

1 INTERVIEW OF FRED FLEITZ
2 WITH REGARD TO THE BOLTON NOMINATION

3
4 Thursday, May 5, 2005

5
6 U.S. Senate
7 Committee on Foreign Relations
8 Washington, D.C.

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10 The Committee met, pursuant to notice, at 11:35 a.m.,
11 in Room SD-419, Dirksen Senate Office Building.

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1 P R O C E E D I N G S

2 Mr. Foldi: Okay, we're back, and we're live, and we're
3 on the record.

4 Mr. Levine: Mr. Fleitz, welcome back.

5 Mr. Fleitz: Hello?

6 Mr. Levine: You, in, I guess it was -- was it
7 September of '02? -- had an interchange with an INR analyst
8 regarding a WINPAC analysis that related to China.

9 Ms. O'Connell: The date is August 30.

10 Mr. Levine: All right, August 30, I am told, is the
11 date of your interaction with the INR analyst. The WINPAC
12 document, was this something that you had requested?

13 Mr. Fleitz: I don't recall.

14 Mr. Levine: Do you --

15 Mr. McKeon: Can I interject for a second here? This
16 is for Mr. Fleitz or Bruce. Has Mr. Fleitz seen this e-mail
17 exchange that was sent to us this morning?

18 Mr. Brown: Yes, he has, Brian.

19 Ms. O'Connell: Has he seen the QFR?

20 Mr. Brown: Yes, he has, Janice.

21 Mr. McKeon: Okay. Thank you.

22 Mr. Levine: We have yet to see the WINPAC document,
23 and we also have yet to see the INR draft that was appended
24 to it. We still have earnest hopes that we will see those
25 documents. When you spoke to the INR analyst, could you

1 recount that conversation for us?

2 Mr. Fleitz: Well, concerning this whole issue, I
3 didn't remember speaking to the INR analyst until I was
4 shown his e-mail yesterday as part of the document request.
5 And I'd like to explain this e-mail I sent, because I think
6 it's a fairly minor matter, and it's something that I can
7 account for.

8 First of all, this is an issue that was mostly a
9 CIA/INR disagreement, and a minor one. Mr. Bolton was not
10 involved. In fact, he was in Asia. And it was a
11 communication that I sent to INR, and a discussion I had
12 with an INR analyst, after I had spoken with WINPAC, to
13 express to them my concern as a T staffer, and my concern as
14 a CIA officer, that when sending a rebuttal on an issue this
15 complicated to a Deputy Secretary of State, I believe that
16 it would have been appropriate for INR to have consulted
17 with the authors to discuss the analytical assumptions and
18 evidence. There is no -- there's no -- there's nothing in
19 here that says INR can't send dissents. I don't disagree
20 with their right to dissent anything or send any
21 communications they want, but I was concerned, my management
22 at WINPAC was concerned, that -- given the complexity of
23 this issue, that it probably was appropriate for INR to do
24 its homework before it sent -- before it put this attachment
25 on the front of the WINPAC memo.

1 Ms. O'Connell: What makes you think they didn't do
2 their homework?

3 Mr. Fleitz: At the time, it was my view, and it was
4 the view of WINPAC.

5 Mr. Levine: That -- I'm sorry, that sentence didn't
6 seem to end.

7 Mr. Fleitz: Well, first of all, at the time, it was my
8 view, and it was the view of WINPAC. And I don't know how I
9 knew at the time that they hadn't spoken with the analyst,
10 but I did establish that that was the fact after I had seen
11 the rebuttal and I spoke to WINPAC. Making sure, before
12 sending something to a Deputy Secretary of State, that you
13 are aware of the evidence, and you're aware of the
14 analytical assumptions, I think, is important. And I can
15 say that I'm fairly certain that I knew that, because I
16 spoke to a pretty senior official at WINPAC. In fact, I
17 spoke to one of the authors of this paper, and I knew that
18 that hadn't been done.

19 Now, I guess one could argue that that's not normal
20 procedure, but this was an unusual memo, it was very
21 complicated, it was something that the Deputy Secretary of
22 State had seen, it was something that my home office had
23 written, and it seemed to be something that INR should have
24 done just to make sure that they had done their homework
25 before they had sent a note to the Deputy Secretary that

1 basically said the memo that our rebuttal is attached to is
2 -- has serious, serious flaws. I didn't think that was the
3 case, and neither did WINPAC. And it seemed like this was
4 -- this was the kind of advice that was appropriate, given
5 the circumstances.

6 Mr. Foldi: Fred, can you walk us back a little bit, as
7 far as the procedure goes? In other words, when WINPAC
8 sends something over, do they normally work at all with INR,
9 or do they clear it with anyone else in the intelligence
10 community, or is it just, "This is what WINPAC thinks. Here
11 it is"?

12 Mr. Fleitz: I really have nothing else to add on this.
13 This is -- this is what happened, and I was doing my job as
14 a CIA officer and as Mr. Bolton's --

15 Mr. Foldi: No, Fred, I'm just trying to understand,
16 from a WINPAC perspective. In other words, when they
17 produce these products, is that just a WINPAC product, or is
18 it considered an IC product? I'm just -- I don't
19 understand. That's my -- that's my question.

20 Mr. Fleitz: Well, I'm just saying that I was doing my
21 job, as a CIA officer and as Mr. Bolton's staffer, to
22 reflect the fact that when a paper this important on such a
23 complicated subject is sent to the Deputy Secretary of
24 State, it seemed to be appropriate that INR might do its
25 homework by talking to the authors to discuss the evidence

1 behind it and the analytic assumptions.

2 Mr. Foldi: Well, Fred, that's what I'm trying to
3 determine. Did INR have any input on the WINPAC product?

4 Mr. Fleitz: This was a WINPAC paper. INR had not seen
5 the paper.

6 Mr. Jannuzi: So, it's correct that WINPAC did not
7 think that the subject was so complicated and important that
8 they bothered to consult with INR before sending this to D,
9 is that correct?

10 Mr. Fleitz: No, that's not correct.

11 Mr. Jannuzi: Did WINPAC consult with INR before
12 drafting their memo to D?

13 Mr. Fleitz: The premise of your question is not
14 correct.

15 Mr. Jannuzi: Well, you said that it was inappropriate
16 for INR to attach their opinion on such a complicated issue
17 without first consulting with WINPAC. I'm asking, did
18 WINPAC --

19 Mr. Fleitz: I didn't say that.

20 Mr. Jannuzi: -- consult with INR before sending it to
21 --

22 Mr. Fleitz: I did not say that. No, I didn't say
23 that.

24 Mr. Jannuzi: Well, I may have misunderstood you. What
25 did you say?

1 Mr. Fleitz: Who is speaking?

2 Mr. Jannuzi: This is Frank Jannuzi speaking.

3 Mr. Fleitz: Thank you. Let me go over this again,
4 because I don't think you're listening. I had suggested to
5 INR that on a subject this complicated to a Deputy Secretary
6 of State it would have been appropriate to have discussed
7 with the authors the evidence and analytic assumptions
8 before the paper was given to the Deputy Secretary of State.
9 I put this down as a courtesy, not as a requirement. And
10 the idea that I was saying anything about their right to
11 send anything they want to the Deputy Secretary or the
12 Secretary, or that they couldn't dissent, that was never
13 part of the equation. So, I was suggesting something they
14 might do as a courtesy.

15 Mr. McKeon: This is Brian McKeon. Can I ask, why do
16 you care what the Deputy Secretary gets? You don't work for
17 him.

18 Mr. Fleitz: Well --

19 Mr. McKeon: He's a big boy. He can vet it.

20 Mr. Fleitz: I'm really sorry to hear you say that, Mr.
21 McKeon, because I held -- I wore two hats, as Mr. Bolton's
22 special assistant and as a CIA officer, and if I saw
23 something going to the Deputy Secretary that had not been
24 thought through, I had a duty, as a State Department
25 officer, to see that it be done right and to see that INR

1 did its homework. I -- so -- and you'll note, from the memo
2 that I wrote, I was writing, as a T officer, that this was
3 something that I thought INR should consider doing, as a
4 courtesy. I care very much that what the Deputy Secretary
5 of State gets is well done and the people who write it have
6 done their homework.

7 Mr. McKeon: I presume that's why the Deputy Secretary
8 has a staff.

9 Mr. Fleitz: I don't know what that comment means, sir.

10 Mr. McKeon: My point being that he has staff to vet
11 materials that get to him, and if they think it's
12 inappropriate to send it to -- up to him, they can obviously
13 do that. You work for the Under Secretary. I didn't know
14 you were the liaison for the entire Department.

15 Mr. Foldi: Okay, if we could take --

16 Mr. Fleitz: That is an outrageous statement. Let's go
17 over this again.

18 Mr. Foldi: If we could bring the discussion back to
19 the --

20 Mr. Fleitz: No, I'm going to answer this question.
21 The Deputy Secretary's staff would not have known that this
22 rebuttal had not been -- may have been done by someone who
23 had not spoken to the authors about the evidence and the
24 assumptions. I was in a position where the Deputy -- that
25 the Deputy Secretary's staff was not in a position to check

1 such a thing, because I am a WINPAC officer and a State
2 Department officer.

3 Mr. Foldi: Okay, if we can bring this back to Mr.
4 Bolton, I think that would be better for all parties
5 concerned.

6 Mr. Levine: Mr. Fleitz, did you at any time suggest
7 that if INR would not show this courtesy, you would find
8 other ways of getting information to D?

9 Mr. Fleitz: I relayed my concern, when this memo was
10 sent, that I thought that they should have checked with
11 WINPAC on the evidence before they had sent the memo up.
12 And I had mentioned, in the memo I sent, that if they didn't
13 follow procedures, that we might look into how to send
14 communications to D through diplomatic security.

15 Mr. Jannuzi: Was it your -- Mr. Fleitz, this is Mr.
16 Jannuzi -- was it your view that INR had violated
17 procedures?

18 Mr. Fleitz: I think it really -- I think I was more
19 concerned that they had violated protocol. But maybe
20 "protocol" is not correct. I guess what was most concerned
21 is that they should have checked on the analytic assumptions
22 and evidence before attaching the rebuttal. And I think
23 that that might have -- that might have solved the whole
24 thing. I wondered, at the time, that -- if they had done
25 that, they may not have written the rebuttal at all.

1 Mr. Foldi: Okay. If we could, as I said, try to bring
2 this back to Mr. Bolton.

3 Mr. Levine: Subsequent to your saying that you might
4 find other ways of transmitting information, did you, in
5 fact, find other ways of transmitting information?

6 Mr. Fleitz: No.

7 Mr. Branegan: Mr. Fleitz, did you hold the analyst, in
8 particular, who wrote this cover memo, personally
9 responsible for failing to check? Or did you feel this was
10 -- he was acting at the behest of his supervisors in INR?

11 Mr. Fleitz: Until recently, I couldn't remember who
12 that analyst was. After I sent my e-mail from INR, they
13 never responded to me, and I never raised it again, and I
14 forgot about it.

15 Mr. Branegan: Did Mr. -- did you ever discuss this
16 with Mr. Bolton?

17 Mr. Fleitz: I assume when Mr. Bolton got back from his
18 trip, I mentioned it to him. He doesn't remember it. I
19 don't remember discussing it with him.

20 Ms. O'Connell: Do you remember discussing it with Mr.
21 Silver?

22 Mr. Fleitz: No. I didn't know that I discussed it
23 with Mr. Silver until this morning, when I heard that Mr.
24 Silver said that in his deposition, but I was -- I was
25 unaware of that.

1 Mr. Branegan: So, you never threatened any analyst
2 with any retribution or anything like that as a result of
3 this, did you?

4 Mr. Fleitz: I've never threatened any -- anyone with
5 retribution.

6 Mr. Levine: Have you ever discussed with anyone the
7 possibility of the Under Secretary wanting retribution
8 against an analyst?

9 Mr. Fleitz: Of course not.

10 Mr. Levine: Did you ever discuss with Alan Foley the
11 possibility that Under Secretary Bolton might want the NIO
12 for Latin America to be fired or reassigned?

13 Mr. Fleitz: So, we're moving off the WINPAC missile
14 memo. We're done with this now.

15 Ms. O'Connell: No. For the moment. We may come back
16 to it.

17 Mr. Fleitz: Okay. I know that Alan has said, in his
18 deposition, that I called him about the NIO for Latin
19 America. I don't remember calling him. And, I don't -- I
20 mean, if Alan says I did, I'm sure Alan's right. Mr. Bolton
21 did not ask me to call anyone about the NIO.

22 Mr. McKeon: He -- Mr. -- To clarify, I think Mr. Foley
23 said he didn't -- you did not call with a specific purpose
24 in mind, that it was in a -- in a routine phone call that
25 you would have -- the two of you would have had at least

1 once a week or so, that the matter came up.

2 Mr. Fleitz: I think that's right. I kept in close
3 touch with Mr. Foley, and I think that's probably what
4 happened.

5 Mr. Jannuzi: Back to the WINPAC memo for a moment. In
6 your communication with INR about it, you wrote "on behalf
7 of the Under Secretary," is that correct?

8 Mr. Fleitz: That's correct.

9 Mr. Jannuzi: But you didn't have discussion with the
10 Under Secretary prior to sending that communication, because
11 he was out of town. Is that your recollection?

12 Mr. Fleitz: Yes. And I want to explain why it says
13 I'm writing on behalf of the Under Secretary. I have two --
14 it is a delicate balancing act to be representing CIA and to
15 be working as a State Department officer. As you know from
16 Mr. Westermann's testimony, INR considered me a policy
17 officer, and it wasn't uncommon for me to not play up that I
18 was a CIA officer when I would communicate with INR.

19 Mr. Jannuzi: Right. I've been a little bit --

20 Ms. O'Connell: I don't understand --

21 Mr. Jannuzi: -- confused on that --

22 Ms. O'Connell: -- what that means.

23 Mr. Jannuzi: -- on that point. You were on detail to
24 the State Department, but you considered that you -- as you
25 had previously told the Committee, that you essentially were

1 dual-hatted. Is that correct?

2 Mr. Fleitz: That's correct.

3 Mr. Jannuzi: And so, what were your CIA duties while
4 on detail at the State Department? What was your job for
5 the CIA while you were there?

6 Mr. Fleitz: That's outside the questions I'm here to
7 discuss. Sorry.

8 Mr. McKeon: Well, I think you've put it in play, Mr.
9 Fleitz. You've said you were -- you had duties as a CIA
10 officer, as well. You just said that a couple of minutes
11 ago.

12 Mr. Fleitz: I have no further comment on that
13 question.

14 Mr. McKeon: Well, I think -- you've opened the door,
15 so it's a fair question to ask, What are those duties?

16 Mr. Mattler: Is it relevant in any particular way to
17 the nomination of Mr. Bolton?

18 Mr. McKeon: We're -- well, we're trying to understand
19 Mr. Fleitz's assertions about his response to the -- to the
20 INR dissent to the WINPAC memo, and he felt he had some
21 responsibility, I guess, both as a State officer and a CIA
22 officer, and we're trying to understand what his -- he
23 regarded as his duties as a CIA officer.

24 Mr. Mattler: He indicated that he didn't speak with
25 Mr. Bolton before --

1 Mr. McKeon: Sorry, I can't hear you.

2 Mr. Mattler: He indicated that he had not spoken with
3 Mr. Bolton before he sent the e-mail that's in question here
4 on -- you know, to the extent that any of this goes to --

5 Mr. Brown: This is Bruce. I think when we did our
6 first interview with Mr. Fleitz, he went over, you know,
7 what his role was here at the Department of State and
8 working for Mr. Bolton, quite clearly, so I could refer you
9 back to that. I don't think this is an area that Mr. Fleitz
10 wants to continue, so let's move on.

11 Mr. McKeon: Well, as I say -- I'll try to look at the
12 transcript while we're sitting here -- Mr. Fleitz opened
13 this door, and I'm just walking through it. And I think it
14 is relevant to his assertions that he -- about the INR
15 dissent on the WINPAC memo. I think it's an --

16 Mr. Jannuzi: Yeah, Mr. Fleitz --

17 Mr. McKeon: -- it's important to our understanding of
18 what he's saying.

19 Mr. Jannuzi: -- Mr. Jannuzi here. In your response to
20 the Committee a moment ago, you began by saying that you
21 wore two hats, and then that you had a duty to -- you said,
22 as a State Department officer, to see that INR did its
23 homework, but you prefaced all of that by saying that you
24 wore two hats. Was it also one of your duties, as a CIA
25 officer, to have any role in the dissemination of INR

1 product in the building or to ride herd on that and see that
2 INR was doing its homework?

3 Mr. Fleitz: I don't really know what that question
4 means.

5 Mr. Jannuzi: Did you think it was part of your
6 professional responsibility to check, rebut, contest, or
7 challenge INR intelligence product inside the State
8 Department, or did you view your view inside the State
9 Department as a policy officer who did not have a role in
10 intelligence analysis within the Department?

11 Mr. Fleitz: Well, I think you're making too much of a
12 minor matter -- minor disagreement between CIA and INR.
13 This was a memo, which was sent to the Deputy Secretary,
14 that happened to be written by my home office, and my home
15 office was upset that INR put a rebuttal on it without
16 speaking with the authors first to discuss the evidence and
17 analytic assumptions.

18 Mr. Jannuzi: Who --

19 Mr. Fleitz: That's all there is to it.

20 Mr. Jannuzi: Well --

21 Mr. Fleitz: That's all there --

22 Mr. Jannuzi: But -- well, what I'm confused about is
23 that I don't see any evidence that CIA objected in any way
24 to the INR memo, other than yourself, as a CIA officer at
25 the State Department, objecting.

1 Mr. Fleitz: That's not correct. You haven't read my
2 e-mail.

3 Mr. Jannuzi: I have read your e-mail. Where in that
4 e-mail --

5 Mr. Fleitz: I'm not going to read the e-mail here,
6 because it's classified, but I note specifically that I
7 spoke with a WINPAC division chief about this memo.

8 Mr. Jannuzi: Right.

9 Mr. Fleitz: She was upset about what INR had done. I
10 work for WINPAC also.

11 Mr. Jannuzi: Right. But --

12 Mr. Fleitz: And I'm not going to get into that in an
13 open -- in an open deposition.

14 Mr. Jannuzi: Right. My point is -- was it your
15 responsibility at the State Department to express those CIA
16 concerns about INR product? Was that part of your job?

17 Mr. Fleitz: My responsibility here was, when I saw --
18 I happened to see a paper that my office had written that
19 had been sent to Mr. Armitage. The rebuttal had not been --
20 the rebuttal, according to my management, it would have been
21 nice of they had spoken to the authors, and I relayed this
22 concern to INR.

23 Mr. Jannuzi: And the Deputy Secretary later expressed
24 satisfaction with the INR analysis, is that correct?

25 Mr. Fleitz: I have no knowledge of that.

1 Mr. Jannuzi: Did his staff later express satisfaction
2 with the INR analysis?

3 Mr. Fleitz: That's news to me.

4 Mr. Foldi: Fred, was it -- is it a routine thing for
5 WINPAC products to come over and get an INR cover put on
6 them with a comment regarding the contents therein of? This
7 is Paul Foldi speaking.

8 Mr. Fleitz: INR sometimes attaches comments to
9 products from other agencies.

10 Mr. Levine: And is there any procedure that says they
11 have to consult with the other agency before doing that?

12 Mr. Fleitz: No.

13 Ms. O'Connell: So, why were you so upset about it?

14 Mr. Fleitz: This was a paper written by my office --

15 Ms. O'Connell: Did you request --

16 Mr. Fleitz: -- on a complicated subject --

17 Ms. O'Connell: -- that it be written?

18 Mr. Fleitz: -- to the Deputy Secretary of State. And
19 I had suggested, as a courtesy, that they may -- they might
20 have spoken with the authors before attaching this rebuttal
21 to the -- to the top of the WINPAC paper.

22 Ms. O'Connell: But, ultimately, they could have
23 attached the rebuttal, anyway, isn't that -- isn't that
24 true?

25 Mr. Fleitz: Absolutely.

1 Ms. O'Connell: So, what difference did it make?

2 Mr. Fleitz: It doesn't make any difference. This was
3 a minor issue. No one even remembered it until it came up a
4 couple of weeks ago.

5 Mr. Mattler: With respect here, it's already clear
6 that Mr. Bolton had no knowledge, at the time that the mail
7 was sent on -- of what was going -- of, you know, the fact
8 that it was sent, that he didn't have any involvement in
9 this interchange. I'm -- I think we have probably plowed as
10 much as there is that's relevant to Mr. Bolton in the
11 discussion, and I think we're probably best to move on to
12 any other topics that have been agreed.

13 Ms. O'Connell: Well, let's go to the -- Mr. Fleitz's
14 e-mails to Matthew Freedman.

15 Mr. Mattler: Was that among the topics that has been
16 agreed?

17 Ms. O'Connell: That's the one that I've put on the
18 table.

19 Mr. Fleitz, on February 13th, you sent an e-mail to --
20 February 13th, 2002 -- actually, you sent two, one at 8:44
21 and another at 8:45 a.m. -- and it's forwarding Cuba
22 information. It says, "Part of the paper trail. This early
23 note is not truthful." Why would you send -- what was Mr.
24 Freedman's -- what were his responsibilities in Mr. Bolton's
25 office?

1 Mr. Brown: Janice, this is Bruce, you can ask Mr.
2 Freedman. And we can schedule time this afternoon that you
3 can ask Mr. Freedman that question.

4 Ms. O'Connell: Well, I'm asking Mr. Fleitz. He's the
5 one that sent the memo.

6 Mr. Brown: I don't think Mr. Fleitz decided what Mr.
7 Freedman's roles and responsibilities --

8 Ms. O'Connell: Well, he was acting chief of staff at
9 one point.

10 Mr. Brown: Well, I know, but the -- but the person who
11 delegates roles and responsibilities in the T office is Mr.
12 Bolton.

13 Ms. O'Connell: I'm asking Mr. Fleitz why he sent the
14 e-mail to Mr. Freedman. He's the one that typed Mr.
15 Freedman's name into the e-mail. Why did he do that? Mr.
16 Freedman told us what his responsibilities were, and, as I
17 recall, he didn't mention Cuba.

18 Mr. Brown: Mr. Fleitz doesn't want to answer that
19 question. He thinks it's outside the scope, and I think
20 maybe it's best -- that question is best posed --

21 Ms. O'Connell: Bruce, it's patently absurd that the
22 person who sends the e-mail is not going to speak about it,
23 but the recipient is.

24 Mr. Brown: I think what you want to know is what Mr.
25 Freedman's role --

1 Ms. O'Connell: No, I want to know what Mr. Fleitz
2 thought he was doing when he sent the e-mail. Why did he
3 send it? Because he was his buddy and he likes to blog?

4 Mr. Brown: Mr. Fleitz --

5 Ms. O'Connell: I assume Mr. Fleitz is a busy man, and
6 he sends e-mails for a purpose. Maybe I'm mistaken.

7 Mr. Fleitz: I think we're done.

8 Mr. Foldi: Do we have any more questions on the other
9 subjects that are on the table?

10 Ms. O'Connell: So the record shows Mr. Fleitz is
11 refusing to answer?

12 Mr. McKeon: In the absence of any sound, that's what
13 we're going to put on the record.

14 Mr. Brown: Yeah, I think -- I think we've, kind of,
15 exhausted the topics that we agreed to.

16 Mr. McKeon: Right, but we agreed, at the beginning of
17 this, that we were going to put this on the table, and you
18 were going to think on it.

19 Mr. Brown: Well --

20 Mr. McKeon: And --

21 Mr. Brown: -- well, Mr. Fleitz thought about it, and
22 we thought about it, and I think maybe perhaps these are
23 questions that are probably best -- are best posed to Mr.
24 Freedman.

25 Ms. O'Connell: That's laughable, Bruce.

1 Mr. McKeon: Can you at least give us a justification
2 why Mr. Fleitz is not allowed to explain his own e-mails, or
3 willing to?

4 Mr. Mattler: Look, we had a set of ground rules when
5 we walked in. I don't even know whether Mr. Fleitz has had
6 the opportunity to review the particular e-mail that you're
7 referring to. At least at this point, we're not going to --
8 we're not going to try and answer questions about it. You
9 will be able to raise it later today. We had previously
10 arranged that.

11 Ms. O'Connell: Well, I'm going to put on the table
12 that after we talk to Freedman, we might need to talk to Mr.
13 Fleitz again.

14 Mr. Brown: We'll take that under advisement.

15 Mr. McKeon: All right, Bruce --

16 Mr. Brown: Yes?

17 Mr. McKeon: -- we're done with this. We can go off
18 the record.

19 Mr. Brown: Okay.

20 Mr. Foldi: We're done?

21 Mr. McKeon: Yeah.

22 Mr. Foldi: Thank you, Mr. Fleitz.

23 [Whereupon, at 12:00 p.m, the hearing was adjourned.]

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25