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AFRICOM AND SOCAFRICA AND THE
TERRORIST ATTACKS IN BENGHAZI,
LIBYA ON SEPTEMBER 11, 2012
House of Representatives,
Committee on Armed Services,
Subcommittee on Oversight and Investigations,
Washington, D.C.
Wednesday, June 26, 2013

The subcommittee met, pursuant to call, at 9:00 a.m., in room 2118,
Rayburn House Office Building, Hon. Martha Roby [chairman of the
subcommittee] presiding.

[REDACTED]

**OPENING STATEMENT OF HON. MARTHA ROBY, A REPRESENTATIVE FROM ALABAMA,
CHAIRMAN, SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS**

Mrs. Roby. Good morning and welcome. This is the Oversight and Investigation Subcommittee's second briefing on the Department of Defense actions related to the September 2012 attacks in Benghazi, Libya. As I noted in our first briefing last month, after the Benghazi attack the Armed Services Committee immediately initiated vigorous oversight activities. In addition to our May subcommittee briefing and our posture hearings with the relevant combatant commanders, there were two full committee briefings dedicated to this topic, one full committee hearing, and three staff classified briefings.

Furthermore, Chairman McKeon has sent eight letters to the Department requesting additional information. In a May letter Chairman McKeon called for another opportunity for senior Department of Defense officials to address thoroughly, authoritatively and conclusively matters related to the Benghazi attack. This led to our May 21 briefing in which we covered a variety of topics, including armed and unarmed manned aircraft in the region, armed and unarmed drones, activities of the European Command's Commander's In Extremis Force and the U.S. Marine Corps' FAST teams.

Today our briefers will address several of the remaining topics raised in Chairman McKeon's letter to the Department. These include the actions of the Site Security Team at the U.S. Embassy and the posture of AFRICOM and SOCAFRICA at the time of the attacks.

Because of the limited time and the special perspective provided by the briefers, I ask members to limit the questions to those relevant to today's agenda. Members are also reminded that today's briefing is classified. Briefers may cover material as high as Top Secret. If in the unlikely event that briefers must address an issue at a higher classification, we will make arrangements to receive that information at the conclusion of today's briefing in another venue. Furthermore, members are asked not to take classified notes out of this room.

However, the Department of Defense is committed to promptly reviewing the transcript and identifying portions of the transcript that are unclassified. We have a considerable volume of material to cover today. I also anticipate many member questions, therefore I intend to proceed fairly but expeditiously. We are going to have rounds of 5-minute question periods alternating between majority and minority.

For each breifer I will ask the first questions followed by Ranking Member Tsongas, staff will add members to the question list by raised hand and they will be recognized in this order. Oversight and Investigation Subcommittee members will go first, followed by other HASC members and then we will turn to members present who are not on the Armed Services Committee.

Accordingly, I ask unanimous consent that non-Armed Services Committee members may be allowed to participate in today's briefing after all committee members have had an opportunity to ask questions. Is there objection? Without objection non-Armed Services Committee members will be recognized at the appropriate time for 5 minutes.

[REDACTED]

We have three briefers today. Lieutenant Colonel [REDACTED] Gibson is the Army officer who led the Site Security Team at the U.S. Embassy in Tripoli, Libya; Rear Admiral Brian Losey commanded the Special Operations Command Africa; and General Carter Ham led AFRICOM at the time of the attacks. Each breifer will appear individually.

Before I introduce our first breifer General Ham, I want to acknowledge Chairman McKeon and other members of the full committee who have joined us this morning.

Now I invite Ranking Member Tsongas to make any remarks she may wish to make.

[The statement of Mrs. Roby follows:]

***** COMMITTEE INSERT *****

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STATEMENT OF HON. NIKI TSONGAS, A REPRESENTATIVE FROM MASSACHUSETTS,
RANKING MEMBER, SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

Ms. Tsongas. Thank you, Chairman Roby. And welcome, I look forward to hearing from our three witnesses who are here today for our second briefing to discuss the events of September 11th and 12th, 2012 in Benghazi, Libya. In particular, I thank you, General Ham, for appearing before us after your retirement from active duty which I hope you are enjoying.

The tragic deaths of Ambassador Stevens, Sean Smith, Glen Doherty, and Tyrone Woods are not forgotten. I hope that we can focus today on two key issues: One, the Defense Department's operational response to the attacks; and two, AFRICOM's posture and resource issues. I appreciate Chairman Roby's efforts to keep our focus on these issues of importance to our committee.

Today we will hear from you, General Ham, and two other military commanders in command on September 11th and 12th, the Combatant Commander, the Special Operations Commander in Africa, and finally the Commander of the Site Security Team in Tripoli.

On May 12th of this year former Secretary of Defense Robert Gates said he probably would have made the same decisions as Secretary Panetta and General Dempsey did on the night of the attack. The State Department's Accountability Review Board made similar findings. But today we go one step further and we hear from the operational commanders to see if their assessments were also similar. All of the assessments

to date lend credence to the commitment and quick reaction of our Commander in Chief, senior DOD leadership, and men and women in uniform on the night of the attack. However, we must continue to look at every possible measure to prevent future attacks of this nature and to make sure that the terrorists who committed these attacks are held responsible and that future attacks are prevented.

On this last point, as I have said before, I continue to believe we need to have a broader discussion about force protection and global posture in the post-Arab Spring world. The threats which existed in Benghazi on the night of 9/11 were not isolated in the region. The Defense Department was rightfully also concerned about threats in Tripoli, Cairo and Sanaa. It remains important to highlight that AFRICOM's light footprint is a continuation of the Bush administration policy. The command is still new and securing basing rights on the African continent has been challenging, as we all know. I am glad though that since the events of Benghazi, AFRICOM has stood up its own Commander's In-Extremis Force. It is important for the Armed Services Committee to continue oversight to make sure that the command is properly resourced as it expands our presence in this key area of the world.

Thank you, and I look forward to your statement, General Ham.

[The statement of Ms. Tsongas follows:]

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[REDACTED]

Mrs. Roby. We now turn to our first briefer, General Carter Ham. He was the Commander of AFRICOM from March 2011 until April 2013, at which time he retired from the U.S. Army. He has previously given testimony on the Benghazi attacks, and we appreciate your appearance here today, General Ham. He must conclude by 11:00 a.m., and after General Ham finishes then we will be briefed Colonel Gibson followed by Admiral Losey.

General Ham, you may begin.

[REDACTED]

STATEMENT OF GENERAL CARTER HAM, FORMER COMMANDER, U.S. AFRICA COMMAND

General Ham. Thank you, Madam Chairman and Congresswoman Tsongas and Members, thanks for this opportunity this morning.

In the 9 months since our country lost four great Americans I have had multiple opportunities to address the terrorist attacks in Benghazi with Members of Congress, and to be honest there is not a day that goes by that I don't think about that night. I knew Ambassador Stevens. He came to the United States Africa Command headquarters in Stuttgart in August of last year where we had wide ranging discussions, to include discussions about security. His death and the loss of Mr. Smith, Mr. Doherty and Mr. Woods was a great loss to our Nation.

As I think many of you know, I was at the Pentagon that night. The Secretary of Defense had called all of the Service Chiefs and the Combatant Commanders to Washington for discussions. I did though have effective, assured, secure communications. I met with Secretary Panetta and with General Dempsey as soon as we learned of the first attack on the special mission facility in Benghazi. That attack quickly subsided and we had again wide ranging discussions with Secretary Panetta and General Dempsey about appropriate courses of action.

The Africa Command headquarters had communications with Embassy Tripoli until recovery of the four deceased persons was assured and evacuation from Benghazi was complete. But the communications were

[REDACTED]

not ideal, as secure communications had been destroyed in the movement and the evacuation from Embassy Tripoli to the annex in Tripoli.

I remained in Washington, D.C. throughout the process, throughout the evening and the next day as I had reliable communications. And then I returned to Germany, specifically to Ramstein Air Base as remains and evacuees were transferred there. It was for me most eventful and regrettable loss of life of four great Americans and one from which lessons which we can learn and should apply as we think about security in the future.

With that, Madam Chairman, Ms. Tsongas I look forward to your questions.

[The statement of General Ham follows:]

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[REDACTED]

[REDACTED]

Mrs. Roby. Thank you, General Ham. In October of 2012 you responded to a letter from Chairman McKeon that posed specific questions about forces and force posture in Libya. And I would like to review with you, if you don't mind, the answers you provided on October 31 to determine whether or not your assessment has changed in any way over the last 8 months.

When Chairman McKeon asked about the possibility of additional U.S. forces in Libya before September 11th, 2012, you replied, and I am quoting your letter, "Neither I nor anyone in my command to my knowledge at the time prior to September 11th, 2012 advised formally or informally that the Department of State or any other agency take action to increase security for U.S. personnel in Libya or request increased security for U.S. personnel in Libya." And you said, quoting, "At no time prior to September 11th, 2012, did I or anyone in my command recommend deployment of any additional U.S. military forces to Libya due to the threat environment."

And you also wrote, quoting, "I can state with certainty that U.S. Africa Command did not receive any direction to provide U.S. military forces to augment security for U.S. personnel in Libya beyond the expiration of the Site Security Team's mandate through August 3rd, 2012.

And so what I would like to ask you are these still after 8 months your impressions?

Mr. Ham. Yes, ma'am, they are.

Mrs. Roby. Has any information come to light in the past 8 months

[REDACTED]

[REDACTED]

which would cause you to reconsider any of these statements?

General Ham. Well, certainly knowing now the events that transpired on the night of 11, 12 September I think all of us who are -- who have been involved in this would likely make some different decisions. But leading up to the events of 11 September, watching the intelligence very carefully as all of us did and post attack having the opportunity to review the intelligence, I still don't find -- I have not found the intelligence that would indicate that an attack in Benghazi was imminent and that subsequent security should have been deployed. And I think the -- in my mind the most compelling argument to that conclusion is that the one individual in the U.S. Government who knew more about security and intelligence in Libya and in Benghazi specifically than anyone else was Ambassador Stevens. And I am convinced, knowing him, while I don't think he was particularly concerned about his own safety, I am absolutely convinced that had he any indication that an attack was likely or imminent in Benghazi he would not have put others at risk by traveling to Benghazi that evening.

Mrs. Roby. And you said just at the beginning of your statement, you said knowing now what happened all of us would likely make different decisions. One of the things that this committee is really trying to drill down on in your presence here today is the decisions that were made were made at a time when there was a lot of information not known, and I do want us to stay focused on that, why were the decisions made at that time with the information that was available. But because you made this statement, I would like to know what different decisions would

[REDACTED]

[REDACTED]

you have made now knowing what you know.

General Ham. Well, first I guess, Madam Chairman, would be to state the obvious and that would be to recommend Ambassador Stevens not travel to Benghazi. That would obviously be at the top of the list. I think that knowing what we know now additional security, whether it would come from the State Department or from the Libyans or from the Department of Defense at the diplomatic facilities both in Tripoli and in Benghazi, I think would certainly have been warranted, but again that is Monday morning quarterbacking, if you will.

Mrs. Roby. Right. And again, you know, the decisions that were made at the time with the information that you had are the most important for this committee to explore. So would you want to expand on any of the responses that I quoted from that letter?

General Ham. I don't -- I think, Madam Chairman, I think they stand on their own.

Mrs. Roby. Okay. All right. I am going to yield back and turn to Ms. Tsongas. And again procedurally everybody here knows we are going to exhaust subcommittee members questions, then move to full HASC and then members outside the committee just as a reminder.

Ms. Tsongas.

Ms. Tsongas. Thank you, General Ham. I know we would all do things differently in hindsight, but at the time I think you were made aware of heightened concerns around, you know, the vulnerabilities in Benghazi. And I understand that on several occasions you did talk to the Ambassador. I don't know if it was by phone or in person, but

[REDACTED]

[REDACTED]

that in those conversations in every instance he did not accept your offer of additional help. I am wondering if you can talk about why -- what is your understanding of why that was the case, why he did not feel it was necessary to accept the additional help that you were willing to offer?

General Ham. Yes, ma'am, I did have multiple conversations with Ambassador Stevens and with Ambassador Cretz when he was serving as Chief of Mission before Ambassador Stevens and we did talk a lot about security. There were meetings face to face, there were meetings by phone, there were meetings by video teleconference. Both Ambassador Cretz and, as mentioned, Ambassador Stevens did visit the headquarters in Stuttgart. So we had a good free flow of information.

As we talked about security with the decision to deploy and then extend the deployment of the Site Security Team, the Department of Defense team operating under the Ambassador's authority, which expired on the 3rd of August of last year, I did have many conversations with Ambassador Stevens about whether that force would be extended. And the nature of my conversation with Ambassador Stevens was basically if you want this, if you want to extend the team beyond the 3rd of August, we, U.S. Africa Command, are prepared to do so. And I will admit that my motivation was a little bit selfish from the standpoint of the command. Having DOD personnel operating in Libya, even though they were operating exclusively under the Ambassador's authority, it started to build our understanding of the environment in Libya, knowing that at some point we were going to engage and train and equip, or advise

[REDACTED]

[REDACTED]

and assist or some kind of normalized military-to-military relationship. So I saw a benefit in the longer term of having more DOD persons there.

I am not aware of the internal discussions either at the embassy or between the embassy and Main State as to why the SST was not extended beyond the 3rd of August, and that is not a topic Ambassador Stevens and I discussed.

Ms. Tsongas. And is it customary to make these requests through the Ambassador and for the Ambassador to bless it and make this request or the assent back to you in order for you to have the authority to move forward?

General Ham. Actually, ma'am, it is a fairly formalized, a very formalized process that the Department of State formally requests, in this instance of the Department of Defense, support in terms of the Site Security Team. The State Department did that. That, as I think most members know, that Site Security Team was extended twice. The last extension expired the 3rd of August and the State Department decided to not request a further extension, but it is a formalized process that is department to department rather than the combatant commander and ambassador.

Ms. Tsongas. So absent that formal request, that formalized process, you are left with the decision that the State Department has made about what its security needs might be?

General Ham. Yes, ma'am. At that point when it was apparent that the Department of State was not going to seek an extension of the Site

[REDACTED]

Security Team, Ambassador Stevens and I had a discussion about what then should be the right DOD presence in addition to the attache and the normal embassy team. But knowing that again that we were going to engage in a training and equipping or advising mission with the Libyan military, we wanted to maintain some small presence. Ambassador and I agreed that because of the state of fluctuation that the newly forming Libyan Government was in, that it was going to be some weeks or probably months before any meaningful training would be able to begin. So the Ambassador and I agreed that we would keep just a small team, six DOD personnel would stay in Tripoli, basically to keep the relationships with the Libyan military, so that when the Libyan Government was ready for us to begin the training we had people already on site who had the personal and professional relationships that could get that process underway quickly.

Ms. Tsongas. Thank you, sir. My time is up.

Mrs. Roby. Mr. Conaway.

Mr. Conaway. Thank you, Madam Chairman. Carter, welcome back, and thank you for your long years of service to our country. We appreciate that.

You personally are aware of many of the security threats in Libya based on some comments you have made, that not only were they threats to the U.S. interest but also regional interest as well. Secretary Panetta, then Defense Secretary Panetta came to the region in December of 2011. Did you accompany him to Libya on his visit to Libya?

General Ham. I did, sir.

[REDACTED]

Mr. Conaway. Did you brief him about your perspective on what the security risks in particular the group -- not necessarily the specific group but the opportunity for groups, radical groups in Libya to be a threat?

General Ham. We did, sir. And while we were in Tripoli with Secretary Panetta met with embassy officials, to include Chief of Station and the Defense Attache, and Secretary Panetta and had I many subsequent discussions about that as well.

Mr. Conaway. Could you share with us what Secretary Panetta's overall impression was of the security issues there in Libya?

General Ham. I think the general sense was that -- and I think, I think, I don't mean to speak for Secretary Panetta, but I believe he agreed with my assessment that the militia who were operating largely outside of central government control continued to poses a very significant threat because they weakened the central authority. And by weakening the central authority it created opportunities for Al Qaeda and other Islamic extremist organizations to in some cases reinsert themselves or operatives into Libya, which I think all of us saw that as a dangerous development.

Mr. Conaway. Did your counterpart at EUCOM share you assessment of the threats in Libya or do you think he shared that with the Secretary at any point?

General Ham. Admiral Stavridis and I talked about it generally. I don't remember -- I don't recall, sir, any detailed conversations with Admiral Stavridis and I am not aware of any conversations that

[REDACTED]

Mr. Conaway. All right, thank you. Did you have an opportunity at any point in time to share your concerns about the security threat in Libya with the Joint Chiefs of Staff or with the National Security Council.

Mr. Conaway. Can you give us some sort of -- this may be hard without some notes, but a time frame perspective as to maybe the last time you talked to the Chairman of the Joint Chiefs of Staff about your concerns in Libya, anything leading, that summer of 2012 that comes to mind that you had some sort of a conversation, but again share your impressions with him?

[REDACTED]

[illegible]

General Ham. We did, yes, sir.

Mr. Conaway. Okay, thank you. I yield back.

Mrs. Roby. Ms. Tsongas.

Ms. Tsongas. Let some more of --

Mrs. Roby. Okay. Mr. Scott.

Mr. Scott. General Ham, thank you for being here, I apologize for being a little tardy. You may have answered this, but when did the threat level escalate to the point that our Ambassador was not going to be able to travel back from Benghazi to Tripoli?

General Ham. I don't know what his -- I don't know what his specific plans were to travel from Benghazi to Tripoli, but I don't think he was expected to travel back that night. I think he was planning to stay overnight and then perhaps travel back to Tripoli the next day.

[REDACTED]

but I would have to check records, sir. I am not assured about that.

[REDACTED]

General Ham. Yes, sir, I think again as I recall reviewing the intelligence prior to the event and obviously subsequent to the attacks of 11, 12 September have had the opportunity to review the intelligence. Again while it is clear to me and I think to everyone that the security situation in Benghazi was clearly deteriorating, when we look for, when I look for specific indications of an imminent threat, I have not found those. Others may have, but my recollection, and it has been a couple of months now since I have seen that information, but I didn't see that.

We did have across the U.S. Government and certainly at Africa Command a generalized warning and certainly a heightened awareness because of the date of September 11th, the intelligence community and many others highlighted that in record message traffic, again fairly non-specific threats, but just a general awareness that because of the

[REDACTED]

[REDACTED]

significance of that date that there may be a concern.

[REDACTED]

[REDACTED]

Mr. Scott. If I may, just to follow up on that, on page 3, paragraph 3 it starts on September 10th, Ambassador Stevens traveled to Benghazi on official business. It goes on from there to say, the next day because of the threat environment related to the September 11th anniversary, the Ambassador remained at the embassy to conduct his work. And I guess my question would be twofold. One is what was so important that he had to go to an area with less security on that

[REDACTED]

[REDACTED]

particular date since the threat level was escalated? What was he doing there? And knowing that he was there with a threat level that was escalated, the same teams that you talked about, why didn't we have them closer?

General Ham. Sir, I am sorry but I can't answer about the Ambassador's travel. I just don't have any knowledge about the decisions made to either go, or stay, or return. Again, in consultation with not just the embassy in Tripoli, but across the Africa Command AOR and heightened awareness, and given the missions that we expected, I felt that at that time knowing what I knew then that we had the right posture. As indicated before, knowing what I know now, I would certainly make different decisions.

Mr. Scott. Hindsight is 20/20, isn't it? Thank you, General.

Mrs. Roby. Ms. Tsongas.

Ms. Tsongas. I would like to follow up. We are still focused on Benghazi because of the horrific events that occurred there and struggling with how we could have averted that. But beyond that, what else were you contending with as you were looking at a very unstable part of the world made more focused, we focused in particular upon it because of the anniversary of 9/11. What else were you having to keep in mind as you were also aware of the uncertainties of the security in Benghazi?

General Ham. Yes, ma'am. Well, Africa is a big place and there are lots of unsettled areas. In the fall of 2011 as we led up to the anniversary of September 11th, the areas that were first and foremost

[REDACTED]

Ms. Tsongas. Thank you.

[illegible]

[REDACTED]

[illegible]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

Mr. Bridenstine. So that particular unit is not properly trained, equipped, responsible for that mission?

[REDACTED]

Mr. Bridenstine. So what would have been higher on the list that night?

[REDACTED]

[REDACTED]

Mrs. Roby. Ms. Tsongas.

[REDACTED]

[REDACTED]

[REDACTED]

Ms. Tsongas. Had it been stood up September 11th would it have affected the time line at all in terms of its ability to respond?

[REDACTED]

[REDACTED]

Ms. Tsongas. Thank you. I yield back.

Mrs. Roby. General Ham, you stated in your letter of October 2012 that you were not aware of any recommendations formally or informally within your chain of command to increase the security posture in Libya.

Are you aware of anyone else outside of your chain of command that recommended additional security in Libya to protect U.S. personnel interests and facilities?

General Ham. Madam Chairman, I didn't at the time. I have read subsequently, mostly in open source reporting, that there was discussion from the Diplomatic Security Service and folks at the embassy as to whether the security posture should be altered, but I didn't know at that time. I didn't know of any of that discussion.

Mrs. Roby. And on September 10th, 2012, the Office of Press

Secretary at the White House released a statement summarizing a meeting with senior administration officials regarding the U.S. security posture on the 11th anniversary of September 11th. And I am going to quote the statement, "The President heard from key national security principals on our preparedness and security posture on the eve of the 11th anniversary of September 11th. The President and the principals discussed specific measures we are taking in the homeland to prevent 9/11 related attacks, as well as the steps taken to protect U.S. persons and facilities abroad as well as force protection. The President reiterated the departments and agencies must do everything possible to protect the American people both at home and abroad."

So did anyone in DOD, the White House or national security staff, including Mr. Brennan, review the force posture with you?

General Ham. Not personally with me. I did have a discussion with General Dempsey, the Chairman of the Joint Chiefs of Staff, which I believe he had a discussion with each of the geographic Combatant Commanders to basically make sure that we were applying due diligence and attentive to the message traffic that had been out. But I did not have a personal discussion with anyone at the national security staff.

Mrs. Roby. In your October 29 reply to Chairman McKeon you also wrote, "We have frozen the email accounts of those U.S. military personnel that remained in Tripoli from August 4 through September 11th, 2012, to assess if any informal communications with personal recommendations were sent during that time frame in which they were under my command and no longer under Chief of Mission authority."

[REDACTED]

To date our due diligence has revealed no such communication."

Do you know since October 29, 2012 if any emails have revealed "informal communications" of the sort that you described in your letter to Chairman McKeon?

General Ham. Madam Chairman, none that I am aware of.

Mrs. Roby. Okay. Mr. Conaway.

Mr. Conaway. Carter, what was Lieutenant Colonel Gibson's chain of command? Who was between him and you?

General Ham. Sir, when he was serving as the commander of the Site Security Team he operated under what is directed as Chief of Mission authority. When the deployment order, when the Secretary of Defense gave me the order to deploy the Site Security Team to Tripoli, he specified that that team would operate under Chief of Mission authority as opposed to operating under my authority as the combatant commander, meaning that upon deployment Lieutenant Colonel Gibson and all those in the Site Security Team took all of their direction from the Chief of Mission, not from Africa Command. Now we had responsibilities obviously in terms of support but no operational control.

Mr. Conaway. So on the 11th he would have been reporting to at that point in time with the Ambassador in Benghazi, and unaccounted for, Mr. Hicks.

General Ham. No, sir. By the 11th of September the Site Security Team had expired, it expired on the 3rd of August.

Mr. Conaway. What was he doing in Tripoli?

General Ham. So from the 3rd of August on the team in Tripoli

[REDACTED]

[REDACTED]

was focused on establishing the relationships between the Libyans.

Mr. Conaway. His chain of command.

General Ham. Training and equipping.

Mr. Conaway. His chain of command was back to you at that point?

General Ham. That is right. Through Special Operations Command Africa and then Special Operations Command worked for me.

Mr. Conaway. Were you aware of Lieutenant Colonel Gibson's activities on the 11th? Were you in communication with him?

General Ham. I was not in direct communication with him. I had met him previously, but as the events unfolded in Tripoli and Benghazi I was not in direct contact with him.

Mr. Conaway. Did he receive an order to not go from anybody in your chain of command?

General Ham. He did not. I didn't know that night. I know now that Lieutenant Colonel Gibson requested approval to move to Benghazi in the morning of the 12th. And it is understandable to me why he would want to do that. What military people want to do is move to the sound of the guns. The decision was no, you have a mission in Tripoli.

Mr. Conaway. Whose decision was that?

General Ham. Rear Admiral Losey, as the Commander of Special Operations Command Africa.

Mr. Conaway. Okay. Did you agree with that decision, I guess?

General Ham. I didn't know of it at the time. I certainly agree with it now.

Mr. Conaway. You think the Admiral was looking at protection

[REDACTED]

there in Tripoli?

General Ham. I do, sir. I think given the lack of security capability in Tripoli, the very uncertain circumstance, and the fact that the people, the evacuees were already moving back from Benghazi, and the medic especially and communications were needed in Tripoli.

Mr. Conaway. So the chain of command was Admiral Losey from Lieutenant Colonel Gibson?

General Ham. Yes, sir. Lieutenant Colonel Gibson, Admiral Losey, me.

Mr. Conaway. I gotcha. Thank you, yield back.

Mrs. Roby. Ms. Tsongas.

Ms. Tsongas. Just another follow-up. To what degree are you aware of had Lieutenant Colonel Gibson's request been granted, who would have been left protecting the embassy in Tripoli?

General Ham. Essentially no one, ma'am, other than the country team staff, which is I think the primary rationale for the decision to direct Lieutenant Colonel Gibson to remain in place. They essentially were the security element in Tripoli. They facilitated the movement from the embassy to the annex facility in Tripoli. They assisted in the destruction of classified material. They had a medic which proved invaluable when the people moved back from Benghazi to Tripoli, to have a medic and the team there to facilitate the reception and the onward movement of the people, some of whom had been injured. I think that was an absolutely vital role for them to have perform in Tripoli. Had they boarded the aircraft and flown to Benghazi, the

likelihood is that actually they probably would have passed in the air with Lieutenant Colonel Gibson and his team headed to Benghazi with the aircraft with most of the evacuees, to include those who had been wounded coming back to Tripoli. There would have been no one -- no one well trained, certainly not as well trained as Lieutenant Colonel Gibson and his team to receive them upon arrival.

Ms. Tsongas. So essentially the order was to divert this desire to be helpful to staying in Tripoli to greet those who were coming back among that that them some injured, and so that they could also be sure we were adequately protecting those staying still in Tripoli.

General Ham. Yes, ma'am. It was continue your mission in Tripoli where you are needed. But again with all of my heart I understand why Lieutenant Colonel Gibson wanted to go to Benghazi. That is what military professionals want it on do. Again the communications were not ideal that morning, the situation was still a little unclear. And Lieutenant Colonel Gibson in my view understandably felt that he could get to Benghazi and make a difference and I understand that. I think sometimes the role of a higher headquarters is to take a little bit of perspective and say, I understand why you want to do that, but actually the greater need is right where you are. And even though your emotions, your heart tells you get to Benghazi, the brain says you are really needed in Tripoli, stay there.

Ms. Tsongas. Thank you, sir.

Mrs. Roby. Chairman McKeon.

The Chairman. Thank you. General, thank you for being here.

Thank you for your service. There are so many unanswered questions and there are lots of misinformation that has gone out since the attack and I am sure we are not going to address all of it today. Can you hear me?

General Ham. Yes, sir.

The Chairman. I would like to go down a little bit of the time line and I would like to talk a little bit about some of the statements that have been made, some of them are been attributed to you. I would like to hear from you about those statements. All of these in this time line, do you have a copy of that there?

General Ham. I do, sir.

The Chairman. All of these times are based in Libya -- is it -- this 9:42 when the attack begins?

General Ham. The time line I have, sir, shows both. So for example the incident starts at the facility in Benghazi at 3:42 p.m., which is D.C. time, 9:42 p.m. in Libya.

[REDACTED]

RPTS JOHNSON

DCMN BURRELL

[10:00 a.m.]

The Chairman. Okay. I just have one time. So the 9:42 is Libya?

General Ham. Yes, sir.

The Chairman. And there is a 6-hour difference? So that is 3:42 Eastern time?

General Ham. Yes, sir. Sir, I have a copy of the timeline that you have now.

The Chairman. I appreciate that, both of those times, so I can get kind of a handle on that.

Okay. The attack started at 9:42. I don't see any mention here about a demonstration, just simply an attack. Do you know if there was some kind of demonstration before this attack?

General Ham. I am not aware of one, sir. It became pretty apparent to me, and I think to most at Africa Command pretty shortly after this attack began, that this was an attack.

The Chairman. And then at 9:59, 17 minutes later, it said an unmanned, unarmed surveillance aircraft is directed to reposition overhead of the facility. Do you know who directed that?

General Ham. Yes, sir. It was operating under Africa Command's control. It was operating, as mentioned, over the city of Darnah in northeastern Libya. The decision actually was made by our operations officer in the command center at AFRICOM. Once we knew that something was happening in Benghazi, he made the decision to divert the aircraft,

[REDACTED]

[REDACTED]

get it moving toward Benghazi. I was advised of that, and fully concurred with the operations officer's decision.

The Chairman. Okay. At 10:05 there was an Ops Alert that was -- alerted the White House, the Situation Room. You know, I have never been in the Situation Room. I don't even know where it is. I imagine it is somewhere under the White House. But that operation room at 10:05 got notice of the attack.

I am assuming that they got -- you said that shortly people knew it was an attack. I am assuming that in that Ops Alert they were told it was an attack. And again, I don't see any mention of a demonstration. It was an attack. And the Ops Alert went to the Situation Room. How long does it take the Situation Room to alert the President of something like this?

General Ham. Sir, I don't know. The Ops Alert is not something I am familiar with. As soon as I knew, which was, you know, before 1000 or 10 o'clock p.m. Libya time, my first call was to -- I was in the Pentagon. My first call was to General Dempsey, General Dempsey's office to say, hey, I am headed down the hall. I need to see him right away. I told him what I knew. We immediately walked upstairs to meet with Secretary Panetta.

The Chairman. How did you hear about it?

General Ham. From my command center, sir, from the AFRICOM Command Center.

The Chairman. So they alerted you immediately?

General Ham. Yes, sir.

[REDACTED]

[REDACTED]

The Chairman. They redirected that drone over the --

General Ham. Correct, sir.

The Chairman. So it sounds like they were on full alert, doing what they should have been doing.

General Ham. Yes, sir. It goes back, again, to some of the other questions is, again, absent specific threats and warnings about attacks on September 11th, the operations center was up and operating -- of course it was nearing the end of September 11th, but nonetheless it was manned and operating. The deputy commander is a three-star Navy admiral was the senior officer on duty in Stuttgart. He got to the command center very quickly and got up to speed and --

The Chairman. When you leave the command --

General Ham. The deputy is there.

The Chairman. When you came here, somebody else takes charge and they have got the authority?

General Ham. Yes, sir. Typically, I don't relinquish command unless I am going to -- if, for example, I am on personal leave or something like that. But in D.C., where I have very good communications, then I retain command. But the deputy commander, if I am gone, is on-site so that if communications were to fail, if there was a problem then you have got a seasoned, experienced officer on-site who can make decisions. And Vice Admiral Leidig was there to do just that.

The Chairman. Sure. This might be a good time to ask. At some point, you know, in the months that have gone by, the intervening time,

[REDACTED]

[REDACTED]

I heard that you had made the statement that you were prepared to go to their aid, and somebody told you, no, and you said we are going anyway. Is that all some supposition that comes from some reporter?

General Ham. Yes, sir. No one ever told me no.

The Chairman. Okay. 10:32 on the timeline it said that the information was given to Secretary Panetta and General Dempsey. So that probably came from a different route. You had already called General Dempsey and were -- you probably were with him by that time.

General Ham. Yes, sir. By happenstance, I was able to get General Dempsey. And he and I went upstairs to the Secretary of Defense's office. They had an already-scheduled meeting at the White House. So this was an opportunity to tell the two of them what we knew as this was just unfolding, so that they had the basic information as they headed across for the meeting at the White House.

So I think that the National Military Command Center probably reflects the formal notification from the AFRICOM Command Center back to the National Military Command Center, or perhaps from the State Department to the National Military Command Center, kind of a formal notification. And then the National Military Command Center did their proper responsibility in formal notifying the Chairman and Secretary. But my recollection is that the Chairman and I had already had a discussion by the time the NMCC formal notification occurred.

The Chairman. You had a chance to talk to General Dempsey before he went to the White House.

General Ham. Yes, sir, I did.

[REDACTED]

[REDACTED]

The Chairman. Did you also speak with Secretary Panetta?

General Ham. Yes, sir.

The Chairman. So the three of you were together before they went to the White House?

General Ham. Yes, sir, that is correct.

The Chairman. Do you know how long they were at the White House?

General Ham. I do not, sir.

The Chairman. You didn't see them again when they came back?

General Ham. I did. But I don't know -- I don't know how much of that time was at the White House.

The Chairman. In your discussions with General Dempsey and Secretary Panetta, was there any mention of a demonstration or was all discussion about an attack?

General Ham. My recollection, sir, is that there was -- there was some discussion about it, but it was peripheral, frankly, to our conversation. The focus of the conversation that General Dempsey and Secretary Panetta and I had was -- was not so much about, you know, what was this.

We knew at that initial meeting, we knew that a U.S. facility had been attacked and was under attack, and we knew at that point that we had two individuals, Ambassador Stevens and Mr. Smith, unaccounted for. And so the focus of our effort at that point was gaining understanding of what the situation was. And then we started very quickly to think about, you know, the possibility of a U.S. Ambassador being held hostage in a foreign land and what does that mean.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The Chairman. My last question. It said on 12:06, this would be 2-1/2 hours after the attack started, a little less, in a second Ops Alert the State Department Ops Center reported that al Qaeda-linked Ansar al-Sharia claimed responsibility for the attack and had called for an attack on the Embassy Tripoli. So 2-1/2 hours after the attack it sounded like the State Department was saying that this was a terrorist attack.

General Ham. Sir, I don't recall seeing the State Department Ops Alert. I do remember the statement by Ansar al-Sharia that they were responsible. That wasn't terribly surprising. Sometimes in incidents like this you have a group claim responsibility whether they actually had a role or not. We didn't know -- I didn't know at that point who might have had responsibility.

But the threat in Tripoli was relevant, because we did have concerns, again, because of, you know, the majority of American -- official Americans were in Tripoli in a very uncertain situation. So we did take very seriously, again going back to the discussion of the role of Lieutenant Colonel Gibson and his team, of providing security for the remaining Americans at the Embassy in Tripoli.

The Chairman. Thank you.

Mrs. Roby. Mr. Thornberry.

[REDACTED]

[REDACTED]

Mr. Thornberry. Madam Chair, I yield my time to Mr. Chaffetz.

Mr. Chaffetz. Thank you. General Ham, thank you for your distinguished service to our country. I know how much you love and cherish this country, and the decades that you have put in to serve your country. For that we are very thankful.

I would like to talk about the time period from the 9:40, the time of the attack local Benghazi time, and really the 25-hour window there forward. My first question was, was there a request from the Department of State for support?

General Ham. Not that I am aware of, sir.

Mr. Chaffetz. So was there ever a request from the Department of State for the Department of Defense for military support in what was happening during the attack?

General Ham. I am not aware of a request from State to Defense. But I would say, sir, that this was -- as this situation was unfolding, our primary link from the Africa Command Command Center was through the defense attache. As the Embassy team, as the country team relocated from the Embassy facility to the annex in Tripoli, the communications were less than ideal to be sure.

Mr. Chaffetz. But General, in order for you to go into action, to put people on alert, to start moving, do you need a request from the Department of State for help and assistance?

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

General Ham. I believed that when the attack began at the special mission facility, and we knew that Ambassador Stevens and Mr. Smith were unaccounted for, then that attack subsided relatively quickly --

Mr. Chaffetz. I am sorry, I have got just a short amount of time. When did you think it was over? Do you have a time frame of when you said, okay, now --

General Ham. At about between an hour and an hour-and-a-half after the attack began at the special mission facility and the Americans, to include the remains of Mr. Smith and notably absent the Ambassador, when those Americans were moved from the special mission facility in Benghazi to the annex in Benghazi, in my mind the mission shifted. We still knew we still possibly had hostage rescue because we didn't know about the Ambassador. But for the rest of the Americans, it was basically casualty treatment and movement.

[illegible]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

General Ham. I just want to make sure I understand. The timeline I have says that the formal order came at 8:53. The team had been operating on verbal orders in the second meeting that I had with Secretary Panetta and General Dempsey, which was probably in the 7 to 8 o'clock neighborhood. That is when I asked for and the Secretary approved --

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

General Ham. Which team, sir?

[REDACTED]

[REDACTED]

General Ham. I don't know exactly.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Thank you for the time. Yield back.

General Ham. Madam Chairman, may I have just a moment?

Mrs. Roby. Yes, sir.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Mrs. Roby. Mr. Gibson.

Mr. Gibson. Thanks, Madam Chair. And General, I appreciate your service. You may recall we served together in Mosul in parts of 2004 and 2005. I appreciate that service, your leadership, and your integrity. And I want to follow on on the last two questions to begin with. And you know, everything you have talked about here today, you have talked about the attack, the initial response to the attack, and you commented about the Ops Alert which you had not seen initially, but you certainly came to be aware of the claim of responsibility.

My first question is as a man of enormous integrity, what did it feel like to know that our country was communicating to our people that this was based on a demonstration? What did that feel like?

General Ham. Sir, to be honest I didn't think much about it. We had pressing missions. Certainly by that time we knew the Ambassador and three others died. And so there was a first priority to get them out, get them repatriated, take care of some wounded, get everybody evacuated.

And then now the mission shifts again. The mission now shifts. The military side is find the perpetrators and start developing courses of action. So I will admit that, not paying much attention to the finger pointing.

Mr. Gibson. Well, I appreciate those words. I will tell you how

[REDACTED]

[REDACTED]

I felt. When I learned of these circumstances I was saddened, you know, because knowing what it is like to be a commander and the responsibilities, all the weight on your shoulder, and then to find out our country was communicating something else, I was saddened by it. I will say that.

Number two, just a point of clarification before I get to my third point. Earlier in your testimony you talked about security in Libya and you talked about how the four individuals, Lieutenant Colonel Gibson, that was essentially the security in Libya. I just want to make the clarification that of course in addition to that we had United States Marine Corps element on the ground and Libyan host nation forces in Tripoli.

General Ham. No, sir, that is not correct. There were -- there was no Marine security detachment in Tripoli.

Mr. Gibson. There was no individuals whatsoever there from the Marine Corps at Tripoli?

General Ham. That is correct, sir. That was -- of course the original, I believe the original justification for State Department asking the Department of Defense to deploy the Site Security Team was because there was not a Marine security detachment, and that the Diplomatic Security Service didn't have the wherewithal needed in those conditions. So State asked DOD basically to establish a team to provide security in Tripoli.

Mr. Gibson. And then Libyan host nation security?

General Ham. Yes, sir.

[REDACTED]

[REDACTED]

Mr. Gibson. Yeah, right. Okay. The third thing, the last thing I want to bring up is in the time that we were together in Mosul, in some of the hardest fighting of the war, you will recall that, you know, there were times that you helped commanders like me with close air support. In some cases we actually dropped ordnance that was not in a built up area, and in other cases we used close air support as a show of force, that low level flyover, the supersonic flight that would lead to a boom that would confuse the enemy, sometimes thinking that was explosives. That was decisive for me on a number of occasions, and particularly so after you had left, on the day the 24th of February where we brought in close air and that sonic boom caused the enemy to break station.

And I guess my question to you is why did we not move close air support and why was the second Predator not armed? Because, sir, I certainly get where you are going with regard to the first two casualties we had. I understand that that had to do with the condition setting. But what about the second two that died 8-1/2 hours after this contact? Had we had close air on station, I believe that we would not have lost those two souls.

General Ham. Yes, sir, I will admit to giving a lot of thought about close air support. And in the lead up to September 11th, in the discussions about what forces should we have available, it was my determination, obviously with advice from others, but the responsibility was mine as the commander, was that close air support was not the appropriate tool in this situation.

[REDACTED]

[REDACTED]

And as I look back on the events of that night and say -- and think in my own mind would air have made a difference? And in my military judgment, I believe the answer is no. It was a very uncertain situation in an environment which we know we had an unknown surface-to-air threat with the proliferation particularly of shoulder-fired surface-to-air missiles, many of which remain unaccounted for. But mostly it was a lack of understanding of the environment, and hence the need for the Predator to try to gain an understanding of what was going on.

So again, I understand that others may disagree with this, but it was my judgment that close air support was not the right tool for that environment.

Mr. Gibson. Madam Chair, I am going to yield back in a second. I just want to comment that with regard to the situational awareness and understanding, I couldn't agree more. That is one of the reasons why I didn't want to see us go to Libya in the first place. And then I will just have to respectfully disagree, based on my own experiences in Mosul, in regard to your response. And I yield back.

Mrs. Roby. Ms. Shea-Porter.

Ms. Shea-Porter. Thank you. And thank you, General, for your service to the country and for being here today. And obviously it is a great tragedy, and we are all very, very concerned about what happened, and want to make sure it doesn't happen again.

Before this attack there had been budget cutbacks. And there was a lot of talk about impact on budget cutbacks. So I would just like to ask you did budget cutbacks in any way set up a stage for this event

[REDACTED]

[REDACTED]

or any future events that you can see?

General Ham. No, ma'am, not as far as Africa Command was concerned. There was not a budgetary constraint that affected my decision-making in this event.

Ms. Shea-Porter. In your personal opinion do you think that it had some impact where we were reducing numbers of personnel in places and cutting the numbers of soldiers or in any way? Because obviously we can't change what happened. But if there is some lesson to be learned about, you know, the proper number of people and having to make decisions like this based on too tight a budget, this would be the time to say it.

General Ham. Yes, ma'am. I think there are some serious topics for debate. What is the proper role for the Department of Defense in the security or response in security situations to U.S. diplomatic facilities overseas?

I think as most of the Members know, Marine security guard detachments are pretty small, I mean typically six to 10 people, focused principally on the security or destruction and evacuation of classified equipment and information rather than site security. Do we want to change that? Do we need a larger military presence at at least some of our facilities? And then what are the budget implications for that? Is there an expectation? Is there a requirement that the Department of Defense have a capability to respond to any U.S. diplomatic facility within a specified period of time? That has tremendous resource implications, especially in an area as vast as United States Africa

[REDACTED]

Command's area of responsibility.

I think these are worthy topics and important discussions. Capability costs money. And that is I think a worthy debate for this body to have as to what is our proper role? And then how do we resource that?

Ms. Shea-Porter. Thank you. And in memory of the people who died serving this country, the conversation and debate we have to have now. Thank you. And I yield back.

Mrs. Roby. Dr. Wenstrup.

Dr. Wenstrup. Thank you, Madam Chair. General, again, thank you for your service and being willing to step up and serve your country for so many years. I don't want to reiterate too many of the things that were asked before, but as someone who has served in theater, I think it is pretty evident from time to time to tell what type of security breach is taking place or how we can actually describe the events that were taking place.

I mean certainly you wouldn't call what happened on September 11th in Benghazi a sniper attack or just a few people acting on their own. Would you say that this was a coordinated attack, or at least appeared to be a coordinated attack on our people?

General Ham. Sir, initially it was somewhat uncertain to me. But as the events unfolded, when we saw a rocket-propelled grenade attack, what appeared to be pretty well aimed small arms fire -- again, this is all coming second and third hand through unclassified, you know, commercial cell phones for the most part initially. To me, it started

[REDACTED]

to become clear pretty quickly that this was certainly a terrorist attack and not just -- not something sporadic.

Dr. Wenstrup. And, you know, from the limited video that I saw, I considered it an orchestrated or coordinated attack, and with more evidence that it became a terrorist attack. And certainly the military would advise the Situation Room or our leaders back here as to what your opinion was on what took place as far as the type of attack.

General Ham. Frankly, sir, the initial discussions that I had with General Dempsey and with Secretary Panetta were less about the origins of the attack and much more about, initially, very focused on where is the Ambassador and what action may be necessary to recover him. That was a very specific focus.

Once it was known that he had been killed and his remains were accounted for, then frankly it was get the people out of Benghazi, with the assistance of the Libyans, which they had assured, but obviously it didn't pan out that way. And then our focus started to shift pretty quickly, my focus started to shift pretty quickly again into what capabilities do we need to find the perpetrators so that from a military standpoint I could offer courses of action to the Secretary to account for those.

Dr. Wenstrup. Thank you. But going back to the timeline that Chairman McKeon was asking you about, I wouldn't expect that our leadership would be informed 9 or 10 days later that this was a terrorist attack as opposed to a demonstration. I wouldn't expect that the time frame would take 9 or 10 days. Would you expect it to be that long,

[REDACTED]

General?

General Ham. Yes, sir. But I am not privy to those conversations. Mine were with the Chairman of the Joint Chiefs and with the Secretary. And I think we were pretty clear on, you know, pretty shortly thereafter kind of the nature of the attack.

Dr. Wenstrup. Because as a military person, I am concerned that someone in the military would be advising that this was a demonstration. I would hope that our military leadership would be advising this was a terrorist attack.

General Ham. Again, sir, I think, you know, there was some preliminary discussion about, you know, maybe there was a demonstration. But I think at the command, I personally and I think the command very quickly got to the point this was not a demonstration, this was a terrorist attack.

Dr. Wenstrup. And you would have advised as such if asked. Would that be correct?

General Ham. Well, and with General Dempsey and Secretary Panetta, that is the nature of the conversation we had, yes, sir.

Dr. Wenstrup. Thank you very much. I appreciate it. And I yield back.

Mrs. Roby. Dr. Heck.

Dr. Heck. Thank you, Madam Chair. And General Ham, thank you for your long service and for agreeing to appear before us. Even in retirement, it is much appreciated. I agree that I think with one of your opening comments that probably one of the most important things

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[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[illegible][illegible]

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

[illegible]

[REDACTED]

[illegible]

[illegible]

But I, again, knowing the intelligence that I had at the time, not obviously what I have now, but the intelligence I had at the time caused me to conclude in my military judgment that attack aircraft would not be the appropriate response tool. And so I did not direct a heightened alert. That is obviously fair for criticism, and knowing what we know now maybe that was -- maybe I would make a different decision. But close air support I think, I still even knowing what I know now, think that was not the right tool to effect change in this situation.

[REDACTED]

Dr. Heck. Well, again, I thank you for your long service to our Nation and for taking the time to be here. Our Nation owes you a debt of gratitude. Madam Chair, I yield back.

Mrs. Roby. Mr. Wittman.

Mr. Wittman. Thank you, Madam Chairman. General Ham, thank you so much for joining us today. Thank you so much for your service to our Nation.

Let me ask again, I want to get straight in my mind, can you tell me the military assets that you had tactical control over there in Libya on September 11th?

General Ham. Yes, sir. It was simply in Libya under combatant command authority were six people. The other military people who were there were in the defense attache office and operating under normal Defense Attache rules, meaning under the Chief of Mission authority. But there were six Special Operations individuals.

And this was an agreement that Ambassador Stevens and I had come to in face-to-face conversations, knowing that the Site Security Team would conclude on the 3rd of August. Discussion was then what DOD presence do we want after the 3rd of August in preparation, principally, for training with the Libyans? Not geared towards security. Because as of the 3rd of August, the decision was made that DOD would not -- with the termination of the Site Security Team that security for the U.S. facilities in Libya would revert to State Department host nation responsibilities.

Mr. Wittman. Thank you. Let me ask you this. Outside of

[REDACTED]

[REDACTED]

Ambassador Stevens, did you have any frequent contact with any American in Libya that could advise you on the security situation?

General Ham. Yes, sir, certainly. Most often with the Defense Attache, who we had two very good ones in the time that I was at Africa Command. They were, as we would expect defense attaches to be, very connected to the Libyans, great sources, and also with the Chiefs of Station, both of whom I came to know very well over time, and both extraordinarily talented, dedicated professionals, again with a wide range of sources. And when I would visit Libya, or through message traffic, and sometimes some of them would visit, we also had a CIA representative at the Command, so we had an open sharing of communication.

Mr. Wittman. Was there anything in those communications that would have caused you concern prior to September 11th to place you in a position to maybe say there should be something else that should be done within that particular theater, whether it is from your command standpoint or even feedback back to State Department about some security concerns?

General Ham. Yes, sir, there was. And Libya generally was of growing concern. We certainly monitored the number of incidents that had occurred in Benghazi and in other places. Though I will tell you that for me personally, the place in Libya over which I was most concerned was this City of Darnah, which I believed was becoming increasingly a hub of extremist organizations operating essentially with impunity outside of any Libyan Government control. And so that

[REDACTED]

[REDACTED]

was the focus of our collection effort with the Predator, with other more sensitive systems, to try to gain an understanding of what was it that those organizations were thinking about planning? How were they organizing? So that was to me a real concern, and frankly more so than Benghazi.

And even now, sir, as I look back at the intelligence I don't see the indications of imminent attack in Benghazi.

Mr. Wittman. And did you express those concerns during that time period with either General Dempsey or leadership within State Department.

General Ham. Oh, certainly, sir. Yes, sir. I had discussions certainly with General Dempsey and with the members of the Joint Chiefs and the Joint Staff. Secretary Panetta, as previously discussed, during his visit to Libya and subsequent discussions with the intelligence community, to include the State Department's Bureau For Anti-Terrorism or Counterterrorism. So there was I think an intelligence community and shared concern that particularly in eastern Libya the extremists were on a trajectory that was not in the best interests of the United States.

Mr. Wittman. Do you feel that your concerns were actioned upon in the proper way, maybe in a sense to where it could have prevented the incident there on September 11th?

General Ham. I don't know that I would go so far as to say that it would have prevented the attacks that occurred on September 11th, sir. But it won't surprise you that as a military commander, you know,

[REDACTED]

[REDACTED]

I wanted more resources. And the resource that I felt I needed most was additional intelligence, surveillance, and reconnaissance to gain a better understanding of what was happening.

Secretary of Defense did make the decision to allocate Predators to allow us to operate there. And we had other platforms, notably EP-3s and some ship-based systems that helped us. I believe we could have used more. But I wouldn't connect the dots to say more would have necessarily prevented what happened on September 11th.

Mr. Wittman. Very good. Thank you, Madam Chairman. I yield back.

Mrs. Roby. Mr. Nugent.

Mr. Nugent. Thank you, Madam Chairman. And General, I certainly do appreciate your service and your sacrifice and your family's sacrifice, being a father of three who served in this country's great Army. But obviously I am concerned, as you look at the facts, issues that took place in April in Benghazi, attacks on that particular location and within Benghazi on a British ambassador's vehicle, RPG attacks, but IED attacks, no one was injured at least in the Benghazi attack, but were injured with the ambassador's vehicle.

Those I am sure must have been on your radar in regards to an increased instability in that area, particularly in Benghazi, where they had actors that were taking action against that location.

General Ham. That is correct, sir.

Mr. Nugent. When you had conversation with Ambassador Stevens, did that ever come up?

[REDACTED]

[REDACTED]

General Ham. Yes, sir, it did. We talked generally and specifically about the security situation. And with Ambassador Cretz before Ambassador Stevens.

Mr. Nugent. So with your prior testimony you talked about the uncertainty within the Libyan Government, particularly as you looked forward to the role of the Army in regards to working with Libyan forces possibly in an advise capacity, training capacity. But by your statement is that it was uncertain at least, and the Ambassador was saying it is going to be a ways off before you have the opportunity to do that because of the uncertainty. The Site Security Team left on August 3rd. Whose decision was that to remove that Site Security Team?

General Ham. Well, sir, for me it was simple. The Secretary of Defense had issued what we call an execution order, which directed U.S. AFRICOM to deploy the Site Security Team to Libya in support of the Ambassador. And it was extended twice. And the termination date for the second extension was the 3rd of August of 2012. And there was not a subsequent request by the State Department to review it.

Mr. Nugent. So that would have been the State Department's responsibility to request DOD to provide that Site Security Team?

General Ham. That is correct, sir.

Mr. Nugent. So based upon the things that occurred in April and June of that year, State made the decision to withdraw that Site Security Team, which was in your estimation -- I shouldn't put words in your mouth. But without the Marine security force at the Embassy that you

[REDACTED]

testified to, that was really the only force available to provide protection to Americans that were in Tripoli and in Benghazi. Is that correct?

General Ham. That was the role of the Site Security Team, yes, sir.

Mr. Nugent. Does that just strike you as -- and I know how soldiers are. Like I said, I got three of them, and you hit it on the head, when there is gun fire they want to run to it and not away from it. And they want to be there to protect Americans. Not what this government stands for, but actual Americans they want to protect. And I know that Lieutenant Colonel Gibson wanted to rush there to help out.

Can you tell me the time difference between when Lieutenant Colonel Gibson wanted to leave Tripoli to go to Benghazi, what time of the day? Because I can't see that anywhere on this timeline.

General Ham. Yes, sir. I would caveat first by saying that I was not aware of that conversation at the time it was occurring. It is my understanding now that Lieutenant Colonel Gibson made the request in the dawn time frame in Libya, or maybe even a little before.

Mr. Nugent. Probably when he heard about the attack going on particularly.

General Ham. Right. And so a couple things were at play. It was going to be move on a Libyan aircraft, which only fly in daylight. So there would have been a little bit of a delay there. But I think more operatively, Lieutenant Colonel Gibson and his team -- I think obviously Rear Admiral Losey and Lieutenant Colonel Gibson will be here

soon, but I think the mission was in Tripoli. And I think that is probably what compelled Admiral Losey to make that decision.

I have not spoken with either Lieutenant Colonel Gibson or Admiral Losey about this. I thought it was improper before this briefing to have that discussion with them. So I don't know personally what they were thinking. But as I think about that, if I were in Losey's shoes at the time a request came, I would have made the same decision and said, no, you have a vital mission in Tripoli. I need you to stay there.

Mr. Nugent. Well, thank you, General. My time has expired, and I yield back.

Mrs. Roby. Ms. Tsongas.

Ms. Tsongas. Thank you. I just want to raise just a couple of issues. Congressman Chaffetz raised the issue, and I think importantly so, of whether the State Department ever requested assistance once the attacks took place. But what we really do know is that that was not necessary because the President had issued a directive that we would respond and do everything we could militarily. So the President sort of took the bull by the horns and appropriately tasked you and General Dempsey and Secretary Panetta with moving all resources that were appropriate to the task.

I think the other thing we have heard over and over again is the deep frustration that so much was dependent upon the State Department requesting, in the lead up to September 11th, recognizing the threat and proactively or working with you and your offer, accepting your offer to put in place more security, but for whatever reasons did not see

[REDACTED]

the need. And I think tremendous lessons learned have been taken from that.

I know that the Accountability Review Board took a look at all this, issued many, many recommendations that the State Department in particular is moving to put in place. And I know that among the lessons learned are that the issue of the host force capabilities, we saw how little -- the rushing away of the militias that were stationed in Benghazi, in no way doing their part.

We know that we have to work harder to harden the facilities, have more Marines in place. Unfortunately, there were no Marines in place in Tripoli, for example, at the time, nor in Benghazi. And we have heard over and over again from you and from others that there just was not adequate intelligence either to create a warning that this attack could take place so that you could have proactively perhaps removed all Embassy personnel in Tripoli in anticipation, and in Benghazi encourage the Ambassador not to make the trip, but also that there wasn't adequate intelligence once the action began to take place.

So lots of shortcomings, important lessons learned. And I think we all know that there is a lot of work to do. Especially given your experience at AFRICOM, I would like to hear from you, sort of as you have left, just what you think we need to do there. I know it is a resource-driven issue. We have had lots of trouble finding basing opportunities in Africa, the continent of Africa, a huge place. But I would welcome your thoughts as you are no longer in place but I am sure have lots of knowledge.

[REDACTED]

I think we probably ought to think hard about do we or Department of State or Homeland Security or somebody in the U.S. Government, do we want to put a specific focus on helping train host nation forces for the security of U.S. diplomatic facilities? I think that certainly is worthy of consideration.

[illegible][illegible]

[REDACTED]

Ms. Tsongas. And how do you deal with the shortcomings in intelligence?

General Ham. I think that is the toughest issue. I think part of it begins with helping, again, African nations develop their own intelligence capability, particularly in the area of human intelligence, where they will always be better than we are. But there are some means of technical intelligence I think that if we can find ways to improve and increase our intelligence sharing with African partners, I think that will contribute to our security and security of Americans operating in Africa. It is a tough challenge, but I think that is the direction we have to head.

Ms. Tsongas. Thank you, sir.

Mrs. Roby. Sir, we have four more individuals that want to ask questions, including myself. And I am going to go now. So if you will just bear with us. I know you have got to leave. But if we can get through these it would be really, really helpful.

I want to go back to previous questions that were asked about what you knew about the force structure that was available in the moment at the time. And you said in your previous testimony that you made a decision that certain assets would not be appropriate given the information that you had. And looking back with information you have now you might have made a different decision, you know, whether it was armed drones or, you know, flyover, or whatever it might have been, all of the different options. I want to hear the why. Why did you make the decision that you made at the time, knowing what you knew in

[REDACTED]

[REDACTED]

that moment?

General Ham. Yes, ma'am. Two points I think that principally guided me during that process. One was the lack of specific threat. So as we approached September 11th, I had a responsibility for the entirety of Africa less Egypt, which was in the responsibility of U.S. Central Command. So a vast area with a lot of uncertainty, and as mentioned previously, a couple of pockets of really heightened concern. And so how do you best posture forces that could be able to respond? And so that was the first part.

And then the second part is what is the nature of the force that might be necessary? So as I thought about this, and you think about, you know, what role do various forces play? At the top of the list for me always was intelligence, surveillance, and reconnaissance to gain understanding.

We thought about strike aircraft. And frankly, it was very difficult for me to envision a situation in which we would know enough to be able to effectively employ even precision weapons in a very uncertain environment. Then you have in most parts of Africa the challenge of range and tankers, which are quite vulnerable.

So as I looked at all of that, the strike aircraft just didn't seem to me to be the right tool for the environment that I expected.

Mrs. Roby. And you testified as well that when it comes to intelligence you wanted more. And I want to know whether prior to this attack did you communicate that to General Dempsey or the Secretary, that you wanted more, that you needed more based on that where you were?

[REDACTED]

[REDACTED]

General Ham. Yes, ma'am, both in informal conversations, but also through formal processes that the combatant commanders submitted in previous years what was called the integrated priority list. It basically was a list from a combatant commander through the Chairman of the Joint Chiefs to the Secretary to say here are operational capabilities that I require that I don't have.

And for the years that I was at U.S. Africa Command, at the top of that list was always increased intelligence, surveillance, and reconnaissance capabilities. Similarly, on a fairly frequent basis we submitted what we call requests for forces, which is for combatant commands that don't have assigned forces or assigned capabilities. It is the process by which I place a demand on the system to say I have an operational need for a capability, in this case more collection capability. And then that goes through an adjudication process at the Joint Staff. They ultimately make a recommendation to the Secretary of Defense based on global availability, and establish priorities and decide whether those capabilities get met or not or whether they get met fully or partially.

It is through that process that the Predators were operating out of Sigonella. It wasn't all that I asked for. But given global availability, it was the decision by the Secretary of Defense who said this is the capability that I can afford to give you to meet your requirement.

Mrs. Roby. Okay. And were you interviewed by the Accountability Review Board?

[REDACTED]

[REDACTED]

General Ham. Yes, ma'am, I was.

Mrs. Roby. Okay. Mr. Conaway.

Mr. Conaway. General Ham, can you comment, give us your thoughts on the mortar team that attacked the annex based on your long history in infantry? The public reporting shows that one round went -- I don't know the order, but one round went short, one round long, and the next three landed right on the roof. Can you give us your thoughts on that accuracy? Was that a pick up team or how did they do that?

General Ham. In my judgment, sir, that could only be performed by a well trained team with an observer in a place that could see the impact of the rounds and relay the adjustment to the guns, to the mortars to make the adjustment.

Mr. Conaway. So this wouldn't have been some guys found a mortar tube in the back of a pickup and said, hey, let's go throw them at these guys.

General Ham. I do not believe that to be the case.

Mr. Conaway. Would it have been helpful then to have sited in and known distances ahead of time if they had to do that?

General Ham. It would have been, but certainly not necessary.

Mr. Conaway. If they had an observer.

General Ham. If they had an observer. And I don't know this. But my assumption is what they saw was when the Americans left the special mission facility shortly after -- at the conclusion of the first attack, and then moved to the annex in Benghazi, it seems apparent to me that that movement was monitored. And because of the delay in

[REDACTED]

[REDACTED]

getting the movement off the Benghazi airport to get the people out of the annex back to the airport back to Tripoli, and afforded enough time for this group, whoever they may be, to have brought fighters and weapons and said, okay, now we know where they are. And they had time to organize that second attack.

[REDACTED]

General Ham. As a combatant commander, I can start the wheels in motion. But whenever we are going to employ U.S. military forces into an environment where combat is likely, then that is the Secretary -- the Secretary has to make that decision.

Mr. Conaway. Okay. And then Dr. Heck was talking about the difference between no forces available versus your comments -- or at some point in time that once you examined the tanker requirements and what jets might have been available, the close air support, that you determined that that wasn't the right kind of a tool to be used. Is it that the tools weren't the right tools to use or was it there weren't tools available?

General Ham. No, sir, the tools could have been made available. If I had placed a demand, if I had said to the air component commander I need X number of fighters and tankers on such alert, now that would have competed with other global priorities. But again, in my judgment I didn't think that was the right tool so I did not place that demand

[REDACTED]

[REDACTED]

on the system.

Mr. Conaway. Okay. Can you give us any thoughts on, particularly with aviation resources available for 9/11 and the leadup to that, and the thought, all right, this is one more anniversary of 9/11, which by the way 9/11/2011 nothing happened, and so hindsight is always great, can you talk to us a little bit about the aviation forces posture that day or leading up to that and your decisions as to what kind of alerts to have them on?

General Ham. Yes, sir. The principal asset would have been the F-16s based in Aviano. Those are, not surprising, those are U.S. European Command assets. So in a technical way the Secretary of Defense has to make a decision to say, okay, you are going to now operate for Africa Command. And the same for the tankers, which operate for Transportation Command.

But all of that could have been arranged. But again, sir, in my judgment strike aircraft weren't the right tool. So I know others disagree with this, but I did not ask to have those systems placed on heightened alert.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Mr. Conaway. Okay. Thank you, General. I appreciate your service.

Mrs. Roby. Mr. Thornberry.

[REDACTED]

[illegible]

[REDACTED]

RPTS DEAN

DCMN HOFSTAD

[11:05 a.m.]

General Ham. Just a caution about some levels of security. But I can answer your question.

Mr. Thornberry. Okay.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Mr. Thornberry. Okay. And I understand the time frame, whether they could have made a difference. But do you think it was clear what their mission was when they arrived, or was that yet to be determined?

General Ham. When they -- when the Secretary of Defense first gave them a verbal order to launch, they did not -- they didn't even know where they were going, at that point. It was, start your movement in this direction. In my view, they were headed toward hostage rescue and to posture a force to recover/rescue an American Ambassador held hostage.

That message changed once we knew the Ambassador was dead and his body had been recovered. The mission for that element then, in my mind and in direction, shifted from hostage rescue to targeting and bringing

[REDACTED]

[REDACTED]

to justice the perpetrators of that attack.

Mr. Thornberry. Okay. Well, I am going to have to leave that for a second.

I want to go back now to you and Secretary Panetta and General Dempsey at the Pentagon second meeting. They come back from the White House. The options that you all consider, where do they originate? Was that AFRICOM pushing up to you, we could be do A, B, C, D? Was it the joint staff saying, we could do this? Where do those options originate?

And, as you all considered those options, were you or somebody around you in touch with the White House or the State Department to mull those over?

General Ham. It is a pretty collaborative process. At some point, it is formally, maybe verbally, me to the Secretary of Defense saying, Mr. Secretary, I recommend that you deploy this force, and he says yes.

Mr. Thornberry. But I am talking about more the collaborative part.

General Ham. Right. So it is a real -- it is very much a discussion. The State Department discussion is twofold. It is from Africa Command headquarters talking to people at the Embassy, and our primary conduit was the defense attache. So we are talking to the Embassy and getting near realtime updates from there.

But there is also a more formal link between the National Military Command Center and the State Department's operations center. So,

[REDACTED]

[REDACTED]

again, it is a pretty collaborative process that is ongoing here.

Mr. Thornberry. Well, I guess what I want to understand is, that night, in this situation, were there equities that were laid into the process by the State Department or the White House as you all talked about what to do?

General Ham. Yes, sir, there were. I mean, some of it was, frankly, mechanical: country clearance, overflights. You know, from where can we launch tankers? You know, will the Italians agree to allow the force to land and base in Sigonella? Under what parameters? You know; same for Souda Bay in Greece and Spain. So it is those kinds of decisions or discussions that were ongoing.

Mr. Thornberry. Just, Madam Chair, if I could just finish right quick.

[REDACTED]

General Ham. Yes, sir. I am not -- I am not privy to the, you know, to the discussions between DOD and State. But I think how you have characterized it is, in my view, how that would normally have followed.

Mr. Thornberry. Okay. Thank you.

Mrs. Roby. Dr. Heck?

Dr. Heck. Thank you, Madam Chair.

[REDACTED]

General Ham, I don't want to belabor this issue, but I just want to be clear for the record.

So when it comes to whether or not there were strike aircraft available on the actual attack date of September 11th, understanding that you had already made the decision that you didn't think that was the right tool, so nothing was prepositioned or in the heightened state of alert, at the time of the attack, were there any assets available that could have had an impact should the decision have been made to launch?

General Ham. No, sir.

Dr. Heck. Thank you.

I yield back.

Mrs. Roby. Mr. Chaffetz?

Mr. Chaffetz. Thank you, Madam Chair.

What was the direction from the President of the United States? What was his directive?

General Ham. Sir, I --

Mr. Chaffetz. What was the -- what -- the President of the United States, what did --

General Ham. I don't -- I did not have any discussions with the President.

Mr. Chaffetz. What was your understanding that the President was authorizing you to do?

General Ham. The Secretary of Defense gave me clear direction at the outset, you know, to deploy forces, again, in anticipation that

Mr. Chaffetz. Was there --

Mr. Chaffetz. What -- State, you said, was involved in some of the discussions. Was there ever any concern about having military, called U.S. military with boots on the ground in Libya? Was that of the discussion and the concern?

Mr. Chaffetz. No, I meant during the actual attack.

Mr. Chaffetz. Yeah.

Mr. Chaffetz. I have a hard time believing, General, that part of the concern was overflights and permission. We have heard testimony that there was no ask for overflight permission.

[illegible]

[REDACTED]

[REDACTED]

The FEST was not implemented, which is the inner agency; I don't hold you responsible for that. NATO was never asked, never notified, given any direction. We did -- we had the option of potentially trying to put in motion some show of force; that was not done. Personnel on the ground wanted to go; that was denied.

The extraction took an exceptionally long amount of time. I still don't understand, with two men down by 10:00 p.m. local time and then another attack at 5:00 a.m. the next morning, how at 6:05 in the morning the Department of Defense prepares a C-17 to go down, and that doesn't actually depart Germany until 2:15 p.m. and doesn't return back to Germany until 10:19 p.m. I have flown with you from Germany to Libya. It is not that far a flight.

So I go through this list, and then I look at the FBI couldn't even get in there for another 18 days. And I appreciate in the fog of what is happening so quickly how we made a decision -- I guess how you made a decision that this thing was over pretty much right after it started. Because, obviously, it wasn't. And we did have eyes, we were able to watch, we did know that we were taking small arms fire.

So how do I rectify all that? I am not out to get you. I want to get to the truth. This is the third time I have met you, and this is the third different story I have heard. I have never heard you say that you thought this was over until -- right after it started.

How do I rectify that? Help me understand that.

General Ham. Well, sir, I guess your recollection and mine are

[REDACTED]

[REDACTED]

a little bit different. I think I have always maintained that, in my view, they were two attacks separated by time.

And the reason for the deployment times was because the nature of the mission changed. Again, when I thought and conveyed through the Chairman of the Joint Chiefs of Staff to the Secretary of Defense that the Ambassador was missing, we might be in hostage rescue, the appropriate force started to move. That mission changed. We were no longer in hostage rescue; we were in a different mission.

Mr. Chaffetz. But that was 5 1/2 hours after the initial attack. We didn't know until 3:00 a.m. What happened in those 5 1/2 hours?

[REDACTED]

I think it is also important to remember that the country team -- the charge d'affaires and the country team had appropriately and understandably coordinated with the Libyan Government for the movement of the team to the Benghazi airport with Libyan security, pick up the people at the annex in Benghazi, move back to the Benghazi airport, and return to Tripoli.

Had that occurred on the timeline that the Embassy had coordinated with the Libyan Government, the people would have been out of Benghazi by the time the second attack occurred. And I believe in that delay is what afforded what I believe to be a well-trained team to organize for a second attack. But had the plan that the State Department, in my view, reasonably established executed, the second attack would not have occurred.

[REDACTED]

[REDACTED]

Mrs. Roby. The gentlemen's time has expired.

And, General Ham, we really appreciate your willingness to stay over the time that we know was your hard end time. I again want to just tell you, thank you for being in front of this subcommittee today. And, again, thank you for your service to our country.

And we stand in a 5-minute recess to prepare for the next briefer, Lieutenant Colonel Gibson. Remember, please, no notes leave this room.

[Recess.]

Mrs. Roby. Let the record reflect that Members received a memo from staff which incorrectly indicates that Marines were present in Libya, and this is an error. So you all have a memo. It is in error. Please make note of it.

Lieutenant Colonel Gibson is now our briefer. And Lieutenant Colonel Gibson's activities have been the subject of much speculation and commentary in the past months. And he has been invited today to brief us on his firsthand knowledge of his actions in Tripoli and the efforts that he undertook to assist U.S. personnel in Libya on September 11th.

In addition to his experience in Libya as leader of the Site Security Team in Tripoli, Libya, Lieutenant Colonel Gibson has been deployed all over the world, including Iraq and Afghanistan.

Colonel Gibson, you may begin.

[REDACTED]

STATEMENT OF LIEUTENANT COLONEL S.E. GIBSON (USA), FORMER COMMANDER,
SITE SECURITY TEAM, U.S. EMBASSY, TRIPOLI, LIBYA

Colonel Gibson. Thank you, Madam Chairman.

Madam Chairman and distinguished members of this subcommittee, I am Lieutenant Colonel Gibson. I have over 25 years of service and have been in Special Forces for over 20 years.

Mrs. Roby. Sir, can you just pull that microphone right up to your mouth so we can all hear you really well? Thank you.

Colonel Gibson. And I have been in Special Forces for over 20 years. I have served this Nation in various other countries around the world, including Haiti, Iraq, Afghanistan, Bosnia, Colombia, as well as numerous locations in Africa, including Libya. I am married and have three children. One son currently serves in the Marines Reserves. It is an honor for me to serve my country.

I have been directed to brief this committee regarding my actions on the night of September 11th and morning of September 12th, 2012.

On September 1st, 2012, I was assigned as the officer in charge of a small Special Forces unit based in Tripoli, Libya. I was personally selected for this position by the Commanders of Special Operations Command Africa and Joint Special Operations Task Force Trans-Sahara.

My unit was based in the U.S. Embassy housing area that was previously used by the security support team, or SST. The duties and responsibilities for the SST had ended, and the remaining personnel,

[REDACTED]

including myself, were assigned to conduct a program to develop Libyan Special Forces. We were limited by Department of State to six Special Operations personnel in Libya in order to conduct this mission.

To the best of my recollection, the timeline of events for the period of September 11th and 12th, 2012, are as follows. All times are local to Tripoli, Libya.

At approximately 9:45 p.m., I received the initial reports of an attack in progress at the U.S. Embassy in Benghazi -- U.S. Embassy complex in Benghazi. At approximately 9:50, I issued a warning order to my three team members to stand by. I then went to the U.S. Embassy operations center in Tripoli.

At approximately the same time, I contacted the JSOTF operations center and informed them of the reported violence in Benghazi. At that time, we were unsure of the size of the attack in Benghazi or if it was part of a larger plan to hit multiple targets, including those in Tripoli. That was the reason I issued the warning order.

At approximately 9:56 p.m., the Regional Security Officer and U.S. Embassy operations center personnel were in contact with Benghazi, and they were reporting explosions in the compound and an attempt to penetrate the front gate by the attackers. I do not know specifically who the RSO or who the Embassy operations center were talking to in Benghazi.

At approximately 10:00 p.m., I updated my team members of the reported attack and the situation as we understood it at that time. At approximately 10:15 p.m., I received a phone call from task force

[REDACTED]

[REDACTED]

members residing at the Regional Affairs Office annex that they were moving to the airport with the [REDACTED] annex-organized response team to reinforce Benghazi.

Immediately following this phone call, I contacted the JSOTF-TS commander and informed him of this movement. At this time, the JSOTF-TS commander stated that I can make all decisions in response to the unfolding situation in Benghazi. This is only for DOD personal that were under my direction.

There were concerns this might be part of a larger coordinated attack within the U.S. Embassy -- with the U.S. Embassy Tripoli being targeted.

At that time, I assessed the security at the U.S. Embassy in Tripoli is poor. According to my recollections, the security element at the Embassy consisted of three assistant regional security officers, a few members of the diplomatic security team, and an unarmed local National Security Force. The [REDACTED] annex had a larger armed security force, though I do not know the specific size or the capabilities.

At approximately 10:45 p.m., my three personnel were on the roof of the U.S. Embassy operations center. My small security -- my small element was manning our through-serve weapons and were capable of providing security support to the U.S. Embassy in Tripoli.

It is important to understand that the relative small security forces that were deployed to Libya were, on the night of September 11th, 2012, split between four locations: two locations in Tripoli, divided between the U.S. Embassy and the [REDACTED] annex; and two locations in Benghazi

[REDACTED]

[REDACTED]

that were further divided between the U.S. Embassy complex and the [REDACTED] base. My Special Forces team of four personnel continued providing security for the U.S. Embassy complex in Tripoli while we attempted to gain further clarity on the situation in Benghazi.

In Tripoli, discussions were ongoing about consolidation of personnel and execution of ordered departure of nonessential U.S. Embassy personnel. At approximately midnight, the Deputy Chief of Mission and the Regional Security Officer made the decision to evacuate the U.S. Embassy complex in Tripoli and consolidate at the [REDACTED] annex in Tripoli.

Again, because of the limited security in Tripoli, we continued our support to the U.S. Embassy, consolidation of personnel, and security en route to the [REDACTED] annex. The team then began consolidation of sensitive items and destruction of classified material.

At 1:08 in the morning of September 12th, the flight carrying the [REDACTED] response team was wheels-up from Tripoli and en route to Benghazi. At approximately 2:00 a.m., the flight arrived in Benghazi.

Back in Tripoli, we were completing the consolidation of all sensitive items, gear, and prepared to support the movement of U.S. Embassy personnel to the annex. I contacted the SOCAFRICA operations center to inform them that we would be shutting down our secure communications center and moving to the annex at the earliest opportunity. I made sure they had my cell phone number in the event they needed to contact me.

At some point, we received word that the Libyans were providing

[REDACTED]

[REDACTED]

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. I briefed the team that, once we get everyone over to the [REDACTED] annex compound, we would turn and head to the airport to get on the Libyan C-130 heading to Benghazi.

Of my four-man element, I had one person that was being treated for stress fractures to his foot, and his foot was in a support cast. I asked the medic if the soldier was physically able to go. The soldier took off his cast, put on his combat boot, tightening up his bootlaces in order to provide enough support, and I planned to take him with me.

In the early morning hours, we began our move to the annex. At approximately 4:45 a.m., I contacted the SOCAFRICA operations center and informed them we were beginning our movement to the annex.

At approximately 5:00 a.m., the movement was complete to the annex and all U.S. Embassy personnel in Tripoli were secure. We had successfully protected, transported, and secured all Department of State personnel in Tripoli during an uncertain and potentially volatile time.

I then told the team to prepare for movement. We took all of our weapons and combat gear and were preparing to move to the airbase. We were unsure how long the situation in Benghazi would continue or when additional forces would be available.

I was unsure how we would move from the Benghazi airport and what type of reinforcement we would provide, but I believed we needed to

[REDACTED]

[REDACTED]

support our efforts in Benghazi. I went to Deputy Chief of Mission Greg Hicks and told him we were preparing to move to the airport. He shook my hand and told me to bring the guys home.

At this same time, at approximately 5:05 a.m., I contacted the SOCAF current operations director, who was in the SOCAFRICA operations center, and informed him that we were preparing to conduct movement to the airport for onward movement to Benghazi. I was calling to inform them of the movement so that they could track personnel.

At this point, the SOCAFRICA current operations director told me to hold on. He relayed to me that I was to remain in place at the annex and not board the aircraft. I questioned the SOCAFRICA current operations director about the origin of this directive. He stated it was from the SOCAFRICA operations director, who had returned from the SOCAFRICA command deck.

At this point, I fully understood I no longer had the approval from my command to reinforce efforts in Benghazi. I also fully understood that I no longer had the tactical latitude previously allowed by JSOTF-TS commander. I informed DCM Greg Hicks that I was ordered to remain in place and not board the aircraft.

As I recollect, we continued to prepare and determine how we could provide support. We maintained visibility of events as they unfolded in Benghazi. I remained in constant communication with DCM Hicks and the defense attache.

I received a couple of phone calls from the element in Benghazi, and they kept me updated. When they were preparing their movement from

[REDACTED]

the [REDACTED] base to the Benghazi airport, they called. They called again when they had received the remains of Ambassador Stevens. Following this phone call, I informed Charge Greg Hicks and the team in -- that the team in Benghazi had possession of Ambassador Stevens' remains. He then notified his staff.

Later that morning, at approximately 7:45 a.m., I received the word from the annex personnel that the first plane was wheels-up from Benghazi and was inbound to Tripoli with wounded.

We had the only Special Forces medic available, and I called the SOCAFRICA operations center and told them I was sending the team with the medic to the Tripoli airport to assist with inbound personnel and wounded. I was again told to remain in place. I was visibly upset and vocal in my disagreement with this directive. I told the team to continue to get ready.

Approximately 5 minutes later, I received a phone call that stated we were cleared to go to the airport. My team members went with the U.S. Embassy and annex personnel to receive the inbound personnel and wounded. My team members continued to provide support to the personnel inbound from Benghazi until the last plane arrived at approximately 11:40 a.m.

Madam Chairman, these are the facts as I know them.

Ambassador Stevens and Sean Smith were murdered before anyone could have staged a rescue. Departing with the first team and leaving the U.S. Embassy in Tripoli with its personnel unsecured and continuing to split what few forces we had in Libya would have been a tactical

[REDACTED]

mistake with potentially catastrophic consequences.

The plane that departed from Tripoli at 6:00 to 6:30 a.m. would not have arrived in Benghazi until approximately 8:00 to 8:30. The situation at that time was unclear, and we were unsure how long the violence would continue. I wanted to get on that plane. However, by the time the second plane got to Benghazi, the first plane was already en route to Tripoli with the wounded.

The Special Forces medic was instrumental in saving the life of one of the wounded and securing the remains of Ambassador Stevens and others. He was later recommended for the Bronze Star for his extraordinary actions.

I was ordered to not get on the Libyan C-130 going to Benghazi. It was a legal and lawful order, to which I complied. That order and that decision would not have changed the outcome. Failure to comply with this order could have made the situation worse for those returning from Benghazi.

The reduced security forces in Tripoli, Libya, and specifically the U.S. Embassy compound, were completely inadequate to secure or defend. This constraint severely limited my options for support to Benghazi.

On a personal note, I knew Ambassador Stevens and met him before I deployed to Libya. I met him a few more times while I was in Libya. I respected him personally and professionally.

On the night of September 11th and morning of September 12th, the Special Operations personnel in Libya did everything reasonably

[REDACTED]

[REDACTED]

possible to ensure the safety of all personnel while rescuing those in harm's way.

I remained in Libya for another 8 months before returning on May 13th, 2013.

This concludes my prepared remarks.

[The prepared statement of Colonel Gibson can be found in the Appendix on page ?.]

***** COMMITTEE INSERT *****

[REDACTED]

[REDACTED]

Mrs. Roby. Thank you, sir, for being here today. And I just want to tell you, thank you again for your service to our country and your family's sacrifice and that of your children, as well, and your wife.

At the May 8 hearing of the House Oversight and Government Reform Committee, Gregory Hicks, who was the Deputy Chief of Mission at the Embassy in Tripoli that you have referred to, on the day of Benghazi attacks, he was asked by a Member, and I quote, "You believed help was needed in Benghazi, and there was a SOF unit, Special Operations unit, ordered to stand down, correct?" And Mr. Hicks replied "yes" to this question.

Do you agree that you and your team were ordered to, quote, "stand down"?

Colonel Gibson. 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.

Mrs. Roby. And, in hindsight, which we have tried in asking a lot of these questions to make sure that we are looking at this situation based on what you knew at the time, and, of course, looking back on what we know now, should you and your team have gone to Benghazi?

Colonel Gibson. Madam Chairman, if we would have went to Benghazi, it could have had catastrophic -- are you talking about the first plane or the second plane, Madam Chairman?

Mrs. Roby. The second plane, when you were told not to go.

[REDACTED]

Colonel Gibson. 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.

Mrs. Roby. And who were you talking with at the higher authority? What level of command?

Colonel Gibson. I was talking with the Theater Special Operations Command. The way that it works, Madam Chairman, is -- we have a saying that you take all directions from the tower, which is the Joint Operations Center. I was talking to the Joint Operations Center current operations director.

Mrs. Roby. Can you describe for me the hierarchy of the three other Special Forces soldiers that were under your command at the Embassy? They have been described by various reports, press reports, as a team or a unit. So can you paint that picture for us?

Colonel Gibson. Yes, Madam Chairman.

The three members that were part of my unit had previously been assigned to the security support team. When that mission ended, they then fell up underneath the Theater Special Operations Command.

Theater Special Operations Command Africa, we also have a Joint Special Operations Task Force. That is what I fall up under, and that is what they fall up under. So it is the Joint Special Operations Task Force Trans-Sahara and then the Theater Special Operations Command Africa and then AFRICOM.

[REDACTED]

Mrs. Roby. I want to go back real quickly. I asked you in hindsight, but at the time, in your testimony, you said that you were visibly upset by the decision that had been made.

Describe that to us. You were of the opinion that you needed to get on that plane and go to Benghazi, and you were told to stay in place. In hindsight, you believe that to be the right decision because it could have been catastrophic, per your answer you just gave.

But tell me about in that moment what your thoughts were, with your experience, as to why you should have been on the next flight out to Benghazi.

Colonel Gibson. At that time, Madam Chairman, I did not have all the visibility. Understand that we had broken down our secure communications center. I did not have all the visibility that the theater had. I understand that there was an ISR platform that was overhead. I didn't have access to see what was going on. I just understood, at that time, that we still had people that were in harm's way.

I had secured the personnel that I was not even in charge of but I felt responsible for. I had gotten them to a secure location. At that time, I felt like I needed to shift my focus to the next group of personnel that were in harm's way.

When I was told to remain in place, I did not know everything that the theater knew, so, of course, down at the tactical level, I was visibly upset.

Mrs. Roby. Thank you.

[REDACTED]

[REDACTED]

Ms. Tsongas?

Ms. Tsongas. Thank you, Lieutenant Colonel, for being here with us today and for providing some further clarification on what took place on the evening of September 11th last year.

As we were sort of making our way up to the anniversary of 9/11, how did you assess the security situation in Tripoli in general?

Colonel Gibson. Ma'am, at that time, I was no longer responsible for security. That fell under the purview of the Regional Security Officer. Of course I had done what we call threat vulnerability assessments, which is what every Special Operations personnel does at any given time, but it was more of a calculus in my head.

We had received ongoing threats that -- potential threats, just because it was September 12th -- or September 11th that was oncoming, but nothing specific to Tripoli or to Benghazi, to my recollection.

Ms. Tsongas. And as the situation unfolded in Benghazi and certain members had to make their way, the first group that made their way to Benghazi to be of assistance, captive though they were at the airport for a number of hours, what was your view of what your responsibility was in Tripoli?

Colonel Gibson. Ma'am, if I would have got on that first plane and the second attack or a potential follow-on attack would have occurred in Tripoli and I would have left the 28 -- I believe, at that time, there were 28 -- Department of State personnel unsecured and not having adequate security, that could have had potentially catastrophic consequences.

[REDACTED]

[REDACTED]

Ms. Tsongas. And were you and your team the only ones left in Tripoli to provide that security?

Colonel Gibson. Ma'am, as I remember, there were a couple of assistant security officers, there was a regional security officer, and less than a handful of diplomatic security personnel. That would have been completely inadequate in order to defend that compound.

Ms. Tsongas. And so, now knowing what you know now, are you satisfied with the Department's operational response, given how assets were postured in the region on the night of the attack?

Colonel Gibson. Ma'am, I can't speak to that. I am at a tactical level, not at a strategic level.

Ms. Tsongas. Thank you, sir.

I yield back.

Mrs. Roby. Mr. Conaway?

Mr. Conaway. Thank you.

Colonel Gibson, thank you for your service. Appreciate that, your family's sacrifice.

Did the State Department's Accountability Review Board interview you?

Colonel Gibson. No, sir, they did not.

Mr. Conaway. Okay.

Just to be clear, uniformed personnel in Tripoli that evening: you and your three guys, a defense attache -- was there a defense attache there, a uniformed officer there?

Colonel Gibson. There was, sir.

[REDACTED]

Mr. Conaway. And do you know anybody else in uniform?

Colonel Gibson. I believe there was an OSC chief.

Mr. Conaway. Okay.

It doesn't make any difference, but who had the broken foot, the medic or one of your other guys?

Colonel Gibson. It was actually my weapons sergeant.

Mr. Conaway. Okay.

No further questions. Thank you. Appreciate your service.

Mrs. Roby. Just one follow-up question from previous questions.

The second time when you positioned yourself and your team to move to the airport to receive those that were returning from Benghazi, there was a delay. You were first told, you cannot go. And then there was some period of time, and I can't remember -- you gave us a time frame. Then you were you allowed to go, in order to receive those individuals back.

What was the delay? What was the problem?

Colonel Gibson. I can't really speak to why there was a delay. I can only -- I assume that it was a mixup in communication between the Joint Operations Center and the command staff. And then, once they got further guidance from the command staff or the commander, then that came immediately down to me. It had no affect on it.

Mrs. Roby. And, at that time, I mean, you knew that the -- or you felt confident that what your team had done in Tripoli to secure those individuals, that you could leave and be of assistance at the airport?

Colonel Gibson. Absolutely, Madam Chair.

Mrs. Roby. Okay.

Mr. Thornberry?

Mr. Thornberry. Colonel Gibson, like everybody else, I am very grateful for your service, in the past and continuing.

Was it ever suggested to you or were you ever directed not to talk to Congress about the events of September 11th?

Colonel Gibson. Sir, the only directive that I was given is to not talk to the press and that if any questions came to me that I was to direct them to AFRICOM, to which I complied.

Mr. Thornberry. Any questions from any source?

Colonel Gibson. Correct, sir.

Mr. Thornberry. Okay.

And in your statement today, did the -- were there folks at Department of Defense, at the Pentagon, that reviewed your statement before you gave it this morning?

Colonel Gibson. Yes, sir, they did review my statement. However, they did not have editorial rights over my statement.

Mr. Thornberry. Okay.

And the other question I have is, you remained in Libya until May, just about a month ago. What were you doing then all of that period?

Colonel Gibson. Sir, during that period -- there was a period of approximately 2 to 3 months where we were unsure of the situation as it was developing in Libya, so we continued to provide assistance with the Libyan military, continued to conduct mil-to-mil engagements,

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military-to-military engagements, with senior Libyan military officials. And, eventually, we began standing up a program to develop Libyan Special Forces.

Mr. Thornberry. Okay. And was that all four of the individuals who were with you, or was that just you?

Colonel Gibson. I was conducting the majority of the military-to-military engagements. My personnel were the primary ones to conduct the training.

Mr. Thornberry. But the same -- I guess my point is, the same four people stayed with you basically until May?

Colonel Gibson. Negative, sir. There have been two teams that have rotated in during my tenure down there. I was the continuity for all of that period.

Mr. Thornberry. Okay. So you are the only one that stayed during that entire time to focus on this training and so forth?

Colonel Gibson. That is correct, sir.

Mr. Thornberry. Yeah.

Okay. Thank you. I yield back.

Mrs. Roby. Mr. Nugent?

Mr. Nugent. Thank you, Madam Chair.

And, Colonel, I certainly do appreciate your service, and I know the sacrifice you and your family have gone through. And I appreciate one of your sons serving this country. I have three currently serving also.

It is -- I guess it is important to me to make sure -- I mean,

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[REDACTED]

as a DOD -- as representing the United States Army, you were put in a tough spot in Tripoli. Particularly, you were part of that security force prior to the August 2nd stand-down; is that correct?

Colonel Gibson. Just a correction to that, sir. I was never part of the security support team.

Mr. Nugent. Okay.

Colonel Gibson. I did not arrive in country until September 1st. And, by that time, the security support team mission had ended.

Mr. Nugent. So you weren't aware of the prior attacks on the annex in April of that year?

Colonel Gibson. I was aware of it, sir. I was just not part of that team that had provided those duties and responsibilities.

Mr. Nugent. So the Department of Defense is really subservient to the State Department as it relates to any type of security as it relates to the Ambassador or the Tripoli location or the Benghazi location. Is that correct?

Colonel Gibson. Sir, during my tenure, I was under combatant command authority, not under chief-of-mission authority.

Mr. Nugent. And I certainly appreciate your frustration when you want to, you know, get into the fight. And, in hindsight, it worked out, I think, in the best interest of everybody that obviously you did not get on that first aircraft. But was that first aircraft that left Tripoli, was that an American aircraft or a Libyan?

Colonel Gibson. Sir, to my understanding, it was a charter aircraft that the Regional Affairs Office had chartered. It had a

[REDACTED]

Libyan tail number.

Mr. Nugent. So did it return back to Tripoli right after it deposited those forces?

Colonel Gibson. Sir, it is my understanding that the aircraft remained in Benghazi until those forces retrograded to the Benghazi airport.

Mr. Nugent. So you are telling me that the aircraft that transported those troops to the Benghazi airport, that aircraft stayed on station there at the airport or it returned back to Tripoli?

Colonel Gibson. Sir, it is my understanding that the aircraft actually remained on station in Benghazi. I wasn't in Benghazi, but that is my understanding, is that the aircraft remained in Benghazi at the airport until the personnel with the wounded and also the -- all of them had retrograded back to the Benghazi airport.

The first load consisted of, my understanding is, the wounded and then another key -- other personnel. And then it left. And then the next aircraft did not arrive until approximately 30, 45 minutes later.

Mr. Nugent. We have been told that the Libyan aircraft cannot fly at night. Is that your understanding, too?

Colonel Gibson. That is my understanding also, sir, because of their capabilities.

Mr. Nugent. But the contract aircraft could?

Colonel Gibson. That is correct, sir.

Mr. Nugent. You know, obviously, if you had been on that first plane, you would have been engaged in the second attack, which obviously

[REDACTED]

could have caused additional casualties to your troops, but also it would have left the Tripoli unguarded. Is that correct?

Colonel Gibson. That is my assessment of it, sir.

Mr. Nugent. Okay.

Colonel Gibson. And my assessment is that, if that second attack would have materialized, it would have been catastrophic.

Mr. Nugent. And one last thing from the strategic standpoint of it. If you had left the Tripoli location, what security forces were there in Tripoli? Were there any other security forces there besides your team?

Colonel Gibson. To my recollection, sir, there were a couple of -- I think there were three assistant RSOs, regional security officers. Primarily they were manning the Joint Operations Center. There was just less than a handful of diplomatic security personnel. And then there were some unarmed local national guards that were also there.

At that time, to my recollection, the Libyan military, the Libyan Government had not sent any additional forces to secure the compound, if that is your question, sir.

[REDACTED]

[REDACTED]

RPTS JOHNSON

DCMN BURRELL

[12:00 p.m.]

Mr. Nugent. Yes. Colonel, I do appreciate you testifying and your candor. I know it is difficult, not a great place to be sitting, but we do appreciate it. Thank you.

Colonel Gibson. Thank you, sir.

Mr. Nugent. I yield back.

Mrs. Roby. Mr. Chaffetz.

Mr. Chaffetz. Thank you, Madam Chair. Thank you, Colonel Gibson, for your dedication to your country. I believe that I met you in Libya. Is that correct?

Colonel Gibson. That is correct, sir.

Mr. Chaffetz. Were you given any direction prior to my visiting about your interaction with me?

Colonel Gibson. None that I recollect, sir. The only thing I was told was that if you asked me some questions, that if I am capable of answering, to answer them.

Mr. Chaffetz. Thank you. I want to go back to the timeline, because one of the great confusions, the reason we are 10 months later still doing this is we had so many different timelines from the different agencies. You, I believe testified, and again this is why I am asking, 5:00 o'clock you had they had moved from the Embassy in Tripoli to the annex. Correct?

Colonel Gibson. I believe we left a little before 5:00, it was

[REDACTED]

[REDACTED]

around 5:45.

Mr. Chaffetz. But they were secure in the annex at approximately 5:00 a.m.

Colonel Gibson. That is my recollection, sir.

Mr. Chaffetz. And then at 5:05, which is roughly 10 minutes before the second bigger attack in Benghazi, you had, that is where you had made the request to go forward to Benghazi. Correct?

Colonel Gibson. Sir, I want to be clear I did not call up requesting permission. I called up to inform. At that time, I understood that I had the tactical latitude forwarded to me by the JSOTF TS Commander.

Mr. Chaffetz. But were you denied. How quickly did that denial come down?

Colonel Gibson. At the same time I was on the phone, sir.

Mr. Chaffetz. And I am sure you have seen Greg Hicks' public comments and testimony before the United States Congress. Is his representation of the interaction with you correct? Or would you like to correct anything that he said?

Colonel Gibson. Sir, the only thing I would like to say is it had been a long night. I was very frustrated. I was very angry.

Mr. Chaffetz. What other requests had you made, or what other requests or what other communication had you given back to SOCAFRICA or other parts of the chain of command that were denied or you were told not to do?

Colonel Gibson. There were no others, sir.

[REDACTED]

[REDACTED]

Mr. Chaffetz. Was there any expectation that there were other military assets coming to help you in Libya?

Colonel Gibson. Sir, I don't think that we can discuss that at this level. There were indications that there were other assets that were in movement. But once we moved from a --

Mr. Chaffetz. Did you have any expectation that something was -- how far out was help?

Colonel Gibson. I was unsure of that, sir.

Mr. Chaffetz. Were you given any estimations? Did you make any requests for additional help?

Colonel Gibson. Sir, that -- the requests had already been made. I was not given a timeline.

Mr. Chaffetz. Who made that? Who made the requests?

Colonel Gibson. It was my understanding that those requests had gone through DCM Hicks, and also through the Defense Attache.

Mr. Chaffetz. What were those requests?

Colonel Gibson. It is my understanding, sir, they were just requesting help.

Mr. Chaffetz. Help in general. There was no specific ask for any other assets?

Colonel Gibson. I do remember a conversation, overhearing a conversation about an overflight of a jet. But understand I was more focused on the tactical level, sir.

Mr. Chaffetz. Why do you believe you were denied the opportunity to go to Benghazi? You wanted to -- you represent I think the very

[REDACTED]

best of the military, you run to the sound of the guns. And yet that was denied. Why was that?

Colonel Gibson. Sir, there had to have been something more up at the higher levels that they were seeing that I was not seeing.

Mr. Chaffetz. But what did they tell you?

Colonel Gibson. I have never questioned that, sir.

Mr. Chaffetz. They just told you a simple no, you can't go, that is it, end of story.

Colonel Gibson. That is correct, sir. I am a soldier, I follow orders.

Mr. Chaffetz. What did the other members of your team, how did they react to that?

Colonel Gibson. I believe that they were disappointed. We had comrades in harm's way. They were disappointed. But they, like I, did not understand everything that was going on at the strategic level.

Mr. Chaffetz. When did you think you were safe? When was it over?

Colonel Gibson. Sir, I spent 8 months in Libya, 8-1/2 months in Libya. I never thought I was safe.

Mr. Chaffetz. Point well taken. The night of September 11th and the morning of September 12th, when did you think the mission had changed and that you were safe and that the people in Benghazi were safe?

Colonel Gibson. I believe that once the Marines were on the deck and they were standing up --

[REDACTED]

Mr. Chaffetz. I am sorry, the FAST team that had come in?

Colonel Gibson. That is correct, sir. 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.

Mr. Chaffetz. When did you think that everybody in Benghazi was safe?

Colonel Gibson. Once they were in Tripoli, sir.

Mr. Chaffetz. Madam Chair, I think that is something that the committee and certainly the Oversight Committee wants to continue to explore, because it seems that the response is inadequate. Certainly the timing coming before the second wave is something that needs to be further explored because there were some fatal decisions made.

Colonel, I appreciate your service, your dedication to your country, and thank you and your family for your great sacrifice. Yield back.

Mrs. Roby. Thank you. And again, Colonel Gibson, thank you for being here. And my understanding is you will stay in case there are follow up after the next witness. And so we are going to recess for about 5 minutes to set up the room for that and get you situated. And then we will come back for Admiral Losey's testimony.

[Recess.]

Mrs. Roby. Admiral Losey is now at the briefing table. And Admiral Losey was in command of SOCAFRICA from June 2011 until June 2013. He will soon take command of the Naval Special Warfare Group in San Diego.

[REDACTED]

And let me just say, Admiral Losey, thank you for your service and sacrifice to our country, and your family as well. And you may begin.

STATEMENT OF REAR ADMIRAL BRIAN L. LOSEY, USN, COMMANDER, SPECIAL
OPERATIONS COMMAND AFRICA

Admiral Losey. Thank you, ma'am. Madam Chairman and distinguished members of this committee, I am Rear Admiral Brian Losey. I have 30 years of service in the Special Operations community, and served under United States Africa Command as Commander of Special Operations Command Africa, as Madam Chairman mentioned. Previous to that, I served as the Commander of Combined Joint Task Force Horn of Africa from March 2010 to May of 2011. And I am currently serving as the Commander of Naval Special Warfare Command under United States Special Operations Command.

I have been directed to brief this committee regarding my actions on the night of September 11 and the morning of September 12, 2012, as they relate to Benghazi. I have prepared remarks that are to the best of my recollection of events 9 months ago. This statement is consonant with the official DOD timeline, as well the Joint Operation Center's, or JOC's, in-chat logs from the Joint Special Operations Task Force Trans-Sahara, the immediate headquarters for the Special Operations Forces element in Libya, and the U.S. Special Operations Command Africa, a sub-unified command charged with the planning, coordination, and execution of Special Operations under United States Africa Command.

Although I cannot recall the exact timing of events not reflected

[REDACTED]

in the log or record, I am confident that the sequence and relation of events are accurate. There was never any order from Commander Special Operations Command Africa, myself, nor Commander Joint Special Operations Task Force Trans-Sahara to any elements in Libya to, quote, "stand down from responding to Americans under attack." The team deployed to Libya and had the inherent authority, direction, approvals, and rules of engagement to protect Americans and American interests.

We had stepped up the level of leadership seniority at the outset for this relatively small Special Operations contingent out of caution and due regard for the sensitive security situation. The element led by Lieutenant Colonel Gibson that did not deploy to Benghazi with the initial response team remained in Tripoli to provide support in marshalling Americans from the U.S. Embassy villas to the annex in Tripoli and in making necessary security preparations.

Although the principal focus was on Americans under siege in Benghazi, there was concern of potential attack in Tripoli against Americans which remained a consideration throughout the crisis and drove the additional security measures rightfully taken in Tripoli.

At some point during or after the marshalling of Americans at the airfield in Benghazi, around dawn on the 12th, the SOCAFRICA operations director and JOC watch officer raised a request to my deputy commander and I from Lieutenant Colonel Gibson to move to Benghazi. In short order we collectively identified the same concerns. Between the three of us we have about 90 years of collective Special Operations experience.

[REDACTED]

Reporting indicated that Americans in Benghazi had consolidated and been reinforced by Libyan militia, were not actively being attacked, and had already begun to retrograde with coordination in effect to transport the wounded back to Tripoli. Given this understanding of the situation, the daylight flight limitations of the available airlift, and the uncertain security situation in Tripoli, it seemed prudent to maintain the balanced distribution of Special Operations Forces between Tripoli and Benghazi. This was the rationale expressed to me by Lieutenant Colonel Gibson for not moving to Benghazi earlier with the initial response element.

The official timeline, the Joint Operations Center logs and chat logs, and DCM Hicks' testimony confirms that the only role for the four-man SOF element was airfield security, not responding to Americans under siege. DCM Hicks stated that the anticipated mission for the Special Operations element in Benghazi was airfield security. The timing DCM Hicks gave for the aircraft departing Tripoli to Benghazi that Lieutenant Colonel Gibson had requested to board arrived at around 0730 local, more than 2 hours and 15 minutes after the last registered attack.

Further to this point, he recounted how he withheld the U.S. Embassy nurse Jackie from going on the same plane as he was aware that there were wounded incoming. We had no knowledge of additional medical personnel beyond our own medic, a Staff Sergeant Ryan Self at that time.

On September 12, 0138 EET, an entry, so that is 0138 local time, an entry for 11 September at 2345 is reflected in the Joint Operations

Center log. It states, "The Joint Special Operations Task Force Trans-Sahara Commander," that was Colonel George Bristol, "gave the Chief of Station a green light, and also in subsequent discussion indicated that he talked directly to Lieutenant Colonel Gibson, to use Special Operations Forces in Libya as Team Libya as needed, and communicates that same update to Rear Admiral Losey." I do recall that discussion, and the JOC log accurately reflects that discussion.

The senior officer on scene, Lieutenant Colonel Gibson, had the authorities, the direction, the approvals, and the rules of engagement to respond as necessary. The Joint Special Operations Task Force Commander had granted approvals while the first attacks were under way, and the DCM had indicated that he supported Lieutenant Colonel Gibson's movement. Therefore, from our perspective all the authorities, approvals, requirements that Colonel Gibson needed to move at his free will were in effect.

That said, the question on movement towards Benghazi was warranted, given that the retrograde of Americans towards Tripoli had already begun. It can be debated whether providing security at the airfield in Benghazi, already secured by Libyan militia and consolidated Americans, would have been a higher use of the force than receiving the incoming wounded and being prepared to respond to any potential emergent security threats to the Americans' center of gravity shifting back to Tripoli.

The decision was informed by what we knew at the time and was accepted without any further discussion or feedback to the deputy

commander or to myself, which would have been taken under due consideration. So we don't just issue orders and expect people to pop to. Colonel Gibson has full latitude to come back and say, "Have you considered? I don't know if you are seeing what I am seeing. What are you seeing that I don't see?" And so the order was simply followed at that point.

So therefore, Madam Chairman, that concludes my prepared remarks, and I am pleased to take any of your questions.

[The statement of Admiral Losey follows:]

***** COMMITTEE INSERT *****

[REDACTED]

Mrs. Roby. Thank you again for being here. So I am just trying to make sure that I am clear, based on your testimony, that when there was -- the decision was made by you and you said two others that Colonel Gibson and his team should remain in Tripoli, the weighing of that decision was whether it was more important to stay and secure Tripoli or go to what you now know was I guess you are saying was over because the people were already secured at the airport to return.

What we are having a hard time with is the understanding of what it means for it to be over. Because there wasn't any knowledge at that time that there couldn't be additional attacks in Benghazi. So how did you make or come to that conclusion, really not knowing what -- I mean nobody knew what was going to continue to happen in Benghazi. A lot of the answers that we are getting as it relates to force structure and assets and why certain decisions were made are in light of what we know now as opposed to in the moment at that time.

So can you help me understand in a little bit more detail how you came to that conclusion, again not knowing if there could be more activity in Benghazi?

Admiral Losey. Yes, ma'am. I will try and to be clear, too, on what I did know at the time. And that is really the focus of our decisions are made on what we knew at the time.

First, let me say that I don't know what "over" means. You know, you can say it was over after the first attack, but there was a second attack. There could have been a third attack. And I acknowledge that. In my mind, over doesn't happen until all Americans are safely recovered

[REDACTED]

[REDACTED]

to a safe area. I don't know that the airfield is considered a safe area.

But I do understand, my understanding at the time was the roughly 30 Americans had been consolidated at that time, and that the Libyan militia had escorted them down to the area and were providing additional security. When weighed against taking four individuals, one with a foot problem, and one a medic who would be required back at Tripoli to begin with, one a command and control guy and the other his communicator, really the amount of firepower that they brought relative to what already had been consolidated you could argue was probably not significant. But, you know, I can take that point on and work that with you if there is concern.

What would have been compromised is the only military element that was in Tripoli that had any security expertise whatsoever. And they had the communications connectivity with higher headquarters and were passing information to us, along with several other folks. We were getting communications from the Defense Attache through AFRICOM, and we were also getting communications from the task force that was on the ground through their JOC. And we were getting communications from the Joint Special Operations Task Force Joint Operations Center.

So all those things together kind of meshed to form our collective understanding. It may not have been complete, but I felt that leaving Tripoli uncovered would be a concern. You know, there were no absolute indications, there were no specific threats to Americans understood by us in Tripoli. Nor were there any in Benghazi understood by us,

[REDACTED]

[REDACTED]

but clearly evidenced that evening.

In my mind, at that time there was -- that was an attack. When somebody brackets you with mortar fire that quickly, that is an attack. When people mass that quickly with RPGs, that is an attack. And so, you know, the idea that Americans were attacked at that point and that Americans were in Tripoli and that the center of gravity was shifting back to Tripoli were all things that seemed to lead us towards a collective and unanimous consensus that Colonel Gibson was probably better placed in Tripoli.

Mrs. Roby. And so with the latitude that Colonel Gibson understood that he had to move about to make that decision, when he was told not to stand down but rather to stay in Tripoli, he then made an assumption he no longer had that latitude, I guess, because he accepted that. You said that he could have questioned your decision and told you what he saw that made him believe. Did any of those conversations take place?

Admiral Losey. Ma'am, they did not at the time. I think as a matter of command style, the Army generally commands by direction. They say go here, do this. The Navy, because of its maritime history and limited communications at sea, generally commands by negation. Keep doing what you are doing. I trust you and have confidence in you. But if you raise issues to me that I am not comfortable with, I may command you by negation and say don't do that.

Mrs. Roby. Do you think he understood that he had the ability to ask those questions or to -- I mean or do you think he received it

[REDACTED]

as a direct order and didn't question where, why it was being made?

Admiral Losey. I think there is very clear understanding within the Special Operations culture that you can question. There was plenty of time to raise the question. There was time to have a discussion. And the one void that I have, and I have not dug into this, is exactly what the battle captain or the chief of current operations that was my duty officer that night, what his conversations with Colonel Gibson were.

I do know what I told my operations director. And that is -- and we all had the same discussion. Better off left in Tripoli because of what we understand, shifting center of gravity going back to Tripoli. We leave Tripoli uncovered and had an uncertain security situation. Even, even though I can't pin down exactly when he asked, all those conditions were in place. And on top of that we had an understanding that the Libyan 130 was not going to fly until daybreak. And that also was going to add a significant amount of time to getting him to close when we already had closure on the airfield, or were moving towards it rapidly.

Mrs. Roby. Okay. Thank you.

Ms. Tsongas.

Ms. Tsongas. Thank you, Admiral, for being here today. And I appreciate your clarifying this discussion and debate that has been had around whether your orders were to stand down or whether they were something quite different, which was not to go to Benghazi because there was a real need to remain in Tripoli given the uncertainties of what

might come forward in Tripoli, but also that the various American personnel were transitioning from Benghazi to Tripoli.

So it is merely a statement to say thank you for being here. You really reinforced what Lieutenant Colonel Gibson has had to say in his prior testimony. Thank you.

Admiral Losey. Thank you, ma'am.

Mrs. Roby. Mr. Thornberry.

Mr. Thornberry. Thank you, Madam Chair. Admiral, thanks for being here. And thank you for your past and continuing service to the country. Let me ask first, has anyone ever directed or suggested that you not talk to Congress about the events around September 11th in Benghazi?

Admiral Losey. Absolutely not.

Mr. Thornberry. Now, thinking back to before 9/11, were you involved in any conversations, planning, requests about the security situation with the anniversary of 9/11 coming up?

Admiral Losey. Yes. Every year since the first 9/11, there is a focused effort in the intelligence community to discern threats against Americans wherever they may be. And that effort was undertaken both at SOCAFRICA and at AFRICOM to try and discern these sorts of things, with no specific indicators. A general awareness of a heightened security situation certainly, but nothing specific.

Mr. Thornberry. And so your participation would have been with whom?

Admiral Losey. The participation of my discussions?

Mr. Thornberry. Yeah.

Admiral Losey. Within my own staff.

Mr. Thornberry. Okay. And outside your staff, was it AFRICOM to DOD to intelligence community elements?

Admiral Losey. Yes.

Mr. Thornberry. Who was involved with you in this discussion?

Admiral Losey. The principal coordinating element for my staff would be Africa Command. That is our immediate higher headquarters, our superior in the chain of command. There are some more informal connections back to the interagency to try and pull products. But our principal coordination point is Africa Command.

Mr. Thornberry. Okay. And as you remember back for the Special Operations Forces that were under your command, did you instruct something different to happen as 9/11 approached? Some moving people around, moving assets around? Anything different?

Admiral Losey. Sir, usually in the weeks coming up on 9/11 annually at all commanders update briefs, all operations updates which we go through as part of our daily battle rhythm, there is a ramping awareness and discussion of what are we seeing? What are we not seeing? What measures should we take? And then should we see anything that concerns us, then we would go and try and vet that both through higher headquarters and through interagency contacts to see if there is any veracity to the concern. That is really the essence of it, sir.

Mr. Thornberry. Okay. But as you recall, was there anything like that done before September 11, 2012?

[REDACTED]

Admiral Losey. Not queued to specific threats. The general awareness, yes.

Mr. Thornberry. Okay. I get higher awareness. But you didn't have specific information so it didn't make sense, as I understand what you are saying, to move people to particular places or that sort of thing?

Admiral Losey. That is correct, sir.

Mr. Thornberry. Okay. Now, I want to jump to the attack is underway, General Ham is back in the Pentagon with Panetta and Dempsey, and they have got to figure out what to do. What role did you, or in your awareness did AFRICOM play in coming up with options about what should be done once the attack started?

Admiral Losey. My principal coordination point at that time was U.S. Africa Command. The deputy commander, Vice Admiral Leidig, who was on station actively engaged with his staff did call to see what assets we had out and about. And we did have all that stuff rostered again for immediate reference, to include airlift assets. There was some discussion about our nonstandard aviation assets, and could they be mobilized and should they be mobilized and so on and so forth.

The other parts of the discussion, I am kind of pulling bits and pieces here, but a very frank discussion about what are second order effects? You know, if we get assets together, what would we do with them? Ironically, I saw something similar to this line of thinking from Secretary Gates months after. He came out and said, okay, you mobilize a force, what do you do with them? Are you going to put them

[REDACTED]

[REDACTED]

on the airfield in Benghazi? What are the second order effects? How much force can we mobilize? What will our ROE be?

Because no doubt there will be a perception of lethal threat against them, and they will have the rules of engagement to protect themselves. And then what then will the second and third order effects be? So these are all things that we think about and we talk about because we have to be -- we have to understand what the consequences of our actions are, and not acting.

As it happened, as you know very well, that there really wasn't anything to mobilize quickly enough, although as quickly as those assets could be mobilized, my perception is that they were mobilized and staged. But the events of that evening happened far quicker than our posture would allow us to respond. I believe that those posture issues have been improved upon since then.

Mr. Thornberry. And just to clarify, so you all were having those conversations about secondary effects, et cetera, and is it your understanding that the gist of you all's conversations were funneled through AFRICOM back to the Pentagon, where General Ham and General Dempsey and Secretary Panetta were?

Admiral Losey. Sir, I have no idea. I would like to add a little context to that. This is the senior guy at United States Africa Command talking to the commander of Special Operations Command Africa, two senior guys trying to figure out what we should be doing. It wasn't a staff discussion, it wasn't a broad discussion. It was two guys trying to -- you know, informed by our respective staffs, trying to

[REDACTED]

figure out what the best thing to do was.

Mr. Thornberry. I appreciate that. And that is just what we are trying -- I am trying to figure out, is how the range of proposals were figured out and the pros and cons weighed. So I have some more questions but I will yield back.

Thank you.

Mrs. Roby. Mr. Nugent.

Mr. Nugent. Thank you, Madam Chair. And Admiral, I think we all continue to praise you and thank you for your service to our country and your family's service in supporting you. The threats, or at least prior to 9/11/2012, there were a number of actual occurrences in Benghazi that I am sure you are aware of where there was attacks on that compound, but also RPG attacks on a British vehicle. And the Brits pulled out of Benghazi because of that, the unstable conditions.

Was there any point in time where -- and I know this is not necessarily a DOD call -- but where you say, you know, we have got few troops, a small contingent of SOF troops in a tough spot, can we really protect them or the ones, those that are there with the State Department, can we actually protect them? Was that question ever raised?

Admiral Losey. Sir, that question has been raised every day I have been in command. I raise that question every day in my own mind. And sometimes we do ask the questions. But, you know, to your point it is not really appropriate for us to -- you know, we can say, hey, we have concerns about this. And I think we did do that. But beyond that to go we think that -- we really think something should be done

[REDACTED]

here, you only get to a certain point in that discussion --

Mr. Nugent. So you don't push the point because of the obviously distinct differences between Secretary, that particular office in DOD, you are not going to push the point past a certain I guess position to say, hey, listen, it is just not safe for my folks.

Admiral Losey. We raise the point until -- I would raise it until I believe that it has been registered and it is part of the calculus that they have. If I don't agree with the decision I am not going to continue to argue with it. I just try and make sure they understand where we are coming from.

Mr. Nugent. So you will walk away.

Admiral Losey. Yes, sir. And continue again at the next iteration to continue to make improvements.

Mr. Nugent. What has changed since September 11, 2012, as it relates to security? Because as we are talking about we learn from our I guess, you know, the past, I mean it is a great teacher. What are we doing differently now to protect those that are currently in Tripoli and not only the delegation that is there from Department of State, but what are we doing to protect our own, our troops on the ground?

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Mr. Nugent. But they are not located in Africa?

[REDACTED]

[REDACTED]

Admiral Losey. No, but they are postured to respond to incidents in Africa. The headquarters, United States Africa Command and SOCAFRICA is not in Africa either, nor is JSOTF Trans-Sahara.

Mr. Nugent. How fast can they get there?

[REDACTED]

Admiral Losey. Roughly.

Mr. Nugent. From any location where they are stationed or from a particular location?

[REDACTED]

Admiral Losey. Right. And that is the baseline point.

Mr. Nugent. So is that -- we are getting off. Okay.

[REDACTED]

[REDACTED]

[REDACTED]

Mr. Nugent. One last question. Do we have enough force there to protect our interests as it relates to that Embassy and our troops on the ground? Do we have enough force there today? If attacked today, do we have enough force on the ground to protect them?

[REDACTED]

Mr. Nugent. Knowing what we know in regards to the type of threat, it's not like we are facing, you know, a threat that has extremely heavy weapons, but we have a threat with RPGs and with others, do we have enough force on the ground to protect them?

Admiral Losey. Sir, the State Department has to answer that question because they are covering that.

Mr. Nugent. Okay.

[REDACTED]

Mr. Nugent. I appreciate your candor. Thank you.

Admiral Losey. Yes, sir.

Mrs. Roby. Ms. Noem.

Mrs. Noem. Thank you, Admiral, for being here and for answering our questions. I appreciate it. Just a follow-up to that question.

[REDACTED]

[REDACTED]

So have you built up your personnel levels in preparation for training to protect those that are established in the area? And if you have, to what level have you built them up? Even a broad range of percentages would be fine.

[REDACTED]

Mrs. Noem. Okay.

[REDACTED]

[REDACTED]

Mrs. Noem. So tell me some of the lessons learned by SOCAFRICA through the Benghazi attacks. What are some of the lessons learned?

Admiral Losey. You know, the principal lesson, it kind of goes back to the previous question, it has to do with how hard do you push if you have a strong feeling about something. What is the appropriate amount of pushing before people will shut you off so to speak? And you only get so many cracks at it.

Mrs. Noem. Do you plan to implement some changes then in behavior or methods or procedures that you will implement based on these attacks that we have seen in Benghazi and the lack of effective response that we saw?

Admiral Losey. We have done a due diligence, and we have done due diligence, I believe, ma'am, every day. Again, this is not something that you wake up and respond to because there was an attack somewhere in the world. We have been fighting for a while. And these very same -- the context might be a little different, but the threat

[REDACTED]

to your personal body and to your troops is pretty much the same.

Mrs. Noem. So changes necessarily haven't been implemented from the lessons learned.

Admiral Losey. No, we have continued to iteratively, as we have done every day, is iteratively improve our foxhole. We iteratively improve our position every day. We try and detect, assess, and then recognize that our ability to respond to these detected changes is really what is going to keep us safe.

Mrs. Noem. I would like to yield a few seconds to Mr. Nugent.

Mr. Nugent. Just to follow up, I guess this is where I am concerned. And I understand. You know, I was a sheriff and I had rank structure and command. And they probably knew a point where, you know, you didn't want to fight with the old man on a particular issue because the answer -- they laid it out, and you just couldn't go there. And I understand your position. You want to make sure that the troops that you put in harm's way are the best equipped and trained and protected as you can be because there is risks involved.

When you make the push, where does that push end? Is it in the SECDEF's office or does the push go, in particular in an incident like this, to the department that the Embassy is?

Admiral Losey. My push, when I have issues, I go to Africa Command. It is not appropriate for me to go any further. However, we know that if there is departmental level disagreements on things they go through the service secretaries for resolution at an interagency level. I do express my concerns directly to ambassadors. I did

[REDACTED]

[REDACTED]

express directly my concerns, you know, in this context.

We had a 16-man element on the ground. Okay? We made a conscious decision, I support that decision, to draw down on it. But there was a discussion about we have integrated capability here. This is an integrated unit that trained together. What was left after that was not an integrated unit.

Mr. Nugent. Right.

Admiral Losey. It was parts and pieces left to keep the situation warm so we could reengage with our partners.

Mr. Nugent. And what is the scary part about it is that we had -- we may not have had a specific threat, but we knew that that area that we were in was specifically under attack because it had been in April and June of that year.

Admiral Losey. No specific indicators. I don't mean to contradict you. We didn't have specific indicators. We had a general awareness. And we also had a trusted relationship with our host nation counterparts who shared in the burden, if you will. And we always seek to do this. They don't want us protecting ourselves in their country. It is their responsibility to do so. And so we try and activate that most vigorously, in the most vigorous way as possible.

Mr. Nugent. I thank you, Admiral, and I thank the gentlelady.

Mrs. Roby. Sir, did the two-member SOF team that went on the first plane, did they -- that went on the first plane to Benghazi, did they ask for reinforcements?

Admiral Losey. They did not ask us. And this is a big question.

[REDACTED]

[REDACTED]

I mean it kind of goes to a little bit of the fluidity of how we do business. You know, they were assigned to SOCAFRICA for the purposes of a capacity building mission. However, they were owned by another task force.

When the crisis emerged, they defaulted back to their parent command, okay, because there was a crisis situation where they had different authorities and they are more familiar working in that chain of command. It was not a capacity building effort.

So the other task force has what we have OPCON. We call it OPCON, operational control. We had TACON, which is a lesser form of control specifically for a purpose, a time, a specific type mission. Okay. So when it flipped into contingency mode, the other task force took control of their guys, and all the reporting went up that chain. Then from Joint Operations Center to Joint Operations Center we continued to coordinate for awareness.

Mrs. Roby. Well, but with the limited access in the area, I mean explain how that would happen. I mean if we have four people in Tripoli, Special Ops, and there aren't other assets to draw from, where would the two-member SOF team go but to the forces that we had in Tripoli if they did need reinforcements? I mean you are saying that would have to go up their chain and then their chain would let you know that they wanted those four to come?

Admiral Losey. Yeah. Exactly how that happened I don't know. To answer your question, you asked me if they asked me. And the answer is no, they did not ask me.

[REDACTED]

[REDACTED]

Mrs. Roby. To your knowledge did they ask anybody?

Admiral Losey. I don't know that. But I do know that reporting, they were reporting up the other chain of command, because the other chain --

Mrs. Roby. So who would know that, sir?

Admiral Losey. They would.

Mrs. Roby. They being the command of the two?

Admiral Losey. Yes, or even the two themselves. Did they ask for permission? Did they simply move because they knew what they were supposed to do, what authorities they had to respond to Americans? You know, the fundamental ROE, the ROE to protect Americans and protect yourself against threat, I mean everybody in the pointy end of our business knows that, all the SOF guys do certainly, if Americans are in trouble they are going to posture themselves to respond.

Mrs. Roby. With the way you are describing the chain of command to me, would Lieutenant Gibson have any knowledge of whether or not these two -- I mean Colonel Gibson have any knowledge as to whether or not these two were seeking reinforcement?

Admiral Losey. Ma'am, you would have to ask him.

Mrs. Roby. All right.

Admiral Losey. I do know that -- well, there was communication between the two of them. There was communication between the medics in particular and the two guys that went forward. They relayed back medical conditions. They also notified the guys on the ground that the wounded were coming back. So I do know that level --

[REDACTED]

Admiral Losey. Yes. Yeah, they were in communication with each

Mrs. Roby. Were you aware of any specific threats directed towards the Embassy in Tripoli in the aftermath of the Benghazi attacks? Were there specific indicators?

Admiral Losey. You know, there were no specific indicators, nor were there an absence of indicators from a standpoint of something that would dissuade me from believing that an attack could be brought upon us. The exact same conditions, ma'am, in Benghazi. We saw no specific indicators, nor did we see counterindications. Americans were attacked, though, and Americans were in Tripoli, and more Americans were moving to Tripoli.

So, you know, kind of in the back of our mind you see things like the response to miscues against Islam, if you will, how volatile that can be. It is very hard to predict.

Mrs. Roby. Would it be fair to assess that the concern would include additional attacks and hostage taking situations in Tripoli?

Admiral Losey. Absolutely. Absolutely.

[REDACTED]

[REDACTED]

Admiral Losey. In Benghazi that is my understanding, ma'am.

Ms. Tsongas. And just in the unit that was sent there, the initial unit there were several personnel, DOD personnel in that unit.

Admiral Losey. That responded, yes, ma'am.

Ms. Tsongas. Yes. And then in general, so much of our discussion is focused on how the DOD and the State Department interacted. And we keep coming back to the place where it was really the burden was upon the State Department to accept whatever offers of help were provided.

And I think through the Accountability Review Board in the close look at all of that, many recommendations have been made. And I think the State Department has recognized its quite a few shortcomings and moving ahead on that. But I still come back to former Secretary of Defense Gates saying, as he looked at all the decisions that were made, were he in that position he would most likely have made all the same decisions.

So I thank you for being here and helping to clarify the many questions we have.

Admiral Losey. Thank you, ma'am.

Mrs. Roby. Mr. Chaffetz.

[REDACTED]

Mr. Chaffetz. Thank you. And thank you, Admiral, for your service. Were you ever interviewed by the Accountability Review Board?

Admiral Losey. No, sir.

Mr. Chaffetz. I believe you testified that one of the reasons that the four military assets or personnel needed to stay in Tripoli was to help keep the Embassy in Tripoli safe as opposed to going to Benghazi on the second plane. Is that correct?

Admiral Losey. Yeah. I mean without absolute certainty, the general idea was leaving Tripoli uncovered presented more risks than adding four people to the mess that was already in Benghazi and apparently secure.

Mr. Chaffetz. So on May 9th -- it was May 8th actually, Department of Defense spokesperson was unaware of the discussions about Colonel Gibson, should the four go to Benghazi or not. But in a point of clarification that came back on May 9th, the spokesperson specifically quote-unquote rejected, in quotes, "rejected any suggestions that the four remained behind to provide additional protection to the Embassy in Tripoli." So based on your testimony the spokesperson on May 9th was inaccurate in that assessment. Would that be fair to say?

Admiral Losey. I don't have enough information. I know what --

Mr. Chaffetz. Madam Chair, I think one of the things we need to review is the spokesperson months, 8 months after the attack still couldn't answer that question. We are hearing different testimony today from this witness as well as other witnesses.

[REDACTED]

My understanding was that one of the reasons that the four were not authorized to go to Benghazi was because at the time the U.S. personnel had been moved from the consulate -- or from the annex to the airport. Is that correct? I believe that was your testimony.

Admiral Losey. Please say that again. I am not sure what group of Americans we are talking about where.

Mr. Chaffetz. The people that were under attack in Benghazi --

Admiral Losey. Yes.

Mr. Chaffetz. -- were then trying to move and transport to the airport in Benghazi so they could take off and fly back to Tripoli. That was one of the reasons, is that these people had been secured at the airport. They had been successful in moving. That was one of the reasons why Colonel Gibson was denied to get on the plane to fly to Benghazi. Is that correct?

Admiral Losey. You are saying it with a lot more absolute. We were getting reports that Americans had been consolidated. We were getting reports that Libyan militia were escorting them to the airfield. We were getting reports that wounded were preparing to transport. And so --

Mr. Chaffetz. You say preparing to transport from the annex or from the airport?

Admiral Losey. Well, in our understanding, in our understanding from the airport. From the airfield.

Mr. Chaffetz. Admiral, here is the concern.

Admiral Losey. Yeah.

[REDACTED]

Mr. Chaffetz. We just heard Colonel Gibson testify that he made this request, in fact he said he informed at 5:05 a.m. that he was getting ready to get in the convoy to move to the airport. And yet we know from other timelines and testimony and video and what not that at 6:34 a.m., a long time after 5:05 is when the first movement moved from Benghazi from the annex to the airport. So to hear it suggested that, well, they were consolidating, they were moving, there is a time discrepancy here of about an hour-and-a-half. How do you reconcile that?

Admiral Losey. In my mind, the only -- the key point here about when the aircraft was going to move was they needed light. So sunrise occurred in Tripoli at 6:49.

Mr. Chaffetz. But there was a need to get in the convoy to move to the airport. And that was at the time that the request to move is denied. It happens to be about 10 minutes before the big major second wave of attacks happen on the annex. Correct?

Admiral Losey. Again, if you can't move until daylight you are not going to get there until well after.

Mr. Chaffetz. But you said one of the reasons, the primary reason that they needed to stay in Tripoli was because they needed to secure the Embassy, and yet the spokesperson 8 months after the attack denies that, says something totally different.

You say that the reason that they didn't need to go there is because they were being consolidated and moving to the airport, which was more secure it was the belief at the time. But the request or the information

[REDACTED]

that was going that, hey, we are starting to move was about an hour-and-a-half beforehand.

Admiral Losey. Yeah. I can't account for what the spokesman said. I can account for what I knew and what information I had at the time. And I can also account for the understanding that the aircraft wasn't going to fly till daylight. So when I got the question I had awareness of Americans being consolidated, Libyan reinforcements being on station, plans being made to move people, the wounded back to Tripoli. And then I had that awareness when the question was asked of me. That is why the three of us almost immediately seized on the same factors. I didn't single any one of those factors out as primary. I gave you a list of factors that formed the gestalt of understanding, as imperfect as it may have been.

Mr. Chaffetz. Chairman, I certainly have more questions. I have two that I hope we can get to in a second round. The frustration, Madam Chair, we are more than 10 months after this attack. We look at the CIA timelines, we look at the DOD timelines, we look at the State Department timelines, and they don't even come close to matching up. And I don't understand that.

Yield back.

Mrs. Roby. Mr. Jordan.

Mr. Jordan. Thank you, Madam Chair, and in particular for letting me sit in on this hearing.

Admiral, thank you for your service and for being here today. And who in the military chain of command did you communicate with during

[REDACTED]

[REDACTED]

the attack? From 9:42 p.m. on the 11th to 10:19 on the 12th when the C-17 landed in Germany, who all did you communicate up the military chain of command during that time frame?

Admiral Losey. Vice Admiral Leidig.

Mr. Jordan. Okay. So you didn't have any conversation with General Dempsey or General Ham during the attack?

Admiral Losey. Did not.

Mr. Jordan. Did you have any conversations with anyone at the White House or anyone at the State Department during the attack, during that same time frame? Anyone from the White House or State Department touch base with you?

Admiral Losey. Did not.

Mr. Jordan. Mr. Chaffetz just pointed out that the Advisory Review Board did not interview you during their report. Correct?

Admiral Losey. Yes, sir.

Mr. Jordan. Have you had any conversations with folks at the White House or the State Department since September 12th, 2012?

Admiral Losey. No, sir.

Mr. Jordan. No conversations with anyone at the State Department regarding this situation?

Admiral Losey. None.

Mr. Jordan. In conversations you may have had since September 12th, since the attack, with General Ham or General Dempsey, did they inform you that State Department concerns impacted in a major way or in any way the decision-making process on the time frame during

[REDACTED]

[REDACTED]

the attacks?

Admiral Losey. He did not communicate that to me.

Mr. Jordan. No conversation you have had -- you have had conversations with General Ham since September 12th?

Admiral Losey. I have.

Mr. Jordan. And no indication that State Department -- because one of the things we learned in -- Congressman Chaffetz and I sit on the Oversight Committee. And we have had hearings on this issue, as you probably know. And one of the things we got from them is that the whole security situation, there was this focus at State Department to get to a normalized situation and this normalized process.

So I was just curious if any of that was impacting the decision-making process. You indicated in I think comments, your answer to the chairman in the back of your mind you had this miscues against Islam and this whole concern. Was that something that was -- I guess I am asking was that part of what may have impacted decisions made during the night of the attack?

Admiral Losey. I don't -- I am not sure I understand the question. I didn't have communications with General Ham before or after specific to this. I provided situational reports via email. There were other things that we did talk about, but this wasn't one of them.

[REDACTED]

[REDACTED]

RPTS DEAN

DCMN HOFSTAD

[1:05 p.m.]

Mr. Jordan. Well, one of the things we learned in the previous hearings about the FAST team was that they were delayed an hour because someone indicated they didn't want the Marines going in uniform or the military going in uniform; they wanted them in different attire. And it would seem to reinforce this concern that we have heard from State Department about normalized status.

Do you know why that was the case, or --

Admiral Losey. I have no specific knowledge of that, sir.

Mr. Jordan. All right.

I thank --

Mr. Chaffetz. Would you yield?

Mr. Jordan. I would be happy to yield -- if I can, Madam Chair, I yield to the gentleman from Utah.

Mr. Chaffetz. Admiral, one of --thank you.

One of the concerns is the extraction of the wounded and those that were killed. Are you satisfied that AFRICOM put things in a motion to extract the people that were wounded?

One of the concerns here is, we take an attack at 9:40, we take another attack at 5:15, and on the DOD timeline it says it is 6:05 a.m. when you start in Germany -- start to prepare to take off from Germany to send the C-17 down to help extract the wounded. It doesn't even leave until the 2:00 p.m. hour. In fact, the wounded are not brought

[REDACTED]

[REDACTED]

back into Germany until after 10:00 p.m. That seems exceptionally slow.

Can you help give me some perspective on that?

Admiral Losey. Yeah. I don't have the timeline sitting in front of me, but I believe the first wave of wounded were brought back the morning of the 12th. And they were received by Colonel Gibson's crew, and they were ushered to the hospital.

Mr. Chaffetz. But why were they brought -- why were they brought to Tripoli as opposed to Italy or Germany or some other country?

Admiral Losey. I would only be speculating. I don't know. Perhaps the nearest triage facility that could provide some level of --

Mr. Chaffetz. I guess it just -- and I am just being candid. It scares me that you don't know 10 months after the fact. This has got to be a primary concern for the military, taking care of a man down.

And I don't understand where that clock doesn't even start to, "Hey, guys, get ready, we might be going," until 6:05 a.m. Explain that to me.

Admiral Losey. I think the clock is always running. You know, you have to establish some modicum of security --

Mr. Chaffetz. But what evidence is there of that? The plane doesn't leave until after 2:00 p.m.

Admiral Losey. Again, the first bird coming into Tripoli with wounded on it that required critical care was in the morning. That is in the record.

Mr. Chaffetz. I can tell you, sir, with all due respect, if I

[REDACTED]

[REDACTED]

am hurt, if I -- to go to a Tripoli hospital as opposed to being cared for by Americans is intolerable. I can't imagine that anybody in the military command thinks that is an acceptable, suitable care.

Admiral Losey. I would defer to the medical experts that were on the ground that made those decisions. This is all -- this is all part --

Mr. Chaffetz. I have the greatest respect for you --

Admiral Losey. -- of medical planning.

Mr. Chaffetz. -- and the military. I don't understand, when we have a man down, why it takes more than 24 hours to get something going. And that is what it took.

I yield back.

Mrs. Roby. Mr. Thornberry?

Mr. Thornberry. Thank you, Madam Chair.

And thank you, Admiral, for your patience in answering our questions. It has been harder than it should have been to get information about this incident, and that is part of the reason I think you sense some frustration.

Admiral Losey. Yes, sir.

Mr. Thornberry. I want to go back to, prior to September 11th, you mentioned that you had raised security concerns about dismantling the team that was in Libya, and yet they were dismantled anyway.

Who -- with whom did you raise those concerns? And what is your understanding about why they decided to go ahead and dismantle that team by sending 12 folks out?

[REDACTED]

[REDACTED]

Admiral Losey. Right. Let me just say that this is a -- it wasn't specific to that. Once we gain access and placement to an operational environment like that, by reducing it, it actually sometimes is harder to rebuild relationships that you have started with a larger footprint.

So it starts to signal, you know, from a standpoint of engaging with our partners, what is your level of commitment? Why are you in and then out and then in and then out? These are the -- these are innate in terms of how we do business, so I try and keep -- it wasn't specific, necessarily, to threats.

I think it would have been -- you know, in my view, if I were asked and I had the decision-making authority, I would have kept the entire team in there, if nothing else, to continue to build a deeper partnership with the guys who we are going to be doing work with.

I raised the issue specifically with Ambassador Stevens. We had a couple of teleconferences. Okay. The issue only came up after we had the checkpoint -- the run-in at the checkpoint, where our guys were held up by armed individuals for a short period of time. And that, again, caused us to really look carefully at our force protection measures and how we were integrating our host-nation counterparts for movements and these sorts of things.

But that, along with uncertainty in the Tripoli -- in the Government in Libya, who would be the government representative that would say, yes, engage with our people, build partner capacity, we want to do this. There wasn't a voice there. And this is where Ambassador Stevens was trying to work.

[REDACTED]

So, in his mind, I think he wanted to reduce the cross-section because there was nothing for them to do from a capacity-building standpoint. You know, from a military standpoint, it is, we are already there, and, you know, it is usually painful to get back in and it creates second-order dynamics with our partners that we would prefer to avoid.

So I voiced those concerns. The decision was made. I am confident that they understood where I was coming from. And that is how it -- that is how it unfolded.

Mr. Thornberry. Well, that is helpful.

And I guess that raises a larger point, just I want to make sure I am clear on. You have -- or, by the time you left, you had 600 or 800 people scattered across Africa basically training other security forces. In every country where you have folks, it is only with the permission and under the conditions -- question -- set by the Ambassador in that country?

Admiral Losey. That is correct. The chief of mission determines the shape of our engagement, the footprint, how many people, the nature of the activity. We seek their concurrence; this is what we call chief-of-mission authority.

So there are two different kinds of chief-of-mission authority. The chief-of-mission authority that was in effect under the SST when we were in direct support of the Embassy security concerns and communication/medical concerns and the like, the Embassy and the Ambassador had directive control over our forces. That is very unusual, where they have directive control.

[REDACTED]

The other form of chief-of-mission authority is where we are obligated to ensure that the chief of mission concurs with our approach and our implementation method, and they get a vote in that.

If the disagreement -- if there is a disagreement and it can't be resolved, then I would take it to AFRICOM or I would, you know, cede to the Ambassador and simply make the adjustment myself.

And this has played out in all country teams. You know, we think we need this; they say they can accept this or they want a little more of that. And then we kind of go through a negotiation until I am comfortable that we are going to have the types of effects that we set out to achieve and I am going to have adequate force protection.

Mr. Thornberry. Okay.

I want to ask about one other thing, because we have heard testimony that if -- once the folks landed at the airport in Benghazi, if the Libyans with whom they had made arrangements for ground transportation had executed on those arrangements, they could have had everybody evacuated by the time the second attack hit. I mean, lots of what-ifs there.

But I want to get to this point about the arrangements on the ground for logistical support, ground transportation, and so forth. Is that also subject to the chief-of-mission's authority and subject to their arrangements?

Because what we heard was, if they had done what the State Department thought they had agreed to, you know, they would have gotten out of there. So are your 600 or 800 people, if they need to be

[REDACTED]

[REDACTED]

evacuated, subject to these State Department arrangements for local transportation?

Admiral Losey. I think as a matter of physical practicality, I believe that would be the case.

And I am not sure I have been in a circumstance where the chief of mission is really dialing in that close. It is usually at the implementation of a program where we are talking about, what is the footprint, what are the objectives, you know, what things are we bringing to the country, how are we going to interact with the country team and with the host-nation counterpart. Once we are there and we are in implementation and we are executing the program, it is just part of daily coordination.

And, yes, you know, if the Ambassador is concerned about something being too much or too little, then he will express that and we will try to adjust.

I am not sure if I am answering your question, sir. I am not sure I understand your question.

Mr. Thornberry. Well, I would just say this -- you are generous with time, Madam Chairman.

But it has been suggested to me, back to Ms. Noem's question, what are lessons learned, one of the lessons learned here is that we better do a lot better job of having our nonconventional recovery set in all of these countries, because to try to do it on the fly is not going to work.

And so having the line -- and the question is whether we can rely

[REDACTED]

[REDACTED]

upon the State Department to have that all set in order to get people out or not. And that has kind of been a Special Forces sort of --

Admiral Losey. Yes, it has.

Mr. Thornberry. -- mission in the past. And the suggestion has been made to me that that, because of cost and other things, has atrophied over time. So that is the reason I am asking those sorts of questions.

Admiral Losey. Those programs are on steady improvement right now. They are still under tension as we try and find the sweet spot for what is acceptable and what is not. It varies country team by country team and the situation that is in each one of the countries that we work in. But it is moving in a positive direction.

From a military perspective, would I like it to move faster? Absolutely. It can't move fast enough.

Mrs. Roby. So we are running out of time, so we are going to go one more round here. And then we are going to bring Lieutenant Colonel Gibson back for a few questions. So if that is to everybody's liking, that is how we are going to proceed.

[REDACTED]

[REDACTED]

[REDACTED]

Admiral Losey. Ma'am, I have no idea. That is a question that EUCOM would have to answer.

Mrs. Roby. And other than the EUCOM stuff, do U.S. forces permanently garrisoned in Europe play a role in responding to regional contingencies outside of Europe?

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Admiral Losey. Yes. This would be an AFRICOM-specific question, but both the Air Force and Navy service components under EUCOM and AFRICOM are dual-hatted under the same headquarters.

Mrs. Roby. Okay. All right.

Ms. Tsongas?

Ms. Tsongas. Admiral, many of these questions you have -- and in the ways in which you had to deal with a quickly emerging situation really raise the bigger issue of just how you achieve situational awareness in the context of a quickly evolving conflict in a country where communications is difficult.

Just talk a little bit about how you dealt with those challenges as you were trying to make decisions and, going forward, what lessons we need to learn and move to put in place.

Admiral Losey. Okay. So, ma'am, the question is, how do I maintain situational awareness, take care of our forces?

The construct that we use is called distributed operations -- small footprint, low signature, disparate groups over wide geographic areas. We try and coordinate those activities to achieve regionalized effects.

I get daily reporting from all of my elements in the field. Every one of the disparate activities reports in on a daily basis. We compile

[REDACTED]

[REDACTED]

that into what is roughly a 20-page report. Included in those reports are what we call commander's critical information requirements. When any of my troops have interactions with senior officials of a government or senior military officers, they are required to report that. So we understand, you know, what is going on downrange, the tone of things. Any other critical requirements, things like force protection issues, threats, those are all reported. Injuries are reported. Anything that may draw undue media attention are reported. And then the day-to-day activities; what did we accomplish today in terms of training?

All that stuff is compiled on a daily basis across every element that is scattered on the continent. And then my staff codes look at those things, and we, you know, try to assess, are there any requirements in here that we need to respond to? Is anything turning sideways that we need to give some new guidance or reshape our engagement strategy? And so we do that on a daily basis.

All this is part of what we call a battle rhythm. There is a sequence of recurring meetings and events that help us maintain situational awareness. So the daily report is one. That goes to Africa Command, and it goes directly to some senior leaders and all of the general-officer-level staff codes.

We have commander's update briefs three times a week on DCO, which is an Internet VOIP connectivity system. We go around the theater, and people report in. Once a week, Libya -- each one of my critical elements, where, you know, the high-risk ones, they report in. So folks

[REDACTED]

[REDACTED]

that are in certain parts of East Africa, Libya, if they are in Niger or Nigeria, we get a once-a-week specifically from those commanders beyond the written report.

For the reporting coming specifically out of Libya and for the 11 countries in the Trans-Sahara region, which would include Libya, Tunisia, Algeria, Morocco, Senegal, Mauritania, Mali, Burkina Faso, Niger, Nigeria, Chad, those countries report specifically to the Joint Special Operations Task Force Trans-Sahara through Colonel Bristol. He consolidates that and then forwards it higher. So he manages the first-line impacts on that.

And I have the same sort of a construct in Central Africa, where we are doing pursuit of the LRA, assisting the Ugandans and regional partners in reducing the LRA. And then we also have the same construct in East Africa. There is a battalion headquarters of Special Operations Forces from 10th Group group that manages the activities in 7 principal countries and a total of 18 countries of interest in East Africa. And that is basically the big chunks of how we maintain that.

At the staff codes, between my intelligence director at the J2, the J3, the Operations Directorate, and then the Plans Directorate, the J5, they actively also engage with the staff codes of my three principal component commanders and their staffs to make sure that we are wired in. So that is how awareness comes to us.

Ms. Tsongas. But, in this particular instance, I am talking more about in the situation as it is unfolding. How do you maintain -- how

[REDACTED]

do you try to get as deep an understanding as you can of events as they are unfolding?

Admiral Losey. Yeah. Well, there are several nodes there. There is the Task Force Joint Operations Center. The joint operation centers all exist to pass this kind of information, to maintain situational awareness of what is happening to their elements downrange, and then to level that awareness so we work off a common operating picture, we have a shared understanding, nobody is left out with not having the total understanding. So that is what those joint operations centers do.

So I am looped in with my higher headquarters, AFRICOM. I am looped in with the task force. I am looped in with the JSOTF in the context of this Benghazi situation. And we are talking to each other.

Ms. Tsongas. And so, in that context, how time-sensitive is the information you are getting? Is there a necessary lag time, or is it pretty much, you know, as things are unfolding?

Admiral Losey. It depends on the nature of the information, but I think the, you know, the staff, the battle captain, and the JOC understands what urgent information is and tries to move that as quickly as possible if it requires a decision.

Ms. Tsongas. Thank you.

Admiral Losey. Yes, ma'am.

Mrs. Roby. Mr. Chaffetz?

Mr. Chaffetz. Thank you, Chairman.

Admiral, Egypt, in Egypt, our Embassy was -- was -- there was some

activity there. There were mobs and whatnot. That were trying to come over the wall and whatnot. What was the military's reaction to that? What did you do or prepare to think that that might spread?

Admiral Losey. Yeah. Sir, Egypt is the one country that is not in the AFRICOM --

Mr. Chaffetz. Understood.

Admiral Losey. -- AOR. So --

Mr. Chaffetz. But were you aware of it?

Admiral Losey. We have awareness.

Mr. Chaffetz. Did you do -- did it cause you to think that maybe that would spread to other embassies across the region as the sun rose?

Admiral Losey. Sure. We can't discount all those dynamics.

Mr. Chaffetz. But, I mean, did you actually do something? I mean, one of the things we talk about continually is, I hear, oh, you know, preparing, but did we -- did that change -- there was no movement, there was no --

Admiral Losey. I am not -- I need -- first of all, that is not in our area of responsibility. It belongs to another combatant commander. So if they were to ask for support, we would find the best possible way to --

Mr. Chaffetz. No, I guess what I was getting at was, did that have any effect on the countries within the AFRICOM area of responsibility. Let me move on.

Certainly the military has contingency plans if something does go awry in one of these countries. Was there a contingency plan for

Libya?

Admiral Losey. To respond to what?

Mr. Chaffetz. We don't know. I mean, there are so many variables. Was there any sort of contingency plan if something were to go awry at our embassies in Libya?

Admiral Losey. That, sir, would be a State Department question, what goes awry in the embassies.

Mr. Chaffetz. So you have no preplanning, no -- I mean, one of the things we heard in testimony in a previous hearing was that the military had no idea where the annex was, they didn't know where the airport was, they didn't know, they didn't know, they didn't know.

So are you telling me that they don't -- there is no preplanning, there is no contingency in case something does happen in some country?

Admiral Losey. We live by planning. And so, when we identify those things that we should be planning against, absolutely.

I believe our access was significantly restricted in Benghazi as a military cohort, and so our --

Mr. Chaffetz. But there was no --

Admiral Losey. -- awareness was limited.

Mr. Chaffetz. There is contingency plan that is sitting there for Libya?

Admiral Losey. I would defer that to AFRICOM.

Mr. Chaffetz. What could have been done that wasn't done?

Admiral Losey. I would like to answer that by saying, I think we did -- we did what could be done.

When you look at the outcomes, you know --

Mr. Chaffetz. Was there any sort -- show of force, you don't think that that was a possibility at some point?

Admiral Losey. I think you need to look at the second-order effects. Show of force without the willingness to use force can work against you. So if you are going to show force, do a show of force, and then not follow it up --

Mr. Chaffetz. But that was a possibility? You just decided --

Admiral Losey. It is a possible range of actions, there is no question. But, again, if you are going to use a show of force and then not follow through with the actual employment of force, then you have a hollow threat. And it is only going to last -- the show of force is going to last so long.

Mr. Chaffetz. Did you ever ask or inquire with NATO if they could provide support if we needed it?

Admiral Losey. It is not -- not for me to ask NATO. I coordinate with Africa Command. And we do have -- we do have strong partnerships with our British counterparts and our French counterparts, in particular, because they have some presence down there. So we are not blind to each other. But, in this particular context, it was intense and it was fast-moving, and we were trying to marshal our own best courses of action.

Mr. Chaffetz. I guess, Madam Chair, as we wrap up here, I thank you for the indulgence and the time.

We operated an air campaign on Libya for an awful long time, and

[REDACTED]

we did so in conjunction with NATO. And one of the things that is very concerning about this incident is that at no time did we, as best I can tell, did we ever make a request of our NATO partners to offer an assistance in any way.

We have no idea when this was going to end. We had no idea how long it was going to go. We heard testimony that they were preparing two FAST teams, one for Tripoli, so we thought that the incident could expand. There were preparations and concerns about what might happen in Algeria. And yet we never even woke anybody up. And, consequently, I think the President and the military limited their options and their ability to be more nimble in this case. And it is just -- it is very frustrating to see, given the amount of money, the hope.

And I guess, you know, as we look at Syria and other things, Madam Chair, it is so paramount that our men and women know that if they are in trouble, if they are under fire, somebody is going come help them. And that did not happen in this case.

I yield back.

Mrs. Roby. Ms. Tsongas?

Ms. Tsongas. Thank you, Madam Chairwoman.

Just to clarify, I do know that every embassy has to have an evacuation plan. The State Department would have to ask for support. But were the Embassy in Libya to have asked for that support, AFRICOM would have responded.

And I know that I have read in previous testimony, Secretary Panetta said -- I believe it was he -- said that, in an optimal world,

[REDACTED]

[REDACTED]

with knowledge of a specific threat -- because the real challenge here has been, yes, there are all these events, surrounding events, that happened that gave rise to a concern, but there was no knowledge of a specific threat. And had there been knowledge of a specific threat, the optimal thing would then have been to evacuate the Embassy in Tripoli, for example, and to counsel Ambassador Stevens not to travel to Benghazi.

But there was no knowledge of that specific threat. And, again, that gives rise to just the broader concerns we have about intelligence and how we do a better job of gathering intelligence.

Mrs. Roby. Thank you, Admiral Losey. And we appreciate your testimony today.

And in light of some of this information, we are going to ask Colonel Gibson to return right now. So stay put, please.

Not you, but all the Members.

Thanks.

[Recess.]

Mrs. Roby: Okay. Thanks for sticking by. We appreciate that very much.

And I want to just -- in light of the other testimony that we have heard, I just have a couple of follow-up questions, then I will see if any other Members do, as well, and then we will wrap this whole thing up.

But, okay, specifically, can you describe for me the nature of the conversation with the higher authority? Who was it? And exactly

[REDACTED]

[REDACTED]

what was said when you said, "I am going to Benghazi," and whoever that person was -- you are going to tell me -- said, "No, you are not"?

Colonel Gibson. Sorry, Madam Chairman, are you talking about with the second aircraft?

Mrs. Roby. Yes, when you determined that you were leaving with your team, you were getting on that aircraft, you had a conversation with whom? And what exactly was said?

Colonel Gibson. I was talking with the SOCAFRICA Joint Operations Center current operations director. And, to my recollection, what I told him is, we are now leaving to go to the airport to get on the second aircraft.

Mrs. Roby. What was his name?

Colonel Gibson. His name is Lieutenant Colonel [REDACTED] (?).

Mrs. Roby. Okay. And so is that the battle cap?

Colonel Gibson. No, ma'am. He is the current operations director.

Mrs. Roby. Okay.

Colonel Gibson. He is responsible for all of the battle captains.

Mrs. Roby. Okay.

When you had that conversation, did you say, "Yes, sir"? Or did you say, "I have concerns about that"? I know we asked -- you said it was a command and you followed it. But were there any conversations about what you knew in that moment, what you were seeing, what you were feeling, that you suggested or offered as, not an argument,

[REDACTED]

counterargument, but just as a, well, I just want to you know what I am seeing right now or what I know?

Colonel Gibson. Ma'am, what I did ask him was, where did this directive come from? Understand, he is a staff officer; he doesn't make command decisions. So I asked him, where did this directive come from? And he said that it came from the operations officer, the J3, who had just returned from the command deck.

I didn't offer up any arguments at that time of, this is what I was seeing, because I was on an unsecure line. And I wasn't sure what he was seeing that he could discuss with me on an unsecure line.

Mrs. Roby. Did you offer any suggestions or counter-arguments to anybody in reaction to you being told not to go?

Colonel Gibson. To the command, ma'am?

Mrs. Roby. Yes.

Colonel Gibson. No, ma'am, I did not.

Mrs. Roby. Okay. Did the person on the phone with you suggest in any way that the two SOF team members that went on the first plane had requested any reinforcement?

Colonel Gibson. No, ma'am, he did not.

Mrs. Roby. Okay. Were you in direct contact with those two SOF team members from where you sat and where they were in Benghazi?

Colonel Gibson. Ma'am, we had a couple of conversations over the cell phones. And they were letting me know what they were doing, when they were getting ready to start their movement to the Benghazi airbase, or Benghazi airport. They called me right after they had received

[REDACTED]

mortar fire, let me know what was going on then. Then they also let me know when they were starting their movement. And then they also let me know when they had arrived at the airport.

Mrs. Roby. Did they request directly to you for reinforcement?

Colonel Gibson. No, ma'am, they did not.

Mrs. Roby. Okay. Thank you.

Mr. Thornberry?

Mr. Thornberry. Just one thing.

But as I recall, when the second time you -- or the later time that you talked back to SOCAFRICA about going to the airport and they said no, and then 5 minutes later they called back and said, you know, okay, go, you did express frustration at initially being told that you could not go to the Tripoli airport; is that --

Colonel Gibson. That is correct, sir.

Mr. Thornberry. So there was some pushback, I guess is what I am trying to get at, on that occasion.

Colonel Gibson. Yes, sir, there was.

Mr. Thornberry. And, apparently, it was persuasive.

Colonel Gibson. I am trying to recollect back 9 months ago.

Mr. Thornberry. Yeah.

Colonel Gibson. I would have thought that, okay, maybe there were some forces that were in the air that I was unaware of and that maybe me getting on the plane would have interrupted whatever operations they were going to do. So there probably would not have been a lot of pushback, just me thinking back to 9 months ago.

[REDACTED]

Mr. Thornberry. Yeah.

Colonel Gibson. Talking to going down the road to the Tripoli airport, which was probably less than 8 kilometers away, yeah, there was a lot of frustration there, because I couldn't understand why they would question me going 8 kilometers down the road.

Mr. Thornberry. Gotcha. Makes sense. Thank you.

I yield back.

Mrs. Roby. Mr. Chaffetz?

Mr. Chaffetz. I am good.

Mrs. Roby. Well, thank you so much, again, for your service to our country. And thank you for being willing to stick around and let us ask those follow-up questions.

And, with that, we are adjourned.

[Whereupon, at 1:40 p.m., the subcommittee was adjourned.]