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

INTERVIEW OF: GENERAL JOHN KELLY

WEDNESDAY, MARCH 23, 2016

Washington, D.C.

The interview in the above matter was held in Room HVC-302,
Capitol Visitor Center, commencing at 9:34 a.m.

Present: Representatives Gowdy, Westmoreland, Jordan, and

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Pompeo.



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Appearances:

For the SELECT COMMITTEE ON BENGHAZI:

PHILIP G. KIKO, STAFF DIRECTOR AND GENERAL COUNSEL

CHRIS DONESA, DEPUTY STAFF DIRECTOR

CRAIG MISSAKIAN, DEPUTY CHIEF COUNSEL

MAC TOLAR, SENIOR COUNSEL

SHERIA CLARKE, COUNSEL

HEATHER SAWYER, MINORITY CHIEF COUNSEL

SHANNON GREEN, MINORITY COUNSEL

LAURA RAUCH, MINORITY SENIOR PROFESSIONAL STAFF

For the U.S. DEPARTMENT OF STATE:

EDWARD RICHARDS

BILL HUDSON

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Mr. Tolar. Good morning, sir.

This is a transcribed interview of General John Kelly, United States Marine Corps, conducted by the House Committee on Benghazi. This interview is being conducted voluntarily as part of the committee's investigation into the attacks on U.S. facilities in Benghazi, Libya, and related matters pursuant to House Resolution 567 of the 113th Congress and House Resolution 5 of the 114th Congress.

Sir, would you please state your name for the record?

General Kelly. John F. Kelly, United States Marine Corps, retired.

Mr. Tolar. Thank you. So the committee appreciates your time here today. It is very important. It is much obliged.

My name is Mac Tolar, and I'm with the committee's majority staff. At this point, I'd ask everyone in the room to please introduce themselves, starting to my left with Craig.

Mr. Missakian. Craig Missakian, General, with majority staff. Good to meet you.

Ms. Rauch. Laura Rauch with the minority staff.

Ms. Sawyer. Heather Sawyer with the minority staff.

Ms. Green. Shannon Green, minority staff.

Mr. Hudson. Bill Hudson with the Office of the Secretary of Defense General Counsel.

Mr. Richards. Edward Richards with DOD OGC.

Mr. Tolar. If the court reporters will note for the record that Congressman Jordan and Congressman Westmoreland are also present,

please.

And, sir, just in terms of the ground rules for this morning, what's going to happen is the majority is going to ask questions for 1 hour. At that time, we'll take a head call, and then the minority will have an opportunity to ask questions for an hour. We will continue to rotate that way until each of us have exhausted all of our questions. Does that make sense?

General Kelly. Sure.

Mr. Tolar. Perfect.

As you can see, we've got reporters here. Katy and Catalina are taking down everything we say verbatim. As we go through, they're going to try and get as clear a record, transcript as they can. As such, I would ask that you please avoid answering questions with a nod of your head or "uh-huh" or "huh-uh." Please say "yes" or "no."

General Kelly. Got it.

Mr. Tolar. Otherwise, they will kick me with their shoe or something.

General Kelly. All right.

Mr. Tolar. Also, please try to avoid talking over one another. I have a tendency to do that sometimes, and I apologize in advance when I do, but if you could do the same.

General Kelly. Sure.

Mr. Tolar. To the best of your ability, please share with the committee what you recall specifically. If you're unsure of a response, please don't guess. Just say "I don't know." That's okay.

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If you know who might have the answer to that question, I'd appreciate hearing that, or where that answer could be -- where we might gain that answer, we'd appreciate that.

For the record, please note Mr. Pompeo is also present.

Mr. Pompeo. Hello, General Kelly. How are you doing?

Mr. Tolar. As well as Phil Kiko, the staff director for the Committee on Benghazi; as well as Chris Doneso, the deputy staff director for the committee.

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

General Kelly. I do.

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

General Kelly. I do.

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

General Kelly. I do.

Mr. Tolar. Is there any reason why you cannot provide truthful answers to today's questions?

General Kelly. No reason why.

Mr. Tolar. Sir, that's the end of my preamble.

Does the minority have anything to add?

Ms. Green. General, we just very much appreciate you coming in to talk with us voluntarily. And it's a privilege to have you here,

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and we look forward to your testimony.

General Kelly. Thanks.

Mr. Tolar. For the record, please note that Chairman Gowdy is present.

The clock on the wall says 9:37. Sir, we are going to go on the record and begin asking questions.

EXAMINATION

BY MR. TOLAR:

Q Would you please walk me through your billets as a flag officer in the Marine Corps?

A My billets as a flag officer.

Q Yes, sir.

A I started out as brigadier general with the -- I was the assistant division commander of the First Marine Division. And that 2-year period, from 2002 to 2004, most of that time was spent in Iraq. Started, of course, with the invasion of Iraq and then finished roughly 2 years later when I was reassigned duty as the Marine Corps' legislative assistant. We really worked for the Commandant, but technically you worked for the Secretary of the Navy.

Did that for 3 years, so '04 to '07. Made major general while I was in that billet. Was then reassigned to the West Coast to command the First Marine Expeditionary Force. That's a corps-level -- if you're talking Army, that would be a corps-level organization. And I took that organization back into Iraq for 14 months, '08-'09.

There were in the neighborhood of, I would say -- pretty good

number -- it would be 40,000 U.S. military personnel, mostly Marines but a lot of soldiers as well, and about 100,000 Iraqi police and soldiers that worked for me during that period.

I came out of that in early '09 and was assigned duty or promoted to three stars after confirmation by the Senate and spent the better part of 2 years commanding the Marine Corps Reserve Component, and that's headquartered in New Orleans.

At the end of that, I was drafted by Secretary Gates -- and I say that in a positive way, having been actually drafted in 1970, which wasn't so positive -- but drafted by Secretary Gates as a three-star to be what's called the SMA, the senior military assistant. Very, very, very unique job.

And when Secretary Gates left after 5 months, I continued on with Secretary Panetta. Did that till November of '12 when I then confirmed by the Senate and went and took demand in November '12 of the United States Southern Command headquartered out of Miami.

Then retired from Active Duty on the 1st of February this year.

Q Talk to me briefly about your responsibilities as a COCOM commander. And in terms of the responsibilities, does it vary from COCOMs in terms of authority and things of that nature?

A The way the U.S. military is organized, the combatant commanders, of course, are considered to be the so-called warfighters. They're the operators, four-stars. The service chiefs, members of the Joint Chiefs of Staff, are title 10 guys and -- well, guys now -- and they are responsible to the Nation to train, organize, and equip their

organizations for fighting, for warfare. So they train, organize, and equip through the process in the Pentagon, and then they give those units to COCOMs to fight. That's what they do as service chiefs.

What they do as members of the Joint Chiefs of Staff, of course, is meet together with the Chairman of the Joint Chiefs of Staff on a regular basis -- twice a week is a rule -- and sort out other things, to include operational things. And, of course, the Chairman and the Vice Chairman, both of whom are four-stars, spend a great deal of time -- and that is really where kind of the political and the military comes together in many ways -- and they spend a great deal of time -- I know the Vice Chief, in particular, regardless of who he is, spends a great deal of time in the White House, back and forth, going to one, I'm sure, hugely interesting meeting after another.

So back on the COCOMs. The COCOMs are the warfighters. Their direct boss is the Secretary of Defense. And in the chain of command, it's one more level to the President of the United States. As a COCOM, your staff is constantly interacting with the Joint Staff in the Pentagon. The COCOM himself will interact a lot with the staff on an as-needed basis. But it's very important to understand that the staff is not in the chain of command of a COCOM. The President is at the top, the Secretary of Defense, and then we COCOMs work for the Secretary directly.

So day to day, week to week, when a COCOM looks at his area of operations -- they're oftentimes very, very different. Mine was overwhelmingly taken up with partnership-building and with drug

interdiction. And my responsibility was the entire Caribbean and everything south of Mexico. Mexico was not in my area of responsibility, but, in fact, we worked with the Mexicans all the time.

And I think in my case more so than perhaps the other combatant commanders, we were really the model for interagency cooperation, meaning in the interdiction-of-drugs world, in the protection of the southwest border, it's really where the military -- that's me -- comes together with Homeland Security and Justice and Treasury. So my day-to-day relationships with FBI, DEA, all of the, you know --

Q Sure.

A -- was constant, I think probably much more so than the other combatant commanders.

Q So I --

A But -- okay. I'm sorry.

Q No, please, go ahead.

A Well, we didn't control everything, obviously. The State Department plays a big role in the world.

Q What do you mean "control everything," please?

A Well, as an example, if I wanted to -- which happened many, many, many times -- if I wanted to open an initiative with the country -- and we were very, very close and I think all the combatant commanders were very close, as a general rule, with the country teams. We might be closer with the country teams than the country teams -- that's the Ambassador and his embassy team -- in some cases, maybe closer with them than they are to Washington. Generally

speaking, very close. Every country is very different.

So I found -- and I think I could speak for the COCOMs -- generally speaking, you are talking, the staff or the COCOM himself, talking to the right people in the embassy all the time.

Now, again, the interagency -- and I speak here mostly about the State Department -- they've got their own views, different cultures, different ways of looking at problems, certainly different ways of looking at solving problems. And so we would have to not defer to them but certainly work out issues with the State Department and, you know, usually pretty successful in doing it.

But, again, two different cultures, two different ways of doing business. But for sure, a COCOM cannot insert himself into something in a country without the State Department agreeing to it.

Q Let's get back to that in a few minutes, if you don't mind.

A Sure.

Q In terms of your authority as a COCOM commander, did you have the authority to waive crew day for pilots operating in your AOR?

A I could have done that.

Q You could have. How far down the chain below you could someone waive crew day?

A That would be in my -- either myself or my deputy, a three-star, whoever that would be. But, frankly, if I didn't have authority to do anything that I thought I needed to do, I picked the phone up and call the Secretary of Defense, who would be my boss. If I got pushback on anything that I thought was critical, I would call

the Secretary of Defense.

Q Could you waive crew rest?

A Never came up, so I'm not sure, so I don't want to guess at it. But if I couldn't waive it, again, in a second I would call the people that could waive it.

Q And, again, General Dempsey was not in your chain of command per se, correct? You went straight to the Secretary of Defense?

A Right.

Q Thank you.

Talk to me a little bit about your billet as the SMA and kind of what your day-to-day routine was, standing meetings or briefings, how you interacted with the Secretary, et cetera.

A Unique job. Every Secretary, I think, is different to one degree or another with his SMA. I know Secretary Gates did it slightly different than Secretary Panetta did. But, generally, very few people know about the billet, or care about it may be a better way to put it, but it is a hugely influential billet.

Q How so?

A Well, you are literally, you know, in bed with the Secretary of Defense almost 24/7. You're in his office less --

Q "Literally." Do you have a desk in his office?

A Well, right outside his office, yeah. But, you know, you didn't go through -- the SMA, generally speaking, is the gatekeeper, meaning no one was between me and the Secretary of Defense, either one of them that I work for, both tremendous gentlemen.

My counterpart originally with Secretary Gates was Robert Rangel, who had been there for a number of years with Secretary Gates. When Secretary Panetta came in, the only person he brought with him was Jeremy Bash. Jeremy and I worked side by side, very quickly established a friendship and a working relationship. Jeremy did probably 90 percent, 80 percent of the interaction, the chief-of-staff-type interactions with the political types -- State Department, at the higher levels, NSS, that kind of thing -- for a lot of different reasons. I did all the rest.

So my workday, as an example -- I lived over at the Navy Yard at the time. My workday would generally start at my desk at 4 a.m., where I would start the process of reading all of the emails. Neither Secretary Gates nor Secretary Panetta used email. Secretary Gates had an email account, but it was between him and his wife and his kids. He never took anything official over his email. Consequently, I got about 400 emails a day, which is fine; it's the job.

So I'd be at the desk at 4 a.m. Both Secretaries would roll in about 7:30. At that point, the day is set up for them, and then we start the process, "Okay, this is what your day looks like, boss." Very early on, right after that would be the CIA would come in, CIA briefer, to give them the Presidential book brief.

In my case, in both Secretaries of Defense, I was in every meeting I wanted to be, and I was in the vast majority of the meetings just because I would, you know, take notes and, frankly, hold the briefer accountable. If it was a sloppy brief, I wouldn't hesitate to stop

the brief and say, "Try again tomorrow."

Q Other than the morning PBB brief, were there any other standing briefings or meetings with you or the Secretary?

A I mean, my involvement with him was constant. So there was never a meeting between John Kelly or Jeremy Bash; it was constant.

Q Sir, I apologize. I mean the briefings delivered to you and/or to Secretary Panetta from somebody else other than the PBB brief.

A That would be on a case-by-case basis according to the schedule.

Q Okay. Nothing outstanding that was --

A As a general rule, no. It would just be case by case.

Now, people, particularly Secretary Panetta, who is very much a talker, he would have a lot more people just do, not drop-ins, but drive-bys, if you will, to bring them up on something.

And I adjusted to the way that Mr. Panetta worked. I would oftentimes just call down to the Joint Staff, as an example, and say, "Hey, send a one-star or maybe a two-star up here or even a colonel. He had a question in the intel this morning." And I would do that for two reasons: one, to get the younger guy, if you can imagine a one- or two-star as being younger, but to get him or her up in front of the Secretary just for professional development purposes; and they're the ones with the information.

Q Did you participate in phone calls with the Secretary?

A Always.

Q How did you do that?

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A He'd never get on the phone without -- I would say, as a general rule, never get on the phone without me. The phone in the Secretary's office -- all of the phones have two receivers. They're both push-to-talk. So if someone called in, the scheduler would come directly to me sometimes and say, hey, so-and-so is on the phone. It could be the National Security Advisor; it could be a lot of different people.

I'd go in, tell the boss, the Secretary, they want to talk to you about whatever. And I would say, remember the brief you got 2 weeks ago, and, you know, this is -- and I'd frame it for him, although 99 percent of the time they could converse.

Then they'd pick the phone up, and in the course of the conversation we'd both be listening in. And sometimes I would -- we'd be talking sometimes as the person is talking, asking whatever. And, of course, when the Secretary needed to respond, he would press the little button and respond.

This was the same thing on weekends. If anyone wanted to talk to the Secretary of Defense on weekends, they'd call me first. My weekend routine was just about the same as my regular workday, roughly 4 a.m. to about 2000 at night. And once whether it was the White House or whoever called me and said so-and-so wants to talk to the Secretary -- it wasn't all that common on weekends that someone at a high level would want to talk to him, but it'd be the same routine.

I'd then get the Secretary on the phone. Secretary Panetta, as you probably know, went home to California quite a bit on

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weekends -- get him on the phone if he was close to a red switch. If not, we'd have to put the thing on ice until he'd get close to a red switch. And then he'd get on. I'd bring in whoever wanted to talk to him. They'd have a conversation and then -- so it's a very, very influential billet.

Q Just for the record, what's a red switch?

A I'm sorry. Red switch would be a phone that you could converse on in a classified way up to Top Secret.

Q Thank you.

Prior to today, sir, have you ever been questioned about the events surrounding the attacks in Benghazi?

A I have not.

Q Are you familiar with the Accountability Review Board, the ARB?

A No. I don't -- no. I mean, I left the job shortly after Benghazi, so I'm not familiar with that.

Q It was the -- the ARB was established to do an inquiry into the events surrounding ARB right after the incident in early --

A I probably know that as an after-action effort.

Q You were not questioned by the ARB?

A No. No.

Q Sir, have you ever been to Libya?

A I have.

Q How many times?

A Well, you know, not to make a joke here, but back in the

old days, we went pretty close to Libya and drew the mountain, did some bombing there. That's when I was aboard a Navy ship, but we never did land.

But the most recent, or the only real time was when I was with Secretary Panetta in, I think, December '11. We did a quick touch-and-go coming back from Iraq, Afghanistan, as I recollect, went into it.

And I would, as the SMA, build a lot of these trips. I mean, there were standard trips that would draw him to travel. And it was probably my idea to say, why don't we swing through Libya if the State Department approves, do a touch-and-go there. It probably would look good. You could make some conversation.

In retrospect, I probably wish I hadn't done it, just because it was a pretty dicey stop from at least the guy that was nominally responsible for the Secretary's safety.

Q Who was with you on that trip?

A Well, the Secretary, and certainly Jeremy Bash was with him. Beyond that, I'd have to actually query the team over there because --

Q That's not important, sir.

A Okay.

Q It's okay.

A Now, in Iraq -- I mean, in Libya, Carter Ham met us on the ground, who was the COCOM, AFRICOM. So he was there. Gene Cretz, who was the Ambassador, was on the ground. And we met various other members of the Libyan Government, such as it is or was. The Prime Minister

for sure we met with.

Q What constitutes a touch-and-go?

A When you don't spend the night, essentially. Short period of time, relatively short period of time.

Q So you met with General Ham, you met with Ambassador Cretz, you met with some local folks. Did you do anything else that day?

A Well, we went down to the American Cemetery, where a number of young men were killed in 1805, and he laid a wreath there. That was a little bit -- the cemetery was a little bit on the news at the time, so we swung through there and laid a wreath.

But with the exception of that, we didn't do anything but meet with the Ambassador, meet with some local politicians, you know, Libyans, lay a wreath, and then we're out of there.

We staged out of Sigonella. We flew the normal airplanes, the 747, and then flew into Libya by C-17, a more tactical airplane.

Q Given your experience in the Marine Corps, some 40-something years at the time, what was your impression of the security situation on the ground in Libya? You were in Tripoli, you said?

A Tripoli, yeah.

Q What was your impression of the situation in Tripoli at the time?

A Well, when we got off the airplane, our security people were United States Army, mostly very, very, very experienced guys. They had come out of the MP field. But they were mostly warrant officers or senior enlisted, I'd say, you know, E7s and above.

And our advance team would always -- no matter where we landed, there would be an advance team there. And when I got off the airplane, I can't remember which one said it to me, he said, hey, Jesus Christ, sir, we ought not to be here. And I said --

Q What did he mean by that?

A Well, what he said was there doesn't seem to be anyone -- when they would do the advance work, they would plug into the local -- obviously the embassy, and then they would work with the local security people. And what he meant by that was there is no, like, local security police or whatever apparatus to work with; it's all militias.

And in our drive from the airport to the American Embassy, I recollect going through at least four and probably five checkpoints, each one of them manned by not official, but by militia guys. They weren't in any way in uniform. I mean, you know, some of them might have had on a camouflage set of trousers or a camouflage shirt, but they certainly were not official military or police.

I mean, that really had the hair on the back of my head going. You know, we were pretty heavily armed, the security folks are. But it caught their attention, caught my attention.

Q Caught whose attention?

A Caught the security guys' attention on the ground and the advance people.

Usually, when we land somewhere, things are very, very stable in the sense of we've got the right people on the ground, whether it's

U.S. military or the local police. Obviously, you don't worry about it if you lived in -- I was going to say Brussels, but I guess you would now. But you wouldn't worry about it if you landed in a country like Europe or China or something like that. But, certainly, when you get into a place like Iraq or Afghanistan, there would be a very serious contingent of American soldiers on the ground. So security was pretty important.

So Libya was not what we were used to, not what I think the Secretary -- not what our detail would have accepted.

Q Did you share your concerns with Secretary Panetta at the time?

A I just mentioned, I'm sure, that, "Hey, boss, this place is a little bit dicey. We need to get in and out of here. Just, let's watch ourselves." The Secretary of Defense had a lot of confidence in people that worked for him. He said, "Okay, got it." So --

Q When Secretary Panetta had his conversation with General Ham, was it just the two of them, or was the Ambassador present also?

A Well, you know, it was more of a -- the Ambassador was not always present with us, but, you know, the typical thing would be, you know, the general was there, they talked, they chatted, we went to the Embassy. There was no one-on-ones, if that's what you're getting at.

Q In the discussions between the Secretary and General Ham, did the security situation in Tripoli and/or Libya come up? Do you recall?

A It for sure came up. And certainly it's my recollection

that that was a hopeful period in terms of, you know, Qadhafi was gone, they were getting organized.

Q Is this your opinion, or is --

A This was what was presented by the country team discussion. This was a hopeful period, things were getting better.

Q "Country team" meaning the Ambassador's people?

A Ambassador and -- you know, typically, a country team meeting would be the Ambassador, the DCM -- that's the number two in the Embassy -- security guys, depending what embassy. You know, in my case, it would be law enforcement. In other cases -- and there's always intelligence people there at the table. And I think, generally speaking, it was things are getting better.

Q Did General Ham express any concerns to the Secretary about needs or requirements that had been requested, unfulfilled, et cetera?

A No. He was -- there was more of a courtesy. I know, obviously -- I mean, you know, again, his boss gave his impressions about how things were going. And I think, again, an awful lot of it depended on what the opinion of the country team was at the time.

Q In your discussion with the country team and Ambassador Cretz, did the situation or did the discussion ever revolve around military assets being deployed in support of the Embassy operations at this time?

A At that moment in time, I would say no.

Q It did not.

A No.

Q Any other alarms or issues expressed by anyone in those discussions on the ground that day, whether it was General Ham or the Ambassador or Secretary Panetta?

A Well, as a general comment, the fact that the militias seemed to be in charge, you know, it's never a good thing. When you get to a country and you're hearing that things are getting back together pretty good, and then you get there and you realize that, you know, much of the city is being -- well, certainly the city was being controlled by factions, all of whom, we were, it's my recollection, were assured were friendly factions and over time they'd work out their differences or whatever.

Q Was Benghazi ever discussed?

A Never. Not on that trip.

Q I'll tell you what. At this moment, sir, I'm going to defer to Congressman Jordan and let him ask a few questions so that he can get out and get some votes. They'll be called in a few minutes.

Mr. Jordan. Thank you, Mac.

General, thank you for your service and for being here.

I'm going to try to run through some documents that we put together. So the first one here is -- you can mark that whatever you want, Sheria.

[Kelly Exhibit No. 1

Was marked for identification.]

Mr. Jordan. This is a -- let's look at page 2. This is an email from Bruce Lindsey, Deputy Director of Operations at the National

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Military Command Center, to you and to others, including General Dempsey.

We're going to the day of the attack. So page 2.

General Kelly. Page 2.

Mr. Jordan. Right under "Classification," "Chairman, Vice Chairman, Gen Ham, General Kelly."

Time is 4:32. So the attack happens at -- and all these are eastern time. The attack happens at 3:42. Is this the first, in your recollection, the first time you learned of what was going on that day in Benghazi, or shortly before this, I would guess?

General Kelly. Yeah, shortly before that, for sure, Congressman. It's my recollection a phone call came up probably, you know, from the command center saying, hey, something is going on.

Mr. Jordan. Okay. A phone call to Secretary Panetta --

General Kelly. Would have come to me.

Mr. Jordan. And you conveyed that to --

General Kelly. Yeah.

Mr. Jordan. Okay. When we talked to the Secretary, that's what he indicated.

Okay. Tell me, that second sentence -- or first sentence, "The White House just convened a NOIWON" -- what does that stand for?

General Kelly. No idea.

Mr. Jordan. No idea?

General Kelly. That's their acronym.

Mr. Jordan. Okay.

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General Kelly. I'm sure it's some type of an action committee --

Mr. Jordan. Yeah.

General Kelly. -- you know.

Mr. Jordan. And were you part of that conference?

General Kelly. I was not.

Mr. Jordan. You were not. Okay. Would Secretary Panetta have been part of that?

General Kelly. You know, as you know, I think, Congressman, Secretary Panetta and Marty Dempsey, General Dempsey, were on the way over, more or less, at this time for a regularly scheduled meeting with the White House staff.

Mr. Jordan. I was getting to that next. Okay.

General Kelly. So they were on the way over. I don't believe -- I know Secretary Panetta would not have been drawn into something like that. That's an internal meeting for the --

Mr. Jordan. Okay. Fine. So that meeting, when Secretary Panetta was with us, he said that meeting occurred around 6 o'clock.

General Kelly. Okay.

Mr. Jordan. And he went to the White House for the regularly scheduled meeting. Were you in that meeting?

General Kelly. No. Typically -- in fact, in my case -- and I can elaborate if you want. But, generally speaking, no one went to the White House meetings with the Secretary.

Mr. Jordan. Okay. Okay. Because earlier you said I'm in every -- I think you said in every meeting --

General Kelly. I should have made that clear. If he went to the White House --

Mr. Jordan. But that's the one time you didn't go with him.

General Kelly. Didn't go.

Mr. Jordan. But all times you didn't go with him. This was not an exception that night.

General Kelly. Exactly right.

Mr. Jordan. Got it.

So then let me go to a second document here. Okay. This is what we called -- this is an email from Jeremy Bash.

Ms. Clarke. I'm going to mark this as exhibit 2.

[Kelly Exhibit No. 2

Was marked for identification.]

Mr. Jordan. What I'm trying to do is just work through the timeline here. This is about an hour after the meeting with the President, or approximately an hour. It's 7:19. You call this the spinning-up email that Mr. Bash sent to a number of people at the State Department and copied you.

Do you recall this email?

General Kelly. I don't. I'm on it. I read it. At the time, it would've been something that -- you know, Jeremy, again, because of the dynamics at the White House relative, I think, to uniformed military people, particularly senior military people, Jeremy tended to do all of the political stuff. They trusted him more. That's my view. So back and forth to the senior members of the NSS or State

Department or something, Jeremy had it.

Now, what spinning means, if that's your question, spinning would be, you know, we're getting forces lined up, as an example. When this first came in, when we first got the call, when I first got the call that there was a problem at one of our embassies or consulates, as a military guy, I just start immediately starting to plan the response. Different in other cultures in this city, but military guys do that right away.

So the first thing I thought about was, okay, we got FAST Marines that, frankly, some of us have been recommending go to Libya since we opened the Embassy. But I know I've got 100 FAST Marines, [REDACTED] and they're in Rota. So that's the first thing that came to mind.

There's also a force -- all the COCOMs have it -- the Combatant Commanders In-extremis Force. Typically, that In-extremis Force is a special operations bunch of guys. It's not real big. The one in Europe -- and we've found out immediately what it was up to, and it was in the Balkans on a normal training mission.

Mr. Jordan. Right.

General Kelly. And so the National Military Command Center -- and, again, at this point -- I think the Congressman knows this -- at this point, really, the ball to a very, very large degree is in AFRICOM's court. They are the warfighters. It just so happened Carter Ham happened to be in town that day, that he happened to be there. So his staff, I can only imagine, went from the normal 35,000 RPMs to

150,000 RPMs immediately.

So you had the FAST Marines -- we had really no real idea what was going on other than there was an attack. So you had the FAST Marines, who are specially trained Marines. They're infantry Marines, so they're gunfighters, but they also receive specialized training in doing fixed-site security. They specifically do this at our embassies, consulates, or even at a naval base. And they're ready to go, as I say, on a pretty quick string. You've got to get a bird down, pick them up, and then you've got to drive them to take them to wherever they are.

The In-extremis Force guys are ready to go pretty much on a moment's notice. And, again, they had been on an exercise. And by this time, there's no doubt in my mind that AFRICOM was already spinning up and moving.

Mr. Jordan. Okay. You mentioned the three assets that I was going to talk about. Let me do a couple things here first.

When we interviewed Secretary Panetta, he said at some time before this email went out, sometime between when he met the President and when Mr. Bash sends this email, he ordered deployment. He ordered, "Take the hill," was the term --

General Kelly. Right.

Mr. Jordan. -- that the Secretary used when he sat right there in your seat.

And the three forces or three assets you just briefly talked about were eventually moving. [REDACTED]

[REDACTED] didn't leave, though, until 4:45 the next day, 4:45 a.m. on the 12th. The In-extremis Force in the Balkans didn't leave until 10:21 the next day, the 12th. And the first asset you mentioned, the FAST platoon in Spain, didn't leave until 12 noon.

And the question many of us are trying to grapple with is, if Secretary Panetta meets with the President at 6, sometime between 6 and 7:19 on the 11th says "take the hill," but these forces don't start moving until the next day. Why what I would perceive -- maybe not, but what I would view and I think what many Americans would view -- why the delay?

General Kelly. I can help you out here, I think. First --

Mr. Jordan. Before you answer that, if you could, General Kelly --

General Kelly. Sure.

Mr. Jordan. -- in the same email, it says -- as you're answering the question I pose, do it in the context also of "assuming Principals" -- plural -- "agree to deploy these elements." When we talked to Secretary Panetta, he said he was the only principal that mattered. If he said go, it meant go. But that's not the -- you know, Mr. Bash chose to use the plural there. So give it to me in that context, as well.

General Kelly. Okay.

The Secretary authorizes the movement of military personnel, large and small.

Mr. Tolar. To where?

[REDACTED]

General Kelly. Anywhere in the world.

Mr. Tolar. Including Libya?

General Kelly. Generally speaking, nothing moves without the Secretary of Defense giving authorization in what's called the Orders Book to move. That could be a corps; that could be 25,000 men and women. Or that could be a very small detachment. We're talking here about relatively small detachments. He then releases that authority to the COCOM, and then the COCOM manages the rest of it.

By this time, Congressman, I would put myself in a -- thinking purely military here, putting myself in General Carter's seat and in his senior staff's seat in Stuttgart, they would be trying to gather as much information as they possibly could about what's going on on the ground.

As an example, could a transport airplane have taken off and landed at the Benghazi Airport, whatever passes for an airport there? Sure. Would a responsible COCOM launch an airplane in what we're now seeing is mayhem, I would expect -- and, again, I think from the time I was there with Secretary Panetta in '11, December '11, until this particular time -- and, again, most of that time I was in SOUTHCOM worrying about the southwest border and the drugs. But my guess is that things deteriorated nonstop until, you know, what exists on the ground today.

So the military guy is going to say, what's on the ground and where can we put people? And so the obvious thing is we put the In-extremis Force or the Marines into a C-17 and fly them there. Okay, what's on

the ground? This is what I would -- what's on the ground? Do we have anyone on the ground? What are the atmospheric? We don't know. Who's in charge of that airport? Some militia. Is this the same militia that apparently worked with the attackers -- my view, at least, had to have worked with the attackers to go after Benghazi? Don't know.

Mr. Tolar. Uh-huh.

General Kelly. So to have launched a defenseless, you know, C-17 there, I would, as the commander, have wanted to know more about what's on the ground.

Now, we can do a lot of things to find out what's on the ground. Ideally, you would hope -- you would hope -- you would think that we had at least contacts through, say, the Central Intelligence Agency with contacts on the ground. So that's one set of inputs. Another set of inputs, frankly, is just to put people -- you know, technology, drones or whatever, ISR. The ISR, you know, can report what it sees, but the atmospheric, the people who's running the airport, you wouldn't know.

I suspect -- I'm guessing, but I suspect the delay -- again, Secretary of Defense says, "You have my authority. Go." Then the warfighter, the COCOM, then turns that into action over some period of time. And, in this case, I'm just guessing, Congressman, but I bet any delay was basically what's going on on the ground. Can we land a C-17 in there full of Americans relatively safely? Or when they get on the ground, will that C-17 be hit by RPGs, or will the people on the airplane be taken captive? I'm guessing, but I suspect that's how

[REDACTED]

it would --

Mr. Tolar. Sir, just to be clear, when you say the Secretary says go, that includes all the way into Libya. It's not limited to the ISBs or stuff like that. He literally has at this point the authority to go into Libya --

General Kelly. Unless he's limited. It would not be unusual -- and, again, I believe -- I don't believe -- he said go. Now, he could have put a restriction on that. He didn't, to the best of my knowledge, as in, you know, move them to forward bases. Sigonella is an example. Or move up the -- you know, you have the Marines [REDACTED] [REDACTED] in Rota. You have 50 other [REDACTED] [REDACTED] Okay. Have them all on a 1-hour string. You know, he could put some limitations on them.

Mr. Jordan. But did he?

General Kelly. But I don't think so.

Mr. Jordan. Well, do you think he --

General Kelly. In my recollection, he gave us -- he gave the military commander the authority to move forces.

Mr. Jordan. Okay. So there were no strings put on any -- the order to take the hill, there were no limitations, restrictions, caveats, anything put on that order.

General Kelly. Not to my recollection, Congressman.

Mr. Jordan. Okay. Okay. So I want you to look at this next document.

General Kelly. But if -- let me just add another point.

[REDACTED]

Obviously -- not obviously to maybe everyone in the room -- the Secretary of State and her senior staff get a vote, and, obviously, the NSS gets a vote. And the NSS is very, very -- I never worked this closely with any other NSS before, but I can tell you in my experience is very, very, very controlling about what happens and, I would say, micromanages.

So there's very little, if anything, that happens that I can --

Mr. Jordan. Back up. NSS?

General Kelly. National security staff, White House.

Mr. Jordan. Okay. I want to make sure.

General Kelly. There's very little that happens or doesn't happen that is not, in my view, approved at the NSS.

Mr. Tolar. Why do they get a vote, sir? If the President told Panetta "go" and Panetta told Ham "go," why do they get a vote?

General Kelly. Every President has a different relationship in how he does business. And, again, in this particular administration, again, my experience has been it's a fairly close-hold approval/disapproval authority on things.

Mr. Tolar. So when Secretary Panetta said he had the authority to send them in, he really didn't. It sounds like that State Department had trumps.

General Kelly. As you go up the chain of command, there's trumps.

Mr. Tolar. Did State Department delay the Secretary's ability to launch forces that night?

General Kelly. I don't know.

Mr. Tolar. Who would know?

I'm sorry.

Mr. Jordan. Let's throw this document away.

General Kelly. Okay.

Ms. Sawyer. I think we have -- you know, I am going to object and interject here, because we have the transcript from Secretary Panetta. We know what Secretary Panetta said, and we know that he unequivocally said that the State Department was not involved.

So if you want to -- he did say that.

Mr. Jordan. Okay.

General Kelly. Okay.

Ms. Sawyer. We will happily show you that transcript, but --

General Kelly. I believe you, Heather.

Mr. Jordan. General Kelly --

Ms. Sawyer. I mean, we've been doing this for 4 years.

General Kelly. I mean, I'm not suggesting that they did. I mean, they do get a vote in an awful lot of things. In this particular case, what you're saying is Panetta said move, that gets passed to the COCOM, and now he's working out what "move" means, how to do it and all of that. But once again, along the way, you have people that can intervene.

Mr. Tolar. Yes, sir.

Go ahead, Congressman.

Mr. Jordan. When you look at --

General Kelly. I don't know if they did, but you have people that

can intervene.

[Kelly Exhibit No. 3

Was marked for identification.]

Mr. Jordan. Let's look at page 2 and 3 of this third document, General. Let's go down to -- in the interest of time, let's go down to, on page 2, kind of the third sentence or paragraph. "Secretary of Defense has directed FAST" -- that's what you'd mentioned earlier and we talked about that --

General Kelly. Those are the Marines, yeah.

Mr. Jordan. -- "to make all preps to deploy but hold departure until we are sure we have clearance to land in Tripoli."

Now, is that the clearance you were describing, General Kelly, like knowing what assets and what's available, what militia may be controlling the airport in Tripoli? Or is that clearance from the Government in Tripoli? Or what does that mean?

General Kelly. It means all of that. You know, if you don't have clearance from the country to land, then you can't -- it's called country clearance -- you can't land.

But at the same time, in what we were experiencing in Libya, I think any military person would want to know, more importantly, to me at least, because American lives depend on it, what's going on on the ground.

Mr. Jordan. Okay.

The second sentence of that paragraph, "We'll work with State to nail that down, but intent is to get security force augmentation into

Tripoli (not Benghazi)."

Your thoughts on that?

General Kelly. What time was this email sent out?

Mr. Jordan. This email was sent out at 9:36 p.m.

General Kelly. I think -- I'm guessing, but, again, as a former COCOM and someone that's done this, certainly Tripoli, in the view, I think, of the people who were writing this, of the military people, was a safer environment than, say, a Benghazi. I don't believe until several days later we had really any clarity on what had actually happened in Benghazi and why. And, of course, the investigation continues.

In Tripoli, we knew they had, it's my recollection, normal flights in and out of the airport on, you know, some basis. So, certainly, getting people to Tripoli, as a COCOM, would have been a safer bet. And, frankly, I think at that point, you know, we were doing -- that email --

Mr. Jordan. But here's what I'm having trouble understanding. It's now been 6 hours since the attack started, 5 hours since our government learned about it and our military learned about it, and we still don't have clearance to land in Tripoli. And this is the same airport you landed in with the Secretary of Defense just a few months before this. And we can't get clearance to land when we know Americans are -- we already know that two Americans have been killed in Benghazi.

Chairman Gowdy. Actually, not to interrupt my friend from Ohio, I'm not sure that we knew that the Ambassador was dead at this point,

did we? Which makes it all the more dramatic --

General Kelly. Yeah.

Chairman Gowdy. -- that the decision was made to not go to Benghazi.

Mr. Jordan. Well, we may or may not, because this email goes out a half an hour before Secretary Clinton sends out her statement for the government that night, where she knew at that time. So we may not have, because it's 30 minutes before that goes out. So the chairman is right; we may not have known.

But we do know there's a terrible thing going on in Benghazi, and we can't get clearance to land in 5 hours in Tripoli is --

General Kelly. Clearance to land in a country is worked through the State Department and the Embassy. So that would be the official clearance. It's a bureaucratic process between our embassy and the country that we want to go into.

Mr. Jordan. So our military could have been ready, you could have had the FAST team in Spain ready to go and land in Tripoli, and you're waiting on the Secretary of State's office to give you guys the thumbs up to implement the order that was given 4-1/2 hours before by the Secretary of Defense.

General Kelly. I would say that's a correct assessment.

Mr. Jordan. Okay.

Then go down to the next paragraph, second sentence. "Remember Secretary of Defense holds final approval to deploy the FAST team."

If he's already said "go," what does that sentence mean? Because

he's already said "go." The FAST team is the first team you mentioned in your, kind of, outlining the assets that were available. Why does the Secretary of Defense have to do something more?

General Kelly. Let's go -- the paragraph that you were addressing that starts, "has directed FAST to make all preps to deploy but hold departure until we are sure we have clearance to land in Tripoli." Clearance to land, as I mentioned, in Tripoli comes from the country through the State Department.

Mr. Jordan. Got it.

General Kelly. The next one down, clearly, the FAST guys are ready to go and we're still waiting for clearance. Although the Secretary, you know, has approved them to go, now we still have to get that approval from the country.

Mr. Jordan. But does the Secretary of Defense have to do something else? Once you get that approved, does he have to give the second order, okay, it's okay to now do what I said to do, you know, 5 hours earlier?

General Kelly. In this case, if the clearance had come in and said go, the FAST teams would have gone wheels up, because he'd already authorized that, as I read it.

Mr. Jordan. So that was just redundant, the second sentence, "Remember the Secretary of Defense holds final approval to deploy the FAST pending the receipt of Tripoli country clearance." There didn't need to be anything else done once you got the clearance?

General Kelly. If we had gotten clearance, he had already said

go.

Mr. Jordan. All right. Let's go to the next page.

General Kelly. And, at this point, you've got the Embassy dealing with Main State here in Washington. You've got -- certainly, the COCOM is working with the country team. But that would be a normal clearance procedure from the country.

Chairman Gowdy. Jimmy, can I ask one question?

Mr. Jordan. You sure can.

Chairman Gowdy. General, one of the last sentences on page 2 of the exhibit you have in front of you: "But the point is to get the Marines on the ground securing the embassy in Tripoli as rapidly as we can move them."

Why not Benghazi? Why are you worrying about securing Tripoli, where there is no active threat? There may be concerns about threats, but there is no active threat. Where is the discussion of a response to Benghazi?

General Kelly. That's a great question, Congressman. I go back to kind of my previous comments about, at this point, as you point out, Tripoli is relatively safe but don't know if they'll remain that way. It's an obvious next target, I guess. Frankly, in my view, the Marines should have already been on the ground since the day the Embassy opened. They weren't. We relied on other ways to do it. It was great thinking to get Marines on the ground. And as I said, they should have been there long before.

Benghazi, I'm putting thoughts and I'm guessing at what the

[REDACTED]

COCOM -- but he didn't know what was going on. And he had approval from the Secretary to move people and to do things. He was doing some of those things with ISR, repositioning some. But I suspect it was the COCOM at this point who was not just satisfied that he could get U.S. military people into Benghazi in a way that wouldn't jeopardize all of their lives as well as whatever else was going on on the ground.

And what time was this email? Sorry.

Mr. Jordan. 9:36 p.m.

General Kelly. 8:53 our time?

Chairman Gowdy. 8:53 p.m. is what my copy says.

General Kelly. It's my recollection that we at this point -- and I stayed in the Pentagon, in the office, till well after midnight that night and was back in the office by about 4:30 the next morning. It's my recollection at this time we did not know where Stevens was. There were rumors that he had been evac'd to a hospital at the time, but we did not know where he was.

And later in the evening, roughly midnight, unfortunately we got the word that made us all obviously happy, that he had been found, he was at the hospital, and he was okay. And by few hours later, of course, we knew that that wasn't the case. But the sense of relief, certainly, I think, in the State Department and certainly in the Secretary of Defense's office that we had found the -- someone had found him and he was being seen to was, you know, a real sense of relief.

But to answer the questions, I don't think -- at this point, my only guess would be that Carter Ham was still working the "can we get

[REDACTED]

people into Benghazi safely," whether it was a C-17 or you just got smaller airplanes or something.

Mr. Jordan. Well, not to belabor it, but I think the chairman makes a good point, because the sentence talks about intent is to get security force augmentation in Tripoli. But you didn't just not mention Benghazi; you specifically said not -- or not you, but the email specifically says "not Benghazi." Did we ever intend to go to Benghazi?

General Kelly. I can't answer that question. I don't know.

Again, in the normal course of events, the COCOM would be focusing on the immediate problem, Benghazi, and trying to figure out how to solve that problem and not get a whole bunch of other Americans killed. But, by the same token, what else is going on in the region? You know, what's going on at Tripoli? Well, nothing. Well, you know, what is their protection posture? Well, we have a few militia people that are in uniform that are guarding the place and we have some other things. Then let's get some Marines on the ground there.

We do this, not routinely, but pretty regularly when -- Sana'a, Yemen, is an example of this. Fifty Marines immediately on the ground, followed up by 125 additional Marines to protect our embassy. So this is not unusual, what's happening here, when an embassy is at threat. But I can't, at this point, do anything but kind of give you some sense of what the COCOM would be doing relative to Benghazi.

Mr. Jordan. Flip over one page, if you could, General. In the final paragraph, the last, kind of the bigger paragraph, where we're

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talking about the status of the Ambassador, down near the bottom of the page --

General Kelly. Right.

Mr. Jordan. -- "We're receiving numerous reports from high level Libyan officials that 'he's okay' or 'he's safe' but none of these assurances can be corroborated with his location or anything definitive to suggest he is, in fact, safe."

Next sentence: "It's assumed amongst the staff here that they don't know where he is, either, and they're buying time to locate him."

Any thoughts on what that "buying time" is all about?

General Kelly. I've got to think they're referring to the Libyans as opposed to, you know, any folks we had on the ground. And, as I said, this was about 9 o'clock, 2100. It was pretty close to midnight, I think, on a VTC where the word was, hey, we got him. And as you might imagine, everyone was very happy, very relieved.

But the rumors were rampant about -- they found him, he was okay, we didn't know what that meant. And the people on the ground, of course AFRICOM, working this hard. And as it turned out, you know, he was dead. But, you know, he was certainly dead long before this, but --

Mr. Jordan. Yeah. So this is the Libyans buying time?

General Kelly. I think so, yeah.

Mr. Jordan. Yeah, that's how I read it as well. And the concern I have is that they're buying time to try to locate the Ambassador. They're concerned the American Ambassador has been taken hostage or killed or whatever may be going on.

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Chairman Gowdy. I think his other concern, General -- and I don't want to put words in Chairman Jordan's mouth, but, again, kind of to reset, we know that we have one dead American. We know that there has been a firefight. Presumably, we know that State Department has been relocated to the Annex. I don't know whether or not we know in Washington that there's been further hostilities at the Annex. But you have an ambassador that is either missing or you don't trust the representations that are being given to you by Libyan nationals. And not only are the resources going to Tripoli, they're going to Tripoli not to relocate to Benghazi but to secure the Embassy in Tripoli.

So how do you explain to the -- I mean, how do we explain to the American people that even a missing ambassador was not enough to direct assets to Benghazi, that you're worried about securing a facility in Tripoli where there is no threat?

Mr. Jordan. Well, and to add to it, if I could, Mr. Chairman and General, you're also seeking clearance from the same people who are buying time. And you're not going to go to the place where the Ambassador is at, the place where the attack took place, where four Americans were killed; we're looking to go to Tripoli.

Ms. Sawyer. Can I just clarify, have you actually testified that you have firsthand knowledge that they were actually waiting on clearance?

General Kelly. Have I --

Ms. Sawyer. That someone in the military --

General Kelly. No, I've never answered any questions on this

topic before this meeting this morning.

Ms. Sawyer. Just today, have you actually testified that the Department of Defense was actually waiting on clearance and that was --

General Kelly. No. What I have said, in the normal course of events -- and I know this isn't normal, but bureaucracies are bureaucracies -- I'm surmising that to move the Marines from Rota into Tripoli, where there was no problem at this point, I'm surmising that the normal request was going to the State Department to get clearance from the host nation to land the airplane. That's what I'm surmising.

Ms. Sawyer. You're surmising. Did anyone ever tell you that that night?

General Kelly. No.

Chairman Gowdy. Let him answer our question.

Mr. Jordan. Yep.

General Kelly. Renew the question just one more time?

Chairman Gowdy. Our question was a hypothetical assuming facts that we now know to be true, so there is no surmising to be done, why the focus on Tripoli and not Benghazi?

General Kelly. I would say that Tripoli, you know, as you know -- and there's a lot of banter about why this happened in the first place, some video or something like that. But there was a couple of demonstrations in the region. I think Cairo had one. There was no, to the best of my knowledge -- and, again, this would be a State Department thing. But in the normal course of events, the U.S. military on certain events, certain occasions, would heighten the state

of alert -- 9/11, I would guess, in Europe and Africa. At U.S. military bases, we do it all the time. I don't know if the State Department did that in their posts in the region, but that's their business.

I think the best way to answer that, Congressman, would be that, while they were -- in the normal course of events, the COCOM and his staff and others, I would expect, to include the CIA, really, really, really churning, trying to find out what was going on, what was ground truth on the ground. And that would include everything from where was the Ambassador to who's dead, where are they, can we land anything safely at the airport, those kind of issues on Benghazi.

In the meantime, I suspect that a decision was made or certainly recommended by the COCOM that we move FAST Marines in to protect Tripoli as kind of an obvious other place that there may be problems.

So you have two things going on, maybe preventative, and, again, very late, and they should have already been there, in my view, but they weren't. So, you know, a move to get Marines on the ground and protect the actual embassy location. And then in Benghazi, a real, real, real desperate attempt to find out what was going on on the ground.

And as I say, later in the evening, when we were -- I was just sitting in on a VTC, it was a State Department VTC, and during that VTC the word came close to midnight, maybe after 11, it seemed to me that it was announced that, hey, they got Chris Stevens. And as you might imagine, everyone was very relieved. And as it turned out, that wasn't the case. Everyone, you know, on the State Department end was very relieved.

[10:35 a.m.]

Chairman Gowdy. I think we're about out of time --

General Kelly. Well, we were too.

Chairman Gowdy. -- but you said something that -- against the backdrop of everyone trying desperately to find out what's going on in Benghazi, do you recall Secretary Panetta being asked to make phone calls to either a YouTube producer or a pastor?

General Kelly. Certainly not that night. There was --

Chairman Gowdy. You say "certainly not that night." What makes you so certain it wasn't that night?

General Kelly. Because I certainly would have been involved in him making that phone call.

Chairman Gowdy. Hold that thought for a second. Do we have an exhibit?

Mr. Jordan. Yes, we do. I think we got some. Or I think Sheria has it.

Chairman Gowdy. We will mark this as --

Ms. Clarke. Exhibit 4.

Chairman Gowdy. Exhibit 4.

[Kelly exhibit No. 4

was marked for identification.]

Chairman Gowdy. You can have a look at it. I'll ask you, General, to familiarize yourself with particularly the last page, but read the whole thing to get complete context.

General Kelly. Yeah. Okay. So as I read it, at 11 -- at

23:45 that evening, A, we didn't know where -- we still didn't know where Stevens was, and according to this, Panetta had called YouTube. I was not aware of that. It surprised --

Chairman Gowdy. It surprised me too.

General Kelly. It surprises me.

Chairman Gowdy. Now, this is an email -- this is an exhibit that includes an email originating from a Denis McDonough. Now, who is Denis McDonough?

General Kelly. Denis McDonough, Congressman, is currently the chief of staff of the White House. At the time, Denis was the deputy national security advisor under National Security Advisor Tom Donilon. So you had, within the National Security Staff, you had Donilon at the top, and then Denis McDonough was the deputy at the time, very, very -- both very close to the President. I think the President brought McDonough over from the Hill from the Senate, I think, but I know he had that kind of background. But at the time, Denis was the number two in the National Security Staff.

Chairman Gowdy. Well, then you noted that Mr. McDonough says: "The situation in Benghazi remains fluid. Ambassador Chris Stevens remains unaccounted for; one State Department officer is confirmed dead."

So they knew Sean Smith was dead. Had they known Ambassador Stevens was dead, then they would not have said he was unaccounted for.

General Kelly. Right.

Chairman Gowdy. And then the final page of that exhibit is

McDonough writing: "Secretary Panetta also reached out to Pastor Jones to ask him to pull down his video."

You did not know about that?

General Kelly. It surprises me. At this time -- you know, there have been times in the past when -- Jones is a fundamentalist pastor out of, I believe, out of Florida somewhere. And he had done some things in the past relative to the Koran and other things that there always this: someone's got to call him and tell him not to do it.

And I believe there were a couple of times long prior to Benghazi when he was doing -- about to do the kind of things he said he was going to do, burn the Koran and all that, and I don't recollect Secretary Panetta ever being enthusiastic about calling him.

His thinking, I think anyone's thinking was, look, if this guy is that, you know, committed in what he's going to do, doesn't it just add to the thing for a bunch of people at the Secretary of Defense or whatever level to call him and say, "Hey, don't do this," because then he gets to say, you know, "Even our own government," blah, blah, blah, you see the point?

So Secretary Panetta was never -- this is maybe several times -- was never thought it was a good idea to call this guy. So it really would surprise me. I'm not saying Denis is lying or maybe -- but it would surprise me if the Secretary would have picked the phone up late in the evening and made a phone call.

Chairman Gowdy. Well, I've got one more question, then Jimmy can go, and then we got to go vote.

Legitimizing the crazy pastor from Florida is one thing to do at any time period. With a missing ambassador and a fluid situation in Benghazi, is that really the best use of the Secretary of Defense's time, is to call a pastor in Florida with all of what's not known in Benghazi?

General Kelly. Congressman, I don't think the Secretary of Defense doing that at any time is a good use of his time.

Chairman Gowdy. Jim.

Mr. Jordan. Thank you.

General, you said earlier that State gets a -- State gets a vote, NSS gets a vote even after the Secretary of Defense has ordered deployment, ordered to go.

Do you believe that the delay in the three assets that were ultimately moved, one of them -- only one of them actually getting to Libya, and that didn't go to Benghazi, it went to Tripoli, do you believe that the lag time from when the order was given was strictly due to NSS and State slowing it down with things like what the chairman just asked about, with the clearance in Libya, with them buying time in State? Do you think NSS and the State Department caused the delay?

General Kelly. That's -- that's -- I'd be guessing. I will tell you that part of the delay, whatever "part" means, was the COCOM and his staff doing due diligence about can we get people on the ground safely, whether it's probably a C-130. But again --

Mr. Jordan. And you said that started -- that process started the minute you got the call.

General Kelly. Right.

Mr. Jordan. You were already working on it yourself, and the combatant commanders were working on it. I'm asking -- and the order happens at sometime between 6 and 7:19 p.m. on September 11th. The first assets aren't moving till 4:45 on the 12th -- 4:45 a.m. on the 12th. And we have all this going on, concern about the video, concern about getting host nation clearance. I'm just asking, it seems to me that's where the delay came.

General Kelly. Again, I'd be guessing, Congressman. It could. I mean, very --

Mr. Jordan. But it's not --

General Kelly. Very controlling.

Mr. Jordan. But you're a general. You're not -- this is not a guess. This is an educated assessment that you would make.

General Kelly. It's an educated assessment that we were, as Jeremy said in his thing, spinning, which means we're identifying forces, we're ready to go, we're starting to launch airplanes, at least to get eyes on the ground, all of that is happening. Panetta -- Mr. Panetta says: Go, go, go, go. At that point, frankly, we don't need much more guidance unless it's to stop.

Mr. Jordan. Yeah.

General Kelly. I don't know if there was a stop, but unless there's a stop, the people in the military are executing.

Now, back to the COCOM. He's got the authority to go, but he is doing his due diligence sorting out through his staff what's going on

on the ground.

Mr. Jordan. To your knowledge, was there any type of stop or change order given, and when, for example, the Special Op Force is the first one to take off [REDACTED]

[REDACTED] was there any call to them in flight saying, "Hey, don't go to -- don't go to Tripoli, don't land in Benghazi, go to Sigonella instead"? Do you know if any -- that type of order was given to that group or any other asset that was deployed?

General Kelly. I don't have any knowledge of that. But, again, I worked in the Secretary of Defense's Office. The execution is done by the COCOM. It's entirely possible in flight that they could have told them to go somewhere else.

Mr. Jordan. COCOM can do that without first getting clearance from the Secretary of Defense or NSS or State Department or the White House?

General Kelly. They certainly would do it. The Secretary of Defense --

Mr. Jordan. But my next -- they could do it without those higher up the chain of command signing off.

General Kelly. Right.

Mr. Jordan. And -- but you don't know if it happened or not.

General Kelly. The Secretary of Defense approves movement of troops, and then he's kept informed. One of the things that is a challenge in the Pentagon, certainly when I was there, was to try to keep the policymakers, the civilians, if you will, with all due respect

to everyone in the room, to try to keep them in their lane and let the military guys execute.

Mr. Panetta said go.

Mr. Jordan. Okay.

General Kelly. The military guys are executing.

Mr. Jordan. Okay.

General Kelly. But there is always a lot of field marshals in this city that want to get involved in things that happen.

Mr. Jordan. I want to ask you one more question about that. We can pass up this last document, and then go to page -- looks like the second page, if we can.

Ms. Clarke. Mark this as exhibit 5.

[Kelly exhibit No. 5

was marked for identification.]

Mr. Jordan. Second page, and this is another email chain on -- at 9:44 p.m. on September 11th, and you're referenced in the email, but I don't know if it's sent to you. It's hard to tell with who's been redacted.

General Kelly. Yeah. The "from" is redacted.

Mr. Jordan. So if you go to the second page, midway down, it looks like third full paragraph, "State remains concerned -- " do you see that paragraph, General.

General Kelly. Got it.

Mr. Jordan. "State remains concerned that any U.S. intervention be fully coordinated with the Libyan government and conveyed Libyan

concerns that about U.S. military presence, to include concerns that wheeled military vehicles should not be used, and U.S. military forces should consider deploying in civilian attire."

Again, concern -- I guess, first of all, tell me what the concerns were with military vehicles, wheeled military vehicles. I don't know how else they would travel.

General Kelly. The bottom email. If I could just read something real quick.

Mr. Jordan. Sure.

General Kelly. To lead up.

How would they get around on the ground? You know, from the very beginning of our going into Libya, the State Department has a very, very, very hypersensitivity to the U.S. military being involved in the kind of things that they do. I got it. They are the ones in the normal course of events that are in charge of certain things. But at a certain point, you have to make a decision that, you know, in this case, the Department of Defense has got unique capabilities and assets to do certain things.

If my guys -- if I was a combatant commander -- if I was the commander and my guys come up and said, "Sir, we're ready go, but, you know, we don't know what's going on on the ground and whatever, and we really think we need to do this in civilian clothes, and when we get on the ground, we'll get ahold of some civilian vehicles," and that's kind of a camouflage thing, I'd say sure. I'd check with the lawyers, and if that was -- but throughout our time in Libya, for sure,

they were always, always, always hypersensitive, our State Department was, to this issue of militarizing our presence on the ground.

But I think certainly in a case like this where things have really gone wrong, and it may very well be that the only people that can at least turn the tide a little bit will be military guys, then I'm not so sure I care what the -- necessarily what the local country wants at that point, certainly in Benghazi. So I don't know why they would want to have gone with the, you know, no military vehicles.

Mr. Jordan. In your educated assessment, in your years serving our country and all the knowledge that you accumulated, do you think this is ridiculous?

General Kelly. It's pretty unusual.

Mr. Jordan. And do you think it slowed things down?

General Kelly. Well, the other thing -- again, to have gotten military vehicles on the ground that night in Benghazi, that would have been a multiple, say, C-17 lift because we'd be talking about --

Mr. Jordan. Right.

General Kelly. -- those kind of vehicles. And if I was looking at this, I'd say get the people going, and when you get on the ground, just commandeer some vehicles or pay someone a thousand bucks for his clunker. Or, particularly if -- and I don't know this to be the case -- but, you know, one of the things I'd be desperately trying to find out is, are the militias at the airport on our side? Can they be relied on? If they can be relied on, through whatever channels, tell them that we want some vehicles when we get there.

Mr. Jordan. Sure. All right. I got to run and vote. General, I thank you for your time, for coming in and for all your service.

Mr. Tolar. It is 10:50, and we've exceeded our time. Let's go off the record.

[Recess.]

Ms. Green. General, are you ready to get back on the record?

General Kelly. I am. Yeah.

Ms. Green. We can go back on the record then. The time is 11:00 a.m.

EXAMINATION

BY MS. GREEN:

Q And, General Kelly, again, my name is Shannon Green with the minority staff.

I'm just going to, first of all, touch on a few things that were covered in the first hour. And first of all, sir, in your role as the senior military assistant to the Secretary of Defense, you were not part of the operational chain of command. Is that right?

A That's right.

Q My colleague --

A Just to restate, operational chain of command is COCOM, Secretary of Defense, President.

Q Thank you, sir. And you also explained that in the first hour, that the chain of command very clearly was from the President to the Secretary of Defense to the combatant commander. No one else.

A Right.

Q You mentioned in the first hour, sir, a trip you had taken with the Secretary of Defense in November 2011. The senior State Department official at the time was Gene Cretz. That's who you meet with. Is that right?

A Right. Ambassador Cretz.

Q Ambassador Cretz. It was not Chris Stevens. Is that correct?

A Right.

Q Sir, have you ever had a conversation with Chris Stevens?

A Never.

Q During that trip, were you ever in Benghazi?

A No.

Q You mentioned, sir, that I believe General Ham, the combatant commander of AFRICOM, was also present that day. Is that correct?

A He was on the ground.

Q You also mentioned that the combatant commander would have a close relationship with the country team. Is that correct?

A Yes. I would -- particularly, I would say, a country like Libya that was, you know, where it was at the time, we had just moved in and all of that kind of thing, I couldn't imagine that Carter Ham did not have a pretty close eye -- not that he called the shots -- but that he had a pretty close eye on and a working relationship with the Ambassador.

Q Yes, sir. And we understand that that was the case.

And, sir, would it be the case then that the Ambassador and the country team would have shared any of their concerns about the environment in Libya with the combatant commander?

A Again --

Q That be the appropriate person.

A Well, no, not the appropriate person. You got to remember the chains of command here. Generally speaking, the combatant commanders are very close to the country teams. But the country teams -- you know, theoretically, the ambassador is the President of the United States' representative in that country, which in a sense makes the ambassador's boss the President.

The reality is, at least in the modern era, that the ambassador is very much, I would say, kind of the senior State Department staff officer in the country because he deals -- he or she deals, depending on what part of the world, with the regional bureau, meaning Middle East, and then it pretty much stops there.

Q Sir, you mentioned in the first hour that the Secretary of Defense received daily briefings from a CIA briefer, the Presidential daily brief, essentially.

A Right, yeah.

Q Did you normally sit in on those meetings?

A I could. They are very, very, very high level, trends-in-the-world kind of thing. Very seldom was there -- is there a drill down on, like, what's going on in Libya necessarily. So it's kind of a high level thing.

Q Secretary Panetta mentioned in his testimony before this committee that he and other senior leaders were tracking an inflammatory video in the days before the attack in Benghazi, and he specifically mentioned General Allen's concern that the video could lead to violence against U.S. forces in Afghanistan. Do you recall those concerns?

A Certainly discussions, yeah, sure. Concerns.

Q Did you ever --

A I forget the name of it. What was it, "The Life of Muhammad" or something like that, wasn't the name of the video, I think.

Q "The Innocence of Muslims," I believe, sir.

A Okay. And another one that caught -- that would come up periodically again is this minister down in Florida, but it was always --

Q Yes, sir, and I believe he was the person who actually was promoting the film, "The Innocence of Muslims," which sort of caused some of this unrest.

A Yeah.

Q Did you have any conversations with General Allen in those days prior to September 11th, 2012?

A Certainly not on this topic.

Q Sir, I'd like to enter into the record an unclassified timeline provided by the Department of Defense related to the actions taken by DOD on September 11 and 12, 2012. This timeline has been provided to the Armed Services Committees a couple of years ago, and

it will help us understanding --

A Did you get a copy? Maybe I could --

Ms. Rauch. Is it 4? Sorry to pause.

Ms. Green. My colleague is going to pass out a copy.

Ms. Rauch. Is it exhibit 5?

Ms. Green. Exhibit 6, yeah.

Ms. Rauch. Okay.

[Kelly exhibit No. 6

Was marked for identification.]

BY MS. GREEN:

Q Sir, have you ever seen this document before?

A I have. Just 2 days ago it was sent to me.

Q Oh, is that the first time you've seen it?

A Yeah.

Q Okay. It may help us reference times of events on the night of the attack, so we can use it as a reference point.

Sir, Secretary Panetta testified about his meeting at the White House on the night of the attacks, and you spoke a little bit with my colleagues in the last hour about sort of those events.

When Secretary Panetta testified before the Senate Armed Services Committee on February 7th, 2013, he said, quote: "Soon after the initial reports about the attack in Benghazi were received, General Dempsey and I met with President Obama, and he ordered all available DOD assets to respond to the attack in Libya and to protect U.S. personnel and interests in the region. It's important to remember

that, in addition to responding to the situation in Benghazi, we were also concerned about potential threats to U.S. personnel in Tunis, Tripoli, Cairo, Sana'a, and elsewhere, that could potentially require a military response," end quote.

Sir, is Secretary Panetta's testimony consistent with what he conveyed to you upon his return from the White House?

A All of that, or just the part about the President -- we knew we had authority. He had been given authority to move.

Q What guidance, then, did the Secretary provide to you, if any, when he returned from the White House?

A The evening was kind of a running discussion. So he and Marty Dempsey had come back, I'm sure Carter Ham was there about that time, you know, and he just said: Okay, you know, you have my vocal, my verbal authorization to move. We've already covered that in the last session.

And as I say, I think it really -- it's really -- people need to understand that when the Secretary of Defense -- the Secretary of Defense does not have and should not have, my God, an operations section, if you will. And the Office of the Secretary of Defense, all political appointees -- I don't mean the inner office, the inner family where I work -- but they are policy people, they interact with the White House, State Department, all that. They develop, you know, plans and whatnot in terms of how the DOD will support various things. They do not have an ops section.

So when the Secretary of Defense, when it comes in either through

John Kelly or the more formal way where the book comes in or whatever, and the Secretary says, okay, go, then that is an authorization that is then passed by the Joint Staff to -- in the normal course of events -- to the COCOM.

And as I say, we are always fighting back people wanting to get into the nut -- you know, people that don't understand how to do the kind of things we're talking about, wanting, well, we need to get briefed back or we want someone to come over here and make -- so in the world we live in, as military people, once the decision is made, you turn it over to the operator, in this case, Carter Ham, and actually kind of a parallel would be the Special Operations Command. At the time, I think Bill McRaven had it, it might have been Joe Votel. Bill McRaven, I think, had it. But in any event -- and then they just start to execute.

And as I was trying to make the point before, as a COCOM is looking at the problem as he understands it -- and again, there is an awful lot of Monday morning quarterbacking that goes on naturally -- we had the timeline, you know, this timeline was worked out, I'm sure, long after -- but he's looking and saying, okay, we have a problem in Benghazi, and I don't know what the hell's think going on.

I do know that we've had some riots across the Middle East, and I think it was a very, very prudent thing to reinforce Tripoli because we could, in a sense, we could get them on the ground -- this is Carter Ham now -- get them on the ground, get that place protected. It could break out there. Who knows?

It's my understanding, you know, the people started chattering -- people in Libya started chattering in the social media about other attacks. But you still don't know what's going on in Benghazi, and you're trying to find out what's going on in Benghazi. So I think that's the explanation I would give you. And not every single --

Q Is it fair to say then you're not getting real-time information about what's happening on the ground in Benghazi?

A In the Secretary of Defense's Office?

Q Sure.

A No. One of the things, again, you have to caution people about -- the secretaries that I worked for understood this, some people didn't understand it -- we're getting just a blast of this might be happening, this could be happening, we think this is happening. I already pointed out the fact that late in the evening the announcement was made that Chris Stevens was okay.

You have to let the men and women who are the pros at this sort this thing out, and that's where I go back to the operators, to the combatant commander, because you just get so many -- you know, it's my understanding there were phone calls coming in to the State Department from State Department people on the ground. I've got to think there was information coming in through the CIA channels. And you just can't act on every rumor that you receive.

Q Did you receive calls from the State Department and the CIA? Is that what you were saying?

A No, but I'm sure that kind of input was coming in. And by the way, again, on that evening and most of the time, Jeremy interacted with the political types, if you will.

Q Sir, at the bottom of the first page of the timeline, according to this DOD timeline, at approximately 6:30 p.m. eastern daylight time a DOD-led security team that was located at the U.S. Embassy in Tripoli departed for Benghazi and landed in Benghazi at approximately 7:30 p.m.

A Uh-huh.

Q This team has been referred to as Team Tripoli. Do you recall when you learned about this particular asset responding to the crisis?

A I would say probably the next -- when I came to work the next day, all of this had begun to become somewhat clear. So probably the next day.

Q Sir, in Secretary Panetta's Senate testimony, he discussed this team, and he said, quote: "The quickest response option available to the Department of Defense was a Tripoli-based security team that was located at the U.S. Embassy in Tripoli, and to their credit, within hours, this six-man team, including two U.S. military personnel, chartered a private airplane, deployed to Benghazi. Within 15 minutes of arriving at the Annex facility they came under attack by mortar and rocket-propelled grenades. Members of this team, along with others at the Annex facility, provided emergency medical assistance and supported the evacuation of all personnel." End quote.

Essentially, Secretary Panetta is saying this was the closest U.S. military response that could get there. Do you agree with that assessment, and are you familiar with that team?

A You know and I don't, but of the six, only two of them military?

Q Yes, sir. But the two military --

A Not much of a team.

Q -- led the team.

A Not much of a team. Good on them for doing it. High risk, to say the least. Did they ever leave the airport?

Q Yes, sir.

A And they got to the -- which facility? The first one or the --

Q The second one.

A The second one. Yeah, you know, they were DOT personnel -- DOD personnel. They were response. I mean, it's -- it was high risk, to say the least.

Q Sir, in the first hour, my colleagues spoke with you about an email, and I believe that was introduced as exhibit 2 into the record. The original email is from Jeremy Bash, Secretary Panetta's chief of staff, to a group of officials at the State Department, and the email also cc'ed a number of individuals from the Department of Defense, including yourself, sir.

Much conjecture and speculation has been made about what Mr. Bash said in this email when he said, quote: "Assuming principals agree

to deploy these elements, we will ask State to secure the approval from host nation," end quote.

And earlier in the email, Mr. Bash notes that these elements include, quote, "a SOF element that was in Croatia and a Marine FAST team out of Rota, Spain." Do you see that?

A Got it.

Q Is it fair to say, even in his very important role as Secretary Panetta's chief of staff, Jeremy Bash was a civilian employee of the Department of Defense?

A He was.

Q He was not in the chain of command?

A Right, and a political appointee, not a public servant, if you know the distinction.

Q Yes, sir. This email was raised by my colleagues during this committee's interview with Secretary Panetta, and Secretary Panetta did not opine on the contents of the email, but he was very clear that the authority to make the decision to move forces was his and his alone. And we have his transcript here.

He is asked the question about: "Assuming principals agree to deploy these elements, who are the principals that would have had to agree to deploy the elements that you had identified?"

Secretary Panetta responds: "No one. I had the authority to deploy those forces, and I ordered those forces to be deployed, and I didn't have to ask anybody's permission to get those forces in place," end quote.

Is it fair to say, sir, that the only person that could have overruled Secretary Panetta's orders to deploy forces was the President?

A Could have overruled him, for sure.

BY MS. SAWYER:

Q So with regard to this, you were specifically asked earlier whether or not it could have been the case that either the State Department on that night or NSS actually put a stop order in.

Now, Mr. Panetta, Secretary of Defense Panetta says that that was not the case, that he had given the order and that no other principals could have overridden it. Are you disputing what he told us? Do you have a different firsthand account?

A He's exactly right in the way he puts it. He has the authority now to move forces around the world and he does that routinely, small forces, large forces. But certainly in a situation like Benghazi, and, frankly, in most situations, much of this is worked out by the staff at the White House with input from the staff in the Office of the Secretary of Defense. Again, they are political appointees, so they are of the same group of people there. They're not long-serving public servants. They come in with a certain view of life.

Generally speaking, the people that are on the ground -- the input from the military side in most of these meetings, it would be from the Vice Chairman of the Joint Staff, at the time would have been Sandy Winnefeld, who had a tremendous relationship. And these meetings

would come up with, okay, this is what we're going to do. And so if the Secretary of Defense -- I mean, he certainly could say: No, we're going to do it, and only the President can tell me not to.

But before that point, as decisions are being made and formulated and the normal sausage making that goes into national security development is being done by, as I say, the driving force over at the White House would have been Tom Donilon, would have been Denis McDonough, who was the national security advisor, and the Vice, you know, a whole pod of other people that thought they had input to every question --

Q Were you one of those people?

A Never, no.

Q Was Jeremy Bash -- you said he was the one who dealt with the politicals that night. Would he have been --

A Jeremy --

Q If this were to have happened, would he be the person who could have told us that that's what actually happened in reality?

A What's that?

Q What you were surmising could have happened, that someone in the State Department or someone in the NSS could have put a stop or a delay or somehow caused there to be a pause?

A If anyone in the Secretary's office would know that, it would be probably by phone call from whoever to Jeremy, you know, tell the boss that there's new thinking on this, or whatever.

So I would not have. Again, certain level of hesitancy to deal

with senior military officers in terms of certain people. And Jeremy was the channel through which things went back and forth politically.

And again, primarily, NSS discussions, input from NSS, concerns would come to him through him, and again, high level just interaction with the State Department, whether it's Burns or whatever, at the highest level. That was not a role that they were comfortable with with senior military officers, or at least myself.

Q But Mr. Bash would be the one who would have the firsthand knowledge?

A I think so, yeah. I mean, if a stop order came, or whatever you would term it, or a hesitant or a hold, it would have certainly come from Jeremy, through Jeremy Bash, but would be unlikely that I wouldn't know that because at that point he'd say: Hey, Kel, come on, we need to talk to the boss. Didn't happen. So --

Q So that conversation never occurred? Mr. Bash didn't come to you?

A No.

Q He didn't go to the Secretary of Defense to say someone had told him --

A Not -- to the best of my knowledge, not.

Ms. Green. Sir, on the night of the attacks, we note from the timeline that I just handed you that originally one FAST Platoon was preparing to deploy to Tripoli, one to Benghazi. Do you see that?

General Kelly. Where are we?

Ms. Rauch. Sir, it's on the second page of the timeline.

General Kelly. Okay.

Ms. Rauch. It's the first page where it actually lists times. About the middle of the page where it says that Secretary Panetta ordered three actions, and under number one it notes where the FAST teams were sent.

General Kelly. Got it.

BY MS. GREEN:

Q Later that night, the FAST team that was preparing to deploy to Benghazi was redirected because, as we know, all U.S. personnel actually had evacuated Benghazi by 4 a.m. eastern daylight time, 10 a.m. local Benghazi time. So the one FAST was sent to Tripoli, and it actually arrived that day, on the 12th.

Sir, there has been some allegations out there that the FAST team was delayed because they had to change uniforms. And so I just, as a marine, want to talk to you about that for a second.

We had the opportunity to interview the young captain who commanded that FAST team, sir, and so I'm just going to read you a quote from this young marine. He was asked if he recalled getting the final word about changeover in terms of uniforms. He said, quote: "I don't know if there was ever like a, hey, this is the final answer, like we are finally in civilian attire, but the last thing that we ran was civilian attire before we went wheels up, and I said, 'Okay, well, I've just lost cell phone service, so we're going to stay in civilian attire,'" end quote.

Sounds like a marine, sir?

A Yeah.

Q In a later exchange, this marine testified about whether confusion over the uniform interfered with his mission, to which he responded, quote: "Absolutely not. It didn't -- it did end up being a force multiplier, though, because what we were gathering off the social media after we got there and then for the duration, that whenever

we moved from compound to compound, we were made in civilian attire, but when we were in the compound and on post, we were in uniform. What that did is that told the Libyan people that they don't know who's a marine and who's not a marine, and they don't want to mess with the marines, so it gave everyone else wafda."

The captain went on to talk about why the Libyan Government might not want them in their uniforms, and he said, quote: "Not to show that you have American marines on the deck in the country outside of what's seen to be U.S. sovereign territory. So the outside impression that's given of a marine force on the ground in a foreign country is not the most welcoming presence. Concurrently, you've got Iraq wrapping up and Afghanistan going on. No one wants to be -- now, this is me kind of making up these answers why they don't want us in uniform -- no one wants to be the next country that's got marines coming in to do what marines do." End quote.

That's sort of a lengthy quote to read you, sir, all to kind of show this young marine seemed to have a pretty, I would say, sophisticated understanding of why someone may not want to have them in uniforms while they're out in town, so to speak, which of course here in the U.S. we Marines don't walk out in our camouflage, do we, sir? So not so different there in Tripoli.

Would it be fair to say, sir -- I guess my point is that marines are pretty darn flexible, and a marine in a specialized unit like a FAST company or a FAST Platoon, would they be used to having to alter a variety of aspects of their mission, whether it's what weapons they're

get, finally, to get FAST on the ground, some security on the ground in Tripoli. The idea that we were hung up on what clothes we were going to wear -- but regardless --

Q As far as we know, that never slowed them down, though.

A Right. But whatever happened, it wouldn't have slowed them down.

Q Yes, sir.

Sir, there was a little bit of discussion in the first hour about sending aircraft into Libya, and one of the sort of urban legends that's come out of the Benghazi attacks is the notion that somehow the U.S. military had air assets that they could have gotten in and saved lives in Benghazi.

Secretary Panetta responded to this criticism in his testimony before the Senate, and he said, quote:

"Some have asked why other types of armed aircraft were not dispatched to Benghazi. The reason simply is because armed UAVs, AC-130 gunships, or fixed-wing fighters with the associated tanking, you've got to provide air refueling capabilities, armaments, you've got to arm all the weapons before you put them on the planes, targeting and support facilities were not in the vicinity of Libya, and because of the distance, it would have taken at least 9 to 12 hours, if not more, to deploy these forces to Benghazi. This was, pure and simple, in the absence of any advance warning, a problem of distance and time.

"Frankly, even if we were able to get F-16s or AC-130s over the target in time, the mission still depends on accurate information about

what targets they're supposed to hit, and we had no forward air controllers, we had no communications with U.S. personnel on the ground, as a matter of fact, we had no idea where the Ambassador was at that point, to be able to kind of conduct any kind of attacks on the ground." Quote.

Secretary Panetta and Admiral Winnefeld have each also testified before this committee and reiterated similar comments. And Admiral Winnefeld, I haven't seen his transcript, but he was particularly adamant that the U.S. military would be extremely ill-advised to send in fighter aircraft in a situation such as Benghazi when we did not know where the Ambassador was located, we had no forward air controller on the ground, and of course Libya was a wash in MANPADS.

Do you agree with those assessments, sir?

A Which ones? I mean, there's a lot there. I --

Q The assessment regarding sending --

A Yeah, I think --

Q -- fighter aircraft into Benghazi?

A Let me start with -- you know, the Secretary of Defense talked about how long it would take to put a package together to -- we're pretty good at what we do, U.S. military. I mean, if you want the real details of this, I think you should call in not a general, not an admiral, certainly not a political appointee, but maybe a colonel or lieutenant colonel actually in the Air Force or the Marine Corps or the Navy, particularly the Marine Corps and the Navy that actually work packages like this, how fast can you put this together. I mean, we

had -- at the time, we had fighter assets in -- all over Europe.

Q We actually just had a great brief from TRANSCOM last week actually, sir.

A Well, TRANSCOM is different than guys that do and gals that do bomb dropping and planning to do bomb dropping. But that's good.

But we had fighters assets in Europe. We had tanker assets in Europe. You know, as a marine, I'd tell you the Air Force is a little process driven in terms of putting these things together, but they are pretty darn good at what they do.

Q And we also spoke with the CIF commander, and like I said, the FAST commander, and they provided some very good insights.

A Eight or 9 hours seems like a long time to me. I'll just let it go at that.

But to your other points, the second point would be could we, in my view -- let's say had we gotten F-16s or F-18s over the target or F-15s over the target, over the place, without people on the ground to tell us what was going on, you know, the pilot is kind of looking through a straw as he looks through his sights, he could certainly find the Benghazi conflict. The fact it was on fire, he could find it very easily. If we --

Q Are you a pilot, sir?

A I'm not. If he had been told to find the CIA facility, he could have found that pretty easily just because of GPS and whatnot. But the expectation would be -- could he do something? It would be hard. You know, he would see a lot of people running around. Are they

bad people or are they just people looting? I mean, in our view, that makes them bad people, but does it make them people that you want to drop 2,000-pound bombs on.

The beauty of having someone on the ground, particularly a formal air controller, is he is identifying targets on the ground and then the delivery means would be the jets.

Modern air strikes are oftentimes conducted, most often conducted well outside MANPAD range. Yes, if you brought them down to the 10,000-and-below-foot level, you would -- they'd be in some level of increased danger.

But I think the biggest thing in my mind would be, and again, as the operational commander, and I'm guessing, but I know the kind of things that would be going through their minds, Carter Ham's mind at AFRICOM, is -- I mean, I would want to put something over -- and I think we did -- ISR to figure out what's going on on the ground. I would want to know do we have any people on the ground, whether CIA or militia or whoever, is there anyone left that we can talk to that can tell us what's going on on the ground.

And maybe for sure, I guess, in my mind, would be to get armed aircraft in the air and on station, meaning, you know, orbiting it over the Mediterranean, tanking as they do it, waiting to do an air strike if targets present themselves. But the fact --

Q Sir --

A Let me finish. The fact to -- if I could, I'm sorry -- but to drop bombs without knowing what you're dropping the bombs on might

make people feel good, but it may be counterproductive, particularly when it's killing or hurting the wrong people. Sorry.

Q No problem. Were you involved, sir, in the task force operation that began the night of the attacks?

A Task force? No.

BY MS. SAWYER:

Q Yeah, I think we're just about done, but with regard to all those assessments you were talking about, I think you did make clear that the operational commander that night would have been General Carter Ham?

A Right.

Q Do you know how many times he's testified before Congress on Benghazi?

A No idea.

Q But he would be someone who you would certainly want, to the extent we have questions about decisions that were made in real time and information that people had in real time, he would be the person who would be --

A He would be the only person, except what may or may not have taken place in the White House, State Department, and when Secretary Panetta was over there. But in terms of the decisions made to launch -- to whatever -- he would be the only guy, because he would be the guy that would be looking for the planning and the execution of that particular mission. And if he elected, as I say, to delay, it would be -- he could tell you why he elected to delay.

If he -- you know, hypothetically, if someone -- if he's ready to go and he's ready to launch airplanes and someone from the White House or from OSD or Joint Staff says, "Hey, hold on that," he could at least tell you that, "Someone told me to hold on that." He may not know why, but --

Q But he would have known factually that it occurred?

A Right.

Q Or that it never occurred --

A Or that it never occurred.

Q -- despite the speculation that it might have.

A And he'd be able to tell you, I mean, clearly, if you were to say, "Okay, why did you do Benghazi first?" -- Benghazi -- "Tripoli first?" he could tell you why he moved people there immediately and didn't to Benghazi. A lot of things. He's the guy. If he can't answer it, it would be hard to get an answer from anyone. He's the, you know, he's the operational guy.

Ms. Sawyer. Thank you.

Ms. Green. We can go off the record.

[Recess.]

[11:47 a.m.]

Mr. Tolar. So let's go back on the record. I've got 11:47 in the a.m.

BY MR. TOLAR:

Q I want to talk with you a little bit about something you mentioned earlier, and that was the U.S. is moving back into Libya.

You were in Libya in December of 2011. However, prior to that, did you participate and were you aware of any discussions about the U.S. reopening their presence in Tripoli?

A I was.

Q How were you involved in those discussions -- were you involved or were you made aware?

A I was not involved as much as I was made aware. Again, in the nature of the job I had, when almost anything was being discussed for decision over at the NSS, National Security Staff, in the White House, I'd be made aware of it.

And you also have to understand, the Secretary of Defense was a frequent traveler to the White House but didn't participate very often in the endless meetings that took place on an endless number of topics. So he wasn't involved in the vast majority of the discussions that would take place.

It was all done at the lower staff level. I mean, it might be Denis McDonough, the National Security Advisor, deputy and below. Sandy Winnefeld, the Vice, the nature of the job, he's over there a lot.

[REDACTED]

So as discussions would be brought up about going back into Benghazi and what the posture would be, that kind of thing, I was made aware of that. I became aware of that.

Q Was there a request for a FAST team to be placed in Tripoli prior to or immediately following their reopening?

A Not a FAST team. I mean, there was not a --

Q FAST Platoon, excuse me.

A There was not a FAST -- there was never a request by anybody. But I was very, very surprised and, you know, mentioned it to people at -- the perfect -- my assumption was at a U.S. embassy you have marines. Usually, that marine group is [REDACTED] marines, and they're internal. So they don't do security outside the building.

You know, typically you have the host nation provide security.

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

So you have the internal so-called embassy marines at all of our embassies. They have no real responsibility outside the building.

So, as I say, in the normal course of operations, the host nation is responsible for the external security of the building, and they do

[REDACTED]

[REDACTED]

a great job, again, as a general rule. And then there's always contract security guys, local nationals that are hired. Again, they're badge checkers and things like that.

But in a situation like opening, in my opinion, John Kelly's opinion, when you're opening an embassy in a place like Tripoli in terms of what had just happened there, and a breakdown really in law and order and the factions that were pushing and shoving and who knows what the hell is going on, in my view, the two assumptions I made was that, A, there would be embassy marines sent to the embassy. That would be, again, [REDACTED] standard in any embassy.

And then, in my view, a FAST Platoon of 50 marines would go down on the ground, and then any other assistance that DOD could provide. As an example -- and these were real requirements -- until the normal telephone network was established there was a need for communicators. So they were DOD communicators.

We knew that the embassy had been, to one degree or another, shelled. And the presumption -- the assumption was that there were -- it was dirty, the sense of being unexploded ordnance lying around, so you'd need an EOD team. And certainly, if you're deploying an EOD team, and given the situation that was there on the ground, you'd want some medics or corpsmen.

And so these were certainly my assumption. But the biggest one to me was automatically a FAST team or FAST Platoon on the ground. That never happened.

Q And did someone in DOD, to your knowledge, make

[REDACTED]

recommendations for those assets to be deployed as the reopening or in conjunction with the reopening of that embassy?

A In the course of conversations on the NSS staff, the White House staff, these things, I am sure, were brought up, because I can remember when the decision was made to not have FAST. In fact, even the package that we all thought -- I thought -- was a requirement, you know, a few medics, some EOD, some comm techs, technicians, there was this, you know, why do you need so many?

And if you take the FAST Platoon --

Q Who would have said that?

A Pretty sure Denis McDonough. You know, again, that's his job. He was looking at it through whatever prism he had to look through. He was the deputy national security advisor. He was chairing a lot of these what are known as the Principals meetings or the level below that.

And so they were -- and I believe this would have come from the State Department. They didn't want to, quote, you know, militarize the scene with military people on the ground. And so I can even remember, I know talking to Jeremy Bash or someone saying: Look, those guys can go in there in civilian clothes if you want. I mean, they can do anything. They're behind the -- generally speaking, they're inside the walls anyways and not a lot of people are going to see them. These are infantry marines. They would set up antisniper places just in case that kind of thing started. They know what they're doing. But if you want to wear civilian clothing, they can do that too.

And the decision was made, I think the initial -- hard to believe -- 14, I think, went in initially. There were a couple of communicators. I think we had one medic. An EOD team was -- normally there are four -- I think it was two maybe. So it was pretty small. And then, as I understand it, over time it got a little bit bigger. It's a made-to-order FAST mission. That's why they exist.

Q Who would have been negotiating what the DOD footprint would have been like, should have been like, with the NSC staff?

A Well, the input would come certainly through Sandy Winnefeld. I mean, that was his role as the Vice. He spends -- and I think you all know this -- a huge amount of time at the White House in the NSS discussions, as well he should, and he represents, you know, what's within the realm of the possible, what DOD's recommendations are, that kind of thing.

Another person, frankly, let's see, at the time, the Vice is routinely at the White House, sometimes two or three meetings in the course of a day. Another person, the director of the Joint Staff. It's a three-star position, Scaparrotti, Scap, Scaparrotti.

Q Barotti?

A Scap, S-c-a-p-a-r-o-t-t-i. He is right now the four-star United States Army -- great guy -- in charge of career, and I believe he's being nominated to be a COCOM somewhere.

Now, let me go back. At the time Benghazi happened, it would've been Scap, Scaparrotti. At the time we were reestablishing the embassy, it would've been Bill Gortney, Admiral Gortney,

G-o-r-t-n-e-y. And Bill was the director of the staff. It's not unusual for the director of the staff to periodically go to these think meetings over at -- these interagency meetings over at the NSS staff.

And, of course, it's the NSS staff's role to do the interagency piece and bring all of the disparate views throughout our government or throughout the departments into one room and they could all argue it out and whatnot. So that is their role. But it would be either the Vice, Sandy Winnefeld at the time, or perhaps the director of the Joint Staff.

Now, there's a lot of talking back and forth too between, say, White House, NSS staff to the political appointees or to the OSD staff -- OSD staff's like 3,000 people -- and directly -- although I don't like this -- directly down to, say, the Joint Staff, the J3, the J5.

But in any event, there's a lot of talk going back and forth. But it would be the Vice Chairman's responsibility or normal role to present these kind of issues to the interagency discussions in the White House.

Q When you became aware that there was not going to be a robust footprint but the skeleton crew of some 14 to 15, did you express your concerns with anyone or discuss it with anyone?

A I'm sure, there's no doubt in my mind, I would have raised it to the Secretary of Defense, I mean, just in terms of the constant conversations we had back and forth. The world I lived in at the time, there weren't meeting -- I didn't have meetings with the Secretary. It's just an all-day, for the most part, being very close to him, and

we'd discuss anything and everything that would come up.

Again, I'd go back into -- I don't remember that this was briefed to us because it would've been a State Department issue -- back to that again, we get called into a lot of things if the State Department wants us called into those things. And if they don't, then they do their -- you know, they're a department unto themselves and they do their own work. If they don't say, you know what, we need to -- we need to get -- we don't know what we need at this particular location but we know we can't provide it from within our staff, let's get the DOD involved.

I've got to think, though, that the NSS received at least an info brief from the State Department at some level as to, okay, we're going back into Tripoli, we're going to reestablish relations, this is how we're going to do it. Gene Cretz is going to be our ambassador. He's a good guy, da, da, da, da, da, da, and this is what we're going back in there.

Q If State Department requests DOD support --

A That's a good way to put it.

Q -- how does that -- what's the food chain for that in terms of, does it go up to POTUS and then back down to SecDef? What's the chain of events for something like that?

A All of that. I mean, it could be -- it would be that for sure, but it might be a call directly from the State Department to some person, associate that they deal with on the OSD staff to say: Hey, we're thinking about this, can you guys support or can you put

some -- can you help us with this, we're not the military folks.

It could be a call-in for, you know, to Jeremy Bash about: Hey, this is what we're thinking, can you organize a brief for us so that we know what we're talking about when we go there?

So it's a, to say the least, an interactive process at multiple levels.

Q Are you aware if State Department ever requested DOD support for the reopening of the Tripoli embassy?

A With the exception of what I've just described, I think it was 14, and it was EOD, corpsman or medical, what I've just described.

Q I understand that's what resulted. My question is, do you know if they made a larger request, a more robust request?

A I do not.

Q Sir, I want to talk to you a little bit about September 10th, the day before the attack. Did you travel with Secretary Panetta to Pennsylvania that day for the memorial service?

A Did not.

Q Were you aware that that day the Secretary participated in a call with other national security principals, may have been from his vehicle?

A If it was from his vehicle and he was up in Pennsylvania that day, I was not aware of that. But I'd have to say Jeremy would've been -- Jeremy Bash would've been -- you know, port and starboard, almost -- very seldom, but on a trip up to Pennsylvania, I had other things to do. And that was more of a media thing and show respect,

obviously.

Q Would you get any kind of feedback or report on what that conversation might have been with the principals?

A Normally, Jeremy would say: Hey, boss, got a call from Tom Donilon, they talked about, you know, whatever.

Q Apparently, the COCOMs were on that call. Were you aware if any guidance was issued or relayed from the Secretary?

A No.

Q Okay. Thank you.

A Do you know what the guidance was?

Q No, I don't know. That's what -- I was just trying to see if perhaps the day before the Secretary had any guidance for the COCOMs.

We talked -- you talked earlier a little bit about that video, the YouTube video, "The Innocence of Muslims." You mentioned that the Secretary was aware of it. That said, was there a lot of discussion in the Pentagon about that video and its impact potentially?

A As I think I mentioned earlier, there were a couple of times that this gentleman down in Florida was going to do -- you know, he's very, very anti-Muslim, whether it was burn the Koran or whatever. And he'd always come out saying: Hey, watch what I'm going to do Sunday, I'm going to burn the Koran. And everyone would get agitated.

Again, he has his right to his beliefs and all, but I know my Secretary thought it made no sense to call people like that. I mean, they're going to do what they're going to do. And the sense is that, you know, from a military point of view, we know how to defend our bases

and do that kind of thing.

A couple times they wanted him to call. I just -- he just -- it would make no point in his mind to call, lower himself to call. Going to do it anyways. I believe Secretary Clinton may have called once or twice, you know, again. But Secretary Panetta was not open to that kind of thing. And it came up a couple times, you know, in --

Q Not in terms of the call, but in terms of the video itself, was there a lot of discussion that you were privy to about that video, the impact of that video, the ramifications, et cetera?

A No. The only discussion would have been, you know, it was on CNN or FOX News, and we all said that's stupid and moved on, you know.

Q September 11th, obviously --

A Let me add, there's in the world that certain people live in --

Q Who are certain people?

A You know, all Americans. You look at life in different ways. There seems to be among some that a given incident would cause a whole -- a billion people on the planet to do something, like the burning of the Koran or something like that. I'm very sensitive to this, as the former commander of Guantanamo, but that's another one of those -- we have Guantanamo, so there's a billion people on the planet that want to end Western civilization.

There's other people that just say these things are just things that go on in life and a billion -- a small segment of a billion people

on Earth don't need much in the rationale to try to kill us, whether it's Brussels, Paris, Boston, Chattanooga. They don't need much. They're already committed.

So where one group, one part of the thought process is we can't do anything to possibly offend some people, there are other people -- I think Secretary Panetta for sure was one of them -- who say these people are going to do what they're going to do, and whether it's 9/11 anniversary or some idiot burning the Koran or something, they don't need a reason to do this, they're already committed to doing it.

Q Let's move on to September 11th. And I kind of want to go through that day with a little more detail, if you don't mind.

A Sure.

Q Obviously, you were at the Pentagon that day?

A I was.

Q And upon the Secretary's return from the White House, did he immediately call the meeting? Do you recall?

A Well, he, of course, came back from the White House with Marty Dempsey. They typically would ride over, ride back. I'm assuming they did that the same day, ride over, ride back together, and, you know, exchange thoughts coming and going.

Carter Ham was in the building. He was probably standing by. So -- but that was, you know, again, not a formal meeting. We just -- the Secretary is back. Marty, I think. Winnefeld wasn't there. I think he was -- he wasn't there. Jeremy. We probably had, I'm guessing, someone up from the Joint Staff ready to update in terms

of intel what we knew. So --

Q So upon return, there was a hastily called meeting. Those folks, you say, were probably in attendance.

A Yeah.

Q Do you recall if Admiral Tidd would have been there?

A It is very likely he would've been there.

Q And briefly, again, you touched on this before, just to make sure I'm clear on this, talk to me for a minute about what General Dempsey's role in all of this with regard to the response to Benghazi. He didn't command anything. So talk about his role and what his responsibilities were.

A The Chairman of the Joint Staff, of course, is the senior military officer in the Armed Forces, and he is the President's primary adviser. No one would do anything without talking to the Secretary -- to the Chairman. He's a wealth of knowledge, a wealth of wisdom. When I say "anything," I mean anything big.

Guys like me would call, you know, for atmospherics: Hey, you know, I know he's mad at me. My world, I know they're churning on this issue of GTMO right now, what are the atmospherics, because I am not going to do it. Or I object to what's being said about GTMO. It's an insult to my people, you know.

So he's a great source of advice and all. Wouldn't hesitate to call and say: Hey, what you said in the hearing the other day caught people by surprise. Just, you know, keep telling the truth. Keep doing what you're doing.

So it would be pretty unusual to exclude him, although if -- but he's not in the chain of command. And you understand what that means. I mean, great advice, great suggestions, great all of that.

All of the COCOM staff, you know, the J1, 2, 3, 4, they are connected with the Joint Staff because that's where all the information comes from. We have passing interest in what OSD -- the political appointees, we work very closely with them. But, again, they're supposed to be up here and we're all down here. They love getting down to where we are, but they don't understand the issues and all. But it's a very collaborative process.

But to answer your question, it would be very unusual for Secretary -- or for Chairman Dempsey's recommendations not to be given powerful weight, certainly by the two secretaries I worked for. If you go back a little earlier, the Chairman was irrelevant, almost irrelevant in the Rumsfeld years. So there's another example of how it works.

I know that Secretary Hagel and Marty Dempsey, again, very close, and Secretary Hagel had a very close relationship with him. It's the way it ought to be. You're really ignorant if you think you can do it on your own.

Q As the COCOM commander, although General Dempsey is not in that chain of command, per se, for warfighters, as a COCOM commander, if General Dempsey said to you, "Slow down, don't move so quickly," or words to that effect, what impact would that have on your decisionmaking process?

A That would cause me to slow down a little bit more and have a discussion about it. The guy on the ground is the COCOM, and guys like General Dempsey understand that. What he brings to the discussion, in what you've just described, is the atmospherics up here, you know.

Q The political atmospherics?

A The political atmospherics -- as well as, you know, kind of the military. Look, you're asking for an aircraft carrier. I don't have one. I can get you one in 30 days, but I don't have one right now for you. You know, that kind of thing. But good advice. But atmospherics are very, very important, as you know, in the town.

But knowing the way General Dempsey is -- my best friend in the world is Joe Dunford, he's the same kind of guy -- he's not going to say no. He's going to give you all the advice he can give you. And if you say, you know, "I've got it, Joe, but I want to talk to the Secretary," that would not cause him to say anything. It is absolutely your right.

Q In terms of that first meeting after the return from the White House, did it happen pretty much immediately, to the best of your recollection?

A Yeah. You know, people started to congregate. You know, again, it would've been probably Tidd. It might have been the J2 came up. Could have been a couple -- there probably was a couple of the political appointees like Kathy Hicks or something like that. Could have been Jim Miller. Jim Miller, I don't know if you've talked to

him, but he was the under Secretary of Defense for policy, really a first-class public servant. We used to call him Huddles. Just huddle up and everyone tell the Secretary what's going on.

Q In terms of Mr. Miller, how long had he been there?

A Well, Jim was -- when I got there, Jim was the deputy under Secretary of Defense for policy. Michele Flournoy was the principal. Michele left well under the Panetta, so say a year. So he'd been maybe the under Secretary of Defense for 6 to 8, 9 months.

Q What insight would Mr. Miller have potentially about the response to Benghazi?

A Well, first of all, very, very smart guy, very astute guy, had the confidence of the Secretary, not the military confidence but the confidence in terms of policy. Someone in his position constantly interacting with the National Security Staff. So he's got the atmospherics, what they're thinking about.

Q Do you believe it is possible or plausible that he would have engaged with the NSS staff about what the military footprint would look like upon our return to Tripoli, in terms of the embassy?

Ms. Sawyer. What timeframe are we talking about?

Mr. Tolar. Do you understand my question?

Ms. Sawyer. So are we talking about the return in fall of 2011?

Mr. Tolar. I'm asking him if he understands my question.

Ms. Sawyer. I don't understand your question, so you can explain to me.

BY MR. TOLAR:

Q I don't care. It doesn't matter.

A When we were in the process as a Nation of reestablishing diplomatic relations in '11, in reestablishing the embassy, Jim would have certainly been in, I think, in the meetings or the under Secretary of Defense for policy or the deputy would have certainly been in on the discussions at the White House, at the NSS staff.

And as you know, it happens in every bureaucracy, you know, a meeting takes place and say someone, the Secretary of Defense says, you know, "I'm not going to do it or that's not a good idea," and, you know, if you persist, "I want to talk to your President about it or I will talk to the President," and then the meeting is over and someone calls the under Secretary of Defense for policy and says, "Hey, you better get your boss on board," or these are the -- you know what I mean. It happens in every bureaucracy.

Q Sure.

A But Jim would have been someone that would have at least been in attendance in some of the meetings about how they're going to reestablish. But those discussions would have certainly been more State Department saying: Look, these are the atmospherics on the ground, we're working with the local country, this is what their sensitivities are, et cetera, et cetera.

Q Got it. All right. Back to the meeting. So you're in this meeting. The secretary has gotten back. He's gotten guidance from the President. And I want to say he said something to the effect of everything's on the table. Does that sound familiar?

A At a meeting like that, he would have said whatever they need is available. So everything is on the table.

Q And he would have said that to who?

A To the group.

Q Specifically, was he talking to General Ham, the COCOM commander?

A Carter would have been there, as I've already said. Carter would have been there. Chairman was there. Jeremy for sure. I was there. And he says: Okay, let's just make it happen. That's the kind of guidance you get from a guy like Mr. Panetta.

Q Would that constitute the vocal order to General Ham, do whatever you need to do, you've got carte blanche? Is that fair?

A It is fair.

Q Is that what happened?

A Carter Ham, I'm sure, then called his organization back in Stuttgart, who, frankly, would have already been planning, and said: Okay, we got the VOCO, get back to me in an hour, what do you need?

Q At that point, after he returned from the White House -- and, again, I hate to rehash this, but just to be clear -- Secretary Panetta had the authority to order planes and personnel into Libya, correct?

A Yes. I would say he -- unless he had been told by phone, I didn't know about it, you know, yes, he would have had that authority --

Q And --

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A -- particularly after talking to the POTUS.

Q Check. And was there specific guidance in that meeting given to General Ham, or did he just say, "Ham, you've got the ball"?

A You got it. That would have been the level of guidance.

Q At that point, does General Ham have the authority to move units into Libya -- or into Tripoli -- if he chooses to? Does he need any other authority from Secretary Panetta to move assets into Tripoli -- or into Libya?

A Unless at some point along the way someone told him to slow down, I believe he had a VOCO. VOCO means go, whatever, you know, whatever it means.

Now, these things are then followed up with paperwork and things like that. I mean, oftentimes you start moving and then submit the paperwork. But we were -- it was pretty obvious that we needed to do something and the Secretary of Defense said do it, and you guys are the experts, work it out, and Carter Ham ran with the ball.

Q So basically, in that meeting following the White House, at that point General Ham had been given the authority to do whatever he needed to do to execute a response to the events in Libya. Is that accurate?

A I believe that's accurate.

Q So he, in terms of the DOD response, he's in charge?

A Yes, unless the Secretary of Defense changes it.

Q Sure. Who was in charge on the political side? Is there somebody that would have been in charge -- or the -- I guess

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it's -- well, I withdraw that.

So General Ham is in charge now of AFRICOM and the response to the AOR. What does he need to do in order to draw upon assets that he doesn't own, FAST, CIF [REDACTED] What does he got to do in order to take operational control, whatever, tactical control of those units, what does he have to do to make that happen? Or is it implicit in the fact that Panetta says: Do what you have got to do.

A Yeah, I mean, it's implicit. But to get at assets that he doesn't own, at that point Joint Staff would be working all of the deployment orders because they were in the room. And, you know, under those circumstances, you get what you ask for.

Q And so when you say Joint Staff is working the orders, does that mean Joint Staff is issuing orders and directives saying control of these assets will be transferred to AFRICOM or words to that effect?

A Right.

Q So that's just the paperwork?

A The paper trail.

Q Paper trail?

A Yeah.

Q But in your mind, is there any doubt that Ham was in control and could do whatever he wanted to do?

A Correct. No doubt in my mind.

Q Thank you.

A Let me caveat. [REDACTED]

Q On that night how were the other COCOMs informed that their assets were going to be transferred to AFRICOM?

A Just by message.

Q Okay.

A Yeah. Or phone call. I mean, you know, a lot of that stuff obviously would be coming out of Europe. Jim Stavridis, Admiral Stavridis was the guy there. But the mindset we have as military men and women, if you're the guy that's got the mission, everyone else thinks in terms of supporting you. So as these decisions are being made and being disseminated through message traffic or phone calls, the only thing that EUCOM would be thinking about at that point was: How do I support Carter Ham because he's got the mission?

Q That night, following the return of the Secretary to the Pentagon, generally speaking, what was your impression of what the mission was for DOD? What were you talking about in terms of what our objectives are?

A In my view, it was, what's going on in Benghazi and what

[REDACTED]

can we do to fix it? And then the second part of that was -- and I would go back to one of the points the Congressman made -- what's going on in the rest of Libya? And if the answer is nothing, what do we need to do to make sure nothing happens? And that would have been to reinforce the embassy.

Q Was there a discussion that you were privy to or became aware of about DOD's role in trying to recover the Ambassador, either alive or otherwise?

A Other than, as I said, given the mission to the COCOM, you've got what you -- you know, you've got anything you need, go, and then the COCOM starts working that problem.

Q Did the Secretary prioritize missions for the COCOM?

A No.

Q I'm sorry?

A No. I'm sorry. The answer to that would be no, that would be an operational series of decisions, discussions by the COCOM with his staff.

Q Does the J3 weigh in on that process at all or are they simply kept informed of what goes down?

A Interactive.

Q Okay.

A Yeah.

Q Would they have input?

A They could have recommendations.

Q Okay. Do you know if --

A The mindset, again, would be what do we need to do to support the COCOM?

Q Did you have an appreciation of what the DOD footprint was like generally in the AOR, AFRICOM/EUCOM AOR, in terms of our ability to respond?

A No, just a general idea that we've got all sorts of, you know, units there. One of the things we have gotten used to, you know, we used to always have a MEU and an aircraft carrier in the Med. We don't have it anymore. That went away 9/11, and the size of the Navy and all that, that would have been the solution of the problem, but we didn't have it.

So we have, you know, aviation assets flying out of various countries. That was my first thought. Actually, the second thought. The first thought was really the FAST team and the mission force that was in the Balkans. After that, as you start putting packages together, you're thinking in aviation. So, yeah, I had a general idea of what was there.

Q Were you aware there was a C-17 at Ramstein on alert bravo status, along with a crew to go with it?

A Not specifically aware, but I would have assumed that we have alert aircraft in various places, Ramstein being the hub there in Europe.

BY MS. CLARKE:

Q General Kelly, I just had a question. I think Mac was just going through talking about how the COCOMs would have been alerted so

that assets that AFRICOM used that night weren't necessarily AFRICOM assets.

A Right.

Q And so the COCOMs would have been alerted, and I think you said that by message or phone call. If you look at exhibit 6, which is the DOD timeline.

A Okay.

Q On the second page of the actual timeline, near the top, at 8:30 p.m., there's an entry that indicates the National Military Command Center conducted a Benghazi conference call with representatives from AFRICOM, EUCOM, CENTCOM, TRANSCOM, SOCOM, and the four services.

Would this have been the point in time on that night when those particular COCOMs were alerted about the assets -- their assets that may be used in response?

A Yeah, I would say -- let me take a look. That had been certainly the point where the operations people within those organizations, the J3s, the J4, the J5 -- J3 and J4, logistics and operations, this is when it really starts to get formalized.

And so everyone's alerted. The discussion would have been this is what's going on in Libya. AFRICOM is the supported commander, so everyone else is in support of him. And then the discussion would have been: Who's got what where? The services in this case wouldn't have been as important. Always have representatives. They have, of course, ops, 24/7 ops sections.

And in this case, it's always nice for the services to know if you're going to deploy. Even though they don't own them, the Marines would have been very interested in the fact that the FAST teams were going to go somewhere.

But this is when it all starts to get more or less formalized. And I would tell you the conversation would have been we stand ready to support AFRICOM in every case.

Q Prior to this, would the COCOMs have received any notification prior to this point? I guess what I'm just trying to understand is kind of the information for that night.

A Yeah.

Q Once Secretary Panetta authorized General Ham to do what he needed to do, the forces were identified, how did that information flow to the COCOMs to make them aware of the decisions that were being made?

A Before anything got formalized, I suspect that the Joint Staff, once the Pentagon became aware that there was an issue in Benghazi -- and I think it originally started coming out through the phone calls from the embassy or the embassy staff to, I think, probably the ops section in the State Department. Again, they have a 24/7 ops section but it's not really -- it's nothing like the military maintains. It's almost -- it's an information disseminator. It's a phone call or it's a point -- a phone number to call in Washington. And then you start -- you know, they start waking people up or making -- it's nothing like that we actually have in the military.

So I suspect when those initial calls came in, Joint Staff, at a minimum, would have been pushing information, what they knew, something was going on in Benghazi, phone call and email to the ops section for sure in Mons, Belgium, that's EUCOM, and certainly in Stuttgart. And in Stuttgart you have AFRICOM and you have EUCOM.

So that would have started just automatically. The watch officers would have started pushing information out. And then it gets a little bit more -- a lot more formalized. But always speed is of the essence. And as I say, we all knew instinctively, once a guy is told he's the supported commander, in this case AFRICOM, everyone else falls in line, what can I do for him.

Q I think a couple of times today we've talked about a SVTC that occurred that evening, and I think you may have indicated that you attended that SVTC. Is that correct?

A I did.

Q And I think, if you look at exhibit 5 --

A I got it.

Q -- this is the email where there are several redactions. The main part of the email that starts kind of halfway down on the first page is sent on September 11th at 9:44 p.m. and it's addressed to Dr. Miller and Dr. Hicks. Is Dr. Miller, Jim Miller, the under secretary for policy that you mentioned earlier?

A Right.

Q And then the first line of that email indicates, "The NSS convened a SVTC at 1930 tonight," so indicating that that particular

SVTC started at 1930. And in that same paragraph it says, the second-to-last line, it says, "And Lieutenant General Kelly sat in as well."

Do you recall participating in that SVTC?

A I didn't stay long. I was in and out. The SVTC would've been done in terms of where we would have been in the Pentagon in what was called cables. You know, at that point, you know, you've got to -- I'm not trying to make a joke here -- but at this point no one had a clue what was going on. And so to sit through, you know, another SVTC, Jeremy was there, it was an NSS SVTC, so I wouldn't have stayed long. I did not stay long.

Q When you say you didn't stay long, do you have a -- 15 minutes, 30 minutes?

A I can't say. Just in and out.

Q Do you recall --

A It was a later in the evening one that I endured.

Mr. Tolar. Was there more than one?

General Kelly. There was -- it's my recollection there was -- yeah, I mean, there was -- 9:44. This might have been the one. No. Seems to me it was a later SVTC.

BY MS. CLARKE:

Q I don't know if you had the opportunity earlier to read through, this appears to be a readout of what was discussed in the SVTC. And if you want to take a moment to read through to see if anything in here allows you to recall what you understood during the discussions

in the SVTC and information that you may have been privy to.

A One thing, again, I seem to recall during the SVTC -- 9:44. I don't know if it was this one. Seems to me there was a later one. But that's when they were confident that -- the announcement was made that Chris Stevens had been found, you know, alive and injured.

Q And referring to the later SVTC that you seem to recall, was that an interagency SVTC or was that another SVTC --

A I believe that was a State, came out of State.

Q So that would have just been between DOD and State?

A No, there were other channels, you know, in the SVTC. We were mostly listening. It was them talking to each other really, as I recollect.

Q For this particular SVTC, as it's referenced in this email, do you have a recollection of the information prior -- and I understand that you didn't stay very long. But during your time at the SVTC, do you have a recollection of what was discussed or anything that stood out to you in that SVTC?

A At this point in the evening a lot of people guessing what was going on. There was just not any hard information, and it's just the nature of something like this. And as time goes on, things tend to clarify, and obviously when you then have an ability weeks or months later to sit down and say, okay, let's go through this, you know, minute by minute.

But at this point, it was one of the things, frankly, I always, always, always would caution people about. Again, military people

don't tend to do it because of the level of experience we have in operations. But always more than suggesting to people that were political appointees and whatnot that, let's not overreact to this. I don't mean in this case. But we don't know what's going on.

And we can all sit together and guess at it, but we need -- and that's what Carter Ham and his folks were doing, I can tell you, I can guarantee you at this point, is trying to find out what was going on on the ground from every source they could possibly piece together.

But this would happen all the time. You see something on CNN -- not germane to this -- but you see something on CNN and everyone would start getting spun up. I said: Hey, calm down, initial reports, they're never as good or as bad as they come in. We need to take a breath here. The guy or gal on the ground is dealing with it. Let's wait until whoever it is -- Carter Ham in the Benghazi case, or depending, John Allen when he was in Afghanistan, Joe Dunford -- let's wait -- John Kelly, when I was in SOUTHCOM -- let's wait, he's the guy on the ground, and just not overreact here in Washington. And for God sakes, put the 8,000-mile screwdrivers away. Let them work the problem.

It's a constant battle here in Washington. I understand it because pressures of the media, pressures, frankly, of the Hill, they need to give answers. And the answer, you know, a lot of times you don't like to give is, you know, we don't know what's going on, but there's a guy or a gal on the ground that's working this problem, let's let that person have some time.

Q I this readout on the second page it talks about some of the ways ahead. And I understand you didn't attend the entire meeting, but once the meeting ended, did you receive a briefing about the discussions that were held during that meeting?

A It's my recollection everything was, you know -- again, maybe I'm just a believer in this -- Carter Ham had this. I was, frankly, mildly interested, in my job -- I'd have been very different had I been in other jobs, if I'd been the J3 of the Joint Staff, I'd have had a different view -- I was mildly interested, with all due respect, in what a bunch of political appointees were discussing in a near vacuum -- worse than that, in a world or in a situation where it was nothing but speculation. This is what I heard. Hey, we just got a phone call from this guy. It serves no purpose to make too many decisions, particularly when you don't know what's going on.

BY MR. TOLAR:

Q Sir, again, looking at the timeline, it appears that the National Military Command Center conducted a conference call at 8:30 p.m. I believe that's on the second page of your timeline.

A Got it. Yep.

Q Did you participate in that call, sir?

A No. That would have been -- all of this ops stuff is outside the Secretary of Defense's office. We would have been called into that. The military guys and gals are making it happen at this point.

Q That's the warfighters?

A Right, the warfighters are making it happen.

Q Do you have any appreciation what was discussed on that call?

A I know what was discussed on that call only because I know what those calls include, but not that evening. And the only reason I would say that I might have gotten a phone call is if -- this is hypothetically -- Jim Stavridis said: I'm not looking to let them use my airplanes. I'd get a phone call right away, and I could straighten that out for him. But that's just not the nature of how we do business, as you know.

Q I'm curious about the timing of this meeting. It didn't happen until 8:30 p.m. Do you have any thoughts on that, why perhaps it didn't occur sooner?

A Yeah. I would say that by this time warning orders are out. I mean, there's already been phone calls, there's already been emails, and this is probably the first opportunity to get all of the players. I know I keep saying this, but I'll say it a lot: AFRICOM is already working this problem. So now you're bringing in everybody to get a "who's on first" phone call and, once again, to talk to AFRICOM to say: What do you need? Are you getting everything you think you need.

Q And based on your experience, what do you think was discussed here?

A Exactly what I just pointed out: Hey, AFRICOM, where are you on this right now? And then they would run down. What do you need from us? TRANSCOM at this point would be hyper, very, very important

in terms of moving forces and airplanes. But it would be: AFRICOM, where you right now, and what do you need from us?

Q Who's directing that call? Who's leading that call?

A Who was in? That would have been the Joint Staff. They would have been net control.

Q Probably -- so then Admiral Tidd probably?

A Probably Tidd, yeah. Tidd would have been in there for sure. His whole senior -- you know, the 3 and people like that would have been there and the 4. Probably the director of the Joint Staff, I suspect, would have been in there, Bill Gortney. He wouldn't have had to have been, but probably couldn't keep him away from meeting like that.

Q You mentioned obviously that the Secretary didn't have an ops center. How did you stay abreast of the developments throughout the evening?

A I would watch the emails. And there was enough coming and going where I would be kept up to date in what was going on. I wouldn't -- what I would never want to do, what no one should do to the civilian decisionmakers is to run in there with updates that you don't even know are accurate. The Secretary of Defense knows that if he's needed -- I mean, he's going to track it -- but if he's needed on a given discussion, no one is going to hesitate to go in there and say: Boss, we need your help on this one.

Q How often did you update the Secretary that evening? Was it a regular thing or you just --

A Just probably knowing the way the relationship and all, just: It's still churning, boss, we've got things going, and we still don't know what exactly is going on.

Q I mean, the reality at this point, what's the Secretary's role?

A Zero. Not zero. He has a role because he sits atop the structure, but he doesn't have an operational role. He has a decision policymaking role. And, you know, frequently the boss would come in with -- or we would go to the Secretary of Defense, the two I worked for, for sure, and say: We're just getting this from the -- not on this topic necessarily -- but we're just getting something from State or from the White House. Could you put a fork in this thing? I mean, this is silly thinking.

He would do that kind of thing. But minute-to-minute things, that's the operators are executing.

Q Did you ever personally have any discussion with General Ham that evening of the 11th?

A In the room, but not: Carter, what do you need from us? He was just getting all of that.

Q Did you communicate with General Dempsey?

A Just, again, in the room.

Q Did you ever communicate with any of the commanders in the EUCOM or AFRICOM AOR, including the COCOMs and commanders below them, that night?

A Would not have had any reason to. Would have been very -- I

mean, I'd done it in a New York second if there was a reason to. But no.

Q You didn't do it that night?

A No recollection of that.

Q Or the next day?

A No.

Q I apologize. Briefly talk about the J3 ops center and kind of what their role was that evening. Don't get in the weeds, please, but just a broad look.

A The National Military Command Center is in the Pentagon, and it is staffed 24/7, you know. And it receives constant information from any number of sources. And it is the point of entry, if you will, the operational point of entry into the Pentagon, into the Department of Defense. And they are, as I say, the people in there are very, very good. There's a large number of people.

They're fairly senior as a group. There's always a one-star watch officer, and he's running the show, and he's got colonels and lieutenant colonels. And they don't hesitate to pick the phone up and in the middle of night, Christmas morning, doesn't matter, that's usually when the calls would come in.

So it's very energetic, and they have their procedures worked out and they're very fast to make decisions and they're very fast to pull people in that need to know. You know, it's the old story, what do you wake the Secretary of Defense up in the middle of the night for? Working for the Secretary of Defense, I told people this is what I'll

wake him up for, otherwise, you know -- and that would be like a Benghazi. And the same thing, any commander tells the staff: This is what you wake me up for in the middle of the night, otherwise work the problem and I'll be in in the morning.

Q Is the NMCC synonymous with the J3 ops center?

A Yeah.

Q One in the same?

A One in the same, yeah.

Q Admiral Tidd was a J3?

A He was.

Q So he was in charge of that ops center?

A Right, they worked for him.

Q But there was a one-star running the floor?

A Running the floor.

Q Do you recall who that might have been?

A I don't. I think actually it's on one of the emails, Leskys (ph), something like that. And they're in shifts. They do 8-hour shifts. And when the shift's over -- typically, when you're about to go on shift you show up a half an hour early and you get briefed on what's going on in the world, get settled in, and then the other guys kind of stay for about half an hour while you've got it and then they're out of there.

Q You mentioned earlier that you think you went ashore about sometime after midnight?

A Yeah, it seems to me.

Q Prior to -- I'm sorry. You went home sometime after midnight?

A Yeah.

Q Correct?

A Right.

Q Before you departed, did you have any pressing concerns or issues you were thinking about that you can recall?

A No. AFRICOM had it.

Q I want to talk about September 12th, please. You got back to the office 4 o'clock in the morning, more or less?

A More or less, real early. A little later than usual, though.

Q Did you get an update on the status of the forces that were tasked to respond -- FAST, CIF[REDACTED] that morning?

A That would have -- in a case like that, and pretty regularly, back on the National Military Command Center, I would frequently have the watch officer come up and brief the Secretary, and I'm sure we did it that morning, to where the watch officer came up with maybe one other person, sat down with the Secretary and said: Okay, this is what happened over the course of the evening.

But that brief would have been at that point, you know, Stevens is dead, everyone's out of Benghazi, we've got, you know, we've got marines going to Tripoli. Remember the topic of discussion was, frankly, at that point who were the guys that went to help, because

we were not immediately aware that there was a -- you know, it didn't surprise anyone -- but that there was a CIA thing, facility there. But that would have been the level of brief, things are happening.

Q [REDACTED]

[REDACTED] [REDACTED] Were you aware at the time that they sat on the tarmac for about 6 hours waiting on a ride?

A No, I wasn't aware of that.

Q Does that concern you?

A I would say it surprises me, but if a decision was made, a conscious decision to hold them there by EUCOM, that most -- not EUCOM but AFRICOM -- that would have been, I'm assuming, because there was a need to hold them there. Now, it may have been, back to the country clearance thing, it may have been State Department saying: Hey, we haven't got country clearance yet.

Now, we can discuss whether that was -- whether we should have done it or not, but that's, you know -- so if they sat on the ground for 6 hours it was for a reason why, because you could bet that that captain and those marines wanted to be in Tripoli.

Q The captain indicated that they were loaded on that plane, ready to go at 1 p.m. local time. It took off at 4 p.m. local time. Over the course of the next 3 hours, he was forced, directed -- pick a term -- but basically having to change in and out of uniforms into skivvies and back and forth and back and forth. Additionally --

A On the airplane or --

Q On the airplane, yes. I apologize, I don't recall

specifically, but I believe so.

A Okay. I think it was brought up earlier that it might have been down on the tarmac, yeah.

Q It was. The point was, they were ready for takeoff at 1 p.m. They didn't leave until 3 hours later.

Who would have been engaged -- who up the food chain would have been directing them to change in and out of uniform?

A Well, for sure -- I mean, I can't imagine a military person saying --

Q Why do you say that?

A Well, just because we're predisposed to wear our uniforms. That's, you know, who we are. So if someone said -- for sure, if someone said -- told EUCOM -- told AFRICOM, "Hey, we want them in civilian clothes," that would have come from the interagency, the NSS probably. Those would have been the desires, I believe, of the State Department.

And, again, they're looking at it from the, you know, we don't want to appear to be militarized in this thing. You know, maybe the local government felt, okay, you can bring them in but you can't wear uniforms. I don't know. But that wouldn't have been something -- to change people in and out of uniform, that would have come all by itself from the military commander.

Q It would not have?

A It would not have.

Q How do you believe that would have been communicated to the

AFRICOM commander?

A A number of ways. At this point, it could have been -- you know, remember the -- all the COCOMs have a State Department person working for them, and that's a very valuable chain or information flow. It could have come in that way. But, again, if it was something that the commander didn't want to do, he wouldn't have done it. And then it would have been elevated if, say, State Department felt very strong about it, then it would have been elevated to a higher level.

Q Was the Secretary ever asked to engage on that issue that night or that day?

A No.

Q Later that day, after the recovery was made, all the personnel were Medevac'd to -- back to Ramstein. Immediately upon landing it was requested they all be briefed by the Ambassador, the U.S. Ambassador to Germany. Were you tracking that at all?

A No.

Q Do you know anything about it?

A No. If you can reveal, why would the Ambassador in Germany want to talk --

Q That's the question.

A Oh. In the course of the day, one of the things the Marine Corps -- you know, the Marine Corps has a very close relationship with the State Department in terms of we man all of their embassies and have, I think, since 1947. The Commandant of the Marine Corps extended a desire to the State Department that the Marine Corps handle the body

return and the ceremonial part of that thing, and that was something that we transmitted to the State Department, and they were taken by that. And, of course, if you remember, the reception there at Andrews, it was all the marine body bearers from 8th and I.

In my recollection, the only message that I had or interaction with the State Department the next day was simply that, that the Marine Corps would like to handle the body return at Andrews.

Q And just for edification here and general understanding, talk to me, please, about when it comes to setting a vocal order. Obviously, the Secretary has the authority to do that and then he directs the COCOM commander to do that. After that, the COCOM can do whatever he wants in terms of issuing vocal orders to his subordinates. Is that accurate?

A Absolutely.

Q Okay. Now, I want to talk to you about N-hour. Talk to me about -- describe briefly what N-hour is, how it gets established, by who, et cetera.

A Well, any time you put a plan together, if you're going to put a plan together, and sometimes before you even put the plan together, it's very common with us in these type of situations, you start calling people, telling them to get moving, spinning up, if you will.

And then the staff typically in a case like this would be current ops, current operations in the J3. They put a quick straw man together. And, of course, as you know, we plan all of this stuff, so it's

[REDACTED]

relatively quick to do. You just start to plug and play information.

But there's always a start point to the event. Now, it could be the start point could be on order, because you don't know when you're going to start.

Q What do you mean on order?

A Wait for me to tell you to go. And, in fact, there are probably hundreds, if not thousands of plans in the Pentagon, and they're all, you know, execute on order.

So you would start to build the plan. And, of course, the staff working across the staff are figuring out, okay, what's real, what's within the realm of the possible here. What can we do. How fast can we get the In-extremis Force out of the Balkans onto airplanes and maybe prestage them in Sigonella, if that's what you were going to do. How fast can we get airplanes down probably from Ramstein to Rota to preposition to bring the FAST marines, if that was the decision.

[REDACTED]

[REDACTED]

[REDACTED]

So all of that timeline is worked as the staff is putting together the operations plan. That is why organizations like TRANSCOM are so vital and as good as they are because they can, you know, bring it down really to a very, very, you know, rigid set of timelines, how FAST you can move people, whether it's by air or whatever.

But N-hour is a decision, usually it starts out as an on-order. And then once the commander is briefed -- and this can take as long

[REDACTED]

as -- what I'm describing to you could take an hour of less or it can take 3 weeks.

[11:50 a.m.]

General Kelly. Or it can take 3 weeks.

And then he looks at the plan and says, "Okay, let's realistically staff. When can we move?" And they say, "So we could move right now." He could say, "Execute." Or he could give everyone 1 hour or whatever or "let's go at first light," whatever that is and whatever you're doing. But that's what that is.

BY MR. TOLAR:

Q Who would have set N-hour for the night in response to the Benghazi attacks? Who would establish N-hour?

A I mean, again, it goes to the operational commander of the AFRICOM. So he should have established the N-hour.

Q In your experience working with Secretary Panetta, did he ever establish N-hour?

A No.

Q Did General Dempsey ever establish N-hour that you're aware of?

A I can't imagine.

Q Would the J3 have ever established N-hour?

A I couldn't imagine. Because, again, they don't know what's within the realm of impossible. They're not doing the scut work on the plan.

Q Were you tracking when the AFRICOM commander established N-hour?

A No. I mean, that night I was not.

Q Do you recall when you learned that N-hour was established?

A You know, loosely the next day when I came to work. But, again, by that time, everything was either over and we know what happened in Benghazi or there were still, you know, a few units moving, like FAST getting in place.

Q It just seems that N-hour wasn't established for a long time. And then it's established, yet the movement of the personnel was simply to an ISB at Sigonella. Do you have any thoughts on that?

A I don't. I mean, again, I don't know what was in the combatant commander's mind.

Mr. Tolar. I'm sorry. Shannon, I'm over my time limit. I've got a few more minutes. Do you want me to finish or do you --

Ms. Green. Please.

Mr. Tolar. Okay. Thank you.

BY MR. TOLAR:

Q I'm going to bounce around with a few issues here.

First of all, I want to go back to the CIF. The CIF, as you're aware, [REDACTED] And when they are operating, it's my understanding -- when they're operating in conjunction [REDACTED]

[REDACTED] Is that your understanding?

A I don't know the exact timeline, but that wouldn't surprise me.

Q As opposed to the FAST team has to be ready to go [REDACTED] [REDACTED] waiting on a ride --

[REDACTED]

A Uh-huh.

Q -- the CIF has to be wheels up [REDACTED]

A Uh-huh.

Q Does that sound --

A Makes sense to me.

Q Okay. Who in the CIF chain of command can waive that, that requirement to be wheels up [REDACTED]

A I would say the COCOM. I had a CIF working for me. Never used them, thankfully. But if I was depending on them to have a certain timeline in the plan, in the op plan, then they should come to me if they want to extend that.

Q Explain the CIF's chain of command.

A Well, special operators up to the special operations chain, but if they're committed to a COCOM, the COCOM owns them.

At this point at which -- I mean, they may be doing, like they were that night, they were doing things in the Balkans, some training exercise. That was not the COCOM's exercise; I don't think it was. So they were doing what they were doing.

But they still needed to be [REDACTED] again, it would come to me. And, I mean, I'm a pretty good guy about allowing other people to make decisions, but I would want to know that they came in through the -- it would come through the J3, my J3 to say, hey, they're going to be out of -- and I'd take a look at the A0 and say, you know, not much going on, okay, I'm okay with it. I mean, that would be the process.

[REDACTED]

Q We talked with the CIF commander. [REDACTED]

[REDACTED] The CIF commander -- we now know that the CIF sat on the tarmac for almost 9 hours -- 9 hours -- before going wheels up. Do you have any thoughts on that?

A Back to the same comment. It would be -- I'm assuming a conscious decision was made by the combatant commander as he was getting his head in the game, trying to figure out what was going on, whatever, that that decision was made by the combatant commander and his staff.

Now, again, the other part of it is -- it could have been one of two things. Either the combatant commander purely made that decision because he was sorting out in his own mind, gathering information, conditions on the ground, or he could have been influenced to make that decision by the chain of command. I don't know.

Q I want to talk to you briefly for a minute about drones. Obviously, drones were engaged that night to provide surveillance. What is your understanding of the ability of those drones to be armed? Do you have an understanding of that at all?

A [REDACTED]

Q [REDACTED]

A [REDACTED]

[REDACTED]

Q Are you aware of whether or not that night the drones that were providing the ISR feed in realtime, are you aware as to whether or not they were armed?

A No, I was not aware. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Q [REDACTED]

[REDACTED]

A [REDACTED]

[REDACTED]

A All right. Okay.

Q [REDACTED]

[REDACTED]
[REDACTED]

A [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Q Let's say we could have armed one of those Predators. As a commander, what would you do with it?

A Back to the discussion about airpower.

Q Oh, yeah. Okay. So I'm talking about Benghazi, the night

[REDACTED]

[REDACTED]

of the attack --

A Right.

Q -- you know what's going on. Let's say you could have armed one of those Predators. What would you have done? Anything?

A Well, certainly gotten them back over Benghazi and started watching what's going on on the ground. But if you can't figure out who the people are, you know [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

So, I mean, in a case like this, again, to have the aircraft, drone or otherwise, over the target, potential target, is one thing, but to know who the people are that you're about to kill is an entirely different thing.

Q Going back, a few minutes earlier, you made the comment that authority was passed from the Joint Staff to the COCOM. But the Joint Staff was just a conduit, they weren't a filter --

A Yeah. Authority would have been passed -- you know what authority is, right?

Q Right.

A Authority goes from the President to the Secretary of Defense to the COCOM, with a lot of help, thankfully, from the Joint Staff.

Q Are you familiar at all with the evacuation of the Libyan

[REDACTED]

Embassy in 2014?

A I'm not.

Q Tripoli. Do you know anything about it?

A No. I mean, just I know that it was eventually done because of this, you know, deteriorating situation. But that would have been off the early bird, you know, out of the newspaper, as opposed to -- I would have no reason to be involved in knowing about that, being at SOUTHCOM.

Q Did you ever have a discussion with General Rodriguez, as COCOMs, about, hey, I've got to put together this plan or something?

A No. That's his problem.

Q Okay.

Sir, is there anything else that you can think of that might be beneficial to this committee in our investigation, something we haven't discussed, something that might be important, something that should be fleshed out, any thoughts at all?

A I would just offer -- and I don't know if he -- I guess he's not been here. But Carter Ham is the guy that -- I mean, so many of these questions that I could only address hypothetically or "this is what I might have done," you know, he's the guy that was taking those decisions. And he's as good as they come, retired now. And if you haven't spoken to him -- I know he's been at other venues, but if you haven't spoken to him and you want answers to these questions, he's the guy.

Q And anybody else?

A It seems to me you've talked to -- I don't know if you can get at people like Tom Donilon or -- when I say "get at" them, I know -- or -- he's the chief of staff at the White House now. I don't know if he's -- but Denis McDonough. These were the guys on the ground there. And I think probably John Brennan, who at the time, I think, was the National Security Staff terrorism guy before he took CIA. Petraeus, if he hasn't been over here.

Q He has.

A Good. That's right.

Q Anything else you'd like to share with us or anything we should be thinking about or consider or any other thoughts?

A I would just throw on the table -- this is just from a guy that has seen this over the years. Again, the culture of the organization at the State Department, wonderful, wonderful people, very dedicated public servants. They see it, I think -- and I think this is to their credit in a lot of ways. They see the deterioration of a situation in a given country -- a lot of times, they see it as kind of, "This will impact -- this will be a report card on us." You know, they want to influence in a positive way U.S. interests in the countries they serve in, in, you know, Main State and the world.

And so, when things are going down the tubes, my belief is that they can wait too long, in hopes that maybe things will get better or they can influence the players on the ground. But at a certain point, you know, hope becomes a course of action which is no course of action at all.

And I would just offer that I don't know how you would do this, but at a certain point, it would seem to me that other people need to influence the action relative to how long we wait before we, say, evacuate an embassy or whether we reestablish an embassy.

Or if a host country is telling the United States of America -- in my view, it's infinitely more important and beneficial to the country to have the American embassy there helping, reestablished and helping. And in the process of doing that, if a host country, like Libya, which was, you know, in a mess at the time and needed all the help it could get -- and the United States, to say the least, I think was champing at the bit to give them that help, as was a lot of other people -- and they say, look, we really don't want, you know, Marines on the ground in uniform or U.S. military people here in uniform, you know, in spite of the fact the last time the Marines were in Tripoli was over 200 years ago, but at that point you say, no, you know what, we need to send in the right people to secure our embassy.

Now, we can have them there in civilian clothes and we can limit their movement off the embassy grounds, which is sovereign U.S. territory. But I think that would be received by a country, particularly a country that needed the help so desperately.

So the idea that we didn't have Marines on the ground there from the get-go -- and that means when we reestablished the situation -- and, frankly, when we moved out to Benghazi, we know now that it was, to say the least, dicey, I think everyone would agree, even before this happened, to have had the right kind of people on the

ground there. I'm a big believer in, you know, contract people are fine, but if you're in a country like Libya, relying on militias and all the rest of it, I think it's iffy.

So my point would be, at a certain point, I think, that should be really a hard-fought-out decision by the interagency, not left up to, in this case, the State Department. Because they're predisposed to just, you know, try to make it work.

And then I would say, at the point at which a decision is made that we're pulling the embassy out, I believe at that point the expertise on how to do that, whether it's a contested withdrawal, a dangerous withdrawal, or just, you know -- and I don't mean when they decide to start to reduce the embassy staff. You know, the ambassador gets permission from State Department and says, "I want to send most of the staff home," they get on a commercial airline, and off they go. That's his call. But at a point, in my view, where it's really dicey and things are coming apart and really where, you know, there's a potential that we'd have to shoot our way in and shoot our way out, I think that decision, once the decision is made by the Secretary of State that we're going to close an embassy, I think that the people that really know what they're doing in that situation to get those people out safe is the COCOM.

And so if the COCOM is looking at that situation and says we can get C-130s in there and out of there in time, that's a way to do it. If he says, hey, let's get them down to the port, we can pull them out, put them all on a ferry, we'll hire a ferry and off that go. [REDACTED]

[REDACTED]

[REDACTED] But I think it's no longer a State Department operation. The professionals is DOD. And I think we need to kind of take a look at that.

You know, we have one commission after another looking at the way DOD does business, you know, Goldwater-Nichols and all of that, and we're starting to go down that route again. And it's always good to look at how you do business.

But I think that's something -- because at any given time, there is probably on the globe, I'd say, you know, 10 or 12 or 15 or maybe 30 -- not 10 or 12 or 15 -- embassies that clearly are at risk. And, as I say, the State Department, for all the right reasons, sees it as a personal failure if they have to reduce the size of an embassy or close it. But sometimes when you're looking at it that way, you're not making the decisions fast enough to maybe say we've got to get out of here.

You know, I've been in involved NEOs, noncombatant evacuations, you know, in Beirut and places like that. That's the last thing you want to do, is be flying in on helicopters, pulling U.S. citizens out. That decision should have been made 4 months earlier, so instead of having to pull out, you know, hundreds of staff, you only have to pull out half a dozen.

So that would be something that I think probably is worth looking at.

Q What is your understanding of the actual assaults on the

[REDACTED]

compound in Benghazi? Did you see the video of how that went down?

A No. I just know, you know, in the course of the night, I remember there was some chatter within the office, and I think it came back over from the White House even, that, hey, this was the result of some demonstration. Okay, fine, there's demonstrations all around the world. It struck me that the average demonstration, you know, they throw a few Molotov cocktails, throw some rocks over the fence, something like that. This struck me early on as being different than that.

And, again, I'm just an infantry guy, what do I know. But once I heard there were RPGs and particularly mortars involved, I said, oh, this was planned. Mortars, in particular, are hard. You have to be trained to use a mortar. And when you're out putting rounds on a roof, that's a pretty small target. When you're putting rounds on a roof, that's real mortar gunnery. And it struck me that this was far more than just a demonstration going bad.

Q But, again, you didn't see the video of the execution --

A No.

Q -- the bad guys into the SMC?

A No.

Q I'm sorry?

A No. I'm sorry.

Mr. Tolar. Shannon?

Ms. Green. We'll take a short break, and we have just a few more questions.

Mr. Tolar. Okay. Real quick.

General Kelly. Good to go.

Mr. Tolar. Yes, sir.

[Recess.]

Ms. Green. We can go back on the record. It's 1:18.

We won't take an hour, by any means, sir. I have a few questions, my colleagues may have a question, and then we have a series of questions that we ask every witness.

General Kelly. Okay.

BY MS. GREEN:

Q In the last hour, my colleagues represented that the FAST team was waiting on the tarmac for 6 hours, perhaps a bit longer. There was some speculation about why that might have been the case.

I'd like to direct your attention back to exhibit No. 4. The subject line is "Quick level set."

A Okay. Got it.

Q Do you see that, sir?

A Yeah.

Q Just as an initial matter, you are not a recipient of this email. Is that correct?

A The very first one?

Q I don't see your name --

A No, I don't either. No.

Q -- on this email, on any version of it.

A Right. Okay.

Q Towards the bottom of that first page, there is an email from Admiral Winnefeld. The time on that email is 1:19 a.m. Do you see that, sir?

A Got it.

Q The first sentence of that email: "Understand we now have dip clearance for the FAST Platoon into Tripoli. Working to accelerate the airlift." What would that mean to you, sir?

A "Dip clearance" is diplomatic clearance. Of course, that's a State Department effort. So --

Q So it appears that, as of 1:19 a.m. --

A Right.

Q -- they have diplomatic clearance for the FAST.

A Right.

Q Does that appear to be the case?

A Right.

Q And you weren't on this email. Is that correct, sir?

A I don't see my name in the --

Q Which could certainly be why you might not have been aware of this --

A Right.

Q -- development.

BY MS. SAWYER:

Q And what does that second part in that sentence mean? Or second sentence, I guess. "Working to accelerate the airlift."

A The airlift would have been coming out of probably Ramstein,

C-17s, the big birds, and then the smaller ones, C-130s. So accelerate would be kind of unusual because this is quite a time into the tragedy. But it seems to me that Sandy Winnefeld is talking -- "USAFE" is U.S. Air Force Europe. So he's a component commander in Europe. He owns the airplanes and works for the COCOM. And so it seems to me that Admiral Winnefeld is saying that he has talked to the USAFE commander and they can speed up the movement of the aircraft to do whatever they want them to do.

Q Well, it actually says, quote, "We'll advise if it can be accelerated," end quote.

A Okay. Got it. All right.

Q So just reading on the face of it -- and I understand you're not on it -- it would seem to indicate that they are not sure yet if they can accelerate. And that would be the aircraft that would take the FAST Platoon to Tripoli?

A Yeah. Yes. What's unusual to me would be that at 1:19 in the morning we hadn't already started moving airplanes. Now, again, it could be that none were available, some were somewhere else, they had go and -- I don't know. But it seems to me that we're talking, what, about 6 hours, 8 hours after we found out that something was going on.

And, to me, again, just John Kelly, my initial thoughts would have been FAST, because they're available, and the Commander's In-extremis Force in the Balkans, that we would have, you know, already started moving airplanes to at least get on the tarmac and get ready to pick

them up. Even if you didn't have dip clearance, you could do that. And then as soon as -- if you got dip clearance, then bang, they're at Rota, as an example, and they could move.

Q But just on the face of this email, it actually seems that the contrary may have been true. There was dip clearance and not an airplane for them to get on at that moment in time.

A It would seem to me that the holdup was dip clearance.

Q "Was dip clearance"? It says that they have dip clearance.

A Well, at 1:19 they have dip clearance.

Q And it says that we're --

A I think others --

Q -- working to accelerate the airlift.

A Others were saying earlier that why didn't they move earlier than this, and the discussion was, you know, the State Department has to work it out with the host country to get diplomatic clearance. In this case, we got diplomatic clearance; now the holdup would appear to be aircraft.

Q But those two things would have been working in tandem.

A Right.

Q You said that --

A Should have been working. Yeah, should have been working in tandem.

Q So had the aircraft been there at that moment, they could have left?

A It could seem to me they could have left because they had

[REDACTED]

dip clearance.

Normally, you would not launch an airplane with people, obviously, until you had dip clearance. Now, the flight from Rota isn't that long, but normally you would not launch unless you knew you could land.

Q And we've already discussed that you were not on that particular email, but you also were not involved in the specific discussions that might have taken place with the vice admiral and certainly the conversations with General Ham, who you said would have been the person to coordinate the actual operational response and have the authority to do so that night?

A Right. And if you look at that email that Admiral Winnefeld sent out, he's a military guy, but all of the "to"s on that email of the names -- and I recognize a vast majority of the names. Oh, there's [REDACTED] [Captain [REDACTED] was Sandy Winnefeld's XO assistant. But everyone else on there you can see are political types from the White House.

Q And you had indicated that the really definitive voice on these questions would be General Ham?

A Right.

Q And I think you described him kind of being as good as they come and that he really would be both the expert to have made the decisions that night, I assume -- you think he was expert to make the call?

A You don't get to be a four-star unless you're halfway

[REDACTED]

decent. And I will tell you this, that military decisions are made. Sometimes they are exactly the right decisions; sometimes they are not in retrospect or in the Monday-morning quarterbacking. But you make decisions on what you know on the ground. And most of us don't hesitate. We do the mental calculation about who's going to live and who's going to die.

None of these missions, from an American point of view -- I mean, he would not hesitate -- he would do the calculation and decide whether too many Americans might die that night, not that if any would die, but too many, whatever "too many" is. And that's in his mind and in his heart. So he is the guy, in my view, that can answer so many of your questions on timeline, influences, and all of that.

But, again, I think, as always, you have to look at the Monday-morning quarterbacking aspect of this and say, what did I know at the point, at that moment in time. And I made a decision, and sometimes a lot of people get killed and sometimes not so many, but you've got to be careful.

Q I think when I spoke with you before, I asked you the question did you know how many times he had testified before Congress, and you said you didn't know.

A No. I heard a bunch of times, but it was kind of a, you know, next-to-the-urinals conversation.

Q Right. Well, I can put a --

A I guess he's been here a lot, huh?

Q Yeah, I can put a fine point on that, a bunch of times. So

he has testified to Congress eight times.

A Eight times.

Q And we have access to some of those transcripts. He has been asked and I think he has done his best to explain multiple times about the decisionmaking that night. But is there any reason that we should have to believe that he wasn't fully forthcoming and honest when asked those questions --

A No.

Q -- previously?

A No. He's an honest man. I suspect the answers are pretty consistent. No reason why Carter Ham would not tell the whole truth.

Q And then I just had a quick other question for you that I'm going to just use an exhibit that we're going to mark as exhibit 7.

[Kelly exhibit No. 7

Was marked for identification.]

BY MS. SAWYER:

Q And this is taking you back in time even further -- I'm going to give you a minute to read it -- because it's an article from April 2nd of 2011. And the title of that article is "Florida Pastor Terry Jones's Koran Burning Has Far-Reaching Effect." It's in The Washington Post.

Are you all set?

A I am.

Q So this, like I said, was an article from April of 2011. And I think when you had testified before you had said that you were familiar, at least to some extent, with Pastor Jones and some things

he had done in the past. Do you remember this particular series of incidents? Were you working with Secretary of Defense Gates at the time?

A I was. Yes.

Q And did you remember that he had actually called Pastor Jones? And I believe that he actually called Pastor Jones in September of 2010 when Pastor Jones announced at that point in time that he was going to burn the Koran and put the Koran on trial.

A Uh-huh.

Q Did you recall that?

A I wasn't there then. But I remember every time this guy and others would come up on the skyline, up in the press or whatever, there's always -- someone's got to call him and tell him not to do it.

With all due respect, and not remarking on his religious belief, but he's nutty as a fruitcake. I mean, again, it was deemed, at least in the conversations I had with people, that it was kind of a pointless call. But if Secretary Gates called, it didn't work.

Q Well, I think, actually, it did work when he called in September 2010, because Pastor Jones at that point in time didn't burn the Koran.

A Uh-huh.

Q I think what it says here -- and I'll just point your attention to the second paragraph. "Reverend Terry Jones had threatened to burn the text in September, in the midst of a controversy over plans to develop an Islamic center near the site of the September

2001 terrorist attacks in Manhattan. He was eventually dissuaded through the pleas of religious leaders and government officials, including a phone call from Defense Secretary Robert M. Gates."

A Uh-huh.

Q So do you have a different recollection, that it was not actually successful in dissuading him in September 2010?

A Yeah. Okay. Dissuaded him, but it didn't stop him.

Q No, it didn't stop him. And he goes on to say that when he announced that he was going to do it the next spring he didn't hear from anyone --

A Uh-huh.

Q -- and no one complained.

And then on the second page, I would just --

A You sure Secretary Clinton didn't call him?

Q This doesn't report Secretary Clinton as having called him in --

A I mean, it seems to me that --

Q -- 2010 or 2011.

A It seems to me that the calls on these kind of things, they would say, hey, I'm the Secretary of Defense, Secretary of State. It would seem to me that Secretary Clinton would have made a call on some of these kind of things. They are more hers, anyway.

Ms. Green. It's actually typically been a uniformed officer that made these calls, because of concern about violence against U.S. troops.

BY MS. SAWYER:

Q And it may be, sir, that in addition she also did.

A Uh-huh.

Q I don't know. I have no evidence that she did.

A Uh-huh. Okay.

Q And maybe it was multiple U.S. officials. Because obviously they were taking it very seriously that this man was threatening to do something that might enflame violence.

Do you think that -- are you believing that someone who is the Defense Secretary should not take that step if he or she, to the extent we have a female Secretary of Defense someday, believes that that might help save not only American lives but other lives around the world?

A There are a couple of parts to that. I mean, if we thought it would work, if by that phone call then the people that do these kind of things -- and I mean the jihadists, the Islamic terrorists, Islamic extremists -- that they'd say, oh, okay, fine. But the fact is we, as Americans, tend to get focused on -- they don't need a Koran burning or a threat to burn the Koran. They do what they do.

There is no doubt if we had some sense that they would change their opinion of us and say, you know, you're right, you know, we shouldn't be blowing people up in Brussels, then it'd be worth it. But these people don't need this type of motivation to do what they do.

I mean, you know, you go back to they killed a bunch of Americans on 9/11, the original 9/11, and then they every year after that seem to break out and do more bad things, or try to, on 9/11. You know,

again, these people don't tend to need a reason to do what they do. They've already got the reason. It's in their heart, it's in their -- what passes for a soul, and they're just going to do it.

So, I mean, if it's going to work, sure, why not. But, you know, Mr. Jones -- and if you remember seeing him on TV and all of his antics, didn't seem to me to be the kind of guy that the Secretary of Defense ought to be working with, unless we knew that it would work and really and truly the Islamic terrorist extremists would stop what they were doing.

Q Yes --

A That's just a personal belief.

Q -- but given that it had worked at least one other occasion, according to this report --

A Uh-huh.

Q -- is it all that surprising to you that during the week when there was a tremendous amount of regional unrest, there were also thoughts that it might work vis-à-vis this gentleman again, and therefore it was worth a try?

A And the question, would I have -- would it make sense to do it?

Q Given that it had worked with Mr. Jones, the notion that it was very much dismissed within this room, that it would be far beneath the Secretary of Defense to actually bother to pick up the phone and call Pastor Jones --

A You know, not so sure it would have worked in this case.

It worked kind of in this case. It deferred some of his actions to the next time. I would suspect, and we'd have to drill down on this, but from when Pastor Jones didn't burn the Koran or whatever he claimed to do, I would suspect the next day and the day after that and the week after that the Islamic terrorists were, you know, butchering children in Afghanistan, trying to blow up embassy personnel in Kabul. They're going to do what they're going to do anyways.

Q Right. And if other officials, officials who are the heads of other countries, are asking this country to distance itself and take steps to make sure that individuals within this country aren't fomenting what they know are very deep passions about how the Prophet is portrayed, do you think that U.S. officials should ignore those requests?

A I think routinely our public officials, politics aside, routinely differentiate between people like Pastor Jones and his view of life, such as it is, and what America stands for. And there's no way that anyone that has any openness in their opinion-making apparatus would look at what Jones does and realistically say that's the policy of the United States of America.

In their view, if we went and pulled him out of his church and shot him or beheaded him, then that would maybe go a long way to convince them, oh, okay, America --

Q But I'm not suggesting --

A But there's no -- no.

Q -- officials from any other country --

A Stay with me. Stay with me.

Q I just want to make clear that I don't think an official from any other country asked for us to take Pastor Jones and shoot him.

A Of course not. But what I'm saying is the people we're dealing with, you know, understand that Pastor Jones and people like him or the troops at Guantanamo that guard the terrorists don't do the kind of things that they believe is being done whether it's Guantanamo or here by Jones. They know that.

And I think, you know, every time something -- well, Brussels just happened, and our President makes the statement that, you know, this is inconsistent, you know, with the way decent and honorable people do business. And every time there's something like this, they disavow people like this and say, "We're not talking about all Muslims." This is our President now and other responsible officials. "We're not talking about all Muslims here. We're just talking about the ones that have a very, very corrupted view of their religion."

Q And do you think those individuals take advantage of a situation like this where someone does create a video and then blast it out to kind of incite others to join them? I mean, would the people that you're talking about, the people who are enflamed and act violently, do you think they'd take an incident like this and try to incite others? An incident like this, I'm talking about the video --

A Yeah.

Q -- and the pastor.

A I would say the vast majority of the Muslims that I know

and dealt with primarily in Iraq would shrug their shoulders at an idiot like this and say, you know, that's not representative of the United States, we know that.

There's a certain element within the Muslim world that it doesn't matter if Jones and people like that do these kind of things or not, they are still going to do the best they can to kill us. And so I don't think when Terry Jones does something like this it increases the number of jihadists by 4 percent or 11 percent. I don't think it creates any more jihadists at all.

One of the things, too -- and we know this, that we tend to get -- and I think rightly so, as decent men and women -- we tend to get more agitated about this stuff. But once they see that we're in this kind of, you know, mode of kind of blaming ourselves for -- like, if this happens, then there'll be attacks, then the people on the other side, who are actually, I think, a lot smarter in many ways than we are in terms of information management or media kind of messaging, they say, okay, the Americans are sensitive that this will cause a problem, that gives us the rationale to blow up the embassy in Benghazi and then blame it on the Americans because they didn't do anything about a guy like this. We tend to hand these things to them.

In reality, as I say, the vast majority of people -- let's talk about Muslims. The vast majority of Muslims are more than smart enough to figure out that this doesn't represent the American way of thinking about religion and other cultures. And those that do are there anyways, in my view.

Q Okay. Thank you.

BY MS. GREEN:

Q We're almost done, General.

A Sure.

Q This is now the eighth congressional investigation into the Benghazi attacks, as you may know. We want to make sure it's the last. We are therefore asking every witness about a series of public allegations that have lingered since the attacks. It is our understanding, even when some of these allegations have been answered by prior investigations, that our colleagues are still investigating them.

And, sir, while anyone can speculate about the Benghazi attacks -- and some have -- only a limited number of people have direct knowledge of these issues. And so what I'm asking is not for your opinion but just whether you have firsthand information about the question.

A Okay.

Q If you do not, we will simply move on to the next question.

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

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

A I do not.

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

A She couldn't give him an order. Secretary Clinton could not order the Secretary of Defense to do anything.

Q Is that a "no," sir?

A Bad question, but --

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

A No. No.

Q It has been alleged that Secretary Clinton personally signed an April 2012 cable denying security to Libya. The Washington Post Fact Checker evaluated this claim and gave it four Pinocchios, its highest award for false claims.

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

A No.

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

A No.

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

the spring of 2011.

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

A No.

Q It has been alleged that the U.S. mission in Benghazi included transferring weapons to Syrian rebels or to other countries.

A bipartisan report issued by the House Permanent Select Committee on Intelligence found that, quote, "the CIA was not collecting and shipping arms from Libya to Syria," end quote, and that they found, quote, "no support for this allegation," end quote.

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

A No.

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

A No.

Q A team of CIA personnel was temporarily delayed from departing the Annex to assist the Special Mission Compound, and there have been a number of allegations about the cause of and appropriateness of that delay.

The House Intelligence Committee issued a bipartisan report

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

A No.

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

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

A No.

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

A No.

Q It has been alleged that Ambassador Susan Rice made an intentional misrepresentation when she spoke on the Sunday talk shows about the Benghazi attacks. Do you have any evidence that Ambassador Rice intentionally misrepresented facts about the Benghazi attacks on the Sunday talk shows?

A No.

Q It has been alleged that the President of the United States

concluding that the team was not ordered to stand down but that, instead, there were tactical disagreements on the ground over how quickly to depart.

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

A No.

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

A No.

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

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

A No.

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

A No.

was, quote, "virtually AWOL as Commander in Chief," end quote, on the night of the attacks and that he was missing in action.

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

A No.

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

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

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

A No.

Q It has been alleged that the military failed to deploy assets on the night of the attack that would have saved lives.

However, former Republican Congressman Howard "Buck" McKeon, the

former chairman of the House Armed Services Committee, conducted a review of the attacks, after which he stated, quote, "Given where the troops were, how quickly the thing all happened, and how quickly it dissipated, we probably couldn't have done more than we did," end quote.

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

A No.

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

A No.

Ms. Green. Sir, that concludes our questions.

General Kelly. You're kidding.

Ms. Green. I'm not kidding. Thank you for your patience.

Mr. Tolar. Sir, on behalf of the majority and Chairman Gowdy, we appreciate your service, 45 years in the Corps. I also appreciate your presence here today. I know you took time out of your day to do this, but it's really important. Appreciate your sharing your thoughts with us.

We're off the record.

[Whereupon, at 1:45 p.m., the interview was concluded.]

[REDACTED]

Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date

[REDACTED]

Errata Sheet

Select Committee on Benghazi

Department of Defense counsel on behalf of the witness reviewed the accompanying transcript, certified its accuracy, and declined to provide corrections to the transcript.