

1 SENATE FOREIGN RELATIONS ROUNDTABLE DISCUSSION

2

3 Friday, April 08, 2005

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U.S. Senate

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Foreign Relations Committee

7

Washington, D.C.

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The committee met, pursuant to notice, at 2:15

10 p.m. in Room SD-450, Dirksen Senate Office Building.

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1 PAUL FOLDI: Do you want to just start?

2 (Off the record.)

3 PAUL FOLDI: We're on the record.

4 BRIAN McKEON: Mr. Fingar, would you give us your full  
5 name and position?

6 MR. FINGAR: Thomas Fingar, Assistant Secretary of  
7 State for Bureau of Intelligence Research.

8 BRIAN McKEON: And your position? Or, the one you  
9 hold now?

10 MR. FINGAR: Principal Deputy Assistant Secretary.

11 BRIAN McKEON: And the years you were Principal Deputy  
12 Assistant?

13 MR. FINGAR: 2001 through 2003.

14 BRIAN McKEON: The month may or may not be important.

15 MR. FINGAR: June '01 to ten '03.

16 BRIAN McKEON: And before that, you were career INR?  
17 Career person?

18 MR. FINGAR: INR since January '86.

19 BRIAN McKEON: And do you have a particular specialty  
20 in analysis?

21 MR. FINGAR: It was China, Asia, the last eleven years  
22 it's been all countries, all issues.

23 BRIAN McKEON: Okay, that takes care of the  
24 preliminaries.

25

1           PAUL FOLDI: I think one of the issues there is some  
2 confusion on is the process by which language is de-  
3 classified, or cleared for speeches. If you could tell us  
4 for the record, INR policies, practices, etcetera.

5           MR. FINGAR: When?

6           PAUL FOLDI: Two thousand and two.

7           BRIAN McKEON: February 2002.

8           MR. FINGAR: I don't think it's changed, it's practice  
9 rather than policy. I would say it depends what it is.  
10 The process is essentially the same for anything looking  
11 for a clearance, whether it's a diplomatic demarche, or a  
12 speech, or something that is to be shared -- it might be  
13 sharing with another piece of the U.S. Government -- that  
14 it could come to us in any way, and it could come to us --

15           PAUL FOLDI: So, when you get this stuff, how do you  
16 get it cleared? Does somebody in the building wants -- ?

17           MR. FINGAR: Somebody wants something cleared --

18           PAUL FOLDI: De-classified.

19           MR. FINGAR: We send it either to the National  
20 Intelligence Council most of the time, or to WINPAC for  
21 certain proliferation --

22           JANICE O'CONNELL: I'm sorry, what?

23           MR. FINGAR: Proliferation, arms control subjects.

24           PAUL FOLDI: Like the chem-bio issue regarding Cuba,  
25 would go to which of these two entities?

1 MR. FINGAR: It could go to either one, I believe it  
2 was a request we send it to WINPAC.

3 PAUL FOLDI: Would there be one reason why it would go  
4 to one and not the other?

5 MR. FINGAR: If there's a regional sort of dimension  
6 to it, sort of the first trace option would be to send it  
7 to the NIC, or where NIO would have a wider spread, but  
8 part of it depends upon phone calls -- who's busy, where  
9 can you move it most expeditiously.

10 PAUL FOLDI: And then, how does it work? Does INR  
11 just take the text and send it, boom, "Here's the text, we  
12 need this cleared"? How does it work?

13 MR. FINGAR: Again, it depends on what it is.  
14 Sometimes, if it's looking for a clearance, whoever the  
15 drafter is might be working with the INR person too, "What  
16 are we going to be able to get cleared?" To expedite that  
17 process, we've got some experience that it clearly is going  
18 to be knocked out. Other times we give it a shot, send it  
19 off in its entirety. Sometimes people might flag, here's  
20 the piece, this seems to be consistent with something that  
21 was cleared previously, look at it --

22 PAUL FOLDI: So, let me be more specific. In this  
23 case, it seems that the INR analyst sent the language  
24 regarding Cuba that was to be cleared along with INR, we  
25 could call it suggested text and/or comments, we don't know

1 because this is what's coming over to S407. Is doing that  
2 considered standard practice? Is that abnormal?

3 MR. FINGAR: Well, it certainly happens, usually with  
4 the intention of facilitating the process that we don't do  
5 very many speeches. As a simple matter, the N is not very  
6 large here for doing speeches. Certainly the N for seventh  
7 floor principles --

8 BRIAN McKEON: When you say "N"?

9 MR. FINGAR: The number. This is not something we do  
10 every week, every month. Probably we don't even do it  
11 every six months.

12 BRIAN McKEON: For a speech, what would be the  
13 frequency for clearing language for a demarche, or a  
14 letter? Or a press guidance?

15 MR. FINGAR: There's probably, every week or more  
16 frequently.

17 BRIAN McKEON: How many times a week?

18 MR. FINGAR: I can't tell you that, they don't all go  
19 through me. In fact, most of them don't go through me.

20 PAUL FOLDI: They're handled at the analyst level?

21 MR. FINGAR: They're handled at the analyst level,  
22 they're handled at, through a part of our intel  
23 coordination staff, clerical people.

24 PAUL FOLDI: Are analysts able to, therefore, send the  
25 text forward, and the comments that they make on the text

1 that the de-classification is being sought? The comments  
2 they make, the analysts, do they need to clear those  
3 comments with anyone in INR?

4 MR. FINGAR: No.

5 EDWARD LEVINE: Do they need to clear those comments  
6 with the people who had submitted text for review?

7 MR. FINGAR: No.

8 JAY BRANEGAN: And if you learned some analyst had  
9 sent some suggested text along with the text to be cleared,  
10 up to WINPAC or to the demarche coordinator, you wouldn't  
11 be surprised or bothered by that?

12 MR. FINGAR: No, I wouldn't be surprised, or I  
13 wouldn't be automatically bothered by it, it would depend  
14 upon what was said, who it was for, how it was done. But  
15 as simply the matter of normal procedure, I wouldn't even  
16 see them. This would be worked at the worker level to  
17 worker level at WINPAC or the NIC.

18 PAUL FOLDI: If that's the case, what happened  
19 necessarily in this brouhaha over the Cuba BW language?

20 MR. FINGAR: My -- after the fact, when I asked to see  
21 what it was after I got called by John Bolton was that --  
22 after some interchange with Fred Fleitz, we got a text  
23 which Christian Westermann forwarded to the NIC with a  
24 short comment saying that INR didn't concur with it.

25 PAUL FOLDI: Was there anything wrong with that?

1 MR. FINGAR: Well, given that, who it was, I didn't  
2 think it was prudent to have done that. Was this something  
3 to get terribly upset about and chastise somebody? No.

4 PAUL FOLDI: Would Mr. Westermann have been able to  
5 make those same comments that he made at a later point in  
6 the clearance process?

7 MR. FINGAR: Well, it would have come back around for  
8 INR clearance out of WINPAC.

9 PAUL FOLDI: And would he have been able to make those  
10 comments at that point?

11 MR. FINGAR: Sure.

12 JAY BRANEGAN: And if he had done it at that point,  
13 would you have considered that to be prudent?

14 MR. FINGAR: Again, this is a process that works.

15 JAY BRANEGAN: As you said, for considering the person  
16 who was asking for the clearance, if Mr. Westermann had  
17 given his comments at that later stage in the process,  
18 would that have been more prudent than when he did it?

19 MR. FINGAR: That would have been more prudent than  
20 when he did it. But again, the way in which he did it,  
21 putting on a comment which -- I understood at the time,  
22 today -- was sort of an attempt to point towards his  
23 problem in terms of a disparity between judgments reflected  
24 in the speech and the judgment made by the Intelligence  
25 Community, not by INR, and the recent Intelligence

1 Community estimate.

2 JANICE O'CONNELL: Wasn't that attempt to point out a  
3 problem borne out, in fact, by how this thing, how the  
4 process then worked out?

5 MR. FINGAR: Yes.

6 BRIAN McKEON: When you said, "Given who it was,"  
7 would you care to elaborate on what you mean by that?

8 MR. FINGAR: I think people who are at the  
9 Undersecretary level probably deserve more deference than a  
10 comment put on something. Since apparently there was no  
11 "I'm going to put this on, I need to point out," --  
12 although it had been pointed out to Mr. Fleitz, I believe,  
13 the discrepancy -- that the element of courtesy --

14 BRIAN McKEON: But what would have been the  
15 difference? I'm sorry to be hung up on this process, but  
16 it was the subject of lengthy discussion with Mr. Fleitz,  
17 so we're trying to comprehend it. There would have been no  
18 substantive difference, and we haven't seen it, but  
19 presuming he just put his comments at the top or bottom of  
20 the e-mail, there would have been no substantive difference  
21 had he waited for WINPAC to send it around and he responded  
22 then. He, presumably, would have given largely the same  
23 comment.

24 MR. FINGAR: Correct.

25



1           BRIAN McKEON: So, it's merely the optical aspect of  
2 it that, "Here's the language being drafted for Mr.  
3 Bolton's use, here's INR's comment," that's politically  
4 insensitive?

5           MR. FINGAR: Again, a single person drafting a speech  
6 that they wish to give.

7           JANICE O'CONNELL: But this is Mr. Fleitz who sent  
8 down the language. He deserves special deference?

9           MR. FINGAR: I'm not clear on the amount of  
10 interaction between Westermann and Fleitz around the  
11 language, but it was being sent over -- not as a Fred  
12 Fleitz speech -- but as an Undersecretary Bolton speech.

13          JANICE O'CONNELL: Well, it was sent over as three  
14 sentences to be cleared, there was no speech sent.

15          BRIAN McKEON: This is in February of 2002. What  
16 we're focused on and what we were told yesterday about Mr.  
17 Fleitz and Mr. Westermann is about three sentences,  
18 excerpts from finished intelligence products that Fleitz  
19 sent to Westermann for clearance.

20          FRANK JANNUZI: For use in a speech.

21          PAUL FOLDI: So, after Mr. Westermann sent that, it's  
22 our understanding that his presence was requested in Mr.  
23 Bolton's office. At what point did Mr. Westermann make  
24 known to you either that he was going, or had gone, to see

1 the Undersecretary, and what did Mr. Westermann relay to  
2 you as far as what transpired?

3 MR. FINGAR: He re-versed that Mr. Bolton was angry  
4 with him and berated him.

5 PAUL FOLDI: This was after the fact?

6 MR. FINGAR: After the fact, and that he wanted to see  
7 me. Sometime later the telephone rang, it was Mr. Bolton's  
8 office, and he wanted me to come up.

9 PAUL FOLDI: Did you go up?

10 MR. FINGAR: I did.

11 PAUL FOLDI: What did Mr. Bolton say to you?

12 MR. FINGAR: That he was the President's appointee,  
13 that he had every right to say what he believed, that he  
14 wasn't going to be told what he could say by a mid-level  
15 INR munchkin analyst.

16 PAUL FOLDI: Did he actually use those terms?

17 MR. FINGAR: That's my recollection. He said that,  
18 one way or another, several times. Said that he wanted  
19 Westermann taken off his accounts. I said, "He's our CW/BW  
20 specialist, this is what he does." He expressed again, as  
21 I remember it, that he was the President's appointee, he  
22 could say what he wanted, I said, "John, I'm coming into  
23 this cold, let me go downstairs and find some facts." I  
24 said, "I don't even know what you're talking about in terms  
25 of a document." And I left. After I looked into it, saw

1 the e-mail that accompanied it, I sent an e-mailed up,  
2 which re-versed two points that I made in his presence,  
3 again, which was that we had two fundamental obligations in  
4 handling material -- intelligence-derived materials to use  
5 in speeches -- one was protection of sources and methods to  
6 make sure things were properly cleared; and the other was  
7 to make sure that policymakers were aware when they were  
8 going to say something that would not be supported by the  
9 Intelligence Community. That if asked, "Do you agree with  
10 this?" that the Intelligence Community would say yes, or  
11 no. That we owed it to him to flag that, and I thought  
12 that is what Christian was doing.

13 PAUL FOLDI: What did you tell Mr. Westermann? Did  
14 you get a chance?

15 MR. FINGAR: I didn't see him until the next day, as I  
16 remember, and I told him what had transpired in the  
17 conversation. I told him that he, Mr. Bolton, wanted him  
18 taken off of those accounts. I said we had no intention of  
19 doing that, no to worry about it, he was our CW/BW analyst.  
20 Undoubtedly, something more about the continuation of the  
21 process, I don't remember the rest of it.

22 FRANK JANNUZI: Was Mr. Westermann ever disciplined,  
23 or punished for his conduct in the clearance of this  
24 language?

25 MR. FINGAR: No.

1 FRANK JANNUZI: And do you believe that his actions at  
2 the time --

3 PAUL FOLDI: Chris, we can hear you, go in the back.

4 FRANK JANNUZI: Do you think Mr. Westermann's conduct  
5 was contrary to established INR policies or procedures in  
6 the clearance of language?

7 MR. FINGAR: No. No.

8 JANICE O'CONNELL: Did Mr. Bolton have a reputation of  
9 being temperamental? When you said who you were dealing  
10 with that it was probably not prudent?

11 MR. FINGAR: Again, on my part, was a general comment  
12 based upon rank, not based on personality.

13 PAUL FOLDI: So, if this had been Undersecretary  
14 Grossman -- ?

15 MR. FINGAR: Yeah, to me, the same principle would  
16 have applied. Are the personalities different? Of course.

17 JANICE O'CONNELL: Would Grossman have been likely to  
18 call Westermann up to his office, had something similar  
19 been done, and berate him?

20 MR. FINGAR: I can't speak to what Grossman would have  
21 done. To my knowledge, it never happened in the case of  
22 another principal.

23 PAUL FOLDI: Did Mr. Bolton speak to you again on this  
24 same issue, or regarding Mr. Westermann?

25

1           JAY BRANEGAN: Was there a response to your e-mail?  
2 You didn't really respond to Mr. Bolton when you had the  
3 conversation, because you didn't know what the story was,  
4 right?

5           MR. FINGAR: Correct.

6           JAY BRANEGAN: So you sent the e-mail.

7           MR. FINGAR: I sent the e-mail.

8           JAY BRANEGAN: Did he respond?

9           MR. FINGAR: The e-mail said, "thank you."

10          JAY BRANEGAN: That's it?

11          MR. FINGAR: I think that's all that was there. It  
12 may have been more words, but I don't remember the content.

13          FRANK JANNUZI: Subsequent to this incident, it's our  
14 understanding --

15          JANICE O'CONNELL: Frank, could we go back? Could you  
16 characterize your meeting with Bolton? Was he calm?

17          MR. FINGAR: No, he was angry. He was standing up.

18          JANICE O'CONNELL: Did he raise his voice to you? Did  
19 he point his finger in your face?

20          MR. FINGAR: I don't remember if he pointed. John  
21 speaks in such a low voice normally. Was it louder than  
22 normal? Probably. I wouldn't characterize it as screaming  
23 at me or anything like that. It was more, hands on hips,  
24 the body language as I recall it, I knew he was mad.

25

1 FRANK JANNUZI: Subsequent to this incident, it's our  
2 understanding Mr. Westermann was instructed -- perhaps by  
3 his office director, perhaps by someone else -- to  
4 essentially try to minimize his personal contact with Mr.  
5 Bolton, is that correct?

6 MR. FINGAR: Yes, it was in the context of -- he  
7 didn't have a particular responsibility to go to that  
8 office, to be the one carrying materials up there -- and it  
9 was sort of, why walk into a buzz saw?

10 JAY BRANEGAN: Did you have any other interaction with  
11 Mr. Bolton about this incident following his "thank you" e-  
12 mail?

13 MR. FINGAR: No, not that I recall.

14 JANICE O'CONNELL: Did you have any other interactions  
15 with Mr. Bolton's office, either with Mr. Bolton, or Mr.  
16 Fleitz, having to do with Mr. Westermann in which Mr.  
17 Westermann complained to you?

18 MR. FINGAR: Westermann complained to me in an e-mail  
19 and in person --

20 JANICE O'CONNELL: This would have been the September  
21 2002 time frame? Can we refresh his memory?

22 MR. FINGAR: If you say so.

23 BRIAN McKEON: There's an e-mail in the packet, in the  
24 back.

25

1 MS. BOREK: This is one, you don't necessarily  
2 associate the thing that went to somebody in T.

3 BRIAN McKEON: There's an e-mail in the back.

4 MR. FINGAR: Again, not seeing this thing. John -- I  
5 don't know if he called me, or caught me after the Thirty  
6 meeting with the Secretary, and he was upset that his  
7 people, in one of the bureaus he supervised -- arms control  
8 bureau -- had seen intelligence, and he hadn't seen it.  
9 And he had instructed that he would to get all intelligence  
10 on everything, and how could it be that some of his people  
11 were getting intelligence, and he wasn't? And I said,  
12 "John, let me go find out," and with the poking around, the  
13 content of it was an oral conversation between Westermann  
14 and Mahley.

15 BRIAN McKEON: Who is Mahley?

16 MR. FINGAR: Mahley, Don Mahley is the Chemical  
17 Weapons Convention -- and that the information conveyed was  
18 from an e-mail, alerting Christian about something that was  
19 coming up, I forgot what the content was, but it wasn't a  
20 report. I told John that this was a head's up of a report  
21 that, in fact, had not come. I think, in any event, it  
22 never did come. But that's the only other e-mail exchange.

23 JANICE O'CONNELL: Well, Christian complains about his  
24 treatment, and how it's affecting his work.

25

1 MR. FINGAR: I don't think it was Bolton, I mean,  
2 Bolton to him directly. Whether it was Fred Fleitz, or  
3 things that -- whatever transpired between John Bolton and  
4 Carl Ford, I do not know -- but Christian was clearly  
5 upset, and I don't know what it was that re-triggered this.  
6 But I have no memory that it involved content with John  
7 Bolton directly. It more likely would have been Fred  
8 Fleitz or somebody else on the T staff.

9 BRIAN McKEON: According to the SSCI's account of the  
10 work, I think this is your e-mail being described, "One of  
11 the supervisors noted the analysts choice of phrase 'does  
12 not concur with' was entirely inappropriate."

13 MR. FINGAR: That's my e-mail to Bolton, that's the  
14 tail end, after I had said I would look into it. I  
15 reiterated the sources and methods, letting him know that  
16 he was mad. I apologized for it, and told him it wouldn't  
17 happen again.

18 BRIAN McKEON: But the "entirely inappropriate" was  
19 aimed back at your comment before, that he should have been  
20 more sensitive to rank?

21 MR. FINGAR: Yes.

22 BRIAN McKEON: So, you talked to Westermann the day  
23 after this happened, are you aware of -- and we have talked  
24 to him but, and we can ask Mr. Bolton -- but was there  
25 subsequent action or conversations, or communications



1 between Bolton and Carl Ford when Ford returned to town,  
2 about this matter?

3 MR. FINGAR: I believe there were, but I don't know  
4 that. Carl and I simply didn't talk. I informed Carl when  
5 he came to town of the conversation that I had had with Mr.  
6 Bolton.

7 PAUL FOLDI: Do you remember where Assistant Secretary  
8 Ford was? Nobody knows.

9 MR. FINGAR: I don't.

10 BRIAN McKEON: The day this happened you were acting -  
11 - ?

12 MR. FINGAR: Carl had some health problems, whether he  
13 was out for that, whether he was traveling, I don't know.

14 BRIAN McKEON: But you were acting?

15 MR. FINGAR: I was.

16 PAUL FOLDI: And Mr. Bolton's comments, his  
17 interactions with you, he indicated he wanted to see Mr.  
18 Westermann removed from the BW portfolio, is that correct?

19 MR. FINGAR: From his, which I interpreted to mean  
20 "he", the accounts that John Bolton, oversaw.

21 PAUL FOLDI: Did he, at any time, tell you that he  
22 wanted Mr. Westermann fired, or removed from INR?

23 MR. FINGAR: No.

24 PAUL FOLDI: Did Mr. Fleitz ever convey that message  
25 to you?

1 MR. FINGAR: Not to me, not to me. I don't believe I  
2 had an exchange with Fleitz.

3 JANICE O'CONNELL: Was Fleitz in the meeting with you  
4 and Bolton?

5 MR. FINGAR: No, it was just the two of us.

6 JANICE O'CONNELL: You said you briefed Carl on what  
7 had happened?

8 MR. FINGAR: Yes.

9 JANICE O'CONNELL: What was his reaction, do you  
10 remember?

11 MR. FINGAR: Basically to reiterate, however serious  
12 the proposal or request, or demand -- however you want to  
13 characterize it -- of taking Christian off his accounts  
14 was, it wasn't something we were going to do. Carl said,  
15 "Of course not," I don't remember. It sort of, at the time  
16 was not a great big deal. I ran through it as part of  
17 catching up on things when he was away.

18 JANICE O'CONNELL: And he never told you of any  
19 conversations he subsequently had with Mr. Bolton?

20 MR. FINGAR: No. Or at least none that I recall.

21 JAY BRANEGAN: Mr. Fingar, if I could just go back --  
22 you said here today that what Mr. Westermann did was  
23 entirely within the procedures, he was never disciplined,  
24 it was perfectly normal, you would have been surprised,  
25 that the only failure of his was lack of prudence. And

1 then here you say it's "entirely inappropriate," and "we  
2 screwed up, it won't happen again." That seems like a  
3 rather different assessment.

4 MR. FINGAR: Well, I knew I was dealing with somebody  
5 who was very upset, I was trying to get the incident  
6 closed, which I didn't regard as a big deal. I knew John  
7 was mad. I assumed, when people are mad, they get over it.  
8 So, did I lean over in the direction of "Sure, we'll take  
9 responsibility"? He thanked me for it, at least as far as  
10 I'm concerned, in my dealings with Bolton, that closed it.

11 MS. BOREK: He didn't say -- just to go back to what  
12 you actually asked was -- whether this violated an INR  
13 procedure, that doesn't mean it was the smartest thing to  
14 do.

15 BRIAN McKEON: "Entirely inappropriate" --

16 JAY BRANEGAN: That does sound like it's violating a  
17 procedure.

18 BRIAN McKEON: \*\*\*\*\*It's attached to the words "Does  
19 not concur," it's not about him doing it the wrong way,  
20 although at least as his e-mail reads, you can --

21 MR. FINGAR: That was probably written about 8:30 at  
22 night as I was closing out the day.

23 JANICE O'CONNELL: Either we can share all the e-mails  
24 with him --

25 PAUL FOLDI: It's his e-mail.

1           JANICE O'CONNELL: I have another e-mail I want to  
2 share, can we go off the record?

3                   (Off the record.)

4           BRIAN McKEON: Back on the record. Can you clear up  
5 something about, the confusion that's arisen in terminology  
6 from the demarche coordinator at CIA, what is a demarche  
7 coordinator, and what do they typically do?

8           MR. FINGAR: At CIA?

9           BRIAN McKEON: Correct. And WINPAC, is there a  
10 different demarche coordinator in other parts of CIA, or  
11 just one in WINPAC?

12          MR. FINGAR: I don't know, what I assume it is that,  
13 sort of the one who performs that function in INR, it's a  
14 clerical function to log in what was requested, when was it  
15 requested, what were the pieces, what were the response, so  
16 you've got a record, a tracking record.

17          PAUL FOLDI: Then who distributes that language to the  
18 various members of the Intel Community?

19          MR. FINGAR: WINPAC, I don't know who in WINPAC.

20          PAUL FOLDI: It would not be the demarche coordinator?

21          MR. FINGAR: I don't know, it could be, but I don't  
22 know that.

23          JAY BRANEGAN: When something is sent to the demarche  
24 coordinator for clearance, is it cleared for sources and  
25 methods? Or, is it cleared to ensure that the Intelligence

1 Community concurs on the substance of the material to be  
2 cleared.

3 MR. FINGAR: It's cleared for two things -- it's my  
4 understanding -- sources and methods, are they adequately  
5 protected; and the other is, if there is a characterization  
6 of an Intelligence Community judgment, that that  
7 characterization is accurate.

8 JAY BRANEGAN: So that's the case with everything that  
9 goes up through this system? It's not like someone has to  
10 pull an extra switch in order to make sure that the  
11 substantive consensus is arrived at?

12 MR. FINGAR: It's sources and methods, and if there's  
13 a characterization of an Intelligence Community judgment,  
14 "The Intelligence Community thinks 'x'," that that conforms  
15 to either a formal, published judgment, or polling the  
16 Community to find out if that is what it thinks.

17 JANICE O'CONNELL: If you wanted to poll the Community  
18 about what they thought about something where would you  
19 send it, would you send it to WINPAC? Would you send it to  
20 -- where would you send it if you wanted -- ?

21 MR. FINGAR: We probably wouldn't be polling the  
22 Community, we would send it to the NIC or the WINPAC, they  
23 would determine whether there was an existing document that  
24 provided the basis for if something needed to be done.

25

1           BRIAN McKEON: Can I just go back, briefly, to this  
2 "does not concur" language? In saying it was entirely  
3 inappropriate, is it ever appropriate for an INR analysts  
4 to say, "Do not concur."? Would that be normally how you  
5 would comment on drafts, or clearance on something?

6           MR. FINGAR: If we were clearing something that was  
7 done within the Intelligence Community that "does not  
8 concur" would be one of many normal ways.

9           JANICE O'CONNELL: Didn't Christian know that INR  
10 didn't concur because of the fact that INR had a unique  
11 position on this?

12          MR. FINGAR: It did have a unique position at the time  
13 that it subsequently became a Community position, but  
14 that's what he was flagging here, I think was that --  
15 either way -- that it didn't conform to the majority view  
16 and the estimate.

17          EDWARD LEVINE: Let alone to INR's.

18          JANICE O'CONNELL: So that was wrongful to do?

19          MR. FINGAR: Again, with a senior principal who  
20 requested to send it over, was it necessary or prudent to  
21 say "we do not concur"? Better language clearly would have  
22 been, "this doesn't seem consistent with the most recent  
23 IME, make sure you take a look at the most recent IME,"  
24 that kind of language would have been more prudent.

25

1           BRIAN McKEON: Your point is, he's not equivalent to  
2 the seventh floor principals, so saying "does not concur"  
3 may be read to elevate him to his level?

4           MR. FINGAR: Yeah, and suggesting that it was more  
5 than a disagreement over the characterization of the  
6 Intelligence Community.

7           BRIAN McKEON: But if I am an INR analysts, and used  
8 to deal with the IC in commenting on papers, and you write,  
9 "do not concur," as kind of your standard jargon in a quick  
10 comment, isn't that a more likely explanation for how those  
11 words got there?

12          MR. FINGAR: Could be.

13          JANICE O'CONNELL: Has he been instructed never to use  
14 those words again?

15          MR. FINGAR: I don't think I gave him instructions in  
16 that regard.

17          JANICE O'CONNELL: Did you put out guidance to the  
18 Bureau that they should never use those words?

19          MR. FINGAR: No.

20          JAY BRANEGAN: Were there any policies or procedures  
21 changed as a result of this incident?

22          MR. FINGAR: No.

23          JAY BRANEGAN: Can I ask about the Bolton speech as  
24 delivered, do you happen to have any information as to how  
25 that was cleared? Whether that was cleared through a

1 similar process? The language we're talking about here was  
2 a few sentences in a speech, and that was done before the  
3 speech itself was given. We're told subsequently the  
4 speech as a whole went through a clearing process, we're  
5 trying to figure out if it was the same process.

6 MR. FINGAR: I wasn't involved, so it's a guess that  
7 it would have been cleared within the building on policy  
8 grounds, and if it had other Intelligence-based judgments,  
9 it would have gone in its entirety to the Community for  
10 sources and methods.

11 JANICE O'CONNELL: Is there any record of INR having  
12 been the lead agency in clearing the speech?

13 MR. FINGAR: I don't think so.

14 JANICE O'CONNELL: Does anyone at INR? Does Christian  
15 Westermann remember?

16 MR. FINGAR: We wouldn't have been the lead clearer in  
17 any case. This simply would have gone to --

18 JANICE O'CONNELL: But wouldn't it have come back to  
19 you?

20 MS. BOREK: Can I clarify something? The first thing  
21 was a de-classification which --

22 PAUL FOLDI: The first thing in February.

23 MS. BOREK: The February thing, which had to go back  
24 to the entity which classified it. So, when you have a  
25 request for de-classification, you have to go back to the



1 source of the information to request de-classification, you  
2 wouldn't have to do that with the whole speech, unless you  
3 were asking for de-classification or you were using another  
4 agency's information. If we were using only our own  
5 information, and we weren't touching on other agency  
6 equities, you wouldn't necessarily clear with the  
7 Intelligence Community. Now, you do have some documents on  
8 the latter clearance process, and I don't recall who the  
9 recipients were in the wider clearance, but they were two  
10 different situations, unless you're really talking about  
11 intelligence, and needing to de-classify.

12 JAY BRANEGAN: And do you know, was there other  
13 material in that speech that needed to be de-classified,  
14 similar to the way that these three sentences on Cuba BW  
15 had to be de-classified?

16 MR. FINGAR: I don't know, I was not involved in that  
17 process at all.

18 MS. BOREK: Just from looking at the documents you  
19 have, it appears there was an issue about Syria that didn't  
20 involve de-classification, but did involve what INR  
21 thought, so there was a little bit on that.

22 JANICE O'CONNELL: And INR was not in, as I looked at  
23 it, INR was not on the list of Bureaus that was sent the  
24 material, in fact what they were sent, was sent to them by  
25 some other Bureau.

1 MS. BOREK: I didn't look at it, you looked at it more  
2 carefully than I did, but that was an example of a  
3 different kind of clearance issue than having to go back to  
4 the Intelligence Community.

5 MR. FINGAR: These clearances a routine analyst  
6 handled through clerical people function. After the fact,  
7 it came up.

8 FRANK JANNUZI: So it's entirely possible that after  
9 the language on Cuba BW programs was cleared for de-  
10 classification and incorporated into the speech, that the  
11 subsequent clearance process on the speech might have been  
12 internal to the State Department if it did not involve any  
13 additional intelligence material? It just simply would  
14 have gone to the policy bureaus? To the executive  
15 secretariat in the normal speech clearance process?

16 MS. BOREK: I think you have a clearance page that  
17 shows that, that's probably the best answer.

18 JANICE O'CONNELL: So, it's safe to say the basic  
19 speech was not an Intelligence Community-cleared speech?

20 MS. BOREK: I don't know, we would have to look at the  
21 page to see what it was.

22 BRIAN McKEON: That would only show the State  
23 clearances.

24 MS. BOREK: I don't think so, I think it actually has  
25 some other clearances.

1           JAY BRANEGAN: I think, is there any evidence DOD  
2 would have looked at that speech?

3           MS. BOREK: DOD? Yes. But the clearance process is a  
4 strange and wondrous thing.

5           BRIAN McKEON: Were there any other incidents of this  
6 kind, where the Undersecretary, or Mr. Fleitz, felt that an  
7 INR analyst had stepped out of line in handling the  
8 clearance of something?

9           MR. FINGAR: Not that I'm aware of. I think that I  
10 would be --

11          BRIAN McKEON: Any other time the Undersecretary, Mr.  
12 Fleitz asked you, or your senior colleagues to take someone  
13 off their accounts?

14          MR. FINGAR: No.

15          BRIAN McKEON: What is your view of Mr. Westermann's  
16 skills as an analyst?

17          MR. FINGAR: He's a very diligent expert in his field.

18          BRIAN McKEON: I can never keep these terms clear --  
19 are you the rating officer? The reviewing officer?

20          MR. FINGAR: No, I'm not.

21          JANICE O'CONNELL: Did you want to do the second of  
22 September incident?

23          EDWARD LEVINE: Were you ever told of a conversation  
24 between Bolton or a member of his staff and, I believe the  
25 name is Neil Silver, that would relate to Christian

1 Westermann?

2 MR. FINGAR: Told? I think there was an e-mail. If  
3 my recollection is right, it was an introductory call by  
4 Neil Silver when he came into the job as the new Office  
5 Director on Mr. Bolton. I'm trying to remember this with  
6 some precision, but that Bolton had repeated, "I don't want  
7 him on my accounts."

8 JENNIFER GERGEN: Can you speak up?

9 MR. FINGAR: I'm sorry, that Mr. Bolton had repeated  
10 the admonition that he didn't want Westermann on his  
11 accounts, the T accounts.

12 PAUL FOLDI: Was there anything on the recounting from  
13 Mr. Silver that suggested Mr. Bolton wanted to see Mr.  
14 Westermann fired? Not just not on his accounts?

15 MR. FINGAR: Not that I recall. Silver knew from his  
16 conversation, if I recall this, with Westermann, that this  
17 had been raised before. That the front office said we had  
18 no intention of moving him, he didn't say, "Come to me, do  
19 we have to do anything about this?" He simply reported the  
20 conversation.

21 FRANK JANNUZI: Did INR keep Mr. Westermann on the  
22 account because you had confidence in his ability to  
23 perform the job well?

24 MR. FINGAR: Yes.

25

1           FRANK JANNUZI:  So there was nothing about the  
2 incident in February that caused INR management to lose  
3 confidence in Mr. Westermann as an analyst, or in his  
4 integrity as an employee of the State Department?

5           MR. FINGAR:  None whatsoever.  He's been our lead guy  
6 on several important BW/CW-related issues.  The ISG report  
7 on Iraq WMD Commission testimony --

8           FRANK JANNUZI:  Do you have any impression of how Mr.  
9 Westermann is regarded, both by his colleagues within INR  
10 and by his colleagues in the larger Intelligence Community  
11 with whom he interacts?

12          MR. FINGAR:  By everything I know, he's highly  
13 regarded.  Certainly the NIO for Strategic Systems who then  
14 picked up the WMD account were broadly, Bob Walpole pled  
15 with me, twisted my arm over an extended period for me to  
16 persuade Christian to accept the invitation that he had  
17 extended to become the Deputy NIO for CW/BW, and Christian,  
18 after thinking about it, decided he didn't want to do it.

19          FRANK JANNUZI:  For those of you who may not be as  
20 familiar as you are with the Intelligence Community, would  
21 taking the position of Deputy NIO be considered a plumb, or  
22 a promotion or a smart career move under many circumstances  
23 by an INR analyst?

24          MR. FINGAR:  It could be.  I mean, it doesn't bring  
25 with it a promotion, it goes from one system to another.

1 It very much depends on the individual analyst, we have not  
2 had very many wish to do that, wish to be coordinators  
3 rather than working analysts.

4 FRANK JANNUZI: But it's fair to say that it's an  
5 offer that would be made only to someone who was held in  
6 high esteem by NIO?

7 MR. FINGAR: Absolutely, that position would have been  
8 the Community's ranking analyst for CBW.

9 JAY BRANEGAN: If I can go back to the day of the  
10 incident, and the day after the incident, in your  
11 investigation when you were trying to untangle what  
12 happened did it ever come up, the fact that Mr. Westermann  
13 had misrepresented to Mr. Fleitz or Mr. Bolton exactly what  
14 he had done? Was that ever a part of the equation as you  
15 recall?

16 MR. FINGAR: No.

17 JAY BRANEGAN: No implication, either verbally from  
18 Mr. Bolton or Mr. Fleitz that he lied or tried to cover up  
19 anything?

20 MR. FINGAR: No, I have no recollection of that at  
21 all. I'm quite sure I didn't have any conversation with  
22 Fred Fleitz after the event.

23 Just to close out the discussion of the NIO that  
24 I made clear to Walpole and I made clear to Christian, it  
25 was his decision that if he wanted to go, INR would support

1 that decision, if he didn't want to go, I wasn't going to  
2 make him go.

3 JANICE O'CONNELL: Was this perceived by Christian as  
4 an effort to get him out of the building?

5 MR. FINGAR: No, I think he perceived it as a  
6 recognition of his standing in the Community.

7 JANICE O'CONNELL: You've been in the Intelligence  
8 Community a long time, I assume you know a lot of the  
9 players, were you aware of the animosity between the NIO  
10 for Latin America and Mr. Bolton?

11 MR. FINGAR: Not until some time after this speech,  
12 when -- as I recall it from room scheduling kind of e-mails  
13 -- Mr. Bolton wanted the analysts from around the Community  
14 assembled on this speech, and the NIO for Latin America,  
15 and the NIO, or the Deputy NIO for WMD chaired that  
16 session, that originally it was to be so that Mr. Bolton  
17 could meet with people directly, and in the event -- and as  
18 I recall, Fred Fleitz conducted that meeting -- and it was  
19 a conversation, sort of after the fact, that there was some  
20 kind of a history between those two, between Mr. Bolton and  
21 the NIO for Latin America.

22 PAUL FOLDI: Anything else?

23 BRIAN McKEON: This gets into the subject I discussed  
24 yesterday, which -- I don't want to surprise you -- this is  
25 the DS issue.

1 BRUCE BROWN: The DS issue?

2 BRIAN McKEON: Yes.

3 BRUCE BROWN: Let's start and see what happens.

4 BRIAN McKEON: In conversations with Greg Thielman,  
5 who was an Office Director, he has had some recollection  
6 that at some point in the period when he was there, people  
7 in INR were getting frequent calls from policy bureaus  
8 under T, saying, "Hey, we've got this SCI document, it's  
9 been left here by the Agency, can you come get it?" And  
10 Thielman says he was concerned enough about it that he  
11 asked his people to start documenting this, and saying, "We  
12 should report this to DS, because they have the lead on  
13 this." And I think part of his concern was, after the  
14 political troubles and the episodes of the late '90's with  
15 INR, that INR might be taking the fall for something that  
16 it had nothing to do with. Do you have any knowledge of  
17 any of this?

18 MR. FINGAR: There may be e-mails from Thielman or  
19 somebody at DS, but since they were in an inter-joining  
20 suites, literally, in the adjoining suites of offices on  
21 the same corridor, it might well have been done verbally.  
22 There was a problem, not unique to the T family, that  
23 getting CIA to comply with -- not just their own  
24 directives, but the 'no waivers, no exception' requirement  
25 to the DSCIDs that was imposed on the Department of State -



1 - that they simply couldn't be leaving these documents  
2 anyplace that they chose to leave them. It's a problem  
3 that recurs to this day. So, the phenomenon, I'm delighted  
4 they were attentive to it, the officers in the T family  
5 bureaus who called them to our attention and get them under  
6 control were doing exactly the right thing. You educate  
7 people, and eventually, they climb the learning curve, and  
8 they get it. And you have rotations, and you start the  
9 process again.

10 PAUL FOLDI: I just want to go back to one question, I  
11 asked you specifically if Mr. Bolton told you that he  
12 wanted to have Mr. Westermann fired, and you said no. Are  
13 you aware of any other conversations Mr. Bolton had with  
14 anybody that they relayed to you later, after the fact,  
15 that Mr. Bolton was perceived to wanting Mr. Westermann  
16 fired?

17 MR. FINGAR: I don't remember anyone rehearsing a  
18 direct conversation with Mr. Bolton using those words.

19 BRIAN McKEON: Although Westermann was told to limit  
20 his contact with T front office, he continued to do work  
21 for all the T bureaus, including the front office, correct?

22 MR. FINGAR: Correct. Correct. We do not change his  
23 account at all.

24 Brian McKeon: If the Undersecretary or his staff sent  
25 down and said, "can we get a paper on this issue?" and the

1     only person to do it was Westermann, did Westermann do it?

2           MR. FINGAR:   Westermann did it.  Well, he did it,  
3     although some time after that we hired another analyst who  
4     picked up the BW portions of the accounts were split until  
5     that analyst accepted a position in the Foreign Service.

6           BRIAN McKEON:  But Mr. Bolton didn't stop taking  
7     product from Mr. Westermann?

8           MR. FINGAR:  No, we continued to produce as we had  
9     produced, we disseminated as we had disseminated, and if  
10    anybody looked on the drafting page on the back, would have  
11    known who wrote it.

12          JAY BRANEGAN:  Did you follow the fate of the language  
13    in question that Mr. Westermann had sent up and that went  
14    around and came back?

15          MR. FINGAR:  No.

16          JAY BRANEGAN:  You don't know once it came back from,  
17    was Mr. Bolton's office satisfied, or whether they tried to  
18    change it again?

19          MR. FINGAR:  Don't know.

20          JANICE O'CONNELL:  Did Mr. Bolton's office request  
21    intercepts from your office?

22          MR. FINGAR:  I actually don't know.

23          JANICE O'CONNELL:  Would that be a normal request?

24          MR. FINGAR:  Requesting intercepts, if somebody has  
25    been alerted elsewhere that here's the report number, get

1 it, it would come to INR because we were the place that has  
2 that. It's entirely possible.

3 JANICE O'CONNELL: Would it be routine?

4 MR. FINGAR: For a request of an intercept? Yeah,  
5 kind of routine, not a daily occasion, but given the way  
6 people talk to one another around the policy, have you  
7 seen, given the vagaries of the dissemination, some get it  
8 ahead of others, some would have had it.

9 JANICE O'CONNELL: Would you keep a record of the  
10 intercepts that he would have requested?

11 MR. FINGAR: No.

12 JANICE O'CONNELL: So, you wouldn't know what his  
13 office -- by logging in and logging out?

14 MR. FINGAR: If DS carried it up there in a pouch,  
15 which was an intercept they would have to do, and they left  
16 it, after it became a SCIF they should have a record. If  
17 somebody from INR carried it up and stayed with it, it was  
18 read and carried back, there would be no record.

19 FRANK JANNUZI: And such requests would have  
20 ordinarily have come through Greg Thielman's office, the  
21 SPM office, given their support role for T and its bureaus?

22 MR. FINGAR: Yes.

23 FRANK JANNUZI: Not through the front office of INR?

24 MR. FINGAR: No, those requests -- unless somebody  
25 misdirected it -- it wouldn't have come to us.

1 PAUL FOLDI: Thanks for your time.

2 BRIAN McKEON: Thank you very much.

3 (Adjourned at 3:05 p.m.)

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8 JANICE O'CONNELL:

9 MR. FINGAR:

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