

P R O C E E D I N G S

Mr. Foldi: All right. Let's go back on the record.

Ms. Rodley: I'm the Principal Deputy Assistant Secretary for the Bureau of Intelligence and Research, and I'm here and Mr. Westermann's request. Okay.

Mr. Foldi: What's your name again? Repeat your name.

Ms. Rodley: Carol Rodley.

Mr. Foldi: We're on the record. Do you want to do the intros Paul, or me. Why don't you give us the background,

when you started down at INR and what your portfolio is?

Mr. Westermann: My name is Christian Westermann. I joined INR in 2000. I was an active duty Naval Officer on detail, first to the arm control disarmament agency, which was then merged into the State Department in 1999. And I was moved to the Bureau of Non Proliferation in the State Department in 1999. I then was re-detailed to INR in 2000. I subsequently retired from the U.S. Navy in December of 2000, and was hired in January of 2001, as a INR Global CBWN analyst. Which I have kept that portfolio since then. I'm a GS-14.

Mr. Foldi: Were you hired as 14?

Mr. Westermann: I was hired as 14.

Mr. McKeon: How long were you in the Navy?

Mr. Westermann: I enlisted in the Navy in 1977.

Mr. McKeon: Twenty years.

Mr. Westermann: Yes.

Mr. McKeon: What rank did you retire at?

Mr. Westermann: I was a Lieutenant Commander.

Mr. McKeon: And when were you first detailed active?

Mr. Westermann: 1997.

Mr. Foldi: So you were on detail, from '97 to 2000, hired as a civilian civil servant in January of '01?

Mr. Westermann: That's right.

Mr. McKeon: Same position all four years?

Mr. Westermann: Yes.

Mr. McKeon: Same rank within the Bureau?

Mr. Westermann: Yes. Same office.

Mr. McKeon: What is the title of the office you're in?

Mr. Westermann: The Office for Strategic Proliferation and Military Issues. That's SPM.

Mr. McKeon: For those of us not schooled in INR organizations. Can you describe the hierarchy up to the Assistant Secretary from you?

Mr. Foldi: Then you, the Office Director.

Mr. Westermann: There is me, there is Beth Friesa who is my Division Chief.

Mr. Foldi: Was Beth your Division Chief currently,

and at the time in question.

Mr. McKeon: In February, spring, winter spring 2002, and today.

Mr. Westermann: Beth has been my Division Chief since the beginning. And Craig Thielman was my acting Office Director at that time.

Mr. Levine: Excuse me, office is below division?

Mr. Westermann: Above. And then Neil Silver became my Officer Director.

Mr. McKeon: Do you know when that was roughly? We

can ask him.

Mr. Westermann: I believe July 2002. And then we've had a variety of Deputy Assistant Secretaries. Including Tom Fingar who was probably my DAS at the time. And then Carl Ford, well -

Mr. Levine: That's Assistant Secretary now?

Mr. Westermann: Tom was my Deputy.

Mr. Foldi: Who replaced Tom?

Mr. Westermann: Tom became the acting assistant secretary for a while, and then they hired Carl Ford. Carl Ford became the Assistant Secretary, Tom became the Principal Deputy Assistant Secretary, our office remained under Tom Fingar. And then when Carl Ford left Carol became my Deputy Assistant Secretary.

Mr. McKeon: And you're the PDAS now?

Ms. Rodley: Yes.

Mr. Westermann: Tom Fingar was the Acting Assistant Secretary until he was confirmed, and now he is the Assistant Secretary. So the titles have changed, the deck chairs have moved, most of the people are the same.

Mr. McKeon: Paul, can we to add go on a trail of questions for a while?

Mr. Foldi: As long as Ed doesn't mind being interrupted once in a while?

Mr. McKeon: Ed has a road map he wants to follow.

Mr. Levine: I want to start with Fred Fleitz either sending you, or telling you about material for a speech. When did this happen and what discussions if any were there between you and Fred, or others?

Mr. Westermann: For me it begins approximately on February 11th, 2002. When I had email correspondence with Fred about a paragraph he wanted to have added by the IC and Craig Thielman asked me to submit it through the cleared language demarche clearance process. On February 11th I saw the memo that Fred had drafted and it wasn't in the format that is required by CIA when we send these things over. So I asked him for some additional details. He got back to me at the end of that day and the next morning, based on what he gave me, and the additional work I did I sent an email to the CIA to Ted Davies and Cathy Sullivan. Who Ted Davies was the

head of the demarche co-ordinators office. And Cathy was our principal point of contact in his office for co-ordinating the release of classified language.

The request was for a paragraph to be declassified from top secret comment, or no foreign gama, to unclassified.

Mr. Levine: A reminder that we are unclassified here. If you need to use classified to give us an answer. Tell us that and we will postpone that to some later occasion.

Mr. Westermann: I understand. As I said, the purpose of this was to take a code word level paragraph that

was to some extent sourced. It wasn't exactly in the way in which we normally do this. It was a paragraph that was drawn from finished intelligence, as well as raw intelligence. And so we tried to give the community, the co-ordinator as much information about this so that they can then determine who needs to see the paragraph.

Mr. Foldi: How did you know that it was from both finished and raw intelligence?

Mr. Westermann: Fred told me. Plus I could see from the references. So we sent it across on February 12th. And then that was done by midday I suppose, and then at the end -- toward the end of the day, around 4:30 or so, I had an email from Fred saying that he had heard from whom I presume was Ted Davies, that he had been informed that INR had objected to this and offered alternative language and asked me

to come to the Under Secretary's Office and to bring this email with me.

And that's what I did.

Mr. Levine: Is it normal to object and provide alternative language?

Mr. Westermann: Yes, we do this all the time. Whether we do it in the process of writing the draft that goes across, or after a request for cleared language is made if there's some particular issue, or whatever INR with its hat as a member of the Intelligence Community contributes to the

process of declassifying, or changing the classification level.

Normally what we work with is code word. But when we in the more traditional sense, where we are seeking to demarche a country perhaps. Related to a transfer of a commodity, with proliferation concerns, we might ask that certain points, or certain information can be conveyed at the secret level and releasable to particular government, or governments. And all of us in the community play in the process of finalizing that language. Such that we can then put it into a cable and send it through the State system to our posts abroad who can then deliver it as either a non-paper or as a demarche.

Mr. Foldi: Can I go back to that point you made, on the question of when you send language to be cleared, at the

same time it's commonplace, traditional, whatever -- please pick a word and let us know for INR to supply its comments at the same time, the text is transmitted?

Mr. Westermann: You know this is -

Mr. Foldi: I'm trying to understand the process.

Mr. Westermann: I wouldn't say that there's a rule book about how this is done. But I would say there are -- we probably submit these kinds of requests in upwards of I don't know, maybe 10 to 20 a week across, just from our office alone.

Mr. Foldi: I understand, but the question is, when you submit the request, do you also submit the INR comments?

Mr. Westermann: We can, yes.

Mr. Foldi: You can, but do you?

Mr. Westermann: Yes we do.

Mr. Foldi: Routinely, often, once in a while, periodically.

Mr. Westermann: You see, sometimes we submit comments immediately or sometimes we wait for the demarche coordinator to send a response out to the whole community. And so in this case, I submitted our comments right away.

Mr. Blinken: Why would you do that as opposed to waiting for it to come back from clearance?

Mr. Westermann: Because Fred had given me the impression that they wanted this to move fairly quickly. So

instead of

-- I thought I was adding value to the process at the time.

Mr. McKeon: Aside from that kind of rush, what are usually the factors that lead you to provide comments simultaneously with the transmission, or to wait for the demarche co-ordinator. Is there a common practice that you or other of your colleagues follow?

Mr. Westermann: I think generally it might be more dependent on a particular analyst and whose sending the request to the demarche co-ordinator. There is no rule book

on when you're supposed to do this.

Mr. McKeon: Are there any written procedures on how to do this?

Mr. Westermann: No. There is a State Department -

Mr. Foldi: You're the PDAS, what is the deal?

Mr. Brown: Maybe Carol should answer?

Mr. Westermann: I appreciate everyone trying to ask several questions, but I think I was asked a question. This is the kind of a down in the weeds process that analyst work on and we normally do not involve our front office on this routine process. And to best answer your question, there are no to my knowledge written rules, about step one you do this, step two you do that. There is a department notice about how everyone in the department is supposed to handle requests to clear language for demarches.

Mr. McKeon: And what does that say?

Mr. Westermann: I don't have that with me. I'm sure you could ask for that document.

Mr. O'Connell: This is a demarche, not a speech or it doesn't matter?

Mr. McKeon: Let's clear up the confusion. The demarche co-ordinator at CIA clears demarches as well as public letters, or public speeches by senior officials.

Mr. Westermann: It's the declassification point of contact for us, if somebody wants to change anything related

to a classification of intelligence and use it somehow. This is who we go to.

Mr. McKeon: And this is in WINPAC?

Mr. Westermann: Yes.

Mr. McKeon: So it's the people that you and your colleagues who do WMD deal with, but INR people doing other things, have another point of contact?

Ms. Rodley: We have an office in INR that does declassification.

Mr. O'Connell: But for example, for other things would the NIO sometimes clear?

Mr. Westermann: The NIO maybe involved, in the community process, but that would be decided by WINPAC co-ordinator. They are the ones, who based on the information that is provided in the request -- they are the ones who

determine the distribution. INR doesn't make that determination, we just send it to the co-ordinator. And then the co-ordinator handles the distribution. If you have questions about who and when, and how you need to talk to Ted Davies for example, or other people who have held that position. Perhaps even other people that run that office and ask them questions about how they run that office.

Ms. Rodley: Can I just make a point about the process related to a question that was asked frequently. Bureaus that want to have language declassified will come to

us in the process of crafting the language and ask us to help them draft language that would be easily quickly cleared by the IC for release, for declassification, for a demarche, or for use in a public way. So that is not an unusual part of what our analyst do.

Mr. McKeon: Do you happen to know the date of this department notice?

Ms. Rodley: I do not.

Mr. McKeon: Is it a recent, or is it several years ago?

Mr. Westermann: It could be a couple of years old by now.

Ms. Rodley: It's one of those things that gets republished on a fairly regular basis, because it's the sort of thing people need to be reminded about.

Mr. McKeon: But there's nothing in the FAM on this?

Mr. Westermann: I'm not a FAM expert.

Ms. Rodley: Me neither sadly.

Mr. McKeon: Is there an internal bureau memo that says here's how you ought to do this?

Ms. Rodley: Not down to the level of detail you're talking about, about whether to submit comments before or after we do things. It's at the discretion of the individual.

Mr. McKeon: And is there a comment -- common understanding among experienced analysts about how this is

done, or as Mr. Westermann has suggested it's different analysts do it differently.

Ms. Rodley: The common understanding is to try and be helpful to the policy bureaus or our customers, so that will vary from office to office, and bureau to bureau.

Mr. Foldi: If I may ask, would you be able to provide us examples of other such declassification submissions, at which point the analyst requesting the declassification, provided a comment simultaneously?

Ms. Rodley: I would have to look, I don't know the answer to that. It seldom comes up to the front office.

Mr. Foldi: But that's the issue at hand.

Mr. McKeon: What was your position in the Navy, we should have covered that. Were you an Intelligence Officer?

Mr. Westermann: I was actually a Combat Officer,

but I had a sub-specialty in intelligence, and I had several assignments, and I had a sub-specialty in intelligence -- joint intelligence.

Mr. McKeon: How many assignments did you have in the intel world as a Navy officer?

Mr. Westermann: Two, maybe three. Because I had two where I was filling -- actually filling a position as a Joint Sub Specialist in a joint command, so I wasn't really in a Navy Command, but I was using my Navy sub specialty as a Joint Intelligence Officer, I served as an Arms Control

Inspector. Both in the late 1980s, and in 1994 -'95 as a missile inspector.

Mr. McKeon: And in any of those intelligence jobs did you also engage in clearance activities of this kind for senior Naval Officers, or JCS?

Mr. Westermann: No, I was not an analyst. I was an operator.

Mr. Foldi: Back to Ed.

Mr. Levine: So you, if I understand, you sent to the demarche co-ordinator, the language that the T wanted declassified along with your own comments?

Mr. Westermann: Yes. And plus it was a very short comment indicating that we didn't concur with the declassification of the Top Secret gama paragraph to unclassified. And suggested some alternative language.

Mr. Foldi: You sent an email to that effect?

Mr. Westermann: I did.

Mr. Foldi: Can you share the email we have please.
Since you have it in front of you. You have that email there.

Mr. Levine: That is not the one.

Mr. McKeon: We don't have this email? Do you
recall how th email was structured, what it said -- we're
hopeful of getting it. Anything you remember will shed light
at this point.

Ms. Rodley: Assuming it's not code word.

Mr. McKeon: Mostly the structure.

Mr. Westermann: I said Cathy -- I have a cleared
language request from Under Secretary Bolton. I think I put
in parentheses, Fleitz. So she knew that it was coming from
the Staff Officer. I said they would like to have this,
please find attached, because what I did was I actually
attached Fred's memo with everything that Fred wrote.

Mr. Foldi: It's technical, but was it a .pdf file,
did you just super copy it?

Mr. Westermann: It wasn't like a soft word
document, and I used my Microsoft Outlook and I attached the
Word document to my email. Actually to my ICEmail. Because
it was done on the High side, on our system that handles code
word email. And - so that they would see exactly everything
that Fred wrote. Because I attached that memo. And then I

just said that, would you please put this through the process. And there is a suspense that is contained in the memo, and then I provided some additional references for the paragraph, serial numbers and things like that to assist them in sorting out what Fred said was the source documentation for the paragraph. And then I wrote INR does not concur with the suggested language and I wrote INR suggests an alternative paragraph, and then I wrote what I thought might work.

Mr. Foldi: Would you have had to clear your suggestion with anybody?

Mr. Westermann: No. Because I'm the substantive expert and it went forward. And it wasn't -- you know I said I suggest this alternative language. I didn't say that it had to be that, or that or didn't have to be that. I just said here's my two cents worth as a member of the Intelligence Community in having a stake in the process. I just put that into the mix. In Fred's memo as well as what the Intelligence Community co-ordinator sent out to the rest of the community, they asked for a review of the language, the suggested language by Under Secretary Bolton's office for completeness and accuracy as well as sources and methods. So it was a substantive, as well as a declassification process. That was made clear both by Fred in his memo and by the demarche co-ordinator.

Mr. Jannuzi: And when the demarche co-ordinator

sent out that request for clearance did they send out your INR suggested language or did they just send out the Fleitz Bolton language with the request for comments and clearance?

Mr. Westermann: It's a little hard for me to recall if they put my suggestion in there at that time. What they were more focused on at that point was making sure that Under Secretary Bolton's paragraph -- I never saw the speech, it was just a paragraph. They just told me about a speech. So it was just that that went across, they might have -- I really cannot recall since I don't have the document in front of me.

But you know they asked for the whole community to review this for accuracy and completeness. And sources and methods consideration.

Mr. McKeon: Since you had already given INR comments would they have even sent you back an email in this regard seeking clearance, or what is it just an automatic email to the whole community?

Mr. Westermann: They included me so that I would see what they sent out, but I never responded to that, since essentially my input was already in and of course now I never saw what the rest of the community said. I got a little tidbit when I sort queried later on. I asked for an update, because we were getting close to the deadline when Fred wanted it back, and there had been some problems in the community with the language and so other people were obviously changing

what had been suggested. But I didn't really have any visibility, there wasn't any transparency into what the other agencies were saying. I'm sure that information is available, it's just that I never saw what the other agencies -- and actually I would like to point out that in this process normally I don't always see, rarely in fact would I say that I see the other agencies comments. We give our comments and then the co-ordinator sort of handles the final process and then we get sort of an end result. And then we provide that to whoever requested it.

Mr. Levine: Since you are rarely the originating office for the information that is being used, that is not a shock.

Mr. Westermann: Most of what we ask for is usually for proliferation in the SCI realm. NSA is our primary reviewer.

Mr. Levine: So you sent out this email with the attachment to the demarche co-ordinator, what happened after that?

Mr. Westermann: That's when I got an email from Fred saying that he had obviously had a communication with who I think was Ted Davies, that hey, INR sent this across Fred must have been asking to see if we had done it, to find out if we had actually pushed it forward. And that's when he sent me an email saying hey, CIA tells me that you objected to Under

Secretary Bolton's language. And come see me. And so that's when I went up to the office and Fred ushered me into see Under Secretary Bolton.

Mr. Foldi: So Fred sent you an email? Maybe you know, maybe you don't, maybe you've got it, maybe you don't, saying whatever happened to that? And did you say, I sent X, Y, and Z?

Mr. Westermann: No, I got an email from Fred, basically saying CIA tells me that INR objected come up to the Under Secretary's Office with this email now. And I went.

Mr. McKeon: Let's go to this document. This is the email we've talked about in the last discussion, February 12th, first email here is to Fleitz from Mr. Westermann, and then reply, it seems to us that there's a part of this email missing. That is Fleitz is either his original, or maybe he phoned you at first, if you would take a minute to read that.

Mr. Westermann: This is the email dated February 12th, 2002. My first response to Fred at 4:23 p.m. saying I sent your memo intact to the CIA for co-ordination to the IC for cleared language, I added citations so they could reference the intelligence. This was just trying to tell them I was assisting the process so that they could properly review the material. You can't reviewed classified material if you don't know where it comes from. And then two minutes later, Fred says CIA says INR disputed the language that Mr. Bolton

wants to use and offered alterna -- alternate language, please bring my memo and this memo, to T. Thanks Fred Flietz.

Mr. McKeon: Do you recall was there another email from Flietz that led to your email. Because yours was the original on this piece of paper. There must have been something that prompted your email to Mr. Flietz.

Mr. Westermann: I don't recall. It might have been. Since I don't have a record of an email trail, it might have been a phone call where he might -- or he might have called someone else, and then someone asked me to tell Fred

what's going on.

Mr. Jannuzi: Do you have voicemail?

Mr. Westermann: We have voicemail I just don't recall what happened prior to 4:23 on February 12th, 2002 right now.

Mr. Foldi: Is there any reason why you would not have mentioned in that email that I sent your email and citations and INR comments?

Mr. Westermann: Is there any reason I didn't?

Mr. Foldi: Because you said to us you sent the memo you sent the citations, you also sent INR's comment, which obviously if you're from Bolton's shop you're not going to be happy, because it says it's not what Bolton wants. Is there any other particular reason?

Mr. Westermann: I probably didn't say it because I

didn't think it was that important. Because as we found out, and as you know, many people commented on Mr. Bolton's suggested text. And CIA didn't send a note as far as I know telling Mr. Bolton that other agencies have been working on his language and submitting alternative language. Apparently the problem was that INR -

Mr. Blinken: But none of the other agencies at that point had done so, isn't that correct?

Mr. Westermann: Right. As far as I know, at this time it had not been released to the community. But certainly

other agencies did have problems with this language because the language eventually came back altered. And we don't normally -- I mean this is an internal process in the Intelligence Community, when you're asked to comment on completeness and accuracy and sources and methods. This is an Intelligence Community process and business, and we were still in -- we were still in the process. We weren't anywhere near a conclusion. I think it would be different perhaps if my language became the ultimate language or something that I really could control the process. But since I don't control the process and am just one element of the process, my comments I wouldn't say that they have great weight.

Mr. Foldi: Again, even if you had not attached your comments and sent it over to CIA at that same time, at some point would you have sent comments to CIA?

Mr. Westermann: Yes.

Mr. Foldi: Would they have been any different from what you sent? Is there any reason to suspect they would have been different?

Mr. Westermann: I don't think there would be any reason to think they would be any different. But perhaps I would have written something slightly differently on February 13th, versus February 12th.

Mr. Foldi: Why?

Mr. Westermann: Because maybe I might have had more

time to think about alternative language. I might have spent more time thinking about INRs footnote in the NIE on Cuba. There are many elements to what I might have suggested. I might have perhaps on the next day, I would have some particular -- at some particular point where grammatical structure in the paragraph that was being studied I would have reacted.

Mr. Brannigan: But none of these considerations were enough to have you send back another answer when the language came through the normal process for you to clear?

Mr. Westermann: Absolutely not. I had made my input to the co-ordinator and I just wanted the process to go through its paces and something would come out the other end.

Mr. McKeon: When you send language to the co-ordinator on language that is sought to be cleared by a State

Office do you ever send copies back to that State Office FYI, this is our view, or is it all internal to the IC?

Mr. Westermann: It's all internal to the IC. I think there was particular -- sometimes we get into discussions as we draft a lot of what we do on the cleared language process deals really with -- for me with one office. And because of the committee structure that I work with, and the committee that I sit on, and so you develop a personal relationship so I might not -- it might not be that formal. I might discuss what's called a cleared language request memo

that the Policy Officer had written most likely in my own office and then discussed it with him and said, you should change that word, or if you look at this evidence it's an iterative and relationship oriented process.

Mr. McKeon: But it wouldn't have been customary -- or would it have been customary to cc Fleitz on your email and say Fred FYI, I sent you think thing over and here's my comments.

Mr. Westermann: I couldn't do that because of the classification, it's a different system.

Mr. Blinken: Prior to sending over the Fleitz memo, had you discussed the contents with him? In other words had you had any discussion of the language that the clearance was being sought?

Mr. Westermann: No. Just I believe we had that email exchange and maybe a phone conversation about hey, I can't send something across for declassification without the serial numbers and the source.

Mr. Blinken: He didn't object, or raise questions about the language before sending over his memo and asking for your comment on it?

Mr. Westermann: In this particular case it was one where like my Office Director told me, hey we've got this from T, would you please get it into the system. I was never really engaged with Fred or with anyone in T about the

substance of this. I was acting more in the capacity, of what I would sometimes call being the Intelligence Admin guy.

Mr. Foldi: Had you spoken with Fred about this particular language prior to him sending it to you electronically for clearance? Had you spoken with him about any of the Cuba-BW stuff?

Mr. Westermann: I really don't recall. I think at this point I was just focused on making sure that what he wanted was in some general format compatible with what we normally do.

Mr. Foldi: Let me rephrase it. Would you have had any discussion with him that would have led you to believe that he would not be happy with your changes?

Mr. Westermann: I don't think so. I believe my recollection is that Fred -- Fred didn't come to me first. He went to other people in INR about this. And eventually it got to me to make it happen. I was not the first person involved in this.

Mr. Foldi: Is there a reason for that? Is it because you're the BW guy?

Mr. Westermann: I think Fred felt that he wanted to deal with someone at a higher level?

Mr. Foldi: Did he go to your office Director?

Mr. Westermann: I think he went to my office Director.

Mr. Foldi: Who at that time would have been?

Mr. Westermann: Greg Thielman.

Mr. McKeon: Let's go off the record for a second.

(Off record)

Mr. McKeon: Back on the record. I think the last issue was that Mr. Westermann was saying that Mr. Fleitz wanted to start at a higher level than he in this clearance process, and you had a sort of train of questions.

Mr. Foldi: Well we were asking -- well somebody go ahead.

Mr. Levine: So you were called up to T's office along with your papers?

Mr. Westermann: Right.

Mr. Levine: What happened then?

Mr. Westermann: I went into see Mr. Bolton.

Mr. Levine: Was this the first time you'd seen him, or was it common to see him?

Mr. Westermann: It was not very common at all. I don't think I had ever met with him personally in his office before this.

Mr. McKeon: Had you ever been in a meeting with him?

Mr. Westermann: I might have been in group meetings with him, once or twice before. But it is hard for me to make sure, did that happen before this, or after that, or whatever.

But anyway I'd never been in a small intimate meeting with him. And I explained to him. He was quite upset that I had objected and he wanted to know what right I had trying to change an Under Secretary's language. And what he would say, or not say or something like that. And I tried to explain to him a little bit of the same thing about the process of how we clear language. And I guess wasn't really in a mood to listen and he was quite angry and basically told me that I had no right to do that. And he got very red in the face and shaking his finger at me and explained to me that I was acting way beyond my position, and for someone who worked for him. I told him I didn't work for him.

Mr. McKeon: Can you repeat that.

Mr. Westermann: I'm recollecting here.

Mr. McKeon: You mumbled a little bit for the reporter.

Mr. Westermann: He sort of characterized it in terms of someone who worked for him. And I don't remember if I said anything or if I whether I was just thinking at the time, that I actually worked for Carl Ford. And not for Under Secretary Bolton. And so, he basically threw me out of his office and told me to get Tom Fingar up here. And so I went back to the INR front office and I told Tom Fingar what happened. And that Mr. Bolton wanted to see him. And I believe Mr. Fingar went to see Mr. Bolton.

Mr. Foldi: Did Mr. Bolton at any time threaten your employment?

Mr. Westermann: No.

Mr. Foldi: Did Mr. Bolton at any time suggest that he would do something to cause you to lose your job?

Mr. Westermann: None of these remarks were ever directed at me. They were told to me by Carl Ford, Tom Fingar and Neil Silver.

Mr. Foldi: Would you like to give us your recollection of what they told you, Bolton said about your employment.

Mr. Westermann: Carl Ford told me that Mr. Bolton wanted me fired. And Tom Fingar told me sometime later about

me being removed.

Mr. Foldi: How did you interpret removed, to a new portfolio?

Mr. Westermann: Well, in the beginning there was really two phases to this. Right around this period of time was when apparently Carl Ford had a phone conversation with Mr. Bolton and it was Mr. Bolton telling Mr. Ford to have me fired, in which Mr. Ford told me that later.

Mr. O'Connell: Do you know when that was?

Mr. Westermann: I do not know.

Mr. McKeon: Roughly, was it that day?

Mr. O'Connell: Was it before you went downstairs to

go to Fingar?

Mr. Westermann: No, Mr. Ford wasn't available -- wasn't available that day.

Mr. McKeon: Fingar -- that's why Fingar was acting.

Mr. O'Connell: Did Fingar go up that day to see him?

Mr. Westermann: Yes. To the best of my knowledge he did. So it was Carl that told me, and then it was Neil Silver who told me months later when he showed up in INR and became my Office Director. He since Under Secretary Bolton's Office and the T family bureaus, they are our primary customers for the office that I work in Neil being the new Office Director wanted to get on Mr. Bolton's calendar and

introduced himself, and just say that he was available to assist him in his work.

And what Neil told me about that conversation, which I think took him some time after he showed up to get onto Mr. Bolton's calendar, so I think this meeting occurred sometime in September of 2002. I think. Neil told me that at the end of the meeting that he had with Mr. Bolton, Mr. Bolton took him aside and out of the blue said, and that Westermann fellow we really would like to have him removed from his portfolio and transferred.

Mr. Foldi: Prior to that conversation with Mr. Silver had you had any other interaction with the T front

office, or with others in the BW field? In other words did you have any other run ins of this nature regarding intelligence?

Mr. Westermann: Run ins, I don't understand your question.

Mr. Foldi: In other words this incident with Secretary Bolton, clearly there's an issue going on. Did you continue to work in your capacity in the same way, or did you find your workload diminished on that front. In other words was there stuff you should have been handled being shunted to other people?

Mr. Westermann: We hired another analyst about that time and my Office Director at the front office asked me to

limit my contacts with Mr. Bolton's front office and when we did get things that were directly tasked from them, from the T front office usually at that period, Dave Allen co-ordinated -

Mr. Foldi: Who is Dave Allen?

Mr. Westermann: He was hired as another CBW analyst in INR-SPM. And so that way I wouldn't have -- since apparently I had a personality conflict that way I would limit my contact with the T front office. I still maintained my portfolio, and worked with the working level of the T family bureaus.

Mr. Brannigan: Did you consider this a disciplinary action?

Mr. Westermann: I think that obviously it was a change in what I normally would do. Since I worked with them in the past. But I think that management has the prerogative to try to -- you know it's a difficult -- you know it's a work environment. We all tried to do our jobs and part of that might mean trying to ease relations when things aren't the best. So I think it is within the prerogative of management to tell me, don't go there.

Mr. Brannigan: It's also within their prerogative to punish you. I'm just curious if you consider this a disciplinary action against you by this action, or was it just sort of a management decision to and no reflection on you?

Mr. Westermann: I certainly had the full support of INR in terms my analytic ability and while there obviously were problems perceived, they wanted to minimize those problems by limiting my contact.

Mr. O'Connell: So you did limit your contact?

Mr. Westermann: I did limit my contact for a long time. And we just had to adjust. I also would say that I was still able to supervise and manage the CBW accounts, such that even though I might not have been the person physically emailing to the T front office, there was transparency over what we were receiving and I worked with my colleagues as necessary.

Mr. O'Connell: Were you surprised that five or six

months later when you had minimized your contact with the front office that this was still an issue with Mr. Bolton?

Mr. Westermann: I was very surprised because -- because it was re-emergence of an action to change my work portfolio to remove me from my job essentially when there had been no other reason for this. To be raised again, so many months later and I was deeply concerned about this and I did have consultations with a variety of people in management about this and what I considered and what I considered was a pattern. But it was my personal decision no to pursue an EEO complaint or anything more formal.

Mr. McKeon: How long was your meeting with Mr.

Bolton?

Mr. Westermann: It couldn't have been very long. A few minutes.

Mr. McKeon: Two minutes, five minutes.

Mr. Westermann: Maybe five minutes.

Mr. McKeon: And when you -- he threw you out of his office how did he do that?

Mr. Westermann: He just told me to get out and get Tom Fingar, he was yelling and screaming, and red in the face, and wagging his finger. I'll never forget the wagging of the finger. That's perhaps his style.

Mr. McKeon: Have you had any subsequent contact with him since that day?

Mr. Westermann: Only in group meetings and very limited contact, no I've not had any personal contact or worked directly with Mr. Bolton on any particular issue.

Mr. O'Connell: Has any of the work product from INR -- has he been dissatisfied with it, or is it inconsistent with his particular views?

Mr. Westermann: It's rather interesting. After this incident occurred in February 2002, just a month later I received two emails on two different subjects from Fred Fleitz saying that they were very please with some products that I had written and thought they were excellent support for Mr. Bolton.

Mr. O'Connell: Do you have copies of those?

Mr. Westermann: Yes.

Mr. McKeon: Can we make a request for those Chris?

Mr. Brown: Can you get those emails to us. I'll take it under consideration.

Mr. McKeon: Understood.

Mr. Westermann: I think also I was trying to review this again, but I even -- there was some other issue in which I wrote a finished analysis product in which I received a kudos, from Mr. Bolton. And it might even have been entered into my performance evaluation. I certainly know that Beth Friesa kept a copy of that email. Sort of commending me for my analytic work for Mr. Bolton.

Mr. Levine: When would that have been?

Mr. Westermann: It would have happened in 2002.

Mr. O'Connell: Sometime between February and September?

Mr. Westermann: Yes. I think so.

Mr. McKeon: Any email from Fleitz in the spring/summer of 2002?

Mr. Westermann: Those emails from Fred were maybe in the March, April, May time frame of 2002.

Mr. Jannuzi: Other than Mr. Fleitz and Mr. Bolton was anyone else present at the time that you had your meeting

with Mr. Bolton?

Mr. Westermann: It was just Mr. Bolton.

Mr. Jannuzi: Was Mr. Fleitz not in the room?

Mr. Westermann: I don't think he was present. He might have been. I believe the door was shut. I don't think Fred came in with me. But I was standing about as far away from Mr. Bolton as I am sitting from Ed.

Mr. Jannuzi: You were focused on the finger?

Mr. Westermann: I was very focused. He had my full attention.

Mr. O'Connell: So Fleitz may have been in?

Mr. Westermann: I don't have any definitive recollection, but I doubt it. I really doubt it.

Mr. Foldi: Would you constitute Mr. Bolton's

displeasure with your attempts, with your suggested changes as political pressure to change analysis?

Mr. Westermann: As I've testified, or been interviewed by both the SSCI, and the HPSCI, my view on political pressure goes to the part in which they asked to have me fired and then returned six months later to have me removed from my position. Disagreements or different viewpoints on analysis do not constitute pressure. It's the threat of my job, the removal and the continued sanctioned that I found to be pressure.

Mr. Levine: I'm a little confused over what the

nature of the disagreement was. Can you in an unclassified manner give us a sense of that, or not.

Mr. Westermann: All I can say, is Mr. Bolton was very unhappy that a working level analyst had the temerity to alter language that he wanted to say. He didn't like that, and he yelled at me.

Mr. Foldi: But you would have had that opportunity anyhow if I understand the process correctly. If you had not attached your comments when it was sent over to WINPAC? Rather when WINPAC sent it around?

Mr. Westermann: I don't see why you focus on this issue of timing. I have the authority to comment whether it's on this day, or the next day. So I think you're a little bit off base here, when you're focusing on timing.

Mr. Foldi: Let's just say you weren't in the last meeting.

Mr. O'Connell: Did he indicate to you he was in some hurry to get this done?

Mr. Westermann: Yes.

Mr. O'Connell: That was part of your thinking?

Mr. Westermann: Yes. I was thinking I was adding value to the process by speeding things along. Hey, here's the request, and here's my comment.

Mr. Brannigan: Back to the meeting with Bolton for just a minute. You said I believe that the three minute

meeting in no time did he personally threaten your job, is that correct?

Mr. Westermann: That's correct. He didn't have time, he just threw me out of his office.

Mr. Brannigan: Do you recall immediately after that meeting going to someone else and telling them that as a result of this meeting you felt your job was in jeopardy?

Mr. Westermann: Immediately after that meeting, I went and saw Tom Fingar and told him that he was needed in Mr. Bolton's front office.

Mr. O'Connell: Did you tell him what had happened?

Mr. Westermann: Yes.

Mr. Brannigan: Did you tell him that your job was in jeopardy?

Mr. Westermann: At that time no. As I said, I didn't know about being fired, until Mr. Ford told me.

Mr. Brannigan: And even within a week or two, anybody else that you met, did you say, boy I had this run in with Bolton and I think my job's in jeopardy?

Mr. Westermann: I never said those words.

Mr. Brannigan: Or indicated that prior to -- so the first time you heard you believed -- the first time you believed that your job was in jeopardy was when Carl Ford told you about his conversation?

Mr. Westermann: And also I believe Tom Fingar when

he had his conversation with Mr. Fingar -

Mr. Foldi: When Fingar spoke to Bolton?

Mr. Westermann: When Fingar spoke to Mr. Bolton.

Mr. Foldi: That same day?

Mr. Westermann: That same day. So there were two things that must have occurred. There was a conversation Mr. Bolton had with Mr. Fingar which much have had some sort of conversation surrounding my employment. So Mr. Fingar has certain recollection. And then at some other time when Mr. Ford came back on the scene he had a phone conversation I believe, I'm pretty sure with Mr. Bolton in which that conversation was -- must have generated a comment about me being fired.

Mr. Foldi: What did Mr. Fingar tell you about the

incident, in other words what did he tell you, you did the right thing, you did the wrong thing. What did Fingar tell you? I mean obviously I'm assuming he went straight up to Mr. Bolton and sat you down and had a heart to heart. What did he tell you?

Mr. Westermann: No. He never really had a heart to heart. He wanted to know what happened, I explained to him what had happened, and what I was doing as far as the process was concerned.

Mr. McKeon: This is before or after he went to see Bolton?

Mr. Westermann: I think I might have dropped in. There's a possibility I dropped in to tell Mr. Fingar that I was on my way to see Mr. Bolton because I thought he would want to know that I was on my way to an Under Secretary's Office and then when I came back I gave him the short debrief. And then Mr. Fingar went to see Mr. Bolton at whatever time he went.

Mr. McKeon: And then after that was there another meeting, that day or the next day between you and Fingar in which he described this meeting with Bolton?

Mr. Westermann: It's a possibility. I don't have a record of that. And all I know is that Carl Ford and Tom Fingar have always expressed confidence in me, and encouraged me to continue to do the work that I've done. And at that

time they told me I had nothing to worry about. And when INR was not privy to any emails when INR is -

Mr. Foldi: If they take objection to a passage where there's a disagreement is there some phraseology that is used shorthand or anything like that? In other words, if you've got a passage, and you go well that's just flat out wrong. Does it matter? Are you free to comment on any intel out there at any point, or are there restrictions on your ability to comment?

Mr. Westermann: We're free to comment.

Mr. Foldi: On any product, and I have to bring you

in Carol so you need to take a mike, is that correct? INR can comment on any product regardless of source, is that correct?

Ms. Rodley: That comes up for this process?

Mr. Foldi: For declassification is that correct?

Ms. Rodley: Yes.

Mr. Foldi: And does the phrase does not concur, is that somehow unique, do you use it all the time?

Ms. Rodley: I can think of any number of different phrases people might use in this process, they might say, this is not an accurate reflection of the Intelligence Community's position on subject x. It could be as short as does not concur. And it could be paragraphs long.

Mr. Foldi: So to say that INR does not concur with a product, or a declassification, is not in anyway

inconsistent with INR's duties is that correct?

Ms. Rodley: That's right.

Mr. Foldi: And again, I'm sorry. From the PDAS is it standard operating procedure or it's not, or it's not inconsistent to at the same time you send some information for clearance to supply INR comment?

Ms. Rodley: That's right. It is not inconsistent, it is not outside the procedures.

Mr. Foldi: It is not outside the procedures, thank you.

Mr. McKeon: After Fingar went to see Bolton, did he admonish you in any way for having done something outside procedures or improper?

Mr. Westermann: No.

Mr. McKeon: Did Ford admonish you in anyway?

Mr. Westermann: No.

Mr. McKeon: Did any of your supervisors?

Mr. Westermann: No.

Mr. O'Connell: How did they explain to you that you should not have contact with the front office anymore?

Mr. Westermann: I think they just told me that because of these troubles, problems, that I should just limit my contact. And that's what we did.

Mr. O'Connell: When you heard that Bolton was seeking to have you removed in September of 2002, so many

months after this incident. Were you then worried you might lose your job?

Mr. Westermann: Well I did have a conversation with Tom Fingar about what I considered a pattern of behavior. But I was reassured again by my management that they had the highest regard for my work, and my position and I had nothing to worry about. And while I was upset about this continued problem, that had surfaced again with the meeting with my Office Director, a new Office Director who knew nothing about this past incident really. It took him by surprise as he

recounted to me and in some way might characterize his views of me, since he was new to the office. But again, I've had incredible support from INR and later of course from Secretary Powell, Deputy Armitage, Under Secretary Grossman. So I think that while I was upset, and while I thought about doing other -- seeking some sort of action to this, the level of support that I received was extraordinary and it kept me from doing anything outside of the normal procedures, or managers decisions.

Mr. Blinken: At any point, in any -- did anyone in your chain of command at INR suggest that you had not acted appropriately or done something out of the norm, or done something you should not have done in the process of working with T on this particular project?

Mr. Westermann: I think the honest answer is no.

They obviously were not happy that this evolved into a shouting match well not a match. But ended up as we like to say in the Navy, it was one way communication. No one likes that. And so I'm sure that they would have liked it to be handled differently. But I was not admonished.

Mr. Foldi: Can you think of any reason why then that someone in the INR community would have sent Mr. Bolton an email saying quote unquote "we screwed up"?

Mr. Westermann: You would have to ask the person who wrote that.

Mr. Foldi: We might have to.

Mr. McKeon: You said you got expressions of support from the Secretary, the Deputy, and Under Secretary Grossman, can you elaborate on that?

Mr. Westermann: Well as you all might know, in June there was an article in the New York Times which specifically named me, during a HPSCI process in which I was asked along with my colleagues in I had every been pressured in the short time that I had to think about this, and I said yes. That information somehow got into the New York Times, and on June 26th Secretary Powell was asked a question on the record while in a press conference with Spanish Foreign Minister Ana Palacio, and he went on the record with saying that he was quite pleased, and happy that I answered the way I did. And then subsequent to that, on the record, when there were other

issues and I received personal private messages from the Secretary, the Deputy Secretary, and from Under Secretary Grossman. When they asked about me, and how I was doing and they told me that everything was fine, and that I had their support. And I received those messages primarily through Tom Fingar. So I received public support, and I received private assurances at that time.

Mr. McKeon: After your encounter with Mr. Bolton did you submit any other comments to the demarche co-ordinator on an issue in the subsequent day or two?

Mr. Westermann: No.

Mr. McKeon: Did you change your analysis in any respect?

Mr. Westermann: No.

Mr. McKeon: Did you phone over to WINPAC saying scrap that comment?

Mr. Westermann: INR had a footnote in the INE -- INR had an established position in which I was representing INR's long held position on this. And to be very clear, the problem in the language for INR goes to the language related to what Mr. Bolton wanted to say which was offensive biological weapons program. And it was those words that were inconsistent with what both the NIE said, as well as what INR's footnote. And so I was compelled by our long held and stated position on this subject. It wasn't as if I was just

thinking about this and coming up with an on the spot analysis. This was an on the record. This happened in 2002, and in 1999 we established this position.

Mr. McKeon: What was the term of art used?

Mr. Westermann: We in our footnote talked about the insufficient evidence, and at the time the NIE.

Mr. McKeon: Are we in unclass still?

Mr. Westermann: I'll stop there.

Mr. O'Connell: I actually think this is part of the public record.

Mr. McKeon: Can I just keep going on this trail, did you ask any colleague in INR to call over to WINPAC and say to them that email I sent yesterday or the day before, scrap that?

Mr. Westermann: No. I never asked any colleague.

Mr. McKeon: And so was there any communication from INR to WINPAC on the comments on the Bolton speech that were changed altered?

Mr. Westermann: Not by me.

Mr. McKeon: Your email stood?

Mr. Westermann: Yes.

Mr. Brannigan: And your failure to amplify on your remarks when they came back from WINPAC in the normal channels was not due to this meeting? Not due to your reaction to this meeting? You said you let stand your initial comments. You

didn't take the opportunity when it came from WINPAC in the normal process.

Mr. Westermann: Right. That's correct, I made no additional comments.

Mr. Brannigan: The decision to make no additional comments, was it influenced by the fact that you had this run in with Bolton.

Mr. Westermann: I think that, at the time I made the decision on grounds that my input was in. And there was no need to elaborate on what I had said.

Mr. Jannuzi: And if I may your choice of the words do no concur was that a reflection of the INR institutional position for instance in NIE? Because INR in fact had not concurred with that judgment.

Mr. Westermann: I would say that's definitely a correct assessment. Perhaps my fault was not to go into an explanation of the NIE. But by saying the community knows what the INR position was, I mean the people that would be involved in this understand that INR has an established footnote.

Mr. O'Connell: And isn't it -- I want to talk about this, without going into classified information. Hasn't INR been proven correct. I mean isn't that now the community now view that was once the footnote?

Mr. Westermann: That's correct. The community has joined with INR in a reassessment.

Mr. Blinken: Put another way, the language that was ultimately cleared by the Intelligence community used by Mr. Bolton in his speech was that closer to the language that he original provided for clearance, or closer to the language you suggested be used in its place?

Mr. Foldi: Or somewhere in between.

Mr. Blinken: How would you characterize that?

Mr. Westermann: The final language was much closer, almost identical, the unclassified language which talks about

the words that were added were limited, research and development, and program. I mean program was removed and effort was added. What was eventually declassified was essentially the communities 1999 estimate. The first few sentences of our judgment. So it reflects -- what finally was approved reflects closer to what the Intelligence community, despite INR's footnote what the community felt, and not what Mr. Bolton had wanted.

Mr. Foldi: Did you also address the topic of inspections in your comments?

Mr. Westermann: At some time later. I believe in the original comment, because all I put in there was INR doesn't concur, and here's some additional citations you should use. And here's my alternative language, that alternative language doesn't go into inspections.

Mr. Foldi: But had Bolton's language gone into inspections, and your alternative language therefore had stricken inspections?

Mr. Westermann: Right. I would like to remind everybody, just a moment. If I could talk to inspections, it was the Bush administration policy at that time not to support the DWC verification protocol which would have called for inspections and so any comment that I've made regarding really went to the heart of what was considered at that time a Bush policy on inspections. There was real concern that

inspections would not provide the kind of detection and visibility into hidden offensive programs and so there was a real concern that inspections would not -- were not an appropriate tool.

So any comments I've made about inspections reflect those concerns. And those are concerns that also the Intelligence community has had about inspections on BW facilities.

Mr. Foldi: But if Under Secretary Bolton, and obviously these were bullets and not a complete speech. But he's perfectly within his rights to say, and I, John Bolton think that inspections would be a good idea. Is that correct?

Mr. Westermann: It didn't say, I, John Bolton. All I got was a paragraph that was sourced to Intelligence. I did not have a speech. It's important to remember that.

Mr. Foldi: I understand.

Mr. Levine: I'm a little confused here. And perhaps you are as well. Did the issue of inspections come up in this February 11, or 12 time period. Or was this something that came up later when the whole speech was being cleared?

Mr. Westermann: To my recollection the issue of inspections did not factor into anything I said on February 12th.

Mr. O'Connell: But was it in the material that was sent to you for clearance.

Mr. Westermann: I would have to look at it again.
It's a possibility.

Mr. O'Connell: Were you involved in the May 6th
speech?

Mr. Westermann: No.

Mr. O'Connell: So you didn't have any -

Mr. Westermann: No.

Mr. Foldi: Just for the record, you did not clear
the text of the May 6th speech?

Mr. Westermann: I did not clear on the text of the
May 6th speech.

Mr. Foldi: Did you clear the text of Ford's that
used the similar language?

Mr. Westermann: Assistance Secretary Ford gave
testimony to this committee, to a sub committee of this

committee in June.

Mr. O'Connell: This was March.

Mr. McKeon: It was probably the SSCI on global
threats.

Mr. O'Connell: It was this committee.

Mr. Westermann: Anyway, he had unclassified
testimony, and he had classified testimony. I wrote the
testimony.

Mr. Foldi: Both?

Mr. Westermann: Both.

Mr. McKeon: So to your recollection, and we hope to see the email one day. Your email in February 12th to the demarche co-ordinator did not go to this inspections issue?

Mr. Foldi: The suggested text in that memo?

Mr. Westermann: The suggested text from me, did not address inspections at all. It was not in my language. I think I focused on Cuba's biotech infrastructure, and their contacts to rogue states is what I was discussing at the time.

Mr. McKeon: Do you recall if you suggested removing any text on observers? It's in the SSCI report. They may have confused it.

Mr. Westermann: He had his paragraph, then I wrote a couple of sentences, and said hey, this is my suggested text.

Mr. O'Connell: But did his paragraph have the issue

of inspectors in it?

Mr. Westermann: If I could have brought a few reference documents I would be able to tell you, but I was not allowed.

Mr. McKeon: This is probably a dry hole until we see the documents.

Mr. Levine: I want to just finish one aspect of this. It will only take a minute. You say you wrote the Carl Ford testimony on this point.

Mr. Westermann: Yes.

Mr. Levine: And am I not correct in my belief that the final text used by the Under Secretary Bolton was within a word the same text Carl Ford used?

Mr. Westermann: On that one sentence, yes.

Mr. Levine: So it least on that one point, whether you intended to or not, you wrote very largely Under Secretary Bolton's public statement?

Mr. O'Connell: That's not true. That's not true.

Mr. Westermann: What's important to remember is that -

Mr. Levine: On that one sentence -

Mr. O'Connell: That's not the sum and substance of what Mr. Bolton says about Cuba, where it is the sum and substance of what Carl says about Cuba.

Mr. Westermann: And also there's some off the

record remarks by senior government official at the Heritage speech, that go beyond what we cleared.

Mr. McKeon: On the same day?

Mr. Westermann: There was a Q & A session after the Heritage speech, and there's an email about that as well.

Mr. McKeon: And email from who, to who?

Mr. Westermann: Dave Allen and it involves me.

Mr. McKeon: You said Mr. Allen's name before, who's Mr. Allen?

Mr. Westermann: Mr. Allen was my colleague handling CBW and INR. And they asked him to co-ordinate to remove me from direct contact with Mr. Bolton's office. And we were asked to write a memo, send something to the Secretary because Mr. Armitage was interested also, in being able to make -- to do press guidance on the subject. So there's a series of information related to the aftermath of this event. Of the Heritage speech.

Mr. McKeon: This is all in the immediate aftermath of the Heritage speech?

Mr. Westermann: Yes. I don't think Mr. Allen was at that speech, but I mean it was made available by AEI. AEI has -

Mr. McKeon: AEI or Heritage?

Mr. O'Connell: I think it might have been a joint conference.

Mr. Westermann: The point is that, the comment, I mean they provided a transcript of what was delivered. And so that's when we looked at it and the secretary asked us to write in preparation of being able to make comments. And the Secretary -- we wrote a memo to the Secretary about this. And Mr. Armitage also, and they wanted press guidance on this. Mr. Armitage was the one that had to clear on the press guidance so this press guidance related to this, and a series of emails related to it.

Mr. O'Connell: When Carter was about to go to Cuba, shortly after this speech, he was briefed by people within the U.S. Government was he briefed by anyone to your knowledge in INR?

Mr. Westermann: INR was not involved in the briefing.

Mr. O'Connell: Was INR aware? Were you aware he was about to go to Cuba?

Mr. Westermann: No, I was not aware. I was aware that some friends of mine at CIA were part of a team that went to Atlanta. That was just friends. We were not asked to participate.

Mr. Jannuzi: Prior to February '01 had you had contact with Mr. Fleitz in his capacity as an analyst at WINPAC when you were on detail to ACDA, or starting work at INR?

Mr. Westermann: No I had no knowledge of Mr. Fleitz being an analyst.

Mr. Jannuzi: The first time you met him was in his capacity as a Special Assistant to Mr. Bolton?

Mr. Westermann: I was first made aware of Mr. Fleitz's nomination in an MOU that was written between INR and I believe Mr. Bolton's office about the detail of the CI officer onto Mr. Bolton's staff. And there was an agreement written up about how an Intelligence Officer would work as a

Policy Officer and not as an Intelligence Officer in the Policy Office. And that is when I first heard about Mr. Fleitz. And then I only met Fred when he came to the department.

Mr. O'Connell: Was he also designated as liaison from the CIA to Mr. Bolton's office?

Mr. Westermann: I think you would have to ask CIA that question. I don't know exactly their personnel system.

Mr. McKeon: Prior to the February '02 incident did you have any meetings or dealings with Fleitz, if you recall?

Mr. Westermann: I'm sure I had some contact with Fred in those early days when he first came to the department. Yes. But I don't have a clear recollection. I'm not even sure I could tell you exactly what month Fred arrived to work in Under Secretary Bolton's office. I would have to research that.

Mr. McKeon: Were any of these meetings or encounters difficult or contentious in any respect?

Mr. Westermann: No.

Mr. McKeon: You had no personality conflicts with Fleitz or disagreements with him?

Mr. Westermann: No.

Mr. Brannigan: Prior to actually sending the message to CIA requesting clearance. Had you had discussions with Fleitz about the content of the memo you were going to

send off? Or rather the language that he had sent you to clear?

Mr. Westermann: We had some email correspondence. And just to clarify, the sourcing because of the process.

Mr. Brannigan: So in that process did you make a request for him to provide you with extra background material?

Mr. Westermann: Yes.

Mr. Brannigan: Did he comply with that request?

Mr. Westermann: Yes he did.

Mr. Brannigan: So everything you asked him for, he complied with?

Mr. Westermann: To the best of his ability. You know we tried to -- the problem was that Fred, when he gathered that information to write this paragraph, to draft the paragraph. Was that he used a combination of finished intelligence and raw intelligence. And so, when you say that

something is sourced to finished intelligence, you then have to go back to that product, that finished analysis which then has a whole series of sources that underlie that analysis. And so it becomes a little bit more difficult than what I was trying to get at with Fred was, can we really pinpoint so we can help the process because if you don't give enough detail on which point comes from where it makes it much harder for people to declassify. So this is why I had this little back

and forth with Fred.

Mr. Brannigan: Was this also asking for this information were you also expressing the skepticism you later put in the memo about, that you basically do not concur. Is that why you were asking for the extra sources?

Mr. Westermann: No. I was strictly thinking about the process in my experience with handling cleared language requests. And what I know are the demands of the coordinators for these things.

Mr. Brannigan: Prior to sending off the memo did you indicate in any way to Mr. Fleitz that you would not be concurring with the three sentences he asked to be cleared?

Mr. Westermann: I don't think I ever had a discussion with Fred about what INR's position was going to be on the clear language process. As I said before we regard that as an internal IC process. And he was a Policy Officer.

Mr. Blinken: Did Fleitz when he asked you for the additional information express any reservations about providing it?

Mr. Westermann: I think that Fred -- Fred gave me the background material eventually. Fairly quickly I mean, I did not regard this as an onerous process or a problem with Fred or whatever. I told him what I needed and he eventually gave me some more supplemental information and I went with what I had.

Mr. Blinken: You say eventually. But before he provided that material did he express any reservations about providing it? Did he express any concerns that this was something that wasn't necessary?

Mr. Westermann: He might have I don't have a clear recollection, he might have. But bottom line is, eventually I got more information out of Fred.

Mr. Blinken: Could it be construed the additional information you were requesting was unusual or meant to slow down the process?

Mr. Westermann: It's possible that he could think that since he was not an INR analyst, and wasn't aware of what we do in INR regarding the process for releasing cleared language requests into the demarche co-ordinator's office.

Mr. Foldi: Is there a reason Fred would have to supply you with this?

Mr. Westermann: He was the drafter.

Mr. Foldi: Do you have access to it, so if you have a source number you can just punch into a computer and pull it up, or you can't do that because it's compartmentalized?

Mr. Westermann: I didn't have the serial numbers.

Mr. Foldi: If he had given you the serial numbers would you have been able to do it?

Mr. Westermann: That's what he gave me, eventually

he gave me serial numbers, and copy of material and things like that. So it was the fact that I didn't have the serial numbers to go with this.

Mr. Foldi: And those are the same serial numbers referenced in your email to him when he sent you over the material?

Mr. Westermann: That's right.

Mr. McKeon: This whole process, you stated this began on February 11th and by the afternoon of the 12th you had sent it off to the agency?

Mr. Westermann: Yes. It was, because Fred got back to me, like late afternoon on the 11th, so I picked it up the next day with Fred, in a normal working hours kind of thing.

Mr. Brannigan: On this email that you sent where you had sent your comments on that brief email you had. Did Mr. Fleitz or Mr. Bolton during the one way communication ever express to you their opinion that they felt this email by you misrepresented what you had said to the CIA?

Mr. Westermann: I think it was very clear that Mr. Bolton was quite upset that I had attempted to suggest an alternative paragraph.

Mr. Brannigan: That's one question. The second question is did either Mr. Fleitz or either Mr. Bolton, express to you the opinion that you -- that one sentence email you sent that prompted Mr. Fleitz to call you to his office

with your original memo to CIA that your little email was in some way misrepresented the actions you had taken regarding sending this stuff to CIA?

Mr. Westermann: Well I think ultimately, I was confused as to what the problem was. Because my framework was the cleared language process. And since there was an unfamiliarity on the part of the Under Secretary and perhaps, and likely Fred, there could have been a misunderstanding. But I can't say that I'm fully aware or that it was adequately expressed. You know how sometimes when there's a miscommunication people don't completely describe their misunderstanding. So I was operating under one frame of reference and perhaps they were operating under another.

Mr. Brannigan: Let me followup, also during this time, did either Mr. Fleitz or Mr. Bolton say that you had violated procedure by including your comments and suggested language in your memo?

Mr. Westermann: I believe that was part of the

overall argument is that I was doing something that was inappropriate. And that I wasn't following and doing things correctly.

Mr. McKeon: Did you respond to that?

Mr. Westermann: I tried to explain to them that I had done this process many times and I'm aware of what's required and there would be no reason for me to behave

unethically or do it differently. I really know how to handle cleared language requests.

Mr. Brannigan: And did they say you -- did they use the phrase, you go behind my back. Did Mr. Bolton use that phrase?

Mr. Westermann: That does ring a bell.

Mr. Foldi: In subsequent language clearance requests did you attach INR comments at the same time you sent the language for clearance requests?

Mr. Westermann: Yes.

Mr. Foldi: So, you've continued to do this quote unquote "bad procedure". I'm not saying it's bad procedure, but other people have made that allegation.

Mr. Westermann: Yes.

Mr. Foldi: And Carol is that a problem?

Ms. Rodley: First of all I wasn't in the Bureau when this happened. But of course we've had a lot of lessons learned, kinds of conversations. And do I wish with hindsight

that Christian in his effort to speed up the process had sent Mr. Bolton's text alone and then sent his comment in a separate email 30 seconds later. Which would have the same effect in terms of the time line. Of course. Then we wouldn't be here. I'd be home having a glass of wine. Or maybe a second one at this point.

Mr. Foldi: I'm sorry. I want to steer you back to

the question at hand which is does INR continue to do this and is that standard operating procedure?

Ms. Rodley: Individual analysts continue to do it. To characterize it as standard operating procedure, is I think more formal than the system that we have -

Mr. Foldi: Let me ask it one more way. Has INR forbidden analysts to do it?

Ms. Rodley: No.

Mr. McKeon: Has INR changed any procedures since this, or any other incidents of this kind? Changed procedures on this kind of thing?

Ms. Rodley: On handling language clearance requests, no not to my knowledge.

Mr. Westermann: We actually have changed one thing and that is that we did establish one person who maintains a database of all cleared language requests so that there's a record of the request and when we get a response. And so that was one additional change.

Mr. McKeon: Did you handle any additional cleared language requests from Mr. Bolton's office before February '02 in this matter?

Mr. Westermann: No.

Mr. McKeon: What was your rank in 2001?

Mr. Westermann: I was a GS-14.

Mr. McKeon: You're still a 14. Did you go up every

step you were supposed to?

Mr. Westermann: Yes, I received outstandings on my performance reports.

Mr. McKeon: Have you received any awards?

Mr. Westermann: I've received numerous awards.

Mr. McKeon: Have you received the BUG award?

Mr. Westermann: I've received the BUG award, I've received a special personal award from Carl Ford. But I've received group awards, I've received meritorious assignor awards from the department. Subsequent. I've received an award for terrorism, I've received an award for my involvement with Operation Iraqi Freedom. I've received an award for my efforts to combat proliferation throughout the world.

Mr. McKeon: Do any of these awards have cash affiliated with them?

Mr. Westermann: Yes I've been awarded cash awards.

Mr. McKeon: I don't know how the Civil Service works from 14 to 15, have you been up for a promotion from 14

to 15 at any time?

Mr. Westermann: I'm meeting the full performance level of my particular position.

Mr. Jannuzi: Those slots only go to 14 Brian.

Mr. Westermann: Or my position description would have to be re-written as a 15. I'm currently performing at my full performance level. I have been offered a position -- I

was offered a position to become the Deputy National Intelligence Officer, at the National Intelligence Council for CBW issues. Which is at the grade of 15, but I turned it down.

Mr. Brannigan: In your subsequent -- in the first subsequent performance evaluation by your superiors after this incident, was this incident brought up?

Mr. Westermann: No. This incident has not been mentioned in any performance evaluation. As I said earlier I have received outstandings in my performance evaluations.

Mr. McKeon: What was the terms of your discharge from the Navy?

Mr. Westermann: Honorable. I received the Defense Superior Service Medal from Secretary Cohen for exceptionally meritorious service to the United States Navy.

Mr. McKeon: This may get a little -- strike you as a little personal but this is a tough business. Do you have any convictions for any misdemeanor or failings?

Mr. Westermann: No.

Mr. McKeon: Have you ever been charged with any?

Mr. Foldi: What's the relevance?

Mr. McKeon: I don't know if there's somebody that's out there that somebody may use to try to use against Mr. Westermann to impeach his credibility.

Mr. Westermann: I served honorably in the U.S. Navy, I've served under hostile fire. I've been responsible

for men's lives. I've served in brand new positions abroad, doing arms control inspections I've been in unique positions in the Navy. I've been hand selected. I was a special assistant to a Marine General later, the Vice Commandant of the Marine Corps.

Mr. McKeon: Who was that?

Mr. Westermann: General Jack Daley. I was also the Ambassador Ralph Rowe's Special Assistant in the arms control disarmament agency, hand selected for that.

Mr. Blinken: You don't have to answer this, but can you tell us why you turned down the job you were offered, and again don't feel pressured.

Ms. Rodley: It's because you loved working in INR so much.

(Laughter).

Mr. Westermann: Carol knows INR, I couldn't imagine going anywhere else. Let's just say the offer is still on the table.

Mr. McKeon: At any time in your tenure with INR, have you other than this episode felt political pressure either from your superiors in INR policy makers to alter intelligence judgments?

Mr. Westermann: No.

Mr. Levine: A question for Carol. One of the things we've been discussing here is the procedure, be it

written or oral tradition for handling these requests. Is it common to ask the person submitting a request to provide more detailed source numbers, so that the demarche co-ordinator won't have any difficulty figuring out where things come from?

Ms. Rodley: As I said before I not only don't deal with these daily. These seldom come to me. Maybe once in six months do I get involved in these. But what I do know of the process is that it's very common for there to be a conversation with the requesting office and that conversation could include suggestions back and forth with the language, and it could easily include requests for reference serial numbers. That does not strike me as at all out of the ordinary.

Mr. O'Connell: Can I just pursue something that is slightly different. Did Mr. Bolton's office -- you talked about much of the intelligence that is in your world as being SIGINT intelligence. Did Mr. Bolton often request NSA intercept information, and if he did, would the request have

gone through INR?

Mr. Brown: How does that relate to this issue? Why don't you ask Mr. Bolton that?

Mr. O'Connell: Because he's here. And I'm going to ask Mr. Bolton, but do I have to call him back after I ask Mr. Bolton?

Mr. Brown: You can ask Mr. Bolton on Monday. Also

we're getting into areas that are outside -

Mr. O'Connell: I'm not asking what he's asked. All I'm asking is did he ask for -

Mr. Brown: The kind of intelligence he asked for, is that an appropriate issue for a classified deposition.

Mr. McKeon: Let's go off the record, for a minute.

(Off record)

Mr. McKeon: Let's go back on the record.

Mr. Jannuzi: Let me go back to January, I guess it was January '01 there was a WINPAC senior executive memo.

Mr. Brown: '01?

Mr. Jannuzi: I'm sorry '02, a January WINPAC memorandum addressing BW programs in Cuba. Were you aware of that memo and was that part of the material that formed the basis of the material that they wanted to have cleared and declassified for use in the speech?

Mr. Westermann: The way you described this senior executive memo, it is hard for me to properly place it. So

I'm not so sure I would be able to answer the question.

Mr. Jannuzi: Ordinarily would classified product that Mr. Bolton used for instance, or Mr. Fleitz used for the speech drafting process come through INR, or would you receive such material through other channels directly from other intelligence agencies and you only learned about it later?

Mr. Westermann: I think Fred was a conduit for Mr.

Bolton to receive other information, I know there are a couple of times that he goes back to CIA and he picks up things out there and whatever. So I'm sure there were times that materials flowed from other agencies to Under Secretary Bolton not through INR, but I'm not so sure that that necessarily violated anything. As long as those documents resided in the right place at the right time, and were couriered and handled properly. But I know I did have some correspondence with Fred at one time, about hey you know you can send this out to me at CIA or something because I'll be there tomorrow morning, and I'll pick it up there.

Mr. Jannuzi: And those documents would normally reside in a safe in your office, in the SPM office?

Mr. Westermann: You this opens up a whole other long history which I would have to admit that I'm not the best person, but there was a period of time when INR was the only place where code level word documents could reside overnight in properly secured safes. And then there was a period when

we had certain -- there was a request that conference rooms were turned into specially secured working areas to conform with the DSCD, so code word level material could be maintained in those rooms, and read and reviewed. And so we did that. And then there was another period of time that went by where some of these facilities, these SWAS, a safe was moved in and

they were certified for the overnight storage of code word material and so there was a progression. And there were people involved in that. And I was aware of some of this because all analysts would have to be aware of where they can carry and take and read, and store, and handle code word level documents.

Mr. Jannuzi: And in your experience in working with Mr. Fleitz or Mr. Bolton, did you ever experience mistakes being made in the handling of classified material by Mr. Fleitz or Mr. Bolton? Safes maybe not properly secured at the end of the day, or code word documents residing in non-code word safes in their offices?

Mr. Westermann: I have no direct knowledge of that.

Mr. Foldi: I are we pretty much done here.

[Whereupon the hearing adjourned at 7:30]