



Excerpts from Joint Transcribed Interview

Charles Faulkner
Former Principal Deputy Assistant Secretary of State for
Legislative Affairs

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House Committee on Foreign Affairs
House Committee on Oversight and Reform
Senate Committee on Foreign Relations, Minority

Charles Faulkner’s testimony lays out the timeline leading up to the State Department’s May 2019 “emergency” declaration used to push through more than \$8 billion in arms sales to Gulf countries. His interview makes clear that State Department officials were fully aware of ongoing Congressional concerns regarding the Saudi-led coalition—particularly civilian casualties in Yemen—and when they found themselves unable to assuage those concerns, pushed ahead with an “emergency” justification for the sales.

Moreover, he lays out that before former Inspector General Steve Linick was fired, his office was specifically asking about the connection between concerns over civilian casualties and the use of the emergency authority. Mr. Faulkner’s testimony adds further details to what Mr. Pompeo may have been trying to cover up when his top lieutenants urged Linick to drop the arms sales investigation, refusing to sit for an interview on the subject, and ultimately firing Linick before he could complete his work.

Pages 81-83:

- Q. And do you recall having a discussion with the Inspector General's office about how to deal with those concerns regarding the civilian casualties as you were trying to get these sales through Congress? Did the IG ask you about that and how the civilian casualty aspect played into the decision?
- A. Well, the civilian casualties, to answer the question, I believe so, yes. Civilian casualties was a concern of the committees. It was a concern of the House and the Senate. It was a concern by a number of different parties. And making sure that the Department had made those considerations, the risk, the appropriate use, the application of the --
- Q. And just to be specific, sir, I'm sorry to be imprecise, but my question is, did the fact that those things were of concern come up when you spoke to the Inspector General's office?
- A. Yes.
- Q. Okay. In what way?
- A. Say that again, please.
- Q. In what way, please? And if it's duplicative of what we just said, you don't need to repeat it. But just how was that part of what the Inspector General was asking you about?
- A. The Senate and the House created a provision in the National Defense Authorization Act regarding whether or not the Saudis -- the Saudis were doing -- were taking measures to mitigate the risk of civilian casualties in the conflict. And that was chiefly a concern, that was a main concern, a major concern of the House and the Senate at the time. And, frankly, the civilian casualty issue, I believe, was a factor that was considered by decisionmakers in the provision of these weapons.
- Q. And so as a result, I think you said it came up with the IG staff. It was also something that the IG staff was looking into, because it was all part and parcel of how we got to the emergency declaration. Is that right?
- A. You broke up a little bit there, [redacted]. Can you say that again?

- Q. Yeah. So I believe you said it was also something that the IG staff asked you about. And if I understand you correctly, that's because these issues of civilian casualties and the legal requirements, they were all part and parcel of what ultimately, you know, led into the emergency declaration. Is that correct?
- A. Yeah. Yeah, I think that's correct. I think you could, broadly speaking, you could say that because the civilian casualties were such a concern, you know, reassuring policymakers and lawmakers that there would be a lower risk of civilian casualties was a factor, I believe, in the decision.

I. BEFORE THE EMERGENCY DECLARATION: LEGITIMATE CONCERNS ON CAPITOL HILL ABOUT CIVILIAN CASUALTIES

Mr. Faulkner stated that he was aware of strong bipartisan concern about the Saudis using American weapons to cause civilian casualties in Yemen.

Pages 24-25:

- Q. It's our understanding that Senator Corker, who was then chairman of the Senate Foreign Relations Committee, put a hold on a different set of arms sales to the Gulf in June of 2017. Do you recall that?
- A. Yes.
- Q. What was the reason for Senator Corker's hold at that time?
- A. I don't remember the specifics of the case. But what I do remember, as you've pointed out, both House and Senate committees and other Members of Congress had concerns about the nature of the sales, as well as the reports in the Gulf of civilian casualties, as well as the role of the Saudi-led coalition in Yemen. And I believe that a lot of the holds or inquiries about those sales were raised to the Department as part of the [inaudible].

Mr. Faulkner stressed the need to reassure Congress about progress on civilian casualties, and that Congress had "legitimate concerns" that led to the holding of these weapons.

Pages 87-88:

- Q. So was it frustrating to you that he was still -- that he still had questions and that the hold was still on even after the engagement over the summer of 2018?
- A. Was it frustrating to me? Senator Menendez had legitimate concerns in his capacity as the ranking member. I believe a lot of his concerns and the concerns of his staff were warranted simply because, as I pointed out, that the issue with regard to the situation in Yemen, catastrophic situation, and many people feel very passionate and deeply about that.
- So from Senator Menendez's perspective, you know, we want to make sure that there exists, I believe in his words, comity between, you know, the Department and the committees. And yes, I believe it was frustrating that we

weren't able to overcome his concerns.

Mr. Faulkner testified that the State Department tried to engage with Senator Menendez on civilian casualty concerns in the summer of 2018. The State and Defense Departments gave one briefing, which did not alleviate the Senator's concerns about how the Saudis were using American weapons.

Pages 84-85:

Q. In the June 28th, 2018, letter that Senator Menendez wrote, he addressed the Department's efforts to assuage their concerns, and he wrote, quote, "It is no longer acceptable for the administration to rely on civilian protection arguments as justification for continued sales of precision-guided weapons unless it provides credible evidence to support this contention."

In other words, he was saying that as of June 28th, he didn't find the evidence the Department had presented up until that point credible, that the Saudis were, in fact, dealing with the civilian casualty issue appropriately.

Is that what you understood to be one the concerns that led to that hold in June of 2018?

A. I think that's right. I believe Senator Menendez had, you know, concerns, as you laid out. I believe that in sum, he wanted more information, he wanted to receive more information. I believe he had -- he did have a number of his staff reach out and set up some briefings. I believe that the Under Secretary for Arms Control, International Security, and the Under Secretary for Policy from the Defense Department briefed Senator Menendez that summer.

In addition, the Department was working with DOD and with our interagency partners in the IC to provide briefings to the committees as appropriate.

Q. And did those summer briefings result in Senator Menendez lifting that hold?

A. I don't -- they did not.

Q. Okay. So is it safe to say that his concerns remained even after those briefings took place?

A. I believe so, yes.

Mr. Faulkner acknowledged that those concerns remained a year later, when he left the Department, just weeks before the emergency declaration was issued. According to Faulkner, the State Department had been trying, unsuccessfully, to organize additional briefings to address Menendez's concerns.

Pages 85-87:

Q. ...So you mentioned that there had been high-level briefings by State Department and DOD folks in the summer and that ultimately that didn't seem to satisfy Senator Menendez, right?

A. That's correct. I believe that Senator Menendez had reviewed written responses to his questions. And the briefing -- in the briefing, he was concerned. He wanted

more detail and more fidelity in response -- in responding to his answers.

Q. So when he got a briefing, he came out of that and said: I want more specific details. Is that what you just said?

A. Yeah. I believe that's right, yes.

Q. Did the Department provide more specific detail?

A. I believe we were still working toward setting up more briefings for him, to answer some of those questions. I don't believe that we answered all of his questions.

Q. And when you say "we were working towards," you mean, like, at the time you departed State you were still working on that? Or in what timeframe?

A. I don't -- I remember -- when I left the Department, or making efforts to depart in the spring, in April, I believe that, as I pointed out before, there were still five to six issues, or RFIs, that Senator Menendez and others had. And I know that when we were -- when I was departing there were plans or efforts underway to continue to try to organize those briefings.

Q. Okay.

A. Or written requests.

The Khashoggi killing made it even more difficult, and “nothing else would move until those issues were resolved.”

Page 115:

Q. Did you have any conversation with members of Senator Menendez' staff about the murder of Jamal Khashoggi and how that would impact the hold that Senator Menendez had on these arms sales?

A. I don't recall one. I will say that my -- I would make a distinction between the requests for information about Mr. Khashoggi's murder and the cases or these arms transfers that were proposed were different. I believe that the committee, as well as other Senate committees and other House offices, were asking for very similar information, and that led to, I believe, leadership had requests for representatives of the Department, IC et cetera, come up and provide briefings on his murder. Those sort of took front and center policymaking -- those were front and center, right? And so as a result, nothing else would move until those issues were resolved.

Q. So, ultimately, this was going to make it harder to get these sales approved, to simplify. Is that right?

A. Yes.

Many State Department officials shared and raised concerns about how the Saudis were using U.S.-supplied weapons.

Pages 79-81:

Q. Was there concern within the State Department about how the war -- how the Saudis were conducting the war in Yemen?

- A. There must have been, I imagine, yes.
- Q. Did anybody express to you, that you can recall, concerns about how the Saudis were dealing with targeting and the civilian casualties that were being caused by the way that they were using U.S.-supplied weapons?
- A. Did anyone raise this to me?
- Q. Or did they raise it in a meeting that you attended?
- A. It was -- as a member of the Department, occasionally I would attend meetings within the Department regarding regional security issues, the humanitarian crisis in Yemen, the conflict in Yemen, the appropriate use, misuse of articles. I'm aware of, yes, of concerns raised by officials in the Department.
- Q. And who were some of those officials that raised concerns about the targeting of civilians in particular or the reckless disregard for whether civilians were going to be hit? Who do you recall raising those concerns?
- A. Well, I think -- I can't name people who weren't concerned about it. I think everyone that I'm aware of was concerned about the loss of life.
- Q. Was Mr. Miller concerned about it?
- A. Say that again, please.
- Q. Was Mr. Miller concerned about it?
- A. I believe so, yes. I mean, I think Mr. Miller is very much aware of the region and the conflict going on there and the fact that it's gone on for some time. You'd have to ask Mr. Miller those questions.
- But, I mean, just -- I'm not trying to be coy here. Many of my colleagues, many of the colleagues, you know, in the Near East -- NEA [Bureau of Near Eastern Affairs] and DRL [Bureau of Democracy, Human Rights, and Labor], USAID, Office of the Under Secretary of Political Affairs, a number of people were concerned about the situation there.
- And I believe that the Department held regular meetings with a variety of different NGOs, regular meetings and dialogues with interagency partners about the conflict, the efforts of Martin Griffiths.
- Q. Sir, when you --
- A. -- trying to end the conflict there.

“I don’t believe many people were surprised” that the Saudis blew up a school bus full of children.

Pages 98-99:

- Q. So this is April. In June we've got Senator Menendez's hold, which we've discussed. About a month after that hold was put on, on August 9th, 2018, the Saudi coalition bombed a school bus in Yemen, killing 29 children, using U.S.-supplied munitions. Do you recall that?
- A. Yes. Terrible.
- Q. What was the reaction within the State Department to that event?
- A. It was a catastrophic loss of innocents. I and many of my colleagues were aghast at it. And I don't believe anybody was surprised to learn that, that the -- surprised to learn that we would be disgusted with such a mistake.

- Q. And so just to clarify -- I don't want to misinterpret you -- when you said no one would be surprised, you mean no one would be surprised to learn that people were disgusted or no one would be surprised to learn that the Saudis had hit a school bus in Yemen?
- A. No one would be surprised that we would be upset about the loss of innocent life.
- Q. Were people surprised that the Saudis had hit a school bus in Yemen?
- A. I don't believe many people were surprised. Speaking broadly, I believe that the Saudi military is doing things that are difficult. Even the United States military and our partners have issues with targeting, civilian casualties. So when there's an ongoing hot conflict, these things happen, but that doesn't make it any better. And it's appalling that they do happen. And that's why we work towards, you know, resolving the tension.
- Q. And this is exactly the issue that Senator Menendez had articulated when he put a hold on the sale of PGMs to the Saudis. Is that right?
- A. I believe so. I believe this was one of the major concerns. It may not have been his only concern.

II. PUSHING THROUGH ARMS SALES WAS A PRIORITY FOR THE WHITE HOUSE & RAYTHEON

Mr. Faulkner stated that arms sales to Saudi Arabia were a priority for the President and the White House.

Pages 35-36

- Q. And how did you become aware that that was a priority to the President? Who have you told? Or who told Ambassador Kaidanow?
- A. I don't recollect. I know I have a sense from my -- I have from the conversations that she was having regular meetings at the White House, and it was a top priority for Pol-Mil to move those sales.
- Q. And with whom did you understand that Ambassador Kaidanow was having regular meetings at the White House about these arms sales to Saudi Arabia and getting the hold lifted?
- A. I don't know who she was meeting with on a regular basis, but I knew that she was going to the White House and the National Security Council as part of her responsibilities.
- Q. And what did she tell you was the nature of the message she was receiving?
- A. I don't recall a verbatim conversation, but something along the lines of this is a priority.

Mr. Faulkner had heard concerns that Raytheon might incur additional costs if the sales were delayed by Congress, by virtue of having negotiated these as direct commercial sales, rather than as foreign military sales.

Pages 73-74:

- Q. Okay. And can you just tell us what you understand those concerns to be? What do you know about that issue?
- A. Well, I understand it in the sense that a company may, in fact, have a timeline for production, and if the schedule is not kept, then a company would incur additional costs, depending on the matter.
- Q. And are you aware of whether or not Raytheon stood to incur additional costs or have something eat into its profit margin if there was a delay in delivery of these PGMs?
- A. That's what I understand, but I'm not aware of what the value or that profit margin happens to be. Obviously, I've been made aware that there were potential risks, increased costs that the vendor or the provider would incur as that is somewhat common.

Mr. Faulkner's testimony confirms that the February 2019 House Vote to End Support for the War in Yemen Impacted the Department's Strategy for Advancing the Arms Sales to Saudi and UAE. He also notes a renewed focus on the issue at the time, around the same date that Pompeo classmate and former Raytheon lobbyist David Urban was hosted at one of the Pompeo's "Madison Dinners" on the State Department's 8th Floor.

Pages 121-123:

- Q. Okay. Just a couple of -- of course, I'd like to establish on our chronology in February, so around the same time as this meeting that we've just discussed with Under Secretary Hale. On February 13th of 2019, the House of Representatives voted 248 to 177 to advance the resolution that would invoke the War Powers Act of 1973 to end the U.S. support for the war in Yemen. Are you aware of that?
- A. Yes.
- Q. Okay. Did that have an impact on how the Department approached trying to get congressional approval for these arms sales?
- A. Yes.
- Q. And to the extent you can tell us, what was that impact?
- A. It certainly highlighted the broad lack of confidence that the House had in the Saudi's conduct. And I informed the Department on how best to approach -- how best to approach the matter of arms sales or any other [inaudible].
- Q. Okay. So about 6 days after that, on February 19th, Secretary Pompeo and his wife hosted what has been termed a Madison Dinner on the 8th floor of the State Department. Are you familiar with Madison Dinners?
- A. I read about them in the newspaper.
- Q. Tell us what do you know about them.
- A. They were dinners conducted on the 8th floor of the State Department.

- Q. One of the invitees for that dinner was a man named David Urban? Do you know who that is?
- A. I do.
- Q. And what do you know about Mr. Urban?
- A. I know that Mr. Urban is a classmate of the Secretary of State. They've known each other for a long time. I understand he's a supporter of the President and former chief of staff to Senator Specter. They have had a number of relations and have a number of other business dealings, sure.
- Q. Thank you. Did you ever have any discussions with Mr. Urban or anyone acting on his behalf regarding these arms sales?
- A. No.
- Q. Do you recall any change in focus of how the arms sales were going to be approached in about mid-to-late February of 2019?
- A. 2019?
- Q. Yes, sir.
- A. I did. I believe that the UAE foreign minister met with the Secretaries of State and Defense. I believe in those meetings there was a renewed effort to reexamine the situation with regard to arms sales and security assistance in the region.
- Q. I heard you say "reexamine." Does that mean reexamine what support would be given or to reengage with Congress for the sales that were already being held?
- A. Probably a little bit of both. Reexamine where the situation was with outstanding sales and outstanding programs.

III. MOVING TOWARD THE EMERGENCY DECLARATION

Shortly After Congress Voted to End Support for the War in Yemen, Marik String was the first to raise the idea of an emergency to Faulkner in April 2019. Mr. Faulkner stated that in April 2019, the Political-Military Affairs Bureau – not the Legal Adviser’s office – had “identified an authority that was available” that would allow President Trump and Secretary Pompeo to bypass Congress.

Pages 89-90:

- Q. Did Mr. String ever say anything to you about strategies to get these arms sales through after those summer of '18 briefings for Senator Menendez didn't do the job?
- A. Yes. In April, I spoke with Mr. String, in April -- this would have been April of 2019.
- Q. So a year after the sales were first notified?
- A. That's correct.
- Q. Okay. Sorry. Continue, please.
- A. And as I shared with the Office of the Inspector General, Marik informed me that the PM Bureau had identified an authority that was available, and that we should explore options for decisionmakers.

Mr. Faulkner attended a meeting in early 2019 with Under Secretaries David Hale, Andrea Thompson, and Marik String among others, in which directives were given to provide the Secretary options to move forward on arms sales.

Pages 118-120:

- Q. Mr. Faulkner, we understand that in early 2019, there was a discussion with Under Secretary of State for Political Affairs David Hale regarding these arms sales. Are you familiar with that meeting?
- A. I'm familiar with a meeting that included Under Secretary Hale. He may have had many meetings. I don't know which specific meeting you're referring to.
- Q. Were you ever in a meeting in early 2019 with Under Secretary Hale regarding these arms sales?
- A. Yes.
- Q. Okay. Who else was in that meeting?
- A. ...[T]he Bureau of Military Affairs; H [the Bureau of Legislative Affairs] -- I was asked to represent H as the assistant secretary was not in the building that day; the office of -- sorry, the Democracy of Human Rights and Labor; DRL; I believe the under secretary for -- the Under Secretary for International Security and Arms Control Andrea Thompson, as well as [inaudible] I believe, I believe it's a DRL. I believe there may be one or two others, but -- and I believe a representative of the Legal Adviser was there.
- Q. Do you recall who was there for PM, without getting into what was said?
- A. I do. I believe that Mike Miller was there, Marik String was there. I believe [redacted] from the bureau was there.
- Q. Okay. Do you recall who was there from the Legal Adviser's Office, without getting into any of what was said?
- A. I want to say it was -- except -- I don't know the name of the representative.
- Q. That's fair. And without asking you again what was discussed or what the specific directions were, did you come out of that meeting feeling that there had been a direction given regarding what to do about the arms sales, yes or no?
- A. Yes.

Pages 124-125:

- Q. Okay. You've also testified that you were in a meeting with Under Secretary Hale in early 2019 regarding these arms sales. Is that correct?
- A. Yes.
- Q. Do you recall whether that meeting was before or after your meeting with Mr. String?
- A. I recall it to be after the meeting with Mr. String.

Mr. String was involved in preparing the final memo outlining a number of options regarding the arms sales for review by the Under Secretaries and for presentation to the Secretary for a final decision.

Page 120:

- A. There was a directive to produce options that the under secretaries would review and present to the Secretary for some decisions.
- Q. And were you involved in preparing those papers?
- A. I was involved in laying out at least some of the congressional concerns that would have been necessary to complete that memo, as well as a proposed schedule of events on the Hill that year that should be considered as part of the decision-making process.
- Q. Okay. Was Mr. String involved in preparing that memo, just yes or no?
- A. I don't know who was a preparer or a drafter, but I believe he was involved.

Note: [When Assistant Secretary Cooper appeared before HFAC](#), he was questioned as to Mr. String's involvement in that document, and the State Department agreed to make available to Congress the "clearance page," which would have indicated who was involved in the emergency declaration. But after Mr. Linick's firing, the State Department reneged on that commitment, and has since worked to prevent Congress from learning more about who made this decision and how.

Rather than pinpointing particular events in the spring of 2019, Faulkner testified that String told him the supposed "emergency" was "rising tensions in the Arabian Gulf" and "the decades-long conflict that was going on between the Kingdom of Saudi Arabia and the Islamic Republic of Iran."

Page 96:

- Q. Mr. Faulkner, what was the emergency that was identified for you?
- A. ...[T]he rising tensions in the Arabian Gulf.
- Q. And can you drill down on that any further for us?
- A. The concern and the decades-long conflict that was going on between the Kingdom of Saudi Arabia and the Islamic Republic of Iran.

Mr. Faulkner could not recall any specific event that increased tensions between Saudi Arabia and Iran in April 2019 to justify the action, and said it was not his role to ask anyone what the "emergency" was.

Pages 97-98:

- Q. And what had happened factually, sir, to your knowledge, to increase tensions between Saudi Arabia and Iran in April of 2019, at the time you were having this discussion?

- A. I can't point to any specifics off the top of my head. I don't have any operational actions that I can point to right now. But that was the nature of the discussion.
- Q. Did you ever ask anybody about whether or not they could identify a specific thing that had changed in April of 2019 in terms of the relationship between Iran and Saudi Arabia?
- A. I did not. It wasn't my role.

IV. CONCERNS ABOUT CONGRESSIONAL BLOWBACK

Mr. Faulkner testified that he had concerns about the Department's decision to circumvent Congress by declaring an "emergency" to rush through these arms sales because he was concerned it would negatively impact relations with the Hill and Congressional committees. He believed Assistant Secretary of State for Legislative Affairs Mary Elizabeth Taylor shared those concerns.

Pages 104-106:

- Q. And so your concern was that if the Department tried to go around Congress and blow the holds and force these sales through over what had been pretty loud and insistent congressional objections, that there would be negative consequences, the Congress would react badly. That was your personal opinion of what would happen. Is that right?
- A. Yes.
- ...
- Q. And did you express that concern to anyone?
- A. I had those -- I believe those concerns were shared by a number of my colleagues.
- Q. Who else shared those concerns?
- State Dept. Counsel:
As personal concerns? Because if you were sharing personal concerns, I am not objecting. But if those were concerns expressed in a deliberative process as to what to do for the best way forward, that wasn't personal, that was work.
- Q. Were you aware of whether any of your other colleagues, on a personal level, had similar concerns to yours?
- A. Yes. I'm aware of, from a work perspective -- I would phrase it this way. We wanted to have the best relationship that we could with the committees, and we felt that this would create a rather poor working relationship with the committees.
- Q. Who else shared those concerns?
- A. I believe the Assistant Secretary at the time shared those concerns. We certainly were worried about the impact to getting certain key individuals at the Department, important leaders that we needed at the Department, confirmed. And we were, because we had worked so closely on many of those nominations and those packages, that we were, I think, rightfully concerned that a poor relationship would lead to many more months of not getting those officials in place.

V. CONFUSION ON POTENTIAL CONFLICTS OF INTEREST

Mr. Faulkner, who previously lobbied for Raytheon, stated that he discussed his responsibilities with State Department ethics lawyers. But, he says, “In retrospect, you know, I feel I was a bit careless. I’ve seen other, you know, other advice and letters of recusal and I would have liked to have gotten a bit more clarity on what I could and couldn’t have done. And so I regret that.”

Pages 133-134:

- Q. Okay. You signed an ethics pledge when you came on board at the State Department as to all political appointees. Yours is dated May 24th, 2017, and it's factored as a condition of your employment with the U.S. Government, you will not participate in any matter, quote, involving specific parties that is directly and substantially related to a former employer or former clients, including regulations and contracts. Do you recall signing that form, sir?
- A. I certainly do, yes.
- Q. Did you have any conversation at any point with State Department ethics officials as to what that meant for you personally and how to apply it on the ground?
- A. Yeah. I did at the time at the beginning of the administration when I joined, as well as around, I believe, September of 2018. I spoke with ethics in the Legal Adviser's Office simply because of the -- not simply because but because of The Wall Street Journal came out regarding the certification fund. And in discussing with the Legal Adviser's Office, with their ethics attorneys, we discussed the nature of my responsibilities. We widely discussed, like, you know, I didn't have a role in proving the contract with selecting any particular -- I wasn't choosing any of these defense contractors. I was providing information back to the Department about what Congress was up to and providing that information to the Hill.

In retrospect, you know, I feel I was a bit careless. I've seen other, you know, other advice and letters of recusal and I would have liked to have gotten a bit more clarity on what I could and couldn't have done. And so I regret that. But, frankly, I'm concerned that, you know, my association -- my association obviously has harmed my reputation.

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