

SENATE FOREIGN RELATIONS ROUNDTABLE DISCUSSION

Friday, April 08, 2005

U.S. Senate  
Foreign Relations Committee  
Washington, D.C.

The committee met, pursuant to notice, at 2:15 p.m. in Room SD-450, Dirksen Senate Office Building.

PAUL FOLDI: Do you want to just start?

(Off the record.)

PAUL FOLDI: We're on the record.

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

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

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

MR. FINGAR: Principal Deputy Assistant Secretary.

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

MR. FINGAR: 2001 through 2003.

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

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

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

MR. FINGAR: INR since January '86.

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

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

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

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

MR. FINGAR: When?

PAUL FOLDI: Two thousand and two.

BRIAN McKEON: February 2002.

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

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

MR. FINGAR: Somebody wants something cleared --

PAUL FOLDI: De-classified.

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

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

MR. FINGAR: Proliferation, arms control subjects.

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

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

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

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

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

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

PAUL FOLDI: So, let me be more specific. In this case, it seems that the INR analyst sent the language regarding Cuba that was to be cleared along with INR, we could call it suggested text and/or comments, we don't know because this is what's coming over to S407. Is doing that considered standard practice? Is that abnormal?

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

BRIAN McKEON: When you say "N"?

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

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

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

BRIAN McKEON: How many times a week?

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

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

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

PAUL FOLDI: Are analysts able to, therefore, send the text forward, and the comments that they make on the text that the de-classification is being sought? The comments they make, the analysts, do they need to clear those comments with anyone in INR?

MR. FINGAR: No.

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

MR. FINGAR: No.

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

MR. FINGAR: No, I wouldn't be surprised, or I wouldn't be automatically bothered by it, it would depend upon what was said, who it was for, how it was done. But as simply the matter of normal procedure, I

wouldn't even see them. This would be worked at the worker level to worker level at WINPAC or the NIC.

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

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

PAUL FOLDI: Was there anything wrong with that?

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

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

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

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

MR. FINGAR: Sure.

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

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

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

MR. FINGAR: That would have been more prudent than when he did it. But again, the way in which he did it, putting on a comment which -- I understood at the time, today -- was sort of an attempt to point towards his problem in terms of a disparity between judgments reflected in the

speech and the judgment made by the Intelligence Community, not by INR, and the recent Intelligence Community estimate.

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

MR. FINGAR: Yes.

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

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

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

MR. FINGAR: Correct.

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

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

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

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

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

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

FRANK JANNUZI: For use in a speech.

PAUL FOLDI: So, after Mr. Westermann sent that, it's our understanding that his presence was requested in Mr. Bolton's office. At what point did Mr. Westermann make known to you either that he was going, or had gone, to see the Undersecretary, and what did Mr. Westermann relay to you as far as what transpired?

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

PAUL FOLDI: This was after the fact?

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

PAUL FOLDI: Did you go up?

MR. FINGAR: I did.

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

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

PAUL FOLDI: Did he actually use those terms?

MR. FINGAR: That's my recollection. He said that, one way or another, several times. Said that he wanted Westermann taken off his accounts. I said, "He's our CW/BW specialist, this is what he does." He expressed again, as I remember it, that he was the President's appointee, he could say what he wanted, I said, "John, I'm coming into this cold, let

me go downstairs and find some facts." I said, "I don't even know what you're talking about in terms of a document." And I left. After I looked into it, saw the e-mail that accompanied it, I sent an e-mailed up, which re-versed two points that I made in his presence, again, which was that we had two fundamental obligations in handling material -- intelligence-derived materials to use in speeches -- one was protection of sources and methods to make sure things were properly cleared; and the other was to make sure that policymakers were aware when they were going to say something that would not be supported by the Intelligence Community. That if asked, "Do you agree with this?" that the Intelligence Community would say yes, or no. That we owed it to him to flag that, and I thought that is what Christian was doing.

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

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

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

MR. FINGAR: No.

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

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

FRANK JANNUZI: Do you think Mr. Westermann's conduct was in accordance with INR policies or procedures in the clearance of language?

MR. FINGAR: No.

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



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

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

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

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

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

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

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

MR. FINGAR: Correct.

JAY BRANEGAN: So you sent the e-mail.

MR. FINGAR: I sent the e-mail.

JAY BRANEGAN: Did he respond?

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

JAY BRANEGAN: That's it?

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

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

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

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

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

MR. FINGAR: I don't remember if he pointed. John speaks in such a low voice normally. Was it louder than normal? Probably. I wouldn't

characterize it as screaming at me or anything like that. It was more, hands on hips, the body language as I recall it, I knew he was mad.

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

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

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

MR. FINGAR: No, not that I recall.

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

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

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

MR. FINGAR: If you say so.

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

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

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

MR. FINGAR: Again, not seeing this thing. John -- I don't know if he called me, or caught me after the Thirty meeting with the Secretary, and he was upset that his people, in one of the bureaus he supervised -- arms control bureau -- had seen intelligence, and he hadn't seen it. And he had instructed that he would to get all intelligence on everything, and how could it be that some of his people were getting intelligence, and he wasn't? And I said, "John, let me go find out," and with the poking

around, the content of it was an oral conversation between Westermann and Mahley.

BRIAN McKEON: Who is Mahley?

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

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

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

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

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

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

MR. FINGAR: Yes.

BRIAN McKEON: So, you talked to Westermann the day after this happened, are you aware of -- and we have talked to him but, and we can ask Mr. Bolton -- but was there subsequent action or conversations, or communications between Bolton and Carl Ford when Ford returned to town, about this matter?

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

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

MR. FINGAR: I don't.

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

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

BRIAN McKEON: But you were acting?

MR. FINGAR: I was.

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

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

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

MR. FINGAR: No.

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

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

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

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

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

MR. FINGAR: Yes.

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

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

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

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

JAY BRANEGAN: Mr. Fingar, if I could just go back -- you said here today that what Mr. Westermann did was entirely within the procedures, he was never disciplined, it was perfectly normal, you would have been surprised, that the only failure of his was lack of prudence. And then here you say it's "entirely inappropriate," and "we screwed up, it won't happen again." That seems like a rather different assessment.

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

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

BRIAN McKEON: "Entirely inappropriate" --

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

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

you can --

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

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

PAUL FOLDI: It's his e-mail.

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

(Off the record.)

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

MR. FINGAR: At CIA?

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

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

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

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

PAUL FOLDI: It would not be the demarche coordinator?

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

JAY BRANEGAN: When something is sent to the demarche coordinator for clearance, is it cleared for sources and methods? Or, is it cleared to ensure that the Intelligence Community concurs on the substance of the material to be cleared.

MR. FINGAR: It's cleared for two things -- it's my understanding -- sources and methods, are they adequately protected; and the other is, if

there is a characterization of an Intelligence Community judgment, that that characterization is accurate.

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

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

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

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

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

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

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

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

EDWARD LEVINE: Let alone to INR's.

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

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

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

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

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

MR. FINGAR: Could be.

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

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

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

MR. FINGAR: No.

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

MR. FINGAR: No.

JAY BRANEGAN: Can I ask about the Bolton speech as delivered, do you happen to have any information as to how that was cleared? Whether that was cleared through a similar process? The language we're talking about here was a few sentences in a speech, and that was done before the speech itself was given. We're told subsequently the speech as a whole went



through a clearing process, we're trying to figure out if it was the same process.

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

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

MR. FINGAR: I don't think so.

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

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

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

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

PAUL FOLDI: The first thing in February.

MS. BOREK: The February thing, which had to go back to the entity which classified it. So, when you have a request for de-classification, you have to go back to the source of the information to request de-classification, you wouldn't have to do that with the whole speech, unless you were asking for de-classification or you were using another agency's information. If we were using only our own information, and we weren't touching on other agency equities, you wouldn't necessarily clear with the Intelligence Community. Now, you do have some documents on the latter clearance process, and I don't recall who the recipients were in the wider clearance, but they were two different situations, unless you're really talking about intelligence, and needing to de-classify.

JAY BRANEGAN: And do you know, was there other material in that speech that needed to be de-classified, similar to the way that these three

sentences on Cuba BW had to be de-classified?

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

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

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

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

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

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

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

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

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

BRIAN McKEON: That would only show the State clearances.

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

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

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

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

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

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

MR. FINGAR: No.

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

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

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

MR. FINGAR: No, I'm not.

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

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

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

JENNIFER GERGEN: Can you speak up?

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

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

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

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

MR. FINGAR: Yes.

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

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

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

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

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

MR. FINGAR: It could be. I mean, it doesn't bring with it a promotion, it goes from one system to another. It very much depends on the individual analyst, we have not had very many wish to do that, wish to be coordinators rather than working analysts.

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

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

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

MR. FINGAR: No.

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

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

Just to close out the discussion of the NIO that I made clear to Walpole and I made clear to Christian, it was his decision that if he wanted to go, INR would support that decision, if he didn't want to go, I wasn't going to make him go.

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

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

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

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

PAUL FOLDI: Anything else?

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

BRUCE BROWN: The DS issue?

BRIAN McKEON: Yes.

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

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

MR. FINGAR: There may be e-mails from Thielman or somebody at DS, but since they were in an inter-joining suites, literally, in the adjoining suites of offices on the same corridor, it might well have been done verbally. There was a problem, not unique to the T family, that getting

CIA to comply with -- not just their own directives, but the 'no waivers, no exception' requirement to the DSCIDs that was imposed on the Department of State -- that they simply couldn't be leaving these documents anywhere that they chose to leave them. It's a problem that recurs to this day. So, the phenomenon, I'm delighted they were attentive to it, the officers in the T family bureaus who called them to our attention and get them under control were doing exactly the right thing. You educate people, and eventually, they climb the learning curve, and they get it. And you have rotations, and you start the process again.

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

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

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

MR. FINGAR: Correct. Correct. We do not change his account at all. BRIAN McKEON: If the Undersecretary or his staff sent down and said, "Can we get a paper on this issue?"

And the only person to do it was Westermann, did Westermann do it?

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

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

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

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

MR. FINGAR: No.

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

MR. FINGAR: Don't know.

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

MR. FINGAR: I actually don't know.

JANICE O'CONNELL: Would that be a normal request? MR. FINGAR: Requesting intercepts, if somebody has been alerted elsewhere that here's the report number, get it, it would come to INR because we were the place that has that. It's entirely possible.

JANICE O'CONNELL: Would it be routine?

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

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

MR. FINGAR: No.

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

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



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

MR. FINGAR: Yes. FRANK JANNUZI: Not through the front office of INR MR. FINGAR: No, those requests unless somebody misdirected it -- it wouldn't have come to us.

PAUL FOLDI: Thanks for your time.

BRIAN McKEON: Thank you very much.

(Adjourned at 3:05 p.m.)

JANICE O'CONNELL:

MR. FINGAR:

