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EXECUTIVE SESSION
COMMITTEE ON ARMED SERVICES,
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS,
Joint with
COMMITTEE ON OVERSIGHT AND
GOVERNMENT REFORM,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

INTERVIEW OF: [REDACTED]

Wednesday, March 5, 2014

Washington, D.C.

The interview in the above matter was held in Room 2337, Rayburn House Office Building, commencing at 10:10 a.m.

Participant Key

AR = Armed Services Committee Republican staffer

AD = Armed Services Committee Democratic staffer

OR = Oversight and Government Reform Committee Republican staffer

OD = Oversight and Government Reform Committee Democratic staffer

AR1
[REDACTED] Good morning. This is a transcribed interview of [REDACTED] Welcome, [REDACTED] and thank you for coming today. I think those in the room have already introduced themselves, and the record of our proceedings will show who is in attendance, at least at the beginning of the meeting. People may be cycling in and out throughout, and we ask you to bear with us as they come and go.

For the record, I'm AR1 [REDACTED]. I'm a professional staff member on the Armed Services Committee, work for the chairman of the Armed Services Committee. [REDACTED]

As you may know, the Committee on Oversight and Government Reform and the Committee on Armed Services are among the committees in the U.S. House of Representatives that are investigating many aspects of the attacks on the U.S. facilities in Benghazi, Libya, in September 2012. The topics being considered include how the U.S. Government was prepared in advance of these attacks, how it responded once the attacks started, and what changes have been instituted as a result of lessons learned.

I'm joined today by colleagues representing the chairman and ranking minority members of the Committee on Oversight and Government Reform and the Committee on Armed Services, and in order to simplify these proceedings, I'm making these introductory remarks and will start the questioning. My colleague AR2 [REDACTED] -- AR2 [REDACTED] and I will start the questioning, but please understand that this interview is an equal and joint effort of both committees. [REDACTED]

We will proceed in the following way: I and representatives of the other committee's chairman will ask questions for the first hour,

then representatives of the ranking minority members will have an hour to pose questions. We'll alternate this way until our questions are completed.

We'll recess for lunch and take other breaks, but please let us know when we are switching questioners if you need some additional time for any reason. Certainly in the interim if you need any additional time, please let us know.

During our questioning we will aim to have only one questioner at a time. An exception to this may occur if an additional staff member requires follow-up for clarification. In such an instance it's usually more efficient to do so as we proceed rather than at the end. But because, obviously, the transcriptionist cannot record gestures, we ask that you answer orally, and if you forget to do this, the transcriptionist may remind you to do so. The transcriptionist may also ask you to spell certain terms or unusual phrases you might be using in your answers.

We hope to proceed methodically and generally chronologically. Some of our questions might appear to be basic, but this is done to help us clearly establish facts and to clearly understand the situation in Libya.

We ask that you give complete, fulsome replies to the questions based on your best recollections. Please provide no classified information to the extent possible. If it is necessary to provide classified information in response to questions, everyone in this room is cleared to Top Secret, and therefore you should not hesitate to provide relevant information or details up to that classification level.

Furthermore, if a question is unclear, or if you are uncertain in your response, please let us know. If you do not know or remember an answer to the question or do not remember, please simply say so.

You should understand that although this interview is not under oath, by law, of course, you are required to answer questions from Congress truthfully, including questions posed by staffers in interviews such as this.

Do you understand these circumstances.

[REDACTED] Yes, I do.

ARI [REDACTED]. Is there any reason, [REDACTED] that you're unable to provide truthful answers to today's questions?

[REDACTED] No reason.

ARI [REDACTED]. Finally, I note you're accompanied by an attorney from the Department of Defense, and I'll ask the DOD counsel to please state your name for the record.

Mr. Hudson. My name is Bill Hudson. I work for the Office of General Counsel, Department of Defense.

ARI [REDACTED]. Great. Thank you.

Now, with these preliminary remarks concluded, [REDACTED] do you have any introductory remarks that you wish to make?

Mr. Hudson. Let me just state one thing that would reiterate that this is a classification at Top Secret, and as in email to [REDACTED] and [REDACTED], as we have always done before, we will take, if you give us, the transcript and then portion mark and then just move any TS material out of there. That's one issue.

And the other issue is that this interview also augments the extensive interview that [REDACTED] [REDACTED] [REDACTED] gave on 26 June to the House Armed Services Committee recounting the events of 9/11/2012 in Benghazi. So that was my input. We're ready to start under those conditions there.

ARI [REDACTED]. Thank you.

And, [REDACTED] we very much appreciate your uniformed service and for your patience and participation today.

So the clock now reads about 10:17, we'll call that 10:15, and we'll start the first hour of questions from the representatives of the committee chair.

[REDACTED] [REDACTED] [REDACTED] Yes, sir.

EXAMINATION

ARI BY [REDACTED]:

Q So, [REDACTED] can you tell us when you first arrived in Libya in connection with the assignment that we're about to discuss?

A I arrived in Libya on September 1, 2012. I was assigned as an OIC of a small detachment that was to help train Libyan military defensive special forces.

Q All right. We're going to, as you might imagine, talk in some detail about that. And just for the record, have you been promoted since you were given that assignment?

A Yes, I have.

Q So you were a lieutenant colonel at the time that you were assigned there?

A I was.

Q And what was your assignment that immediately preceded the assignment that we're speaking of, immediately preceded?

A Immediately preceding that I believe I was working as the J-33, which is Current Operations Director at the JSOTF-TS, that is the Joint Special Operations Task Force Trans-Sahara.

Q And who -- when you were in that assignment, who was the commanding officer of that task force?

A There were two commanders during my tenure there. One was [REDACTED] and [REDACTED]

Q That was in order, so [REDACTED] was the second in command?

A Correct.

Q And in that assignment, again, the joint task force assignment, to what extent did your assignment there, your work on that assignment, involve DOD activities in Libya?

A There was an SST unit that was down that was assigned to Libya. As Libya was part of our AOR, we kept visibility on it, we continued to provide support, they continued to provide reporting to us. And so the SST elements that were down there, we were fully aware of all their activities.

Q You say "fully aware." Was there a direct reporting relationship?

A Correct. They did report their situational report, sit rep, to us on a daily basis.

Q And who was the commanding officer of the SST element?

A To my understanding, there was -- the first one was [REDACTED]. I cannot remember who the second one was, but the third one was [REDACTED].

Q And that's --

A In sequential.

Q In sequential order, yes, sir, thank you.

And did your work again in this for the joint task force ever involve you going to Libya, say, on TDY?

A Negative, sir.

Q So the first time you were ever in Libya was when you arrived for the assignment, to take the assignment that we're going to speak about?

A That is correct.

Q And is there a -- let me ask it this way: We understand that the assignment you took was with something that might be called the Special Operations Forces Liaison Element; is that correct?

A Yes. We have what's called SOFLEs or Special Operations Force Liaison Elements, throughout various countries in Africa at various grades, and so that was also one of my duties was to be the SOFLE.

Q So is there a name or a -- so when you went to Libya then on September 1st and you assumed your responsibilities, what was that called? How would we refer to the unit?

A I guess the best way to describe it would be called Team Libya. That's how we reported ourselves was Team Libya.

Q And describe again for me the assignment you were given in assuming the command of Team Libya.

A There was -- the primary focus that we had whenever we got there was to -- it was a 1208 program -- standing up the Libyan military in order to develop a SOF capability where the Libyans, along with the U.S., could prosecute targets of mutual interest.

Q And was the physical security of the embassy within the role of your team?

A No, sir, it was not. The SST mission had ended. We were no longer responsible for the security of the embassy or security of DOS personnel.

Q Okay, thank you.

And your role as head of Team Libya, were you under chief of mission or COCOM authority?

A COCOM authority, sir.

Q And, again, did you understand that that was in distinction from the SST's line authority?

A Yes, sir.

Q And we understand that you were selected for this position by both the commanding officer of Special Operations Command Africa and the commanding officer of the joint task force; is that correct?

A Yes, sir. And just as a point of correction, that is Joint Special Operations Task Force.

Q Beg your pardon.

A Yes.

Q And were those two officers respectively Rear Admiral Brian Losey and Commander [REDACTED]

A They were, sir.

Q And can you describe to me the selection process, which is to say, did they meet with you personally to discuss your selection for this position?

A I believe the way that it works, sir, is I had a discussion with [REDACTED] [REDACTED] and I knew that [REDACTED] [REDACTED] his rotation was ending. I met with him, and I said, if there is a possibility, I would like to take the next rotation down to Libya. I believe there were three or four other personnel that they were looking at, and Admiral Losey knew my background, and as did [REDACTED] [REDACTED] and so I think it was based upon my background and history in Africa that they selected me.

Q So you actually communicated with [REDACTED] [REDACTED] about your interest and had some conversations or communications of one sort or another?

A Yes, sir.

Q In person or --

A Yes, sir, in person.

Q And how about with Rear Admiral Losey?

A I think that [REDACTED] [REDACTED] [REDACTED] spoke with Admiral Losey, and Admiral Losey concurred.

Q And I don't know, have you ever met Admiral Losey?

A Oh, yes, sir.

Q And when they indicated you were being selected for this

position, did one or both of them indicate to you either personally or through some communications the sort of things that they were looking for in a leader for this organization?

A Not so much in a leader, sir, but they were more focused on the mission, the priorities of effort, if you would.

Q And what were those priorities?

A The priority of effort was the 1208 program.

Q Did you ever meet [REDACTED] [REDACTED]?

A Just in passing, sir.

Q Did you ever have an occasion to be briefed by him about the activities he undertook while -- he or the SST undertook?

A No, sir, not personally. I do believe that -- and I'm trying to recollect. I got a copy of his outbrief, but I don't think I ever sat down with him personally. There were already members that were on the ground that had been there during [REDACTED] [REDACTED] tenure, so I was able to get up to date everything from them once I hit the ground.

Q When you say you think you may have seen an outbrief, was it maybe a PowerPoint slide deck?

A Yes, sir, something. I think I may have seen something like that. I know that I sat in on the -- it was a captain that was also located down there, and I talked with him. He was working for [REDACTED]

Q An Army captain, Marine captain?

A Army captain.

Q So, again, not to belabor this point, but as you understand

it, the mission that the SST had undertaken under [REDACTED] [REDACTED] leadership and the leadership of the officers that preceded him was different from the mission you were assuming on 1 September?

A Correct, sir.

Q In your discussions with [REDACTED] [REDACTED] or -- sorry, your communication with [REDACTED] [REDACTED] with Admiral Losey, or possibly from the material that you reviewed produced by [REDACTED] [REDACTED] did you have any awareness of the discussions which we understood took place in, say, the July and August timeframe about the sizing of mission and the continued presence, possible continued presence, of the SST?

A I was not directly involved in any of those conversations, sir. I saw some communication, you know, where they were talking about extending it, maybe not extending it, but I was not directly involved in any of those discussions. Those would have been far above my pay grade.

Q And you saw those discussions because you were contemporaneously receiving emails on it, or you mean as you assumed the position, you went back and educated yourself on this topic?

A Trying to think back, sir, I may have seen some emails that came in from [REDACTED] [REDACTED] [REDACTED] now [REDACTED] [REDACTED] and I know that there was some ongoing discussions that I overheard them. I may have been in the room when [REDACTED] [REDACTED] Admiral Losey was discussing it, but nothing that I was directly involved in.

Q I see. Thank you.

Is it your understanding that the SST under [REDACTED] [REDACTED]

leadership included 16 personnel?

A That's my understanding, yes, sir.

Q And the unit that you took command of on 1 September had how many personnel?

A There were a total of six of us on the ground, sir.

Q And I don't want to jump ahead, but I know on the day of the attack, two of those personnel had a different -- were pulled out of your command and had a different reporting relationship.

A Correct, sir. They always had a different reporting relationship. It's just that they were supporting my 1208 program.

Q So from September 1, let's say, until the attack began, your unit was at six?

A Correct, sir.

Q And I understand you to say of those six, some had been part of the SST?

A Yes, sir.

Q And some were new to the assignment?

A I believe I was the only new person to the assignment, sir.

Q Thank you. This is very helpful.

So now I just want to make sure that I've got understanding of the full universe of uniformed personnel in Libya on, say, the day after you arrived, let's say 2 September. So it was you?

A Yes, sir.

Q The three others who you would retain command of on the day of the attack?

A Yes, sir.

Q The two who were otherwise assigned to you, but that day had other reporting relationship?

A Yes, sir.

Q Was there the [REDACTED] [REDACTED] [REDACTED] who ran the Office of Security Cooperation?

A Yes, sir.

Q He had a staff sergeant assigned to him?

A I don't think she was there on September 1st, sir. I think she arrived on September 11th.

Q Okay. Okay. Thank you. That's very helpful.

There was the defense attache, [REDACTED] [REDACTED] [REDACTED] [REDACTED]

A Yes, sir.

Q And then [REDACTED] was his warrant officer?

A I had forgotten all about him, but I believe yes, sir.

Q Are there any other uniformed personnel?

A Not that I can remember, sir.

Q So now I want to just make sure I understand also how you and your three others, five others interacted with some of the others that -- interacted with, formally and in an official context, some of those others. So, for instance, you had no formal reporting relationship with the Office of Security Cooperation?

A No, sir.

Q Were you generally apprised of and aware of the activities of [REDACTED] [REDACTED]

A Yes, sir. Also I was apprised and aware of the activities of the OSC. There was a very professional and collegial relationship between my team and the defense attache and the OSC.

Q And one reason is it's a small post, right?

A Yes, sir.

Q And you're all right there together?

A Yes, sir.

Q So, again, I'm not trying to put words in your mouth, but you each have your own responsibilities, you each have maybe your own reporting chains, but you're familiar with, and talk informally, and are apprised of and aware of the activities of others?

A Yes, sir, and the reason being is that, in my mind, the defense attache is the senior military liaison on the ground, so it's incumbent upon me to keep him informed of all of our activities.

Q And how would you do that?

A It would be informal. I would go up, knock on his door. Or if he was busy, we would make an appointment. Again, that's how we would -- like you said, sir, it was a small post. Trying to get appointments was not difficult. If nothing else, we could meet for dinner.

Q Right. There was no need for you to ever file anything in writing to him, any kind of a --

A No, sir. I would send him copies of my sit rep.

Q You would you say?

A I would. But that was for his SA.

Q Sure, sure. And in the -- well, let me ask you this: Did you travel off the embassy grounds in the first, say, 7 or 8 days you were in Libya?

A I'm sure I did, sir, probably doing senior leader engagements, being introduced to other Libyan generals, getting a lay of the land. But nothing I specifically remember, but I'm sure I traveled.

Q And do you have any recollection when you did that, did you make any -- coordinate the security arrangements for your travel?

A We had -- since we were not under chief of mission authority, we had a little more latitude, sir. We could do self-drive, and so we were able to self-drive. We would notify the RSO's office when we were moving off, when we were at certain locations just so they had situational awareness.

Q I see, thank you. So now I would like to ask you about -- we've done a little bit of this, but I would like to march through a little bit and ask you about your interactions or interchange with a couple of different other officers, and, again, we're talking about before the days of the attack. So, for instance, General Ham, was he the senior officer in your chain of command?

A He would be the combatant commander, and so at the end of the day, yes, sir, he would be the ultimate senior commander.

Q Did you ever meet with him in connection with his position?

A Never while I was in Stuttgart, sir. He made some senior leader engagements in Libya. I don't remember any prior to September

11th, but when he would come down, I would meet, shake his hand, be in attendance at his briefings, but primarily he fell to the purview of the DAT.

Q But you're not suggesting that General Ham came between September 1st and September 11th?

A No, sir, I don't remember any meetings at that time.

Q So you never, then, from -- I take it from what you say, you never discussed with him, say, the SST's mission, your mission, and the difference between the two?

A Oh, no, sir.

Q Did you ever know General Ham to be referred to in email correspondence or otherwise as H4?

A Yes, sir. It's pretty common to take the last -- or the initial of the last name and add a 4 for the combatant commander.

Q Got it. That's a common --

A Yes, sir.

Q Thank you.

Now, the same question but about Rear Admiral Losey. He was, I guess, one step removed in your chain of command, correct?

A Yes, sir.

Q And we talked about communications you had with him in connection with assuming this position. Did you have other routine or occasional contact with Admiral Losey?

A I was in attendance whenever -- when Ambassador Stevens came through because I had already been designated as the follow-on OIC, so

I was in the conference room when Admiral Losey, [REDACTED] [REDACTED] and myself, and he introduced me to Ambassador Stevens, that I would be coming down to Libya. But for the most part, sir, my communications would go through [REDACTED] [REDACTED]

Q That was the next question. So [REDACTED] [REDACTED] was your immediate commander?

A Yes, sir.

Q And to what extent -- before September 1st you had routine interaction with him, of course?

A Yes, sir.

Q And did you ever discuss with him, again before September 1st, and assuming this position, his impressions of the SST mission, your mission, the distinction between the two, the similarities between the two?

A No, sir. I would -- I understood that that SST mission had ended, and that what my priority of efforts and what my mission going forward was, which was to provide the Libyans with a special forces capability.

Q And how about after going to Libya on September 1st, not the day of the attack, but, say, in that interregnum, how often did you talk -- do you remember talking with [REDACTED] say, between September 1st and September 10th?

A I'm sure I did, sir. [REDACTED] [REDACTED] was a very accessible commander. I could call him up anytime, and if he was in a meeting, his focus was always for the guys that were on the ground.

Q Sure.

A So he was a very accessible commander.

Q I see.

NOW,

A Yes, sir.

Q What was his command relationship to you before going to Libya and then after arriving in Libya?

A [REDACTED] was the current Operations Director for Special Operations Africa, Special Operations Command Africa. Before deploying, normally I would not interact with him. My interaction, my day-to-day interaction, would be through the current Operations Director at the JSOTF-TS. Because [REDACTED] and I have -- you know, we've known each other for a while, sometimes I would call him up and just talk to him, but it was nothing formal.

Q And you're speaking now of both, say, the period immediately preceding September 1 and then after you arrived in --

A I don't think I talked to [REDACTED] up until September 11th, September 12th. The day of the attack I think I talked to him.

Q But you hadn't previously talked to him?

A No, sir.

Q Did you know him?

A Oh, yes. Oh, I'm sorry, I misunderstood the question. Yes, we knew each other from -- for a long time, so --

Q Sure, okay.

A I just had no reason to talk to him.

Q Sure, I understand.

So when you arrived on September 1st and in the days immediately after, and you assumed this new role, did you have an occasion to form any particular impressions of the physical security of the embassy compound?

A I think I previously testified, sir, I did not do a formal threat vulnerability assessment, but having worked around other embassies, especially other embassies in Africa, I assessed the physical security as well as the personnel that they had there as pretty poor.

Q And the personnel were poor because of quantity or skills?

A It was quantity, sir. I'm not going to -- I don't know what type of formal training that they had gone through, so there was no way for me to evaluate that. I had never seen them operate in any type of matter for me to evaluate their personal skills, but from a physical standpoint it was not a well-reinforced compound.

Q And you say you didn't do a formal assessment because -- am I correct in understanding you didn't do that because it wasn't your responsibility?

A It wasn't my responsibility, but as I testified previously, it was more of a calculus in my head.

Q Because you're an Army officer, and that's what you do?

A Yes, sir. It's like, okay, if I have to defend this place, what am I going to do?

Q So, similarly, did your work take you

A It did, sir.

Q And -- well, I'll ask this: And you had no role before September 11th in providing physical security [REDACTED]

A That's correct, sir.

Q Did you, however, nonetheless before September 11th have any impressions or have an occasion to form any ideas of the extent to which [REDACTED]

A It was much more securable. The physical infrastructure was much better. The security element that they had there was, I think, primarily prior Special Operations guys. You could tell that. You could tell that they had developed -- good procedures were in place. [REDACTED]

[REDACTED] So, yeah, it was much more robust.

Q And, again, you didn't conduct any kind of a formal evaluation [REDACTED]

A Correct.

Q But this is your -- the impressions that you gained drawing upon your professional training in the course [REDACTED]

A Correct, sir.

Q And did you ever go to Benghazi in the days you were in --

A Never went to Benghazi, sir.

Q Did you, from your informal contacts or maybe formal contacts

with those at the embassy, have any impression of the security at the temporary mission facility in Benghazi?

A Never heard anything about -- nothing that I recollect, sir, about the physical security conditions in Benghazi.

Q And similarly, were you aware before September 11th that there was an annex facility in Benghazi?

A I was not, sir.

Q You were not?

A I was not.

ARI [REDACTED] Change of track?

OR 2 [REDACTED] Yeah. Just to refresh your memory, sir, I'm [REDACTED] with the Oversight Committee. I just want to ask you a few questions about some of the things you said.

EXAMINATION

OR 2 BY [REDACTED]:

Q You mentioned when you were being considered for the assignment to Team Libya, sir, you said you had a background or history in Africa. Maybe you could just real briefly just elaborate on what you meant by that.

A I had been working Africa, the Africa problems, various countries, since approximately 2008. At the time, at the beginning of 2008, my primary focus was on the eastern seaboard, Kenya, Somalia and Somali pirates, and Djibouti, including Ethiopia. Then I had also worked in the Congo, and then I had worked Senegal, Mali, Mauritania. So I had worked in some places that had been less than favorable.

Q And day to day, when you got to Tripoli, what was your level of interaction with the State Department civilian side? Pretty regular?

A Oh, it was daily, sir. If I can describe the situation in Tripoli, we all lived on the same compound. We all ate at the same dining facility, and I would routinely see DCM Hicks, the consular officers, political officers, I would routinely see them on a daily basis, whether it was just routine interaction, or whether it was formal interaction.

Q You may have touched on, I think, the movement, sort of notifying for personnel tracking purposes your level of interaction with, I guess, RSO. What were some of the other issues you would interact with on a regular basis with the State Department side?

A We would attend the country team -- I would attend the country team meetings that was held once a week, and I would not give much of an update, but I would listen to what all they were doing. But we developed that so that everybody understood it's one team, one fight, we're all trying to get to the same goal.

[REDACTED]

[REDACTED]

OR2 [REDACTED] Okay.

ARI [REDACTED]:

Q [REDACTED]

A [REDACTED]

Q I know. I'm trying to use vocabulary that we all understand

what we're talking about. [REDACTED]

A They were, sir.

Q And you and your other three were not?

A That's correct, sir.

OR BY [REDACTED]

Q Just to jump back again, I believe you said, sir, that you didn't become aware of the Benghazi annex until 11 September, correct?

A 12 September.

Q 12 September, right.

And just then based on that, I am assuming whatever you have to say is going to be ex-post, but do you have any knowledge of whether AFRICOM or SOC Africa was aware of the annex in Benghazi prior to the attack? [REDACTED]

A I'm not sure of that, sir. That would be a question that --

Q Understood. Just wanted to ask you. Sure. [REDACTED]

And just to be clear, you've been pretty clear about it, but I just want to make sure, you were never a part of SST, correct, sir? In other words, when you came in 1 September, your intention was to be Title 10, Team Libya? [REDACTED]

A That is correct, sir.

Q Great.

And if I could ask, too, you mentioned that when you came, you were going to be working on the 1208 program. And I think you also said when you were talking with [REDACTED] that prior to taking over Team Libya

AR1

in your role in Stuttgart you were aware of the SST; I think you said you were fully aware of what they were doing.

A [Nonverbal response.]

Q To your knowledge, beyond providing security for the embassy in Tripoli, were SST personnel, any SST personnel, engaged in activities other than securing the embassy during the time prior to your arrival?

A Yes, sir, they were. They were doing the preliminary work for the 1208 program. They had already done an assessment of Libyan personnel, had already decided which Libyan personnel that they were going to start training, and they had done, I think, just the very nascent stages of the 1208 program.

Q Okay. And when you say "assessment," what does that mean exactly?

A Prior to actually selecting personnel that you want to invest time and effort in, you run them through an assessment program, not only physical, but also emotional and mental, plus you also do interviews with them. That had already been conducted, so they had identified -- I'm trying to remember -- I believe it was approximately 100 personnel that we were going to start engaging with and training into their beginning Libyan Special Operations.

Q And so of those 100 personnel, would all 100 have gone through some sort of this assessment process?

A There would have been more that had gone through an assessment, and they whittled it down to 100.

Q Fair. Sure, okay.

And with respect to that, when was the -- do you recall when the formal 1208 program for Libya that you had gone to Libya to work on, when was that formally approved by the Department?

A I do not remember, sir.

Q Do you remember if it was before the attack on 11 September?

A Oh, it was; it was before the attack.

Q Was it then also before you arrived on 1 September that it had been formally approved?

A Yes, sir. I believe that --

Q I know it was a long time ago.

A Yeah. Honestly, sir, I don't remember when it was formally approved by DOD and DOS. I know that it was approved at the time that I was on the ground.

Q So it's our understanding that some of these assessments by some of the SST personnel may have taken place prior to the formal approval. Is that your understanding?

A No, sir. They would have already -- they would have had -- it's my understanding they would have had to have approval even before they could have started doing the assessments.

Q They were supposed to have had it done?

A Yes, sir.

Q Why is that?

A It's just the way the system works, sir. You can't start investing and interacting until the actual 1208 program is approved.

Q Okay. But, again, you don't recall when that actually

occurred?

A I do not, sir.

ARI BY [REDACTED]

Q But you know it was approved by the time you arrived in country?

A I do know it was. Correct, sir.

DR2 BY [REDACTED]

Q And maybe if you could just briefly describe without getting into too many details, it's not really necessary, I suppose, but when your team was working on 1208, how different would it have been from the kind of assessment work that would have been going on before? Was it pretty different or about the same?

A It would have been about the same at that time, sir, because, understand, there is a time lag between when we identify the personnel and then when the equipment starts arriving. So it would have been about the same thing, teaching them, you know, basic rifle marksmanship, discipline, simple things like that.

Q Okay. Appreciate that. I'm listening, sorry, just taking some notes, too.

A That's fine, sir.

Q Other than the 1208 program, were there any other security force assistance programs that were either operative or being contemplated for Libya at the time that you arrived?

A I believe that would actually be a better question for somebody in the J-5 future plans. I know that they were thinking of

a further down the road, let's look at some 1206 programs, 1207 programs, but my focus was the 1208.

Q Okay, understood. Thank you.

We're also aware that shortly after you arrived -- oh, you know what? I take that back, I apologize. Before you arrived, there may have been an incident on 6 August where they were going -- an incident with some of the SST members at a checkpoint where there was a shooting of some kind. Were you aware of that?

A I was aware of it, sir, but just a point of clarification, the SST mission had already ended on August 3rd. At that time they were no longer working the SST.

Q Okay, understood.

Are you aware whether -- let me put it like this: We understand that Ambassador Stevens had some concerns about the loss of privileges and immunities for SST personnel --

A Yes, sir.

Q -- which would have occurred as of, I think, 4 August when they reverted to COCOM authority. Were you aware of those concerns?

A I was, sir, and I had discussions with Ambassador Stevens and DCM Hicks, and I think that the -- since we did not have a SOFA in place, the solution was we would be granted A&T status. A DIP note was sent to the Ministry of Foreign Affairs establishing A&T status, which that's a DOS term, I'm not sure what it means. And the Ministry of Foreign Affairs concurred with it. So it did provide us with a level of protection.

Q Did that occur subsequent to your arrival that that formal sort of A&T status came through, or do you remember was it before?

A It was after I arrived, because I remember having the discussion with Ambassador Stevens that he was continuing to push it.

Q Okay.

A But understand, sir, there are many places in Africa where we work where we have no SOFA agreement, and we have no protections. It's not unusual.

Q Appreciate that.

And, again, relying on your awareness of what was going on with SST from Stuttgart, there was a cable for Embassy Tripoli of 9 July, 2012, which went to Washington requesting additional security personnel, to possibly include members of SST. Were you aware of that request?

A Not the date, sir, but I am aware of that cable.

AR1 BY [REDACTED]:

Q You mean you became aware of it subsequent to the events?

A I remember hearing about it, sir, at the time, but I can't remember the exact timeframe that it occurred.

OR2 BY [REDACTED]:

Q Were you aware of any views of the Ambassador or other members of the country team about the value of SST remaining in Libya at that time?

A I think that the Ambassador was very pleased with the SST, but beyond that, no firsthand knowledge, sir.

Q Okay. And to your knowledge was DOD willing to extend SST

if it was requested by the State Department?

A That is my understanding, sir.

Q By any chance were you aware of any plans or discussions of sending a permanent contingent of SST personnel to support Benghazi?

A I am not aware of that, sir.

Q Did you have any awareness of plans for the future of a temporary mission facility in Benghazi, a State Department facility that you were aware of, any discussions about extending it? We understand it was a temporary facility.

A No, sir. That would have been outside my purview.

Q Understood.

Any understanding of any evacuation plans for the U. S. Embassy in Tripoli in the event of an incident?

A Not that I'm aware of, sir.

Q Any expectations of DOD support in the event of an evacuation of the embassy?

A What type of assets would have been available?

Q Sure. Or involvement in general. I know the Department does noncombatant evacuations as a matter of course, but specifically with reference to Tripoli.

A I can only reference back to when we were looking at doing a NEO in Mali, I know that there were numerous assets that were available. But specific to Tripoli, no discussions had been actually ongoing.

Q And what about for Benghazi, any evacuation that would have had to occur there, any awareness?

A None that I'm aware of, sir.

ARI BY [REDACTED]:

Q So, [REDACTED] Admiral Losey briefed us the same day, of course, that you appeared before the Armed Services Committee, and he made reference in his remarks to I guess I would call it dismay that the SST team was being reduced, or the team that was SST was being reduced numerically, setting aside the function of those groups; that that was reducing the number of DOD personnel in Libya at what he thought was a critical time.

Did [REDACTED] [REDACTED] in his conversation with you, perhaps in considering you for your position, discuss with you that the reduction in numbers and concern that those numbers were going down?

A Nothing that was discussed with me, sir. I can understand why -- Admiral Losey would have been more in a position to discuss that in his interaction with General Ham, so I would defer to him on his dismay. So I guess that's as far as I can go.

Q Fine, fine. No, that's helpful. Thank you.

Now, I think I understood you to say, and I just want to make sure I'm right about this, that your assignment as you assumed on 1 September because it was different from the SST had no physical security responsibilities incumbent with it?

A Correct, sir. That was not within my mission set.

Q So [REDACTED] [REDACTED] also briefed us in July, and he got a question from a Member about, again, not the day of the attack, but some question was broadly about how the Department postures itself for

emergencies and so forth in Libya in particular. And just for the record, this is page 49 of the declassified transcript, [REDACTED] [REDACTED] says, the thing I talked with about [REDACTED] [REDACTED] [REDACTED] was protection of the U.S. Embassy in Tripoli, to be sure that if something happened, if a threat engaged, what would he and his other three people do to make that happen as far as classified material, as far as the weapons they had; did they need more barriers, ways to sharpen security? And he would be doing that in conjunction with the Regional Security Officer, which is exactly the way it goes in an embassy. And again, on the day of the attack he was talking about. [REDACTED]

A But that would have been more of an informal discussion with the RSO and myself, but it was not part of my 1208 mission set, sir. So as I said in my testimony, whenever I did my threat vulnerability assessment, it was not a formal one; it was more a calculus in my head, like what every military officer looks at is how am I going to defend this. [REDACTED]

Q And I appreciate that. The suggestion from this literal reading, though, is that you and [REDACTED] [REDACTED] had at least one discussion about -- in the abstract how one might protect the embassy, the sort of things you might do in the event of an emergency, protect classified, so forth. Maybe your recollection is different. [REDACTED]

A I can't remember any formal -- I can't remember any discussion I may have had with [REDACTED] [REDACTED] I'm sure if he remembers that, it's probably accurate. But that's something that we think about all the time is, okay, if everything goes wrong, how do we destroy our

classified, how do we consolidate all of our sensitive items, and how do we, you know, protect what's ours, and then you get all of the U.S. personnel out of the country.

Q Sure, sure, I see. Thank you. That's helpful.

So then just a couple of questions then about kind of the scene, say, in the 24 hours or the couple of days before the actual attack. Did you have access in your position to classified Intelligence Community reporting about threat assessments in Libya or Africa in general?

A Yes, sir, and I would -- yes, sir.

Q And did you -- you had access to them. Did you as a matter of course read or consult that reporting?

A We also had knowledge of the reports, but we also had a weekly meeting [REDACTED] would brief us on any -- or his staff would brief us on anything. The RSO would brief us on current threat warnings as part of the country team meeting that I would be in attendance at. I don't recall any specific threats to Libya or to Benghazi.

Q So there is a report that the Senate Intelligence Committee issued recently, and they summarized that -- they say in the months before the Benghazi attack, the IC circulated what they say is hundreds of reports, quote, "warning that militias and terrorists and affiliated groups had the capability and intent to strike U.S. and Western facilities and personnel in Libya," close quote.

Again, are these the sorts of discussions that might have been broached?

A Yes, sir, we would have seen those, but those are general threat warnings, they're not specific threat warnings, and if I could, sir, you could see that just driving around Libya with the militias and their checkpoints that there were numerous entities that were out there. So it was a very tenuous time in Libya, not only in Benghazi, but also in Tripoli.

Q So, in other words, these reports weren't telling you anything that you didn't already know?

A Right, sir. There's all sorts of unsavory actors that are out there.

Q So then let's say in the 24 hours before the 9/11 anniversary, are you aware that post took any particular security measures in anticipation of that anniversary?

A None that I'm aware of, sir.

Q Did you or your team make any particular arrangements on your own?

A My guys and myself were always on a posture. We always had our weapons ready, we always had our ammunition ready, we always had our body armor ready, so we were always at the point where we could react, especially since those three guys that were there with me had been part of the SST. That was just ingrained into them as part of their SOP.

Q And, again, to clarify, you and your three guys, as you call them, were at the -- physically housed at the embassy compound, and the

A That is correct, sir.

Q And, again, that's, I think, a couple kilometers away?

A I think it's about 8 to 10 kilometers. It's not that far.

Q And do you have any knowledge of any particular security arrangements that they or others at the annex made in anticipation of 9/11?

A I do not, sir.

Q And do you have any particular knowledge of posture orders or any mandate from higher authority across AFRICOM or Special Operations in Africa to -- for certain forces to assume a different posture because of the September 11th anniversary?

A None that I'm aware of, sir.

CR2 BY [REDACTED]:

Q Just picking up on that, before the attack, right before the attack, 24 hours or so, were you aware of potential for any unrest in Cairo prior to the protests that ultimately took place there on 11 September?

A I did hear about it, sir, but -- I don't want to dismiss it, but it wasn't my AOR.

Q Understood, yeah. Understood.

To your knowledge, did the U.S. military take any steps to enhance response capabilities in light of that potential violence? Understanding it was not your AOR, were you aware of any discussions about it?

A I was not aware of any discussions about it, sir.

Q Prior to the protest in Cairo, were you aware of the

controversial YouTube video that contributed ostensibly to the unrest in Egypt?

A I did hear about it, sir.

Q You did?

A Yes, sir.

Q What did you hear?

A That there was a video coming out that was supposed to be blasphemous against Islam.

Q Where did you hear that?

A I couldn't be specific on it, sir. I may have heard it at the country team; I may have heard it, you know, in discussions with the JSOTF.

Q Okay. Do you recall was there a concern that it would spark general unrest in the region potentially?

A I think I was just -- actually I think we were more concerned that it may spark more unrest in Cairo, not necessarily in Libya.

Q Any particular reason why Egypt, not Libya?

A Well, because there was already unrest in Cairo. So I think that's what the general discussion was about, but I'm trying to go back quite a long time ago.

Q I understand. Appreciate anything you can remember.

When did you first learn that Ambassador Stevens planned to travel to Benghazi?

A Actually, sir, I didn't know that he was in Benghazi until he was in Benghazi, but he didn't have to let me know his movements.

Q No, understood.

AN BY [REDACTED]:

Q Meaning you didn't know until the attack, or you didn't know until after he went, right before the attack?

A The day he arrived in Benghazi, that's when I notified my headquarters. I was like I found out that Ambassador Stevens conducted a move to Benghazi, and that's just, you know, for their situational awareness, you know.

OR2 BY [REDACTED]:

Q But when you found out he was in Benghazi on 9/11, understanding it's not necessarily your responsibility, as head of security did you have any reaction to that or any concerns on your part just based on your experience?

A I don't think that I had any reaction to it. Quite honestly, I would have deferred to Ambassador Stevens because he was the Libya expert.

Q Of course.

When you became aware of it, were you aware of any concerns of any of your colleagues, civilian or military, in the embassy about his trip to Benghazi?

A Nothing that was voiced to me, sir.

OR2 [REDACTED]. Okay.

ARI [REDACTED]. So we're going to take a break now and switch to our colleagues. It seems like chronologically a good time to take a break, even though we're not going the full hour, so we'll go ahead and switch

over now then.

OP1 [REDACTED] Off the record, please.

ARI [REDACTED] Off the record for a second.

[Recess.]

[11:15 a.m.]

ODI [REDACTED] We'll go back on the record. The time is 11:15.

EXAMINATION

ODI BY [REDACTED]

Q [REDACTED] I'd like to take the opportunity to thank you both for your service and for speaking with us today. My name is ODI [REDACTED]. I'm with the minority staff of the Oversight and Government Reform Committee. I'm joined by my colleagues on both the Oversight and Government Reform Committee and Armed Services Committee.

During this period of the discussion, my colleagues and I would like to ask you a series of questions about the attacks in Benghazi, some of which may revisit topics discussed during the previous hour and during your previous appearance before Congress. Our intent in asking our questions is to develop as complete and accurate a record as possible. We can only begin to appreciate how challenging the circumstances were for you and your colleagues on that night.

And, [REDACTED] to begin, I'd like to note that during several of your responses during the last hour, you mentioned some of your difficulty in recollecting some of the events surrounding circumstances of the attack. And I'd just like to ask, generally speaking, how well do you recall the events from September 11, 2012, given the passage of time?

A Fairly well, sir.

Q I'd like to go ahead and mark Exhibit 1.

[REDACTED] Exhibit No. 1

was marked for identification.]

ODI BY [REDACTED]

Q It's a portion of an unclassified transcript. Again, I'd like to mark as Exhibit 1 a portion of the unclassified transcript from the June 26th, 2013 House Armed Services Subcommittee on Oversight and Investigations briefing examining the Benghazi attacks.

[REDACTED] you attended this briefing and provided responses to questions posed by Members of both the Armed Services and Oversight Committees; is that correct?

A That is correct.

Q During this briefing -- I'll draw your attention to the middle of page on page 87 -- Subcommittee Chairwoman -- then Subcommittee Chairwoman Martha Roby asked you the following question, and I quote: "Do you agree that you and your team were ordered to 'stand down'?"

[REDACTED] you then responded, "Madam Chairwoman -- Madam Chairman, I was not ordered to stand down; I was ordered to remain in place. 'Stand down' implies that we cease all operations, cease all activities. We continued to support the team that was in Tripoli, we continued to maintain visibility of the events as they unfolded."

[REDACTED] the response that you gave in this statement, is that accurate?

A That is accurate.

Q Has any new information come to your attention since making the statement that would cause you to revise it?

A No, sir.

Q Chairwoman Roby asked as a follow-up question, and I quote, "In hindsight, which we have tried in asking a lot of these questions to make sure that we are looking at the situation based on what you knew at the time. And of course, looking back on what we now know, or know now, should you and your team have gone to Benghazi?"

[REDACTED] in response you wrote, "Madam Chairman, if we would have gone to Benghazi, it could have had catastrophic," close quote, and you make mention of -- point of clarification about which plane to which she was referring. And you continued, "the special forces medic was instrumental in providing the support to the wounded that returned. We would not have been in Tripoli in order to provide that support if we would have got on the plane. The decision by my higher headquarters to not get on that plane was the correct decision in hindsight."

[REDACTED] is this statement, is this accurate?

A It is accurate, sir.

Q Has any new information come to your attention since making this statement that would cause you to revise it?

A No, sir.

002 BY [REDACTED]:

Q [REDACTED] can you elaborate a bit more on what the Special Forces medic did at the airport and why he was so valuable to that effort?

A I can't speak to specifics, sir, because I sent the team to

the airport. But the report that I got from the guys on the team whenever they got back is he provided aid in transportation along with the U.S. embassy nurse for the two that were wounded. One was severely wounded. As I recall, he had three -- he had wounds on three of his extremities, one arm, two legs. And he was -- quite honestly, that right there is a catastrophic wound.

He was able to stabilize him and get him to the hospital until they could get Medivac out. And I guess once they got him stabilized, they then went back and received the remains of Ambassador Stevens and the other that were killed, murdered, and was able to secure those remains and keep them away from the Libyan authorities, that at the time it's my understanding they wanted to provide an autopsy on the Americans that were killed. And the medic is -- he's an imposing man. And so he was able to dissuade them from doing that.

Q And when you say that he provided invaluable medical assistance, is it possible -- possible he saved that individual's life?

A Not being a -- not being a doctor, that's my assessment. And everything that I heard is that, yes, he was instrumental in that.

Q Okay. Thank you.

A And for those actions, sir, if you will read later on in my testimony, he was recommended for the Bronze Star for those actions.

Q Thank you. I would now like to mark as Exhibit 2 a June 26, 2013, press release issued by the House Armed Services Subcommittee on Oversight Investigations following the briefing.

[REDACTED] Exhibit No. 2

[REDACTED] was marked for identification.]

[REDACTED] Yes, sir.

DDI BY [REDACTED]

Q Like to quote from the bottom of the readout. The statement reads, "Response to the Benghazi attack. In his testimony, [REDACTED] [REDACTED] clarified his responsibilities and actions during the attack. Contrary to news reports, [REDACTED] was not ordered to stand down by higher command authorities in response to his understandable desire to lead a group of three other Special Forces soldiers to Benghazi. Rather, he was ordered to remain in Tripoli to defend Americans there in anticipation of possible additional attacks and to assist the survivors as they returned from Benghazi. [REDACTED]

[REDACTED] acknowledged that he had deployed to Benghazi -- that had deployed to Benghazi, he would have left American in Tripoli undefended. He also stated that in hindsight he would not have been able to get to Benghazi in time to make a difference. And as it turned out, his medic was needed to provide urgent assistance to survivors once they landed in Tripoli."

[REDACTED] do you agree with this characterization of your statements made during that briefing?

A I believe with the characterization. However, sir, I think what they have done is they have combined in this report the first plane and the second plane. Okay. The first plane, I had all of the authorities and I had all the approvals to get on the first plane. It was my decision to not get on that first plane and leave the Americans

undefended in the embassy.

The second plane, if I would have gotten on that second plane, we would have passed in the night, so to speak, passed in the day. And so my medic was necessary in order to be there for that second iteration of personnel and for my team to receive the incoming personnel. So just to clarify the story line, it -- seems to combine the whole events into one paragraph.

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

To follow up on that, your decision you just described not to board the first plane, can you elaborate, and perhaps walk us through your decision process?

A Well, sir, I looked around and I saw -- as I had already said, we had gone -- I had done a threat vulnerability assessment in my head. I looked around and I saw that there were less than, you know, a handful of defense security agents, couple of RSOs and an assistant RSO and then some unarmed host nation. That would have been completely inadequate if there would have been a secondary attack. I think we've proven that Al Qaeda, if that was the organization that we were looking at, but terrorist organizations in general can conduct simultaneous attacks. That's where I was thinking is, okay, if there's going to be a simultaneous attack, this is going to be the place it's going to happen, and these people cannot defend themselves. Instead of having four dead Americans, we possibly could have had 28 dead Americans.

092 BY [REDACTED]

Q If I can ask one follow-up question on that.

Later in the testimony that you provided before the House Armed Services Committee that we made reference to, you mentioned that you didn't feel secure until the FAST team had arrived in Tripoli. Can you elaborate further on sort of what their function was and why you felt that?

A Well, sir, especially at the U.S. embassy compound in Tripoli, there -- the physical security was completely inadequate, in my mind. I understand I'm not an engineer. But it was completely inadequate. And there was not, for lack of a better way of saying it, there was not enough guns on the ground. The FAST team provided that. They provided the crew serve weapons, they provided the .50 caliber weapons, they provided the trained men, they could provide -- they could at least provide the ability to hold off an attack.

Q And you said in your statement, "Once they were on the deck and they had stood up their security forces around the perimeter, I believed at that time that security was sufficient for Tripoli."

And, again, just to have you further elaborate, what time was that? What perimeter are you referring to?

A Sir, I think I was probably 36, 48 hours after the attack of Benghazi. That sort of -- that whole timeframe sort of melds together. But I believe it was the morning of September 12th that they were on deck. Yeah. Morning of September 13th that they were on deck.

Q But it was really the arrival of that FAST team where you felt the situation had been buttoned up or secured in your mind?

A In my mind, yes, sir.

GD2 [REDACTED] Okay. Thank you.

001 BY [REDACTED]

Q And just to be clear, throughout this entire period, from the beginning of the attack to shortly thereafter, did you ever know that there would not be a subsequent-related attack on personnel or facilities in Tripoli?

A No, sir. We always assumed the worst, that there was a possibility of it.

Q And did you, on the night of the attack, did you feel that you had sufficient authority in rules of engagement to engage any potential hostile act in Tripoli?

A We were not under chief mission authority, sir. I felt like I had all the authorities that I needed to in order to repel any attack if it were to occur in Tripoli.

Q Thank you, that's very helpful.

[REDACTED] I'd like to shift to the time period following the attack and ask how long you remained in Tripoli after the attacks?

A Eight months, sir.

Q Eight months, okay.

We just mentioned the FAST team and their arrival, the role that they played in strengthening and hardening Embassy Tripoli. During this follow-on period, do you recall any other improvements that were made to security at that post?

A Immediately following the attacks and the reoccupation of the U.S. Embassy housing area, there was some additional enhancements

that they did. [REDACTED]

[REDACTED] So there was numerous improvements that they did post Benghazi, post 9/11.

Q [REDACTED] Thank you. I know it's been some time since you were last at the post, but is there anything more that you feel that can be done to improve the safety and security at Embassy Tripoli?

A It's been awhile since I've been there, sir; I'm not sure what improvements they've done.

Q Appreciate that. Thank you.

001 [REDACTED] We'll go off the record.

[Recess.]

ARI BY [REDACTED]

Q Back on the record.

So, [REDACTED] just a couple of kind of miscellaneous stage-setting questions before we proceed again on to the day of the attack and some specifics issues relating to that. And I had just one general housekeeping question at the up front.

When you briefed before the Armed Services Committee in June, you referred to some fairly specific times, 5:05, 5:45, you said at one time. How is it that you were able to identify those particular times or any particular time in your briefing to us?

A In -- sir, as I remember it, I identified all those times

as approximately. And in the case of a lot of it, it was -- those were key times that I remember looking at either a phone or a timeline or it was based upon when I knew that another key event had happened. And so I was able to backward -- or backward calculate when the subsequent or the previous event had occurred. And so that's where I was able to get those time lines from.

Q I see. So you didn't refer to, say, any documents or emails or communications that you made that day?

A No, sir. No, sir. And understand most of that was, okay, I remember -- I remember doing a Tandberg with the Joint Operations Center and saying, hey, I'm breaking down my secure comms. And that was the last secure communication I had with them. And so for some reason, that stuck in my mind so I was able to calculate when I did my next time -- my next movement.

Q Sure. Fine. That's very helpful. I was trying to understand how it is, and that's a very helpful explanation.

So now on the day of the attack, how is it that you learned about the attack?

A I was sitting out in front of the villa that we lived in. That's what they called them. And it was either DCM or the RSO. I think it was the JOC came by and said "Report of an attack in Benghazi." So I immediately got up and went over and that's how I found out about it.

Q We understand from talking to others that some, if not all, convened then in the Tactical Operations Center, the TOC?

A That is correct.

Q And did you join them there?

A At that time, sir, they were convening, they were discussing among themselves what their next steps were going to be. I went back and got my guys and we started occupying the position on top of the roof. I -- once we got established, I came back downstairs, they were still discussing what they were going to do. And I also listened in on the conversation that the RSO was having or the assistant RSOs were having with personnel up in Benghazi. I don't know who they were talking to. So it was all, you know, back and forth.

Q Understood. So if I understood you correctly, you got word of the attack and you took -- you and your three, correct, the three?

A Correct, sir.

Q -- took up defensive positions at the embassy. But you personally didn't make any communication to higher authority.

A Oh, no, sir. I immediately made higher -- communication to higher authority. Let them know that there was a report of an attack in the annex, temporary consulate, whatever it's called, of where the Ambassador was located in Benghazi.

Q What authority, what is the higher authority your in case?

A In my case, I notified JSOTF-TS.

Q And through what mechanism?

A First I called them on the phone, on the secure line. And then I went over and called them up on -- we had our own communications network. I called them on our communications network, and said this is what we've got going on.

OR2 [REDACTED]. When you say "him," you mean [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] No, sir. [REDACTED] [REDACTED] was in
Senegal, I believe, at the time.

OR2 [REDACTED] So you were calling --
[REDACTED] [REDACTED] [REDACTED] I was calling the Joint Operations
Center. Before JSOTF-TS.

ARI BY [REDACTED]:

Q And your secure communications equipment was physically
located someplace other than the TOC?

A Yes, sir.

Q So you went there, made these communications first unclass,
then class communications while others were making communication through
other communications methods from the TOC?

A The Department of State, sir. Yes, sir, they were making
other communications. I also understand later that [REDACTED] was also
making communications, but I'm unaware of who they were making them to.

Q And what about, were you aware of any communications that
defense attache or the officer -- the [REDACTED] [REDACTED] from the Office
of Security Cooperation were making?

A Yes, sir. They were -- all three of us were -- we -- all
three had, like, our own little bubbles that we were working on. I was
notifying JSOTF-TS. I was notifying the Special Operations this is
what's going on. I understand that [REDACTED] [REDACTED] [REDACTED] was making
some phone calls. But I think he was talking with AFRICOM. The nature
of those conversations, not really sure of, sir. I just heard them in

passing. And [REDACTED] [REDACTED] [REDACTED] was talking to, I believe, the Libyans. But again not -- you know, we would have, like, 15-second updates of, hey, this is what I found out.

OR2 [REDACTED] Sir, real quick. To clarify, want to make sure it's right on the record. [REDACTED] [REDACTED] was the defense attache, [REDACTED] [REDACTED] was the Office of Security Operation. Is that correct?

[REDACTED] [REDACTED] [REDACTED] Correct.

OR2 [REDACTED] Very good. Thank you.

ARI BY [REDACTED]:

Q So again, I just want to understand, the three -- there were three lines of communications to three different organizations, appropriate to whoever was doing the communicating from at least two different locations. You were in your villa using your secure system, the others were at the TOC using the system?

A And at any given time, sir, we were -- well, I think [REDACTED] [REDACTED] was using his cell phone to talk to the Libyans. And at any given time, you know, we were also using our cell phones. At that point in time, sir, a lot of this stuff had become unsecure. I think the Libyans knew that the attack was going on.

Q And then you said you know [REDACTED] was talking --

A I believe they were talking. Well, I know that [REDACTED] called to the U.S. Embassy complex; I don't know what the discussions were.

Q You didn't speak to them?

A No, sir.

Q Did you have any communications with, aside from the task

force members, did you have any communications [REDACTED]

A No, sir. Not that I recall.

Q I'm sorry?

A Not that I recall.

Q And am I correct from previous briefing that you did have communication [REDACTED]

A Yes, sir. That was via cell phone.

Q And as I understand from your previous briefing, that was relatively shortly after word of the attack become known, [REDACTED]

A Yes, sir.

Q And was it in that conversation, that first conversation where they indicated that they were outbound for Benghazi?

A Yes, sir. They were -- I believe the words, paraphrase, were, "We're heading for the airport for onward movement to Benghazi."

Q And had they communicated -- to your knowledge, had they communicated that to their reporting relationship or did you then communicate that movement?

A They didn't tell me that they had reported that to their reporting chain, but I felt confident that they had already reported that to their chain.

Q Did you suggest at that time you should accompany them?

A No, sir, I did not.

Q Did they -- I guess they don't suggest to you, but did they -- was there any indication that perhaps they thought you should

come down?

A Not directly, no, sir, not that I can remember.

Q Did you consider accompanying them?

A Oh, yes, sir. But then I looked around. Honestly, sir, I couldn't leave the 28 people.

Q Because?

A They would have been unsecure. Then we would be having -- and I don't mean to sound flippant about this, sir, but then, if I would have left and there would have been a second attack, then the discussion we would be having now was why did I leave?

Q Right. Yes, sir.

Between the time that first call from [REDACTED] saying they are outbound to Benghazi, when did you hear next from those [REDACTED] [REDACTED]

A I think the next time I heard from them was whenever they had landed in Benghazi. And -- trying to remember this. They said they're flying into Benghazi. "We're trying to get onward movement."

"Okay, guys, good luck."

Some just real brief conversation. And then the next time that I heard from them was after the secondary attack. And that's when they gave me a quick update.

And do you want me to go through the whole timeline?

Q Not yet. I want to ask that specific question.

And when you heard from them on each occasion, not this first time when they said they were outbound, but when they said they had landed

in Benghazi and were hoping to make a movement to the facility, or then subsequently when you heard from them, did you report those communications to your higher in command?

A Yes, sir, I did.

Q And in those two communications, which is to say when they landed in Benghazi or then the second conversation, at that time, did they suggest that perhaps you should consider moving your three to join them in --

A No, sir. There was never a request by them at any point in time for me to reinforce their efforts.

ARI [REDACTED]. Do you have a question?

ORA [REDACTED]. Yeah. I think it's sort of related to this, if I could.

ORA BY [REDACTED]

Q So [REDACTED] when you met with the Armed Services Committee in June at the briefing, you told them that -- about this time you're at the embassy still. Okay. And you said that you, "you briefed your team that once we get over [REDACTED] we would turn and head to the airport to get on the Libyan C-130 headed to Benghazi."

So I guess my question is, is that plan, thinking about getting on the Libyan 130 and going to Benghazi, was that -- that was formulated prior to the evacuation of Embassy Tripoli; is that correct?

A It was formulated -- understand, sir, [REDACTED], I felt like that was a safe and secure location where I could leave them there and with the assets and the infrastructures

that they had in place they would remain safe.

Q Okay.

A At that point, I felt like I could then turn my attention to the other people that are in harm's way.

Q I think might just be helpful if I put it in front of you what -- help your recollection. I'm going to mark this as Exhibit 3.

[██████████ Exhibit No. 3

was marked for identification.]

ORR BY ██████████

Q Right on the bottom of the page where it's marked.

A Yes, sir.

Q Just to be clear for the record, I've handed the ██████████ some pages from the transcript, unclassified transcript of the June 26 briefing report of the Armed Services Committee that you participated in.

So just reading there at the bottom of page 81, this is you speaking, and you say, "At some point, we received word that the Libyans were providing another aircraft that would be taking off at sunrise. I am unsure of the time that we received this report. There were also various reports of one person confirmed killed and the Ambassador remained unaccounted for. ██████████

██████████ we would turn and head to the airport to get on the Libyan C-130 heading to Benghazi."

So again my question is, I mean, my reading of this is that it -- it seems that this -- this discussion of getting on the Libyan C-130

occurred prior to the evac [REDACTED] Is that your read of this as well?

A That is correct, sir.

Q Okay. Did you, getting on the Libyan C-130, second response flight, did you formulate that plan alone or was that formulated in concert with others on the ground?

A I think I informed the DAT. I think I also informed the DCM. I think we realized that -- I don't think -- I think I informed them. I formulated the plan myself, if that's the question. But I informed them.

Q So just to be clear, then, in your discussions with the DCM, it was more of you informing the DCM that this was your intention --

A Yes.

Q -- to get on the 130?

A Yes.

Q Okay. And did you also inform [REDACTED] at some point of that intention of yours?

A No, sir, I didn't. However, I will say that my medic was in discussion with, I believe, [REDACTED] that were heading to get on the second C-130. So that second response team, the actual people that were on the response team, they were aware that we were going to try and be on that plane.

Q Okay. Okay. And being very specific here about the timing prior to the embassy evacuation, in other words, you're still at Embassy Tripoli, when you, as you said here, you briefed your team about the

plan to join the second response flight to Benghazi, did you also at that time notify AFRICOM or SOCAFRICA?

A No, sir, I didn't. I didn't notify them until after I had them secure [REDACTED]

Q Okay. And I don't know if you're aware, but [REDACTED] [REDACTED] JSOTF-TS Commander, he also briefed the Armed Services Committee I think in July, subsequent to your appearance before the Committee, sir. And he testified that he told you when you reached him on the phone that night that "The U.S. Embassy in Tripoli was your priority to ensure that it was protected and to realize that it could also be a target."

So I guess my question is, is that sort of understanding of the vulnerability of the embassy, is that why this plan of yours to get on the 130, the Libyan 130 to go to Benghazi, is that why you wanted to wait till the embassy was evacuated before you got on the plane?

A Yes, sir. I wanted to get all the Americans that we had at the U.S. Embassy in a safe and secure location before we make that move.

Q Sure. And based on your best recollection, I know it's a long time ago, exactly what time did the U.S. Embassy personnel begin the process of evacuating the embassy?

A I think they started the process, it was right around midnight when they finally made a decision that they were going to consolidate. So at that point, they began their destruction plan. DOS, U.S. personnel started putting together their go bags, if you will, and then that's when they started making a move. Getting ready to move.

Q Right. So the decision is made about midnight?

A Around --

Q They start the destruction process, the go bag process. Best of your recollection, when did personnel actually start getting in the armed vehicles and moving?

A To the best of my recollection, and I know this right here is -- there's been discussions, but to the best of my recollection, it was around 4:45 when we had all the personnel in the vehicles, lined up, and ready to move.

Q That's helpful.

And if you could just clarify, what was your role in supporting that evacuation, you and your team?

A We provided the point security, middle security, and trail security.

Q And then when -- best of your recollection, what time did the U.S. Embassy personnel complete the move

A To the best of my recollection, it was approximately 5:05. And the reason why I say that is because I remember I was sitting when I heard about the second attack.

Q Okay. So at some point, you're supporting the movement of the civilians At some point you rolled up, presumably, So I want to ask you about what you saw. But I just want to clarify that we don't want to do is discuss anything that would reveal current internal security status

Okay.

So I just want to say -- ask you, when you came up [REDACTED] were there any friendly Armed Forces outside [REDACTED] that you encountered, in other words, providing defensive support [REDACTED] that you can recall?

A I think they always had a technical out front, but I cannot recall if there was one out -- a technical vehicle is a Toyota vehicle mounted with either a Dishka or a crew-served weapon of some kind. There usually was one out there, but I can't remember if there was one out there that morning.

Q Okay. Fair enough.

Any armed host nation personnel that you encountered [REDACTED]

A None that I can recall.

Q Any armed U.S. Government personnel?

A Inside the wall, yes, sir.

Q Any outside?

A None outside, no, sir.

Q So when the evacuation of the embassy, [REDACTED] what was your role at the -- what did you do next, I guess? As I understand, you sort of completed support of the movement of the civilians from the embassy [REDACTED] What was your next step?

A My next planned step was to get on -- conduct movement to the airport and get on the Libyan C-130. Once I was told to remain in place, then I -- you know, my guys continued to maintain situational awareness of what was going on. They talked with some [REDACTED]

counterparts. I was staying in contact with the DCM and the defense attache and also with my higher headquarters.

Q Okay. So to be clear, your original intention when you moved [REDACTED] was to get on the 130, not to, for example, get integrated into the defense structure [REDACTED]

A No, sir.

Q Okay. Okay.

A And the reason for this is they had their defense plan and --

Q Yeah. Presumably a robust defense plan?

A Yes. It was much more robust than what they had at the U.S. Embassy.

AR1 [REDACTED] As a U.S. Army officer, were you satisfied with what you saw as the defenses [REDACTED]

[REDACTED] Yes, sir. The reason being is most of the guys were former SOF guys. They knew how to operate, they knew how to take care of themselves.

CR 2

BY [REDACTED]

Q And to the best of your recollection, exactly what time did you inform AFRICOM of your plan to take your team to travel to Benghazi?

A Understand, sir, I notified SOCAFRICA, not AFRICOM.

Q Very good, thanks.

A And it was right at -- [REDACTED], that's when I called them up.

Q About 5:05?

A 5:05, 5:10.

Q Okay. And with whom did you speak at SOCAFRICA?

A I spoke to the current operations director, [REDACTED]

Q And what was said between you?

A Told me, "Hold on." And I held on the phone. And he came back and he said, "Remain [REDACTED]"

And I was, like, in -- and then my response was, "Where did this directive come from?" As I said in my previous testimony, "Where did this directive come from?"

And he said, "It came from the operations director who had just returned from the command deck."

Q And the operation director being who?

A The --

Q If you can remember?

A His name was [REDACTED]

Q Okay.

A Navy Captain 0-6.

ARI BY [REDACTED]:

Q And is the "command deck" a euphemism for a particular --

A It's a -- because it was a Navy admiral at that time, that was --

Q Sure.

A It was the second floor.

Q Who would have been the Navy admiral on the command deck?

The reference to the command deck means Navy admiral --

A It would have been either the admiral or the deputy commander. But it would have come from somebody in higher authority.

Q And who would have been the Navy admiral?

A That would have been Admiral Losey.

ARI [REDACTED] Admiral Losey.

OR2 BY [REDACTED]

Q So you mentioned, sir -- just to step back -- your conversation with [REDACTED] [REDACTED] You mentioned what he had said to you; presumably, you said something to him first. What did you?

A Oh, what I did is I told him, I said, "Hey, we're heading to the airport get to the plane that's going to Benghazi." Something to that effect. He knew what we were doing, what we were going to do. The reason why I was informing him, as I said in my previous testimony, was, I wasn't asking for permission. I already had all the authorities and all the approvals had already been given to me. But you don't move throughout the battlefield without informing your higher headquarters. If the Libyan C-130 would have, you know, God forbid, crashed, they at least needed to know that, hey, they had four SOF guys that were on that plane.

Q How were those approvals given?

A The -- the approvals? The approvals had been already been given to my by [REDACTED] [REDACTED] during my initial conversation with him whenever he was in Dakar. And he told me, he says, "You can make all the decisions on the ground."

Q So basically at that point, you know, from that point forward,

when you talked to [REDACTED] [REDACTED] your operational understanding is you have control of your movements?

A I can do -- I can do anything that -- anything that I have the authority to do.

Q Yeah.

A I was the approval to do.

AR1 BY [REDACTED]

Q Excuse me. But Counsel [REDACTED] when he briefed us told us that, granted, he gave that authority. But that his first order to you was to secure the embassy?

A Yes, sir. And I had secured the embassy. I had secured all the personnel. [REDACTED] In my mind, I had completed that task.

Q Fine. I'm just trying to draw out that he gave you full latitude within the instructions. That the first order was to secure the embassy.

A Secure --

Q Beg your pardon. Embassy personnel.

A Correct, sir.

OR2 BY [REDACTED]

Q So just to be clear, then, you sort of considered that your mission as far as protecting the embassy was complete once you moved the personnel from the embassy [REDACTED]

A The embassy person in Tripoli, yes, sir.

Q So for lack of a better phrase, your sort of next order to

yourself, maintaining your operational control over you and your men, was to then get on the Libyan 130 and proceed to Benghazi, is that correct?

A Yes, sir.

Q Okay.

A And as I said in my previous testimony, sir, I guess my pushback, maybe I didn't push back enough on that original directive. But I felt like whenever I said where did this directive come from, and they said it came from the command deck, I was like, okay, maybe they're seeing something that I'm not seeing. I knew that they had ISR overhead. And so maybe they -- they're seeing something that I'm not.

CR3 BY [REDACTED]:

Q CR3 [REDACTED] from Government Reform. [REDACTED] I want to clarify an area that sometimes people paint in black and white, but sometimes it's gray.

[REDACTED] who is your immediate commander, gives you a direct order which empowers you to make decisions for you and your team, as a commander of your team. And he orders you -- and correct me where I'm wrong in any case -- he orders you to protect the embassy personnel to make sure they are secure. [REDACTED] you believe that that mission has been completed, [REDACTED], which you now believe they are safe.

You have the authority in a sense to order yourself to your next mission, and you have made the determination that you would join the second team heading to Benghazi. Is that correct?

A That's correct, sir.

Q So essentially you are ordering yourself. You have been given the authority to make that move.

When you contact SOCAF to inform them to track you appropriately in your movement, they tell you to stay in place. Correct?

A Yes, sir. Remain in place.

Q Remain in place. Now, we're going to be very careful on the technical terms here because people throw around the word "stand down." Now, in one of your testimonies, I think that in Exhibit 1, page 87, you say, "'stand down' implies that we cease all operations, cease all activities."

A Yes, sir.

Q Also another definition -- and that's your definition, "'stand down' in the military would essentially be an order to cease an offensive action which had been previously ordered."

A Okay, sir.

Q Because you could have a broader mission, they could tell you to do one thing off to the side and then stand down on that, it doesn't cease the entire operation. Correct?

A I will defer to your definition on that, sir.

Q Okay. But we're going for generally acceptable definition here. I've looked to try to find what the key military definition terminology of "stand down" is, couldn't find one. There is one in a civilian dictionary. But a civilian definition using the word "stand down" would basically stopping something. Anything. And so we do have individuals introducing the word "stand down."

What I'm getting at is that you have the approvals to go on the first plane. You don't. You make the sound decision that you've been ordered to protect the people at the embassy. You move the people from the embassy [REDACTED] Now the standing order is for you to move forward with the second aircraft. You are told to remain in place.

Some people would say that you would -- that order to remain in place now supersedes, overrides the order that you've given yourself, because you made the appropriate question to ask where did it come from. It came from the command deck. It came from the command deck. It means that it's someone within your chain of command and, therefore, if it's coming from SOCAF, presumably it would be someone who would be above [REDACTED] clearly above yourself. Is that a correct assumption?

A That is a correct assumption. [REDACTED]

Q Now, without getting into a definition, we're not making it clear, I'm just showing the gray area, you have an order to yourself to do an offensive operation. Now you're receiving an order not to move forward with that operation. Some people -- I'm not saying myself or you or anyone at this table -- some people would say that technically is a stand down. To a civilian lexicon, totally civilian stopping something would be a stand down. [REDACTED]

Would you agree that some people could define that as a stand down? Because you gave yourself an order for an offensive operation, now you're receiving another order to cease that offensive operation. Mind you, it's not the same authority giving you the same order. Traditionally, in the military you would receive an order from someone, then that order

would be rescinded from that same person and then you would embrace that as a stand down. Is that a fair description?

A I'm going to have to think through that, sir.

Q I know it's awfully complicated. I'm trying to say this is a very gray area, it's not as black and white as some people would appear because of the way that you would define it.

A What you're asking me to do, sir, is you're asking me to think how other people would think. Okay. I know what I understood. Okay. And it was not a stand-down order. It was not, hey, time for everybody to go to bed. It was, you know, don't go. Don't get on that plane. Remain in place.

And, in my mind, at the time -- initially, I was angry. Okay. Because a tactical commander doesn't like to have those decisions taken away from him. But then once I digested it a little bit, then I realized, okay, maybe there was something else that was going on. Maybe I'm needed here for something else.

I have worked in operations where I have used over the horizon forces, SIF forces. And unless you have the right secure communications, you're not going to know everything that's going on. And so, you know, that's where I went back to, is, okay, maybe they're seeing something I'm not.

Q Okay. To clarify this, because I don't want you to leave with the statement that "stand down" means go to bed.

A Right, sir.

Q A stand down in this particular case -- because we're going

to move into another circumstance.

Is it reasonable for someone to believe that if you -- that if you've given yourself the order to move forward and someone supersedes that order, is it reasonable for someone to believe that is a stand down? Not that it's what you perceive it to be. Is it reasonable for someone to believe that is a stand down?

A Could I have a second, sir?

OR3 [REDACTED] Please take all the time you want.

OR2 [REDACTED] Off the record.

AA1 [REDACTED] Off the record.

[Discussion off the record.]

OR2 [REDACTED] On the record.

[REDACTED] As I think about it, sir, the only thing I can speak to is what -- the way that I took it. The way that I understood it. I can't speak to the way that other people would interpret it. Okay.

OR3 BY [REDACTED]

Q That's a fair answer.

Now I'm going to go into the next situation where the concept of stand down will come in again.

In Exhibit 1, page 88, it has a discussion of a Special Forces medic and how instrumental the medic was in support to the wounded that returned.

Now if you had moved forward -- I'm sorry, this is -- top of page 88. But it's more about concept. I'm generally referring to the

discussion we had in Exhibit 1 about the importance and the critical nature of the medic.

A 88?

CR2 [REDACTED] On Exhibit 1 right at the top.

CR3 BY [REDACTED]

Q And I -- I'm hesitant to introduce a hypothetical, but it will be put into place.

Had you received a report -- let's -- let's take into consideration you had moved to the airport and you were going to head off on the second flight. While there, had you received a report of the extent of the injuries would have been plausible that you would have ordered the S.F. medic to remain in Tripoli? Did you know the condition or the medical status of the individuals returning prior to the decision not to head off on the second flight?

Two questions, one precedes the other. I apologize -- the chronology was mixed up there.

A Okay, sir. At the time that I wanted to head off to the airport, the only report that I had received at that time was there was one reported dead, and the Ambassador had been wounded. Okay. It was later that we heard about the mortar attack and the three, I believe -- two or three additional dead. And I apologize. And the two wounded. And we heard about the two wounded at that time. We also heard about -- we did not hear about the nature of their wounds.

Q So the decision to remain in place was not based upon the actual medical condition of those returning.

A I can't speak to why they asked me to remain -- or directed me to remain in place, sir. I can only state that I was operating on unsecure comms. Something else that may have been going on, you know, may have been happening. I don't know why they made that decision. That would be a decision to ask or a question to ask Admiral Losey.

Q And we will if we get the opportunity.

Now, if your team does head to the airport to go off on the second flight and you are informed of the extent of the injuries of those returning to Tripoli, would you have then ordered your medic to stay in place to treat those wounds?

A Sir, hypothetically, I can't really answer that hypothetically, sir, because there have been -- there would be so many hypotheticals that would go along with that.

If I could, sir, hypothetically, okay, there would be wounded. The wounded would be going in place, okay. Would I have left the medic there? Knowing that, hey, we're not sure, hypothetically how long this attack is going to continue. So put in that situation, sir, I can't answer.

Q I understand exactly and I know where you're coming. But the supposition is, had you moved to the airport and prepared for that aircraft that under no circumstances would the medic be available to save these individuals' lives?

A Correct.

Q I think that's a false premise and a hypothetical in and of itself. Because the circumstances may have dictated that with the right communications, you may have decided to leave the medic in Tripoli even

if you had left [REDACTED] to go to the airport. You would have based your decisions as the commander on all available intelligence and what was in the best need of everyone involved. Is that a fair statement?

A You're asking if I would have made changes to my decisions based upon the changing environment on the ground? Yes, sir, I think any officer would do that. But I believe that any good SF NCO would do that. But those were the decisions that were made at the time. And I believe that those were good decisions based at the time.

Q Yes, [REDACTED]

What I'm addressing here is the supposition that had the medic and the three other Special Forces personnel moved in preparation to take off on the second flight that they would be unavailable to treat the wounded.

That essentially is a false supposition because the decisions as to where the medic would be would be based upon information available at the time. It also supposes that the medic might have been remaining there for the injured. Again, we do not know what the injured is. You have only basic reports at this point.

What I'm getting to is if you're at the airport -- I know hypothetically -- if you decide that the medic should not go, given his clear expertise, and now that we know that those injured in Benghazi were the medical specialists that had been sent there, that you would have been essentially turning to the medic and saying, "Stand down; we're going, you're not."

Now, it may not be the technical term, but that individual could

be told to remain in place and the offensive operation still continue.

A Sir, respectfully, I mean, there are too many hypotheticals and there's too many variables that go into that hypothetical. That would -- I would have to make my decision on the ground if that event actually occurred. And this hypothetical situation and the number of variables, I mean, hypothetically, what if the -- we thought that the attacks were going to continue. And then all of the medical specialists that were in Benghazi were already the wounded. Would I have taken the medic with me? I possibly would have taken him with me. If hypothetically -- there's just too many hypotheticals, too many variables.

Q I completely agree with you. What I'm posing here is people are -- the supposition is, had the medic moved, he would not be available for the injured. I think that is a hypothetical in and of itself. There is no guarantee that that medic would assuredly go on that plane and be passing in the night and unavailable to treat the wounded. That's a supposition in and of itself.

Given the order, given your command, you would have made the best decision based upon available intelligence and hopefully with real-time communication with those who are in the know.

What I'm trying to address here is that anyone who is going to make a definitive statement that that medic absolutely needed to be there, that's ex post facto rationale, it is my believe that you as the commander of that unit would have made whatever decision was necessary on the time based upon the best available information and based upon whatever

communications you would received from those in Benghazi or from SOCAF or from AFRICOM, wherever you could receive that information. I'm not trying to put you in a position where you're having to make a hypothetical decision.

What I'm trying to say is the issue of stand down, how people define it is a question of perspective and definition. Whether using the military terminology or the civilian terminology. I'm not -- and this particular case, unfortunately, I'm not bringing clarity to the issue. I'm trying to show that the area is very gray, given the circumstances, the lack of intelligence, the delay in you receiving information makes you have to make the decision based upon what you know at that moment and what your orders are. Is that a fair appraisal of the situation?

A It is a fair appraisal, sir. And I think that based upon the situation that we had on the ground the -- and Admiral Losey would have to speak to what information he had at his level, that decision that was made was the correct decision. Now, into all of the hypotheticals, there's too many variables that come into that, sir, but the facts are that that decision was the right decision.

[12:15 p.m.]

CR3 BY [REDACTED]:

Q Okay. Again, we're asking for the mind-set at the day, not ex post facto reasoning.

A Yes, sir.

Q It would be because where you have to read what the fax says, and we're being contemporaneous in regards to the question. In addition to that one other issue, in regards to the statement about that you felt that it was secure once the FAST Team arrived circa 48 hours later.

A Yes, sir.

Q It was your impression [REDACTED], upon arrival, was secure enough that it was reasonable for you to take you and your three men potentially to Benghazi; is that correct?

A Yes, sir.

Q As a military officer, if you have a heightened threat of alert, you're going to continue to believe that it is less than secure until that alert has ceased; is that correct?

A That is correct, sir.

Q Okay. I want to make sure that it isn't portrayed that you believed [REDACTED] was highly vulnerable until the FAST Team arrived.

A What I'm saying, sir, is when the FAST Team arrived, they brought enough men and support with them to be able to conduct a

long-term, sustained engagement, which is what is needed in a deployed environment like that, given the time and distance that it takes to get reinforcements. I felt like the facilities and the personnel that they had on the ground whenever I brought the U.S. Embassy personnel over there was sufficient for me to be able to extract myself and go to Benghazi.

Q Yes, sir. And I know this has been tough. What I'm trying to highlight is the thing they refer to as the fog of war --

A Yes, sir.

Q -- and the gray area that exists when making those decisions, and anyone who is going to provide a supposition of a definitive nature. That's the reason why I address those questions.

A If anybody is looking for a clear line, sir, on -- you know, on how those decisions were made that day and how I made my decisions, there is the fog of war. I know that whenever I got them I felt like they were safe and secure enough so that I could then turn my attention to my comrades and other Americans that were in harm's way.

OR3 Thank you,

AA1 BY :

Q When you called and indicated that in presumably the orders you had been given by -- excuse me, latitude you had been given by you were then proceeding to board the second airplane, and that latitude was rescinded, and you asked, where is this coming from, and he said, the command deck, at that time or subsequently, did you then share with your impressions

[REDACTED] and your reasons for believing that you should proceed to Benghazi?

A No, sir, I didn't.

Q And in my understanding that's because you believed hearing that the command deck had made that order was sufficient for you, that was all the information you needed?

A Yes, sir. And I don't want to make it sound like, you know, it was just like, okay, the admiral made a decision, and I'm going to walk off the end of the plank. You know, it was you have to trust that your higher headquarters is making the right decision based upon the information that they have, okay?

And so that's why I was like, okay, maybe they're seeing something more than what I'm seeing. I know that having brought in Commander's In-Extremis Forces on multiple occasions on different continents; that sometimes the guys on the ground do not see everything that's going on. And so I have been there on both ends, where I have been sending the Commander's In-Extremis Force and where I have been receiving them, so, you know, I had -- I knew that the Commander's In-Extremis Force was moving. That had already been told to me at some point throughout the night, that they were moving, and I was like, okay, you know, if I get on a plane and maybe I get up there, maybe I would just, you know, interrupt whatever operation they're doing. They had ISRs. They saw everything that was going on. I didn't have that ability.

Q So, fine, I accept that. So the point is once [REDACTED] told you this came from the command deck, you said, understood, and

proceeded?

A Correct, sir.

Q You didn't counter, you didn't --

A No, sir. The only time that I countered vehemently was when the inbound personnel were coming into the Tripoli airport, I called them and said, we're going to be heading to the airport to receive the wounded, and he said, remain in place. I was very vocal at that time, and the reason being is I knew what was going on in Tripoli; it was 8 kilometers away. And so that's when I think they went back and they got clarification, and it was all within 5 minutes, and they said, yeah, go ahead and move.

Q And did you personally go to the airport?

A I did not personally go to the airport, sir. The last thing they needed was another O-5 down there micromanaging.

Q Am I to understand that your medic went and that [REDACTED] went to the airport?

A I believe [REDACTED] [REDACTED] [REDACTED] went to the airport. I believe that my other three guys, the medic, the weapons sergeant, and the communications sergeant, all went.

Q So your team without you went --

A Yes, sir.

Q -- with [REDACTED] [REDACTED]

A [REDACTED] [REDACTED] was not -- I think [REDACTED] [REDACTED] went down there as part of -- I don't want to say part of DOS, but he was not part of my team.

Q Not with them, but he was there. Not part of their unit, but he was at the airport when they arrived?

A Yes.

OR2 BY [REDACTED]:

Q I'm glad you brought up the thing about the second call you had with headquarters about the medic going to the airport. When they -- when your orders came down from headquarters for the medic to remain in place the second time, not go to the airport to receive the incoming wounded, was there any -- did headquarters provide any elaboration as to why, why it was that they didn't want you to do that?

A They did not, sir, and that's why I vehemently -- I was very vocal in my disagreement with that. Again, the reason being is I may not have known everything that was going on in Benghazi, but I certainly knew what was going on in Tripoli.

Q It's fair to say you had the best situational awareness, or at least better than someone in Stuttgart?

A I felt like I did, yes, sir.

OR2 [REDACTED]. Okay, that makes sense.

AR1 BY [REDACTED]:

Q For Tripoli?

A Yes, sir, for Tripoli, I apologize.

And to that end, you know, I think once the word got to them, no, he just wants to go to the airport in Tripoli, everybody was like -- to receive the wounded, that's why the call came back so fast, it says, yeah, conduct the movement. I think it was just a communication mix-up.

OR2 BY [REDACTED]:

Q Do you remember about what time this exchange happened, to the best of your recollection?

A I think I testified previously, sir, it was around 7:45.

Q So is that -- do you recall was the flight with the wounded, was it still en route?

A Yes, sir, it was inbound. It had not landed at that point.

OR2 [REDACTED] Okay. Thanks.

AR1 BY [REDACTED]:

Q Sir, I just want to make sure I understand your comment on Exhibit 2, the last paragraph that starts, "Response to the Benghazi Attack."

Mr. Hudson. The press release.

[REDACTED] The press release.

AR1 BY [REDACTED]:

Q So I think you explained or made a comment when my colleagues asked you about this, and you said something like, this elides the issue. And I think, stop me if I'm wrong here, the sentence that's in question is the one that says, [REDACTED] acknowledged that he had deployed -- that had he deployed to Benghazi, he would have left Americans in Tripoli undefended. And, again, correct me if I'm wrong here, you're suggesting that, in fact, you believe the Americans were well defended at that time in Tripoli because they were secured [REDACTED]

A Again, sir, the way that they're writing this, it's not completely accurate.

Q Sorry. I think "they're" is me, so I appreciate the inaccuracy. That's why I'm trying to make sure.

A Okay, sir. I think it would read more accurate if, "Rather, he was ordered to remain in place in Tripoli to defend Americans there," if that was the first sentence, and then when we're talking about the second plane is whenever I was told to remain in place.

I had full latitude. I had full authorities and approvals to get on the first plane. That was my decision to not get on the first plane because I was going to remain there and protect the Americans in Tripoli. The decision to get on the second plane was whenever I was told to remain in place. So the way that the release is, sir, is that, quote, "stand down" that did not occur, that was with the second plane.

Q So another way to say this is that you did not board the first plane because you believed doing so would have left Americans in Tripoli undefended?

A Correct, sir.

Q But you sought to board the second plane because you believed Americans in Tripoli were defended?

A Were secure.

Q Were secure, excuse me.

A Yes, sir, and was ordered to remain in place.

Q Understood. I thought that's what I understood you were saying. I wanted to make sure that I had this, understood your perspective on it.

A Well-written press release, though, sir.

ARI [REDACTED]. Let the record show. Thanks.

OR2 BY [REDACTED]

Q Just to clarify, [REDACTED] I think I understand you very clearly, but with respect to this exchange about not getting on the first plane, is it fair to say you were, in your mind, still carrying out [REDACTED] order to you to make the protection of the Americans at the embassy of high priority?

A Yes, sir. I guess one of the things that I can tie to that was it was probably a couple months later when all of the ordered departure personnel had returned, and we were talking, you know. And there was a lady that worked there, and we were just sitting out one night talking about that night, and she said, when I saw you and your guys with all of your battle rattle and all of your weapons and all your ammo climbing up the steps, going around climbing up the ladders to occupy that position on top of the building, she goes, then I felt like everything was going to be okay.

OR2 [REDACTED]. Thanks.

ARI [REDACTED] Thank you.

Can we go off the record for a second?

[Recess.]

ARI BY [REDACTED]:

Q So, [REDACTED] again, thank you for your patience. Just a couple of -- from the Armed Services Committee, a couple of clean-up questions just to make sure we understand from the chairman's perspective some of these issues.

You have made reference a couple of times to ISR capabilities that you believed that AFRICOM or perhaps Special Operations Command Africa had access to. Did you have access to any of those feeds or communication?

A I did not, sir.

Q So was your understanding -- let me ask the question. What was the source of your understanding of what was transpiring in Benghazi?

A What was the source of what was transpiring?

Q How did you know what was going on in Benghazi?

A The only way that I knew, sir, was the very few telephone calls that I got from the [REDACTED] guys that were up there. I don't know if I knew or I felt like an ISR platform had been diverted. I found out later that one had been diverted, and so -- and I knew that there were numerous ISR platforms that flew over Libya, so that's why I felt like there was an ISR platform overhead.

Q And how about any conversation when you went into the TOC and had these informal kind of sit reps with [REDACTED] [REDACTED] and [REDACTED] and so forth; did they impart any information to you that they had gathered through sources that was helpful to you?

A I think we just did, you know, quick bubble-ops of saying, hey, this is who I'm talking to. I understand he was talking to a couple of Libyan generals. I think there was a quick bubble-op bubble-op of [REDACTED] [REDACTED] was asking, you know, for what aircraft was available. I know that at one point in time I was in communication with the JSOTF [REDACTED]

[REDACTED] of what assets are available in case we need to use those to move people off the continent or to move them to Benghazi.

I realized they weren't going to be moved to Benghazi because they have no countermeasures, but to move them off Tripoli, we had those discussions. But as I remember, the lag time to get them from wherever they were located to Tripoli made them a nonplausible asset.

Q I see. That's helpful.

And you mentioned also that you were aware, of course, from your work about the existence of a CIF?

A Yes, sir.

Q Or CIFs plural, and you said you understood from conversations at some level that a CIF was being spun up?

A Yes, sir. I can't remember exactly who it was that I talked to, but I do remember they -- I think that they used the term, you know, something like "silver bullet," or maybe they even used the term "CIF," and so I knew that it was in motion.

Q Silver bullet is the code name?

A Silver bullet is a word that we use. It's a last-ditch effort. These are the guys we're sending in, so silver bullet package.

Q And, again, that was somebody talking to you on the phone down or from your huddle with [REDACTED] and [REDACTED]

A That was me having conversations with my higher headquarters, and I think that I imparted that to [REDACTED] and also to [REDACTED]

that, you know, this is what I understand is in motion.

Q And was an ETA given in that discussion?

A No, sir.

Q So in those various conversations with your higher headquarters, were there discussions about the dispatch of a FAST Team?

A At some point I became aware of the FAST Team, that they were trying to spin that up, but I don't remember what time that was, sir.

Q And how about I'll go through a couple of other possible assets. Did anyone ever mention an AC-130?

A I think we had -- I think [REDACTED] mentioned something about trying to see if we could get an AC-130, but I think I realized -- I think I quickly realized that that wasn't going to happen because I didn't know of any AC-130s that were available. The time it takes to load an AC-130 and then try and fly a C-130 overhead, and they only operate at night, I think I quickly did the calculus in my head and realized that's probably not going to be an asset that we have available.

Q So you may have had discussions at the post level about that, but did you surface that request or have any discussions with your higher authority about that?

A No, sir, I didn't.

Q Because these -- your assessment of --

A Yes, sir, I was concentrating on Special Operations.

Q Sure.

And what about any kind of a FAST mover or a fighter jet?

A I remember discussions that were ongoing about the

possibility of having a FAST mover come overhead, or were any available, but, again, I believe that that was [REDACTED] and [REDACTED] that was discussing that.

Q You didn't?

A I didn't, no, sir.

Q I mean, you may have discussed with them, but you didn't discuss it with your higher authority?

A No, sir.

Q And I think you explained that in the proper procedure, when you abandoned the embassy and relocated the personnel [REDACTED] pursuant to procedure, you destroyed that -- both classified material and classified equipment?

A No, sir. What we did is we destroyed all of the classified material, but the equipment, we secured it, and we carried it with us.

Q And the classified equipment includes classified communications equipment?

A Classified communications equipment, sir, and classified hard drives.

Q And you secured it [REDACTED]

A We didn't secure it [REDACTED] until we reoccupied the embassy.

Q And was it secured -- so then upon the move [REDACTED] am I correct in understanding that [REDACTED] had their classified communications system which already existed, and then your system added onto it?

A No, sir.

Q Or yours was out of service?

A Ours was out of service.

Q But not destroyed?

A That's correct. So what we did is we only took the classified portions of that communications equipment with us.

Q I see.

A All of the infrastructure was still back there.

Q I see.

A I would like to point out, sir, that was also key that we took all of our classified equipment with us so that when we reoccupied the embassy complex, we were the only ones that had a classified communications system that allowed the DOS to continue to do all of their classified work that they needed to do.

Q Because State had destroyed theirs?

A State had destroyed all of theirs.

Q And what about the DAT; do you know?

A He had his communications system was the same one that the embassy had.

ARI [REDACTED] Oh, I see. I see.

OR2 BY [REDACTED]

Q So I just want to switch gears here and talk a little bit about the postattack environment, a series of questions about that. Did you have any indication that the attack in Benghazi was the result of a protest that had spun out of control that night?

A No.

Q No?

A No.

Q Did you have any discussions with anyone, whether in the military or the embassy, about the possibility that what had happened in Benghazi had been a protest that spun out of control?

A None that I recollect, sir.

Q What was the general consensus of the personnel on the ground about what had, in fact, taken place in Benghazi? In other words, did they refer to it that it had been an attack? I mean, what was the general sense of what happened?

A Sir, we started calling it an attack from inception. We never referred to it as anything else, and we referred to it as an attack throughout the time.

Q Okay, thanks.

Anybody that you were aware of, U.S. personnel, anyone express any displeasure with how the U.S. Government responded to the attack in the days immediately following?

A I think that there were some questions that people had about the time lag, but nothing was ever directly voiced at me. But having worked on the continent of Africa, I understand the amount of time it takes to get anything onto the continent.

If I could, sir, I can remember one time whenever I was working in East Africa, West Africa, we had a guy that wound up having what was called a chest wound. It took us a long time to medevac him off the

continent. That's just the reality of the African continent, the distance that it takes.

Q Sure. Any sense in which -- you know, I understand West Africa, where West Africa is. Libya, I know it's right on the Mediterranean. We had just gone through a military engagement there with Libya. Any sense that entered into there that you could detect any concern about the time lag as you mention it?

A Not from my perspective, sir.

Q When you say "time lag," just to be clear, time lag with what?

A The timeline, the time it takes -- we call it the flash to bang -- from the time that you say we want this asset to be over, you know. Tripoli, in my mind everything was -- you know, there was no time lag that could have been increased or time period that could have been increased, and that's just based upon my experience and on being on the ground.

Q Sure. Okay. That's helpful.

Were you ever debriefed by your chain of command or any other U.S. military personnel about what took place on the night of the attack?

A No, sir, I wasn't.

Q Okay. To your knowledge, did the U.S. military ever conduct a formal after-action review of what took place in Benghazi?

A No, sir. No, sir.

Q Was that consistent or inconsistent with your experience as a military officer?

A It is my understanding that the ARB, which was supposed to

be all-encompassing, including DOS and DOD, that that was going to be the AAR.

Q Okay. So about the ARB, were you interviewed by the ARB?

A I was not, sir.

Q Okay. Did that surprise you you weren't interviewed by the ARB?

A I understand that they interviewed members of SOCAF. So, you know, I guess at the time I was a little surprised, but, you know.

OR2 [REDACTED] Fair enough.

I think that's all I've got. Go off the record.

[Recess.]

ODI [REDACTED] Go back on the record. The time is 12:53.

ODI BY [REDACTED]:

Q [REDACTED] appreciate your patience. I just have a few clarifying questions to ask you.

During the course of the last hour, you had mentioned a conversation about a specific type of aircraft, the AC-130, and whether that could realistically be deployed and utilized in Benghazi. In the course of that conversation, you mentioned that you heard of the conversation from [REDACTED]

Just for the record, can you state who [REDACTED] is?

A [REDACTED] [REDACTED] [REDACTED] I apologize.

Q Thank you.

[REDACTED] there was a discussion during the last hour about the security footprint and the security posture [REDACTED] and after U.S. personnel had been consolidated there in Tripoli. The first question

I would like to ask you about that, sir, are you aware of whether the TSOC, the Theater Special Operations Command, was aware that the seven-man QRF had departed from that facility earlier in the evening?

A They were.

Q Okay.

A Let me say, sir, I informed the JSOTF. I have to make the assumption that the JSOTF had informed the TSOC.

Q And is that because your understanding perhaps derived after the fact is that two JOCs were in communication with each other?

A Yes, sir.

Q Can I ask after the consolidation took place, did you report to SOCAF about the security resources or the security footprint

A No, sir, I didn't.

Q Okay. So is it possible, then, that SOCAF had a different view about the security in Tripoli at that time for U.S. -- all U.S. personnel in Tripoli?

A I'm not sure what SOC Africa was thinking, sir. They may have, but I'm not sure what they were thinking.

Q And just a quick clarifying question. When -- during the consolidation, do you recall if it was dark out or if it was light out?

A I think it was right at -- it was clear enough so that I could see, okay? I don't think that it was dawn yet. I know it wasn't dawn yet, but it was clear enough out that I could see. Maybe it was a full moon that night, I don't know, but I could see clearly. So I'm not sure

exactly where the sun was at or the moon was at, but it was clear enough that we could move.

Q Just to be clear, you were unsure whether either the sun or the moon was illuminating?

A Yes, sir. I'm not -- but I know that it was clear enough that I could walk around without a flashlight.

OR3 BY [REDACTED]:

Q [REDACTED] on page 88 of your House Armed Services testimony, you said, quote, "The decision by my higher headquarters to not get on that plane was the correct decision in hindsight." And I'm just wondering if you could elaborate on that, why you believe that to be the case?

A The reason being, sir, is by the time the plane took off, it was sunrise, and by the time that the plane was en route back that landed in Tripoli, I believe it landed right around 7:45, somewhere in that. That plane, we would have been in flight when that plane returned, and my medic would have been with me. I would not have split my team up. Given the circumstances that we were in at that time, I would not have split my team up, and so the medic would have been with me. And as for my team receiving those incoming personnel, my medic being there was, I think, instrumental at the end of the day.

Q And so do you still believe that was the correct decision?

A I do, sir.

OR3 [REDACTED]. Okay.

OD1 BY [REDACTED]:

Q [REDACTED] can I just ask, there was a little bit of a discussion during the last hour about how you became -- first became aware of the attacks and discussions surrounding that. Can I just ask, did you -- in that night, did you engage in any extensive or extended conversations about what events immediately preceded the attacks in Benghazi?

A I don't think that we were focusing on what preceded it, sir. I think we were focusing on the attack itself.

Q Okay. And is that because at that time you were just attempting to develop as much information about the unfolding events?

A Yes, sir. We were focused on the attacks. We were not focusing on what caused the attacks, what led up to the attacks. We were just focusing on the attack and the personnel that were in Benghazi.

Q Again, just because the timeline here, some would argue, is important, but with the consolidations, do you recall that there were any discussions among you, your military colleagues, the diplomatic staff about attempting that move when -- during daylight in order to minimize potential risks?

A I believe that DCM Hicks at the time mentioned something about that, but beyond that, not a whole lot, no, sir. Me and my staff, we were -- me and my guys, we were completely capable of making a move at any time, so -- but I don't remember a lot of discussion about that.

Q And not to belabor the point, but at the time that your intent was to move your team to Benghazi, that included all three other Special Operations personnel under your command; is that correct?

A Yes, sir.

Q Including the 18 Delta?

A Yes, sir.

DDI [REDACTED]. I think we're all set. We'll go off the record. Thank you.

ORA [REDACTED]. Thank you.

[Whereupon, at 1 p.m., the interview 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