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COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

INTERVIEW OF: ADMIRAL MICHAEL MULLEN

Wednesday, June 19, 2013

Washington, D.C.

The committee met, pursuant to call, in Room 2247, Rayburn House Office Building, Hon. Darrell E. Issa [chairman of the committee]

presiding.

Present: Representatives Issa and Cartwright.

Appearances:

For the COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM:

STEVEN CASTOR, CHIEF COUNSEL

BRIEN A. BEATTIE, PROFESSIONAL STAFF MEMBER

JAMES LEWIS, SENIOR POLICY ADVISER

JOHN OHLY, PROFESSIONAL STAFF MEMBER

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For ADMIRAL MULLEN:

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Chairman Issa. Admiral, thank you for being here voluntarily today. The nature of this investigation is twofold. As you can imagine, a great deal of it is about the factors leading to, leading up to our vulnerability in Benghazi, the 7 1/2 hours of the attack until the evacuation, and then the period after primarily dealing with misinformation. As I understand, for the vast majority of this time before and after or -- before you're intimately involved, for the during you're aware, and the after is outside of what you participated with in the ARB.

The second reason for this interview, which is much more to your entire career, is we are the Oversight and Reform Committee. The nature of reform is the after action of investigations are not just to assign blame but just as the ARB had 29, I believe, strongly suggested changes, we believe that there are two areas that we need to look into. One, are there additional items that need to be changed within Government Operations, State, Defense, CIA, and other entities which may be foreign located? And secondly, is the ARB itself, a long-standing statute used many times, up to the task, is the process efficient? Particularly, we'll be looking at the relationship of the ARB, which is a State Department-only entity, and Benghazi, which obviously involved our clandestine service personnel and warfighters -- not officially a war zone, but certainly the impact to warfighters -- and whether or not there need to be changes in the law or an additional review process. We're also looking at the scope of the ARB, whether or not it was sufficient for what occurred. So all

of those will be areas in which we want to call on your expertise. I have -- I'm saying all this because some of what we're asking for clearly is within the scope of the ARB and your work. Some of it very much calls on your decades of service, and we would like to have that included as a participation, the earlier questions that went on before the record was open as to questions and answers.

As you can imagine, your history was all in the executive branch. With the two other branches, we make our own rules relative to what is treated as classified or not classified, and particularly in the case of Benghazi in open hearings the State Department has presented objections to completely unclassified information being used or entered in the record. Although I don't ask you to make a decision, you can imagine how anyone would react to being told that emails sent back and forth that say right on the face of them they're unclassified somehow are being classified, in some cases because they could be potentially embarrassing. So our view during this hearing will be if it is not strictly classified under the secret or above level, then in fact it will be open to all questions and all answers.

Notwithstanding that -- the minority is here now?

Mr. Lewis. Yes, sir.

Chairman Issa. Notwithstanding that, there will be an opportunity before any transcript is made public to ensure that there is a redaction of individual information that is unnecessary to the transcripts from ever being made public. That's not a requirement in a transcribed interview, but it is -- it would be in a depo, and we're

going to treat that portion. So feel free to answer questions as to individuals' names or identities as long as they are not classified secret or above, recognizing that if you'll simply say, you know, this is an individual identity or anything you have a concern with, those will be highlighted for purposes of making sure that both the majority and minority observe that. We do routinely redact certain information, even if an entire transcript is put out in a report or otherwise. Do you have any questions, Admiral?

Admiral Mullen. Just -- I think I understand what you're saying with respect to, you know, your view of classified and the Department's. I'll have -- I mean, I also have a view of what's classified and what isn't just from my own experience, and so that -- I mean, that will sort of --

Chairman Issa. Sure.

Admiral Mullen. That will guide me in terms of response in the effort to keep this at the unclassified level.

Chairman Issa. Clearly this is an unclassified environment.

Admiral Mullen. Right.

Chairman Issa. And we want to make sure that to the extent that anything has been deemed secret that we respect that. For official use only and confidential, although I was taught about them, they're all bunk relative to congressional action. So a creation of the executive branch is not and also, you know, sensitive, those kinds of terms --

Please come on in. We're not asking questions, we're going

through the pre-dialogue.

That doesn't mean you shouldn't point out any concern you have with something being publicly disclosed. The transcript's ability to be redacted is something that can be done, is done primarily between the committee majority and minority, so please point out anything you have concerns about.

We did your counterpart at the deposition level because we weren't able to secure, if you will, your level of cooperation, and I'm glad that you're here under these other terms. The difference between a deposition and a transcribed interview is that in deposition you may not choose -- you're under subpoena, you must respond. This is a transcribed interview, and the expectation is that we'll have no problems. Should we have a problem where you feel that you cannot respond unless compelled to do so, simply say so, and we can deal with that at a later time. We want to get all we can get today, and our expectation is that we'll get everything we need.

Again, we asked you to come here 90 percent in your role as an impartial evaluator of what went wrong and in no way, or at least speaking only for myself, in no way are we criticizing the work that you and the other members of the commission did on the report. We are concerned that the structure of the ARB may not be sufficient, the breadth of the request may not be sufficient, and since the process was not done similar to what an IG or an FBI or others would do, we're trying to formalize the process to, if you will, review the review. For example, group interviews were done there where we do individual

interviews.

Any other questions?

Admiral Mullen. The only thing, again, Chairman, if I understand what you're talking about is in terms of what's classified and what isn't classified, and from the perspective of how individual departments and obviously the administration views this, I'm at least -- I think if I understand you, that's not a fight for me right now.

Chairman Issa. It's not a fight for you.

Admiral Mullen. It's something you --

Chairman Issa. Right. If you have a concern, but for purposes, and this has been a long-standing policy of the majority and minority. Secret is a recognized level.

Admiral Mullen. Sure.

Chairman Issa. That and above is recognized, and we can go into a session that is classified. We would not do it with the same transcription or the same room.

Admiral Mullen. Sure.

Chairman Issa. And if you find something that goes into that area, we'll simply stop, have a limited discussion about whether it's necessary to pursue it, and then schedule if necessary. It was not necessary in case of the Ambassador. We don't expect it will be necessary here.

Admiral Mullen. Okay.

Chairman Issa. I just want to make it clear, though, that because

in the case of the State Department's assertions that you understand we do not recognize unclassified material and open source material as aggregating into somehow protected but not designated. The State Department never said these documents are secret. They simply said sensitive, therefore we don't want you using them in open hearing repeatedly. We pointed out what they were saying. They wouldn't give us, and I think the court of public opinion and, candidly, my peers have found there was nothing wrong in what we released. So if you have a concern, an individual judgment concern that something should not be made public, express it. We'll have a discussion off the record if necessary before we go forward, but if it is below secret, the assumption is that it is appropriate and will be discussed here and will be placed on the record, and again I'm spending a lot of time sort of prefacing that which will possibly not come up at all.

Admiral Mullen. Okay.

Chairman Issa. Susanne, do you have anything on that topic?

Ms. Sachsman Grooms. No, sir.

Admiral Mullen. And this is just my core, you know, if it's got a C -- if it's classified, it's classified. So it's for me to sort of declassify --

Chairman Issa. Right.

Admiral Mullen. -- sort of real time is going to be difficult.

Chairman Issa. Except, of course, the executive branch does not have the ability to create classifications, so sensitive, official use only is not recognized by Congress. It is not a creation.

Admiral Mullen. No, I'm really thinking of the confidential.

Mr. Lewis. Admiral, if at any point you think that the question is important to answer, you're unsure of the classification level, if you could answer the question, as long as you know that it's not secret, we will run that portion by the State Department to make sure there is a determination on the classification of that. We would not abandon you to make that decision for yourself.

Chairman Issa. And this is a closed session, nothing inherently we do not want to have. We want to have disclosures. We're not in front of a hearing for a reason, which is there when the cat's out of the bag, the cat's out of the bag. But, again, we are operating at a level below secret, and we'll maintain that.

Mr. Levy. And I just want to clarify one thing. It was at Admiral Mullen's request that in particular the accountability of personnel section be declassified by the State Department so he could discuss that.

Chairman Issa. Right.

Mr. Levy. My understanding from the correspondence of yesterday is that the State Department has done that, reclassified it as sensitive, but unclassified/privacy protected, and I believe as we discussed earlier, their concern is about personally identified privacy information because it discusses personnel actions.

Chairman Issa. Right.

Mr. Levy. I have great faith in the Admiral's ability to distinguish between classified and unclassified.

Chairman Issa. Right.

Mr. Levy. I just would anticipate that the committee would work with the State Department to resolve any concerns vis-à-vis the privacy protected portions.

Chairman Issa. And, you know, the intention and the standard we use is do we need to disclose that information or do we need to contact that secondary individual? The latter, of course, we totally believe that is, even if it were top secret we would have the ability to make a determination to go after and discuss it with that individual. Having said that, it's not our intention to release public information, but we do need to get to the facts, and naming names is important in the process of discovering, and we appreciate that they have declassified because had they done that 6 weeks ago or 16 weeks ago, a lot of our work would have been easier.

Steve, you are the primary person here. Who is going to represent the minority for questions on the first round?

Mr. Knauer. I am.

Chairman Issa. Okay. Then I will unseat and sit aside. If you want me back here -- this is a typical voting day. If you want me back here at any time, take a break and I'll be back in a matter of minutes, but I'm not leaving until this gets well underway.

Admiral Mullen. Okay.

Chairman Issa. I guess the last thing is thank you. You know, I never -- you know, the last time you and I saw each other, I never thought we would see each other across a table like this unless it was

discussing things you think and have always wanted to tell me we should be doing that we're not.

Admiral Mullen. No, I didn't anticipate this, either.

Chairman Issa. Well, and take this as not what it appears to be. Inviting you to a public hearing as part of the ARB would gain us very, very little unless we do a lot more of our discussion. My hope is that you and the Ambassador, as we discuss ARBs going forward and your experience would be willing to come forward and we talk about that. I don't think it serves a lot of public purpose to ask you to come in and then have 30 or so people ask you questions about everything under the sun, sometimes going off subject, as you have seen over your many decades.

Admiral Mullen. Sure.

Chairman Issa. But if you would like it, we can always arrange it.

Admiral Mullen. Well, I mean, you saw where both Tom and I are both, we're happy to do a public hearing if that's what you want to do.

Chairman Issa. Right, and I think when that's appropriate -- today's questions I think you're going to realize are -- a lot of them are going to be ones that the public is not interested in, and if you talked to Ambassador Pickering, I'm sure he told you that the opportunity to spend with us was not as bad as he had anticipated.

Admiral Mullen. Actually I haven't spoken with him.

Chairman Issa. Well, you two can share that afterwards.

Admiral Mullen. At some point.

Chairman Issa. Steve?

Mr. Castor. For purposes of the court reporter, would you mind switching seats?

Chairman Issa. Not at all. I was actually going to get up altogether.

Mr. Castor. Good morning, Admiral, my name is Steve Castor.

Admiral Mullen. Hi, Steve.

Mr. Castor. I'm a staffer with the committee. I am sorry I'm late. I had a meeting in the Capitol.

I'm going to read a little introduction.

Admiral Mullen. Okay.

Mr. Castor. We have a time clock. We do our questions in rounds. We'll go for an hour.

Admiral Mullen. Right.

Mr. Castor. Our Democratic colleagues will actually physically switch around for purposes of making it easier on the reporter and you at the end of an hour. We encourage you to, if you need to confer with your counsel at anytime, please do that. If you need to take a break for any purpose, let us know. This is an uncomfortable setting in some ways, so to the extent we can make it more comfortable, we would like to do that.

Admiral Mullen. Sure.

Mr. Castor. So this is a transcribed interview of Admiral

Michael Mullen conducted by the House Committee on Oversight and Government Reform. This interview was requested by the chairman and is part of the committee's investigation into the attacks on U.S. diplomatic facilities in Benghazi that resulted in the deaths of four Americans, including the Ambassador. We're also looking into the Accountability Review Board's report, and that's why the chairman has invited you here today.

We appreciate your appearance, as the chairman mentioned earlier, as a precursor to a future hearing. Your decades of dedicated service to this country offer a unique insight that's extremely valuable to the committee. You have undoubtedly earned the title of admiral. I'll strive to refer to you as admiral or sir, and to the extent I neglect to do that, please accept my apologies.

Admiral Mullen. I don't take offense to that.

Mr. Castor. Some of the questions today may appear basic. This is not intended to demonstrate any disrespect for your experience or your time or your work with the Accountability Review Board. The committee has staff with military and foreign service experience. Some of our members are also well versed in these issues. The basic questions are intended to provide a clear record for all of our members and staff as we prepare for the hearing and do our work.

Unlike a proceeding in Federal Court, the committee format is not bound by the rules of evidence. The witness or their counsel, I mean, if you need to raise an objection for privilege or classified information, please do so. Under our deposition rules, and this is

sort of a -- it's not a deposition under our rules, but we try to follow that structure to the extent possible. Members and staff during depositions aren't permitted to raise objections, it's only for the witness or the witness' counsel.

This interview is unclassified, as the chairman mentioned, so if a question calls for any information that you know to be classified, please let us know, and if you know why it's classified, you can certainly tell us that to the extent you feel that's appropriate. At a later time we can have a classified session.

Admiral Mullen. Sure.

Mr. Castor. Did everyone introduce their names?

Chairman Issa. I apologize, I read your notes, so I just went through a bunch of that.

Mr. Castor. Did everybody introduce themselves for the record?

Chairman Issa. No.

Mr. Castor. Maybe we can do that.

Admiral Mullen. Mike Mullen.

Mr. Levy. Michael Levy, counsel for Admiral Mullen.

Mr. Hamilton. Jim Hamilton, counsel for Admiral Mullen.

Mr. Gazzaway. Ken Gazzaway, counsel for Admiral Mullen.

Ms. Sachsman Grooms. I'm Susanne Sachsman Grooms. I'm the chief counsel on the minority side.

Mr. Knauer. I'm Chris Knauer, I'm on the Democratic side of the committee.

Mr. Kenny. Peter Kenny, counsel with minority.

Mr. Powell. Jason Powell, senior counsel with the minority.

Mr. Ohly. John Ohly with the majority staff.

Mr. Lewis. Jim Lewis with the majority staff.

Mr. Beattie. Brien Beattie with the majority staff.

Chairman Issa. And Darrell Issa.

Mr. Castor. You do understand -- we ask all witnesses this. You do understand questions and answers before congressional staff, you're required by law to tell the truth?

Admiral Mullen. Yes.

Mr. Castor. Before we get going with my questions, do you have anything for us that you wanted to raise?

Mr. Levy. I think we covered all the preliminaries.

Chairman Issa. We went through the personnel declassification and what it remains as, and how we intend to treat it. You caught part of that.

EXAMINATION

BY MR. CASTOR:

Q Okay. Maybe to start with you could walk us through when you first heard there was going to be an Accountability Review Board and how you came to be selected for that and so forth.

A I think I first heard about it shortly before Secretary Clinton I think signed it out, and my recollection was through a news report that she intended to do this, and that Ambassador Pickering was going to be the chair. Then that's -- that was the initial cut. Subsequent to that shortly I was called by Miss Cheryl Mills, Secretary

Clinton's Chief of Staff, and she asked me to do this. She said, she asked me for the Secretary to be the vice chairman. I agreed to do that, and that as far as I'm concerned, that was sort of the extent of, one, where I first learned about it and, two, how I came to agree to do it.

Q Do you remember roughly when that was or at least how far in advance?

A Well, I think the Secretary signed -- as I recall, the Secretary signed out the directive shortly after the 12th of September, and so it would be sort of within that week time frame or so.

Q Is this your first experience with an Accountability Review Board?

A Yes.

Q What type of preparation did you receive from the State Department in advance? Did they give you the regs or the statute or anything like that?

A Actually we started to meet in early October, and as that, our first meeting at that time is when we had, we received the law, the background, what an Accountability Review Board generally was, and then obviously the very specific tasking from Secretary Clinton on her expectations with respect to this board.

Q Did you or any other members of the board have an opportunity to provide input on the scope of your work?

A I didn't, and I'm not aware that anybody else did.

Q For example, the talking points that have become somewhat

of a topic of discussion? Ambassador Pickering has told us that the public component to the response was not part of the Accountability Review Board's work.

A It was, essentially it was very clear in the scope that it was focused on security, accountability, intelligence, et cetera, and we had absolutely nothing to do with the talking points.

Q How was the board staffed?

A There were -- there was, I'll call her an executive director, senior Foreign Service officer that came from the State Department, there were three other State Department employees, long-standing State Department employees who were the, I almost call them the recorders, the note takers, et cetera. Miss Zeya, who was the Executive Director, so she organized it, and she did the work, she would respond to requests, et cetera, as the staff put this together. There was also a lawyer, a senior lawyer, deputy general counsel for the -- Deputy Legal Adviser for the Secretary of State by the name of Richard Visek, and he had a more junior lawyer working for him, and so I think that was the totality of the group that was involved in addition to the five of us.

Q Did the board have office space over at the State Department?

A Yes, we did.

Mr. Levy. Just for purposes of the record, it's a lot easier for the reporter if you let him finish asking the question before you --

Admiral Mullen. Yeah, Okay.

Mr. Castor. I'll foul that up myself, so I certainly apologize to the reporter. And to you.

BY MR. CASTOR:

Q The staff for the most part, were they all State Department personnel?

A They were.

Q Do you have any awareness of how the other members of the board were selected? You said you were picked by the Secretary.

A The only awareness is that Shinnick, Bertini, myself, and Pickering were selected by the Secretary of State, and the intelligence -- and I'm drawing a blank. The intelligence guy was selected by the Director of National Intelligence, General Clapper.

Q The ARB is supposed to be set up as an independent review board. Did you have any questions about the independence of the board?

A In fact, in the original conversation I had with Ms. Mills about this, the most -- from my perspective, the most important descriptive characteristic of it is that it would be independent, and Ms. Mills assured me that was the Secretary's intent upfront, and had that not been the case, I certainly wouldn't have agreed to it.

Secondly, I saw in execution that independence throughout, from beginning to end, that it was supported. We had the authority to, within the scope of the tasking, to do just about anything that we thought was important with respect to that tasking.

Q At least two of the members, Mr. Shinnick and Ambassador Pickering, had long State Department experience?

A Correct.

Q And the staff was State Department folks?

A Right.

Q Did you ever see any question as to whether that State Department heavy component played into any of the board's work?

A It played into, from my perspective, a depth and a breadth of knowledge in terms of how the State Department functions, what the culture is, what was reasonable in terms of expectations in certain situations that we would examine, and I found it to be -- as much as I had worked with the State Department, particularly as Chairman, it's one thing to be outside an organization and work with, it's quite different to be inside to try to understand the inner workings and hidden mechanisms of a massive organization like that. So in that regard they were incredibly helpful.

Q Other than your conversation with Cheryl Mills before you were selected, any other State Department officials contact you or did you confer with any State Department officials before the board met and kicked off its work?

A No.

Q Do you know if any other members, Shinnick or Ambassador Pickering, had any meetings before the, meetings or communications before the board started its work?

A I don't know.

Q Did you have any discussions with DOD personnel before the board's work commenced?

A No.

Q So you didn't discuss it with Secretary Panetta or General Dempsey?

A No.

Q Could you explain to us how for the most part the board met with some of the witnesses? We understand the board met with about a hundred witnesses.

A Right, right.

Q Could you walk us through a typical procedure?

A Well, typically -- I mean, where we started was we wanted at least certainly initially to see those that were in Benghazi that night, and so we started with those individuals, the security officers who were in fact both on that trip with the Ambassador and in Benghazi. The other group, sort of core group we started with was the leadership inside the State Department, and as we looked at and interviewed them, and I'll come back to that part of it specifically, but as we would review material and have interviews, the space that we wanted to see or review would expand, and so we would add additional people as names or positions became evident or obvious in our discussions. So typically we spent the first few meetings just coming up to speed ourselves on what had happened, and then we started to see witnesses in sort of the two first key groups would have been the diplomatic security group, in particular Assistant Secretary Boswell, Deputy Assistant Secretary Lamb, Assistant Secretary -- or -- and then the RSOs or ARSOs, assistant RSOs who were there in Benghazi that night.

They would come in individually, which is how we would interview each of them.

Q So some meetings were conducted in groups and then there were some individual -- most were individual?

A Yeah, the vast majority were individual interviews.

Q Do you know what types of notice were provided to the witnesses? Surely that was handled by the staff.

A It was, it was. I can -- my own view of that was ample time generally speaking. It was never -- there was no witness that I sat with in those interviews that indicated they didn't have time to prepare. Some were coming from across the country, so it wasn't like you could get them there overnight because they had been redeployed or back to their duty stations from which they had deployed originally to Benghazi on a temporary duty status. So there was never, from my perspective, any pressure to get anybody here right now.

Q And they were allowed to come in with lawyers?

A They were. They had representation with them.

Q Did you know going in that it was possible some State Department folks could lose their positions?

A Did I have specific knowledge of that? No.

Q When did that become clear that what happened was serious enough that there might be some --

A Well, I would never say it wasn't serious. It was -- and it goes to the definition of the board. It's an Accountability Review Board. And with my background specifically, certainly accountability

is cornerstone to leadership. So, I mean, I certainly didn't go in with any kind of preconceived notion that someone would lose their job. I just didn't know. It's, I would say, in terms of the eventual recommendations that evolved over time, throughout the process. There wasn't an instant moment where I said this could happen or this will happen.

Q So there was no requirement to --

A No.

Q -- or guidance from anybody?

A There was not.

Q During the life of the board, did you or any of the board members update State Department officials or DOD officials about the work of the board that you know of?

A With respect to DOD, no. Shortly after we interviewed Ms. Lamb, I initiated a call to Ms. Mills to give her -- what I wanted to give her was a head's up because at this point she was on the list to come over here to testify, and I was -- so from a department representation standpoint and as someone that led a department, I always focused on certainly trying to make sure the best witnesses were going to appear before the department, and my reaction at that point in time with Ms. Lamb at the interview was -- and it was a pretty unstable time. It was the beginning, there was a lot of unknowns. To the best of my knowledge, she hadn't appeared either ever or many times certainly. So essentially I gave Ms. Mills a head's up that I thought that her appearance could be a very difficult appearance for the State

Department, and that was about -- that was the extent of the conversation.

Q How was it decided that you would make the call to Ms. Mills rather than --

A That was my own initiative.

Q Okay. Did you discuss that with the Ambassador?

A I did not. Well, actually I discussed that with him after the fact. I told him what I was doing.

Q Were there any other, during the life of the board's work, officials at the State Department that you or the members of the board met with to provide updates or status reports?

A From beginning to end?

Q Yeah.

A There was a --

Chairman Issa. We can take a short break if you would like. That would be fine.

Admiral Mullen. Yeah.

[Discussion off the record.]

BY MR. CASTOR:

Q So during the life of the Accountability Review Board's work, I had asked you whether there was any other times you or members of the board met with, conferred with the State Department folks to provide updates, status reports.

A So shortly after we met, first couple weeks there were some -- there were some things that we could see early that we thought

it was important that the Secretary of State know about, not so much in terms of what had happened, but steps that we thought she might want to take initially as opposed to wait weeks or months to see the results of the board. So we put together a list of -- and I honestly can't remember the number, but somewhere between 10 and 20 recommendations for her to take a look at immediately. So, for example, one of them clearly, because there was a fire issue, was consider getting breathing apparatuses out to high threat posts immediately. So there were things like that, and we sent that list up, and to the best of my knowledge, that's something that Ambassador Pickering either handed, transmitted to Ms. Mills and the Secretary.

At the end of the ARB we met with Secretary Clinton for about 2 hours to give her a briefing on what we had come across, and at least at that point, and we hadn't finished or signed it out, but at least the major recommendations that we had concluded up to that point. The only other State Department employee that was in the room with Secretary Clinton then was Ms. Mills. No other -- there were no other agencies or -- that I'm aware of that we met or briefed with.

Q Do you recall meeting with Deputy Secretary Nides?

A Correct, sorry. I'm sorry, we met with Nides, we met with Burns at the end as well. Same kind of thing that we walked through with Secretary Clinton. It was at the end, sort of summary recommendations, and in Burns' case, my recollection was he was by himself, and I think Nides had one or two of his assistants with him.

Q And those meetings were the board conveying information,

briefing?

A Yes. Yes.

Q It wasn't a Q and A interview type of setting?

A Correct. Correct. In fact, we divided that up into sections. Ambassador Pickering would brief a section, I would brief a section, Ms. Bertini would brief a section, Mr. Shinnick and Mr. -- I think it's Turner.

Q Mr. Hugh Turner?

A Yeah. Would brief a section as well.

Q Under Secretary Kennedy, Patrick Kennedy, did the board meet with him in that type of setting to provide --

A No. Sorry.

Q Okay. Did the board interview Under Secretary Kennedy?

A We did.

Q Did the board interview Cheryl Mills?

A We did not.

Q And there was no interview of Deputy Secretary Nides or Secretary Clinton?

A There was not.

Q And was there any discussion as to at what level the interviews would not take place at? For example, was there a common -- excuse me, I'll start over. Was there a decision by the board not to interview Mr. Nides?

A There was early on a discussion, and certainly I had a discussion, private discussion with Ambassador Pickering about at

least my expectation, and I would say this was in the first couple weeks, that this certainly could present the requirement that we would have to interview everybody up the chain of command, including the Secretary, and he agreed with that. So the two of us had sort of set that premise in terms of obviously depending on what we learned over time, and our requirement to both affix both responsibility and accountability per se were, again, based on the facts as we understood them. So there was a consensus, and it was a universal consensus over time that we did the interviews we needed to do and that we didn't do the interviews we didn't do, which would have included the ones obviously that we didn't do, which were Nides and Burns and Secretary Clinton.

Q As the attacks were unfolding, Greg Hicks, the DCM, and ultimately the chargé when the Ambassador passed, explained that he was in constant contact with the folks in Washington, he described a call with the Secretary and her top people. Did the board look at the interactions between the senior folks in Washington and the folks in Tripoli? Was that part of the --

A We did. I mean, for events that night. We were aware, particularly -- well, actually almost from the initial interview with Ms. Lamb, Ms. Jones, Mr. Hicks -- yeah. Well, Hicks was in town. On the description of what happened that night and who was doing what. And the details were very consistent in terms of what had happened that evening. We talked to -- we both interviewed and then the individual who was running the operations center that night, we went to the

operations center, and so there was also obviously very helpful information that came out of what they did in terms of what happened that particular evening. So I was, as a command and control guy myself, command center guy myself, I was actually pretty impressed with how all that seemed to unfold as we looked at what happened and how did it happen.

Q So it's fair to say the board decided it didn't need to interview Cheryl Mills or the Secretary about events that night?

A No. And I think to your point about Ms. Mills and the Secretary, it was really through the, both the discussions with so many people that we interviewed and the affirmation and the validation of what happened that evening, including the conversation the Secretary had with Mr. Hicks, that we just didn't, we didn't see any need to clarify that, we knew that had happened. We were comfortable in the case of Mr. Hicks that he was walking us through what had happened. So there just wasn't any further need to go anywhere else.

Q Looking back on it, now that the work of the board has been discussed publicly --

A Yeah.

Q -- do you wish that the board had interviewed the Secretary?

A From my perspective, no. I'm very comfortable with the decision that we made and the results of the work.

Q Did the board have any issues getting witnesses to appear before the board or getting the documents you needed to do your work?

A None. There were no issues per se. There were plenty of

people scattered around the globe that were relevant that we either identified or that indicated they wanted to participate, so we would come up against how do you set this VTC up, it's a classified briefing, those kinds of things. But I thought the staff, which was an incredibly competent staff, and my own view is I sense it pretty quickly, particularly in a situation like this, did a superb job setting all that up. So it didn't happen instantly, but it was, all in all it was done pretty smoothly or actually very smoothly.

Q One of the witnesses that appeared at our May 8th hearing, Mr. Thompson, testified that he asked to be interviewed by the board. Did you have any awareness of that?

A None whatsoever.

Q Any other witnesses that you've since become aware of that wanted to talk to the board that the board didn't meet with?

A His is the only name that I'm aware of at this particular point in time, and that really I was not aware of that until your hearing.

Q Is it fair to say if you were aware of that that you would have recommended that the board meet with him?

A Absolutely. We -- I mean, from a direction standpoint, we tried to cast a wide net and have a very open door and have that word out, and we were reassured more than once that that was the case.

Q How were the interviews recorded? Was there a court reporter? Was there video? Was there audio recording? Note taking?

A Note taking.

Q And none of the other options?

A No.

Q And how did it get put together?

A The staff would put a summary of the interview together. We would -- the members would be able to review that summary shortly after the interview.

Q Any concerns with that?

A No.

Q That it wasn't transcribed or recorded?

A No. From the standpoint of content, substance and content, I found them to be very accurate.

Q For the most part, how long did the interviews last? Were they all-day interviews or a couple hours or a morning?

A No, I would -- the substantive interviews, those who were on the ground, those that -- the people that we found to be most impactful of the situation typically 2 to 4 hours, sometimes longer than that. The other interviews notionally probably about an hour or so. And when I say substantive, I don't mean to say, you know, others weren't, but the ones that were really heavily involved in both the action that evening and in the responsibility overall.

Q Is it fair to say that the board's work zeroed in on the Diplomatic Security Bureau and the Bureau of Near East Affairs?

A We -- in terms of areas inside the State Department?

Q Yes.

A We did zero in on those two bureaus.

Q Were there any other bureaus that were looked at carefully?

A No.

Q Did the board interview everyone in senior leadership ranks of those two bureaus? To the best of your knowledge. You may not have a good --

A Well, I mean, on the diplomatic security side, certainly the Assistant Secretary, deputy, and his deputy, then the deputy assistant secretary and a couple of her action officers, desk officers, and the same was true for NEA. Certainly, I mean, we interviewed everyone that we thought was relevant.

Q Once the report started to come together, how did it -- how was it written or prepared?

A The staff wrote it, and this was -- I mean, there was some, certainly some composition in certain sections which was going on earlier, but by and large that started well towards the end of the board, and we agreed on the sections that would be laid out in the report, and the staff would draft it, the members would review it, comment on it. We met, we would meet on it as a board, we would discuss certainly the recommendations, et cetera, and then the staff would respond to that and come back with another draft.

Q Any drafts of the report shared with anyone inside the Department?

A No. I mean, I take that back. I should say when we met with the Secretary at the end and with Nides and with -- Deputy Secretary Nides, Deputy Secretary Burns I think -- because we hadn't signed the

report yet, they had draft reports, but prior to that no.

Q Is it fair to say the personnel in the Near East Bureau, that the board looked at their performance that included Ms. Jones, Ms. Dibble, and Mr. Maxwell? Anyone else?

A No, those would be the three, I mean, that we looked at who were the principals that we thought were most involved. I mean, obviously because of the bureau's responsibility.

Q And what was it about Mr. Maxwell's responsibilities or duties that stuck out for the board?

Mr. Levy. Can we just clarify because I think this is getting to the accountability of personnel section that was recently reclassified sensitive but confidential/privacy protected. At least from my perspective, I don't know how you guys want to handle it, I would be more comfortable if we attach the letter from the State Department reclassifying that so it's clear that Admiral Mullen is able to discuss it and the terms under which he is able to discuss it.

Mr. Castor. Sure. We will mark this as Exhibit 1.

[Mullen Exhibit No. 1

was marked for identification.]

Mr. Knauer. We have sufficient copies, I believe, if you need some help here.

Mr. Levy. It's a pretty short letter. I just want to make sure everybody is clear and that it's clear for the record the terms under which he is discussing this.

Mr. Knauer. We've all read it so --

BY MR. CASTOR:

Q Maybe you could just walk us through your understanding of what Maxwell's responsibilities were, what Ms. Dibble's responsibilities were and Ms. Jones's responsibilities?

A So I'll start with Jones. Ms. Jones really was the Assistant Secretary, is the Assistant Secretary for Near East Affairs and has the broad responsibility for the entire Near East. My understanding of Mr. Maxwell's responsibilities was basically for the Maghreb. In the interview he certainly explained -- we had his background, but he kind of walked through that. He honestly seemed very comfortable with his responsibilities and certainly to include Libya. Obviously he knew that's what we were talking about because of what had happened in Libya. What in the end left me -- I mean, it just shocked me was when essentially he sent the message or he basically said that he had stopped looking at the intelligence about Libya specifically and he was concerned, as I understand it, he was concerned about it bleeding over into what I would call unclass speeches or his speeches that he was giving on that. For an individual with that much experience and that senior, I was just really taken aback by that. All of this is -- and when you talk about Jones, Dibble, and Maxwell, all of this is in the context of my own experience, which has been in Iraq and Afghanistan and Pakistan and other pretty tough spots that diplomatic security, whether it's in Washington or you're an RAO or you're an RSO in an embassy, and we've ceded a lot of -- you know, we've ceded that security space to you. So expectations, my own expectations

for senior leaders like that include recognizing when something isn't right and then even if it isn't directly in your lane, you know, you should -- you certainly have the wherewithal to step in. So more than anything else, I found him knowledgeable, I found him -- he's a dedicated career guy, Foreign Service guy with a good -- you know, terrific background, so I was just taken aback that he seemed to disconnect himself from Libya, and as you look at the broad responsibilities of Jones in particular, you know, as someone that led big organizations, you are dependent on those who sort of have their scope is smaller. He had it, and he didn't, from my perspective, execute those responsibilities very well.

Q Do you recall how he described his responsibilities for Libya? What was, in his own mind, his obligations?

A The message that I got -- I don't recall exactly what he said, but the message that I got was certainly he was active on Libya, meaning it was part of his profile, and he didn't send any kind of message to us that it wasn't a significant part of his profile in the Maghreb.

Q The folks on the ground in Tripoli and in Benghazi were, as is well documented now, in the months leading up to the September 11th and 12th attacks requesting, you know, more security, raising the issue of security.

A Sure.

Q As the report points out, there was a long list of security incidents. What was your understanding and the board's understanding

how that information was transmitted from Libya to the State Department? Was it transmitted to the Diplomatic Security Bureau? Was it transmitted to the Near East Bureau? How did that information flow?

A Principally from the, if it was coming from the RSOs, so if it was coming from individuals like Mr. Nordstrom or Mr. Martinec, it was going up the diplomatic security branch to the Diplomatic Security Bureau. If it was -- my own view, if it registered at the right level in Tripoli, it would go into what we call a front end cable from the Ambassador to the State Department, and typically I think that would go to both DS as well as the Near East Affairs and other people as well.

Q Certainly there's a mechanism if the folks abroad are requesting additional security, reporting security incidents that the Near East Bureau officials, the senior people had a role in the discussion about whether additional security was necessary?

A Well, I think it goes back to what I said before, I certainly, I don't -- I wouldn't question your statement that there's a mechanism. In big bureaucratic organizations like that, you think the structure would be there, but what we found was that security basically was the principal responsibility of DS, and in fact in some of our recommendations we made recommendations which tried to effect change so that the possibility that security issues would be raised much more routinely than they were inside one of the bureaus. I mean, this is NEA, but it was that way with all of them. So I'm not

specifically aware of a mechanism. It would surprise me if there isn't a mechanism there to discuss this, but again I go back to what I said where diplomatic security was the one where they were the default for security issues.

RPTS JANSEN

DCMN BURRELL

[10:55 a.m.]

Q The Deputy Assistant, or Deputy Assistant Secretary Maxwell, the Principal Deputy Dibble, Secretary Jones, did they have a responsibility for monitoring the security --

A Sure.

Q -- issues?

A Sure.

Q And making recommendations to up their chain of command if they thought additional security was needed or if the situation was getting particularly dangerous?

A Well, again, I come from a leadership position. Anybody in a leadership position certainly has included in their responsibility if they think, if they think it is so serious, from my perspective, that they should take that step.

Q Do you think they could have done anything substantially different? Hindsight is always 20/20, and your report makes a lot of recommendations, and there's always things you can do differently. But given what you know now, were there things that could have been done differently or should have been done differently that might have averted what had happened?

A I just -- with the culture that I found, I don't believe they would have done anything differently. And it's this combination of ceding the space to Diplomatic Security and the dominance of Lamb,

in particular, in that space. So I get the hindsight piece, but the likelihood I think just wasn't there.

Q So the folks in the Near East Bureau, they probably in hindsight could not have done anything tremendously different to affect the outcome of what had happened?

A No. I don't think so. I think theoretically, yes; I think practically, no.

Q Did the board have any discussions about whether the Principal Deputy Dibble, performed adequately and exceptionally?

A Dibble, Ms. Dibble never really got up on the scope, per se, in terms of visibility, in terms of responsibility, what she did or did not do, from my perspective. I mean, we interviewed her. But we didn't have -- we certainly didn't feel strongly about what she did or didn't do.

Q And fair to say also the same with the Assistant Secretary, going up the chain?

A Well, I think, it's my view that we thought that Ms. Jones certainly had responsibility, broad responsibility. She was responsible for a bureau that was in crisis in many countries, which gets back to sort of again my expectation that her immediate subordinates take care of her section back to Mr. Maxwell. And that -- and this -- I'm somewhat conditioned by that over, obviously, several years of dealing with the Middle East, and that she was consumed in those responsibilities, in that regard. So, broadly, she had a responsibility in the Libya, but it isn't -- it wasn't a realistic

expectation, from my perspective, to see her more intimately involved than she was.

Q Other than not reading the classified reports, were there any other duties that Mr. Maxwell failed in that you can recall?

A Well, I think the not reading the intelligence was indicative of his distance from his responsibilities overall.

Q Did you -- did the board find that he didn't keep Ms. Dibble in the loop as much as he should have?

A Didn't -- I don't recall -- I don't recall finding one way or another on that.

Q Was there anything that Ms. Dibble could have done differently to support Mr. Maxwell -- was she aware, for example, that he wasn't reading the intelligence?

A I don't know that. I don't know whether she was aware or not. I -- again, I have expectations for very senior people like that in these big organizations to sort of take care of themselves. And that's really why I as well as the rest of the board focused on Maxwell, Mr. Maxwell.

Q Did the board talk with Ms. Jones or Ms. Dibble about Maxwell's performance?

A I can't remember.

Q When was it that the board started to talk about assigning specific accountability for some of the personnel?

A It was really the latter quarter, last 2 or 3 weeks when we clearly knew we were -- we'd stopped expanding who we wanted to see.

We were contracting, starting to write. And then we also knew that the personal accountability part of this would be the -- I'm not sure we consciously said this or -- that that would be the last thing we'd deal with. So it was very much towards the end of the deliberations.

Q So as it ended up there were three individuals in the Diplomatic Security Bureau that were singled out and one in the Near East Bureau?

A Correct.

Q Maybe I already asked you this, maybe you already answered it, but once the board had decided that Maxwell had been -- didn't live up to his responsibilities, was there an opportunity to go back and talk with his supervisors to find out more information to see if where the board was heading was correct?

A We felt very comfortable with where the board was heading based on what we'd seen in terms of the overall situation and obviously Maxwell -- Mr. Maxwell's interview per se.

Q When the board interviewed Assistant Secretary Jones, was Maxwell's performance a topic of discussion?

A Not that I recall. Not that I recall.

Q How about with Ms. Dibble?

A No, I don't think so.

Q Do you remember the order in which you interviewed those three officials? Was Maxwell first?

A Pretty -- I think it was -- I think it was Jones, Dibble and -- I think Jones, Maxwell, Dibble. It was all -- they were all

pretty close, from my perspective.

Q There's been a media report, which you may have seen, that the Daily Beast reported, Maxwell's account. We have copies of it. If it would be helpful?

A I've seen it. I've seen it.

Q Would it be helpful to give you a copy here?

A I have a copy.

Q Okay. And -- you know, essentially, he said things like, you know, I had no involvement to any degree on security in Benghazi, Libya; responsibility was stripped out of my portfolio, things of that nature.

What's your reaction to that?

A I -- my reaction is I never heard that from him when we interviewed him, those words, or even the impression or the -- back to what I said. He presented himself as someone who was responsible for the Maghreb, to include Libya.

Q So during his interview, he held himself out as somebody with that responsibility?

A He did. I mean, he didn't indicate anything to the contrary.

Q Did he walk you through, to the extent if you remember, during that interview, his role in the security discussion? Did he tell you about conversations he was having with the post about security issues?

A Not that I remember but I can't remember really.

Q And was he involved at all with the diplomatic security discussion of, you know, of what was going on?

A You mean in his normal responsibilities or?

Q Well, his normal responsibilities or with specific respect to the situation in Libya. Did he have a seat at the table, the proverbial table, for security discussions?

A I don't know. I'd go back to what I said before. My expectation is generally that's not how it was working, that the space had been ceded to the -- to DS. And so -- and the decisions that got made or didn't get made with respect to security were dominated by DS.

Chairman Issa. If I may, in preparation for these interviews, did State supply you with an org chart or a command structure that would be similar to what you're used to in the military?

Admiral Mullen. We had that.

Chairman Issa. Did they delineate who was or wasn't responsible for anything --

Admiral Mullen. No.

Chairman Issa. -- such as these claims?

Admiral Mullen. No.

Chairman Issa. So the fact that he didn't say, "I've been stripped of that, it's not my portfolio," doesn't change the fact that it could be true.

Admiral Mullen. From my perspective. But, Chairman, my -- I guess -- I recall very vividly his interview. And at least the impressions that he left with me in particular, I think us, but I'll

speaking for myself, that he was responsible, that he knew the area, he certainly had the background, the career experience. And he projected that per se. He -- to the best of my recollection, he made no statement with respect to being stripped of any responsibilities.

Chairman Issa. I understand. But the question was -- I was interrupting because it's slightly different. You come from a military background. This would have been Article 32 investigation, probably, had it been military or something of that sort. The rules would have been different. And the command structure in the military would be different. Since this was the first foray for you of actually looking at the State Department with a critical view, you said they gave you an org chart. But do you believe that point responsibility within the State Department is defined in any way, shape, or form similar to the military where you can actually say, if there's a report or survey, this officer is responsible for the missing tank versus, well, there's an assistant secretary, there's these various folks, there's special envoys. Is the world different enough that somebody could be responsible and not know they're responsible or there could be shifting sands of interpretation as to responsibility for items like this? Notwithstanding that if you get classified cables that there's an expectation you read, that you should read them.

Admiral Mullen. I -- actually my reaction -- my thoughts on that question is that one of the things I struggle with, even in the military, was clear responsibility at a more senior level on a major staff, in a department. As opposed to a commander in the field, where it's pretty

clear.

Chairman Issa. But on your J staff and the like, you knew that the J-4 was not responsible for, if you will, classified information, per se, and so on.

Admiral Mullen. Sure. I mean, I clearly knew that. But I'd be the last one in the world to say that I knew who was making things happen or not making things happen a couple levels down from me, per se, unless it was brought to my attention. I was speaking earlier, I just have expectations for senior people. And I -- these are very senior individuals in the State Department, from my perspective, with decades of experience and in key leadership roles. And that's kind of how I -- that's my lens. And I have my own view. I have expectations that are associated with that.

Chairman Issa. And one last round of questioning. Under Secretary Kennedy was intimately informed at various times and had a role in decision process or at least had the authority to have the role and was informed about security concerns prior to it. And yet the ARB found no accountability for him.

That senior staff -- there was no question that the -- a wall that could easily been breached and had been breached, those kind of things he was aware of and yet the ARB didn't seem to assign anything at that level. Could you sort of explain that relative to this question of senior staff when things were loose, still being responsible?

Admiral Mullen. Sure. Sure. Well, I wouldn't say -- I wouldn't say they were loose. I have struggled in my own big

organization sometimes with, it can get gray. And it's part of -- I've got to understand that in my organization to make sure it's as clear as possible.

I would put Under Secretary Kennedy in the same category I put Secretary Clinton, meaning we clearly, when the ARB began there was no limits on who we would interview. And, in fact, I told counsel earlier that I had a conversation with Chairman Pickering when it started, that every -- from my perspective, and he agreed, everybody was on the table. And then it would obviously be part of the process and discovery, if you will, about who we thought was responsible and who we should -- who we should interview, who we thought was responsible, and eventually who we would assign accountability to.

It was -- the whole issue of security was so dominated by DS, Lamb in particular, Boswell, Boswell enabling all of that. That the seniors, again, with an awful lot going on, awful lot of -- in a big organization, you know, unless this is sort of -- this is brought to their attention, then it was -- we did not see any direct line of what I would call accountable responsibility for Under Secretary Kennedy. As we didn't for those senior to Under Secretary Kennedy in the State Department.

As I recall -- as best I can recall, Under Secretary Kennedy signed out the memo extending Benghazi from December of '11 to December of '12. And in that memo there were -- there was a -- in particular an area of focus with respect to number of RSOs that needed to be out in Benghazi.

After that, and he may have been, but after that, I didn't see any -- you know, I didn't see his involvement from a security standpoint, per se, in any significant way. Did he have broad responsibility? Yes. But there was a tremendous dependence on Ms. Lamb and DS to take care of this.

BY MR. CASTOR:

Q What kind of documents did the board rely on for understanding what happened? Obviously, there's the interview process. But did the documents inform the board's work?

A Certainly cables, memoranda -- cables, memorandums like the staffing memorandum that I just mentioned, which he used to approve the extension from November -- sorry, from December '11 to December '12, emails from, you know, one individual to another. Manuals, Foreign Affairs manual, per se. Some baseline regulations, the law.

Q With respect to Mr. Maxwell, was he involved in email communication when the folks in Libya were communicating with the folks in Washington, was Maxwell part of that discussion?

A I don't know that.

Q On email?

A I don't know that.

Q You know, was there other documentary evidence that Maxwell was a player with responsibility for security in Libya at least from the Near East Bureau perspective?

A I'm not aware of any additional documentation. But I also go back to what I said before, senior guy, his AOR, his four countries,

Maghreb.

Q And do you know if Dibble or Jones were showing up in the documents as participants in the documentary traffic on what was happening in Libya?

A I don't. I don't.

If I can, I mean, back to -- and I'll assume you may get into this a little more, but you've obviously asked a lot of questions about Mr. Maxwell. I think from the board deliberation point of view, as you know -- or I assume you know, we didn't make a specific recommendation with respect to him. We made two recommendations. But we highlighted him because we thought, senior guy, big responsibility, abrogated that from our point of view.

And that the whole issue of how you divide, both single out from an accountability standpoint the issue of breach requiring discipline, which is a space we never got into, the recommendations associated, that's sort of what I call a tier 1, secondly, the issue of what I call administrative action, and a recommendation which is what we recommended in the case of both Assistant Secretary Boswell and Deputy Assistant Secretary Lamb. And then in terms of responsibility in the chain of command and the responsibility overall without a recommendation, both Bultrowicz and Maxwell.

Q And was that information shared with department officials other than in the report? Did you have a meeting to discuss those four specific folks?

A Not until it was over. I mean it was shared in the report

basically.

Q But did you recall any discussions or meetings about the four individuals, did the Secretary or the Secretary's staff have any Q and A with you or back and forth about what the board found for those four folks?

A Not -- in fact, I don't recall in our meeting with Secretary Clinton and Ms. Mills that we had any specific discussions with respect to that at that point. Because we -- I don't think we were through our deliberations. That was sort of still to be determined. Not that we weren't in deliberations, but we weren't through that, working our way through that.

At the end of the ARB, I made a phone call to Ms. Mills specifically with respect to the degree of difficulty in the law with respect to the whole issue of breach and discipline. And that was -- those are the only ones I can think of.

Q And on that call did you discuss specific people or is it just the law?

A No, just the -- just the ability to -- and this goes back to my background, and it could go to, you know -- one of the recommendations in the report is to look at this because you're into pretty narrow space in terms of assigning accountability because of the requirement from a discipline standpoint both generated by the law originally out of the '86 law and then in precedent to find breach before you can take a disciplinary step. And we had very healthy discussions about that. And in the end, the five of us agreed that it didn't, it

didn't amount to breach. Which I would equate with malicious misconduct, et cetera. It was the -- it's the issue and the recommendation from -- the discussion in the report about you need from my perspective to include unsatisfactory leadership performance or -- you know, in that. But that is not -- that's not what we had going in.

Mr. Castor. Our hour is up.

[Recess.]

Mr. Knauer. It is about 11:30. We can go back on the record.

EXAMINATION

BY MR. KNAUER:

Q Admiral, I'm sorry, Chris Knauer. It's a pleasure to meet you. You have a long and storied career. I've been on the Hill quite some time, we've followed it, we really appreciate your years of military service.

A Thanks.

Q What you've done for the country. And we also understand that you have, in fact, volunteered a lot of time to the ARB, and we really appreciate the work that you've done on that.

I'm going to begin by asking you some fairly general questions. And if you could indulge me, some of those are going to be redundant, some of those in fact are going to be quite general. As Mr. Castor said, they are not meant to show any disrespect but to really have a clear record. Then I'm going to pivot into much of my hour covering the role that the military played in response to the attacks.

A Okay.

Q And I'm going to be relying pretty heavily on this script. So apologies up front for trying to stay close to the script only because I think we really want to have a complete record here.

Admiral, so the board's recommendations are designed to prevent the future loss of life for diplomats serving throughout the world. Could you elaborate on how the ARB was designed to do that?

A Well, clearly we were tasked to look at security, as it was related to the incident and the tragedy and the loss, in particular the loss of four lives, including a great Ambassador in Benghazi.

And I think outside the ARB simultaneously Secretaries Panetta and Clinton and -- and I think Director Clapper sent this team out to look at high risk, what I'll call high-risk, critical high-risk posts around the world. And they came back with a list pretty rapidly of I think 19 posts that they considered to be in that category. About which then I think Deputy Secretary Nides was given the task of moving on the findings and the recommendations as rapidly as possible to mitigate that risk.

One of the things that certainly Ambassador Tom Pickering is also a man with a storied career, I think he's been ambassador 7 times, my experience in places like Iraq, Afghanistan, Pakistan, Egypt and others, I think one of the real challenges we're going to have as a country is we're going to have to figure out how to mitigate -- how do you manage -- how do you understand, manage, and mitigate the risk in embassies and consulates throughout the world. And so one of the

issues we tried to get at in the ARB was the need to do that, and here are some recommendations and considerations that must go -- from our perspective, the need to go into place to mitigate this risk. The worry is, and I'm sure many of you have seen these embassies that we've built, we call them the Inman embassies which have been built, starting in the '90s, the worry is that you can't -- my perspective, you can't do the country's bidding, carry out the business, if you're in fortress America. You pick the country, you pick the part of the world. So there's got to be a balance there. And I've seen Ambassador Chris Stevens was one, I've seen courageous ambassadors put themselves at personal risk from the last -- at least the last decade of my experience, knowledgeably so, not foolishly, but have done that to represent the United States of America. We can't do it behind -- in a fortress.

So, broadly, one of the things we wanted to get at in the ARB is that consideration and understanding that it's a much different world than it was 10 years ago, or 10 years before that.

So it's sort of that -- that was the -- that was the big thought behind an awful lot of what we did.

Q Okay. And before we jump into the military role, I'd like to get your -- what did it mean personally to you to be on the ARB? I mean, this was a significant time commitment, you guys were all volunteers, at least the board members as I understand it were?

A Yes.

Q And you interviewed lots of people, lots of time was

expended. But what did this mean to you personally to be on this?

A It was -- it was a privilege, it remains a privilege. It -- to be a -- you know, associated with it. It was -- I knew it was critical work. And it was, from my perspective something I did for my country, which from that -- that's -- that was pretty easy. I mean, that was -- so it meant a lot. And certainly I understood obviously instantly the gravity of the situation just because of the loss of life even though as it initially occurred I really didn't have much of an idea how it happened. From my perspective it was both a privilege and it was, you know -- I didn't do it for any other reason but to do it for the country.

Q Okay. I'm going to begin by marking the public report of the Accountability Review Board as Exhibit 2. Since that has not been entered into the record.

[Mullen Exhibit No. 2
was marked for identification.]

BY MR. KNAUER:

Q And on page 37 of the ARB, it found that the interagency response the night of the attack was both timely and appropriate. And here's what it said specifically. Quote, "The interagency response was both timely and appropriate but there simply was not enough time given the speed of the attacks for armed U.S. military assets to have made a difference."

Admiral, did you conclude that the military took the appropriate steps to help the Americans in Benghazi on the night of the attack?

A I did.

Q And, generally speaking, what facts led to you determine that the military's response was appropriate?

A I personally reviewed, and as the only military member of the ARB, I personally reviewed all of the military assets that were in theater and available.

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

And it was in that interaction that I concluded, after a detailed understanding of what had happened that night, that from outside Libya, that we'd done everything possible that we could.

Q Okay. And did you have access to all of the information you needed to address this question, both paper, videotapes, any hard material that you needed as well as individuals?

A Yes.

Q Okay. Did you find that anybody, in fact, tried to prevent you from having that information or any information you needed?

A No.

Q Okay. And that also applies to the State Department, did the State Department provide you with all the information you needed to address this area insofar as the State Department's role was concerned?

A Which area?

Q The question of the military --

A Military response. Yes.

Q Okay. So your conclusion based on your experience, 40 years of experience, is that the military and the U.S. Government did everything that they could to respond to the attacks?

A Yes.

Q Okay. Gregory Hicks, who was the second highest State Department official in Libya on the night of the attacks, has testified publicly before our committee and described his concerns with a stand-down order that was issued to -- that was allegedly issued to a four-man special forces team in Tripoli under SOCAFRICA command on the night of the attacks. Were you able to see any of the testimony that occurred before our committee?

A I did.

Q Okay.

A I saw what Hicks said.

Q Okay. Did the ARB ever receive any information or evidence about this concern prior to his public testimony? And that is the allegation of a potential stand-down?

A Not that I recall.

Q Did you guys interview Mr. Hicks?

A We did.

Q In the course --

A Yes.

Q How many times did you interview Mr. Hicks?

A We interviewed him once. The members of the ARB, and it was from my perspective it was a very fulsome, forthcoming interview. He was singled out that evening, from my perspective rightfully so, for performing exceptionally well in what obviously were incredibly difficult circumstances.

He also came back, I believe, for an exchange -- he wanted to come back and provide some additional information, which he did, to the Executive Director, Ms. Zeya, which obviously was included in the record. Those were the two interactions that I'm aware of.

Q Okay. Last week, on June 12th, General Dempsey testified before the Senate Budget Committee. During questioning, he explained the reason for which the four-man Special Forces team was kept in Tripoli.

I'd like to ask that this exhibit be marked as Exhibit that 3 and placed into the record.

[Mullen Exhibit No. 3

was marked for identification.]

BY MR. KNAUER:

Q General Dempsey said that a determination was made that the team, quote, "would contribute more by going to the Tripoli airport to meet the casualties upon return," end quote. And here's what General Dempsey said further, quote, "By the time they contacted the command center in Stuttgart, they were told that the individuals in Benghazi were on their way back and that they would be better used in the Tripoli airport because one of them was a medic, that they would be better used to receive the casualties coming back from Benghazi. And that if they had gone they would have simply passed each other in the air."

Admiral Mullen, do you believe this most recent statement by General Dempsey to be correct?

A I do.

Q Is there any reason to doubt that statement?

A None. In fact, when I heard Mr. Hicks' testimony, I went -- I specifically went to look at that aspect of what had happened. And in fact the direction that was given, I think it's Colonel Gibson, Lieutenant Colonel Gibson, I think -- I know the direction that was given him, after he and his forces had helped Mr. Hicks redeploy, if you will, the Americans from the embassy compounds to the annex, after he had helped do that.

Mr. Levy. Just to clarify, that's in Tripoli.

Admiral Mullen. This is in Tripoli.

He checked in with his command, which was SOCAFRICA. And he was given direction to hold in place.

There was never direction given to him to stand down. He was then remissioned consistent with what General Dempsey said in his testimony the other day.

BY MR. KNAUER:

Q Okay. Did the ARB, as part of your inquiry, determine that there was a need to keep the four-man team in Tripoli instead of sending them to Benghazi? Were you able to evaluate their need for being there at all?

A Well, I think -- you know, what General Dempsey said was true in terms of this was about 6:30 in the morning. Had Hicks -- or I'm sorry, had Gibson and the other three gotten on an airplane, they would have flown past the plane bringing those who -- out of Benghazi, some of whom were wounded. And an untold story here is the heroic efforts of the medic actually on that airport coming from Benghazi to Tripoli, which there are those that believe kept a couple of those wounded alive to get them to Tripoli, which would then allow continued triage to put them on a C-17 pretty rapidly and get them up to Landstuhl. So I say that because the focus of the medical aspect on this and the medic who remained in Tripoli was absolutely critical. That's where the focus was at that time.

I would also add that for Lieutenant Colonel Gibson and for others who either are currently wearing or have worn the uniform, the desire to get out there to help is who we are. So I certainly wasn't surprised

that that's what he wanted to do.

Q During his Senate testimony with regard to the four-man team, General Dempsey also said this about the allegation that they were told to, quote, stand down, quote, they weren't told to stand down. 'Stand down' means don't do anything. They were told that this mission they were asked to perform was not in Benghazi but was at Tripoli airport?

Do you agree, Admiral, that it would be inaccurate to say that the four-man team was told to stand down?

A Yes, they are not told to stand down.

Q Okay. So the next section I want to cover is the issue of flying a fast jet over Benghazi. Mr. Hicks also testified that he was frustrated that a fast-mover, such as an F-16, could not have been sent to Benghazi to either engage militarily or do fast flyovers to perhaps scare adversaries. Obviously I think we're all sympathetic with that. I think both sides of the committee certainly understood that we wanted jets there yesterday, I think as our ranking member said.

Admiral Mullen, as part of the ARB, did you investigate whether the military could have sent fast-mover assets, such as F-16s, to Benghazi on the night of the attack? And, if so, what did you conclude?

A We did -- we did investigate that. And consistent with what I said previously, it was not realistic to think that we could task fast movers, jets, notionally in Aviano, Italy, 2 to 3 hours' flying time away, without tankers, which were a minimum of 4 hours away in the middle of the night with no previous tasking. So General

Dempsey's testimony in February, and I think consistent with what Secretary Panetta said in terms of being able to move forces more rapidly, which we all wanted to do. I am particularly sympathetic to Mr. Hicks' frustration with what he was going through, can we get help now.

There's no one I've ever met in the military that wouldn't want to get help there instantly. The physics of it, the reality of it, it just wasn't going to happen for 12 to 20 hours. And I validated that in my review when I went to the Pentagon to look at every single asset that was postured in theater, including those jets in Aviano.

Q Okay. At a hearing on February 7th, 2013, before the Senate Armed Services Committee, General Martin Dempsey, the current Chairman of the Joint Chiefs of Staff, was asked whether we could have deployed F-16s from Aviano Air Base in Italy. And here is what he said. Quote, For a couple reasons, one is that in order to deploy them it requires the -- this is in the middle of the night now. These are not aircraft on strip alert. They are there as part of our commitment to NATO and Europe. And so as we looked at the timeline, it was pretty clear that it would take up to 20 hours or so to get them there.

Admiral Mullen, do you agree with General Dempsey's explanation that there was simply not enough time to deploy those assets?

A There was not enough time to deploy the assets, to provide the refueling they would have needed probably twice en route, given once while they are going, and if they're going to have any on-station time, twice, those assets, those refueling assets were further out of

reach than the jets in Italy -- meaning in Aviano specifically. So it just wasn't realistic.

The line of questioning and approach here, for those of us in the military, that we would consider for a second not doing everything we possibly could, it just -- it stirs us to our bones, because that's who we are. We don't leave anybody behind. We do support them under all circumstances. That night, middle of the night, it just wasn't -- for those assets that may have been able to get there in someone's view, it just wasn't very realistic.

What is also unsaid in this is for those kinds of assets, the significant, though administrative issue of asking a country like Libya to come into their air space with combat forces. And those are decisions that have to be made. Obviously, if we had assets available. And the significance of either that being granted or not granted or the ability to even have it granted that night with everything else that was going on in Libya.

Q And without at all getting into classified space, is there anything you can provide us with that gives a bit more context as to what's required to simply get an asset such as that, such as an F-16 from point A to point B on almost no notice?

A Well, I think General Dempsey said it in his testimony. You know, there were no jets on strip alert. And strip alert is a readiness to respond level where you condition a military asset to be available in a period of time. And it could be an hour, it could be 4 hours, it could be 12 hours. And all of the people, all of the munitions,

all of the missions, all that sort of pre -- that's all preplanned. And depending on what your readiness level is or your response time requirement is. So there were none who had any readiness level at all to be able to respond to an attack like this.

Q Okay. And former Secretary of Defense Leon Panetta also testified at the same February 7 hearing on matters related to Benghazi.

And I would like to mark a section of that transcript as Exhibit 4.

[Mullen Exhibit No. 4

was marked for identification.]

BY MR. KNAUER:

Q And Secretary Panetta said this: Quote, Soon after the initial reports about the attack the President ordered all available DOD assets to respond to the attack in Libya and to protect U.S. personnel and interests in the region. Some have asked why other types of armed aircraft were not dispatched to Benghazi. The reason is because UAVs, AC-130 gunships, or fixed-wing fighters with the associated tanking armaments, targeting, and support capabilities were not in the vicinity of Libya and because of the distance would have taken at least 9 to 12 hours if not more to deploy. This was pure and simple a problem of distance and time.

Admiral Mullen, do you agree with Secretary Panetta's statement that this really was a problem of distance and time. And, again, I apologize that we're going through areas that have been gone over I think many times. But I think that this can't be addressed enough by an expert such as yourself?

A No. I agree. It was as I said before, physics, distance, and time.

Q Okay. On May 12th of this year, Secretary Gates appeared on CBS Face the Nation, expressed his views on Benghazi. I would like to enter the transcript of this program as Exhibit 5 into the record.

[Mullen Exhibit No. 5
was marked for identification.]

BY MR. KNAUER:

Q And here's what he said. Quote, "I listened to the testimony of both Secretary Panetta and General Dempsey. And frankly, had I been in the job at the time, I think my decisions would have been just as theirs were. We don't have a ready force standing by in the Middle East despite all the turmoil that's going on with planes on strip alert, troops ready to deploy at a moment's notice. And so getting somebody there in a timely way would have been very difficult if not impossible. And frankly I've heard, quote, 'Well, why didn't you just fly a fighter jet over and try and scare them with the noise or something?' end quote. Well, given the number of surface-to-air missiles that have disappeared from Qadhafi's arsenal, I would not have approved sending an aircraft, a single aircraft over Benghazi under those circumstances."

Admiral Mullen, Secretary Gates said that one reason he would not have approved sending an aircraft to Benghazi on the night of the attacks was due to a potential threat from surface-to-air missiles that may have disappeared from Colonel Qadhafi's arsenal.

Do you agree that that could be a possible reason why you wouldn't want to send an asset over Benghazi?

A If I were to send an asset over Benghazi I'd want to know what the threat is. I -- from a standpoint of in particular this is focused -- at least from my perspective it's been focused on the second attack, which the event that -- the mortar attack which killed two great Americans, Mr. Doherty and Mr. Wood -- Mr. Woods. The reality is the likelihood at 2:00 in the morning of -- or at 5:00 in the morning in the middle of the night under the cover of darkness, the likelihood that we could have had any effect on very accurate mortar fire set up in a very short period of time for -- to be able to deter or take that out is from my perspective near zero.

So I think Secretary Gates' comment about the whole idea, and I think Secretary Panetta said the same thing another way, which is trying to understand the threat base which is what we always do when we send people in. That doesn't imply from my perspective that we would have to wait. It's just you need to understand it. And you need to understand the risks. And there are risks where from my perspective I would -- when I was in a position of responsibility I would have taken the risk to send somebody in when there was a surface to air threat I thought I might be able to mitigate and there are times when I wouldn't.

Q All right. In the same CBS show, former Secretary Gates also said this about sending Special Forces to Benghazi on the night of the attack: "With respect to sending in Special Forces or a small

group of people to try and provide help, based on everything I have read, people really don't know what was going on in Benghazi contemporaneously. And to send some small number of Special Forces or other troops in without knowing what the environment is, without knowing what the threat is, without having any intelligence in terms of what is actually going on on the ground I think would have been very dangerous. And, personally, I would not have approved that because we just don't -- it's sort of a cartoonish impression of the military capabilities and military forces. The one thing that our forces are noted for is planning and preparation before we send people in harm's way. And there just wasn't time to do that."

Admiral, do you agree with Secretary Gates that sending in Special Forces would have been very difficult and risky without knowing much more about the threat conditions?

A I agree completely with what he said.

Q Do you care to elaborate further on that?

A I think -- what caught me in his statement there that I think is really important is his comment on "cartoonish." As if it's almost like a PowerPoint slide, you can go from a situation that is very calm to all of a sudden they're all there. There's an extraordinary amount of work that goes into planning and preparation and understanding what you're doing. And going into very risky environments. Not that they wouldn't do that. But that you can somehow do that instantly when you really are completely surprised, that you could generate a force to have that kind of impact is -- it's just not reasonable. And it's not

my experience in some pretty difficult circumstances over the last several years in two wars plus the war against al Qaeda.

Q Okay. And this is a hard question for me to ask because I think it's a bit complex and I've tried to grapple with it. But it seems that some want to look at the attacks almost in hindsight as a very clean, 12-, 13-hour period. That on hour one you should have known what the situation was and then, you know, you would have known what the conclusion would be. And therefore, all assets would do X, Y and Z.

And it's my understanding that analysis of what was taking place or trying to assess what was taking place was happening over that period of time and the military was constantly trying to understand what its options were.

Can you talk about sort of when the attack first occurred and sort of how the military would approach something like this?

A Well, I would go back to I think it's important in my experience with two Presidents is that when something like this happens, the Presidents say do everything you possibly can do. And that's all the guidance I need to move forces and certainly with two Secretaries of Defense that I served with that's all the -- all the guidance Secretary Gates and Secretary Panetta would need.

So we're -- and in fact in this situation, it does not seem to be, at least from a public standpoint, widely understood, we moved a lot of forces that night. They don't move instantly. But we had a significant force that was deployed doing other things, Special

Operations Force in Europe, in Croatia, which was redeployed to a base in Southern Europe. We had a significant force from the United States which was deployed to a base in Southern Europe. So there were a lot of forces moving. And you make those packages, if you will, as robust as possible because you don't know when it's going to end and you don't know exactly what's going to happen next. And I'm very confident that was done.

All of that, while you're trying to put together the picture as rapidly as possible, moving a drone over -- a UAV, unarmed UAV over Benghazi as rapidly as possible to give your -- give yourself better situational awareness. That was done. You're pulling every single spring you possibly can to find out what's going on, including those forces that are -- and this isn't just the Pentagon. This is -- I certainly saw this in the State Department. I saw this in the intelligence community. From my review if you will.

RPTS BLAZEJEWSKI

DCMN BURRELL

[12:00 p.m.]

And you're piecing all that together to try to put together a plan to take whatever the next step is going to be, and it's all happening simultaneously, and from what I could see, it certainly was that night.

Q There's another vignette that I want to go into that was something that came out earlier this year. In April an unidentified individual who was described as, quote, a military special ops member appeared on national television to give an interview on the military's response to the attacks in Benghazi. The man appeared behind a black screen in order to conceal his identity. He suggested that military assets in Europe could have prevented the second attack in Benghazi. Specifically, he said this, quote, I know for a fact that C-110, the EUCOM CIF, commander's in extremis force, in brackets, was doing a training exercise, and they had the ability to react and respond. And he further stated, quote, We have the ability to load out, get on birds, aircraft, and fly there at a minimum stage. C-110 had the ability to be there, in my opinion, in 4 to 6 hours. He concluded, quote, They would have been there before the second attack.

Are you familiar with this claim?

A I think I heard some of the interview either -- I didn't see it. Either in a clip that was run on a news station after he came out or not. Again, I've looked at the force posture personally, I've looked at where that force was deployed, those special operators that

were on an exercise in Croatia, and I just disagree with his assessment.

Q Okay. In order to investigate this claim, Ranking Member Cummings wrote a letter to Secretary Hagel asking for the Defense Department's response. We received that written response from the Department, and I would like to make Ranking Member Cummings' letter and the response from DOD Exhibit 5?

Mr. Powell. 6.

[Mullen Exhibit No. 6

was marked for identification.]

BY MR. KNAUER:

Q The response from Secretary Hagel reads, and I quote, In regard to the anonymous allegation that the CIF could have arrived in Benghazi prior to the initiation of the second attack on the Annex, the time needed from alerting the CIF to landing at the Benghazi airport is greater than the approximately 7.5 hours between the initiation of the first attack and that of the second one.

Admiral Mullen, do you have any reason to disagree with what the Department has said in this letter?

A No.

Q The letter also says this, quote, The time requirements for notification, load, and transit alone prevented the CIF from being at the Annex in time enough to change events.

Admiral, do you agree with that statement?

A I do.

Q Okay. And last week, again, June 12th, General Dempsey

testified before the Senate Budget Committee that the EUCOM CIF was on a training mission in Eastern Europe on the night of the Benghazi attack and could not have been in Benghazi within 4 to 6 hours as has been alleged. General Dempsey explained, quote, The travel time alone would have been more than that, and that's if they were sitting on the tarmac.

Do you have any reason to disagree with General Dempsey's assessment of the plausibility of the claim that CIF could have been in Benghazi within 4 to 6 hours?

A I do not.

Q Does it seem plausible to you that the CIF could be redeployed from a training exercise in Eastern Europe and be on the ground in Benghazi within 4 hours?

A It doesn't.

Q Okay. Well, testifying before the Senate Budget Committee, General Dempsey was questioned as to the CIF's standing order time to deployment at the moment of the Benghazi attack, and he responded with an estimate. General Dempsey said, quote, Given that they were on a training event, it was probably at N plus 6.

Can you explain what that means, N plus 6, and do you have any reason to believe that the CIF standing order time to deployment was less than that?

A Well, I think that General Dempsey's estimate is reasonable, although I don't know specifically what it would be. When you are going to deploy forces, you give them what we call N hour, so

that's, you know -- and then you are expected to deploy at some period of time after that. So you establish an N hour, and then N plus 3 or N plus 6 or N plus 12 is when you typically deploy. So what General Dempsey is saying there from notification and establishment of that notification hour, let's say for discussion purposes that night it was midnight, they -- or it was 2 in the morning, theoretically what he's saying is 6 hours later. But there's an awful lot more that goes into that. They're deployed at the time, they're exercising at the time, their kits are, they're kitted up for entirely different missions, training missions, et cetera. There's a whole lot that goes into how quickly I can move someone.

Q Okay.

A And, in fact, my understanding is they moved as rapidly as they could, and they showed up at this base in southern Europe late that afternoon.

Q On April 23 of this year, five chairmen from key House committees issued an interim report on Benghazi entitled, quote, Interim Progress Report for the Members of the House Republican Conference on the Events Surrounding the September 11, 2012, Terrorist Attacks in Benghazi, and I would like to make that, place that into the record, Exhibit 7.

[Mullen Exhibit No. 7

was marked for identification.]

Mr. Knauer. On page 15 of that report it states the following.

Ms. Sachsman Grooms. Just for the record, Exhibit 7 is just this

section of the report, not the whole report.

Mr. Knauer. Yeah, just this section.

BY MR. KNAUER:

Q On page 15 of that report it states the following, quote, The House Armed Services Committee also examined the question of whether the Defense Department failed to deploy assets to Benghazi because it believed the attack was over after the first phase. The progress report finds that officials at the Defense Department were monitoring the situation throughout and kept the forces that were initially deployed flowing into the region. No evidence has been provided to suggest that these officials refused to deploy resources because they thought the situation had been sufficiently resolved, end quote.

Admiral, that finding seems consistent with what your report found, that the U.S. military did all it could to respond, kept forces flowing into the region during the attack, and that no evidence exists that they attempted to hold back resources during the attack. Would you agree with that part of the Republican report?

A I would agree.

Q Okay. And there have been some allegations that the military's response was delayed because authorizations were not provided in a timely response. Did you, in your work with the ARB, find that any necessary authorizations for military actions were withheld and can you maybe go into that a bit?

A I didn't. I think what that speaks to is it was several

hours, several hours until the SECDEF, Secretary Panetta, approved the authorization, and I can tell you just from my own experience, you're moving a lot of parts, a lot of pieces to get to a point where you get that authorization to go along the lines of what I talked about before.

Q I'm about to turn this over to my colleague in one quick second, but really quickly, is there any other part of the military question, innuendo, allegations that you have seen out in the public that you think should be corrected for the record since you're in front of us?

A Well, back to not the last question but the one before that in terms of continuing to move forces, in an uncertain situation like that, which it still was, throughout the night and even throughout the night here, it is so normal to keep everything moving because you just don't know what you have, and while there was better information as time went on in terms of what was going on in Benghazi, it still wasn't complete, and the norm is to keep flowing forces as many and as fast as you can until the situation settles out, and it's my view the situation didn't really settle out until we had them out of Libya, and those who we evacuated from Benghazi, and then those that we moved from Tripoli up to Landstuhl. So the norm is you keep everything going until you get to some lull that makes sense. That was the first lull that made sense to me.

Q Okay. And final question. And just to be very clear here, you had access to all of the puzzle pieces on the board?

A I did.

Q And you were able to essentially take the night of the attacks and almost work backwards and say, show me where all the assets were in theater or in that region or around the world, and you were able to look at the time components and sort of the logistics of what it would take to move from point A to B, and this includes naval, aviation, ground forces, all components of the military?

A I did that twice.

Q And you were satisfied?

A I am.

Mr. Knauer. Okay. Susanne?

BY MS. SACHSMAN GROOMS:

Q Just to reintroduce myself, my name is Susanne Sachsman Grooms. I want to take just the last section of our time to go through some of the public allegations that have been made against the Accountability Review Board, against both the members and the report. I'm sure you know that the ranking member has commented that he feels that it's fundamentally unfair that the committee has so far denied you or any other board members the opportunity to respond directly to these allegations at a public hearing. So here what I'm going to do is provide you with an opportunity to respond to some of those allegations directly, and if you'll bear with me, there's a lot.

On May 5th of this year the chairman of the committee, Chairman Issa, appeared on CBS's Face the Nation. We're going to introduce these and keep moving pretty quickly. This will be Exhibit 8.

[Mullen Exhibit No. 8

was marked for identification.]

BY MS. SACHSMAN GROOMS:

Q During that interview the chairman described the investigation in the following way, and I quote: The State Department's questionable investigation because it clearly meets a statutory requirement to do an investigation, but it doesn't answer any real questions or place blame on people who were involved in this failure.

I'm going to address these one at a time.

Do you agree with the allegation that the ARB report, quote, doesn't answer any real questions?

A I do not.

Q By statute the ARB addresses five categories of questions or topics, and this includes the adequacy and implementation of the security systems and security procedures at the mission. In your view, are those questions real and important?

A Yes.

Q Did your written report answer all the substantive questions required under the statute?

A It did.

Q I would like to turn to another statement that he made during the same Face the Nation interview, that the ARB report did not, quote, place blame on people who were involved in this failure.

Admiral Mullen, how would you respond to that allegation?

A I think it's very important, and I'm sure the chairman

understands this as well, that it's very important to note that we were driven by the legislation, and the legislation specifically originated because senior government officials had taken responsibility for major incidents at the principal level, if you will, whether it be presidential or departmental, agency, but the responsibility for the decisions that were involved in the incidents, if you will, were made at a level inside the Department at a lower level, senior but lower. It very specifically focuses by law directing us as ARB members on where the decisions were made. That's what guided us. And in the end there was no official, including the Secretary of State, whose involvement wasn't reviewed and decisions about accountability were tied to, one, that direction and, two, where we saw the decisions made, dominantly so with respect to security in the diplomatic security directorate, if you will, the assistant secretary and the deputy assistant secretary. And in fact, I see them as very senior individuals. Some might take issue with that. I do. They certainly had the responsibility, they had the experience, and the -- you know, decades of experience, and that's how it was actually happening in execution.

Q Was the determination of accountability a unanimous decision of the board members?

A It was.

Q Were any of the decisions made about the placement of responsibility based on political considerations?

A No.

Q Was the placement of responsibility at all impacted by an

interest on the part of any members to protect any individuals?

A No.

Q Was the placement of responsibility at all impacted by your or any other ARB member's personal relationships with any individuals?

A No.

Q Was the placement of responsibility at all directed by the Secretary of State?

A No.

Q I'm going to do another example. I would like to introduce as Exhibit 9 a May 12th interview with NBC's Meet the Press.

[Mullen Exhibit No. 9

was marked for identification.]

BY MS. SACHSMAN GROOMS:

Q And during that interview Chairman Issa stated, and I quote, One of the problems with this ARB report is it doesn't seem to find anybody at the high level of State Department or anyone else to have failed.

Admiral Mullen, I believe you just spoke to this. Do you agree that the board did not find anyone to have failed, including high level officials within the State Department?

A I don't agree with that.

Q And that's because you believe that the people that you found accountable to be senior level officials?

A We assigned accountability where we thought it was best and most appropriately resident in the officials, the four in particular,

the four senior officials that we singled out in the report, two of whom we made specific recommendations for, and I'm very comfortable with that.

Q During that same appearance on Meet the Press, Chairman Issa stated, and I quote, We believe it was insufficient. We believe that it's likely that they did not interview all the people. We have one witness who said I wanted to be interviewed, and I wasn't. He was referring to Mark Thompson, I believe, the State Department's, and I believe his title is Deputy Coordinator for Counterterrorism.

Admiral Mullen, are you aware of Mr. Thompson's statements about not being interviewed by the ARB?

A I am.

[Mullen Exhibit No. 10

was marked for identification.]

BY MS. SACHSMAN GROOMS:

Q I want to enter into Exhibit 10 a statement by Ambassador Daniel Benjamin, Mr. Thompson's boss. Are you familiar with this response by Ambassador Benjamin? He indicated that the counterterrorism was, in fact, included in the Department's response.

A I am.

Q And is there any reason that your findings or the findings of the ARB or the recommendations of the ARB based on the interviews that you did do are incomplete or inaccurate following the testimony from Mr. Thompson you've seen?

A None whatsoever. I mean, I indicated earlier in the discussion, in the interview here that had I known Mr. Thompson wanted to be interviewed, consistent with how we ran the ARB, he would have been interviewed.

Q Have you seen the contents of his statements, though, that he made before the committee about the counterterrorism bureau and the FEST?

A Yes, yes.

Q And from what you've seen from his statements that he made, would those, if you had interviewed him, would those statements have changed any of the findings or the recommendations in the ARB report?

A They would not have. It's my own personal view, based on my own experience, that it wasn't the time or the place for a FEST.

I think the principals, as I understand it, the deputies committee made that decision. Mr. Benjamin, who I know and supported that decision, that seems to be the right decision from my perspective. At the same time, I don't want to in any way, shape or form undercut Mr. Thompson's desire to get in and help. That's very real, and I understand that. And there was no intent whatsoever, the best I can tell in my review of ARB documentation since his testimony that there was any intention to include him. I actually think it was a --

Mr. Levy. You mean exclude?

Admiral Mullen. Or exclude, I'm sorry, intent to exclude him. And as I said, had I, and I am confident I can speak for Ambassador Pickering, known he wanted to be interviewed, we would have interviewed him.

BY MS. SACHSMAN GROOMS:

Q During his May 12th appearance on Meet the Press, Chairman Issa made the following statement about Ambassador Pickering, which could be interpreted as a broad criticism of the entire board and its work or merely one of Ambassador Pickering. He said this and I quote, Ambassador Pickering heard what the administration wanted to hear. He also said, and I quote, He was simply acting as an appointee of the Secretary.

I would like to get your response to this. Do you believe that Ambassador Pickering heard only what the administration and former Secretary Clinton wanted the board to hear?

A I don't. Fundamental to the board throughout was the

board's independence.

Q Did you believe that the board or Ambassador Pickering was beholden to the Secretary in any way?

A In no way whatsoever.

Q And did the board or Ambassador Pickering shield the Secretary from criticism because she convened the board and appointed you?

A No.

Q Did political considerations play any role in the ARB's investigation or conclusions?

A No.

Q On April 30th Oversight Committee member Trey Gowdy appeared on Fox News. We'll enter this as Exhibit 11.

[Mullen Exhibit No. 11

was marked for identification.]

BY MS. SACHSMAN GROOMS:

Q Mr. Gowdy made the following statement, and I quote, After seven months it becomes patently obvious that the sole function of the Accountability Review Board was to insulate Hillary Clinton.

I would like to give you the opportunity to respond to that allegation. What's your response?

A The sole purpose of the Accountability Review Board was to determine what happened, particularly with regards to security to make recommendations that we found relevant to the deficiencies that we saw in the Department and in the people, and we did that very

comprehensively. What he said about us is, from my perspective, completely wrong.

Q In your review did you determine whether Secretary Clinton had a role in establishing the Benghazi compound or approving its security profile?

A Not that I could see. Not that I saw.

Q And did you find that Secretary Clinton was involved in the decision making that led to the lack of security in the days and weeks leading up to the attack?

A Secretary Clinton was certainly, one, aware of the compound; two, aware of deteriorating, of incidents which occurred in the east. It was a very difficult part of Libya, but we found no evidence whatsoever that she was involved in security decisions out there. In fact, that was held very closely by Miss Lamb. And the other individual who I think bears mentioning in all of this is, it's been my -- it's a fact and it's certainly how I've operated my whole life is the individual who is ultimately responsible for security in a given country with respect to the United States is the ambassador, the chief of mission, and so there is responsibility that lies there in Libya with Ambassador Stevens, as it is for every ambassador in every country.

Q During the committee's May 8th hearing Chairman Issa stated that the message was being sent that this investigation is or I guess was, and I quote, The next ARB will probably whitewash the same as this one. I want to introduce that as an exhibit.

Mr. Powell. 12.

Ms. Sachsman Grooms. 12.

[Mullen Exhibit No. 12

was marked for identification.]

BY MS. SACHSMAN GROOMS:

Q Admiral Mullen, was the ARB part of a whitewash?

A It was not.

Q I've just listed out about 20 minutes of accusations against the ARB. What effect do you think these accusations of a cover-up have on the important task of implementing recommendations made by the board to improve diplomatic security at posts around the world?

A Repeat that again.

Q There are all these accusations about a cover-up.

A Yeah.

Q What effect do you think they have on the ability to implement the recommendations of the board?

A First of all, that's the first time I heard you use the word cover-up, I didn't hear that in any of the accusations. I, from an implementation standpoint, trying to put myself back into a position of responsibility in the government, I'm -- I mean, I would be comfortable if I were in charge of implementing that I could do that. I would seek to do that. That doesn't mean I wouldn't have a debate about resources, et cetera, to do it, but I think that's fairly normal here in Washington. So I'm -- you know, it doesn't mean we wouldn't have both disagreements, but I would be leaning about as far forward as I could to execute the recommendations and implement the things that

needed to be implemented.

Q Do you think that the accusations make it harder for future ARBs, for people to find people to serve on future ARBs as well as just in the process of doing future ARBs?

A I guess I would try to reflect on that personally, that it wouldn't keep me from coming back if there were another circumstance that warranted it.

Ms. Sachsman Grooms. I think my time is up. And I believe we're breaking for lunch.

[Recess.]

BY MR. CASTOR:

Q Admiral, we're back on the record. Thank you again. Just to reiterate, Mr. Issa invited you here today to learn more about the work of the Accountability Review Board, what information the board received, what information it reviewed, considered, and how the board made its decisions. So to the best extent possible I'll try to stick to that topic area.

A Sure.

Q And the purpose, of course, is to help our members understand, have a more effective hearing, perhaps even a shorter hearing when Ambassador Pickering and hopefully yourself if you're interested and willing can testify publicly --

A Sure.

Q -- about the work of the ARB.

I'm going to cite some passages in the report. The passages I'm citing you may have great familiarity with. I can tell you the page number if you would like to go to it.

A Okay.

Q As I say, you may not need me to do that. So whatever works for you.

A This is in the unclass report?

Q Yes, the public version. On page 25 of the report states that within hours Embassy Tripoli chartered a private airplane and deployed a seven-person security team which included two U.S. military personnel to Benghazi.

What type of aircraft was that, do you know?

A I think it was a C-130.

Q When did the chartered aircraft depart Tripoli for Benghazi?

A I'm just backing up timelines. I think about 2230 that night, 10:30 that night or so. I think it arrived around midnight, maybe at 12:30. That was about an hour and a half flight, as I recall.

Q Were the two U.S. military personnel on that flight based at the embassy compound?

A Correct. They were based in Tripoli.

Q And how did their authorization, how was that processed?

A Typically -- and they can wear one of two hats. They could be working for the Ambassador, in which case in this case the DCM would authorize them or if they had their other hat on, which would be a training hat, they would be working for General Ham in AFRICOM, so it was authorized by one of those two paths.

Q And do you know which chain of command approved their travel?

A I think it was Ham, but I just don't -- I'm not sure. In fact, I mean, I would deduce from the action later on with respect to the hold in place for the remainder of that team that it was Ham that authorized the two to go because that's the same group.

Q And did the board look at specifically who in Tripoli was communicating with General Ham's folks?

A The communication which was taking place, and actually -- I

say General Ham, it's, in fact it was at a lower level in General Ham's staff, in the special operations part of General Ham's staff, SOCAFRICA is what it was called based in Stuttgart. The only other, I think, communication that we looked at was the defense attaché, who was in communications with a number of people, including General Ham's staff, that evening both relaying what was happening and then when appropriate asking for help.

Q Do you know if it was the same individual in General Ham's command that was later on asked about the four special operators?

A No. Normally it would be -- I think the guy's name is Hicks. Not Hicks. Gibson was one of the colonels, and I can't remember the other, the defense attaché.

Mr. Lewis. Colonel Phillips?

Admiral Mullen. Phillips. So Phillips would normally be talking to AFRICOM's command center as opposed to Gibson, who was a special operator, talking to the special operations center part of the command center in Stuttgart.

BY MR. CASTOR:

Q What time did the aircraft depart Benghazi to return to Tripoli?

A I think its wheels up were about I think 7:30 in the morning. Maybe an 8:30, 7:30 or 8:30 in the morning, local time Benghazi.

Q And so it would have landed back in Tripoli an hour and a half later?

A Roughly, yeah.

Q Who was on board that aircraft when it returned?

A The wounded, a medic, and, you know, I think a mix of both the State Department security types and some of the Annex individuals.

Q Hicks testified that there was a second flight from Tripoli to Benghazi at dawn on the morning of September 12th.

A Yeah.

Q He testified that the Libyans agreed to fly one of their --

A Yes, correct.

Q -- C-130s to Benghazi?

A Yes.

Q That flight is not discussed in detail in the report. Do you know why that was?

A Probably because what we saw at that point in time from a timeline standpoint was the movement from the Annex to Benghazi under control basically of both our security forces writ large, meaning not just the State Department's but the Annex's, supported by the local militia, and I would characterize them at that point friendly local militia that were moving to Benghazi. As soon as the attack occurred at 5:15 in the morning, the decision was made not long after that to evacuate. So there was a lot of movement to Benghazi. Clearly the one plane could return with some of them and the other plane had to get the rest.

Q Hicks said that the second flight went at dawn. Do you know or does the board know precisely when it departed?

A I think the board knew. I mean, I just can't recall.

Q And who was on that flight?

A I'm not sure. I'm not sure. The second flight?

Q Yes.

A I'm not sure.

Q Do you know what the purpose of the flight was?

A To have enough capacity to evacuate the people.

Q Do you know how long it was in Benghazi before it turned around and came back?

A I think the last, I think the wheels up was 8:30 out of Benghazi.

Mr. Lewis. May I jump in there for a second?

BY MR. LEWIS:

Q Admiral, for clarification purposes, because you may not have listened to the entire testimony of General Dempsey on June 12th, and I'm sorry that I don't have this ready as an exhibit because I thought you might know the answers to it. In a question regards to the breakdown of the six personnel, General Dempsey said, Yeah, and there were two different groups of -- there were six people, not all working for the same command. Two of them were working with Joint Special Operations Command, they were collocated with another agency of the government in Tripoli and four were working under the direct line of authority of Special Operations Command Europe or Africa, AFSOC?

A What was the first one again, the first two were working?

Q JSOC.

A Yeah.

Q So back to the previous questions that Steve asked, I think you may have been under the impression they were all operating under the command of AFSOC. According to General Dempsey, the first two were working under JSOC and the four were working under AFSOC, is that your understanding?

A I certainly don't have any reason to disagree with what General Dempsey is saying.

Q Which would put them under two different chains of command?

A Correct.

Q One in CONUS, presumably at Fort Bragg?

A Correct.

Q And one out of Stuttgart with AFSOC?

A Correct.

Q I just wanted to make sure that we have two different lines of chain of command?

A That's correct.

Mr. Lewis. Sorry, Steve.

Admiral Mullen. So actually the last time wheels were up for evacuees at 10 Benghazi time, the last one. One at 7:31 and one at 10:00.

BY MR. CASTOR:

Q Wheels up back to Tripoli?

A First one, yeah, wheels up, first one 7:31, second one at 10:00.

Q What time did the flights go from Tripoli to Benghazi?

A 0130 security team wheels down in Benghazi, I think that was the first one, you asked me about that before.

Q Yeah.

A I don't have the other one, I don't have the second one landing.

Q Do you know if the, any of the personnel on the second flight, if part of the reason that they went was to provide reinforcements to the U.S. personnel currently under attack?

A That would be a natural part -- I mean, not currently under attack because there wasn't anybody under attack at that point for the

second one, but certainly that would have been on their mind and some preparation for that. But, again, I'm not -- I'm just -- I can't remember the composition of that airplane.

Q But at that point in time --

A The crew I mean.

Q -- there could have been a subsequent attack coming still, at that point in time nobody knew that it was done?

A Hypothetically, yes. Yeah, absolutely. Absolutely. But, I mean, to extend that from my perspective as you ask that question to the security forces that were now in position with respect to where the Americans were, we were -- it was a pretty robust force that had them under their, had all Americans under protection in the east.

Q As we discussed during the last round of questions from my colleagues, Hicks testified that on the second -- at the time of the second flight there were four special operators that were ready and willing and wanted to travel to Benghazi. Just to be, get this straight in our mind, was that fact, was the board aware of that fact at the time it was doing its work?

A Yes.

Q So when Hicks testified to that publicly, that wasn't news to you or your other board members?

A No. What we were aware of was that there had been two special operators get on that first plane and go with the other personnel. And I was aware that there were six, there was a team of six that was there. So it's more by deduction rather than sort of

actively thinking it through, but we knew there was a team of six that was in Tripoli at the time.

Q Hicks testified that those in Benghazi were exhausted from fighting. He had maintained communications with the personnel in Benghazi.

A Sure.

Q And part of the reason the four special operators in Tripoli wanted to go was they were aware of perhaps a need should there be additional attacks, should there be search and rescue, you know, a need for additional U.S. personnel for search and rescue, and that those four special operators were, as we discussed the last round, were told by someone in their chain of command, the DOD chain of command that they were not to board that flight.

Mr. Lewis. Could I jump in there for a second?

Mr. Castor. Yes.

Mr. Lewis. Gregory Hicks, as the Deputy Chief of Mission, the chargé that evening, doesn't quite understand the terminology of stand down in the military lexicon. He actually didn't use that word in his initial testimony in front of the committee. It was something that was picked up over time. It was a question of what was told to him. So when the terminology stand down we won't use, wasn't initially the words that he chose, it was something that had developed over time, okay?

Admiral Mullen. Yeah, and then specifically because of all that I had not heard that at this point, but because of that I went back

and looked at it, and the term that was specifically quoted to me was hold in place.

Mr. Lewis. Yes, sir.

Admiral Mullen. And then Dempsey has testified to that and certainly that's consistent, and I haven't spoken with Dempsey, that's consistent with what I understand and having walked through this with his staff actually happened.

BY MR. CASTOR:

Q And so that anecdote didn't make it into the report, and that was --

A That?

Q -- that the four special operations personnel did not -- wanted to go to Benghazi but ultimately were told they could not.

A One of the things that I think it's important at least from my perspective, and I understood it as we went through this, obviously the report focuses on Benghazi heavily.

Q Yeah.

A But Libya was no cup of tea at the time throughout, and Hicks was very concerned about -- because same thing, we didn't know, we didn't know how many, how fast, where they had come from, and in particular this group of four had spent the majority of the night through the morning until about 6:30 helping relocate the American personnel from Tripoli to the Annex. They were also -- again, this is my perspective, they were also part about all he had left from a

security standpoint there.

Now, you know, I wasn't in on the conversations about all of that, and I accept that Mr. Hicks had a desire to, you know, try to help, as did Colonel Gibson. I mean, you know, I would expect nothing less in that regard. From what I concluded is at that time there was no place to go because they were coming back, and I really think what Dempsey said, General Dempsey said about that is absolutely right, we knew enough at that point to know they were coming out and they would have crossed en route, and I spoke earlier about the critical medical capability that resided in one of those four individuals.

Mr. Lewis. Sir --

Admiral Mullen. So I'm not one to second guess that I guess.

BY MR. LEWIS:

Q If we were to ask, and I apologize for the hypothetical, but if we were to ask Gregory Hicks whether he knew that they were being pulled out and he were to say, well, how does Stuttgart know about something that I don't? At that time if they're trying to send the four special operations personnel with the second team and he's unaware of that determination by Stuttgart, does that change the dynamic?

A I don't think so. I mean, my own view broadly is in a very chaotic situation there were a lot of com channels.

Q Yes, sir.

A You talk about JSOC, you talk about SOCAFRICA, you talk about AFRICOM per se, much less what Mr. Hicks was trying to achieve to keep people back here who didn't understand what was going on, et

cetera.

Q Yeah.

A So I accept that he, that there may be some misunderstanding there as far as what the art of the possible was or a frustration at the lack of ability to close on a certain possibility like get them on the airplane, but I don't -- you know, I didn't drill in enough, you know, more than that to be able to say this is exactly what happened.

Q But to ensure that we accurately reflect the operations of the ARB, during the ARB investigation you were told that Stuttgart had determined that these operators would not be needed because they were already moving to the airport in Benghazi or is this an ex post facto?

A For me it's ex post.

Q It was not something that was uncovered during the investigation to the ARB?

A Correct. Yeah.

Mr. Lewis. Thank you.

BY MR. CASTOR:

Q Ultimately why was the decision made not to include this information in the report?

Mr. Levy. The information he just said he didn't know?

Mr. Castor. No, about the four special operators.

Mr. Levy. Oh, more generally?

Mr. Castor. Right. The decision that they requested to go and ultimately were asked to stay.

Admiral Mullen. Well, again, they asked to go and they were

directed to stay, and it was the judgment of the commanders involved that it was more important for them to be in Tripoli than it was in Benghazi, and that's -- and I, again, in the ARB or in my previous light it's pretty rare -- Sorry, previous hats and jobs, it's pretty rare that I would get in the way of a commander on the ground.

BY MR. CASTOR:

Q Understood. I guess the question is, that was not reflected in the report. Do you know why that was?

A Well, I just think, again, I think things had moved so quickly to, from the decision to evacuate to all that, to a relative calm at the airport, well secured by American forces, a significant, you know, capability that resided in the Annex per se, as they -- and I take that they're both exhausted, I mean, they've been in a fight, they're tired, and all of that, and a security force that was provided to them that we actually did look at in some detail, which was very robust by the local guards, by the local militias, that we felt comfortable that the movement actually was to go in the other direction, not to bring more forces out from Tripoli. So it just -- I think that piece was -- at the time became a relatively minor piece, and if you look at it from the timing, at least my understanding of the timing of when that arose, it was like 6:30 in the morning, 6 or 6:30 when Gibson had finished with his other mission and then wanted to go, and there were things that were flowing in the other direction, so there just was, from my perspective, no -- there was not a big deal at that point to focus on them.

Q And in Tripoli what did the four special operations personnel, what did they do then?

A Well, one, what I thought was in the end a very smart call was they stayed there so that medic could see the people coming off that first, that airplane and provide critical medical assistance.

Q Did all four go to the airport?

A Did all four? I don't know that. I don't know that.

Q But the medic did?

A The medic -- I would assume the medic went to the airport. That's where they landed, that's where they took off from, and I just made the assumption that that's where everything occurred, and there wasn't a lot of time between when they landed and when they left, when they landed in Tripoli and when they went to -- they lifted off for Landstuhl.

The other is reasonable to me from a military perspective is there's still a lot of uncertainty in Tripoli. This is -- you know, this is about all I have left from a security standpoint. So -- I can't say that's the reasoning, but that makes sense to me, those two things make sense to me. Also with actions seemingly stopped in Benghazi.

Q Did the board speak with Lieutenant Colonel Gibson?

A No. Gibson is the special operator?

Q Yeah.

A No.

Q Do you know whether it was Gibson that put the request in or whether it was Defense Attaché Colonel Phillips that asked on behalf

of Gibson?

A Gibson, I don't know. The normal thing would be Gibson to be talking to his chain of command, hey, I'm done with this, I want to go, if that's what he did or I'm done with this, what do you want me to do.

Q Okay.

A Not necessarily --

Q But you don't know specifically?

A No. No.

Q Okay. You had mentioned a moment ago that General Dempsey testified that if Lieutenant Colonel Gibson's personnel had gone to Benghazi, there simply would have been a passing in the night of the two aircraft.

A Pretty close. If I'm loading him up at 6:30 or when he made himself available, whatever that time is, and the aircraft out of Benghazi is taking off, the last one, anyway, at 8 o'clock, the first one before that, it seems to me that's right.

Q So there were two flights, Lieutenant Colonel Gibson wanted to get on the second flight?

A Yeah, yeah. Yeah, the first one, I think, went much earlier.

Q The spokesman at the Pentagon, George Little, said that regarding the four person team that we continue to believe there was nothing this team could have done to assist during the second attack. Was the board able to determine the means by which the Department of

Defense knew that by the time Lieutenant Colonel Gibson made his request to go to Benghazi, the attacks were over and all the Americans were safe?

A What's the question again?

Q Was the board able to determine the means by which the Department of Defense knew that by the time Lieutenant Colonel Gibson made his request to go to Benghazi that the attacks were over?

A I think the situational awareness that was created and understood at the time would have been constant reporting in particular back through the intelligence world as well as the special operations world that we were leaving Benghazi, you know, we were out, and that initially occurred at shortly after 5:15 in the morning local time. So in a situation like this, just about -- it's not perfect, but every agency is tracking this very carefully and is aware of the specifics in terms of what's going on. So we were -- I mean, my understanding was, again, we were moving from Benghazi back to Tripoli. That was actually pretty well in hand and executed, from my perspective actually executed extraordinarily well, including, it's my belief, lives that were certainly in jeopardy that were saved because of the medical assistance that was provided both in the airplane coming back with the first group and on the ground by the medic who remained behind.

RPTS JANSEN

DCMN BURRELL

[1:20 p.m.]

So that awareness that, hey, 5:15 had passed, the sun was up. We're moving, we're moving everybody out of the Annex into vehicles, to get them back to Benghazi airport and to get them on an airplane, et cetera, that was very well -- I think very well understood by all.

Q Okay. Shifting back in time to the month of August when the SST mission ended.

A Yeah.

Q And the DOD Special Operations personnel transitioned from chief of mission authority to the training mission under General Ham --

A The SST, you mean.

Q Yes. Did the board examine the facts and circumstances surrounding that transition?

A Yes.

Q And who made the decisions for that?

A Well, I think it was -- it was clearly a -- it was not decisions made, it was decisions that were not made. It was due to be extended. The SST it was leaving the country on the 2nd of August. There were discussions as late as July with respect to between State and DOD and internal to State about whether we were going to extend this. In the end it's my view that Ms. Lamb won that debate, didn't want to extend it, wanted to -- to quote her at one point in time -- didn't want to be embarrassed by having DOD continue to provide

security. And so the decision was de facto that -- in a -- I'm not sure what the right word is but from a de facto standpoint was that we're not going to stay here any longer. I'm aware because he has told -- he told us and General Ham has told me that he talked with Ambassador Stevens. And he told him he would be willing, even though General Ham is not the decider here, it's Secretary of Defense, but he'd be willing to support an extension.

So I think all of that resides inside the State Department world, if you will, including with the Ambassador, who chose, for whatever reason, and I don't think they are known, not to engage to seek that extension.

Q In hindsight, if that extension had been made, what difference do you think it would have made?

A I think it's important when we talk about the SST just to remember that the SST was 90, 95 percent focused on Tripoli. They did make, as I recall, three or four trips in very small numbers out to Benghazi over time.

And I think it is more -- I think the decision to not extend it is part of the sort of the decision space that allowed the overall security numbers to come down from somewhere in the mid-40s around the elections to as few as a handful. And that's something the board took great -- focused on heavily in terms of a security platform overall, and particularly as it relates to Benghazi as, you know, completely inadequate for the situation.

Q Were there other options discussed, are you familiar with

the Global Security Contingency Fund?

A Keep going. You mean to provide resources?

Q Yes.

A I mean, from my perspective, and I think Ms. Lamb testified to this to you, you know, resources were not an issue. She was under a big challenge to allocate resources, but she had resources available in the DS world to distribute. So we didn't focus on other funds. That part of it never became an issue.

BY MR. LEWIS:

Q The Global Security Contingency Fund, as it relates to potential training missions, whether it be in Benghazi or Tripoli for military personnel.

A I'm aware of that. I'm aware of --

Q Was that part of --

A A DOD fund?

Q Yes, sir. Not the State Department?

A No, I'm aware of -- actually, over time we call them different things.

Q Yes, sir.

A Over time. I'm certainly aware of funds that are available both in State Department and in DOD to do training. We've worked that pretty hard in the last dozen years.

BY MR. CASTOR:

Q So do you know if Ham had any -- did he make any offers to Stevens that -- it seems fair to say that Ham was willing to provide

support, Stevens may have wanted that support. But people in Washington, State Department officials in Washington denied it.

BY MR. LEWIS:

Q Could we separate the two? Because I think there might be some confusion. We're not talking about the specialized training mission under AFRICOM, the ones that moved from SST to a counterterrorist training mission --

A You're talking about --

Q We're talking about ones that are approved through DOD at a whole for a more robust training mission either in Tripoli or in Benghazi beyond the SST.

A Sure. That weren't there.

Q That weren't there.

A Or repadding or redesignating it for the SST?

Q But there was discussion about the potential for those training teams there. Was that evaluated or reviewed by the ARB?

A No.

Q In hindsight that you would have had more Special Forces elements physically in Benghazi if that training mission had gone forward.

A Well, my -- I don't recall at all any discussion about the SST in any instantiation providing training out in Benghazi, writ large. I mean, we look at the SST, you know, pretty carefully across the time, the last 6 months it was there. I think --

Q Admiral, we're talking about something separate from the

SST, separate from the CT mission that was already taking place in Tripoli. The discussions over the course of time to put a more robust training mission using Special Forces operational personnel in Benghazi and in Tripoli to train Libyans to provide a counterterrorism force.

A Never raised. That part of it as you just described it was never raised.

Q Not part of the ARB investigation?

A It wasn't raised. Wasn't raised by Ham, it wasn't raised by the State Department, it wasn't raised by anybody in Libya.

Q Thank you, sir.

A Per se.

BY MR. CASTOR:

Q Turning the attention back to the accountability of some of the personnel involved.

A Yes.

Q The public report, it's on page 30, states, "With attention in late 2011 shifting to growing crises in Egypt and Syria that NEA Bureau's front office showed a lack of ownership of Benghazi security issues and a tendency to rely totally on DS for the lack."

A Where are you reading?

Mr. Levy. Middle of the page.

Admiral Mullen. Got it.

BY MR. CASTOR:

Q Which individuals within NEA were responsible for Benghazi

security issues?

A I think the assistant secretary is broadly responsible for everything in -- you know, every aspect of the broader Middle East or whole AOR, in this case Ms. Jones. I take it down to certainly her deputy, Ms. Dibble, has a responsibility similar to Jones, although my own experience is -- and this is a case in DS as well, while the direct line -- your direct senior is the deputy you're really working for the principal. So that's the operative chain, and in which case Mr. Maxwell also had responsibilities for the Maghreb in particular, those four countries we talked about before.

It is the -- it was -- it is the culture inside the State Department to defer to DS for security. And that was very resident at every level.

Q The Executive Director of NEA, Lee Loman, did the board meet with him?

A Not that I remember, no.

Q Do you know if he had any role in processing the security requests?

A Well, he had -- certainly he's responsible for both receiving and distributing in particular correspondence, documents, memos, et cetera.

Q On page 37 of the report, "Throughout the crisis, Acting NEA Assistant Secretary provided leadership guidance to Embassy Tripoli's DCM." Do you see that?

A Right.

Q What evidence was that based on?

A Well, we started in our, I guess, sort of initial interviews to try to determine what happened that night, who was engaged, how were they engaged, and then from them what happened. And Ms. Jones was center to and central to both relaying information as well as -- and in particular, according to what Mr. Hicks said, she was critically important in giving him guidance and helping him work through the crisis throughout the night. She and Ms. Lamb basically were on the phone all night in direct contact with their -- with Ms. Jones, with Mr. Hicks and Ms. Lamb with I think Mr. Martinec was also there at the time.

Q Martinec.

A So it was in that, in handling that, handling the totality of that, trying to find out what's going on, thinking of things that needed to be considered, engaging in a way that is -- that was supportive. And that's exactly how Mr. Hicks described Jones' interaction with him that night. I mean, he was incredibly complimentary about her, as she was, too, about him, in terms of the performance. So we found over the course of that many hours, from when it started until everybody was out of the country, we found her as a very senior individual to be particularly effective from a leadership perspective.

Q One of the big conclusions in the report, pointed out at the very beginning, page 4, that systemic failures in leadership and management deficiencies at senior levels within two bureaus of the

State Department resulted in a special mission security posture that was inadequate.

And we discussed this morning that the two bureaus were NEA and DS?

A Sure.

Q How did the board define systemic failure? And does that imply a failure throughout the whole system?

A I think if I were going to -- if I were going to describe systemic in that way, it's both in sort of depth and breadth. And if I were going to pick a time to start it, it would be right about the time that Benghazi -- maybe a month or two before the memo that Under Secretary Kennedy signed to extend it for a year. And over the course of that, let's say, 9, 10 months, there were failures tied to, in particular, creating a security platform that would give it a chance, if you will.

What is -- and that included personnel policy. So the short duration, TDYs from very junior, inexperienced people who actually wanted to go there because they knew it was good for their career, who didn't get the right kind of training, didn't have it when they went, for example; systemic again with -- in Sean Smith's case, who was the IMO, basically the communicator, but IMO is really the management officer, and that's a broader set of skills that you're supposed to have to manage, to handle money and budgets and planning, not just be a communicator; to the churn that was created, which then didn't -- there was nobody to oversee sort of the systematic

improvements in the compound from just a physical aspect. They did do some things with respect to security projects to improve the overall posture. I think the broad systemic, two bureaus, if you will, almost working separately in that sense in terms of security as opposed to working together, figuring out, you know, this is a risky place, what should we do?

Some of the -- I talked about security projects from both inside the compound where the Ambassador was that night -- inside -- I'm sorry, the villa as well as broadly in the compound to include security inside, literally security projects inside. That there was, you know, a lack at very senior levels, particularly in Washington, of what I would call active interventionist leadership to make the right kind of changes. There was to a certain degree a failure on the part of the Ambassador to bring all these things together.

Q Who within the NEA Bureau bears responsibility for that?

A Well, I think the leadership. I mean, it's just -- again, certainly the Assistant Secretary. But the Assistant Secretary in NEA was as consumed as any individual in our government with respect to challenge in the Middle East. And this is -- this from my perspective is a someone that has been in leadership positions. This is where I would rely on someone when I'm totally consumed by something else, rely on, you know, the next senior person to make sure that I'm aware as I should be aware, kept informed, et cetera. And this is from -- this is where Maxwell among other things fell down.

BY MR. LEWIS:

Q Dibble would be the next senior person.

A Yes. But, again, my own construct for this is not the deputy, it's the relationship in the bureau which would be Maxwell, who is responsible for those four countries. And Dibble's -- Dibble's remit was the whole Middle East, just as her boss' was. And that, quite frankly, it is not -- it isn't realistic from my point of view to have someone that's so consumed in Egypt and Syria and Tunisia, not just on that day but I'm talking about on a day-to-day basis to -- it is reasonable to extend that consumption to the point to that -- the responsibility that you delegate to someone else, you're not going to pay a lot of attention to that until someone brings it to your attention. That's in the days that we're living in right now, that's -- that was a lot of my life in my previous job.

Q Admiral, were you aware whether Libya was treated as an exception? In a lot of cases, whether it was the Balkans or whether it was Angola or back in the late '80s or you're dealing with issues that arise in a particular country where they are separated from the traditional organizational framework and are given special attention by anyone more senior, was that discussed as it relates to Libya in the ARB?

A No. First of all, specifically no. And certainly as I indicated before, Mr. Maxwell certainly didn't indicate that that was the case when he I mean, he sits down, we interview him, I look at his responsibility portfolio and that's how I view it. And it included Libya.

BY MR. CASTOR:

Q Do you know if Mr. Shinnick had any communications with Mr. Maxwell before his interview about what the board was looking for?

A I do not.

Q Would it surprise you if Shinnick had some ex parte communications with Maxwell?

A Well, it was certainly the protocol, I mean, my own personal experience, was not to do that.

Q Was Maxwell the person in the bureau most responsible for the systemic failures and leadership and management deficiencies that the report touched on?

A I think it was a combination of responsibility and awareness. Nobody had the picture like he did.

Q And is that based on his testimony during the interview with the board?

A It was based on -- yes. It was based on his testimony as well as what I understood and he conveyed were his responsibilities.

Q And did the board rely on -- I know the board had access to the documents and presumably the staff really went through them. But did the board members look at the documentary evidence about Maxwell's role in working with the people in Libya, communicating their concerns about security and working with DS in Washington about bridging that gap?

A I'm not sure. I mean -- I don't recall one way or the other.

Q Whether the paper trail supports his role in that?

A I just don't recall.

Q On page 6 of the report, "Among various department bureaus and personnel in the field, there appeared to be very real -- "

Mr. Levy. Please try to indicate where on the page you are.

Admiral Mullen. I'm sorry. Do you know?

BY MR. CASTOR:

Q I do know. It is in the third paragraph, the last sentence.

A Got it. Thank you.

Q So it states, "Among various department bureaus and personnel in the field, there appeared to be very real confusion over who ultimately was responsible and empowered to make decisions based on both policy and security considerations."

Did the board determine who ultimately was responsible for preventing such confusion? Obviously, DS has their responsibility and NEA bureau has theirs. Who's responsible for sorting out that confusion?

A I think the way the board looked at this was, as we described it here, that it was confusing and, in fact, in the report made a recommendation for the future that when you have disagreement that it's very clear that this disagreement be brought up the chain to be resolved at whatever the right nexus of responsibility and authority is. That could be within one bureau, that could be -- it could be the -- it could be one of the under secretaries, it could be -- if it doesn't -- you know, if it doesn't go well between, let's say Kennedy and Sherman, then it's one of the deputies and ultimately to the Secretary of State.

And we specifically tried to address that. And seemingly in this area that was lacking. Now, the predicate to that is what I said earlier, which is sort of the default with regard to security, culturally to DS.

Q And they report up through the Under Secretary Kennedy?

A They -- well, no, they report -- NEA reports to a different under.

Q But DS reports up to Kennedy?

A Yes.

Q At the hearing, the former RSO Nordstrom --

A Yes.

Q -- testified because Benghazi was in a temporary facility, the only person in the Department who could grant waivers and exceptions to the State Department procedures was the Secretary of State. Now, Ambassador Pickering told us I'll represent to you that's -- not the Secretary herself, but delegated functions.

A Sure.

Q Did the board determine who that function was delegated to? Was that Under Secretary Kennedy?

A Actually, I think the issue with respect to waivers was a little larger than that. I mean, we said in the report this was -- temporary facilities fell through the cracks. It had -- because it wasn't notified to the government because it wasn't -- didn't have any kind of permanence, because it wasn't specifically designated as a facility which had to comply with the SECA,

an overseas building operations piece --

Q Right.

A -- that it was an entity unto itself. And without the requirements that accrue to being one of those other facilities, it fell through the cracks.

So, technically speaking, you wouldn't ask for a waiver because there was no path to do that because of the way it was constructed. So that's why we got to a point where we said, look, from my perspective, you can't have any facility that's not inside those standards, somehow. You need to change the regulations to make everything is covered. Then you get into is it waivable or not. It's my view that, you know, waivers just would never get considered because it didn't qualify for even being considered as waivable.

Q Those gaps that you described, is that in the portfolio of Patrick Kennedy, identifying those gaps and providing leadership to make sure that something doesn't fall through them?

A I would --

Q Is that more at the Boswell level?

A Well, I actually -- I'd actually put it at the AS for OBO --

Q Okay.

A -- for buildings, blah, blah, blah, that group. But I -- and I make the assumption if it's there obviously broadly it's -- you know, it's under Kennedy's overall responsibility.

Q Hicks testified with some specificity about Under Secretary Kennedy's detailed involvement in some of the day-to-day goings on of

the security incidents. Under Secretary Kennedy is not, by everyone's account, is not somebody who is detached --

A Correct.

Q -- from the details.

A But when you say day-to-day security, what specifically do you mean or what do you think Hicks meant?

Q Hicks testified that we had to provide a daily report of who was in country to Under Secretary Kennedy.

A Right.

Q And he made the decision as to who came to Tripoli and Benghazi or who didn't. The budgets came to his table and the security threat environment reports also came to his table. And that would suggest that there is some responsibility, Hicks testified, with Under Secretary of Management Kennedy.

A Yes.

Q That's his view of looking at the report and maybe it fixed responsibility at a level or two below where in actuality it belongs.

A Yes. Obviously, I and the board see it differently. I certainly -- I don't take issue with how Mr. Hicks saw the world and what the day to day activities were with respect to that. From the security point of view, I think that where I put Kennedy in the category of global responsibilities, you know, and not specifically tracking security on a daily basis. To say he doesn't -- he wasn't aware of security problems there or in lots of other places in the world would not be accurate.

I mean, in hindsight could you say, gee, there was enough information there? I also -- and someone could say yes. I also having been the recipient of many reports and some you look at some you don't look at. I mean, in your area of responsibility. I take that back at least where it, from my perspective, rests inside the State Department organization is at the assistant secretary level. I think it's sort of at that level. Their portfolio is narrow enough, they are senior enough, they had the experience to say, "This is a real problem."

Q Were you aware that Under Secretary Kennedy, at least according to Hicks, was receiving that type of detailed, daily update about the security incidents?

A The incidents -- I think if we're talking about the incidents which occurred basically over the course of 6, 7 months before September --

Q Kennedy was also receiving daily reports about the Americans in country.

A Well, that's pretty -- that's -- to me, that's normal in high-risk places specifically.

But those reports I think -- and I think Secretary Clinton herself said she was made aware of the reports of the IED, the gelatina bomb, the gelatina over the wall, the British ambassador attack, the ICRC, et cetera. So, yeah, we were aware that he knew that.

Q Ultimately, did the board -- I mean, you've testified that the board was unanimous in its decisions.

A Yes.

Q And is it also fair to say that with respect to the four people that were identified from a personnel accountability standpoint?

A Yes.

Q The board was unanimous?

A Yes.

Q Were there any other officials that the board debated as to whether they ought to be held accountable, such as, you know, Under Secretary Kennedy or Assistant Secretary Jones?

A Well, I wouldn't -- I'd just say I'd characterize, there was very active discussion about who should be included and who shouldn't at lots of levels, quite frankly, not just at the senior level, as we affixed it, as we got into those discussions towards the end of the ARB. And the pool of consideration was larger than the four we ended up with.

Chairman Issa. Does that mean that -- that at some point on a scale of 1 to 10 Jones and Kennedy were on a list greater than 1 but not as high as the four who made the final cut?

Admiral Mullen. I think we -- without getting into specific numbers, we certainly, by what we actually reported out, felt that, you know, those were the individuals that both had the knowledge, the responsibility, the opportunity, and in particular in the case of Ms. Lamb, the authority which she exercised incredibly -- you know, ferociously, if you will, that they were the ones that we thought we

should single out.

Chairman Issa. Our time has expired. Just as your follow up, though, to make sure we're completed on your thought.

You're then saying that there wasn't an absence of blame above that level, simply it didn't rise to a level in which of it was included on the list.

Admiral Mullen. Well, and this is one of the things, Mr. Chairman, I think you mentioned this earlier, that needs to be addressed for the future, which is the amount of space you have in terms have action -- accountable action you can take as a result of the law, the precedent, the regulations, et cetera. And this gets into the whole breach issue. We talked about that. And then the administrative action you can take, et cetera. And I just think there needs to be particularly at the top in that what I call that tier 1 level, we -- as I indicated earlier, very early in the discussion today from my perspective everybody was on the table when we started. And it was through both active, I guess, active and passive, you know, process of elimination over time where eventually we got to the four that we spoke to in the report.

Chairman Issa. Great. Thank you.

[Recess.]

EXAMINATION

BY MR. CARTWRIGHT:

Q Well, good afternoon, Admiral Mullen. I want to start off by saying thank you on behalf of a grateful nation for all you've done for us over the years.

A Thank you.

Q I'm Matt Cartwright, and I'm a freshman Congressman. And they've asked me to ask you a few questions here today. And it's a pleasure to meet you. And I'll be interested in hearing from you on some interesting topics here.

A Sure.

Q It is my understanding that the Department of Defense has accepted -- excuse me, the State Department has accepted all of the ARB's recommendations and is now in the process of implementing those recommendations.

Admiral, how challenging will it be to implement these recommendations for the State Department? Some of them are going to require significant changes to the way the Department performs its activities or is set up. Do you agree with that?

A I do agree. And I think it will be very challenging, both the Secretary of State, to whom we gave the report, is committed to implementation of all the recommendations, and I know Secretary Kerry is as well. I've heard him speak publicly on that.

From my own experience and perspective and experience, it will take top-down leadership to stay focused on implementation and my own

view is, and I'm pretty comfortable speaking for the rest of the ARB members, that we think they are very -- they are critical recommendations to make these kinds of changes in the world that we're living in.

Q Well, it was my pleasure to interview Ambassador Pickering. And he went into some detail about the recommendations. And they seem to speak for themselves.

A I think they do.

Q On page 3 of the report from the ARB, and I'm going to quote from that, "One overall conclusion in this report is that Congress must do its part to meet this challenge and provide necessary resources to the State Department to address security risks and meet mission imperatives."

So the question there is, what budgetary role does Congress have to play to implement these recommendations?

A I have probably too steeped a background in budgeting and programming. So I'm particularly sensitive to these kinds of issues. I know it's a very difficult time. But it was very clear to me as we reviewed in particular we went back and looked at previous ARBs. And there were 18 of them that preceded the one that Tom Pickering and I led.

And there were recommendations coming out of the embassy bombings in the late '90s to invest in -- from a resource standpoint and to build the required embassies, given the world we're living in, and that rate was at something like 9 or 10 embassies a year. We have over the course

of the last decade-plus a combination of both reduction in resources and more expensive than anticipated, gotten to somewhere around two to three a year. And essentially it was our conclusion that you can't get there, you can't get where you need to get without the resources to get there.

Both of us, Pickering, all of us, all five of you understand how the system works, that Congress writes the check and that it can't be done without that, literally in partnership focus on what the requirements are. Which to us are very, very real if we're going to the country we need to be from a diplomatic point of view around the world.

Q Well, Admiral, can you elaborate on what Congress is going to have to do to ensure that these fixes are adequately implemented from a budgetary point of view?

A It's on the order, as I recall, of 1 to \$2 billion a year extra in the -- what I'll call the construction budget for the State Department.

My worry with respect to the State Department from a distance, all the time that I've been involved here in Washington, is the State Department is challenged to make its case because they don't have constituents at home, per se. They are overseas, around the world, which is what we ask them to do. So even in my own background, when I was trying to generate resources for troops overseas, that was -- that was a more difficult engagement just because of -- the focus is typically sort of, you know, from sea to shining sea, it's not overseas.

So they have -- I think the State Department has to have advocates, key advocates in key positions. It's not an insignificant amount of money in a very difficult time, I understand that. But I honestly believe we won't be able to be -- to properly represent the United States of America globally unless we make that investment.

Q And now the report also found on page 3 that for many years, quote, "the State Department has been engaged in a struggle to obtain the resources necessary to carry out its work with varying degrees of success," unquote. And then on the same page the report also stated, these constrained resources have the, quote, "effective conditioning a few State Department managers to favor restricting the use of resources as a general orientation."

What does that mean?

A It means that -- and I'll just compare my own experience in the Pentagon to what I saw in the State Department, both from afar and not in any kind of depth compared to when I was in the ARB for 2 1/2 months looking at all the issues, the culture in the Pentagon is we submit our budget, we know that we're going to be testifying and working over the course of many, many months, better part of a year to sustain that budget. It's what I learned when I was very young, this is what you had to do and this is how the process worked. It's my belief that that is a different -- there's a different culture for that in terms of appetite inside the State Department and that that fight and challenge and engagement is much more daunting for them, in terms of how they do it, who they train to do it and the culture

of -- that this is the way we do things, per se.

So to me that culture has to change to basically be very dominant inside State in terms of requirements for resources. And then the culture, once the budget is submitted, to represent that on the Hill and fight for those resources has to change. And I'm not talking at the Secretary level, I mean I'm not talking at that senior level, I'm talking about sort of in the trenches where that has to occur.

Given -- and then to your other point, given the shortfall or the pain that you go through to get the resources you have, there is a culture inside State to constrict, hang on to the resources that you have because you know you're short and they're so precious, and to be very tightly controlled. That's all -- I think that's developed over, who knows, years, decades, generations. That from my perspective needs to change. And I say that against the model that I'm familiar with coming from the Pentagon. Not that it's perfect. But it's just a different way to approach it.

Q So they are lousy at asking for money and they're not so good at spending money?

A Well, I -- all of us are challenged on the spending side. I think that's -- you know, we can all be criticized. I think laying out the requirements, being very clear about that, submitting them obviously, but then I think fighting for them once they are over here is -- I'd put more of my effort there than -- and then obviously we all want to spend it well. I don't think -- I think that's something that leaders can focus on in execution.

Q Okay.

A Just one other thing is, for the State Department, most of their money is people. I mean, that's who they are. That's typically the most expensive part of any budget. So when they get cut, you know, you're -- generally speaking you're cutting into the core. They have other -- you know, they spend money in other places, and we talked about the building piece, per se. But the core of the State Department is people. What we did find in our review is the training, you know, the training programs they go through are deficient. All the military services have what we call about 10 or 15 percent, we call it float. So you can actually, between posts, put people in training. And those are real people and real billets that you have to do.

And some of the history with the State Department is when you create the float, you eat it up right away and send it to the field. So that's something else, we did talk about that as well in the report.

Q Okay. Well, now, last October, Charlene Lamb, the former Deputy Assistant Secretary for International Programs in the Bureau of Diplomatic Security, testified before the committee. And we have that. I'd like to introduce a portion of her testimony from that October 10 hearing as Exhibit 13. And we have a copy for you.

[Mullen Exhibit No. 13

was marked for identification.]

BY MR. CARTWRIGHT:

Q When she was asked, "If budgetary considerations were a factor in the Department's decision not to increase security personnel

in Benghazi," she said "No." But then she explained further, and I'd like to read to you her full response. To this she said, and I quote, "This was an unprecedented attack in size and ferocity, as the words of RSO Eric Nordstrom. And as long as we have the need to be outside of the wire in these volatile countries, we can't defend against that," unquote.

And she makes it sound like no amount of money could have protected them from this attack. Admiral, did you discuss the role that funding played in security at the special mission compound with Ms. Lamb?

A I can't recall whether we did specifically. I think her testimony -- I was certainly aware of her testimony and in particular where she said resources were not a factor. And from what I could see in our review, she in her directorate had the resources and the wherewithal and the authority to make decisions with respect to security. She wasn't short. Now, we could argue about the State Department shortfall. That's a different issue. That's one we to some degree talked about earlier. But she wasn't short of resources.

I think her assessment that this was an attack, one that was unanticipated in size and scale and scope we would agree with. Where I really took issue with her is over the course of that year before the attack, or 9 months, once the commitment had been made to keep the temporary facility for another year, that there were many things that could have been done to improve the security posture of Benghazi. And it's physical stuff, it was people stuff. So over the course of that 9 months, on a good day the average number of security individuals out

there were 3. It went as high as 5. That was generally seen as the requirement. It got at low as 1, which made no sense to me whatsoever. You had people that were inexperienced, first tour in any kind of high-threat environment, exceptionally good people who performed unbelievably well that night. They didn't have the training. You had a disconnect from my perspective between Tripoli to some degree and Benghazi in the sense of Benghazi was a little bit out there by itself.

So there were -- and Ms. Lamb had the experience, the resources, the depth of understanding. She'd been in the security business for decades. She's handling it globally, and she did some of that really well.

What she could have done much better is provide for security that would have -- she could have provided for much better security, a security posture out there that could have had a -- would have had a significant deterrent effect. Does that mean that attack wouldn't have occurred? If we'd had 10 agents out there, if we'd had 15 agents out there that night, probably couldn't turn it, it was so ferocious and so quick. But what you want is you want that target to be as hard as it can be so that people think twice about taking it on.

Q Well, Admiral, I've been called to vote. So I'm going to have to turn the questioning over.

A Okay, this has actually happened to me before.

[Discussion off the record.]

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

BY MR. KENNY:

Q Admiral, like to reintroduce myself, my name is Peter Kenny. I'm with the minority staff.

A Okay, thank you.

Q I'll be asking you questions during the remainder of our hour.

A Okay.

Q And I'd just like to take the opportunity again to thank you for your time today.

A Thanks.

Q For coming in. And I speak on behalf of the rest of the staff here in showing our appreciation for your willingness to appear today and your forthrightness in answering our questions. So thank you.

A Sure.

Q I'd like to return to the last hour, if I may, the end of our last discussion there was this talk of -- I guess what we'll call the accountability phase of the ARB process where you were determining which personnel to assign in your findings and recommendations. And I think there was maybe a little bit of confusion and I'm hoping we could return to that briefly and clear that up.

You had mentioned that there was a spirited discussion or an active discussion between the board members on who to include in a final report. And I would like to just ask you what was the -- if you could walk us through that process and maybe help us understand where there are certain standards that you were applying. I know for instance the

ARB has the breach of duty standard that you are required to consider but there is also a finding or recommendation that the ARB statute be modified to include unsatisfactory RIF leadership performance.

A Right.

Q So I was wondering if you could just walk us through that and just help us understand if those standards were what were used to determine who ultimately was assigned or found to be responsible in the report?

A So we used existing standards. The recommendation of the report is to look seriously at changing that, particularly with respect to what qualifies as a breach. And both by what we saw direction from the law as well as the precedent of how discipline is executed inside the State Department.

We were required in order to discipline someone to find breach, a breach. And that was interpreted to mean misconduct, willful, negligent, sometimes criminal misconduct. We found none of that in terms of any individual. So we never got into the breach tier. That was the opener for whether you could consider discipline. So we never did that. And so what the recommendation is, is in the future, please consider including, you know, unsatisfactory leadership performance, which is handled normally in the administrative performance review system as eligible for breach.

So in that regard, because that's where we were focused, in unsatisfactory leadership performance, in that regard, the next tier down was this -- was the administrative tier, if you will, that could

be removal from duty, I think reprimand, and a performance review that was -- but it was administrative actions to be taken. And we saw fit in both Mr. Boswell as well as Ms. Lamb to recommend that they be removed from their duties. Ms. Lamb tied to her position and control, tied to her authority, and then how she handled the job, and that she was very much alone. She from my perspective did not appear to be a team player. She wouldn't naturally pull somebody else in. She was very controlling, she answered some requests, she didn't answer other requests. She had young people working for her, younger, junior people working for her that were recognized what a difficult environment it was to work in that office. There were others that wouldn't go there and really it was the Assistant Secretary Boswell that told us that. So it was a pretty difficult environment in which to work. So she controlled the people, the money, the decisions, and then therefore she bore the brunt of the responsibility -- I'm sorry, the accountability for what happened that night.

Q Are there any persons whom the board found or had discussions about that were believed to have had unsatisfactory leadership performance that weren't included in the final report?

A No.

RPTS BLAZEJEWSKI

DCMN BURRELL

[2:30 p.m.]

Q Okay. And for the remaining two individuals, would -- was the discussion of whether to include them in the report, was that part of this process as well? Was that the tier below whether a finding should be made but not a specific recommendation?

A Yeah, that was really the third tier, where a specific recommendation was not made in the report. That's how we differentiated it, but we thought that their performance was such that it should be noted, and, again, even for the first two, those are recommendations, we do nothing. So we felt a responsibility to the Secretary of State to identify these four individuals as we did. The Secretary of State then makes a decision on what to do.

Q And just to clarify, then, on the last point that you did not participate in any human resources decisions, any final determination as to whether a person should be separated from service?

A No, we only made a recommendation, the board ended, it's the Secretary's report. He or she makes a decision on where to go from there.

Q Okay. Thank you. And I think we've addressed this before, but I appreciate your indulgence.

A Sure.

Q But these were all unanimous decisions; is that correct?

A They were.

Q Okay. And had there been dissenting views, I believe, under the guidelines, other members could have submitted dissenting views, and to your knowledge did any member exercise that?

A It didn't happen. I mean, my own view of that is had I had a dissenting view, I would have made it in writing to make it very clear in the report.

Q Great.

Ms. Sachsman Grooms. Was there anyone for whom you thought their performance was lacking in a way or was to blame for something such that it should have been noted that was not included in the report?

Admiral Mullen. No.

Ms. Sachsman Grooms. So just to make myself clear, I'm not sure I was, so basically if someone was -- if someone's performance had a problem, they're in the report noted?

Admiral Mullen. If someone's performance had a problem that was noteworthy enough to make it in the report, we did that. I mean, I would be the last person in the world to say here that there weren't -- actually there were some spectacular performance and there was some others that were, you know, a little bit underwhelming, but not that qualified in terms of both responsibility and authority and accountability for this, which is why we focused on the four individuals we did.

BY MR. KENNY:

Q So if we can skip back now to the beginning of the ARB process.

A Yes.

Q You had mentioned earlier today that you had met with Ambassador Pickering, and the two of you had had a conversation that you would leave no stone unturned, that you would interview up the chain of command as high as was necessary and where, not to put words in your mouth, where the facts would lead you?

A Correct, to include the Secretary of State.

Q Okay. Had you needed --

A He agreed with that.

Q And he agreed with that?

A Yes.

Q Had you needed -- I guess first let me ask this: Did you find or uncover any evidence or receive any evidence that led either you or Ambassador Pickering to feel the need to interview the Secretary at any point throughout the process?

A We did not.

Q And if you had uncovered that evidence, would you -- what would you have done?

A We would have interviewed her.

Q Okay. There was -- the end of the last hour there was a mention of the Secretary's awareness of certain conditions.

A Right.

Q I think regionally, that you referred to a specific region. In your review of the Secretary, of her staff, what did you find their role to be in approving either the security profile or just involved

at any level with the decisions concerning security in Libya?

A Well, first of all, I mean, she has testified publicly to her awareness of some of the security incidents which occurred from March through July time frame: The IED bomb, the attack on the British ambassador, the ICRC attack, the gelatina, so she was being made aware of those, I assume, as they were occurring. I will also say that, I mean, we live in a time, myself, her, leaders from previous administrations, where there's a lot going on in the world and a lot of places that are pretty high threat, so that that would be brought to one's attention in a position of principal leadership. It's not a surprise. We never found any evidence whatsoever that she was involved in the day-to-day security decisions with respect to Benghazi, and my expectation is that those would, for her to be involved, that would have to be brought to her attention by somebody in her chain of command.

Q And just to revisit that point, who was it that was responsible for the security in Benghazi? Who was making, principally making the decisions?

A My own view -- well, it was Lamb that made the decision, Miss Lamb that made the decisions. It was really Assistant Secretary Boswell who, from my perspective, had the authority, was in a position as an assistant secretary to make sure that this thing went up the chain, as he thought appropriate.

Q Okay. You had mentioned earlier that there were a series of recommendations that were referred immediately to the Secretary and

her staff, I believe 10 to 20 or so recommendations?

A Correct.

Q To your knowledge did the Secretary take those recommendations to heart? Did she move quickly to implement those recommendations?

A I don't know. We just didn't -- we -- I mean, we thought it important with what we learned quickly to get that to her. I assume that she did. I mean, it was very clear if I were going to use the overall report -- when we gave her the overall report, she accepted all the recommendations immediately. That would lead me to believe that she accepted those other things which were all, we felt, important if I were in a leadership position that I would want to have those as quickly as possible, not wait until the end of the report. So I assume that not only were they well received but they're on their way to being implemented.

Q So your intent in sharing those early was you wanted to provide this information as quickly as possible because you felt it was important?

A Yes.

Q And should be raised to her attention?

A Yes. And while I haven't done the -- I haven't mapped it out myself, there is, I would think, considerable overlap between those early insights to what's in the report.

Q Did you, at the end of the ARB, did you share the draft final report with the Secretary and her staff for a similar reason?

A We shared the draft report with her because we hadn't signed the final report. I don't think we were done yet with our deliberations on -- with respect to personnel. We were tied in to getting a couple of hours with her as the Secretary of State, so we had a draft at that particular point in time.

Q And that draft also contained recommendations?

A It contained recommendations. I honestly don't know. I just can't remember whether it had the personnel recommendations in there, but certainly, yeah.

Q But the security related?

A Absolutely.

Q So it contained security-related recommendations?

A Yes, absolutely.

Q And was there an intent there to maybe help ensure her buy-in on the recommendations?

A No, it was -- the Secretary of State assigned us, it was her report, we were working for her. The attempt was here's your report.

Q Okay. During the meeting with Secretary Clinton, did she ever, in your opinion, try to influence or direct what would become the final report? Did she make substantive recommendations?

A No.

Q I would like to turn to the ARB's review of Under Secretary Kennedy's role. I guess if we could return just real briefly to the December 2011 memo that was discussed briefly.

A Yeah.

Q We've heard the decision that Under Secretary Kennedy made in that memo characterized different ways. Is it -- can you maybe just walk us through the security aspects of that and who would have been responsible for the security and fulfilling the security based on the decision he made.

A Well, it was a memo that was approved, as I recall, in December of 2011 to extend the temporary facility for 1 year. Part and parcel of that was a very specific requirement for DS agents not to exceed five out in Benghazi, and then, you know, writ large overall requirements for the temporary facility over time. So it was a commitment to be there for another year. Part of what we found was also because it was temporary it was part of the overall lack of commitment that we observed with respect to Benghazi, it was there because it wasn't a permanent facility.

Q So we talked about the relationship between this memo and it being a temporary facility, and what in your opinion is the relationship, then, between the memo and the security failures in the months and weeks leading up to the event, to the attack?

A Well, there was no -- I mean, there was a very clear commitment for another 12 months, security needed to be provided, specifics of how many agents in Benghazi specifically. Then it falls back on to Deputy Assistant Secretary Lamb, who actually didn't see the memo, wasn't aware of it, as I recall, until after September 11th or 12th, after the 12th, which was kind of a stunning revelation. I

think Mr. Nordstrom at one point in time forwarded some recommendations for security improvements in January, attaching that memo to it. He wasn't happy that the memo had actually been signed out, and he didn't know anything about it as the RSO in Libya. So, I mean, it gave, from one perspective it gave pretty clear direction, we're committed out here, and you need to make sure we're okay. That then all goes back, from my perspective, on to Mr. Boswell and Ms. Lamb's lap in terms of making sure security is all right, and yet it was, in fact, over the next many months that she fought it, didn't resource it, bureaucratically didn't answer, made it incredibly difficult on those who were trying to improve the security to achieve any kind of outcome they deemed favorable, and she just beat them down over time.

Q Did the board ever contact Ambassador Kennedy prior to the completion of its report for reasons other than fact finding?

A You mean after we interviewed him? We interviewed him.

Q So outside of the fact finding.

A No.

Q During his interview, did he provide any recommendations or best practices based on what he had observed or his experiences that he thought should be included?

A I guess, you know, I mean, my recollection was certainly understanding his broad responsibilities, the challenges that he had globally from a resource issue, from a building issue, and from a, you know, from a security point of view, but I don't recall any specific recommendations that he made based on that interview with respect to

either Benghazi or what we were doing. We were trying to ascertain his involvement, kind of how he saw things.

Q During the last hour there was discussion about how some of the stovepiping could be resolved.

A Yeah.

Q How some of these walls can be broken down.

A Yeah.

Q I'm wondering if the under secretary had any commentary for the board in that regard?

A Not in his interview, and we didn't brief him on the report or do so to obtain feedback.

Q Did Ambassador Kennedy at any point ever try to influence or direct any of the findings or recommendations in the report?

A No.

Ms. Sachsman Grooms. Do you recall trying to work with Ambassador Pickering about getting reinforcements for Tripoli sort of early on?

Admiral Mullen. I think back to sort of these initial recommendations, one of them was, you know, a general concern based on interviews we did with I think Mr. Hicks or a handful of other people who had been to Libya that we recommended the Secretary take a pretty quick and thorough look at what's left in Libya -- I'm sorry, what's left in Tripoli and make sure you're okay there. That was just a recommendation, but I -- your characterization of reinforcements, I don't think we ever used that term, but certainly there were concerns

we had with respect to the environment inside Libya in general, in Tripoli specifically, they needed to pay a lot of attention to that.

Ms. Sachsman Grooms. Do you recall whether that set of initial sort of recommendations or thoughts early on in the process was shared with Ambassador Kennedy?

Admiral Mullen. I don't.

BY MR. KENNY:

Q I would like to turn now to the finding on Deputy Assistant Secretary Maxwell. Admiral, without discussing any classified information, what was the general nature of the material that Mr. Maxwell was not regularly reading?

A Well, I think he indicated, I think he said publicly that he wasn't reading the intelligence. If you're going to -- it's just hard for me to understand how you could have any idea, particularly with respect to threat or potential or anything like that, that you're not paying attention to intelligence. I mean, we all do in a certain area, particularly in an area of responsibility.

Q Did you, during your interview with him, drill down further than that to understand specifically what the nature of that intelligence was or --

A Didn't have to once he said that, from my perspective.

Q It just struck you as --

A It shocked me.

Q It shocked you.

A And part of his responsibility as a very senior individual

is to drill down in that, and you get -- we get intelligence from lots of different places, but that's -- that was for him to do. Obviously he couldn't do that if he wasn't looking at the intelligence. I mean, I just saw that as almost a complete abrogation of responsibility.

Mr. Knauer. Let me ask you a question on the intelligence part. If intelligence is being prepared on a daily basis from multiple inputs and you have that opportunity to look at that intelligence as prepared almost on a daily basis, would that be critical in a job such as this, to just get the daily read of that?

Admiral Mullen. Absolutely.

Mr. Knauer. And can you distinguish that from sort of another stream of intelligence where somebody might say, hey, there's a special briefing about X, Y, and Z that you may need to know about, and that would be sort of a periodic type of briefing?

Admiral Mullen. Well, maybe I would say it a little differently, that my baseline gets established by that daily review, and then when I see something bump or see an anomaly without any special briefing or anything like that, that's when I kind of say, can I understand, I want to know a little bit more about that. If I don't have that baseline, that bump's not going to mean much to me necessarily, and in an area that is under, I guess, you know -- from my perspective which was also a little bit alarming in all this is having been the military commander, not commander, but the senior military officer in the United States military when we went into Libya, so 18 months later I go back, and intelligence wasn't a great strength of ours, by the way, in Libya

when we went in because we focused resources on lots of other places. We certainly learned a lot over that 18 months, and I'm -- that there were considerable gaps which we certainly have spoken to, but my expectations are that, you know, people in senior positions, that's what they get paid to figure out. They don't just get paid to get stuff. They get paid to dig in, recognize differences, and understand what's really going on, and I don't think -- I don't know how you start to do that without looking at the intel picture.

Mr. Knauer. Thank you.

Admiral Mullen. And that doesn't say that intel is a hundred percent right, either, for sure.

BY MR. KENNY:

Q And is that even more pronounced in a place like Libya where conditions were as fluid as they were?

A It's hard for me to more pronounce anywhere in the Middle East. They're all pretty high level. I mean, even in other places in the world. I mean, it's --

Q But the need to follow on a daily basis and receive, just given how quickly a situation can change or conditions can deteriorate?

A Well, I mean, you could say that about Libya, but things change all over the world pretty rapidly. So I don't know how you would do it anywhere, quite frankly.

Q Okay. So Mr. Maxwell, based on some of the news reporting that we've seen and elsewhere, believes that he was unfairly singled out within the Bureau of Near Eastern Affairs, and within the bureau

do you agree that he was specifically targeted or singled out?

A The decision on Maxwell, Mr. Maxwell was a decision for, you know, inside the State Department. I'm actually -- other than has been reported, I'm completely unfamiliar with what happened, how it happened, who did what, so that's really for the Secretary of State and his people, and it had nothing to do with the ARB.

Q Why did the ARB not find just generally anyone else in the Bureau of Near Eastern Affairs responsible?

A Because we didn't think that their performance matching their responsibility moved to a level that warranted any kind of identification in the report.

Q And just to be clear, was the ARB under any pressure to find fault outside of the Bureau of Diplomatic Security and the regional bureaus, to place blame, to find some sacrificial lamb?

A No.

Q During an interview with this committee Mr. Maxwell told us that during his interviews with the Accountability Review Board he felt he was just merely being forthcoming and that had the board members inquired further into his not reading the intelligence that he would have provided some sort of additional clarifying information.

I would like to mark a portion of that May 30th interview with Raymond Maxwell as Exhibit 14.

[Mullen Exhibit No. 14

was marked for identification.]

BY MR. KENNY:

Q According to Mr. Maxwell, and I quote, Now, what they didn't give me a chance to say --

Mr. Levy. Can you just identify where you're reading?

Admiral Mullen. Line 4, page 26.

Mr. Kenny. Let me know when you find it.

Mr. Levy. Thanks.

BY MR. KENNY:

Q According to Mr. Maxwell, and I quote, Now, what they didn't give me a chance to say, and if they had checked I would have told them that I was read into a couple of different programs that required departmentalized information and special briefings, and when there was actionable intelligence, the analysts from INR would call me, and I would meet them in the SCIF, and if he would make this information accessible to me, and that happened once every couple of weeks. Additionally, I read the cable traffic that came in every day through the classified open net, end quote.

Admiral, during your interview with Mr. Maxwell, do you think if he had provided those explanations to you, would you have arrived at a different finding regarding his level of accountability or the decision to include him in the report?

A The way we handled interviews, and Secretary Pickering -- or, I'm sorry, Ambassador Pickering usually led this when someone came in, sat down, and certainly this case with Mr. Maxwell because we would cover wide-ranging issues in his, under what we thought was his area of responsibility, and Ambassador Pickering would wrap

up each interview with, Do you have anything else you want to say? So we were not in any way, shape or form restricting. So his characterization that we didn't give him a chance to say what he wanted to say is just incorrect. And that's how we handled all interviews, first of all.

Secondly, had he -- and this happened on a couple of occasions, had he desired to come back and tell us more, certainly he could have clarified if he thought it was important, clarified the position. So I'm still back where -- I remain where we ended up, which was pretty shocked that an individual of his seniority and with his direct responsibility for those four countries in the Maghreb, including Libya, would make that decision, and from my -- make the decision he made, and from my perspective was an abrogation of responsibility that he had.

Q During this same interview Mr. Maxwell told the committee that you made certain specific statements during his interview with the board. I would like to mark a portion of the same May 30th interview as Exhibit 15.

[Mullen Exhibit No. 15

was marked for identification.]

BY MR. KENNY:

Q It will be on line 26. According to Mr. Maxwell, Admiral, you stated, and I quote, When I was in the interview, Admiral Mullen stated, said on three separate occasions, This has to stop at the assistant secretary level. Those were his words, close quote. Mr.

Maxwell further stated, and I quote, The "this" is the accountability, the process, the blame. The fault lies at the assistant secretary level. He said it on three separate occasions.

Admiral, do you ever recall making this or any similar statement to Mr. Maxwell?

A Never.

Q At anytime prior to when the board completed its investigation, had you predetermined where either you or the board would assign responsibility?

A I never did, and it is -- I just would never have shared any kind of thought like this with anybody but the board. I would never share my views about anybody with anybody that we interviewed, so it's just -- I just didn't say it.

Q Was your intent ever to exclude responsibility at certain senior levels within the State Department?

A No.

Q Can you think of anything that you might have said or done that would lead others to mistakenly believe that you had predetermined where to assign blame?

A No.

Q During your interview with Mr. Maxwell, did you mean in any way to communicate to him that you thought the Assistant Secretary of the Near Eastern Affairs, Acting Assistant Secretary Beth Jones was responsible or at fault?

A No. I mean, I just -- the thought just never would get into

my head.

Q And, again, just to revisit, if you had uncovered evidence of wrongdoing, negligence concerning the conduct of senior leaders within the Department, what would you have done?

A You mean any additional leaders?

Q Yes. Generally speaking.

A We would have taken what we thought was appropriate steps and action and made appropriate representation of that in the report.

Mr. Knauer. Can I just have you flush out just a bit more, and I'm beating a dead horse a bit here, but the sentence on page 26 of Mr. Maxwell's statement where he says the analysts -- it's line 8, quote, the analysts from INR would call me --

Mr. Kenny. Exhibit 14.

Mr. Knauer. And I would meet them in the SCIF, and he would make the information accessible to me, and that happened once every couple of weeks.

Admiral Mullen. Right.

Mr. Knauer. Based on your background again, and understanding Mr. Maxwell's position, is that sufficient to keep him informed? And if you have the daily material available to you, can you contrast the two?

Admiral Mullen. I mean, I can't speak to that. This is the first time I've seen that, that that's what he did. He certainly didn't represent that when he was, as I said, in our interview, and I honestly don't know whether it would be sufficient.

Mr. Knauer. Okay.

BY MR. KENNY:

Q I'm wondering if I can turn real quickly to the Libyan guard force. The ARB had found that the Libyan local guard force and the quick reaction forces, which consisted of both the armed and unarmed Libyans hired at the special mission compound, was inadequate and did not perform on the night of the attacks. On page 6 of the report it states, quote, The board's inquiry found little evidence that the armed February 17th guards offered any meaningful defense of the SMC, special mission compound, or succeeded in summoning a February 17th militia presence to assist expeditiously, close quote.

Admiral, was the State Department responsible for vetting the February 17th Martyrs Brigade Force to your knowledge?

A The way we do -- the short answer is yes. The way we provide security -- I'm sorry, the way security is notionally, is normally provided in a host nation is by the host nation. We had considerable effort invested in training local guards through what is called the MSD teams that were out there principally. At one point there were three of them in 2012 that were very focused on that. That also was true for a mission like Benghazi. Part of what the shortfall in security agents represented in Benghazi was the ability to do something like that beyond just sort of stand the watch because they were so short typically. So over time, yes, the State Department is required to vet local guard force, and they do that through the RSOs, the regional security officers, and that was underway to various degrees in Libya.

Q And was the reliance on the local guard force misplaced?

A Well, actually I think what we said in the report was to some degree it was conditioned based on a decent response to a couple of the other incidents. What those incidents were, though, is they were sort of static, you blow a hole in a wall with an IED they responded pretty quickly. They drilled pretty well with our interaction with the guards, with the ARSOs who were out there. They had drills regularly with the guards, and so they were okay. What no one anticipated was obviously a force of the size that came in that night, and certainly more additional RSOs as well as, you know, a much better trained guard force wouldn't have been able to do much about that.

BY MR. KNAUER:

Q The four-person team that we've talked about staying behind in Tripoli, you had mentioned something along the lines of this was Mr. Hicks' only security left or something along those lines. I don't want to put words in your mouth, but can you repeat what you were saying?

A Well, he has got -- he used these individuals most of the night to reposition people out to the Annex, the Annex in Tripoli, and they were the only military members left that could provide any kind of security capability and capacity, and so from my perspective -- and what doesn't get much discussion in all this is sort of the backdrop of Tripoli which everybody was concerned about before Benghazi, the Benghazi incident, during it, and after.

So from a commander's perspective there's some wisdom in telling him to hold in place until we can kind of sort this out, combined with

the fact that by every indication it was over out east and everybody was coming back.

Q And that was going to be my follow-up question. Was it known that Tripoli wouldn't experience an attack that night?

A No.

Q So that was a possibility?

A Absolutely. And, in fact, I think Mr. Hicks said this in public testimony, and he did not -- he waited until sunrise to start to move people around, and to me that's a reflection of the danger that was there at the time.

Q And so since everybody gets to play Monday morning quarterbacking on this matter which obviously took place in very quick time that night, in your capacity as an ARB board member, had you -- had somebody ordered all of the forces to Benghazi knowing the threat that was potentially all over Libya, could that have been seen as an imprudent decision?

A I think it only accrues that label if you got your risk wrong and something happens.

Q But certainly --

A I wouldn't evaluate it up front like that. I mean, that's what we pay people on the ground to try to figure out.

Q But the flip side, certainly keeping them behind then isn't necessarily seen as imprudent, given the --

A No. In fact, from what I understand, it's very reasonable. It's very reasonable. And combined with the fact that, one, I need

the medic, I know I need the medic, I don't have a lot of them; two, they're coming out; and, three, there is, you know, they are sort of almost it from a security standpoint in Tripoli at that point in time.

Mr. Knauer. Okay, thank you.

Ms. Sachsman Grooms. Let's go off.

Mr. Kenny. Go off the record.

[Discussion off the record.]

BY MR. LEWIS:

Q Hopefully we can wrap this up quickly, Admiral. I have three quick questions. The first one is, did you request any information either from the Department of Defense or Department of State that you did not receive in your capacity in the ARB?

A No.

Q Some of the questions that we ask are somewhat detailed in regards to timing. You referred to your timeline but didn't have the timing for, for instance, the takeoff of aircraft from Tripoli. Was that specific information requested and not provided? Because it does come down to a matter of minutes on some of the questions.

A I think it's an issue of everything we asked for we got. I would say that when the group went to the Pentagon, when we went over to look at the timeline, if you will, that we went through that, but in terms of, you know, having that kind of detail throughout the process, we didn't do that, but I mean there was an appropriate time and place for that.

Q The more important question is whether you received

everything you requested?

A Yeah, yeah. No, we did.

Q On September 11th we did discuss, you discussed briefly the readiness of forces within the region.

A Right.

Q In the backdrop let's talk about September 9, September 10 of 2011 where the Israeli embassy in Cairo is attacked, they overrun the embassy, three protesters are killed, a thousand are wounded?

A 2010.

Q 2011, I believe it is, one year prior.

A Yeah, right, 2011, sorry.

Q So it's one year prior. They break into a police station, they get the weapons.

A Right.

Q I'm just using it as a backdrop. We have protests that are happening early in the morning, throughout the day in Cairo on September 11, 2012. We have protests that are popping up outside of U.S. diplomatic facilities throughout the Middle East. Did anyone refer to an uptick in regards to the readiness of U.S. military forces in the region, including EUCOM, prior to the incidence in Benghazi even happening, because events are happening around the world and in the region at this point and Americans are in danger specifically as it relates to Cairo as they take down the flag, and there are false reports of U.S. Marines firing warning shots at this point in the press.

A So --

Q What I'm getting at is, are you aware of in your investigation in the ARB that the readiness of U.S. military forces is increased significantly throughout the day of September 11th? A number of the questions that have been asked they've been answered in regard to the status of military readiness. What we would like is some additional insight into whether that readiness had changed throughout the day considering circumstances that have happened on that day and reflective of what happened only a year prior in the same region.

A Back to our visit to the Pentagon, certainly the backdrop that you describe was there. I was -- my own view, I was very taken by the quantity of forces writ large. Now, I'm talking about in Europe, you know, a long way away that were in the vicinity, and typically, particularly deployed forces, your readiness level is pretty high. I'm not aware that there were any decisions tied to the focus we all have on September 11th, it's a day that obviously will live with all of us for the rest of our lives, so everybody is aware that this anniversary is occurring. I'm just not aware that there were specific readiness levels raised tied to that.

Q And more specifically toward air assets because we did talk about flight teams being ready, mechanics being ready, ammunition being ready?

A Yeah.

Q All of that has become part of the discussion, so it's a reasonable question to talk about the causal effect of events around the region. In addition, some of the questions you were asked one

specifically responded by accentuating American. Did you investigate through the ARB whether U.S. forces in NATO requested the assistance of any NATO allies, much like the NATO assistance that was critical in regards to the air campaign over Libya only a year prior?

A We did not, but --

Q Especially in regards to air refueling assets?

A Correct, but I've got a view on that. I mean, it's 2:00 in the morning. I've dealt with NATO forces all my life. The likelihood that a NATO force, unless it was just complete coincidence, the likelihood that anybody could have moved more quickly than we --

Q I bring that back to the previous question as well. Considering the events of the day, whether the readiness level would have been increased, including a notification potentially to NATO forces?

A My experience in NATO is no, that wouldn't be the case.

Q And my final question, as we investigate this, and I don't want to get into any classified, there is a broadening discussion between chief of mission authority and combatant commander authority.

A Yeah.

Q And if there is a lesson to be learned from this, it's a very good investigation as to where those authorities lie, whether it's Title 10, whether it's Title 22, we won't go into Title 50, but the whole issue of who controls those forces on the ground and when a mission is military, to be controlled by the combatant commander or when the mission remains part of the chief of mission authority, and when that

line may change in a crisis event, sort of a crisis consequence management. Did the ARB look into that nature of the COM versus COCOM authority? Clearly, I think it will be looked at now, but did the ARB look into it then?

A I think looking into it is probably too --

Q Euphemistic?

A -- precise. No. Or too strong a term in terms of what we did. But we were very aware of that, and when I say that, I mean, certainly Ambassador Pickering has got rich experience here. I also have some experience here, and I mean coincidentally when I was Chairman, General Ham and I had quite the discussion over resources that were going to be allocated to Libya specifically and whose authority they were going to be under, and I felt pretty strongly at the time at least initially they needed to be under the chief of mission, and generally military guys don't like chiefs of mission running forces around. It was my judgment at the time that that was important because of the circumstances to change over time. So I certainly think it's an issue worthy of healthy debate, although I'm a sort of single who is in charge kind of guy, and to me if it's not the Ambassador, I get pretty confused first of all, and then secondly I've just seen, you know, in these wars and in the world we're living in, I've seen such an extraordinary integration of State, ambassadors, and military, you know, COCOMs and ambassadors, it's -- that I think, I honestly believe in the vast majority of the cases this could be done seamlessly depending on what -- you know, if it's going to change down the road,

but I -- I mean, I just come -- maybe it's just the whole civilian control thing, you know, the Ambassador represents --

Q It's also the issue of whether you can get a SOFA and how that SOFA may put into play a status of forces agreement versus whether you --

A When you say whether you have one --

Q No, when you can gain a SOFA agreement in regard to --

A Oh, no, I -- yeah, if you're going to have forces certainly there, you've got to -- in my perspective, you've got to have a SOFA to protect the troops. So I think worthy of debate, I mean, I've done a lot of this so the willingness and the ability to work together is so different than it was 10 or 15 years ago, it's not as big an issue to me. I think it, almost if you said it's this way or this way, we could probably make it work, but I go back, President, civilian control, ambassadors in charge, et cetera.

Q Yes, sir, the peculiarity of this debate is that the four individuals that are a point of contention in regards to the four special operations personnel, whether they go to Benghazi or not, only a month prior they were under control of the Ambassador.

A I know that.

Q But on the date of September 11th they were under the control of the combatant commander.

A Yeah.

Q Hence the peculiarity of the debate in regards -- and as it reflects throughout.

A Well, and I --

Q Throughout the world in regards to --

A It was a year after I left, so -- but there were forces -- those are forces I put in -- I supported, I didn't make that decision, but I certainly advocated strongly with the Secretary that they initially be under COM, under chief of mission authority. Where they came back out and went back in I don't know, but we also do this all the time.

Mr. Lewis. Thank you, sir.

BY MR. CASTOR:

Q Who is your point of contact at the State Department for matters relating to the board, you know, at the present time?

A My point of contact? Probably it would be Wade, Secretary Kerry's Chief of Staff, David Wade.

Q And before Secretary Kerry was sworn in, who was the liaison that you worked with?

A Well, between the ARB publishing and the hearing on May 8th, there wasn't any. I mean, there wasn't any need to. I mean, once the hearing took place, I mean one of the things I was looking for is what's my status here, and it turns out both Ambassador Pickering and I were government employees, we're on the State Department, the Foreign Policy Board, foreign advisory -- Foreign Policy Board I think, and we both remain on that, so we just use that status, but that's -- that was -- and then it was when this started to occur that I eventually engaged with Wade and which then led to how to proceed.

Q Did anyone at the State Department give you any guidance as to whether you ought to come in and talk to us or cooperate with our efforts, the committee's efforts?

A No, the guidance that -- I think the output of what you've seen was a letter that Ambassador Pickering and I saw, and that was what Pickering and I agreed to. That was Tom Pickering and Mike Mullen saying this is what we ought to do.

Q Okay. I think February -- Mr. Chaffetz, the chairman of one of our subcommittees, wrote a letter to each member of the board asking the board to testify at a hearing.

A Sure.

Q What do you -- and ultimately we got, as I understand it, the same answer from every board member, that they were unavailable --

A Yeah.

Q -- and didn't want to testify. What can you tell us, was that a coordinated effort or was it just a coincidence that all five board members --

A Well, I don't know about the other three. I just know -- I mean, I talked with Pickering about it, and our schedules just wouldn't work. He and I did talk about that specifically.

Q Okay. Did anyone at the State Department urge you not to participate in that type of hearing?

A No, no.

Q Did anyone at the State Department advise you or notify you of the efforts that the committee, Mr. Issa, the chairman, has gone

to to get some information about the ARB, you know, prior to inviting you in here in this type of format?

A About that, yeah. This is more antenna in sense than it is fact, you know, because this thing starts to bubble again in May or before that, February or March, time frame, back to who am I, who am I working for, that kind of thing. So I went in to State, and with the current team that's there, certainly aware of their dealing with this issue broadly, not specifically, that there are documents, et cetera, that's not a new inside the Pentagon or inside the State Department, that's not new for me, but in terms of any specifics or anything else nothing.

Q Because the -- you know, I'll share with you the reason that we are having today's proceeding is because the chairman felt entirely frustrated with his efforts to learn about how the board did its work.

A Yeah.

Q And inviting somebody of your stature to come in to this type of proceeding is rare.

A Yeah.

Q And we usually -- the chairman, you know, directs the staff to exhaust all other means, and to get to a point where the chairman wanted to, with Ambassador Pickering issue a subpoena to compel him to come in, I just thought it was useful to ask whether you had any -- I mean, what's the perspective that you, that the State Department gave you as to why we, why it was so difficult to get to this point?

A Well, I think if you interviewed or if you sat down -- I'm

not advocating for this, but if you sat down with every member of the board, every member of the board, I mean, we really thought it was a very comprehensive well done piece of work, and we poured a lot of our time and effort into that. So that's one.

Secondly, we really after the media availability the day of the unclass report, we, intellectually, but we gave this to the Secretary of State, and it was her report, and you have to deal with it however you're going to deal with it. That is -- that responsibility is obviously passed on to Secretary Kerry. So from a I'm involved standpoint -- I mean, I know I was, but I'm not anymore, so that's really something that's got to be done between the branches of government, and we just weren't involved in that. Now, it was -- when it appeared as though -- I guess I would say when the hearing occurred, you know, and it appeared there might be more hearings, well, then Pickering and I started talking and you saw sort of the output of that.

Q Okay, fair enough. I thought it was useful to ask the question and also share our perspective that it really was a last resort in the chairman's mind to go the route ultimately that he felt he needed to go.

Just one last question or area, and then I'll be done.

A Sure.

Q The report was released in December, and by that point in time it's fair to say the whole Susan Rice talking points controversy, for lack of a better word, had been out there, and the fact that there was a popular protest, so to speak was, everyone involved sort of

acknowledged by that point in time. Did the board, even though it wasn't in the charter, wasn't in the statute, did the board have a discussion about whether in light of the developments and the public attention on this, whether it made any sense to put anything into the report further clarifying about the protest piece?

A So I think we made a statement upfront that it was a terrorist attack, that was about as far as we wanted to go, and while we may have thought that between September 12th and October 4th when we started meeting, I mean, you get the facts, once you get inside of it it becomes pretty obvious. And then beyond that we just didn't see that as any part of our purview, and it literally was never a consideration. I mean, we just didn't get involved at all.

Q Do you think in hindsight if the board addressed how the talking points came to be that maybe it would have put a definitive word on it and put it to rest a little bit more?

A No.

Q Okay. Fair enough.

A I don't think so.

Ms. Sachsman Grooms. You mean like this has been put to rest, Steve?

Mr. Castor. Excuse me?

Ms. Sachsman Grooms. Like this has been put to rest?

Mr. Castor. Like what?

Ms. Sachsman Grooms. Never mind.

Mr. Castor. I think we're all done. Thank you.

[Whereupon, at 3:25 p.m., the interview was concluded.]

Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date