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

INTERVIEW OF: BENJAMIN ISAAC FISHMAN

TUESDAY, JANUARY 12, 2016

Washington, D.C.

The interview in the above matter was held in Room  
HVC-205, Capitol Visitor Center, commencing at 9:54 a.m.

Present: Representatives Gowdy and Schiff.

1        Appearances:

2

3

4        For the SELECT COMMITTEE ON BENGHAZI:

5

6        PHILIP G. KIKO, STAFF DIRECTOR AND GENERAL COUNSEL

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8        SHARON JACKSON, DEPUTY CHIEF COUNSEL

9        SHERIA CLARKE, COUNSEL

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15       DANIEL REBNORD, MINORITY PROFESSIONAL STAFF

16

17       For BENJAMIN ISAAC FISHMAN:

18

19       NICHOLAS MCQUAID, ESQ.

20       JIM WALSH, ESQ.

21       ALBERT SANDERS, ESQ.

22       WHITE HOUSE COUNSEL'S OFFICE

23       The White House

24       1600 Pennsylvania Avenue, NW

25       Washington, DC 20008

1           Ms. Jackson. Good morning, all. This is a transcribed  
2 interview of Benjamin Fishman conducted by the House Select  
3 Committee on Benghazi. This interview is being conducted  
4 voluntarily as part of the committee's investigation into the  
5 attacks on the U.S. diplomatic facilities in Benghazi, Libya,  
6 and matters related to that, pursuant to House Resolution 567  
7 of the 113th Congress and House Resolution 5 of the 114th  
8 Congress.

9           Mr. Fishman, could you give us your full name for the  
10 record, please?

11          Mr. Fishman. Benjamin Isaac Fishman.

12          Ms. Jackson. Okay. Mr. Fishman, on behalf of the  
13 committee, thank you for your appearance today. We  
14 appreciate your coming in voluntarily today.

15          Again, my name is Sharon Jackson and I am with the  
16 committee's majority staff. So that we have a record of  
17 these proceedings, I'm going to have everyone in the room go  
18 around and introduce themselves, and we'll start with the  
19 counsel that's accompanying you today.

20          Mr. McQuaid. Nicholas McQuaid, White House Counsel's  
21 Office.

22          Mr. Sanders. Albert Sanders, White House Counsel's  
23 Office.

24          Mr. Walsh. James Walsh, White House Counsel's Office.

25          Ms. Betz. Kim Betz with the majority.

1 Ms. Jackson. Sheria?

2 Ms. Clarke. Sheria Clarkè, majority.

3 Mr. Kiko. Phil Kiko with the committee.

4 Ms. Sachsman Grooms. Susanne Sachsman Grooms. I'm with  
5 the minority staff.

6 Ms. Sawyer. Heather Sawyer with the minority staff.

7 Mr. Kenny. Peter Kenny with the minority staff.

8 Mr. Rebnord. Dan Rebnord with the minority staff.

9 Chairman Gowdy. Trey Gowdy, South Carolina.

10 Ms. Jackson. Mr. Fishman, before we begin this morning,  
11 I'd like to go over the procedures and the rules that we use  
12 in conducting interviews. Generally the way the questioning  
13 has proceeded is that a member of the majority staff will ask  
14 questions for a period of time, usually up to an hour, and  
15 then the minority will have the opportunity to ask questions  
16 for an equal period of time.

17 For your interview, we've agreed that each side will be  
18 restricted to 90 minutes of questioning. So what we envision  
19 happening is that I will ask questions for an hour, then the  
20 minority will ask questions for an hour, I'll come back and  
21 do 30 minutes and then the minority will do 30 minutes, but  
22 if we find that shorter periods of time are needed, we're  
23 happy to do that also.

24 Questions may only be asked by a member of the committee  
25 or a designated staff member. And unlike testimony in

1 Federal court, or a deposition, the committee format is not  
2 bound by the rules of evidence. The witness or their counsel  
3 may raise objections for privilege, which is subject to the  
4 review by the chairman of the committee. If those objections  
5 cannot be resolved in the interview, the witness can be  
6 required to return for a deposition or a hearing. Members  
7 and staff of the committee, however, are not permitted to  
8 raise objections when the other side is asking questions.  
9 This is generally not an issue we've encountered in the past,  
10 but I just wanted you to understand that that's the process  
11 that we follow in our interviews.

12 This session is in an unclassified setting. If any  
13 question calls for a classified answer, please just let us  
14 know, and we will either omit that question or reserve its  
15 answer until we move into a classified setting. But let me  
16 ask you this: do you have a current security clearance?

17 Mr. Fishman. I believe the White House put in for a  
18 temporary clearance for -- to <sup>discuss</sup> ~~review~~ my previous role, but  
19 not for subsequent materials.

20 Ms. Jackson. Okay.

21 Mr. Fishman. And that was granted.

22 Ms. Jackson. Okay. And do you know what level that was  
23 to, secret or top secret?

24 Mr. Fishman. Well, I had TS/SCI, so I presume that was  
25 what the materials were.

1           Mr. McQuaid. That's accurate. We haven't taken the  
2 steps to pass that up for today, but could do so if that were  
3 required.

4           Ms. Jackson. Okay. That's good to know.

5           Mr. Fishman, you are welcome to confer with the counsel  
6 that are here with you today at any time throughout the  
7 interview, but if something just needs to be clarified, we  
8 ask that you ask us to rephrase or repeat a question before  
9 doing so.

10           Again, we just want to make sure that you understand the  
11 questions that are being asked of you before you give us an  
12 answer. However, if anything needs to be discussed with your  
13 counsel that are here with you today, we will go off the  
14 record and stop the clock to provide you with this  
15 opportunity to do so.

16           As I said before, we started, we will take a break  
17 whenever it's convenient for you. This can be after an hour  
18 of questioning or sooner than that if you would like. Please  
19 just let us know if you need anything during the course of  
20 this interview, a glass of water, a cup of coffee, tea, use  
21 of the facilities, an opportunity to confer with your  
22 counsel. If you need any of that, we'll stop the clock, go  
23 off the record and allow you to do that.

24           As you see, we have an official reporter taking down  
25 everything that is said today so that we have a written

1 record of these proceedings, so we ask that you give verbal  
2 responses to all questions, yes and no, as opposed to nods  
3 and shakes of the head. Also ask that we try and not talk  
4 over each other. Everybody has a tendency to do that, but  
5 I'm also going to give the reporter permission to feel free  
6 to jump in in case we're interrupting each other or she  
7 doesn't get a verbal answer to a question.

8 Do you have any questions about that?

9 Mr. Fishman. No.

10 Ms. Jackson. Okay. We want you to answer our questions  
11 in the most complete and truthful manner possible, so we'll  
12 take our time and repeat or clarify our questions if  
13 necessary. If you have any questions, as I've said before,  
14 do not understand any of our questions, please let us know,  
15 and we'll be happy to rephrase or clarify them for you.

16 If you honestly don't know the answer to a question or  
17 do not remember, it's best not to guess, but we do ask that  
18 you give us your best recollection if there are things that  
19 you can't remember. And we also ask that if you don't know  
20 the answer to a question, if you could inform us as to who  
21 might have that information and provide an answer to that  
22 particular question.

23 Mr. Fishman, do you understand that you are required to  
24 answer questions from Congress truthfully?

25 Mr. Fishman. Yes.

1           Ms. Jackson. And do you understand that this applies to  
2 questions posed by congressional staff in an interview?

3           Mr. Fishman. Yes.

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

7           Mr. Fishman. Yes.

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

10          Mr. Fishman. No.

11          Ms. Jackson. Okay. I believe that your counsel had  
12 something that he would like to put on the record this  
13 morning.

14          Mr. McQuaid. So I just ask that Mr. Fishman be able to  
15 put on the record his medical condition, because it's  
16 impacted the timing of the hearing -- timing of our -- time  
17 restrictions, and also I think it's relevant to the  
18 proceeding, so --

19          Mr. Fishman. So almost 2 years ago I was diagnosed with  
20 an aggressive form of brain cancer. So through surgery and  
21 subsequent treatment, a common side effect is aphasia, which  
22 often means it may be taking a long time for me to recall  
23 names or specific words, so my answers may reflect that in  
24 the speed in which I deliver it, but otherwise, I'm here and  
25 ready to participate.



1           A     I believe the National Security Staff. At the  
2 time, Susan Rice came in and changed the terminology to the  
3 National Security Council right about the time that I was  
4 leaving.

5           Q     Are those two terms used interchangeably within  
6 government circles?

7           A     Yes, more or less.

8           Q     And, again, what were your duties and  
9 responsibilities at the National Security Staff?

10          A     So I had a few different positions. I initially  
11 was working with Dennis Ross, Ambassador Dennis Ross, who for  
12 the period of his tenure was overseeing a range of Middle  
13 East issues, and I was serving in a senior advisor type of  
14 role, executive assistant formally.

15          When the Arab Spring came about, obviously there were a  
16 lot more matters to deal with, so in February 2011, I began  
17 working on helping with the directors to deal with those  
18 issues, and as of April 2011, they assigned me temporarily  
19 the Libya portfolio. And I held that position through around  
20 2012, where my responsibilities expanded to covering the rest  
21 of North Africa and Jordan.

22          Q     So from the period of time from the spring of 2011  
23 through some time in 2012, you were focused principally on  
24 Libya?

25          A     Correct.

1 Q Okay. And when in 2012 did your portfolio expand  
2 to include more of North Africa?

3 A I don't remember precisely, but --

4 Q Was it before or after the attacks in Benghazi?

5 A I don't remember precisely, but certainly Libya was  
6 my principal focus.

7 Q Were you detailed or on loan to the National  
8 Security Staff from any other Federal agency?

9 A I was a direct hire from the NSC staff.

10 Q Had you been at the State Department prior to going  
11 to the NSC?

12 A Yes.

13 Q Okay. And how long were you at the State  
14 Department?

15 A From March to July<sup>or</sup> August 2009.

16 Q Okay. So once you went to the National Security  
17 Staff, you were paid by the White House and a White House  
18 employee and not on loan from the State Department?

19 A That is my understanding. I don't know how they  
20 managed it in the first couple months, but certainly  
21 thereafter.

22 Q Mr. Fishman, could you tell us a little bit about  
23 when you were working on Libya issues, who you worked with at  
24 the National Security Staff, who you reported to, and who you  
25 interacted with in the interagency?

1           A     I would segment those issues between the period of  
2     our intervention and -- which ended in October 2011, and  
3     where there were active military engagements going on, and  
4     the period post conflict, October 2011 through the end of my  
5     tenure.

6           Through the period of the intervention, I was working  
7     with the entire interagency and my colleagues at the NSC  
8     staff on such issues as economic issues with -- and UN issues  
9     related to the sanctions, diplomatic issues with the State  
10    Department on supporting the National Transitional Council,  
11    as it was known at the time. Military issues with the  
12    Pentagon and NATO and also the diplomatic issues surrounding  
13    the NATO coalition.

14          So a whole wide range of issues, that also continued in  
15    the post-conflict period, where we were actively trying to  
16    assist the Libyan interim authorities to build up their state  
17    and stabilize everything from their economy to their security  
18    forces and their oil wealth.

19          Q     Who within the National Security Staff did you  
20    report to in this first phase of, say, February of 2011  
21    through October of 2011? Who was the person you directly  
22    reported to?

23          A     I think the senior director for the Middle East  
24    transitioned during that time from Dan Shapiro to Steve  
25    Simon, so I was reporting, technically reporting to both of

1       them.

2               Q     Okay. Was there someone else that you had greater  
3 interaction with on the National Security Staff than them? I  
4 noticed that you said "technically" reported to them.

5               A     No. For different aspects of the intervention, I  
6 was working with different elements of the national security  
7 bureaucracy. That means for our European engagements, we  
8 were working closely with the European director. For all  
9 issues related to chemical weapons, I worked closely with the  
10 chemical weapons, or the WMD, director. For the  
11 post-conflict planning, I worked with Derek Chollett, who was  
12 working on any planning on post-conflict management. For the  
13 sanctions issues, Mike Froman.

14              So it was a whole range of people who were involved, and  
15 it was a truly whole of government type of effort.

16              Q     For the post-military intervention or post regime,  
17 Qadhafi regime, did those persons or players change, so after  
18 October of 2011?

19              A     Not really, because all the issues were pretty much  
20 the same. So we interacted with the Europeans all the time,  
21 for example. The chemical weapons issue was still alive,  
22 less on the economic front but still on the oil sector, so  
23 that involved the energy people on the -- under the economic  
24 team, and, again, the strategic planning office on long-term  
25 issues.

1           Q     Who were the people at the State Department that  
2 you primarily or principally interacted with on Libya matters  
3 in 2011?

4           A     My primary contacts were the Maghreb Affairs  
5 Office. I worked most intensively with [REDACTED], who  
6 was the chief desk officer. She came in in the middle, I  
7 don't remember what month particularly, but maybe in the  
8 summer of 2011. And the deputy office director was [REDACTED]  
9 [REDACTED], and [REDACTED] was the office director. And I  
10 interacted with them almost interchangeably, and less so with  
11 the functional bureaus at the State Department, but if you  
12 count U.S., U.N., the United Nations office at State, I  
13 interacted with people there, and the PM office, for example,  
14 Political-Military Affairs had sort of an issue that they  
15 were following and -- but primarily the Maghreb Affairs  
16 Office.

17          Q     Did you interact with Jeffrey Feltman or Elizabeth  
18 Dibble or Janet Sanderson or Ray Maxwell, and if so, on what  
19 issues and to what extent?

20          A     Mostly by email with them. Liz Dibble was the key  
21 participant on our interagency efforts. I think Janet  
22 Sammerson -- is that her name?

23          Q     Sanderson --

24          A     Sanderson.

25          Q     Sanderson, I believe.

1           A     Sorry. I forgot her last name. She's since  
2 retired, I think. Liz was the primary representative for the  
3 State Department during that period, I believe, on the  
4 interagency. I would see Jeff Feltman occasionally, and he  
5 was very good about forwarding read-outs of meetings to a  
6 wide circle. And I traveled with Jeff Feltman in September  
7 of 2011.

8           Q     How do issues get raised within the National  
9 Security Council? Is it sort of up from the agencies or down  
10 from -- or the White House identifies issues and matters and  
11 sends it out to the interagency, or is it a mix of both?

12          A     I would say a mix of both.

13          Q     How did the Libya issue come to the National  
14 Security Council?

15          A     During what timeframe?

16          Q     In the spring of 2011.

17          A     I'm not sure what you're -- I mean, like, the --

18          Q     Was Libya something that was an issue that was  
19 brought by the State Department, or was it something that the  
20 National Security Council said, this is an issue, therefore,  
21 let's bring in our interagency to discuss it?

22          A     I think it was obvious that it was a significant  
23 development in the region. And in the context of the Arab  
24 Spring, everybody was looking at the aftereffects of Tunisia  
25 and Egypt, so it was raised in that context, not in any

1 particular agency-White House sequence.

2 Q Okay. Mr. Fishman, from the documents that have  
3 been provided to us, we have seen many policy papers  
4 discussing whether and how to topple the Qadhafi regime, but  
5 from what we've reviewed, that is where the discussions ended  
6 in 2011 or at least up until the summer of 2011. We have not  
7 seen policy papers and discussions regarding the United  
8 States' plan for assistance to the Libyans once the Qadhafi  
9 regime was gone, and we've also read public accounts that the  
10 President acknowledged that his administration failed to plan  
11 for the day after the Qadhafi regime fell, and how a new  
12 government would be instituted.

13 Do you agree with that assessment as to what was  
14 happening in the February to June, July 2011 timeframe?

15 A That's a long assessment, so is there more of a  
16 narrow focus?

17 Q Let me break it down for you, because it was a very  
18 long question.

19 We have seen many policy papers discussing whether the  
20 United States should intervene to force Qadhafi out, but we  
21 don't see corresponding papers that talk about what it's  
22 going to take to transition the Libyans into a new form of  
23 government after Qadhafi is gone. In the February to April,  
24 May, June timeframe, is that your assessment of what the  
25 policy papers were at the time?

1           A     So I can't speak to the February to April  
2     timeframe, because I just assumed that responsibility in  
3     April, and our focus at that point was implementing the  
4     mission that the President laid out in, I believe, early  
5     March, I can't remember the actual date, based on his speech  
6     at NDU where he outlined our three basic premises about the  
7     intervention, where we had to have local regional support, no  
8     boots on the ground, and -- no U.S. boots on the ground, and  
9     we would contribute our unique capabilities to a NATO  
10    coalition-led effort. So our focus at that time -- or we  
11    were just ramping up to basically implement that force -- or  
12    that, sorry, that mission with all its complexities that I  
13    alluded to earlier.

14           During that April to June timeframe when I was privy  
15    to -- or I was working full-time on those issues, I recall  
16    some initial discussions about the post-conflict issues that  
17    would transpire, but that planning, I can't remember the  
18    precise time when that planning began to intensify, but it  
19    was certainly during the summer of 2011.

20           Q     So the planning began and, in your words,  
21    intensified in the summer of 2011? Is that correct?

22           A     Yes, but, again, I can't speak to the period from  
23    ~~February to 2011~~ or February 2011 to April and the  
24    decisionmaking -- I don't know the extent to which the  
25    post-conflict planning factored into the decisionmaking

1 process, such as Secretary Gates has made his opinions known  
2 about.

3 Q Well, let me ask this: when you assumed  
4 responsibility for Libya matters in April of 2011, did you  
5 inherit documents, or papers, or background information from  
6 within the National Security Staff or the interagency to give  
7 you a sense or give you a foundation for what had been  
8 discussed and decided up and to that point?

9 A Well, decided in terms of what precisely?

10 Q Any planning that had been done for a post-Qadhafi  
11 Libya.

12 A I recall -- like, military planning or --

13 Q Planning to transition the Libyan Government into a  
14 legitimate democracy.

15 A I'm not sure I agree with that. Well, let me  
16 rephrase that. I don't recall any specific planning  
17 documents, but I wouldn't necessarily have gotten read-outs  
18 of high level decisionmaking discussions that transpired  
19 earlier, and we were working at a fast tempo to try to get  
20 the actual intervention off the ground and our allies on  
21 board, because, you know, we were in the process of trying to  
22 genuinely protect civilians, which was the basis of the UN  
23 Security Council resolution.

24 Q You wrote an article for "Foreign Affairs Magazine"  
25 that I believe came out in April of 2015, so a little less

1 than a year ago, and you wrote that article with Derek  
2 Chollett. Is that correct?

3 A Derek Chollett.

4 Q Chollett?

5 A Uh-huh.

6 Q Chollett. Thank you. And in that article, you  
7 write that a major problem that the United States faced in  
8 its intervention in Libya was a lack of people on the ground  
9 who could evaluate the situation, work with the Libyans,  
10 coordinate with the allies, and report back to Washington.  
11 Is that your opinion?

12 A I haven't looked at the wording of the article in  
13 some time, but more or less the problem that we were  
14 identifying was that in the period of our intervention and  
15 subsequently -- well, let me break it down between our  
16 intervention and then subsequently.

17 During the intervention, obviously we had no people in  
18 Tripoli and a very limited presence in Benghazi, so we  
19 definitely lacked the visibility.

20 Q And, Mr. Fishman, can I stop you to just clarify  
21 that we're still talking about the period of April of 2011  
22 through October of 2011, when you say the period of  
23 intervention?

24 A Yes.

25 Q Okay. Thank you. Please continue.

1           A     So during that period, we had a very limited  
2     presence in Benghazi, as you know, and they were privy to  
3     just a limited part of the country, and even that was  
4     imperfect. And then ~~period~~ or ~~subsequent to~~ ~~basically~~  
5     ~~December, January of~~ December 2011 to ~~January~~ and  
6     January 2012, when we were reestablishing our embassy, the  
7     embassy itself had a very -- in Tripoli, sorry, to just  
8     clarify -- in Tripoli, the embassy itself was very limited in  
9     its numbers and presence and vehicles to get to meetings and  
10    host meetings and interact with Libyans, international  
11    community, et cetera.

12           And that, I think, applies to many U.S. Missions abroad,  
13    was a significant challenge for us and just getting a clear  
14    sense of what was -- the clearest possible sense of what was  
15    transpiring on the ground.

16           Q     So I guess that raises the question of why didn't  
17    we put more people in Libya either in Benghazi or in Tripoli  
18    to do the assessment, gather the information, interact with  
19    the Libyans, and report back.

20           Mr. McQuaid. Can we go off the record for just one  
21    second?

22           Ms. Jackson. Sure.

23           [Discussion off the record.]

24           BY MS. JACKSON:

25           Q     Mr. Fishman, let me rephrase the question. Were

1       there discussions within the National Security Staff or the  
2       interagency about augmenting U.S. Government personnel in  
3       Libya, either Benghazi or Tripoli, in the period of time  
4       between April of 2011 and January of 2012 to increase the  
5       ability to work with the Libyans and assess the situation?

6             A     Yes.

7             Q     Okay. And tell us about those conversations.

8             A     Sorry. Can you remind me the timeframe you're  
9       looking at?

10            Q     Let's divide it into your two timeframes. First if  
11       you could talk about the April to fall of 2011 and then fall  
12       of 2011 forward, intervention --

13            A     Right.

14            Q     -- phase and post-intervention phase.

15            A     Yeah. As you know, the Benghazi Mission was  
16       established, I think, in March or April. It was staffed with  
17       the special envoy, ambassador -- subsequently Ambassador  
18       Stevens, and eventually one junior officer and some  
19       Diplomatic Security that I can't remember the numbers. I  
20       think there was not a significant discussion about increasing  
21       that number basically because of the security situation in  
22       Benghazi at that time, and those decisions were primarily  
23       left to the State Department, as is routinely ~~held~~.

24            Starting in 2012, there were some decisions by the State  
25       Department -- or discussions ~~about~~ -- within the interagency

1       about reestablishing the Embassy in Tripoli and how it should  
2       be staffed. Even within the State Department, there were  
3       conflicting views about who should get priority of access,  
4       because they had a limited number of beds available. It was  
5       a temporary facility, because, as you recall, the Embassy was  
6       destroyed during the war, and so there were -- I don't even  
7       think the Ambassador went initially, maybe the deputy chief  
8       of mission went along with one, maybe, political economic  
9       officer and several building management people to -- whose  
10      priority was to reconstruct the facility and anything  
11      associated with Diplomatic Security, et cetera, and maybe one  
12      or two individuals from USAID.

13               So even within the State Department, there were  
14      discussions about who and how many and all that stuff. Where  
15      the interagency subsequently got involved was naturally  
16      when -- in questions of timing, pace, and who else should be  
17      there, basically.

18               Q     Was there a push from the National Security Staff  
19      to increase the number of technical experts that needed to go  
20      into Libya to help it transition to a government?

21               A     It was a difficult -- difficult type -- or I should  
22      say sensitive instead of difficult, type of conversation,  
23      because we weren't on the ground and we deferred, naturally,  
24      to the people who were and the Diplomatic Security elements,  
25      who ultimately, with the Ambassador, had the right to --

1       literally had the right, as I understand it, to approve every  
2       visit and also permanent member of the staff. So we -- it  
3       was a process of -- it was an ongoing conversation,  
4       basically.

5             Q     Okay. I know we've hit a half an hour. Are you  
6       comfortable in continuing for another period of time or would  
7       you like to take a break?

8             A     Yeah.

9             Q     Okay.

10            A     Let's go.

11            Q     Did the objectives or goals change between the  
12       intervention period and the post-intervention period, the  
13       objections of -- the objectives or goals of having a U.S.  
14       Government presence in Libya?

15            A     Yeah, naturally, because during the intervention,  
16       we were trying, as mandated by the Security Council, to  
17       protect the civilian population of the Libyan people, and  
18       once their regime ~~was~~ collapsed, we were trying to, as we saw  
19       it, help the Libyans stabilize their country and support the  
20       interim authorities to do that.

21            Q     And in particular with respect to Benghazi, in the  
22       intervention phase, we only had personnel in Benghazi, but in  
23       the post-intervention phase, we've re-opened Embassy Tripoli.  
24       What were then the objectives and goals of why we kept  
25       personnel in Benghazi?

1           A     Principally because we saw it as an important part  
2 of the country and we wanted to both make them feel  
3 recognized, because they started the revolution, but also to  
4 ensure we had a diplomatic presence in that part of the  
5 region.

6           Q     I want to take a step back to April of 2011 when  
7 Chris Stevens goes in as the Envoy, to that particular  
8 timeframe, and let me just ask sort of a couple of  
9 foundational questions. Was Chris Stevens appointed by the  
10 President or the Secretary of State, if you know?

11          A     That's something I'm not aware of.

12          Q     Okay. Do you know, is there a distinction between  
13 being a Special Envoy and a Special Representative?

14          A     Again, that's something out of my lane.

15          Q     Okay. Would you know --

16          A     I know --

17          Q     -- who would know that --

18          A     I know that, for example, General Allen recently on  
19 the counter ISIL, he had as his title Special Presidential  
20 Envoy, which means he's a Presidential appointment. I think  
21 you'd have to ask the State Department.

22          Q     Okay. From the documents that we've reviewed, when  
23 Chris Stevens was getting ready to go into Benghazi for the  
24 first time in late March, early April 2011, there was an  
25 initial plan to have the military go in with him, and then

1 that plan was scuttled. Can you tell us about how that  
2 decision was made to not send the military in with Chris  
3 Stevens?

4 A Again, I think that was prior to my arrival -- or  
5 starting on that assignment, so I think the State Department  
6 would know best.

7 Q Did you learn subsequently that that was an issue?

8 A All I know was his story about going on the -- in  
9 on the Greek vessel, so I don't know.

10 Q Okay. We also know that military assets went in  
11 when the Embassy in Tripoli reopened in September of 2011, a  
12 site security team accompanied the Diplomatic Security agents  
13 and assisted in the reopening of Embassy Tripoli.

14 During your tenure in 2011 and 2012, your tenure of  
15 working on Libya issues, was there any discussion of having  
16 similar military security in Benghazi?

17 A During what period?

18 Q At any time there was a mission in Benghazi. So  
19 from the time Envoy Stevens went in in April of 2011 until  
20 the time of the attack in September of 2012, during that time  
21 period, was there ever a discussion that you were aware of,  
22 or participated in, regarding having military security in  
23 Benghazi?

24 A I don't recall.

25 Q Is that you don't recall at all or you recall that

1           there was no such discussion?

2           A     Both.

3           Q     Both.  Okay.  Is encouraging or ordering military  
4           security for embassy personnel something that the National  
5           Security Staff would be engaged in or could be engaged in?

6           A     I mean, you're speaking very generally, so I'm  
7           not -- my scope of working on the NSC staff doesn't expand  
8           beyond my individual portfolio in the Middle Eastern, North  
9           Africa directorate.  If there was a CT issue, that was a  
10          whole different directorate, so they may have been involved  
11          in such a discussion, but, again, just for Libya, I'm not --  
12          I don't --

13          Q     Well --

14          A     I'm not basically -- I think that's a question for  
15          somebody else.

16          Q     I guess what I'm trying to do is get a sense of the  
17          role of the National Security Staff in coordinating the  
18          interagency.  So if you get information from the State  
19          Department that security is not sufficient to do the things  
20          that you want to do, does the National Security Staff have a  
21          role in saying, let's augment that security, let's look at  
22          our military resources that we can bring to bear or add, and  
23          let's get these people talking to augment our security so we  
24          can accomplish our mission?

25          A     I think --

1           Q     First, is that the role of the National Security  
2     Staff?

3           A     Well, what I was going to say is the Diplomatic  
4     Security has the principal role at the State Department for  
5     coordinating or assessing security information and security  
6     postures at our diplomatic facilities all over the world,  
7     including in very dangerous places like Iraq and Afghanistan  
8     or Africa or whatever.

9           I don't know their experience with coordinating with the  
10    military for requesting any augmentation. I do know that the  
11    Marines are deployed to embassy facilities, not to provide  
12    embassy security principally; they're there to protect  
13    classified information, and discussions are routinely held  
14    between State Department and the Marine Corps or DOD,  
15    whatever the line is. So I would say typically the NSC does  
16    not get involved in that process.

17          Subsequent~~ly~~ to the attacks against Benghazi and also  
18    Tunisia and Cairo, the NSC launched an entirely new process  
19    for embassy security. I think that's been reported and  
20    repositioned some military assets to perform those duties.  
21    Because I don't know the extent that those are classified,  
22    unclassified, I'll just leave it at that.

23          Q     But you said that they changed the process in the  
24    wake of Benghazi and Tunisia and Cairo. How did that process  
25    change?

1           A     That they held regular meetings to assess security  
2     situations and DOD deployed certain assets that were -- well,  
3     it took a long time for them to train Marines to perform --  
4     or to train to perform certain tasks that they didn't have  
5     that capability<sup>to perform</sup> before then, so that was a result of an  
6     interagency discussion.

7           Q     Now, understanding that you came to work on Libya  
8     matters exclusively in April of 2011 and you were not  
9     exclusively working on Libya matters in March when the  
10    decision was made to suspend operations at Embassy Tripoli,  
11    did you subsequently learn, though, who made the decision to  
12    suspend operations at Embassy Tripoli? Was that a White  
13    House directive or was that a State Department decision?

14          A     I don't know specifically if it was the President  
15    or the Secretary.

16          Q     Okay. What about the decision to send in Chris  
17    Stevens as the Special Envoy or Special Representative? Was  
18    that something that the White House directed or was it  
19    something that the State Department recommended?

20          A     Chris Stevens as an individual or having a special  
21    envoy?

22          Q     Let's take each part of that. First having a  
23    special envoy.

24          A     I'm almost certain that the decision to send Chris  
25    was made at the State Department, but I don't know

1 specifically the process that was made to have an envoy. So  
2 that could have been a result of a discussion I wasn't privy  
3 to.

4 Q Do you know why Chris Stevens was picked as opposed  
5 to Ambassador Cretz or [REDACTED], who was the deputy  
6 chief of mission, or somebody who had been evacuated from  
7 Tripoli?

8 A I don't know specifically. I know that Ambassador  
9 Cretz had previously received specific threats from the  
10 regime and was more or less PNG from Tripoli, so he was  
11 probably an unlikely figure because of the security risks  
12 against him. And Chris had served previously in Tripoli,  
13 twice, I believe, maybe just once, but he was a qualified  
14 candidate. But, again, I'm not familiar with the State  
15 Department internal deliberations, and certainly not at that  
16 time.

17 Q Okay. Was Chris Stevens, when he went in as envoy  
18 in early April 2011, aside from our military, the only U.S.  
19 Government presence in Benghazi?

20 A Well, I think he went in with a -- I can't remember  
21 whether he went in with a junior officer at the time or the  
22 junior officer came later.

23 Q Was there any agency personnel in Benghazi or in  
24 eastern Libya in April of 2011 before Stevens went in?

25 A I know the fact of the mission is unclassified now,

1 but I don't know the extent of the historical presence, so  
2 I'm not comfortable answering that question.

3 Q Okay.

4 I would note for the record that we have been joined by  
5 Congressman Schiff in the interview, so I just wanted you to  
6 know who has joined us and that the record would reflect that  
7 Congressman Schiff has joined us.

8 The documents that we've reviewed and our interviews  
9 have revealed that when Chris Stevens first went in to  
10 Benghazi in early April 2011, that his mission was to be for  
11 up to 30 days, and we also know he ended up staying until  
12 November of 2011 and then there were a series of principal  
13 officers after him. And so my question is, what was his  
14 objective in the first 30 days, and then what changed that  
15 required a presence after that 30 days?

16 A I think the objective was always the same, to  
17 represent us in Benghazi, to engage with the NTC, the  
18 National Transitional Council. And the situation in Benghazi  
19 was -- at the time in April 2011, was constantly changing,  
20 and the -- I don't know. The 30-day timeline may have been a  
21 bureaucratic thing that needed to be written. It's best for  
22 me to not guess about why the State Department assigned that  
23 timeline, but I know we collectively found his presence and  
24 materials very useful, and as a result, his mission was  
25 extended.

1           Q     So if I understand your answer correct, and please  
2 elaborate if I don't, you were unaware that he was to go in  
3 for a period of 30 days initially?

4           A     That didn't strike me as unusual. I don't recall  
5 any time limit that I -- in other words, it didn't strike me  
6 as an important detail. We were constantly evaluating the  
7 situation. He could have pulled out at any time short of  
8 30 days or extended it beyond 30 days. So I don't know why  
9 the State Department set that day, and you'd have to ask  
10 them.

11          Q     Okay. Were there any discussions about Envoy  
12 Stevens having to leave Benghazi for security reasons in that  
13 period of the intervention?

14          A     I can't recall, other than that initial period when  
15 Benghazi was still under physical threat.

16          Q     Were you aware that in the first 5 days after Chris  
17 Stevens arrived in Benghazi that there was a discussion about  
18 he would have to leave because the regime troops were  
19 advancing on Benghazi?

20          A     I've learned that subsequently, but at the time,  
21 I'm not sure I was in the -- again, in the seat, so I wasn't  
22 necessarily following it as closely.

23

24

25

1        RPTR KERR

2        EDTR HUMKE

3        [10:54 a.m.]

4                    BY MS. JACKSON:

5            Q        On June 1st, 2011, there was a threat credible  
6            enough to move Stevens and his expedition out of the Tibesti  
7            Hotel [REDACTED]  
8            [REDACTED] into the first of the villas.

9                    Was there any discussion about pulling his mission out  
10            of Benghazi all together due to that threat?

11            A        I can't recall.

12            Q        Okay. In the summer of 2011, when Stevens' mission  
13            and expedition moved into the villas, and then shortly  
14            thereafter, in July of 2011, our government formally  
15            recognized that NTC as the legitimate interim government of  
16            Libya, was there any discussion about formally recognizing  
17            Stevens' mission to the NTC?

18            A        First of all, since I worked on this very closely,  
19            we recognized them as the legitimate representative of the  
20            Libyan people. So that was a technical term that was --  
21            ~~earned a lot~~ -- it's a legalistic term so that I was quite  
22            involved in -- and thus, I remember it very closely because  
23            we were in the process of that debate, it took several  
24            months.

25            Q        Well, can I just stop --

1 A I can --

2 Q Okay.

3 A -- get to your question.

4 Q Okay.

5 A And that had certain diplomatic implications with  
6 the NTC because of visa implications, specifically, and I  
7 believe travel issues and financial issues because we  
8 couldn't transfer funds to the Libyan Government because the  
9 Central Bank and I think other institutions, financial  
10 institutions, were frozen under the UN Security Council  
11 resolutions.

12 So by recognizing the NTC, as subsequently other  
13 countries did -- or previously and subsequently other  
14 countries did, we were able to engage in the process where we  
15 were ultimately able to create a temporary funding mechanism  
16 where we could release some assets to their -- not to them  
17 directly but to help defray their cost of running Benghazi.

18 Q I want to go back and ask some questions about  
19 that. You said that there was a -- in July of 2011, we  
20 recognized the NTC, and I need you to give me the words  
21 again, as the legitimate representative of the Libyan people?

22 A Yes.

23 Q And that's as opposed to the Libyan Government?

24 A Right.

25 Q What were the -- I guess I just want you to take us

1 through that discussion that was had as to what were the  
2 options for recognition at that time and what each  
3 recognition allowed or didn't allow to be done?

4 A So my legal colleagues may be more qualified to --

5 Q We're just asking for your understanding.

6 A -- answer your question better, but -- other  
7 lawyers in the room, but -- and I'm not one, but --

8 Q And we're thankful that -- or you should be  
9 thankful that you're not.

10 A As my understanding and my recollection, I try not  
11 to recollect these issues because they were painful at the  
12 time. It involves -- it's the same figure as a -- the same  
13 analogy with recognizing or not recognizing the Syrian  
14 opposition. They had to demonstrate some control of  
15 significant territory, and that was the principal one, and  
16 had to have support of their people, an argument to -- a  
17 significant part of the population.

18 And so the recognition argument came -- so it's  
19 different for different countries. International law is not,  
20 as I understand it, not clear in these circumstances, so  
21 France and Qatar, for example -- or the UAE, I can't  
22 remember, recognized them, the NTC very quickly, in the  
23 period of intervention, maybe even as early as April. We  
24 took a little more time because our lawyers were more  
25 hesitant until they -- part of the argument is the Libyan

1 opposition needed to control more territory, so sorry I can't  
2 remember the earlier part of your question.

3 Q What were the consequences or what would happen  
4 with a recognition of the NTC as the representative of the  
5 Libyan people versus being the legitimate Government of  
6 Libya? Were there consequences to that decision as to which  
7 one you were going to recognize the NTC as being?

8 A Oh, the options.

9 Q Yeah, the options.

10 A So we could not recognize them, and that would --  
11 that was the option decided for up to 3 months. It was  
12 legitimately debated in high-level discussions and in  
13 preparation for meeting Libyan authorities or preparation for  
14 the international meetings with the Libyan coalition,  
15 basically was called the contact group or the Friends of  
16 Libya meetings, and that was basically the longer the --  
17 basically I spelled them out earlier in terms of the  
18 political and economic advantages of being recognized as an  
19 international player.

20 Q In July of 2011, we did not formally recognize our  
21 diplomatic presence in Benghazi to the NTC. Is there a  
22 reason we did not do that?

23 A I don't know, and I think the State Department has  
24 rules about how these things are handled, so I'm not familiar  
25 with those.

1           Q     Was that part of this legalistic discussion that  
2 was ongoing as to whether we could do a formal recognition of  
3 our diplomatic personnel to a government of the people as  
4 opposed to the country's government?

5           A     Not that I recall.

6           Ms. Jackson.   Okay.  In my remaining few minutes, Mr.  
7 Chairman, do you have any questions that you would like to  
8 ask --

9           Chairman Gowdy.  No, ma'am.

10          Ms. Jackson.  -- the witness?

11          Chairman Gowdy.  No, ma'am.

12          Ms. Jackson.  Thank you.

13                   BY MS. JACKSON:

14          Q     Once we recognize the NTC as the legitimate  
15 representative of the Libyan people, was there any, to your  
16 knowledge, formal diplomatic notice of Chris Stevens'  
17 presence to them?

18          A     I don't know.

19          Q     I mean, I know they know he was there but was there  
20 any --

21          A     Right, I don't know.

22          Q     -- formal.  Okay.  Is there any discussion about  
23 the privileges and immunities that would be bestowed upon him  
24 if his presence was formally noticed?

25          A     I don't know.



1 Q Okay. So at the beginning of the last hour we had  
2 a discussion about your role as the director for North  
3 Africa, the director for Libya on the National Security  
4 staff, and you explained some of your responsibilities, which  
5 was helpful for us in understanding what, at the staff level,  
6 you did, you performed on that National Security staff.

7 I would like to ask some more targeted questions, if I  
8 could, about your roles and responsibilities.

9 First is, was it your job to determine security  
10 requirements for diplomatic facilities overseas?

11 A No.

12 Q Was it your job to provide security resources for  
13 diplomatic facilities overseas?

14 A No.

15 Q Okay. Did you have an understanding of where that  
16 responsibility did lie within the interagency?

17 A Yes.

18 Q Okay. And what was your understanding of that?

19 A The Diplomatic Security Agency within the  
20 Department of State.

21 Q Okay. And I know that there's a lengthy time  
22 period, so I'll do my best to refer you to specific time  
23 periods, but I'd like to step back and just ask during the  
24 entire time that you served with Libya in your portfolio,  
25 April 2011 through September 2012, did anyone ever request

1 your help in providing Diplomatic Security resources  
2 specifically to Benghazi?

3 A You said September 2012?

4 Q Correct.

5 A Sorry. I'm confusing the dates. Could you just  
6 repeat it.

7 Q Sure.

8 A Because I served through September 2013.

9 Q So let's focus pre-attack. So from April of 2011  
10 through the day of the attacks, before you received notice of  
11 the attacks, had anyone ever requested your help in providing  
12 Diplomatic Security resources to the Special Mission in  
13 Benghazi?

14 A No.

15 Q Okay. More specifically, did anyone ever tell you  
16 they weren't getting the Diplomatic Security agents that they  
17 needed from Diplomatic Security headquarters and ask you to  
18 step in and talk to senior management at Main State?

19 A No.

20 Q If someone had raised a request about needing more  
21 Diplomatic Security resources, what would you have done?

22 A I think it would have depended on who was asking  
23 and how they were asking.

24 Q Great.

25 A But I would probably have passed along the message

1 to my more senior officials within either the State  
2 Department or the NSS.

3 Q Okay. We had an extended discussion in the last  
4 hour about the early 2011 timeframe, some of which predates  
5 the time that Libya was in your portfolio, so I wanted to  
6 focus on that timeframe around when the U.S. made a decision  
7 to intervene in Libya, and if you could describe for us  
8 whether there was a concern, whether you had a concern of the  
9 risk that Qadhafi posed to the Libyan people?

10 A Certainly when he was threatening the Libyan people  
11 and people of Benghazi with extreme brutal and graphic  
12 language, I think not only I, but everybody was concerned  
13 about that, implications of that.

14 Q And when you say "everybody," would you include  
15 other participants in the interagency, for instance?

16 A Yes.

17 Q Would you include other countries --

18 A Yes.

19 Q -- having concerns?

20 A Definitely.

21 Q Would that include some of our Arab partners in the  
22 region?

23 A Definitely.

24 Q And they all had concerns about the risk that  
25 Qadhafi posed to his people?

1           A     Yes.  Some of our closest partners in Europe as  
2     well.

3           Q     We've heard the situation in Libya at that time  
4     described as a potential human catastrophe.  Did you share  
5     that concern?

6           A     Yes.

7           Q     Okay.  Can you explain why?

8           A     Because of those threats that I referenced before  
9     and the extent -- Qadhafi's track record of brutalizing his  
10    own people and penchant for terrorism both at home and  
11    abroad.

12          Q     There was a reference in the last hour to an  
13    article you may have co-authored in Foreign Affairs in May,  
14    June, 2012.  Do you recall that?

15          A     The article.

16          Q     Do you recall our discussion about the article?

17          A     Yes.

18          Q     Okay.

19          A     That's not the date of the article.

20          Q     I'm sorry?

21          A     That's not the date of the article.

22          Q     Oh, okay.  We have the article, but it's a fairly  
23    lengthy article, and I recognize you were asked some  
24    questions about some characterizations in there.  That  
25    document wasn't put in front of you.

1           One thing I wanted to ask you about is an allegation  
2 that appears in that article. I believe it's articulated by  
3 Al Kuperman that relates to preintervention intelligence, and  
4 there's an allegation that the U.S. either fabricated or  
5 intentionally misrepresented the intelligence to make the  
6 case for the intervention in Libya.

7           And I'd just like to ask you, again, acknowledging that  
8 you may have some limits on your visibility at that  
9 particular time period, whether based on the information that  
10 you had at the time, whether the use of military force was  
11 necessary to protect Libyan civilians. I can --

12           A     Yeah, sorry. It's -- do you refer --

13           Q     I'll re-ask the question.

14           A     I believe military force was necessary. I think  
15 that's how you phrased the question.

16           Q     Yes. That's correct. Thank you. And to your  
17 knowledge, did anyone at the NSC fabricate or deliberately  
18 misrepresent intelligence to support the case for military  
19 involvement in Libya?

20           A     No.

21           Q     To your knowledge, did anyone at the State  
22 Department fabricate or deliberately misrepresent  
23 intelligence to support the case for military involvement in  
24 Libya?

25           A     No.

1           Q     There seemed to be some insinuation in the last  
2 hour that the decision for the U.S. to intervene in Libya was  
3 somehow a predetermined outcome. Can you respond to that  
4 allegation?

5           A     I definitely wouldn't agree with that  
6 characterization of predetermined. It was a deliberative  
7 process, and again, it was, as senior U.S. officials had  
8 publicly stated at the time, it was a very tough decision for  
9 the President to make.

10          Q     And we understand that as well, but was your sense  
11 that it was a decision that evolved over time that  
12 policymakers were grappling with limited information and time  
13 constraints?

14          A     It was definitely a situation where we had limited  
15 information and time constraints, and -- I'm not sure -- I  
16 would say it evolved over time, but we had limited  
17 information to go on and had to make those decisions under  
18 very limited time constraints because Qadhafi posed an  
19 imminent threat to citizens of Benghazi and, you know, even  
20 waiting 24 hours could have cost tens of thousands of lives.

21          Q     Okay. Thank you. I'd like to jump forward a  
22 little bit in our time period. We're talking just now about  
23 the March, April 2011 time period, the U.S. Government  
24 decision to intervene in Libya. We'd also talked in the last  
25 hour about the decision to reopen the Embassy in Tripoli in

1 the fall of 2011.

2 I would like to ask if you recall during that time  
3 period, so fall of 2011, do you recall whether then Special  
4 Envoy Stevens had any particular views about continuing the  
5 U.S. presence in Benghazi?

6 A He was in favor.

7 Q Okay. Do you recall if Ambassador Cretz had any  
8 particular views about continuing the U.S. presence in  
9 Benghazi?

10 A I don't recall specifically.

11 Q Did you have a sense of whether the opinions, the  
12 recommendations, the thoughts of then Special Envoy Stevens,  
13 whether those carried any particular weight back to  
14 Washington, D.C. We can start at the National Security  
15 Council?

16 A I think he, being on the ground, gave him the  
17 closest look to what was going on, and he was reporting  
18 directly through the State Department, and he was our, not  
19 only representative in chief but basically analyst in chief,  
20 and as a professional diplomat, we respected his views  
21 significantly.

22 Q We understand that in the fall of 2011 and  
23 continuing through 2012, then Special Envoy and soon  
24 Ambassador Stevens had supported continuing the U.S.  
25 Government's presence in Benghazi, the Special Mission

1 Compound. We've also heard that the recommendation to  
2 continue to maintain a presence on a more permanent basis  
3 there, meaning at the level of the Ambassador and those on  
4 the ground in Libya, was developed at the ground level, so to  
5 speak, rather than being a top down policy process driven by  
6 Washington. Was that your understanding as well?

7 A In the sense that it came from the State Department  
8 and was handled within the State Department, yes. I'm not  
9 familiar with their internal processes about characterizing  
10 certain diplomatic missions and classifying them and  
11 timetables of some of the -- for example, but if that's what  
12 you mean by bottom up, I agree.

13 Q Okay. And I guess the flip side of that question  
14 would be, was the decision for the State Department to remain  
15 in Benghazi, was that one that was made by the White House  
16 and dictated to Ambassador Stevens?

17 A No.

18 Q You had touched just a moment ago on the discussion  
19 of the legal status of the Special Mission, and you were  
20 asked a series of questions about that in the last round.  
21 The implication to us seems to be that there is a  
22 relationship between the legal status of the Special Mission  
23 and whether the Libyans had some ability or willingness to  
24 provide security to the Benghazi Special Mission.

25 I'd like to ask, were you aware of whether Embassy

1 Tripoli had been notified to the Libyan authorities as a  
2 diplomatic post?

3 A Again, that is not my area of specialization,  
4 granting agreement, stuff like that, so I'm not -- I should  
5 answer more than I don't know the --

6 Q Okay.

7 A -- procedures involved.

8 Q Maybe a different way of asking would be to ask you  
9 did the legal status of the diplomatic facility in Benghazi,  
10 in your view, have anything to do with the level of support  
11 that the interim government provided in terms of security  
12 resources to the State Department?

13 A Not that I'm aware.

14 Q Again, moving forward in the time sequence here. I  
15 would like to first start by noting that the last hour we  
16 spent a fair amount of time discussing the 2011 time period.  
17 I would like to move in -- specifically to the summer, late  
18 spring, early summer 2012.

19 There were a series of security incidents targeting  
20 Western interests at that time, including the June 6th attack  
21 on the Special Mission Compound and the June 11 attack on the  
22 British Ambassador in Benghazi. Were you aware of those  
23 security incidents at the time?

24 A Yes.

25 Q Okay. Did you generally stay informed about

1 security developments in eastern Libya?

2 A Yes.

3 Q And again, to tie back a little bit to your  
4 discussion about your responsibilities, did you have a direct  
5 role with respect to responding to any security incidents?  
6 For instance, was it your role to reassess security posture  
7 at post following any of those incidents?

8 A No. That was done by the RSO at the embassy, the  
9 regional security officer.

10 Q We understand that when security incidents would  
11 happen, there would be a meeting at post that would pull  
12 together various stakeholders, including the regional  
13 security officer, and there would be discussion about the  
14 incident and about any possible changes to security posture  
15 at post and whether any other recommendations might be made  
16 that would affect security at post. We understand that those  
17 meetings were referred to as Emergency Action Committee  
18 meetings. Is that a term you're familiar with, EACs?

19 A Yes.

20 Q Did you participate in any EACs that Embassy  
21 Tripoli with the Benghazi Special Mission held based on  
22 security incidents based on the spring and summer of 2012?

23 A No.

24 Q Did you in any way direct the recommendations  
25 coming out of those EACs?

1           A     No.

2           Q     Did you place any limitations of any kind on the  
3 recommendations of those EACs?

4           A     No.

5           Q     Did you learn about any of the recommendations that  
6 came out of EACs that were held in response to those security  
7 incidents?

8           A     They were published as normal cables, so I had  
9 access to them.

10          Q     Do you recall if any EAC in that timeframe had made  
11 a recommendation to leave Benghazi?

12          A     I don't think so.

13          Q     Okay. And if there had been such a recommendation,  
14 would you have deferred to the EAC?

15          A     Such a decision would have been not only a decision  
16 for an EAC, but as far as I know, handled at a higher level  
17 within the State Department.

18          Q     Okay. We understand that during the summer of 2012  
19 there was a national election for a body called the General  
20 National Congress. Was the passing of that election viewed  
21 generally as a favorable development for the security  
22 situation in Libya?

23          A     Yes, because the elections in Libya were -- hadn't  
24 taken place in 40 years, and you know, 40 years ago it was a  
25 semi-monarchy and a much smaller population, and we spent a

1 considerable amount of time supporting the UN effort to  
2 manage the elections, and across-the-board election monitors  
3 ~~regard~~<sup>regarded</sup> those elections as professionally done and full of  
4 basically enthusiasm, and they had an extremely high turnout.

5 Q And although there were some reported security  
6 incidents at the time of the election, did the elections  
7 largely occur without any significant security incidents?

8 A Yes. They occurred without.

9 Q I understand.

10 A Sorry. Let me clarify that for the record.

11 Q Please.

12 A They occurred without any significant security  
13 situations.

14 Q Sorry. I apologize for doing this to you, but  
15 there is one question I would like to ask back in the 2011  
16 time period, so I would like to return to that just briefly  
17 for a second to clarify one response that you'd given in the  
18 last round. I had written in my notes when you were asked if  
19 you were aware of any post-conflict transition planning  
20 documents, that you wrote that you weren't aware of any  
21 specific documents, and I just wanted to clarify with you  
22 that your testimony here today is not that there wasn't any  
23 planning under way, but you just didn't recall any particular  
24 documents with respect to post-conflict transition planning?

25 A Correct.

1 Q And I believe you had indicated also that there was  
2 a head or person who was responsible for post-conflict  
3 planning. Is that your understanding?

4 A Correct.

5 Q And was your sense then that that person or persons  
6 or office was responsible for post-conflict planning?

7 A We had an interagency process under way that  
8 included certainly the Defense Department, State Department,  
9 and probably Treasury Department, U.S., U.N., and -- but  
10 timeline, and I believe suggest -- or -- I can't remember the  
11 precise timeline, but he instructed us to begin that pretty  
12 early on in the intervention.

13 Q So it was your understanding that a ~~plan in~~<sup>planning</sup> process  
14 was under way during this time period?

15 A Correct.

16 Ms. Sachsman Grooms. And that that planning process  
17 started in 2011?

18 Mr. Fishman. Correct.

19 Ms. Sachsman Grooms. And that the interagency was  
20 actively involved in doing post-conflict planning for Libya?

21 Mr. Fishman. Correct.

22 BY MR. KENNY:

23 Q So I would like to shift gears a little bit and  
24 just ask for your patience as we move into this next section  
25 of questions. At the outset, I'll just note that this is the

1 eighth congressional investigation into the Benghazi attacks,  
2 and we want to make sure that it's the last, so we're  
3 therefore asking questions of every witness about a series of  
4 public allegations that have been made since the attacks.

5 It's our understanding that even where some of these  
6 questions may have been answered by other investigations, our  
7 colleagues in the majority continue to pursue them, and  
8 that's why we continue to ask about them.

9 While anyone can speculate about the Benghazi attacks,  
10 and plenty of people have, only a limited universe of people  
11 have the actual knowledge or evidence of what happened  
12 before, during, and after the attacks. So what I'll be  
13 asking for is not your opinion but whether you have any  
14 firsthand knowledge or information.

15 If you don't, simply move on to the next allegation, and  
16 there's, as I mentioned, a lot of them, so please bear with  
17 me.

18 The first allegation is: It has been alleged that  
19 Secretary of State Clinton intentionally blocked military  
20 action on the night of the attacks. One Congressman has  
21 speculated that, quote, "Secretary Clinton told Leon to stand  
22 down," close quote, and this resulted in the Defense  
23 Department not sending more assets to help in Benghazi.

24 Do you have any evidence that Secretary of State Clinton  
25 ordered Secretary of Defense Panetta to stand down on the

1 night of the attacks?

2 A No.

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

6 A No.

7 Q Move to the next allegation.

8 It's been alleged that Secretary Clinton personally  
9 signed an April 2012 cable denying security to Libya. The  
10 Washington Post Fact Checker evaluated this claim and gave it  
11 Four Pinocchio's, its highest award for false claims.

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

15 A No.

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

19 A No.

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

24 Do you have any evidence that Secretary Clinton  
25 misrepresented or fabricated intelligence on the risk posed

1 by Qadhafi to his own people in order to garner support for  
2 military operations in Libya in the spring of 2011?

3 A No.

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

11 Do you have any evidence to contradict the House  
12 Intelligence Committee's bipartisan report finding that the  
13 CIA was not shipping arms from Libya to Syria?

14 A No.

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

18 A No.

19 Q Next. A team of CIA security personnel was  
20 temporarily delayed from departing the Annex to assist the  
21 Special Mission Compound, and there have been a number of  
22 allegations about the cause of, and appropriateness of, that  
23 delay. The House Intelligence Committee issued a bipartisan  
24 report concluding that the team was not ordered to stand  
25 down, but there were tactical disagreements on the ground

1 over how quickly to depart.

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

5 A No.

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

11 A Can you just repeat that?

12 Q Sure.

13 A I just want to make sure I --

14 Q No, absolutely.

15 A It's in the negative, right?

16 Q Do you have any evidence that there was a bad or  
17 improper reason behind the temporary delay of CIA security  
18 personnel who departed the Annex to assist the Special  
19 Mission Compound?

20 A No.

21 Q Next. A concern has been raised by one individual  
22 that in the course of producing documents to the  
23 Accountability Review Board, damaging documents may have been  
24 removed or scrubbed out of that production.

25 Do you have any evidence that anyone at the State

1 Department removed or scrubbed damaging documents from the  
2 materials that were provided to the ARB?

3 A No.

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

8 A No.

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

13 A No.

14 Q It has been alleged that CIA Deputy Director Mike  
15 Morell altered unclassified talking points about the Benghazi  
16 attacks for political reasons and that he then misrepresented  
17 his actions when he told Congress that the CIA, quote,  
18 "faithfully performed our duties in accordance with the  
19 highest standards of objectivity and nonpartisanship," close  
20 quote.

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

24 A No.

25 Q Do you have any evidence that CIA Deputy Director

1 Morell altered the talking points provided to Congress for  
2 political reasons?

3 A No.

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

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

10 A No.

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

15 Do you have any evidence to support the allegation that  
16 the President was virtually AWOL as commander in chief or  
17 missing in action on the night of the attacks?

18 A No.

19 Q It has been alleged that a team of four military  
20 personnel in Embassy Tripoli on the night of the attacks were  
21 considering flying on the second plane to Benghazi, were  
22 ordered by superiors to, quote, "stand down," close quote,  
23 meaning to cease all operations. Military officials have  
24 stated that those four individuals were instead ordered to,  
25 quote, "remain in place," close quote, in Tripoli to provide

1 security and medical assistance at that location.

2 A Republican staff report issued by the House Armed  
3 Services Committee found that, quote, "there was no stand  
4 down order issued to U.S. military personnel in Tripoli who  
5 sought to join the fight in Benghazi," close quote.

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

10 A No. Sorry. Can you repeat it again?

11 Q Of course. Do you have any evidence to contradict  
12 the conclusion of the House Armed Services Committee that  
13 there was, quote, "no stand down ordered issued to U.S.  
14 military personnel in Tripoli who sought to join the fight in  
15 Benghazi," close quote?

16 A No.

17 Q And this is the last one. It has been alleged that  
18 the military failed to deploy assets on the night of the  
19 attacks that would have saved lives. However, former  
20 Republican Congressman Howard "Buck" McKeon, former chairman  
21 of the House Armed Services Committee, conducted a review of  
22 the attacks, after which he stated, quote, "given where the  
23 troops were, how quickly the thing all happened, and how  
24 quickly it dissipated we probably couldn't have done more  
25 than we did," close quote.

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

3           A     No.

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

8           A     No.

9           Mr. Kenny. And with that, I'll conclude our round.  
10 We'll go off the record. Thank you.

11          [Recess.]

12          Ms. Jackson. Okay. Just before we start, we are going  
13 to take our half hour, and then the minority may have just a  
14 few followup questions, and hopefully, I will not need more  
15 than 30 minutes, but with that, we'll go back on the record.

16          BY MS. JACKSON:

17          Q     Mr. Fishman, we talked at the end of my first hour  
18 about notification of diplomats and diplomatic facilities in  
19 Libya to the transitional government, and you said that this  
20 was a topic that was hotly discussed, within the interagency.  
21 Is that correct?

22          A     No, I think we didn't have that -- you were talking  
23 about -- we were talking about staffing of the embassy.

24          Q     We were also talking about whether we asked for  
25 formal recognition of our personnel in our facilities in

1           Benghazi in July of 2011 when we recognized the NTC as you  
2           said then, the legitimate ~~rules~~ <sup>representative</sup> of the Libyan people, or the  
3           legitimate representative of the Libyan people?

4           A       So I would disagree with the characterization of  
5           hotly contested or discussed or whatever you said, but I  
6           don't actually recall the discussion of insisting on  
7           recognition from the Libyan authorities at the time. That  
8           was, I think, handled at the State Department level.

9           Q       Well, then please tell me, we talked in my first  
10          hour about an issue that you were very much involved in  
11          involving a lot of lawyers and legalese. What was that  
12          issue?

13          A       That was how we could recognize the Libyan  
14          authorities as the legitimate representative of the Libyan  
15          people, which would -- in essence, derecognize the Qadhafi  
16          regime as the Government of Libya.

17          Q       But did you draw a distinction between recognizing  
18          them as the representative of the Libyan people and  
19          recognizing them as the legitimate Libyan Government?

20          A       I believe so, because they didn't have a government  
21          at the time.

22          Q       Okay. And this recognition that occurred in July  
23          of 2011 was the basis that was used to unfreeze assets and  
24          take other steps that you would take with a different  
25          government?

1           A     Well, it led to this complicated process that  
2 allowed us to unfreeze some assets because the Central Bank  
3 and other financial institutions were still -- still had  
4 their assets frozen, but I can't -- what was the second part  
5 of your question?

6                     BY MS. BETZ:

7           Q     Well, I mean, I think, just taking a step back,  
8 that trying to understand, as you talked about the legal  
9 discussion surrounding the terminology used with respect to  
10 identifying -- or how you were going to identify this  
11 emerging new government?

12          A     Right.

13          Q     Which was not yet a government?

14          A     Right.

15          Q     Correct?

16          A     Correct.

17          Q     Correct. And so the question then becomes what  
18 then is the relationship to the mission with respect to that  
19 emerging government? Were you a part of any discussions with  
20 regard to notifying this emerging government with respect to  
21 the mission that was present?

22          A     Not that I recall.

23          Q     Was there ever any discussion when Embassy Tripoli  
24 reopened about notifying, at that point in time, the  
25 government that was in place, the presence of the Benghazi

1 Mission?

2 A That was handled by the State Department, so I'm  
3 not sure.

4 BY MS. JACKSON:

5 Q Was there a notification to this emerging  
6 government that we were reopening Tripoli?

7 A I'm sure there was, but I don't know the timing of  
8 that.

9 Q Okay. But it's your recollection that even though  
10 we notified this emerging government of reopening our Embassy  
11 in Tripoli, that there was not a corresponding notification  
12 of our presence in Benghazi?

13 A You'd have to ask the State Department those  
14 questions.

15 Q So there was no discussion within the interagency  
16 of that decision and its ramifications within your office or  
17 interagency groups that you participated in?

18 A So any formal demarches, as they're called, to the  
19 embassy of its status or the status of the mission were  
20 handled by the State Department. I'm not -- the timing of  
21 which, for example, the level which that happened, whether  
22 it's under the management assistant -- or under secretary or  
23 just within the NEA bureau, I just -- you should ask them.

24 Q Okay. I guess what we're trying to understand is  
25 was there a discussion at levels higher than the State

1 Department, your interagency group about whether legally you  
2 could notify this emerging government of an embassy, do they  
3 have the authority to accept that notification?

4 A I don't recall.

5 Q Okay. You talked about an interagency discussion  
6 about this. Who all was involved in that?

7 A What do you mean by "this"?

8 Q You described previously a discussion that there  
9 was a decision to make to represent -- to recognize the NTC  
10 as the representative of the Libyan people.

11 A Right.

12 Q Is that correct? Who was involved in that  
13 decision?

14 A Oh, okay. The lawyers from both the State  
15 Department and the White House, the NSC lawyers.

16 Q Okay.

17 A And policy professionals and the bureau,  
18 presumably, in NEA and the MENA office, and it rose to the  
19 level of the deputies and the principles on the recognition  
20 aspect.

21 Q All right. And are there documents memorializing  
22 the decisions that the deputies committee made?

23 A I'd ask Nick about the process of the NSC.

24 Mr. McQuaid. You can answer by kind of generally how  
25 the process -- can we go off the record, please? Go off the

1 record for 1 minute.

2 Ms. Jackson. Yes.

3 [Discussion off the record.]

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1 RPTR HUMISTON

2 EDTR HUMKE

3 [12:13 p.m.]

4 Ms. Jackson. Let's go back on the record.

5 Mr. Fishman. So typically any deputies committee  
6 meeting, or principals committee meeting, would both have an  
7 agenda item that would list this question about recognition of  
8 the NTC or on recognition, and that would be memorialized in a  
9 summary of conclusions, document written up after the meeting.  
10 So if there are any such documents for any particular  
11 meetings, that would be it.

12 BY MS. JACKSON:

13 Q Now, I believe you said that you believed that when  
14 the Embassy in Tripoli reopened, that it was notified to this  
15 emerging government?

16 A As part of standard diplomatic practice, I would  
17 imagine so, but, again, I don't have any specific knowledge  
18 of that fact.

19 Q Do you know whether Benghazi as a facility with  
20 diplomats ~~there~~ was also <sup>notified to this emerging government</sup> ~~recognized~~ at that time?

21 A I don't have specific knowledge of that.

22 Q When it was decided in December of 2011 to extend  
23 Benghazi through the end of 2012, do you know whether any  
24 formal notification occurred?

25 A Again, that would be a State Department question.

1           Q     And then one final question in this area.  When the  
2           elections occurred in July of 2012 and there's this new  
3           General National Council now, do you know whether  
4           notifications were made to that entity?

5           A     I presume not, because there was no government yet.  
6           They were still trying to form the government.  That election  
7           was for a legislative body, which determines -- that was  
8           slated to vote on a government, the formation of a  
9           government, more in the parliamentary system.

10          Q     When my minority colleagues were asking you  
11          questions in the last session, you had said that the White  
12          House did not drive the decision to remain in Benghazi.  Do  
13          you recall that question to you?

14          A     Yes.

15          Q     Okay.  But would it be fair to say that the White  
16          House was interested in a continued presence in Benghazi?

17          A     I personally supported that decision.  I can't  
18          recall if -- that process was handled by the State Department  
19          and approved by the State Department, and I don't know if  
20          any -- well, I'll just leave it at that.

21          Q     Do you recall in or about February of 2012 that  
22          Deputy Chief of Mission [REDACTED] was back in the States  
23          and she had meetings with you and others on the National  
24          Security Staff about the transition in Libya?

25          A     I don't remember the exact timing, but she probably

1 was. And I can't remember if she had come from Libya or was  
2 going out.

3 Q Okay. Well, we've reviewed several documents that  
4 talk about her meetings with the National Security Staff and  
5 providing technical experts in Libya and her concerns that  
6 they did not have sufficient security personnel in place to  
7 support those technical experts coming into Libya. Do you  
8 recall conversations with her regarding that topic?

9 A I recall conversations, whether it was in person or  
10 over email or even by phone, but I can't recall one specific  
11 meeting.

12 Q Was the --

13 A Or -- sorry. Most frequently, we would communicate  
14 through the Maghreb Affairs Office at the State Department.  
15 So her direct lines through the NSC may or -- you know, I'm  
16 not quite certain how they worked.

17 Q And I believe you stated earlier that one of your  
18 contacts within the NEA bureau at State was [REDACTED]?

19 A Correct.

20 Q And did you have conversations with her either over  
21 the phone, in person, or by email about the inability to get  
22 people into Libya because we did not have sufficient security  
23 personnel on ground ~~the~~ there?

24 A Well, it was a larger issue, not just security  
25 personnel. It was a question about the array of people who

1        were there and whether -- the decision to have, for example,  
2        a management officer who was responsible for, you know,  
3        anything that goes into budgets or issuing payments to local  
4        staff, was more important than a technical expert. We all  
5        knew and accepted the fact that security was a top priority,  
6        but the debate was more along the lines of who would get that  
7        limited space.

8                And not having served overseas in an embassy, I am not  
9        an expert on what is required for building up an embassy  
10       physically and producing the food at the embassy, for  
11       example, or the, you know, facilities. Because they were  
12       building it from ground up, I think they were using actually  
13       a previous compound that we controlled, the ambassador's  
14       residence or something like that.

15               But anyway, everybody accepted the principle of, you  
16       know, security and wanting the maximum security we can -- and  
17       by security, that also included vehicles, armored vehicles,  
18       and it didn't just entail personnel. So we definitely had  
19       those types of conversations and they were ongoing.

20               Q        So in boiling that down, what I heard you say is  
21       that there was a resource issue in Libya to bring in the  
22       technical experts, both in facilities, security equipment,  
23       and security personnel?

24               A        There were resource constraints in terms of how  
25       the -- let me try to put it this way. At the same time the

1 technical people had to be there to build up the embassy  
2 compound, we were trying to interact with a new government,  
3 and the pie was limited, so we were trying to do both at the  
4 same time and trying to use the best resources we could find  
5 and reasonably balance the situation.

6 Q And was this true with respect to both Benghazi and  
7 Tripoli?

8 A More in Tripoli.

9 Q You traveled to Libya in late July 2012. Is that  
10 correct?

11 A Yeah. I can't remember if it was late July or  
12 early August.

13 Q Okay.

14 A In that timeframe.

15 Q But in that timeframe. During your visit there,  
16 did you discuss with Ambassador Stevens his need for  
17 additional security personnel in Libya, both in Tripoli  
18 and/or in Benghazi?

19 A Not that I recall.

20 Q Do you recall any conversations with Ambassador  
21 Stevens regarding the fact that he was going to lose the SST,  
22 the military SST, right about that same time?

23 A I recall it was an issue, but I can't remember the  
24 exact timing and -- that it was taking place.

25 Q And do you recall whether or not you offered to

1 intervene with the military?

2 A If it was an issue we discussed, I was generally  
3 amenable to helping him in whatever respect I could, but I  
4 don't recall it specifically.

5 Q So if we have documents to that effect, those  
6 documents would be true and accurate, if you made that offer?

7 A Presumably.

8 Q All right. Mr. Fishman, let me move ahead to the  
9 night of the attack. Were you part of a SVTC at 7:30 on the  
10 night of the attack?

11 A Yes.

12 Q Did you attend?

13 A Yes.

14 Q You attended that SVTC? Okay. And during that  
15 SVTC, was the nature of the attack discussed, I mean, how the  
16 attack occurred?

17 A I believe so, with the available information we had  
18 at that time.

19 Q And was that information that it was a complex  
20 unannounced attack on the compound?

21 A Certainly that it was unannounced. And I don't  
22 know how to characterize complex or not. The only  
23 information that we had was that the compound was overrun,  
24 but at the time, I believe we had very limited information  
25 about the nature of the attack.

1 Q Okay. Do you recall whether it was discussed in  
2 that first SVTC whether Ansar al-Sharia had claimed  
3 responsibility for the attack?

4 A To the best of my recollection, I don't know if we  
5 had any claims at that point.

6 Q Okay. In the one or two days after the attack, did  
7 you ever have a conversation with [REDACTED] regarding  
8 the attack?

9 A I don't believe, or I can't remember.

10 Q Did you talk with anyone who had been in Tripoli or  
11 Benghazi in the first couple of days after the attack?

12 A By email, phone?

13 Q Any method of communication.

14 A I believe probably I emailed Greg Hicks, who was  
15 the deputy chief of mission at the time.

16 Q And did you discuss the nature of the attack?

17 A No. I was more offering him anything we could  
18 provide and expressing my sympathies for his situation and  
19 the death of the Ambassador, obviously. And basically  
20 offering support in any way I could provide it.

21 Q Going back to that first SVTC on the night of  
22 September 11th, during that SVTC, was the issue of deployment  
23 of military assets or State Department assets such as the  
24 FEST discussed?

25 A Yeah. I believe so.

1 Q Okay. Do you recall what was decided or agreed to  
2 with respect to deployment of the FEST and/or deployment of  
3 military assets?

4 A I can't recall any specific agreements other than  
5 there were continuing to -- DOD was continuing to review  
6 available options.

7 Q On the night of September 11th, did you have any  
8 type of communication either by phone or email with President  
9 Magarief's daughter?

10 A Yes.

11 Q Okay. And what type of communication? Was that by  
12 phone or by email or both?

13 A Email.

14 Q Email? And did you ask that she communicate to her  
15 father that they provide any available resources to the U.S.  
16 Government?

17 A I can't recall the nature of the email.

18 Q Did you have any conversation with her about having  
19 military assets deployed to Libya?

20 A Again, I can't recall.

21 Q Okay. Did you have conversations with anyone else  
22 in the Libyan Government that evening?

23 A She was the daughter of the president. She's not a  
24 member of the -- or wasn't a member of the Libyan Government.  
25 So I can't recall anybody else.

1 Q Did you have conversations with any other Libyans  
2 that evening, people who were in Libya?

3 A One or two may have emailed me, and probably I  
4 responded, but I can't recall.

5 Q And what were the nature of those communications?  
6 Was it providing information regarding the attack, the  
7 attackers? Was it --

8 A Probably both. Sorry. Probably providing  
9 information, and I would pass that on to the State Department  
10 as a rule.

11 Q And how would you pass that? Would you send that  
12 by email?

13 A Yeah.

14 Q Okay. And who would you have passed that to?

15 A My colleagues at the Maghreb Affairs Office.

16 Q Would that be like [REDACTED], [REDACTED]  
17 and other people --

18 A Yes.

19 Q -- in that office?

20 A Typically.

21 Q In the 72 hours or so, 72 to 96 hours after the  
22 attack, did you play any role in what has become known as the  
23 talking points that were developed between the CIA and the  
24 White House and other agencies?

25 A The only reference I heard to them were at that

1 initial SVTC, and then the one that you referred to before,  
2 but I don't remember subsequently being involved.

3 Q You never reviewed any draft of the talking points  
4 or saw them as they circulated with other members of the  
5 White House staff?

6 A No, not that I recall.

7 Q Okay. And what did you hear in that SVTC, that  
8 first SVTC?

9 A I think there was some brief conversation between  
10 Ben Rhodes and Denis McDonough and Michael Morell.

11 Q And I'm sorry. Who was the third name?

12 A Michael Morell --

13 Q Oh.

14 A -- at the CIA, about the need to start working on  
15 some kind of public statement or explanation, but then they  
16 agreed to take that offline.

17 Q And you weren't part of any of those offline  
18 conversations or communications?

19 A No.

20 Q Okay. Do you know an individual by the name of  
21 Ethan Chorin, C-h-o-r-i-n?

22 A I've met him maybe once or twice.

23 Q Have you had any communication with him after the  
24 day of the attack, after September 11th, 2012?

25 A I can't remember when I met him exactly.

1       Literally -- I mean, I vaguely remember meeting him once or  
2       twice, but I can't remember the timeline.

3             Q       During that time that you did meet with him, did  
4       you discuss Ambassador Stevens?

5             A       I can't remember what we discussed, really.

6             Q       I just want to circle back for a minute. You  
7       talked about a post-conflict resolution interagency group  
8       that Mr. Donelin directed be established to work on the  
9       Libyan transition. Is that correct?

10            A       Yes.

11            Q       Okay. So there was an interagency group that dealt  
12       with how the Libyan Government was going to transition, or  
13       how the Libyan people were going to transition? It was not  
14       merely a state-driven enterprise. Is that correct?

15            A       Well, there were different -- as is normally the  
16       case, the State Department has various departments and  
17       bureaus. So example, what was called CSO at the time,  
18       conflict and --

19            Q       Stabilization?

20            A       Yes, correct. Thank you. And then they're called  
21       something else now, had its own team of -- but they're not  
22       terribly well integrated with the rest of the State  
23       Department for reasons that I can't explain.

24            So they had been doing their own stuff because they were  
25       also working with the U.N., which is also working on its own

1 stabilization effort.

2 Our stabilization effort was -- or I mean, our planning  
3 presumptions were always that it would be an international  
4 effort and we'd feed into the U.N. process, because the U.N.  
5 had mandated it in the fall -- well, it was based on the --  
6 you know, the President's initial guidelines and also the  
7 U.N. mandate to continue it as an international process.

8 So I think the State Department had their own  
9 discussions, but we also augmented that in an interagency  
10 process obviously involving experts from DOD, who are and  
11 were involved in those discussions, also our diplomats in  
12 NATO, for example.

13 Q Did Derek Chollett chair this interagency group?

14 A Either he chaired it or co-chaired it with Liz  
15 Dibble at State. I can't remember precisely how we were  
16 organizing it.

17 BY MS. BETZ:

18 Q What types of issues would the interagency group,  
19 A, discuss, and then what decisions did they make, and what  
20 recommendations did they make to whom? Would that be the  
21 deputies, then?

22 A So it was sort of IC level, which is sort of  
23 sub-deputies. We looked at the economic revitalization  
24 issues, initially humanitarian issues, so USAID was part of  
25 that process as well, and then security stabilization efforts

1 and whether or not it was viable to have a NATO-led sort of  
2 stabilization force.

3 Ms. Jackson. All right, Mr. Fishman. That's all the  
4 questions we have for you.

5 Did the minority have any quick follow-up questions?

6 Ms. Sachsman Grooms. Just a little bit. Do you want to  
7 just stretch for a sec?

8 Mr. McQuaid. Yes. Two minutes, and then we'll come  
9 back.

10 Ms. Jackson. Okay. So we'll go off the record.

11 [Recess.]

12 Mr. Kenny. We can go back on the record. The time is  
13 12:41.

14 And, again, Mr. Fishman, I greatly appreciate your time  
15 here today. We just have a few remaining questions we can  
16 hopefully power through and then finish and send you on your  
17 way.

18 BY MR. KENNY:

19 Q I'd like to quickly return to the discussion we  
20 were having in the last round about the site security team,  
21 the Security Support Team referred to as the SST. It seemed  
22 to be a little confusing to us to track the questions and the  
23 answers that were given in that round. There seemed to be an  
24 implication or an insinuation that there was a request for  
25 the SST that went unheeded.

1           And, again, I think you had spoken that you don't recall  
2 any specific conversations, but I was just hoping to make  
3 sure that the record was perfectly clear on that point. So  
4 I'd like to ask if during the late July, early August, 2012  
5 timeframe, did Ambassador Stevens ask you to weigh in in any  
6 capacity on the decision to extend the Site Security Team in  
7 Tripoli?

8           A     I don't recall a specific request.

9           Q     Okay. And do you recall general discussions about  
10 that decision to extend in that timeframe?

11          A     I think only the most general, because actually I  
12 had forgotten about that issue until it was raised.

13          Q     If there's anything you'd like to add on that point  
14 or --

15          A     No.

16          Q     Okay.

17          A     That's it.

18          Q     So shifting to the night of the attacks, there's a  
19 series of questions about what specific military assets may  
20 have been available on the night to deploy. And I'd just  
21 like to take a little step back in that conversation and  
22 first ask whether in dealing with the crisis response, on the  
23 night of the attacks, did you have an operational role?

24          A     No.

25          Q     In your discussions and observations from the night

1 of the attacks, did you ever get the sense that the National  
2 Security Council wasn't taking the crisis seriously enough?

3 A No.

4 Q Did you ever get the sense that the President  
5 wasn't taking the crisis seriously?

6 A No.

7 Q Did you ever get the sense that anyone in the  
8 interagency wasn't taking the crisis seriously?

9 A No.

10 Q Okay. And focusing specifically on the SVTC, the  
11 7:30 p.m. SVTC on the night of the attacks, I'd like to just  
12 ask for your general understanding of the priorities that  
13 were discussed during that SVTC and ask whether the safety  
14 and security of personnel in Benghazi was considered to be a f  
15 priority?

16 A That was the number one issue.

17 Q Number one issue. Was it also a priority, in your  
18 view?

19 A Yes, definitely.

20 Q Okay. And was the safety and security of personnel r  
21 in Tripoli also a concern or a priority?

22 A Yeah, because we didn't know if anything would  
23 follow the attack.

24 Q And I think you touched on this a little bit in the  
25 last round. You described that there was some limited

1 information, but did you recall that there were conflicting  
2 reports coming in on the night of the attacks?

3 A Definitely.

4 Q Okay. We've heard the term "fog of war" used to  
5 describe information availability on that night. Was that  
6 your sense as well?

7 A That's a good way of describing it.

8 Q And --

9 A We had multiple reports coming from various  
10 sources, so it was a confusing situation.

11 Q Okay. And in the SVTC, you had mentioned that  
12 there was a discussion, a brief discussion that took place  
13 about a public statement. And just so that we understand,  
14 you were asked if you had, or participated, or were aware of  
15 a series of talking points that may have been developed in  
16 the week after the attacks. We understand that there were  
17 several talking points that may have been developed, but I  
18 just wanted to understand, our sense was the question was  
19 maybe directed towards the talking points that Susan Rice  
20 ultimately used on the Sunday talk shows, but I believe your  
21 response you were talking about just a general public  
22 statement.

23 So at the time of the SVTC, did you have an awareness  
24 that talking points were being developed for use on the  
25 Sunday talk shows?

1           A     I mean, that was on a -- the attack occurred  
2 between Thursday and Friday if I'm not mistaken, so Sunday  
3 felt like an eternity, so the short answer is no.

4           Q     Okay. And was that because the focus at the time,  
5 you had mentioned what the number one priority was, but there  
6 was this brief discussion about a public statement. Would  
7 you --

8           A     Right, because the President had to come out the  
9 following day to describe -- to speak about the -- what had  
10 happened.

11          Q     That's right. And the President did in fact speak  
12 in the Rose Garden, we believe, on the morning following the  
13 attacks. Is that your recollection as well?

14          A     Yes.

15          Q     So is it possible, then, that the discussion that  
16 night between Ben Rhodes, Denis McDonough, and Mike Morell  
17 pertained to the President's public statement he was going to  
18 make the following day?

19          A     Yes.

20          Q     Okay.

21          A     Can I ask --

22          Mr. McQuaid. Can we go off the off the record for one  
23 second?

24          Mr. Kenny. Sure. Off the record.

25                [Discussion off the record.]

1           Mr. Kenny. We'll go back on the record.

2           Mr. Fishman. So I just wanted to clarify one thing that  
3 I said in response to, I believe, the last question of the  
4 last round on the security planning group about post-conflict  
5 security and stability.

6           The discussions related to an international force  
7 potentially deploying to Libya as part of a broader  
8 international coalition that would provide security and  
9 stability to the country, such as policing roles or training  
10 for police. It didn't have anything to do with embassy  
11 security directly. And that subject was, again, left in the  
12 hands <sup>of</sup> ~~to~~ the professionals at the State Department.

13                   BY MR. KENNY:

14           Q     Thank you. That's a helpful clarification.

15           Returning, just if we could, just a final set of  
16 questions on some of the public statements in the week  
17 following the attacks. And there's been, as you may be  
18 aware, intense scrutiny of some of the administration's  
19 statements and specifically how they characterized the  
20 attacks, and I'd like to ask for your view.

21           Did you ever get the sense that anyone in the National  
22 Security Council or the White House was trying to conceal  
23 facts about the attacks for political advantage?

24           A     No.

25           Q     Did you ever get the sense that anyone at NSC or

1 the White House was trying to conceal the truth in order to  
2 avoid embarrassment or to perpetuate a false narrative about  
3 the attacks?

4 A No.

5 Q Were you ever pressured to conceal facts regarding  
6 the Benghazi attacks?

7 A No.

8 Q Were you ever asked or pressured to conceal the  
9 truth about the attacks?

10 A No.

11 Q Were you ever asked to perpetuate a false narrative  
12 about the attacks?

13 A No.

14 Q Okay. And do you have any reason to believe that  
15 anyone in the White House Communications Office, whether on  
16 the NSC staff or the White House Communications Office was  
17 doing anything other than their best good faith effort to  
18 determine the truth and convey that accurately with regard to  
19 what happened in Benghazi?

20 A Do you have any reason to --

21 Q Do you have any reason to believe that the White  
22 House communicators were doing anything other than their best  
23 faith effort?

24 A No.

25 Q No. Okay. And, finally, we understand that you

1 were interviewed by the Accountability Review Board. Is that  
2 correct?

3 A Yes.

4 Q Were you able to be forthcoming with the ARB in  
5 responses to their questions?

6 A Yes.

7 Q And did anyone ever pressure you not to share  
8 information or to conceal information from the ARB?

9 A No.

10 Ms. Sachsman Grooms. That's all we have.

11 Mr. Kenny. Thank you.

12 Ms. Sachsman Grooms. We can go off the record.

13 Mr. Kenny. Off the record.

14 [Whereupon, at 12:52 p.m., the interview was concluded.]

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*Errata Sheet*

**Select Committee on Benghazi**

The witness' White House 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>
5	18	Replaced "review" with "discuss."
11	15	Replaced "July, August 2009" with "July or August 2009."
17	23	Deleted "February to 2014 – or."
20	4	Replaced "prior – or subsequent to basically December, January of – December 2011 to January – and January 2012" with "December 2011 to January 2012."
21	23	Deleted "held."
21	25	Deleted "about."
23	18	Deleted "was."
27	17	Replaced "Subsequently" with "subsequent."
28	5	Replaced "capability before" with "capability to perform before."
23	21	Deleted "earned a lot."
49	3	Replaced "regard" with "regarded."
50	13	Replaced "plan in" with "planning."
59	2	Replaced "rulers" with "representatives."
64	20	Deleted "there."
64	20	Replaced "recognized" with "notified to this emerging government."
66	23	Deleted "in."
81	12	Replaced "to" with "of."