what you can tell from reading this.

Mr. Nides. I think every time we expanded a facility, either created one or took one offline, there was an action memo that was done and people need to approve it. The professionals who ran the State Department need to approve it because they had implications, including money, security, resources, and I think this would be common practice in any facility, not just Libya, but in London or anywhere else we have a facility that would have either buying a piece of property or adding facilities or adding people, so pretty common format for those kind of decisions.

BY MS. BETZ:

Q Given, though, the fact that we still had -- that we now had Embassy Tripoli up and running, and we also now had this presence, the continued presence in Benghazi, there would be resource implications such that it should have been brought to your attention?

A No. Again, I think as I just pointed out, the individual

who manages facilities and the budget implications of this, okay, and the career staff of the NEA who has got the political -- not political like politics, but political understanding, who is a career foreign service officer, the combination of that and their staff is who we ultimately would respect for this kind of decision.

Q If a bureau clears on it, do they have the responsibility to fulfill what their responsibility identified in the memo. So for example, if DS clears the memo and the memo states that there are five special agents to be located at the facility, would they then be obligated to ensure that those five agents were at the facility?

A Again, I don't know because the context of how these decisions get made, my assumption is circumstances on the ground change, numbers of people change, the numbers of FTEs and how many security are associated with those FTEs change, so I'm not a security professional, so I couldn't really tell you the decision between 5 or 6 or 7 and how those decisions were made.

Q Have you been to Libya?

A Have I been --

Q Do you travel to Libya?

A I did.

Q When did you go?

A I think 2011. I don't remember -- when was I gone? I went to Tunisia for 1 day. I don't recall what day that that was. I did go.

Q January 2012?

A Is that when I went?

Q Yes.

A Okay. Thank you. I knew you could jog my memory. Yes, I did go. January 2012 is when I went.

Q Did you travel to Benghazi?

A No, I didn't go to Benghazi.

Q Just stayed in Tripoli?

A I hope -- no, I don't think I went to Benghazi.

Q Did you have discussions with the Libyan Government regarding their ability to provide host nation support?

A You know, I don't recall my conversations. My assumption, I met with government officials, and I assume that that topic would come up because that topic came up in every country I visited, be it Afghanistan, Iraq, or Pakistan or any other interesting locations I happened to travel with, that could come up. So I assume if I were there, I discussed that with them, but I don't recall the conversations.

Q Do you recall discussing the contents of your trip with the Secretary or anybody else at the State Department when you returned?

A Common practice would be I would have a conversation or at least a memo would go to the Secretary, but I don't recall if I did that and how I did it, but general practice would be to send something to her either verbally or by written form, but I don't know if it was done or not.

Q Were you concerned after your discussions with the Libyan Government about their ability to provide host nation support?

A Again, it was almost 3 years ago. I don't remember how I felt about it. Obviously, it wasn't Paris, so I understand it was not -- it was a difficult place, but I don't recall my attitude or my state of mind at that point when I came back from the trip.

Q Sort of moving along in 2012. Were you notified of the April attack on the facility in Benghazi?

A On the April attack. I don't know which attack you're referring to. Is this the --

Q It would be the first attack on the mission.

A Is this before they moved into the facility?

Q This would be in 2012, so they are at the temporary mission facility.

A I don't -- it could. I don't recall. You know, if there was an attack, my assumption is I would be notified, but I don't recall being notified.

Q So you did not take any steps -- did you contact Under Secretary Kennedy regarding what steps DS was taking to bolster security at the facility?

Mr. Yanes. When?

Ms. Betz. April 2012.

Mr. Nides. Yeah, I'm sorry. I just can't recall 3 years ago when I -- again, my assumption is if I was notified that something happened, I would probably respond to it, but I don't recall being notified, and I don't -- that constant recall is what I said about being notified.

BY MS. BETZ:

Q Do you recall being notified of the June attack?

A Again, the same answer. I just don't recall.

Q June 2012?

A Yeah. I don't recall, ,sorry.

Q Were you made aware of the attack on the U.K. Ambassador later in June 2012?

A Again, I'm sorry to say, I just don't recall. I mean, again, someone of that nature of that attack, I assume I was notified but --

Ms. Betz. I see that my time has expired, so I will go off the record.

[Discussion off the record.]

Mrs. Brooks. Just a couple of questions. Going back on record, and I apologize having just walked in and only hearing a very narrow time period.

Can you tell me what your general recollection is, or actually any specific recollection is, about your specific involvement with Libya or Benghazi, and Benghazi

Mr. Nides. Well, I think as has been clear -- I went there, obviously. I was certainly consulted on staffing, which has been clear by the record. Obviously --

Mrs. Brooks. And who would have done that consulting?

Mr. Nides. I think Under Secretary Kennedy certainly would brief me on security matters or facility situations, but the

decisions -- obviously, those decisions are made at the under secretary level or the security professionals level.

Mrs. Brooks. Would that have been a one-on-one briefing?

Mr. Nides. You know, Congresswoman, I don't recall how -- but assuming I was briefed individually by groups, we had lots of meetings, this was obviously a very complicated period of time for us leading up to the -- during the crisis and prior to that and certainly subsequently. As you know, I was heavily involved in the after the attack --

Mrs. Brooks. Right.

Mr. Nides. -- by being a staff person in charge of the ARB implementation, so I was keenly aware of the issues that were raised.

Mrs. Brooks. But prior to the attack.

Mr. Nides. Sure.

Mrs. Brooks. Would your interactions with respect to conversations with Patrick Kennedy have been in tandem with a lot of conversations about a lot of other facilities, or do you recall ever having any specific discussions about Libya or any specific meetings?

Mr. Nides. You know, again, I'm sorry, unfortunately, it's been 3 years ago or 4 years ago, so I don't recall who was in the meetings and what conversations. I'm sure I had multiple conversations on Libya and multiple conversations about the situation there, but I can't -- to be honest, I can't tell you if they were individual or solely about that or it was a group of conversations.

Mrs. Brooks. Were you interviewed by the ARB?

Mr. Nides. No.

Mrs. Brooks. And so is this your first time giving a statement on --

Mr. Nides. Well, actually I spent 8-and-a-half hours testifying in front of the House and the Senate on this situation when Secretary Clinton couldn't come in December of 2012, and so Bill Burns and I testified both in the House and the Senate for a long period of time, so I spent a lot of time on the topic.

Mrs. Brooks. And were you --

Mr. Nides. This is the first time in this -- obviously, in this setting.

Mrs. Brooks. Okay. And were you asked specific questions during that 8 hours about what your personal involvement was with respect to Libya?

Mr. Nides. I think most of the questions were around what we did after the fact. I think the focus of that hearing was about what the action items were going to be so this doesn't happen again, and that was what they were focused on.

Mrs. Brooks. And what was protocol with respect to the timing as to when DS or Patrick Kennedy would bring you information about attacks? What was the protocol?

Mr. Nides. You know --

Mrs. Brooks. Whether it was on Libya or any other facility in the world?

Mr. Nides. Well, thank God it didn't happen very often.

Mrs. Brooks. Yes.

Mr. Nides. So I would say 99 percent of the time, this was never an issue. This is unfortunately the one time it did happen, but as you know, we are very fortunate that this doesn't happen very often at all, thank God.

So I think any time an attack or something occurred, we'd be notified through the watch officer or through the ops center. That was, I think, the typical way, because it would happen in the middle of the night. Even in places like Iraq where there are rockets were being launched constantly in our facilities in Iraq for the last, you know, for 4 or 5 years. So we were notified continually about activity. But yes, if there was an incident, the ops center would generally notify all of us that this had happened?

Mrs. Brooks. And, I don't know where you are in questioning and where you plan to go, but when that would happen and when you would receive that notification, would you receive it by text, phone call, how would you receive that information?

Mr. Nides. I think the standard operating procedure was is that the ops center would send out a notification about an incident, and we would be notified.

Mrs. Brooks. By email or by how?

Mr. Nides. By email, generally, by email.

Mrs. Brooks. Okay.

Mr. Nides. By your State Department email you get a communication from the ops center.

Mrs. Brooks. Okay. I'm going to hold. I don't want to go

further than what -- but thank you.

Mr. Nides. Oh, you're welcome. Thank you.

Ms. Betz. Off the record.

[Recess.]

Ms. Sachsman Grooms. Let's go back on the record.

BY MS. SACHSMAN GROOMS:

Q Hi. I'll just reintroduce myself. I am Susanne Sachsman Grooms. I work for Representative Cummings. I just want to start by going over a couple of things that we went over in the last round, and then I think we'll move on.

Can I draw your attention back to exhibit 3, and so why don't we use the actual exhibits. That might be a little easier than the tabs.

Mr. Yanes. Is this just one set of everything?

Ms. Sachsman Grooms. Yeah. I'm sorry. Those are the actual exhibits. I'm not sure which tab exhibit 3 was --

Mr. Nides. He gave us all the exhibits in this stack.

Ms. Betz. I gave you all the exhibits.

Mr. Yanes. Okay. I got it. So which one you start with?

Ms. Sachsman Grooms. Exhibit 3.

Mr. Nides. This one.

Mr. Yanes. No. There you go.

EXAMINATION

BY MS. SACHSMAN GROOMS:

Q And if you will recall, this is an email from [REDACTED] staffer to you on June 13, 2011. We had discussed in the last

round, it says, "I reminded" -- this is your staffer. "I reminded NEA and USAID that all staffing increases must be approved by deputies. Jeff's request for an additional 5 people is on hold until further notice."

You explained in the last round that was career people and not security. I just want a little more clarification on that. So when you were talking about your approval on these staffing decisions, this was approval for nonsecurity-related personnel?

A Correct.

Q And were some of the constraints on approving more nonsecurity-related personnel the issue of the fact that there were not enough security personnel and enough beds for those individuals to be added?

A I don't recall the rationale for the reason, but everything is a derivative of one another. So if you add more heads, meaning more nonsecurity people, you by nature have to have more security people. So the bigger the footprint, the security professionals will then dictate how many security people needed, vis-à-vis, those numbers.

So we don't opine on the security, but if you opine on the numbers of professionals, by the nature of the security footprint, is enlarged and the number of beds and food and costs also go up as a derivative of that.

Q And your role would not have been to opine on how much would be the appropriate amount of security for that space?

A Absolutely not.

Q Okay. And you would rely on the diplomatic security professionals?

A Without question.

Q And in your experience with them, which I understand was about 2 years of it, did you feel that they had sufficient expertise and good judgment?

A Absolutely.

Q And you trusted them?

A True.

Ms. Betz. Can we just go off?

Ms. Sachsman Grooms. Yes.

[Discussion off the record.]

Ms. Betz. All right thank you.

Mr. Nides. Sure.

BY MS. SACHSMAN GROOMS:

Q Great. Thank you. So, I think there were a fair amount of questions in the last round about the night of the attacks, and it sounds like you don't have a lot of specific recollection from the night of the attacks. Is that a fair statement?

A That is correct.

Q I think you described it as a fog of war?

A That would be a correct assumption or a correct articulation of what I said.

Q And -- but you were at the State Department. You were with Secretary Clinton for some portion of that evening?

A As long as -- all night I was there for most of the evening and she was there for most of the evening as well.

Q And from your memory, and I understand that you don't have a lot, but can you describe what the feeling and the sentiment was in the room, right, was there a sense of urgency? Was there a concern about the safety of individuals? Was there an attempt to go in and rescue them, that kind of a thing?

A There was a sense of dramatic concern about the safety of the men who were at that facility and a deep sense of concern that we could do it -- anything we possibly could do to secure their health and wellbeing. This was a unbelievably chaotic evening. We were trying to get information as quickly as we could. We were trying to have calls with varieties of people to determine the situation.

We had no idea where Ambassador Stevens was. Some reports were that he was alive at the hospital, some reports were that he was still in the facility, but Secretary Clinton, Secretary Burns, myself, Pat Kennedy, the whole 7th floor, we were engulfed in trying to figure out what we could do to potentially save these individuals' lives.

Q And is it fair so say that your lack of specific recollection about what you specifically did or what other people specifically did doesn't mean that you weren't doing anything?

A I would said say that's a very fair characterization. And as you know, obviously almost 3-and-a-half 4 years ago but in any crisis you are trying to, everyone is triage you're trying to figure out how to solve the problem at hand which we're all doing what we can to resolve

it.

Q I think you had said earlier that you recall that earlier in the day there were -- before the attacks in Benghazi, there were concerns about the video and the Embassy in Cairo and the protests around that. Do you recall that?

A Yes. As I mentioned earlier, I was in Cairo on Monday, and I had just left Cairo and which at that point the protest broke out in Cairo. I don't know what the time was in Cairo where the protesters jumped over the fence, and so I was hypersensitive to that issue.

And clearly, we worked, as has been reported, tirelessly for several weeks before the video to try to get this pastor in Florida not to release the video because we knew it would inflame. It was a depiction of Mohammed. It was obviously quite distasteful, so we were trying to make sure that it didn't get released. Not that we were successful in doing that, unfortunately, so we were all hypersensitive about the implication of that and September 11.

Q And do you recall protests earlier in the day also in Tunisia?

A I know there was, but I don't remember at the time -- what I was thinking at the time, but I have to say I know that there was.

Q And at the time when you were watching the protests in Cairo, were you concerned about the fact that the -- were you concerned about the safety of the U.S. personnel there?

A In Cairo?

Q Uh-huh.

A Absolutely. In fact, I called in the Ambassador of Egypt on that week, maybe it was Wednesday, to reinforce how concerned we were to make sure that they were doing everything they could. As again, as you know, under the Vienna Convention, we rely upon our host countries to protect our personnel. We don't have enough people on the ground to protect them. We only have a handful of Marines in each one of these facilities, so we're very focused on making sure. They understood that we were watching them to make sure that they were protecting our people. We were going to hold them accountable to protect them.

Q And were you concerned that it might spread; that the protests might spread throughout the region?

A We were very concerned.

Q This committee spoke with Ambassador Jeff Feltman, who was the assistant secretary of NEA at the time, and he told us that -- this is the way he described it. He described the entire Middle East region during that period when they were protests in Cairo, Yemen, Sudan, Tunisia, as being in, quote, "an uproar," and in, quote, "turmoil." Would you agree with that characterization?

A Yes, I would.

Q And why?

A Because it was. You had new democracies or fledging democracies, and you had huge amounts of anxiety in the social media that we were watching. We had protests breaking out throughout the Middle East. It was very unstable, and we were very much focused on

this as being the contagion that would spread throughout the Middle East.

So we had evidence of it, and had anxiety about it, and we were doing everything we could to make sure it didn't happen.

Q So is it fair to say that in addition to both a primary concern that night on September 11th of evacuating personnel and making sure that they were safe and alive, that you and the senior leadership team were all thinking forward as to how to keep individuals and other embassies safe?

A Without question.

Q And do you recall specific actions that you took at that point to try and do that?

A I recall reaching out, obviously, I mentioned to the Ambassador of Egypt who came to see me. I spoke to the Pakistanis, I spoke to Tunisians. You know, I don't recall, but I -- my assumption, I spent a lot of time on the phone talking to these governments and making sure that they were providing us everything they could provide us to make sure that we kept our people safe.

Q It's been alleged by some that Secretary Clinton was checked out in the 2011 time period, and at times, that she just didn't care about the safety and security of the personnel in the ground. What would be your views on that?

Mr. Yanes. In 2011?

BY MS. SACHSMAN GROOMS:

Q In 2011, 2012. I think the allegation was that from 2011

to 2012, she had been more engaged in 2011 and less engaged in 2012, but generally speaking, either to that or to her general engagement and concern for the safety and security of personnel?

A It's absurd. It's not the case. And with all due respect to those who might have that view, she woke up every day caring about the safety of our diplomats. I mean, unfortunately, you know, luckily we get it right 99 percent of the time, but I don't think anyone was more concerned and more worried about the safety of our people than she was.

Q And did she express that the evening of the attacks?

A With great passion.

Q Do you recall when Secretary Clinton left the State Department on the night of the attacks?

A I don't know exactly what the time was. All I know is it was very late in the evening. I know we were all sitting in her conference room till late in the evening where we actually ordered food in. We all sat around and tried to get information going on and off the call, so I don't know what time she actually departed. But it didn't really matter because I think once she left, be it midnight or before, she was in constant communication, and she had a secure phone at her house, and I think she was back at the office right away in the morning.

So, you know, the good news and the bad news about communication, it's constant, so -- and she only lives six blocks away or a mile-and-a-half away, whatever it is, very quickly, so she was in

constant contact.

Q So if you had needed to reach her on the night of the attacks, you could?

A In a moment's notice.

Q What about Patrick Kennedy? Did he ever do or say anything that suggested to you that he didn't care about the safety of the Department's personnel in Libya or Benghazi?

A Absolutely not.

BY MR. DESAI:

Q Secretary Nides, good morning. I wanted to switch gears just slightly here. So I think in the last hour when you were talking to my colleagues from the majority in enumerating some of your responsibilities and role as deputy secretary for management and resources, one of things that you said, correct me if I'm wrong, is that you were the chief budget advocate for the Department on the Hill. Is that right?

A That's correct.

Q And I just wanted to unpack that with you a bit more and explore that topic and specifically this idea of, you know, conducting effective diplomacy abroad while still confronting the reality of budgetary constraints.

And I know this is a topic that you had been thoughtful about, had spoken about, and written about during your time as deputy secretary, given some opinion editorials that I've come across and some remarks that you had delivered.

The Accountability Review Board, I believe, speaks about this issue specifically, and I just wanted to show you a portion of that. So I'm going to go ahead and mark this as exhibit 8, I believe we're on. Is that right?

[Nide Exhibit No. 8

Was marked for identification.]

BY MR. DESAI:

Q And what I've handed you here, Mr. Secretary, is a portion of the Accountability Review Board's final report. There's no cover page because I don't believe there was one, but I have here about the first 3 pages or so of the report, and I want to direct your attention to page 3 of what I just handed to you and specifically to the first paragraph, and I'm going to just read that out loud to you and ask that you bear with me as it's a bit of a lengthy paragraph.

But it starts off saying, quote, "For many years the State Department has been engaged in a struggle to obtain the resources necessary to carry out its work with varying degrees of success. This has brought about a deep sense of the importance of husbanding resources to meet the highest priorities, laudable in the extreme in any government department. But it has also had the effect of conditioning a full State Department managers to favor restricting the use of resources as a general orientation. There is no easy way to cut through this Gordian knot, all the more so as budgetary austerity looms large ahead."

"At the same time, it is imperative for the State Department be

mission-driven rather than resource-constrained, particularly when being present in increasingly risky areas of the world is integral to U.S. national security. The recommendations in this report attempt to grapple with these issues and err on the side of increased attention to prioritization and to fuller support for people and facilities engaged in working in high risk, high threat areas. The solution requires a more serious and sustained commitment from Congress to support State Department needs, which in total, constitute a small percentage both of the full national budget and that spent for national security."One overall conclusion in this report is that Congress must do its part to meet this challenge and provide necessary resources to the State Department to address security risks and meet mission imperatives," end quote.

Now, this lengthy paragraph makes reference to how the State Department's budget is just a small percentage of the full national budget. If you recall, what percentage is the Department's budget in the national budget?

A One percent.

Q One percent. Is that right? The last sentence of that paragraph says, quote, "One overall conclusion in this report is that Congress must do its part to meet this challenge and provide necessary resources to the State Department to address security risks and meet mission imperatives," unquote.

Do you agree with the ARB's assertion given this conclusion?

A I do.

Q And why is that?

A As you all know, we have -- you know, 1 percent of the national budget is spent on diplomacy. That means everything we do, 270 missions, all of our consulate offices, all of our ambassadors, all of our career foreign service officers, everything included, all the assistants, okay, 1 percent. That is not a lot of money, right. And we have to protect 270 facilities around the world, which is also very complicated, and we live in a very dangerous world.

All those imperatives are coming to us at the right time. I'm very conscientious of the constraints we are in financially as a country, but I do think that we need to be focused on this, and one of the recommendations with the ARB was on the appropriations process, the speed in which we can do contracts, a variety of different recommendations of the ARB, which I was in charge of implementing or beginning those streams to be implemented.

So I concur with the ARB's assessment. It's not all about money, just to be clear, but money is very important in this discussion, and it's important for people to understand that.

Q Now, prior to joining the Department, I believe it was in 2011, you had come from the private sector. Is that right?

A I did.

Q And you returned to the private sector after your tenure at the State Department ended. Is that right?

A Yeah, I worked on Capitol Hill for multiple years working for the speaker of the House and the majority whip. I worked in the

administration as well, and I've been in and out of private sector multiple times to serve our country.

Q So you have pretty exhaustive government experience working in the legislative branch as well as working in the private sector, so one would assume that that gives you a fairly unique perspective on budgetary issues both inside and outside the government. And if you could just briefly describe for us, you know, what impact do budgetary cuts, or even budgetary uncertainty have on the Department's operation in its ability to conduct effective diplomacy?

A Listen, you know, again, I'm also very aware of the constraints that the Congress, both on the Republican side and Democratic side, are grappling with with the budget, so I'm not unaware or blind to the fact that money is very tight. And we have a lot of demands on our money.

That said, the problems in the world are only getting greater, and it can't be just the military budget. It has to be a diplomatic budget as well because, as people have said, you know, it's a combination of both to make sure we keep ourselves safe.

So my concern, obviously, is when there are budget constraints and there are going to be always budget constraints, but when the budget constraints on occasion may in fact misalign with what our missions are, that's where I get -- when I get worried. People are pushing us to do more and to do more with less on things on occasion that that doesn't always work out as well as we hoped.

Q I want to show you another document, Secretary Nides, I'm

going to enter into the record as exhibit number 9.

[Nides Exhibit No. 9

Was marked for identification.]

BY MR. DESAI:

Q And this is a transcript of remarks that you delivered at the Center for American progress on October -- excuse me -- August 31st, 2011. The remarks are titled, quote, "A Unified Security Budget for the United States," and just for the purposes of the record, this transcript can still be found online at cdn.americanprogress.org/wp.content/upload/event/2011/08/image/securitybudgettranscript.pdf.

A Can't wait to see it again.

Q You're about to see it right now, yeah.

Do you recall delivering these remarks at the Center for American Progress?

A I do now.

Q And if you recall -- I know it's been a few years now, and we're going to go through some of the specifics here in a second, but just before we do that, do you recall what the speech was about and why you gave it?

A I think it was in the context of our budget and our budget submission and the importance of making sure that the State Department is funded appropriately.

Q Okay. So we're going to get into some of the specifics here. If I can direct your attention to the third page of the document

I just handed you, and I'm looking kind of toward the bottom of that third page. I know it's not numbered as such, but the penultimate paragraph on that page, the second sentence, you say, quote, "As deputy secretary of state, I could be focused on many issues and in many places. But few things are as important to me than fighting for the resources that our diplomats and development experts need to enhance our national security and our economic security," end quote.

And I know you've spoken about some of this already, but again, why was this so important to write? Why was this, as you called it, you know, few things more important than fighting for the resources that was needed?

A Listen, I spent a huge amount of time in Iraq and Afghanistan and Pakistan, and I saw the commitment that the men and women at the State Department were doing for our country, and understanding that they played a really important role to keep us secure here at home, and you know, and if you just spent some time in those countries and spent time around the world and spent time with these diplomats, and I don't care if -- you know, your political affiliation, you care about these people, and you want them to be secure and you want them to have the resources to do their job. That's one piece.

The second piece, it works, okay. I mean, I don't think -- one of the biggest advocates for us was Dave Petraeus, Mike Mullen, you know, John Allen, all generals, one admiral, they were the biggest proponents of the State Department budget because they understood you can't just win these battles on the battlefield, and so having the

resources for the State Department to do, you know, rule of law, education, programs, that was the key part of what we did, and so I was obviously passionate about making sure educating people and the American people of the importance of State Department budget.

Q Okay. On the next page of the document at the fourth paragraph, the first sentence, it says, quote, Secretary Clinton has made the case that State and USAID are essential to our national security and ought to be considered part of a national security budget.

You've alluded to this, but if you can make the connection between State's budget and national security more expressed, because I think that's something that some may not see as obvious or inherent, right, that we're looking at national security in this less traditional way. If you could just, again, elaborate further on the connection between those two things?

A I think it was best said when I was with Dave Petraeus in Afghanistan where General Petraeus turned to me and said my job is to clear, and your job is to hold, and that is, you know, very poignant. You know, the reality is we are partners with the Defense Department, and I think Secretary Clinton, and I assume Secretary Kerry and Secretary Clinton had a very strong relationship with the Defense Department.

First of all, it was important to have, but we are a partnership. You cannot have one with the other, so the passionate connection between the two, you know, that's why there has been very little conflict between the State Department and Defense Department during the Clinton

administration -- Clinton term as Secretary of State because we know we were intricately involved in the planning and the purpose, and so consequently having a strong USAID, having a strong development program, critically important to the security of the men and women in the country.

Q Looking at the next page from the one we just discussed, the top half, you go through some of the math surrounding the budget, and I would be doing you a great disservice if I try to go through that math with you, so I'll skip it, but 4 paragraphs down, you told the audience at CAP, quote, "We know that resources are necessary to advance our national security interests and prosperity around the world, and we are at risk of not getting them," end quote.

What were you referring to when you say we are at the risk of not getting them?

A The budget's getting cut. Again, I understand -- it's not a political comment. I just understand the constraint because, quite frankly, some of the biggest advocates for the State Department budget were Republicans, so this is not a Democrat versus Republican. Money is tight, and that's a problem. And it wouldn't be as big a problem if the world was getting safer, but as the world is getting more dangerous and the monies are being cut, that is what I was referring to.

Q Okay. And on the previous page, you actually have given the audience some numbers. If you can just turn back one page, and again, this is the third paragraph. You said, quote, "In the fiscal

2011 budget, which has now been finished, State and USAID took a massive hit, a 13.6 percent cut from what the administration believed we needed in 2011."

From what you recall, did those cuts actually take place?

A I can't recall what the actual numbers were. I know we -- I don't recall.

Q And do you recall if the budget was cut in any capacity, whether it was 13.6 percent or some larger or smaller figure than that?

A I think it was cut. What the numbers were, I can't recall, but again, we were operating in a very constrained budget environment, so I don't -- ultimately those numbers were taken down in some level.

Q And would you have describe then 2011 as a challenging year for the Department with respect to budgetary constraints?

A Sure.

Q And what impact, from what you can recall, did those cuts have, again, on the Department and on the ability of our diplomats to conduct its work abroad?

A Again, I think if you put it in context, the State Department budget was 1 percent of the budget, of the Federal budget. The reality is, as we all know, we were going through a turmoil, as this continued down the Middle East, right, so you are going through, you know, chaos in Libya and Tunisia and Egypt, and things were happening all over the region, and so the demand -- and oh, by the way, we are still having tens of thousands of people in Iraq and Afghanistan, we had massive conflicts in Pakistan, you know, we had, you know, democracy

flourishing in some and reversing in others. So the reality is, just getting the numbers requested, even that wasn't going to be sufficient to answer the calls of what they were demanding of us.

So that was the biggest issue. The dollar amounts you could live with if the demands weren't as high as they were, but the demands were getting higher and higher and the problems were getting more and more difficult, so the resources were a challenge.

Q I just want to ask you one last question about these remarks that you delivered, and again on the next page, just flip one over, you said, quote, "And we need the resources to advance our economic agenda as well," end quote.

And you spoke and articulated the connections between having adequate resources and advancing national security. I just wanted to ask you that same question with respect to economic interests and American economic agendas in moving forward and how we can -- or how we strengthen and advance economic interests by giving the Department the resources it needs so that it can do the work that its meant to do?

A Listen, I champion, I think, on economic State craft, which was the use of the State Department to advocate on behalf of U.S. companies and advocate on behalf of U.S. jobs. The State Department is uniquely positioned to do that. We have ambassadors and staff in every country in the world, some of our biggest training partners, and it used to be that Just Made in America was good enough. That's not the case anymore, right. We're being challenged in every sector, in

every industry to compete. We need all the tools that we can have, including the advocacy of our embassies and our diplomatic corps, and there's no one better, and equipped than people who are on the ground holding the American flag to advocate on behalf of U.S. companies and U.S. interests.

So I think obviously having a robust budget in that particular area is important in the economic interest of the U.S.

Q If I can switch gears again. So the Secretary convened the Accountability Review Board shortly after the Benghazi attacks. Is that right?

A That's correct.

Q And do you recall when she convened the ARB?

A I don't.

Q From what we have, it was, I think, less than a month or so afterwards, and isn't it also correct that she entrusted you to oversee the ARB's implementation once the ARB's report was released, I believe, in December of 2012?

A That's correct.

Q Okay. So I want to ask you a few questions about that, but before we turn to that specifically, I want to ask you just a couple of questions about some of these steps the Department took after the attack and once the board was convened but before the ARB issued its final report in December 2012.

And I think you had talked about some of these steps during your testimony to Congress in December of that year, but if you could just

speak to, if you recall, some of the steps that you oversaw and that you know that the Department took in response to the attacks?

A The first thing we did is we convened a thing called ISAF, which was basically a joint program between the State Department and Defense Department to make sure we step back and look at all the other potential hotspots that we need to reevaluate in the wake of the new normal.

And this was never happened before, and we got secretary of defense and state to authorize it. We sent, I think was, 17 teams or 18 teams around the world to evaluate each embassy in these defined hotspots, determine if they had appropriate security, appropriate facilities, probably as important as anything is, one of the elements of the security of our people is the Vienna Convention, and the Vienna Convention, as you know, is the convention that requires the host country to provide the security for the facilities.

But even if they're required to, they may not have either the will or the capabilities of doing that, and these teams were to assess that as well. And we wanted it quickly done within 30 days. So to try to pull that off in 30 days is not an easy accomplishment because many of our uniformed officers in getting the permissions from host countries to allow U.S. military to come in and evaluate is not always easy, but that was really a principal step that we took.

Because as I said earlier -- I hate to use the word -- the world is on fire, okay, and chaos was breaking out, and we had to really determine at that time how serious this was going to be over the next

6 months to make sure what just happened in Benghazi never happened again. And so that was really the biggest -- and we took a lot of quick steps, right, but that, I think, was a very important action step we took. That was even before the ARB actually presented their final findings.

Q So one of the steps was that you deployed these interagency security assessment teams to these hotspots abroad. Was there anything else that you recall that the Department did during this time period?

A Well, we obviously increased our security in all the countries that we had the ability to do. We called for additional Marines where we could. We asked the Defense Department to offer additional Marines. That is more difficult, I learned, than I thought, because you can't just send Marines into a country because you have to have places for them to live, you have to have places to operate. I mean, it's not as simple as just sending, you know, 500 Marines to 30 countries. It just doesn't work that way. You have to get permission from the host country.

So we sent Marines. We sent more additional DS staff. We asked for additional funds from the Defense Department. There's a joint fund that we operate together to help us in some of the countries. So you know, we did -- again, to be honest with you, I can't remember all the things I was doing. All I remember is there was 70-some recommendations by the ARB, and Secretary Clinton accepted every single one of the recommendations, and we began implementing all of those

before we left.

Q Now, you just, I think, told us that when these ISAF teams were deployed, they were deployed in a relatively quick amount of time. Is that right?

A My recollection is that's correct.

Q And do you recall how quickly they were deployed?

A I think within like 48 hours or 72 hours. I mean, we were -- by the way, it was very hard to pull off. You had to identify the people. You got to get them plane tickets and private -- I mean, it's -- you know, it's complicated. You just can't send, you know, 15 people into a country and have these people, Marines or Army, Navy, and State Department officials start interviewing government officials in host countries. They don't particularly like that very much, and so, you know, it was complicated, and most of the countries we were going to but in nature of where we're, they weren't necessarily vacation hotspots. I mean, they were really complicated places to go. So we really felt that we needed to quickly assess how serious an issue we were dealing with.

Q So this reflects the priority and the importance that the Department and top leadership at that time had placed on ensuring that and making these assessments on our posts abroad in these hotspots. Is that right?

A Sure. And just to be clear, you know, it was a self-reflection moment, too. So I mean, all the reports did not come back rosy to say we did everything right, right. There was plenty of

reports that came back that the security needed to be improved here, or you know, windows didn't have the right bars on it or it wasn't the right fire equipment. I mean, they went down to the nitty-gritty of what needed to be done, and when you do that, it's kind of a self-assessment, you know.

You don't always like what comes back in a self-assessment, but no one told us to do that. That wasn't the recommendation of the ARB. That was Secretary Clinton demanding we do that and get, on top of it before another problem happened, so again, we weren't responding to some inquiry or someone saying go do it. We did it on our own, and quite frankly, we didn't know what we'd get back, and there was plenty of things that needed to be resolved.

And then we had a checklist, we had a whole team of people who then went down the checklist and made sure that every one of those facilities that had things that needed to be done that were actually done.

Q Right. And just to be clear, this all happened before the ARB issued its report. This is days after the attack. Is that right?

A This was done very quickly. I can't tell you exactly every date, but this was taken on with the most important speed and efficiency.

Q And even with the sense of self-assessment and this level of granularity that you just described, there also seems to be a sense of urgency, if I'm hearing you correctly. Is that right?

A Urgency was the word of the day.

BY MS. SACHSMAN GROOMS:

Q Do you remember any specific conversations with the Secretary about this, about sending out the ISAF teams?

A Well, she approved it, so she was involved in the discussion of it. She also understood that what would come back wasn't going to be, hey, you guys are doing everything great, okay. So she was well aware this self-assessment is a self-assessment. So yes, I don't recall specific meetings and what conversations I had with her, but she certainly was aware that we were doing this because it had to be jointly agreed by the Secretary of Defense and the Secretary of State, which never has occurred before. I mean, this was not -- it wasn't like a press a button and these teams getting arranged. They've never done this before, so it was a relatively new kind of program.

Q And you spoke to one of the specific things that the ISAF teams was doing, which was not only determining whether there was a will in the host country to protect Americans but whether they had the capacity to do it. Is that right?

A That's correct.

Q And that, ultimately, was really the problem in Libya, right, in Benghazi. It wasn't a problem of the will of the host country but in fact a problem of the implementation and the ability. Is that sort of accurate?

A That's correct.

Q And so is that why that piece of the ISAF was sort of the focus?

A Yeah. I mean, again, as I said, I mean, there is -- they're bound by the Vienna Convention. That's great. However, that doesn't always translate into making sure that our people are secure.

Q And I think in the last round you got asked a number of questions around the specificity of the recognition and chief of mission recognition in Benghazi, and I think that's probably something that only experienced State Department lawyers truly understand.

I don't recall whether you were actually able to speak to it, but let me just bring you back to one of those documents for a quick minute. It was exhibit 4?

A Yeah.

Q And so this is the document that was entitled, "Benghazi Staffing Plans." I think in the last round you said you didn't recall if you had seen it. It appears to be a draft document. Is that right?

A Again, I don't know if it was a draft document. I did not see it, that's correct. I mean, I'm not aware that I saw it. Let's put it that way.

Q And in this particular document was -- the discussion was around, in the last round, staff in Benghazi -- quote, "Staff in Benghazi would remain without privileges and immunities under the Vienna Convention on diplomatic relations, except for those already accredited to Embassy in Tripoli. We should consider receiving unilateral assurances from the TNC on privileges and immunities."

This document appears to have been from before the TNC was officially recognized. At some point, the TNC was the -- became the

officially recognized government. Is that correct?

A Yes.

Q And so initially when the Special Envoy went into Libya, as I understand it, the TNC wasn't the officially recognized government, and he was in Benghazi a little bit under the radar, to some extent, and then at some point the TNC did become the formally recognized government, and then at a later point there was actually a democratic election. Is that accurate?

A I believe so, yeah.

Q In the summer of 2012?

A I believe so.

Q And I think that there was some misunderstanding perhaps in the previous round about whether the individuals in Benghazi were in fact under a chief of mission authority.

As I understand it, the individuals in Benghazi were under the chief of mission authority from the embassy in Tripoli and that all individuals in the country, even if there isn't an officially recognized embassy in a particular area, remain under the chief of mission authority of that -- of that country. Do you have any knowledge on this area?

A I would let the lawyers determine that, unfortunately.

Q But again, the problem specifically in Benghazi on the night of the attacks was not a refusal from the host government to come and save our individuals. It was a matter of an inability. Is that accurate?

A I think that's a good characterization.

BY MR. DESAI:

Q So Secretary Nides, if I can just refocus your attention back to the ARB and the Accountability Review Board's work. And the ARB interviewed approximately 100 witnesses to review documents, and they issued their report roughly 2 months after Secretary Clinton convened the board, and that report was issued sometimes December 2012.

And there have been allegations surrounding the ARB that I just want to quickly address with you before I ask the rest of my questions. And those allegations focus or allege, rather, that the ARB's investigation, and in particular, the co-chairs, Ambassador Pickering and Admiral Michael Mullen, that their work was not sufficiently independent and was not sufficiently objective.

And I just want to ask you that, in your experience at the time, do you agree with these allegations or think they have any merit?

A I do not.

Q And why is that? What was your assessment of their work?

A Well, first of all, the two individuals you just spoke about are, in my view, true patriots and have phenomenal reputations.

Second, they did a very thoughtful and thorough review, among with other members of the committee, not just them, but most importantly, we accepted every one of the recommendations, okay. And some of those recommendations were pretty aggressive. So these were not -- so this was, you know, 29 individual recommendations, and we accepted all of them without debate.

And so consequently, they had total carte blanche to do and recommend anything they wanted to, and given what we did, we basically accepted those.

Q You described Ambassador Pickering and Admiral Mullen as patriots. Both of these gentleman worked for Republican presidents prior to their service on the Accountability Review Board. Is that correct?

A I think that is correct.

Q And are you aware of an instance in which their work was unduly influenced or that the integrity of their investigation was in any way compromised?

A None.

Q Okay. Moving on, I think you confirmed for me just a few minutes ago that once the ARB was convened, Secretary Clinton tasked you with overseeing the implementation of the ARB's recommendation. Is that correct?

A That's correct.

Q Or rather, once the ARB issued its report in December 2012, why were you specifically chosen for that particular task, Mr. Secretary?

A Good question. Because obviously, I had management experience, I was the deputy secretary of management, but I also had come from the private sector. I knew how to drive a process to get things done, and I was given tasks in which to do it.

Q And did Secretary Clinton give you any directions when she

gave you these tasks with respect to the objective, the purpose, conveying a certain amount of urgency with respect to the importance of this?

A Yeah. She said, "Get it done and get it done quickly."

Q And in your view, did the Secretary move expeditiously to implement the ARB's recommendation? You just mentioned that she accepted all the recommendations that they made, which was something like 29 specific recommendations, so in your view, did she move expeditiously to implement them once they were accepted?

A She did.

Q Were you aware, Mr. Secretary, that in September of 2013 -- and I recognize that this is after you left the Department, if I'm not mistake. I think your tenure ended in February of that year, if I'm not mistaken. But in September of 2013, the Department's Office of Inspector General actually conducted an assessment of the ARB process generally, and what that process entailed was doing a review of the 12 or so ARBs that had taken place from the, you know, east Africa bombings in 1998, all the way through the Benghazi -- the Benghazi ARB from December of 2012. Were you aware that the IG did that?

A I was not.

Q And just as an initial matter, to be clear, the inspector general of the Department is an independent nonpolitical entity. Is that right?

A It's supposed to be, yes.

Q And what function does the IG -- the IG supposed to have?

A Supposed to be an independent investigative arm that has no political affiliation and is totally independent.

RPTR MCCONNELL

EDTR HUMKE

[12:16 p.m.]

Mr. Desai. So what I want to do at this time, is just --

Ms. Sachsman Grooms. And I know you have a sense of humor, but just for the record, the IG, you are not making an allegation that the IG is not independent of the State Department?

Mr. Nides. What did I say?

Mr. Desai. You said it is supposed to be.

Ms. Sachsman Grooms. It is supposed to be.

Mr. Nides. Oh, of course, it is totally independent.

Mr. Desai. And you have no instincts --

Mr. Nides. No, absolutely none. That was --

Ms. Sachsman Grooms. Yeah, I just didn't want it to sound odd later.

Mr. Nides. Please, please. No, no, it is totally independent.

BY MR. DESAI:

Q At this time, I'm going to show you a portion of the IG's report which is titled the Special Review of the Accountability Review Board Process. I'm going to mark this for the record as Exhibit 10.

[Nides Exhibit No. 10

was marked for identification.]

BY MR. DESAI:

Q So what we have here is the cover sheet of the State IG's

report titled Special Review of the Accountability Review Board Process. It is dated September 2013. I have the cover page and I have a couple of additional pages attached to it, maybe two or three pages that I wanted to go over with you.

And if I can direct your attention to the first page, page 1. The first bullet under "Key Judgments." And this is just something that we discussed a few minutes ago with respect to the independence of the ARB. And the IG under its Key Judgments, its very first Key Judgments it says quote, "The Accountability Review Board process operates as intended -- independently and without bias to identify vulnerabilities in The Department of State's security programs," end quote.

And I think what you just told me a few minutes ago is that this finding is, in fact, consistent with your experience with the ARB with respect to its independence and its integrity, is that right?

A Yes, it is.

Q If I can direct your attention to the next page, and this is page 19, and under "Department Action," the inspector general noted, quote, "The Department's handling of the Benghazi ARB recommendations represents a significant departure from the previous norm in that Secretary Clinton took charge directly of oversight for the implementation process," end quote.

Is the IG's assertion here also consistent with your experience overseeing the ARB implementation team?

A It is.

Q Now, you had mentioned that the ARB had made 29

recommendations; the Secretary accepted all of them. With respect to its actual implementation, the mechanics of it, if you can just briefly walk me through how did that happened? How did the ARB implementation team go about implementing those 29 recommendations?

A You know, we did it like you would do any major project. You have individual tasks assigned by the individual people. You have people accountable for milestones. You set up clear guidelines of what you wanted to accomplish. And you constantly held people accountable for what they said they were going to accomplish.

It is not more complicated than that, but it's obviously, execution is the key, and obviously, holding people accountable, having someone at my level meeting with them weekly, and in many cases daily to make sure that things got done, that's how you drive a process.

Q And when you say someone at your level, you mean someone at the highest level, the higher echelons of the Department. Is that right?

A I would.

Q And do you think it made a difference that someone at your level and others who were in the leadership, including Secretary Clinton, took such an active role with respect to the ARB's implementation to make sure that it was implemented effectively? Do you think that made a difference?

A Absolutely.

Q If I can redirect your attention back to the document I just gave you, and the very last page, which I believe it's page 20, the

second paragraph of that document, it says quote, "High-level leadership has been critical in driving and sustaining implementation of the Benghazi ARB recommendations and this approach establishes a model for how the Department should handle future ARB recommendations," end quote. So you would agree with what the inspector general has said here. Is that right?

A I would.

Q How would you characterize the rate of implementation and the speed at which these recommendations were implemented during the time you were overseeing the implementation team?

A Oh, rapid, and probably at warp speed for the government.

Q And what do you attribute that to, just to be clear?

A Attention from the top.

Q Okay.

A And I should say that the commitment among the career Foreign Service officers to get it right. So as much as we were imploring it to get done, the career people at the Department desperately wanted to make sure this never happens again. And they were certainly willing to participate and make sure it didn't happen again.

Ms. Sachsman Grooms. I think we are almost out of time.

Mr. Desai. Yeah, we are just wrapping up. Thank you so much. We will go off the record.

[Recess.]

BY MS. BETZ:

Q So we will go back on the record. The time is 12:31, and we will continue with our next hour. Thank you for your patience.

A Please.

Q So I wanted to follow up on some questions that our colleagues had the last hour and going back to the night of the attack. And you had described a situation where you were engulfed in identifying or trying to identify what you could do to help the situation in Benghazi. What were some of the specifics that were being discussed during that time?

A Well, as I said earlier, I don't recall specific conversations, just the atmospherics of what was going on, obviously. We were trying to determine where Ambassador Stevens was; how many Americans were potentially hurt; what we could do to potentially help them. So I think we were focused on the current situation, also, what was happening at our Embassy as well in Libya.

So it's hard for me to articulate specific conversations, but there was an atmosphere of, we need to save these people's lives. We also need to understand potentially what other threats are out there, and what we are going to do about them. So I think there was, again, generically my -- again, 3-plus years ago, not to use the term I have been using a lot, but the fog of war, but I can't really tell you specifically, I said this, and they said that in response, but there was a general sense of let's resolve the issue as best we can.

Q I want to go back to the discussion about the FEST. We had mentioned the FEST in our first hour, and that is a State Department

tool that is often recommended by the counterterrorism department. And it's my understanding that it can be deployed within 4 hours of a deputy's committee approval.

Why wasn't the FEST considered?

A I don't recall. I mean, first of all, I wasn't -- I can't recall, was I a party to the discussion, so I can't say it wasn't deployed, or it was deployed, or why it wasn't deployed because I wasn't -- I don't recall those conversations.

Q Do you recall conversations in terms of saving people's lives deploying any type of military asset?

A I know there was conversations that were going on in an attempt to try to make sure that we get any resource we possibly could get in to save lives. Specifically what those conversations were, and who they were with, I can't recall, but there certainly was a view, is there any way we can get people there to help, including the local militia which really was the focus of people because those are the people that were blocks away, and they couldn't seem to get that to happen as well.

Q How, were you notified that the Ambassador was no longer alive?

A Again, I don't remember all of the details, but I think I was notified by the ops center in the middle of the night, maybe at 4 o'clock in the morning. I had gone home to shower. I may have gotten some confirmation that, in fact, he wasn't at the hospital, which some people had assumed that he was. But, originally, like I said, they

had taken him out of the facility, brought him to the hospital and he was dead when he arrived at the hospital.

Q And at that point a decision was made to evacuate the personnel, all personnel out of Benghazi?

A Again, I don't remember exactly what the chain of events were, and what that order was, and how it was executed, but I don't recall what the timing of that was.

Q In the last hour we had a significant discussion on the budget constraints and budget cuts that were, I guess, Congress was doing, if you will, or that was what was being suggested. Did Congress --

Ms. Sachsman Grooms. I will object to that.

Ms. Betz. You'll object to that?

Ms. Sachsman Grooms. You don't need to characterize what we were suggesting.

Ms. Betz. Okay. All right.

BY MS. BETZ:

Q Did Congress push you to go into Libya?

A Again, I don't have any insight into the decision on Libya, Congress or not Congress. I don't have any -- I don't have any insight to that. I don't know if Members of Congress wrote Secretary Clinton and asked her to go into Libya, so I know I wasn't a party to the discussions on the decision to go into Libya.

Q Did Congress push the State Department to open two facilities in Libya?

A Again, I'm not a party to the decisions of who said what when, and who asked for more facilities. So I can't say yes or no because I wasn't aware of the conversations.

Q If Congress wasn't notified that the mission was taking place, is it a fair assessment that it was more of a State Department initiative rather than a constraint or a budget implication that was imposed by Congress?

Ms. Sachsman Grooms. That's assuming that Congress wasn't notified.

Ms. Betz. Well, Congress wasn't notified.

Ms. Sachsman Grooms. Well, many, many Members of Congress were aware that facilities --

Ms. Betz. They were aware, but there was no official notification.

Ms. Sachsman Grooms. Yes, but HPSCI, and Armed Services, lots of committees in Congress were aware.

Ms. Betz. Aware is different than being officially notified that there is an official presence in Benghazi.

Ms. Sachsman Grooms. Correct.

Ms. Betz. Thank you.

Mr. Nides. So again, unfortunately, my statement is the same which is, I wasn't aware of the conversations either by the Congress or the State Department and the decisionmaking to decide to go into Libya, or to make a decision about going on Benghazi. I don't recall, to say it better.

BY MS. BETZ:

Q So we also spent a good deal of time talking about the ISATs and the initiatives at the attack, and you mentioned that these were put together within 48 hours of the attack. What precluded you from putting the ISATs together before? What resources were available that weren't available before the attack?

A Again, I'm not sure if it was 48 hours or 72 hours. It was very quickly. I may have said 48 hours, may have been 24. I don't know exactly. But again, it was immediate. It was very quick. The constraints are, as you are aware, bringing a joint DOD-State Department identifying -- it was, first of all it was over the Christmas holidays, right, so identifying people to go, to get them on planes, finding DOD military officials that could also meet up and go, setting up the appropriate -- you know, how hard it is to do just a codel.

So this was, obviously, hugely complicated. And so our view was that we had to make sure that we had the right cooperations, and we needed to make sure that the host country understood what we were doing. You are sending military officials into the country with uniforms on, which you have to get permission of which to do. So logistically, it was very complicated to do and to do it successfully. And these were, by the way, as I repeated, very hot spots which equal dangerous spots in many cases, so making sure that those people were secure once they got to the ground was also important here.

Q But it's fair to say that the ISATs could have been put together prior to the attack?

A Well, they were never set up in a way -- the idea was for a preventive -- to respond, to make sure what happened in Benghazi doesn't happen in another place. So you can't -- sure, you can't predict what's going to happen if you -- it's like a car, you hit a car, you make sure you took the right turn you would have never hit the car in the first place. Probably not a great analogy, but the reality of this is, is that the ISATs were never critical, it was a new concept. We made it up. We basically said, we need to make sure -- Secretary Clinton said, we want to make sure that we are in a new normal. We have a huge amount of countries that potentially are in crisis mode. Let's do a self-assessment as quickly as possible to determine, to make sure this doesn't happen again.

Q No, I understand that. But the whole concept of an ISAT, there was nothing to preclude from you putting these teams together prior to the attack in terms of preventing?

A Well, we hoped the professional Diplomatic Security professionals that we have on the ground are doing that continually. Right? Again, as you know, we have over 270 missions. You know, we get this right 99 percent of the time. And obviously, when something like this tragically happens, we have got to step back and learn from it. And one of the ways to learn from it is to have a self-assessment and go in and look at all of the countries that are potentially now in this high-risk category and assess that.

Q And I think that's fair. But I think just to sort of close this, the Secretary was very focused on a 21st century expeditionary

diplomacy?

A Sure.

Q So point being is if we are doing new ways of thinking with diplomacy, there was nothing to preclude you from putting the ISATs or executing the concept of an ISAT prior to the attacks; 21st century diplomacy with 21st century security?

A There's nothing to preclude us from doing anything. I mean, the reality of this is, so but I -- to be clear, the focus of the State Department after attempting to try to make sure that we save the lives of those Americans in Benghazi, then quickly shifted to make sure it didn't happen again in another country.

So we created a concept that never existed before, and as you know, try to create something that has never existed before in the government within 48 hours is not easy to do. It's even more complicated when you are trying to do it with another very large department. So the State Department, and Defense Department had never done anything like this before and certainly never done anything like this in the speed in which they did it. So, you know, that was the recommendations that we came up with and executed.

Ms. Betz. And I just wanted to note for the record that we were joined again by Congressman Jordan.

Mr. Jordan. Can I ask a question?

Ms. Betz. Yeah, and I'm going to yield.

Mr. Jordan. Mr. Nides, in the Democrat hour, the last hour, you said you were with the Secretary that entire night. I think your direct

quote was, you were with her all night as long as she was at the Department.

Mr. Nides. As long as she was at the Department.

Mr. Jordan. Okay, and were you with her when she communicated with the President?

Mr. Nides. I was not. I mean, I was there. I don't know when the conversation -- it was ~~2.5~~^{3.5} years ago. She wasn't -- I wasn't sitting in the room when she was calling the President, I don't believe.

Mr. Jordan. She indicated that she didn't meet with the President that night, but she talked to him on the phone. So you were not in the room when she talked with him?

Mr. Nides. I have no recollection.

Mr. Jordan. Do you know how many times she talked with the President that night?

Mr. Nides. Again, I don't have any recollection --

Mr. Jordan. So you wouldn't know how long the call was?

Mr. Nides. I would not.

Mr. Jordan. You won't know what they discussed on the call?

Mr. Nides. I would not.

Mr. Jordan. Did she talk to you as one of her key advisors prior to the call saying what she was going to convey to the President on her conversation with the President?

Mr. Nides. I don't recall.

Mr. Jordan. What time that evening did the call take place?

Mr. Nides. Again, I'm sorry. I just don't remember.

Mr. Jordan. You don't remember?

Mr. Nides. I mean, again, it was almost 3-1/2 years ago. I don't know what time a call came in or didn't come in.

Mr. Jordan. Well, let me give you some context. Did the call happen prior to the 10:08 statement that was announced by the State Department that became the official statement of our government, or did it happen after the 10:08 statement?

Mr. Nides. Honestly, unfortunately, I just don't know. I don't remember. I don't recall.

Mr. Jordan. Were you involved in putting the statement together, the statement that talked about the video, some of the stuff to justify this behavior? Were you involved in putting that statement together?

Mr. Nides. I was not.

Mr. Jordan. Were you involved in talking at all about the video that night prior to any statement going out with just, just the Secretary or some of the other key advisors, key people at the State Department?

Mr. Nides. I don't recall I was.

Mr. Jordan. How about with the Secretary's conversations with the Department of Defense, particularly Secretary Panetta? Were you in the room when she talked with Secretary Panetta?

Mr. Nides. I don't recall that I was or wasn't.

Mr. Jordan. And do you know what time the calls with Secretary Panetta took place? Do you happen to know that?

Mr. Nides. No, I'm sorry.

Mr. Jordan. Same kind of answer, okay. Who did you talk with that day at the White House, if anyone?

Mr. Nides. You know, again, it was --

Mr. Jordan. Did you talk to --

Mr. Nides. -- three plus years ago. I don't really recall who I spoke to.

Mr. Jordan. Okay.

Mr. Nides. I'm sure I spoke to a lot of people because we were all talking to a lot of people, but to be honest with you, I just I don't have a recollection of who --

Mr. Jordan. Who did you talk with at the Department of Defense? Did you happen to talk with Mr. Bash, Jeremy Bash that day?

Mr. Nides. I don't -- I have seen an email, I guess, that there was an email of correspondence, and I could have talked to Jeremy Bash. I could have talked to him on the phone. I just don't recall.

Mr. Jordan. What about James Miller? Did you talk with James Miller on that day?

Mr. Nides. Again, I talked to James Miller a lot, so the chances of me talking to James Miller that day, it could have happened.

Mr. Jordan. Do we have the email communications between Mr. Nides and Mr. Miller, and Mr. Nides and Mr. Bash? Did you email with Mr. Bash that day?

Mr. Nides. I have seen an email.

Ms. Betz. We did have those --

Mr. Jordan. Okay, and we have all of those?

Mr. Nides. I don't know what you have.

Mr. Jordan. Okay.

Mr. Nides. Okay. I'm sorry. I wish I knew.

Mr. Jordan. Okay, and your title is Deputy Secretary of Management and Resources?

Mr. Nides. That's correct.

Mr. Jordan. Did you have anything, any say in, or in okaying the email arrangement that Secretary Clinton had set up, her personal email?

Mr. Nides. No.

Mr. Jordan. Okay, and did you have any oversight, or influence, or impact, or interaction with Bryan Pagliano?

Mr. Nides. I did not.

Mr. Jordan. Okay, that's all I have got.

Mr. Nides. Thank you.

BY MS. BETZ:

Q I want to followup again on the questioning on the ARB that we discussed last hour and we talked about, a little bit about the formation of the ARB.

Do you recall meeting with the ARB?

A I do.

Q And was the meeting before the report was issued?

A I assume it was.

Q Did you get a copy of the report before it was issued?

A I don't recall. I mean, I just don't know. I don't -- I

mean, I have no recollection of it. I'm not saying I didn't. I just don't recall.

Q Did Cheryl Mills talk to you about meeting with the ARB?

A Sure. We had plenty of conversations about the ARB. I don't know about -- communicated with her about the ARB.

Q Was it your understanding that the ARB was sort of being put together in the normal course of action the way ARBs typically were?

A Again, I have no insight to how ARBs were typically put together.

Q Let me show you a document. Are we on 11?

Ms. Betz. This would be your last tab. Tab 20.

Mr. Nides. Last tab.

Ms. Betz. And this will be exhibit 11; very last tab in the notebook.

[Nide Exhibit No. 11

was marked for identification.]

BY MS. BETZ:

Q And specifically, it would be the last page of that document.

A Is this the "Dear Colleagues" one?

Q The "Dear Colleagues," yes.

A Okay.

Q So for identification purposes, it is STATE-SCB0093144. The witness is not a sender, nor is a recipient, but has talked about his role in ARB. So I just want to refer you to the last page that

says: "Dear Colleagues, just a reminder -- the Federal Registry notice takes three work days to be published which means that I will need the names of the ARB members and the rest of the information by Wednesday morning if they will be starting work on Monday, October 1. I would appreciate knowing how this ARB is going to work since it is not going in the normal way."

Ms. Sachsman Grooms. Can I just -- I'm sorry, can we just pause? It's a long document. Can you just show me where he is referenced in this?

Ms. Betz. I said he is not referenced in it, but we have been discussing his role in the ARB.

Ms. Sachsman Grooms. Oh, okay. I thought you said he was referenced.

Ms. Betz. No, he is not referenced in it.

BY MS. BETZ:

Q But I just wanted to get your comments on this last phrase that the ARB is not going the normal way.

A All right, I don't have any idea what that refers to.

Q So you don't have any knowledge about how the ARB was supposed to work?

A I do not.

Q Were you involved in any of the selection of the ARB panelists?

A I was not.

Q Were you consulted?

A Not to my recollection.

Q I think we will go off the record.

[Discussion off the record.]

BY MS. SACHSMAN GROOMS:

Q Let's go back on. I will be brief. Just a couple of followups and I think in one of the previous rounds, you had referenced the importance both to you, to the Secretary and to everybody at the State Department, I think, that you all work together to make sure nothing like Benghazi ever happens again. Is that accurate?

A It is.

Q And while I understand that that's a goal, I think I just -- I just wanted to discuss for a moment the possibility of that as a standard which is to say I think that's -- I think from my understanding from talking to, I think, all of the people that we have spoken to, while that is the goal, it is to some extent an impossible standard. Is that accurate?

A Unfortunately, that's true.

Q And so as you had said, I think previously, you know, and even if -- and obviously, mistakes were made in this instance, but even in circumstances where all individuals are doing their best efforts, you know, 100 percent of the time, there still can be an attack that's successful against us. Is that accurate?

A It is.

Q And it is not necessarily true that if there is an attack that that means that individuals acted poorly, or specifically made

mistakes?

A That is correct.

Q Although we share the goal, and I think our members have --

A I'm sorry?

Q We share the goal and I think our members have stated the same goal --

A Of course.

Q -- numerous times. I think there have been some allegations and some discussion about the government presence in Benghazi and whether that was something that the White House demanded or the Secretary demanded, whether it was something that sort of came from the top down as opposed to from the bottom up, from what that means, I mean, the NEA Bureau or career Foreign Service officers, including Ambassador Stevens. I know you don't have a great recollection of the decision itself, but do you recall whether the discussions around Benghazi, the presence in Benghazi and Libya policy was something that was bottom up or top down?

A Again, I can't recall specific conversations about who said what when. From the period of time of the 2-plus years that I was there, there was always a constant push for more people, meaning more Foreign Service officers to be on the ground to help on USAID programs, on economic issues, and there is constantly a push by the bureaus to get more head count into the countries in which they are working in.

I don't believe this was any different than that. But again, I can't recall specific conversations about who asked for what resources,

but it is traditional at the State Department, and quite frankly, at DOD, for the commander on the ground, which is the equivalent of an ambassador, to continue to ask for more resources and to ask for more people on the ground; specifically, more program people, career Foreign Service officers.

Q And I feel like we have gone through the night of the attack as extensive as we can. But I think in the last round you described that on the night of the attack, that the sentiment was that -- the sentiment of the Secretary, and her senior advisors was that you all wanted to get any resources that you possibly could into the area to save lives. Is that accurate?

A That is correct.

Q And did that include military resources?

A Absolutely.

BY MR. DESAI:

Q We are toward the end, at least for this session. This is the eighth congressional investigation into the Benghazi attacks and we are hoping it's the last one. And toward that end, we are going to ask you about a series of allegations that have been made in connection with the attacks that the minority feels have been asked and answered. But it's our understanding that some of our colleagues on the other side are still pursuing them. So as a result, we are compelled to ask every witness that we speak to about these allegations.

So here is how I would like to proceed. I will tell you what the allegation is, and then I will just ask you whether or not you have

any information or any evidence to support the allegation.

A Got it.

Q And I am not as interested in your opinion, but only whether or not you have evidence or information about the allegation. And if you don't have any information or evidence, I will just move on to the next allegation until we are out of allegations. And as you will see, there are quite a few of these allegations. I'm going to ask in advance just for your patience as we go through them.

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

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

A No.

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

A No.

Q It has been alleged 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 I will just pause for one second just to let the record reflect that Chairman Gowdy has joined us.

Mr. Nides. Mr. Chairman, how are you?

Chairman Gowdy. How are you doing?

Mr. Nides. Great. Thank you.

BY MR. DESAI:

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

A No, I don't.

Q It has been alleged to 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, I don't.

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, I don't.

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

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

A No, I don't.

Q Putting aside whether you personally agree with the decisions 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 to depart the Annex to assist the special mission compound?

A I do not.

Q A concern has been raised by one individual that in the course of producing documents to the Accountability Review Board damaging documents may have been removed or scrubbed from that production.

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

A I do not.

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

A I do not.

Q Allow me to ask you 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 I do not.

Q It has been alleged that CIA Deputy Director Michael Morell, altered unclassified talking points about the Benghazi attacks for political reasons and that he then misrepresented his actions when he told Congress that the CIA, quote, "faithfully performed our duties

in accordance with the highest standards of objectivity and nonpartisanship," end quote.

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

A I do not.

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

A I do not.

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

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

A I do not.

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

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

A I do not.

Q It has been alleged that a team of four military personnel at Embassy Tripoli on the night of the attacks who were considering

flying on the second plane to Benghazi were ordered by their superiors to stand down or to cease all operations. Military officials have stated that those four individuals were instead ordered to, quote, "remain in place," end quote. 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 standdown 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 standdown order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi?

A I do not.

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

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

A I do not.

Q Do you have any evidence that the Pentagon had military assets available to them on the night of the attacks that could have

saved lives; that the Pentagon leadership intentionally decided not to deploy them?

A I do not.

Q I think with that, we will go off the record.

Mr. Yanes. Well, hang on a second. Is the questioning over from both sides in the nonclassified session?

Ms. Sachsman Grooms. Is the chairman going to -- are you good?

Chairman Gowdy. Yes.

Mr. Yanes. Okay, the only thing I would like to say --

Ms. Sachsman Grooms. Do you want to stay on the record?

Mr. Yanes. Yeah, on the record, please. So we were contacted by the committee staff shortly before Thanksgiving Mr. Chipman called and asked that Mr. Nides come in and testify before Christmas. There was no way we could get our security clearances in time for that to happen.

Mr. Nides didn't want to delay the timing that the committee wanted, so for the classified session, Mr. Snyder, and his colleague from the State Department will represent Mr. Nides in the classified session. That's all.

Mr. Desai. Okay. Thank you.

Ms. Sachsman Grooms. We can go off.

[Whereupon, at 1:04 p.m., the interview proceeded in classified session.]

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' counsel on behalf of the witness reviewed the accompanying transcript and certified its accuracy by providing the following corrections. These corrections are reflected in the transcript as identified below.

<u>PAGE</u>	<u>LINE</u>	<u>ALL CORRECTIONS MADE BY WITNESS' COUNSEL</u>
7	13	Changed "Paul" to "Powell," in reference to the former Secretary of State.
21	20	Changed "2 years" to "3 years."
29	18	Changed "aware of" to "not aware of."
91	7	Changed "2.5 years" to "3.5 years."