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

INTERVIEW OF: CHERYL MILLS

THURSDAY, SEPTEMBER 3, 2015

Washington, D.C.

The interview in the above matter was held in Room HVC-302,
Capitol Visitor Center, commencing at 8:10 a.m.

Present: Representatives Gowdy, Brooks, Jordan, Westmoreland,
about that. But there were already documents being collected that were in any way related to the incident that had happened on the night of September 11.

Separate and apart from that, the ARB could both reach to the Administration Bureau to be able to access any of those records that were being collected, which would have been records regarding anything related to the night of September 11 and 12. And they could also initiate their own requests for documents.

Q Okay.

There have been reports out there that an individual by the name of Ray Maxwell, at some point between September and December 2012, was in a room in the State Department where Benghazi documents were being assembled or reviewed or stored or something like that and that you had an encounter with him. Did that occur?

A No.

Q None of that is true?

A Correct.

Q You never had an encounter with Ray Maxwell?

A Not of the kind he described --

Q Okay.

A -- or any kind around Benghazi.

Q Was it regarding -- did you encounter him regarding documents for some other subject?

A No.

Q Okay.
Was there a room where Benghazi documents were being assembled?

A So the Administration Bureau had a room where they obviously assembled documents, and there was also a room where individuals who reviewed documents were assembled. So both of those types of rooms do exist, correct.

Q Okay. And so the Benghazi documents were kept in a separate room?

A So the Administration Bureau, I can't tell you how they managed those, because I don't have a visual of that, but they were the actual repository and kept copies of everything, and they would only make copies to allow other individuals to review them as opposed to disturb their copy set.

Q Okay. And when they said "make copies," was that a hard, physical copy or was that some sort of scanned electronic copy?

A Physical copy.

Q Physical copy?

A Yes.

Q Okay.

And do you know who Ray Maxwell is?

A I do now.

Q Did you at the time?

A I'm sure I would have met Ray. I don't know that I had a recollection, because I certainly don't have that and didn't until after I saw some of the things that had been said. I might have had an encounter with him when he was being hired. I don't know. Meaning,
ensuring that he was in a place where he could be appointed or hired. I don't know. But I don't -- I never had an encounter with Ray Maxwell around Benghazi.

Mr. Davis. That's pretty specific, "I may have had an encounter with him when we was hired." Why when he was hired? Why are you using that as a potential example of when you may have encountered him?

Ms. Mills. Because for two reasons: One, one of the things that we sought to do in the Department was to bring about greater diversity in our administration. For better or worse, that presents a challenge in a lot of our bureaus, because their ability to identify talent that has expertise who might be other than white and male was limited.

And Ray Maxwell, as I understand it, based on conversations that he'd had with others, was identified in a process whereby, because part of our objective was to ensure that we had more diversity, he was reached out to as an opportunity to be able to be hired.

So that's the only reason why I say that.

BY MS. JACKSON:

Q Now, you've stated that this location in the A Bureau was collecting Benghazi-related documents not only for the ARB but also for congressional inquiries?

A So they actually collect documents, so purpose-based isn't truly as relevant for them. So the Administration Bureau is the repository for whenever there are inquiries or requests for materials. They are the repository of where they get collected.

And then they make copies for whoever are the experts or others
that need to review them to determine whether or not they, A, are responsive, and then B, if they are responsive, whether or not there has to be any preparation of those documents for sharing, meaning privacy and you have to redact people's phone numbers or there is a classification associated with it. Or the document has other agencies' equities, which means it can't go out before the other agency reviews it and expresses what their equities might be.

Q So, irregardless of whether it's congressional or FOIA or the ARB?

A I don't know how to -- my experience was typically, when there were inquiries that were coming in from Congress, that that's how they managed it. But it probably has a wider application and it's just that I'm not as familiar with it.

Q Now, you stated earlier that the ARB could request documents. Was that the only way in which they got documents, or were there documents that were collected and given to them and they could just augment what was collected?

A So their mechanisms were threefold, if I really think about it. One, obviously, they could reach to the A Bureau and say, we want to look at all of them or we want to look at documents of this nature. Two, they could make requests. Three, they would ask, as our reviews were going on of records, were there any records that were relevant that they should be either looking at or that they should at least be apprised of. And so that was another mechanism that they had. And so those could be collected and provided to them if that's what they
reached to ask for. They might have asked for that on a particular subject matter; has anybody seen anything on this topic or that topic?

But those were the three ways that they could get it, with each of those being avenues for them to be able to ascertain whatever information they believed they needed, because people didn't have visibility into how they were making those judgments.

Q For things like congressional inquiries or FOIA responses and things, was the process the same or different?

A I don't know. I would imagine there's a lot of similarity, but I don't know that I could answer that with confidence.

Q Okay. Such as when a congressional request would come in, would the relevant bureaus receive some sort of memo saying, "Find us all the records on X and turn them over"?

A The Administration Bureau did identify those offices that they thought would likely have materials that would respond to an inquiry and send them requests to be able to provide those documents.

Q Okay.

[Mills Exhibit No. 7
Was marked for identification.]

BY MS. JACKSON:

Q I'm going to hand you what I've marked as exhibit 7 and give you a moment to take a look at it and see if you recognize this document. Have you seen -- this letter, for the record, is a letter from Congress dated September 20, 2012. It is to Secretary Clinton. It is from Jason Chaffetz, who was the chairman of the Subcommittee on
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BY MS. SAWYER:

Q I am going to show you what's been marked -- we're marking as exhibit 11 -- and I'm going to show you this, because I don't want to belabor the point overly, but this was a specific allegation that we've already spoken about about Mr. Maxwell. But the allegation -- I think, you know, there are a number of allegations embedded within this. And I think the one way in which you responded was, you know, just by saying you had not seen Mr. Maxwell, as far as you could remember, at a document review and particularly this document review session.

You know, in the article, Mr. Maxwell says that he was told, you know, that one purpose for reviewing documents was to, quote, "go through these stacks and pull out anything that might put anybody in the [Near Eastern Affairs] front office or the seventh floor in a bad light."

And, you know, setting aside this particular instance and whether there was a basement review process going on, did you ever give anyone any instruction that they should pull out anything that might put anybody in the NEA front office or the seventh floor in a bad light?

A I did not.

Q Did you ever instruct anyone to pull out documents that might put Secretary Clinton -- paint her in a bad light?

A I did not.

Q Did you instruct anyone to in any way kind of remove or destroy or scrub documents that might not reveal the full and complete
story about what happened in Benghazi?

A I did not.

Q Did anyone ever come to you -- you were kind of the point person for the Department on making a lot of these wheels go around. Did anyone come to you at the time or any time after and express concern to you internally that there had been efforts, that there had been orders to flag, remove, scrub, destroy documents that might look damaging to the State Department?

A No, they did not. And the A Bureau keeps a copy of everything, so they are the repository that holds everything. So there are only then copies made for review. So, no, that didn't happen, and the complete repository always stayed with the A Bureau. It never left.

Q So if anyone were going to propose or think about doing this, it's a pretty high-risk gambit, because ultimately the A Bureau is going to have the master copy --

A That's exactly right.

Q -- and if documents are scrubbed, there's going to be an evidentiary trail. Is that accurate?

A Correct.

Q And, certainly, you knew that at the time; is that correct?

A Yes. But, also, that's how the Department processes its document requests, so I think that is something that has been their practice, at least as I understand it.

Q Just a very brief question for you. You were asked a number
of questions about a codel that involved Congressman Chaffetz. A letter about that codel went from Senator Grassley on the Senate side and on the House side from House Oversight Chairman Issa to the inspector general asking for an investigation of that incident. Were you aware of that?

A No, but -- "no" is probably the short answer to that question.

Q So you don't know whether there was an inspector general investigation? You wouldn't know what the outcome of that investigation was?

A I don't as I sit here.

Q But, presumably, if there was and it was requested by standing committees of the House, certainly anyone on one of those standing committees would have knowledge of whether there was an inspector general report and its outcome?

A I would assume so. Was there? Sorry. I know I'm not supposed to ask you questions.

Ms. Sawyer. So we're just going to go off the record so I can talk to the Congressman for a second.

Ms. Mills. Okay. I'm not going to go anywhere. I'm going to sit right here in my chair.

Ms. Sawyer. Don't run away from us yet.

Ms. Mills. I won't go anywhere.

[Discussion off the record.

Ms. Sawyer. So, again, thank you. I think that was, you know,
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I was dealing with my kids. But, as a general matter, I was a State email user. That was my overwhelming practice.

I wasn't perfect, so I often would have personal things on the State email, and I'm sure there are instances where I likely would have had State on my personal. But my general practice and my body of email scope is in the State email scope.

Mr. Gowdy. Did Mr. Blumenthal have a particular interest or expertise in Libya?

Ms. Mills. I don't know. It was my impression that Sidney's expertise was in transatlantic matters, but I don't know that he might not have expertise in other areas. But I can only tell you my impression is his areas of expertise were on the transatlantic side.

Mr. Gowdy. Did you know any of his sources of information?

Ms. Mills. No.

Mr. Gowdy. I had not -- if I had seen this article on Mr. Maxwell before, I don't recall it. And I know you've answered it twice, so I'm going to get in and get out quickly. He makes a lot of very specific factual assertions.

Ms. Mills. He does.

Mr. Gowdy. Are any of the factual assertions accurate? And when I say "any" --

Ms. Mills. I haven't read that to look at each of the factual assertions.

Mr. Gowdy. All right. I'll give you a couple.

Ms. Mills. Well, the assertion that I know is not accurate is
that I had an engagement with him where I even had a conversation with him to say, what is he doing here?

Mr. Gowdy. Well, that is what I was going to ask you.

Ms. Mills. And Mr. Sullivan said, You know who Ray Maxwell is? Like, it did not happen.

Mr. Gowdy. All right. Could it have been accurate that there were weekend document sessions?

Ms. Mills. There were. I would imagine that people had to be working on the weekend, and I'm sure I was there on a weekend. I don't, obviously, have a perfect memory of each day and when it was a weekend and when it was not, because we were working pretty hard. But it is certainly the case that I had asked for people to be fully dedicated to be able to try to get documents out as quickly as they can, and so people would have been working around the clock.

Mr. Gowdy. Could it be accurate that there is something colloquially referred to as the "jogger's entrance"?

Ms. Mills. I don't know, because I'm not familiar with the jogger's entrance.

Mr. Gowdy. Is there a space outfitted with computers and big-screen monitors intended for emergency planning?

Ms. Mills. We have emergency centers throughout the facility, so, yes, there are a number of those.

Mr. Gowdy. Would there ever have been a circumstance where you and Mr. Jake Sullivan and Mr. Maxwell would have been in the same room together?
Ms. Mills. Not that I recall.

Mr. Gowdy. But you recall with specificity not only did you never tell him what he alleges -- do you recall with equal specificity that he was not part of any document accumulation or production process?

Ms. Mills. I don’t know what NEA might have had as an independent process. He was not part of the process of the team that NEA had sent. There was another woman who NEA had sent as their designated full-time body, if you will. And so I would have remembered if it was an African American man instead of a white woman. And it was a white woman who was assigned.

Mr. Gowdy. Did the ARB interview you?

Ms. Mills. No.

Mr. Gowdy. Did the ARB interview Secretary Clinton?

Ms. Mills. No.

Mr. Gowdy. Why not?

Ms. Mills. I don’t know. I can only give an impression. And I don’t know why they didn’t --

Mr. Gowdy. That’s fine. You can give me an impression.


The purpose of the ARB is to learn in a particular instance what occurred and whether or not the security in those moments was adequate and what should be done better, if not. And it is to write a report to the Secretary for that.

So I am not familiar with an ARB -- and I only knew of one other one when I was there -- where they would have interviewed the Secretary
as opposed to actually be providing that information to the Secretary for the purposes of making an assessment about the events. Because they are looking at the events that happened on the ground, and typically that involves a body of people beyond the scope of most of the people in Washington, but it's not always the case.

So it didn't surprise me that they didn't. And I don't know that I would have expected it one way or the other. They did brief her and step her through what they were finding, but they did not interview her.

Mr. Gowdy. All right. That's a fair point.

Do you view one of the goals of the ARB to be complete in its factfinding?

Ms. Mills. I think that's the objective, is to be able to provide as comprehensive an understanding of what happened in a particular incident, how it was handled.

Mr. Gowdy. If there were, hypothetically, 10 eyewitnesses to an incident, how many of those eyewitnesses would you expect the ARB to interview?

Ms. Mills. If they were actually eyewitnesses to the incident, if they had the ability to interview 10, I would imagine that they would interview 10.

Mr. Gowdy. And if there were, hypothetically, a universe of 10,000 relevant documents, how many of those 10,000 would you expect the ARB to access?

Ms. Mills. I don't know. I don't know how they would manage
through that, because it is a large volume, so there might be a strategy that they would have for how they assess what --

Mr. Gowdy. That came across as a trick question, and it was not intended to be so.

Ms. Mills. Oh, okay. It did.

Mr. Gowdy. It was not intended to be so. My point being, if it is really complete, you are going to access all of the witnesses and all of the documents to the extent you are able to. Is that fair?

Ms. Mills. I think, certainly, that might be an approach that someone might take, yes.

Mr. Gowdy. Okay.

Do you view past ARBs as being cumulative?

Ms. Mills. Tell me what you mean when you say that.

Mr. Gowdy. The findings and recommendations of past ARBs, do we -- in other words, do we need to rediscover the wheel, or are past ARB findings also to be given respect by subsequent Secretaries of State?

Ms. Mills. Oh, now I understand. Thank you.

It was my impression that the recommendations of ARBs are supposed to have an enduring life, meaning that the learnings that came from those ARBs should be acted on and implemented.

But it was also my observation that there had been ARBs before where recommendations had been made that had not been implemented. And so part of Secretary Clinton's commitment and focus was how do we actually make sure these recommendations are actually implemented,
given that there are were some that had not been in the past.

Mr. Gowdy. So, in other words -- I think you and are in agreement -- Secretary Kerry should not fail to heed the recommendations, even though they came during a previous tenure.

Ms. Mills. Are you getting ready to get me in trouble?

Mr. Gowdy. No. No, I'm not. No. That's my last question on it. I'm just trying to establish if they're cumulative in nature.

Ms. Mills. Yes, they are cumulative in nature.

Mr. Gowdy. Okay.

And whose job is it to make ARB-like recommendations before the tragedy takes place? Who within the State Department is charged with figuring out these -- because it took about 2 months to come up with 30 recommendations. That's pretty quick. And it's a big number.

So who within any State Department's job is it to come up with recommendations with respect to safety and security before something bad happens?

Ms. Mills. With respect to safety and security, we obviously rely on our Diplomatic Security to provide us with the best advice and recommendations and practices based on their expertise. And there are likely other bureaus and departments that could contribute in that same regard, but, certainly, when we thought of security, we think of our Diplomatic Security officials as the experts in that space.

Mr. Gowdy. Was a trip to Libya in October of 2012 being contemplated?

Ms. Mills. It might have been. I just don't recall. I actually
don't recall at this moment. I'm sure there was a time where I did know. But it might have been.

Mr. Gowdy. Let me ask you in a different way.

Ms. Mills. Okay.

Mr. Gowdy. I think you testified earlier that Ms. Abedin handled travel arrangements for Secretary Clinton.

Ms. Mills. Yes. And they had already been, I thought, to Libya on one trip and --

Mr. Gowdy. Yes.

Ms. Mills. Okay.

Mr. Gowdy. Did she handle travel arrangements for anyone other than Secretary Clinton?

Ms. Mills. No. So, when we were doing trips or travel, she also oversaw the schedule and the creation and the operations of all of those different elements. So she was kind of the operational deputy, if you will, for matters related to the Secretary's travel.

Mr. Gowdy. So if she were in a process of meeting and planning in connection with a trip to Libya in the fall of 2012, it could not have been for anyone other than Secretary Clinton.

Ms. Mills. That's correct.

Mr. Gowdy. Okay.

Ms. Mills. She typically would be handling it for the Secretary. She would not be handling it for someone else. Or, at least, I'm not aware of her making travel arrangements for other people other than the Secretary.
Mr. Gowdy. But you are not aware of a trip being discussed, planned, otherwise contemplated for the fall of 2012.

Ms. Mills. I just don't remember it. I'm not saying that if you had talked to me at that time I wouldn't have said, oh, yes, I heard they're thinking about that. I just don't remember it right now.

Mr. Gowdy. Okay.
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Ms. Mills. So let me try to -- sorry -- do a better job. I apologize.

So the chain starts with her asking how are the hearings going. I hadn't been watching. The reason I hadn't been watching is because I had been involved in a whole other set of conversations around what I saw was people not being good interagency partners. So my answer was the first holding answer, it's just starting. I had to have a come-to with some of our colleagues with folks now on board was referencing why I didn't know.

Philippe's up there. That's basically telling her, if you want to know what's really happening in the hearings, he's present so you can ask him. But I haven't been paying attention because I've been involved in this other conversation.

Mr. Jordan. So based on what you just described there -- and then I'll stop -- based on what you described there, the "Philippe is up there with them," "them" is not referring back to colleagues? "Them" is someone else?

Ms. Mills. So "them" is up there for whoever the hearings are going on with. My conversations were happening with some of the interagency team that were not testifying, correct.

Mr. Jordan. All right. Thank you.

Mr. Westmoreland. I've just got some quick yes or noes. Going back to what the chairman asked about Ray Maxwell. Were you ever at that room downstairs when they were going through the emails with Jake Sullivan on a Sunday?
Ms. Mills. Well, I don't know. That is quite possible I would have been there on a Sunday with Jake Sullivan. But I don't recall that, because I actually don't recall Jake Sullivan being down there much, if at all.

Mr. Westmoreland. But you could've been in that room with Jake Sullivan?

Ms. Mills. I could have been, I just think it's pretty unlikely because I don't recall him being downstairs.

Mr. Westmoreland. The other thing is, did the lady, and I think you referred to her as a white lady --

Ms. Mills. Well, as opposed to an African American man. So for the purposes not of race but of being able to say I could tell the difference between the two.

Mr. Westmoreland. I got you. But the white lady, was she technically working for Mr. Maxwell?

Ms. Mills. No.

Mr. Westmoreland. So that's not a true fact either?

Ms. Mills. I didn't know there was a fact in there that said she was working for him.

Mr. Westmoreland. Yes. It says, "Technically the office director worked for Mr. Maxwell."

Ms. Mills. And who was the office director? Does it say?

Mr. Westmoreland. The office director who is supposedly the lady that you were talking about --

Ms. Mills. I don't know that it -- I didn't know that there was
an office director that -- I don't know that the person who was from NEA was the office director, so I don't know if those two sync up in the same way. But I also haven't read his article.

Mr. Davis. The post from NEA that you're talking about, is that 

Ms. Mills. Yes. Yes. Is she the office director?

Mr. Davis. Go ahead.

Mr. Westmoreland. I'm just assuming she was the lady that was --

Ms. Mills. So I was just talking about the woman whose name you just said. 

Mr. Davis. Part of your group.

Ms. Mills. Yes. 

Mr. Westmoreland. Who was the lady downstairs going through the emails?

Ms. Mills. So I know her name, yes. I don't know her position.

Mr. Westmoreland. Okay. But you don't know who she worked for or whose supervision she works under?

Ms. Mills. It was my impression she worked for Liz Dibble and so that was the Deputy Assistant Secretary, at least --

Mr. Westmoreland. Okay. Well, Mr. Maxwell just said she technically worked under him and that he didn't know that she had been given an assignment to be in that room going through the emails.

Ms. Mills. Okay.

Mr. Westmoreland. But and then the personal conversations he
supposedly had with this lady, you wouldn't have any knowledge if he had those conversations or not, right?

Ms. Mills. I wouldn’t know about conversations I didn’t participate in.

Mr. Westmoreland. Sure. Thank you.

Ms. Mills. But I would know about whether or not I had conversations with Ray Maxwell, and I didn’t.

Mr. Westmoreland. No. I understand.

Mrs. Brooks. As a follow-up to what Congressman Cummings asked you with respect to the conversations that the Secretary had with the victim’s families, I want to go to what if any conversations did she have with survivors?

Ms. Mills. So she met with the survivors when they came back. And at the time, what I can tell you is when we were doing outreach, because there was a real sensitivity to the survivors' physical health, how we step through that. She had, by the time all of them were back, had had conversations with all of them. But I can't tell you in what cohorts they were because they all had different states of injuries.

Mrs. Brooks. Okay. I'd like for you to take a look at an email that's dated October 30, if you could -- regarding one of the victims in particular and see if this refreshes your memory about her interaction with the victims. And when did you -- and did you have any conversations with any of the survivors?

Mr. Wilkinson. So this would be number 12?

Ms. Jackson. Twelve.