John Fund posts on Scott Walker's most impressive qualification for employment in Washington. If you're sick of failing government run by "A" students, think about how well this country could be run by someone who doesn't even have a college degree. Wisconsin governor Scott Walker has said one of his biggest regrets was in not finishing his degree at Marquette University. As a young man, he left school in his senior year in 1990 for a job with the American Red Cross. Later that year, he got bitten by the political bug and ran unsuccessfully for the Wisconsin legislature.

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### Mark Steyn posts on the insidious way our freedoms have been lost.

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<u>Paul Mirengoff</u> has more on Douglas Laycock, UVA law prof, who has run afoul of the gay speech police.

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As a result, Laycock is now <u>under fire</u> from the gay speech police. An outfit called GetEQUAL (led by its co-director Heather Cronk) has launched a national e-mail campaign attacking Laycock for his role in shoring up the legal arguments of those who support what it calls "religious bigotry." ...

What's it like when a Federal SWAT team visits your factory? Forbes has the story of Gibson Guitar.

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What really happened at the Nashville plant? ...

Now, a couple of looks at Hillary Clinton's attempt to put Benghazi behind her. **Jennifer Rubin** is first.

<u>Politico reveals</u> the contents of the Benghazi chapter of <u>Hillary Clinton's book</u> "Hard Choices." The chapter itself reveals nothing new, which I strongly suspect will be true of the entire book. Clinton is a master at using many words to say very little.

To summarize the summary: 1.) Hillary Clinton grieves for the loss of the fine Americans killed in Benghazi, Libya; 2.) there was the fog of war that created confusion about the cause of the incident; and 3.) Republicans are meanies out to get her. What the chapter lacks in detail and context it makes up for in simplicity. Clinton will be a hard nut to crack in interviews. But for the interviewers who will get their turn, a few points should be kept in mind.

As a preliminary matter, they should be on the lookout for the favorite Clinton ploys. She doesn't answer questions directly, she filibusters with fluffy material, she speaks about her own emotions

and she accuses critics. Interviewers should call her on it. Please answer the question, Mrs. Clinton. Yes, but that doesn't answer my question, Mrs. Clinton.

Now as to the substance, ...

There is probably no one in the media who knows more about Benghazi than <u>Steve</u> Hayes of the Weekly Standard. He lets loose on Clinton's claims.

... We are left with this: the ARB (State Department's Accountability Review Board) leadership was hand-picked by Hillary Clinton; the ARB leaders were tasked with holding accountable State Department officials involved in decision making on Benghazi but chose not to interview the secretary of state; the ARB report excluded important testimony from those who raised questions about the Secretary of State; the ARB leadership warned Secretary Clinton's top adviser about a potentially problematic witness; and the ARB leadership provided an advanced copy of the report to Secretary Clinton's chief of staff while denying other witnesses an opportunity even to read the report before it was released. So, yes, there are reasons to question the impartiality of the inquiry.

In her Benghazi chapter, Clinton defends the intelligence Susan Rice used in her much-discussed Sunday show appearances after the attacks. "Susan stated what the intelligence community believed, rightly or wrongly, at the time."

That's not true. Rice placed the video at the center of the administration's case on Benghazi—something the intelligence community never did. Deputy CIA director Michael Morell, who has been a loyal defender of the administration on most Benghazi-related issues, went out of his way in recent congressional testimony to make clear that the video story did not come from the CIA. In prepared testimony before the House Intelligence Committee, Morell stated, without qualification: "There was no mention of the video defaming the Prophet Muhammad as a motivation for the attacks in Benghazi. In fact, there was no mention of the video at all." Under questioning, Morell said this of Rice's Sunday show appearances: "When she talked about the video, my reaction was, that's not something the analysts have attributed this attack to.".

### The Corner

### Scott Walker Aims to Finish College Degree

by John Fund

Wisconsin governor Scott Walker has said one of his biggest regrets was in not finishing his degree at Marquette University. As a young man, he left school in his senior year in 1990 for a job with the American Red Cross. Later that year, he got bitten by the political bug and ran unsuccessfully for the Wisconsin legislature.

"I kept thinking I'd go back, got married, had one kid, had another kid, next thing you know . . . you're worrying more about paying for your kids' college education than you are for your own," Walker has said.

But now Walker wants to fill that gap in his résumé as he contemplates a possible 2016 run for president. A few party activists have expressed misgivings about supporting a candidate without a college degree. "Governor Walker would like to finish his degree through the University of Wisconsin's FlexOption once they expand the degree offerings," his spokesman Laurel Patrick said this week. According to the Milwaukee <u>Journal Sentinel</u>, the Flex program:

aims to allow adults to start classes anytime, work at their own pace and earn credit for what they already have learned in school or on the job once they prove college-level competencies.

Announcing the program in 2012, Walker said that it could help a range of students like him, especially adults already in jobs, adults caring for children and soldiers deployed overseas.

It's unlikely that Walker will be able to start the program this year. He just happens to have to win his reelection bid first — his third race for governor in four years, owing to a 2012 recall attempt. He currently leads Democratic candidate Mary Burke by about eight points.

# Steyn on Line Eric Holder's Money Shot by Mark Steyn

It's not just Obamacare. In many other areas of life, Americans now enjoy considerably less freedom of maneuver than Europeans do. If it doesn't seem like that, it's because we've come up with a more cunning form of statism. In France a third of a century back, Mitterrand nationalized the banks. That's what socialists do. And people would kick up a fuss if Washington tried anything like that. So instead we've wound up with a kind of third-party statism, in which the zombie husks of private industry are conscripted as the front men for de facto nationalization. Except for the check design and debit-card color, it doesn't make any difference whether you go to the First National Bank of Deadsville, the Deadsville Savings Bank, or the Deadsville Community Bank: The answers are all the same, because they're all just operating the federal guidelines. It's like going to the North Deadsville DMV and thinking you'll get a different answer from the South Deadsville DMV.

How much power the government now has over the banks has emerged in recent coverage of something called "Operation Choke Point. Glenn Reynolds:

A while back, some adult performers <u>noticed</u> that banks were terminating their accounts. The reason, it turned out, was a Justice Department program called "<u>Operation Choke Point</u>." This program, apparently, seeks to target businesses regarded as undesirable — like porn — by hitting them at a financial "choke point": their bank accounts.

So porn stars are finding it harder to get checking accounts. Debbie can do Dallas, but she can't do her banking at the Dallas Savings Bank. If you're not a pornography aficionado, you might treat that news with a shrug. But are there perchance other businesses the Justice Department regards as "undesirable"? Why, yes:

Targets include industries as diverse as ammunition sales, coin dealers, payday loans, "racist materials," etc. And, again, these are all legal businesses that haven't been charged with breaking any laws — the Justice Department just doesn't like them.

As Professor Reynolds points out, these are all perfectly legal businesses. Indeed, they have very little in common - gun buyers, porn stars, racists - except that the government doesn't like them, and has decided to get them. And the easiest way to do that is by getting the alphabet soup of the regulatory state to apply pressure to the businesses they regulate. For example, the Office of the Comptroller of the Currency can levy fines of \$1 million a day and make life hell for the banks they regulate, so, when they suggest, Donald Sterling-like, that they'd rather JP Morgan didn't keep certain company, JP Morgan jumps to it.

It's not hard to see that list expanding as the years go by - first, because all these programs start out narrowly and then metastasize, and second, because this government has a lot of enemies and isn't shy about siccing on them the IRS and the EPA and any other agency to hand. If the banks get used to cutting off customers on the government's say-so, they'll soon find themselves doing it routinely - from ammo sales to gun-rights groups, "racist materials" to Islamophobes, and after that everybody on those IRS "Be On the Look-Out" lists.

As <u>I was saying</u>, the United States has pretty much given up even on the pretense of equality before the law. What we have instead are the caprices of tyranny.

~Speaking of porn, Scramouche notes "porn star" Nikki Benz's entry into the Toronto mayoral race and <u>asks</u>:

Why is everyone in porn a "star"? Why is no one ever a character actor or a bit--or bits--player?

Very true. No one ever says, "I'm a porn actor, but you probably don't remember me. I had a small part."

Where is the porno Gabby Hayes, the best friend loyally riding alongside?

~Speaking of how enemies lists can expand effortlessly, the Homintern is now cracking down on even minimal ideological deviation. The Mozilla honcho, the "Duck Dynasty" guy, the HGTV brothers, all at least to one degree or another opposed gay marriage. Professor Douglas Laycock is all in favor of it, gung ho for it, bring it on, the more the merrier ...but, because he's not 100 per cent in ideological compliance, the gay group GetEQUAL has decided to get him. In the Eighties, only gays had to be clones. Now everybody has to.

Since GetEQUAL is now operating the homophobe version of the one per cent rule, here's a thought for their pal Eric Holder: Maybe designated homophobes should have their checking accounts canceled...

### **Power Line**

<u>Pro-gay marriage professor under fire from gay marriage speech police</u> by Paul Mirengoff

It's clear by now that if you publicly oppose gay marriage or give money to those who oppose it, the gay speech police will try to ruin you (and may succeed). But it turns out that even supporting gay marriage isn't enough to protect you from attack if you make statements on collateral matters that gay marriage proponents find harmful to their cause.

Take the case of Douglas Laycock, a law professor at the University of Virginia and a leading expert on religious liberty. Laycock supports gay marriage. At the same time, and quite consistently if one is an old-fashioned liberal, he is sympathetic to the right of those with religious objections to gay marriage to be exempt (within reason) from state laws conferring certain gay rights.

Laycock expressed this position in a <u>letter</u> (signed by other religious liberty scholars, as well) to Arizona Governor Jan Brewer. The letter refuted claims that Arizona S.B. 1062 — which clarified ambiguous terms in the state's Religious Freedom Restoration Act — would subject gays to a regime of discrimination.

As a result, Laycock is now <u>under fire</u> from the gay speech police. An outfit called GetEQUAL (led by its co-director Heather Cronk) has launched a national e-mail campaign attacking Laycock for his role in shoring up the legal arguments of those who support what it calls "religious bigotry."

GetEQUAL has also recruited a University of Virginia law student (Greg Lewis) and an alum (Stephanie Montenegro) to send an open letter to Laycock asking him to consider the "real-world consequences that [his] work is having." And they have submitted a Freedom of Information Act request seeking e-mails between Laycock and various right-wing and religious liberty groups.

Lewis claims that he and Montenegro aren't trying to smear Laycock or to undermine academic freedom; they just want a dialogue.

Nonsense. You don't start a dialogue with a professor by circulating nationally a letter of denunciation and issuing a FOIA request.

Laycock presumably has office hours. And he has said he's happy to talk to the students.

But GetEQUAL isn't interested in a dialogue. It's goal is intimidation followed by reeducation. Here's how Lewis puts it:

I think it would be really constructive for him to hear how his work is being used to hurt the LGBTQ community. I don't think he has any ill intent. I think he's very thoughtful and moderate, and willing to hear both sides. But I think that everyone really has a lot to learn.

Can you detect the authoritarianism in these words? No longer will scholarly discourse and legal positions be judged on the merits. From now on they will be judged on whether they are "used to hurt the LGBTQ community." Thoughtfulness and moderation is no defense. Leading scholars must be educated by their gay activist students.

The gay activism of groups like GetEQUAL is despicable. It's becoming difficult to factor out their repulsive tactics when considering their sometimes meritorious positions on substantive issues.

#### **Forbes**

<u>Lumber Union Protectionists Incited SWAT Raid On My Factory, Says Gibson</u>
<u>Guitar CEO</u>

by Bill Frezza

"Henry. A SWAT team from Homeland Security just raided our factory!"

"What? This must be a joke."

"No this is really serious. We got guys with guns, they put all our people out in the parking lot and won't let us go into the plant."

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"What is happening?" asks Gibson Guitar CEO Henry Juszkiewicz when he arrives at his Nashville factory to question the officers. "We can't tell you." "What are you talking about, you can't tell me, you can't just come in and ..." "We have a warrant!" Well, lemme see the warrant." "We can't show that to you because it's sealed."

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What really happened at the Nashville plant?

Henry Juszkiewicz bought the troubled Gibson Guitar company in 1986. With revenues having dropped to below \$10 million a year, the iconic 84-year old guitar maker was bleeding cash and on its way to bankruptcy. Since then, Juszkiewicz turned Gibson around, making it into an international powerhouse, growing at better than 20 percent a year compounded, with current annual revenues rumored to be approaching \$1 billion.

A great American success story? Yes, but Gibson's very success made it a fat target for federal prosecutors, whom Juszkiewicz alleges were operating at the behest of lumber unions and environmental pressure groups seeking to kill the market for lumber imports. "This case was not about conservation," he says. "It was basically protectionism."

Two months before the raid, lobbyists slipped some arcane supply-chain reporting provisions into an extension of the <u>Lacey Act of 1900</u> that changed the technical definition of "fingerboard blanks," which are legal to import.

With no clear legal standards, a sealed warrant the company has not been allowed to see too this day, no formal charges filed, and the threat of a prison term hanging over any executive who does not take "due care" to abide by this absurdly vague law, Gibson settled. "You're fighting a very well organized political machine in the unions," Juszkiewicz concluded. "And the conservation guys have sort of gone along." Hey, what's not to like about \$50,000?

And this isn't an isolated incident. Just ask Harvey Silverglate, Boston lawyer, activist, civil liberties advocate, and author of <u>Three Felonies a Day: How the Feds Target the Innocent</u>. As he explains, the Feds routinely take advantage of the vagueness of many of our laws by starting from the target

and working backwards, selectively prosecuting people they want to go after by charging them with crimes they often don't even know exist.

"We are in terrible trouble as a nation under law," he says. "When you have a system predicated on jurisdictional interests rather than on specific, identifiable, understandable, definable violations of law, there is a great opportunity for tyranny." As a result, just about any businessperson, especially in highly regulated industries, can be construed by a prosecutor to have committed three or four arguable felonies a day. "If for some reason the authorities are eyeing you and they look closely enough at your daily activities, they can find something. That makes us all very vulnerable."

Worse, 95 percent of federal cases never go to trial, because "Justice Department prosecutors have engineered the system to make it too risky to go to trial," often railroading people who are innocent. "They have built a conviction machine, not a system of justice."

Federal criminal law is not bound by the accepted rules of common law. Congress, the courts, and prosecutors can criminalize everyday conduct without having to prove that the accused intended to violate a known legal duty. That intent used to be fundamental to the mens rea required for criminal liability. It no longer is, and this is a direct result of the mushrooming administrative state in which we live. The convoluted content of many laws implemented through regulation aren't even clear until after there's a guilty plea or conviction, essentially giving prosecutors a blank check. Throw unchecked prosecutorial discretion into the mix and you have a recipe for legal nightmares straight out of Kafka. "This is the great flaw in the federal criminal justice system. We didn't really see the flaw in all its dangerous, florid iteration until the mid 1980s, when federal prosecutors began to take advantage of this gigantic hole."

This is neither a Democratic problem nor a Republican problem. Abuse of justice by federal prosecutors has ballooned under both parties. Until the American people wake up to the threat and demand change, things will only get worse.

## Right Turn Hillary Clinton's Benghazi deflection

by Jennifer Rubin

<u>Politico reveals</u> the contents of the Benghazi chapter of <u>Hillary Clinton's book</u> "Hard Choices." The chapter itself reveals nothing new, which I strongly suspect will be true of the entire book. Clinton is a master at using many words to say very little.

To summarize the summary: 1.) Hillary Clinton grieves for the loss of the fine Americans killed in Benghazi, Libya; 2.) there was the fog of war that created confusion about the cause of the incident; and 3.) Republicans are meanies out to get her. What the chapter lacks in detail and context it makes up for in simplicity. Clinton will be a hard nut to crack in interviews. But for the interviewers who will get their turn, a few points should be kept in mind.

As a preliminary matter, they should be on the lookout for the favorite Clinton ploys. She doesn't answer questions directly, she filibusters with fluffy material, she speaks about her own emotions and she accuses critics. Interviewers should call her on it. *Please answer the question, Mrs. Clinton.* Yes, but that doesn't answer my question, Mrs. Clinton.

Now as to the substance, Clinton continually speaks of her emotions but rarely of her own responsibility. What did *she* do wrong? From the Politico account, it is unclear whether she explains how it was that she apparently lost track of the jihadist threat in Libya. It is not clear if she wasn't paying attention, if the White House didn't want to hear that its "success" in the Libyan civil war was coming apart or if the CIA didn't do its job in keeping the administration fully informed. In any case, you would think the withdrawal of European and Red Cross personnel would have tipped Clinton off. Her real culpability is in failing to monitor the security situation in Libya and leaving her people unprotected.

Clinton is quoted as writing in response to her failure to read the cables from Ambassador Chris Stevens that "it doesn't work that way" and even "it shouldn't." In other words, this is stuff for the little people down the food chain to deal with while she is globe-trotting. And there we have her executive incompetence laid bare. Where was the process for elevating urgent issues to her attention? She certainly is aware that every leader of a large organization must impart to her people the urgency of elevating significant problems and set in place processes so that big, important issues don't escape her purview. It is fair to ask whether Clinton's incessant travel and obsession with minutiae in every part of the globe distracted her from the really important issues (e.g. the spread of al-Qaeda in North Africa).

As for the fog of war, that's generally a good excuse. But in this case, Clinton's own department seemed to know more than Ben Rhodes and Susan Rice. To the extent interviewers want to replow this ground, it is fair to ask her why her own spokeswoman by Sept. 12 was already stating in a background briefing perfectly clearly that this was an organized attack and knew enough to ignore mention of the Internet video. (Clinton herself apparently knew immediately after the attack that this was a terrorist operation.) Clinton grazed the subject of the video narrative in passing at the casket ceremony to receive the dead Americans on Sept. 14, but generally she kept far from the video narrative hooey. (Compare the news conferences at the State Department and at the White House on Sept. 14; the latter was pushing the video narrative and the former certainly did not.) Perhaps the better question is why, when the president continued to make the connection to the video nearly two weeks later in a Univision interview and then in his Sept. 25 speech to the United Nations, Clinton didn't speak up. Did she care that the president either didn't understand the situation or was misleading the country?

And as for those meanie Republicans, one can only ask "What difference does it make?" If they are running down a rabbit hole on the talking points, we are still left with her own responsibility in putting and leaving her people in danger. If Rep. Trey Gowdy (R-S.C.) is careful or if he is overtly partisan, his conduct does not obviate unpleasant realities. Benghazi was an executive screw-up with deadly consequences. If Clinton didn't know how dangerous it was for our people to remain in Libya, how desperate their plea for help was and how vulnerable they were, that failure is her responsibility and hers alone. (Consider whether Eric Shinseki's failure to understand how awful the waiting time problem was at <a href="Veterans Affairs">Veterans Affairs</a> hospitals is an excuse or an indictment of his leadership.) She didn't know? She didn't keep an eye out for her people? For leaders it doesn't work that way. It shouldn't.

Weekly Standard

Hillary's Failed Benghazi Spin
by Stephen F. Hayes

Hillary Clinton is right about Benghazi—or at least she's right about one thing.

According to a story by Maggie Haberman about the Benghazi chapter in Clinton's forthcoming book *Hard Choices*, the former secretary of state contends that some of her critics have badly mischaracterized the now infamous question she asked at a January 23, 2012, congressional hearing: "What difference, at this point, does it make?"

She's right, they have. The question, which came in the middle of a heated back-and-forth with U.S. senator Ron Johnson, was not so much a declaration of indifference as it was an attempt to redirect the questioning from its focus on the hours before the attacks to preventing similar attacks in the future.

But beginning with her bizarre analogy to explain that question, Clinton's attempt to spin Benghazi—at least as insofar as the *Politico* piece represents it—is highly misleading.

Clinton writes: "My point was simple: If someone breaks into your home and takes your family hostage, how much time are you going to spend focused on how the intruder spent his day as opposed to how best to rescue your loved ones and then prevent it from happening again?"

That makes no sense. The hostage-taking, to use her comparison, was long over when she appeared before Congress. And the attack wasn't an act of random violence; it came as part of a long pattern of anti-American violence that had led the country into decade-long global war on jihadist terror. The motives of the attackers not only matter, they matter more than just about anything else. And one of the reasons that Obama administration critics have focused so intently on Benghazi is because the administration had spent the better part of four years ending that long campaign and downplaying the threats posed by attackers like those who participated in the assault on the U.S. facilities in Benghazi. So the Christmas Day bomber was an "isolated extremist," and the Fort Hood shooting was "workplace violence," and the attempted Times Square bombing was a "one-off attack."

To put it another way: You can't prevent it from happening again if you don't understand why it keeps happening.

So, yes, Republicans who have been doing so should stop pretending that Hillary Clinton announced her apathy with that question. But Clinton's bizarre analogy suggests not only that she doesn't understand those who simply want the truth about Benghazi, it suggests that she still doesn't understand what happened there.

According to *Politico*, Clinton once again attempts to hide behind the findings of the Accountability Review Board and dismisses those who have raised questions about its impartiality. The ARB, she writes, "had unfettered access to anyone and anything they thought relevant to their investigation, including me if they had chosen to do so." It's no surprise that Clinton is concerned about the credibility of the ARB. The flawed report, produced after a flawed and incomplete investigation, has been the centerpiece of the administration's public case on Benghazi. Her defense doesn't withstand scrutiny.

That the leaders of ARB could have interviewed Clinton doesn't excuse the fact that they didn't, as Clinton implies. How is it possible to have a serious investigation of the State Department and the decisions that left the Benghazi facility so vulnerable without talking to the secretary of state? Much of the dispute about the lead up to the Benghazi attacks involves what Secretary Clinton knew—or didn't know—about the security requests made by those on the ground. But the ARB didn't even ask her about these issues.

Similarly, Gregory Hicks, the deputy chief of mission in Libya and the top diplomat in country after Ambassador Chris Stevens was killed, has testified that Clinton wanted to increase the U.S. diplomatic presence in Benghazi—and that Stevens was there because Clinton wanted him there. And she's not asked about this?

Not only was Clinton not asked about this, but Hicks's testimony was left out of the final report.

There are more serious questions about objectivity of the ARB, too—though it's not clear from the *Politico* account whether Clinton addresses them. Admiral Mike Mullen, one of the two men Clinton hand-picked to conduct the inquiry, admitted to congressional investigators that he warned Clinton's chief of staff, Cheryl Mills, that a particular witness was not going to be good for the State Department when she appeared before Congress. That witness, Charlene Lamm, was—and remains—at the center of many questions regarding facility security in Benghazi. Mullen also acknowledged that he gave a draft copy of the ARB report to Mills before it was released to the public. Hicks, who asked to see the classified version of the ARB before it was finalized, was denied that opportunity.

We are left with this: the ARB leadership was hand-picked by Hillary Clinton; the ARB leaders were tasked with holding accountable State Department officials involved in decision making on Benghazi but chose not to interview the secretary of state; the ARB report excluded important testimony from those who raised questions about the Secretary of State; the ARB leadership warned Secretary Clinton's top adviser about a potentially problematic witness; and the ARB leadership provided an advanced copy of the report to Secretary Clinton's chief of staff while denying other witnesses an opportunity even to read the report before it was released. So, yes, there are reasons to question the impartiality of the inquiry.

In her Benghazi chapter, Clinton defends the intelligence Susan Rice used in her much-discussed Sunday show appearances after the attacks. "Susan stated what the intelligence community believed, rightly or wrongly, at the time."

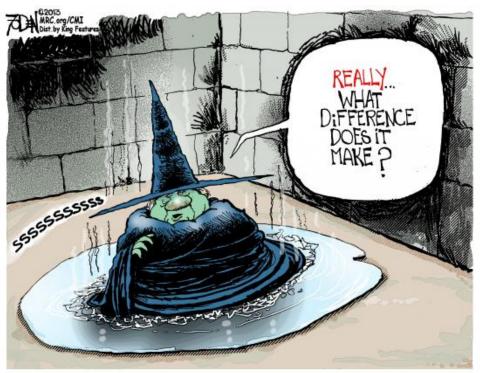
That's not true. Rice placed the video at the center of the administration's case on Benghazi—something the intelligence community never did. Deputy CIA director Michael Morell, who has been a loyal defender of the administration on most Benghazi-related issues, went out of his way in recent congressional testimony to make clear that the video story did not come from the CIA. In prepared testimony before the House Intelligence Committee, Morell stated, without qualification: "There was no mention of the video defaming the Prophet Muhammad as a motivation for the attacks in Benghazi. In fact, there was no mention of the video at all." Under questioning, Morell said this of Rice's Sunday show appearances: "When she talked about the video, my reaction was, that's not something the analysts have attributed this attack to."

If the video didn't come from the intelligence community, where did it originate? An email written by Ben Rhodes, a top White House adviser, in preparation for Rice's appearances, included this line describing one objective of her performance: "To underscore that these protests are rooted in an Internet video, and not a broader failure of policy."

Is Clinton unaware of this? Or is she being dishonest?

Her next claim gives us a clue: "Every step of the way, whenever something new was learned, it was quickly shared with Congress and the American people."

That's just false. It's spectacularly, flamboyantly untrue. There are literally dozens of examples that disprove her claim. There is no chance that Clinton actually believes it. Nobody else does.



THE WICKED WITCH HUNT OF THE BENGHAZI



TIMES COVER GIRL







