

revised to now say that they joined a group as opposed to say they joined a demonstration.

MR. THOMPSON: Thank you.

General Clapper, you said at the beginning there you had no detainees or prisoners on either site. Did anybody have any detainees or prisoners or was there any reason for anyone to believe there were detainees or prisoners on site?

GENERAL CAPPER: Not to my knowledge.

Michael.

MR. MORELL: No, sir.

MR. THOMPSON: General Clapper, did they have reason to believe Ambassador Stevens was on site?

GENERAL CLAPPER: We don't know for sure whether they knew he was there. It wasn't evident in the actual events, as you saw. They could have because his presence there was known. Certainly, Libyan Government elements knew of it and could possibly have leaked or informed some of the attackers.

Unless others have comment, I don't think they actually knew.

MR. THOMPSON: Mr. Olsen, you came in and briefed this committee in the other room very soon after this happened. Meaning no disrespect to you, but you really didn't have any answers because everything was unfolding and you were trying to figure this stuff out. Was that because I am explaining it correctly or were you trying to cover up, mislead, or obfuscate the committee?

MR. OLSEN: I was here, sir, 2 days; I think on the 13th, so really a day after, for us, we started collecting information. It was still fragmentary. We had very little information.

MR. THOMPSON: Mr. Morell, the day after that you came in with the

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Director at the time, General Petraeus. Was there any more information other than what he told us or was the Director trying to obfuscate, cover up, or mislead the committee?

MR. MORELL: Sir, three things. I was not here with the Director. He came without me. Number two, what we laid out for you is what we had at the time and what we believed at the time. And number three, there was no effort to cover up or obfuscate.

MR. THOMPSON: Did Ambassador Rice have any additional information, any more or less information than you all did when you came in to brief us?

MR. MORELL: She had all the information that we had, sir.

MR. THOMPSON: Ambassador Kennedy, was there a formal plan for removing folks from the consulate in case -- an extraction plan, I believe it's called?

MR. KENNEDY: We have what we call an emergency action plan that had a number of possible steps to be taken depending upon the individual circumstance. So I think there were several of them.

MR. THOMPSON: So the RSO had a formal written plan --

MR. KENNEDY: Yes, sir.

MR. THOMPSON: -- that was in place before this happened?

MR. KENNEDY: There was an emergency action plan, yes, sir.

MR. THOMPSON: Can you provide a copy of that for the committee?

MR. KENNEDY: I will take that question, sir, yes, sir.

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MR. THOMPSON: Thank you. I have no further questions.

THE CHAIRMAN: You say take that question. Does that mean you will or will not?

MR. KENNEDY: I have got to go back and check, Mr. Chairman.

THE CHAIRMAN: What would be the reason you could not supply the evacuation plan to the committee?

MR. KENNEDY: If I could, Mr. Chairman, I will get back to you on that. I want to be fully cooperative.

THE CHAIRMAN: I know you do. Two ways we are going to get it, you can inform them. You are either going to provide it to us voluntarily or we will subpoena you for it.

MR. KENNEDY: I understand that, Mr. Chairman.

MR. THOMPSON: Just reclaiming my time. On that specific issue, if you have it, why wouldn't we be able to get it?

MR. KENNEDY: I didn't say I wasn't going to get it to you, sir.

MR. THOMPSON: When will we know?

MR. KENNEDY: I will be back to you this afternoon.

MR. THOMPSON: Thank you.

THE CHAIRMAN: Mrs. Myrick.

MRS. MYRICK: Thank you. I am going to move fast because I have got a lot of questions.

The first thing is the CIA memo on the 12th of September said the presence of armed assailants from the outset suggests this was an intentional assault and not the escalation of a peaceful process. I just want to say that because that really wasn't mentioned in what you talked about.

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Who removed the term of "terrorist attack" from the 15 September talking points that were prepared by the CIA, and why?

[Senior CIA officer #1]: Ma'am, the talking points were prepared at the request of the committee. The inclusion of specific groups in that request at an unclassified level would have been impossible to do. At that time our knowledge of Ansar al-Sharia participation had originally come from, as was mentioned by the Acting Director, a YouTube video, which they then subsequently recanted. The information about al-Qa'ida in the Islamic Maghreb and possibly al-Qa'ida in Iraq, individuals involved with them having been involved in the protest, was from clandestine reporting, including SIGINT. So to have focused on only one specific group would have been misleading to have just said Ansar al-Sharia. We thought that might be --

MRS. MYRICK: That wasn't what I was saying.

[Senior CIA officer #1]: On the issue of extremist versus terrorist, ma'am, because of the mixtures of the individuals involved in the attack there were, as was mentioned now, we understood there was a mixture of individuals, some who had terrorism affiliations, some who we did not know. "Extremists" we thought was a more accurate word without being able to get into specifics.

MRS. MYRICK: Let me move on because I have some other questions. Supposedly, there were 10 terrorist training camps that had been identified in Benghazi previously that were the militants. And there was a cable at some point asking about considering these militants a threat. We are told that they are not sure of the intentions against the Americans. Then, on September 7th, there was a high alert issued to all the people about the fact that there could be a problem.

I guess it really concerns me that we are looking at a situation where

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September 11, the date that is always the date we are concerned about, and the Ambassador is in Benghazi without protection. There was no extra security, from anything that anybody said so far, provided. Supposedly, there were some requests for security that were denied by somebody. And I don't know who.

My question is: Why did you all not even consider the fact that September 11 and the Ambassador being in an insecure place? None of this just makes any sense to me as to why these timelines, and I know what you explained before, but in this particular thing I don't understand that. Then the second thing is how did they know -- if there were four buildings in the Annex, how did they know which building to fire on?

[Senior CIA officer #1]: If I could just say one thing, ma'am. That same initial report that we wrote on the 12th, that executive update, we also said that we were investigating to determine whether or not this attack was a response to the film or a planned attack perhaps to mark the anniversary of the 11 September attacks. We were indeed investigating and open to all possibilities.

MRS. MYRICK: Right. After the fact.

[Senior CIA officer #1]: On that day, ma'am, yes.

MR. MORELL: Let me answer your second question. We don't know why they focused on that particular building.

MRS. MYRICK: But that is where the people were, right?

MR. MORELL: We did have people up there in firing positions. And they were firing from there. So that is one obvious reason.

Let me ask Mr. Kennedy to answer your first question.

MR. KENNEDY: Representative, we had three diplomatic security special agents assigned permanently to our compound in Benghazi. We had engaged in

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extensive security improvements to the compound. And I won't want to take all your time to describe all the walls, all the cameras, everything we had done. Secondly, so we did not regard it as an un-secure location. The Ambassador was going to be in Benghazi from the 10th to the 14th for a series of programs. On the 11th, out of an abundance of caution, he restricted all of his appointments to the compound. He did not go out traveling in the city because of the acknowledgment of that.

MRS. MYRICK: Right.

MR. KENNEDY: And so we had made all these arrangements. There were no security requests, except for possibly one about high guard towers. In the press, as my colleagues have mentioned, there are all these stories about this being turned on or that being turned down. One has to, in effect, deconstruct the requests. There were a number of requests for Benghazi and there were a number of requests for Tripoli. The request from our embassy in Tripoli on behalf of staffing in Benghazi was for the permanent assignment of three diplomatic security special agents. We had three there and we brought in two additional special agents, who accompanied the Ambassador down from Tripoli.

MRS. MYRICK: I am out of time. Well, I have got 10 seconds left. I do want to say we appreciate everything that everybody does and there is a tremendous amount of sympathy for the situation is people are in. But this still has so many unanswered questions that I think everybody is still up in the air about what really happened and how it happened and all the conflicting reports.

Director Clapper, I know it takes a while to put all this together, but I still don't think the questions have been answered. And I yield back.

THE CHAIRMAN: Thank you.

Mr. Schiff.

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MR. SCHIFF: Thank you, Mr. Chairman. Thank you all for coming today. I think the chronology of it was very helpful.

Acting Director Morell, the unclassified assessment that we were given on Saturday the 15th of September says the currently available information suggests the demonstrations in Benghazi were spontaneously inspired by the protests at the embassy in Cairo and evolved into a direct assault.

That was the best information you had at the time?

MR. MORELL: Yes, sir. And it was fully consistent with what we had written for the policymakers on the 13th. In fact, it is very close to verbatim what we told policymakers on the 13th.

MR. SCHIFF: We got this the afternoon of the 15th. The following morning, Ambassador Rice appeared on the Sunday talk shows and said almost verbatim what is in this assessment. Did she have the same best assessment from the IC that we have had?

MR. MORELL: Yes, sir.

MR. SCHIFF: And was what we said on the Sunday talk shows consistent with your best assessment at the time?

MR. MORELL: Sir, I have not looked at what she said on the Sunday talk shows.

MR. SCHIFF: Well, she said that the best available information were the demonstrations in Benghazi were spontaneously inspired. Basically, the talking point that you gave us. I assume that that was the best information you said you gave us. If that was the information she conveyed on Sunday, is that the best information that you had at the time?

MR. MORELL: Yes, sir.

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MR. SCHIFF: Is there anything classified about that fact?

MR. MORELL: No, sir.

THE CHAIRMAN: For clarification, about which fact?

MR. MORELL: I am saying about what the unclassified talking points said.

MR. SCHIFF: I want to make sure if Ambassador Rice's comments were the same as the unclassified information you gave us. There is nothing classified about that fact, right?

MR. MORELL: I would say not. And I would defer --

MR. SCHIFF: And there is nothing unclassified about the fact that the information that she was given by you was the best information you had at the time, correct?

MR. MORELL: Correct, sir.

MR. SCHIFF: The videos that we saw and presumably what the personnel on the ground saw indicated there was no protest. Why did it take until the 22nd to analyze the videotapes or to interview the personnel on the ground? It seems to me that those percipient eyewitness accounts would be the best evidence of what happened. I understand the SIGINT clouded the picture. But how long did it take to review those videos and how long did it take to debrief the people who were actually there and were in the best position, our people, to evaluate what took place?

[Senior CIA officer #1]: Sir, our reference to the 18th to the videos, we did not get the videos until after that. What we got on the 18th was the Libyan Intelligence Service analysis of the videos. And it was only actually a short clip. It was roughly 50-something minutes that they had seen. So we did not get the videos until much later. I believe it was the 22nd or so. Or 23rd. I would have to double check.

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MR. SCHIFF: These are videos from our security cameras.

[Senior CIA officer #1]: Yes, sir.

MR. SCHIFF: Why would we have not gotten our own videos?

[Senior CIA officer #1]: I will leave that to MR. KENNEDY to describe why we didn't get those videos immediately.

MR. KENNEDY: Mr. Schiff, this was a closed circuit television system that recorded. In the process of trying to first locate the IMO and the Ambassador, our personnel left the tactical operation center where the tapes were running and then at the point they are all assembled at the building trying to find the Ambassador and the firing got so heavy that everyone had to leave the compound, we were not able to get back and to pull the tapes out of the machine. The tapes were then recovered by the government of Libya and then subsequently provided to the CIA, who then turned them over to the FBI as part of the FBI's criminal investigation.

MR. SCHIFF: When did the CIA get the tapes?

[Senior CIA officer #1]: I believe, sir -- I will have to double check -- but I believe it was the 22nd or 23rd. It was after the 18th. It was the 23rd, yes, sir.

MR. SCHIFF: So we didn't get our own security feed until the 23rd? Because those tapes show pretty clearly what is going on at the front gate.

[Senior CIA officer #1]: Again, sir, I will emphasize that when we did get the DVR, it was damaged. So, again, it took the FBI's reconstruction of a number of files on these for us to actually be able to evaluate the video footage.

MR. SCHIFF: What date did we begin the interviews of our security personnel who were on the compound that day?

[Senior CIA officer #1]: I leave that to the FBI.

MR. JOYCE: [REDACTED]

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[REDACTED]

MR. SCHIFF: And did they make it clear that in their view there was no protest going on?

MR. JOYCE: Several of them made comments that it did not begin with a protest, in their opinion.

MR. SCHIFF: I am out of time.

MR. OLSEN: Representative, if I may just add, I want to make clear the Predator, and you may be well aware of this, but the Predator video did not arrive on scene until later in the evening; 2325, I think. So 2325 is when the Predator feed began. So that was obviously after the attack began.

MR. SCHIFF: Thank, Mr. Chairman.

THE CHAIRMAN: Mr. Miller.

MR. MILLER: At what time did the CIA become aware that there was a DOD Predator in the air?

MR. MORELL: Sir, when we got the call at about 9:40 that the TMF was under attack and could we come and assist, we requested Predator coverage. I believe it was about 90 minutes.

MR. MILLER: The reason I ask is because I believe Director Petraeus in the briefing told us there was no Predator. There was no overhead video.

MR. MORELL: There was none at the start of the attack.

MR. MILLER: That is not what the question was. Was there any Predator feed at all?

MR. MORELL: Yes, sir.

MR. MILLER: And the Director said there was not.

[Senior CIA officer #1]: Sir, actually, I believe the Director said he watched

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that live. It was streamed to him and he watched it.

MR. MILLER: He did not say that. Now the question is: Who else watched that live?

GENERAL ROBERSON: Sir, that Predator was airborne, doing a normal intelligence mission. It was located Far East.

MR. MILLER: General, my question is: Who watched that Predator video? Once it was overhead Benghazi, who watched it?

GENERAL ROBERSON: That Predator was available, as all Predator videos are, for any of our Predators that are flying. So it was dialable. You could get access to it at any time.

MR. MILLER: Who?

GENERAL ROBERSON: A lot of people.

MR. OLSEN: I have a little bit more detail. I think in terms of that, that is certainly true. I know that the National Military Command Center at the Pentagon and JSOC Main at Fort Bragg had access to that. And JSOC Main was monitoring the feed in real time.

MR. MILLER: Situation room?

MR. OLSEN: JSOC Main would have been Fort Bragg.

MR. MILLER: White House?

MR. OLSEN: I don't know the answer to that.

MR. MILLER: Why not?

MR. OLSEN: Why don't I know the answer to that question?

MR. MILLER: Yes.

MR. OLSEN: I haven't asked that question.

MR. MILLER: How do you know others did?

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MR. OLSEN: I have asked DOD who. This was the response we got in terms of who at DOD was able to access that.

MR. MILLER: But the SECDEF was at the White House so you don't know if the SECDEF was watching it or not.

MR. OLSEN: I don't know the answer to that.

MR. MILLER: Would you find out?

MR. OLSEN: Sure, I can ask that question.

MR. MORELL: Sir, I have some additional information, if you would like it. So our base in Benghazi did not have access to it, but --

MR. MILLER: That is not what I asked, I am sorry. I am asking who in Washington.

MR. MORELL: I do know that General Petraeus watched it live.

MR. MILLER: And he was where?

MR. MORELL: He was at home in his SCIF.

MR. MILLER: Okay.

MR. OLSEN: If I can add one more detail. I have neglected to mention that at my building at the National Counterterrorism Center we had a military officer who is detailed to our organization who monitored the field --

MR. MILLER: I know there were a lot of people watching. I know there was tons of folks that had the ability to get to it.

The next question is off Mr. Schiff's questions he was asking about Ambassador Rice. She was pretty adamant that it was because of the video. And, in fact, the President some 8 days later at the United Nations was just as adamant about the video. We didn't know at that point any more than we thought it was a direct result of this video. Because I guess what bothers a lot of the American

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public and certainly my constituents is -- and, Director Clapper, you in your statement said it could have been because of avenging the death of leaders, it could have been because of the video, it could have been. But everybody focused on the video. And I guess the American public is saying they probably could have accepted it better if you would have said there is any number of reasons. But you honed in on the video. And we are trying just to figure out why everybody honed in on the video.

GENERAL CLAPPER: I think one reason that contributed to that was all the other assaults on diplomatic facilities in the neighboring countries; in Tunisia, in Egypt, in Yemen, and Sudan.

MR. MILLER: But were they armed?

GENERAL CLAPPER: So I think it was not unreasonable to think since all of these were prompted or motivated or inspired by the video, so was this one in an attack that ran amok.

MR. MILLER: And I understand that. But were any of the other assaults on any of the other embassy complexes armed assaults?

GENERAL CLAPPER: I know the one in Yemen was.

MR. MILLER: But Cairo was the one that everybody was focusing on.

GENERAL CLAPPER: That is right. I have to take that for the record, whether there were any arms spotted among the attackers in Cairo.

Pat, do you know?

MR. KENNEDY: In particular regard to Cairo, it was not an armed assault. A number of protesters scaled our walls and we buttoned up inside our buildings, which is our process for dealing with this. The walls are there to stop truck bombs and then to give people time to retreat into the compound buildings, many of which

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you have visited.

MR. OLSEN: Sir, if I could add on that point. We went back, in terms of the protests. Approximately 61 countries around the world from 11 to 27th September there were protests at our diplomatic facilities. Larger protests; more than 1,000 protesters in Somalia, South Africa, Afghanistan, Hong Kong, Pakistan, the Philippines, Sri Lanka, Germany, Italy, Norway, Serbia, Bahrain, Egypt, Jordan, Lebanon, and Qatar. The one in Tunisia we would have considered violent.

MR. MILLER: Matt, I appreciate everything that took place after the fact. We are talking about September 11.

Mr. Olsen. This was between 11 and 27.

MR. MILLER: I am not talking about September 11 and not everything that took place after.

THE CHAIRMAN: Ms. Schakowsky.

MS. SCHAKOWSKY: Gentlemen, lady, do you feel like you know everything you need to know now about the situation? Is everything clear? What don't we know that still needs to be determined?

GENERAL CLAPPER:

So clearly, it would be very useful actually to have the opportunity to interrogate some of the participants, in terms of what we don't know. We don't know who commanded this or who controlled it. There are still a lot of things we don't know.

Just a little history. I was the lead intelligence investigator for the Khobar Towers bombing in 1996 and did a similar exercise with Fort Hood in 2009.

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Particularly in the case of the Khobar and other similar attacks, it takes months oftentimes to figure out exactly who did an event like that, and why. So to answer your question, no, we don't know everything we would like to know.

MS. SCHAKOWSKY: Do you feel confident now about how to describe protest, not protest, who these individuals were, what their motivations are, the things that have been so deeply discussed and seem to be contradictory in some cases. Do we feel confident now about this timeline and about exactly what was going on?

MR. MORELL: So, ma'am, just to add to the DNI's comments, the answer is no, we are not confident that we know everything. We don't know the motivations of the attackers. We don't know exactly -- we don't know command and control. We know some of the individuals, we don't know all of the individuals. And we don't know exactly how much pre-planning there was. I do think we are comfortable in our ability now to describe whether there was a protest or not.

MS. SCHAKOWSKY: Would you say it is false that requests for more security were denied?

MR. KENNEDY: Congresswoman, that is something that the Accountability Review Board is reviewing. But my review of the files indicate that requests were met. As I said, the embassy asked for three security officers permanently assigned. They asked for increased heights to the wall. They asked for this and that. In some cases, as there is a constant ongoing dialogue between our security professionals in the field and our security professionals in Washington, the security professional in the field would say I would like A, B, and C, and the response from Washington is okay, I see what you want, what about A, B, D and E instead. So there is an exchange that goes of security professionals talking to each other, deciding how we

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can get to the best possible security. But that being said, there is no perfect security. We can only mitigate the risks.

MS. SCHAKOWSKY: So there was a security detail accompanying the Ambassador to Benghazi?

MR. KENNEDY: Yes, ma'am.

MS. SCHAKOWSKY: So where were they during the attacks?

MR. KENNEDY: One was with him and one went to another building to get heavier armament. And as he attempted to return, they were cut off. But since the security officer with the Ambassador had radioed the Ambassador was safe in the secure area, rather than lead the attacker --

MS. SCHAKOWSKY: Were any normal security practices violated?

MR. KENNEDY: That is something that the Accountability Review Board that the Secretary has appointed pursuant to statute, that is what the Accountability Review Board is reviewing now. I would defer to them since I could have a personal view but it is more appropriate for the Accountability Review Board to speak to that.

MS. SCHAKOWSKY: Post the attack there were some discussions about the Libyans being cooperative. Can you just tell us the state of Libyan cooperation now as we get more details?

MR. KENNEDY: If I could defer to my colleague.

MR. JOYCE: As many of the members know, Libya is a difficult operating environment. And I will also ask, I guess, Michael Morell to chime in, but to call the government functioning I think is an overstatement. This specific matter has had over 13 investigative judges assigned to it. They have provided us [REDACTED], asked for additional information for weeks, and they have been unable to provide

additional information. I think they are trying to cooperate, but their ability to cooperate is severely limited, especially when you are referring to Benghazi.

MR. MORELL: Ma'am, that is exactly the judgment of my officers on the ground, is they want to be cooperative but they are really restricted, given their capabilities.

MS. SCHAKOWSKY: Thank you.

THE CHAIRMAN: Mr. Conaway.

MR. CONAWAY: Thank you, Mr. Chairman. Folks, thank you very much. How many attackers were killed? Do we have any assessment of anybody getting killed other than our guys?

MR. MORELL: Sir, I don't think we know that.

MR. CONAWAY: Can anybody account for the uncanny accuracy of the mortar fire? The second round hits them right square on the roof where our guys are.

GENERAL CLAPPER: As I briefly mention in my remarks, that is one area where they showed great proficiency. And they probably had plenty of practice during the uprising.

MR. CONAWAY: I understand. But ranging and -- I mean to hit that building on the second round.

GENERAL CLAPPER: That is right. It was well done. And they probably had a spotter who was in contact with the mortar crew.

MR. JOYCE: Sir, I just wanted to go back to your first question when you are asking if anyone was killed. We do have various witnesses saying that several individuals received wounds. We do not know if they were killed or not.

MR. CONAWAY: Just before the attack on the TMF the gate guard at the

front drove off. Did he get a heads up that that was happening or was he complicit? We know who he was, I guess; the Libyans would.

MR. OLSEN: Just based on the timing, it was right before the attack started. There were reports of chants, small arms fire, and then that truck leaves.

MR. CONAWAY: I think the firing had already started at that point in time.

MR. OLSEN: Yes. Or least that were individual attackers moving down the street in the direction where pickup truck was parked outside the main gate.

MR. CONAWAY: And what was his job?

MR. OLSEN: This was basically a local SSC. There were we think two people in that truck.

MR. CONAWAY: Were they armed?

MR. OLSEN: We do think they were armed. That was a local armed --

MR. CONAWAY: That is the group that State was relying on to man the main gate.

MR. OLSEN: Let me defer to Mr. Kennedy and the relationship there.

MR. KENNEDY: Congressman, there were multiple layers of security on the front gate. We always request local police support on the main gate. And then we had a unit from the Libyan 17th Brigade militia whose barracks were set afire. And we know at least one of them was shot in the process of that.

MR. CONAWAY: Okay. While you are talking, Mr. Ambassador, is it reasonable to assume that Ambassador Rice was briefed Sunday morning before she went on those talk shows as to the latest information that was had or would it make sense that she would work off of Friday talking points?

MR. KENNEDY: I will have to take that question. But my understanding is that she was provided with talking points by the Intelligence Community, sir.

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MR. CONAWAY: Maybe we can find out that whether that was the Friday talking points or something.

MR. KENNEDY: The Friday talking points, I think, as Mr. Morell said, is the latest talking points available.

MR. CONAWAY: But that is not the latest information that was available, based on what was going on in front of that front gate.

MR. MORELL: Can I just say a couple of things here? One is the talking points were on Saturday. We wrote the talking points at the request of this committee. We did not provide -- CIA did not provide the talking points to Ambassador Rice. We did coordinate those talking points around the government. I assume, I don't know, but I assume it was that coordination process by which she got the talking points.

MR. CONAWAY: We can ask her that maybe at some point in time.

Sean, why did it take the FBI so long to get to the TMF and Annex? You want to walk us through that delay?

MR. JOYCE

[REDACTED]  
[REDACTED] We worked with the Libyan government and arrived in Tripoli on the 17th. Due to security and safety concerns we were not able to get into Benghazi until October 4.

MR. CONAWAY: Okay. That is not optimal, I guess, in terms of investigation?

MR. JOYCE: No, sir, it is not.

MR. CONAWAY: Did we get a complete set of the data -- the files that we did get, is it all of the video that was available off our gear? They didn't hide anything or take anything out of it. We got all of it, the video we did get on the

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closed circuit?

MR. OLSEN: I believe we received it. There is no video that we are aware of that we haven't received. Some was damaged.

MR. CONAWAY: But the Libyans gave us everything.

MR. OLSEN: As far as I know. I have not heard otherwise. Yes.

MR. CONAWAY: Weapons lost in the event would have been just small arms that we lost in terms of what would have been in the staff quarters and that kind of stuff or did we lose any weapons at all?

MR. JOYCE: No, we lost some weapons. Part of the evidence we recovered included some long guns as well as some handguns.

MR. CONAWAY: Thank you, Mr. Chairman.

I am sorry, let me ask, we don't have the specific -- Libyans have eight people in custody. Do we know if any of those eight actually participated in the event?

MR. JOYCE: I am not aware that they have eight people in custody.

MR. CONAWAY: Maybe I just made that up. Open source reporting shows that they took eight people into custody. You are not aware of that.

MR. JOYCE: No. There have been numerous occasions though, sir, where they have said they have people in custody and we have asked to talk to them and then they have been released.

MR. CONAWAY: Okay. Maybe that is a get-out-of-jail free card. Just asking.

MR. CHAIRMAN. Mr. Langevin.

MR. LANGEVIN: Thank you, Mr. Chairman. Thank you for your testimony today. So I wanted to start with the facility itself where the Ambassador was holed

up. What is the size of that facility? I ask that because I am trying to understand -- I understand, obviously, the Ambassador couldn't be found during the course of the attack. Do we have any understanding as to where he was?

MR. KENNEDY: Congressman, think of a large rambling one-story Mediterranean-type building that exists throughout the entire range of North Africa, with bedrooms on one side of the house and then living room, dining rooms, kitchen on the other side. What we have done is constructed a heavy metal security wall, grills, dividing the house between the representational areas and the bedrooms. When the alarm sounded, the security officer with the Ambassador took the Ambassador out of his bedroom and put him in an inner room; a room with no windows. That is part of our process. We want as much concrete between the person we are trying to protect and the outside in case of arms fire. He then seals that heavy metal grillwork. So the Ambassador is in the back half of the house. During this process, the house is set afire using diesel fuel. If any of you have ever seen a diesel fire, heavy, heavy, acrid black smoke. Also, the furniture is set afire, adding plastics burning.

At some point, the smoke is getting very, very clear. The Ambassador and the IMO are led by the security officer back towards a back window in the house to get more oxygen. The smoke continues. The oxygen is literally being burned off by the diesel fire. They are then down on the ground and the security officer decides in spite of the firing outside, that this is no longer tenable and they begin to crawl on the floor through the security window that we have installed. Why that security window? Because this led out onto a small portion of the house outside which had been sandbagged, so if you had to leave the house, you're not going out directly into the firing position, so to speak.

RPTS JOHNSON

DCMN BURRELL

[12:05 p.m.]

MR. KENNEDY: The security officer is leading them. He is losing oxygen. He gets there. He gets the security window open. He goes out first to make sure that he can hold that position. He gets out, he sees the Ambassador and the Information Management Officer, Sean Smith, are not coming out following him. He then makes multiple trips, as was outlined in the presentation, back in there. And when he can't find them, he then calls for help. And then first three more security officers of ours rally to that point, and then the fifth one rallies. They are tragically unable to find Sean Smith before he died. And they were unable, in all that thick black smoke, and you saw an hour later I think about the black smoke continuing to pour out of the building on the Predator video.

MR. LANGEVIN: Thank you. Let me turn my attention then to the timeline. Do you have any good idea yet of who the individuals are that are responsible for the attack? You have coordinated with the Libyans still, I assume, to track these people down. Have you made any progress at all?

MR. JOYCE: Yes, sir, we have made progress working with the entire Intelligence Community. We have identified 34 individuals that are associated with the attack, 12 that have we believe direct connections to the attack. And we actually have four individuals that we believe with confidence were involved in the attack. And they are [REDACTED]. And as of yesterday, we received firsthand intelligence that he was personally involved in the attack. We had several other witnesses that have also identified him as taking part in the attack. [REDACTED] As Acting Director Morell referred to before, that

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AQIM-affiliated member from technical intercepts. And [REDACTED], who is in Tunisia right now, [REDACTED].

So we are pursuing those individuals.

MR. LANGEVIN: But none are in custody?

MR. JOYCE: None are in custody.

MR. LANGEVIN: Thank you. I yield back.

THE CHAIRMAN: Just to follow up on that, is the plan to arrest them only? Is that the only option that we have on the table currently?

MR. JOYCE: No, Mr. Chairman. I am glad you gave that opportunity, because one of my colleagues mistakenly referred to the FBI's as a criminal investigation. It is a terrorism investigation. And first and foremost, it is an intelligence operation.

THE CHAIRMAN: A very important distinction for the committee. You may want to explain that very quickly.

MR. JOYCE: I think people historically, when the FBI becomes involved, think that we are looking to a criminal prosecution. That is not the case. As you know, the FBI has undergone considerable changes since 9/11. First and foremost, in every terrorism investigation it is intelligence. Let's collect the intelligence, let's identify the network, the individuals, the logistics. And then let's determine the options available to us. Obviously, we want to conduct it to preserve the prosecutive option. Okay. But there are other options on the table that we will fully exploit and explore and use, as so the U.S. Government determines.

THE CHAIRMAN: Or hand off.

MR. JOYCE: Absolutely. Foreign governments. Many, many options on the table.

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THE CHAIRMAN: Great. I just thought that was an important distinction.

Thanks for that.

Mr. King.

MR. KING: Thanks, Mr. Chairman. My questions are to be directed to Director Morell and General Clapper. I have to say at the outset that I disagree -- I had serious questions about the quality of the briefing that General Petraeus gave us. And also General Clapper, I have concerns about the talking points as far as supposedly reflecting the last intelligence that was available. When General Petraeus gave his briefing that day, he made it clear that that was definitive. You talked about shifts in the line of analysis, how the initial reports were missing. He gave us no indication there was any shifting in the line of analysis when he came in here. He may have said more intelligence, more information come in. But the one thing he was ruling out was terrorist involvement. I remember when the chairman specifically mentioned to him about the mortar rounds, three mortar rounds landing at the Annex, could that be an indication of terrorist involvement? He said, no. He said anybody in Libya could do that. Those weapons are available, that type of expertise is available. So he seemed to be going out of his way to rule out terrorist involvement. And based on your own testimony about how there were so many shifts in the line of analysis, how could he have been so certain that Friday? This is 2 days after your overnight analysis said it was an intentional assault. So if that report was messy, and there were shifts from that, how was he so definite on the 14th that that was now definitive that there was no terrorist involvement? That is as far as General Petraeus's testimony.

General Clapper, on the talking points, which is supposed to reflect the latest intelligence as of September 15, almost as an after thought it says there are

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indications, indications that extremists participated in the violent demonstrations. Yet the analysis here on September 13 says extremists with ties to al-Qa'ida were involved in the attacks. Not saying indications. There is a big difference, if we are going to be communicating a message to the American people on five national television shows, between an indication, which seems to indicate a possibility, and their own statement of September 13 saying that al-Qa'ida was involved. Secondly, on September 15 it says extremists associated with Ansar al-Sharia and other al-Qa'ida affiliates almost certainly participated in the attacks. Again, far stronger language than say indications. As anyone who watched Ambassador Rice that day, anyone who was listening to the narrative as it was evolving, it was this was clearly spontaneous, yeah, maybe there was some extremists got involved somewhere, there may be some talk of that. And yet these two reports, the 13th and the 15th, both say that al-Qa'ida was definitely involved, or almost definitely involved. And that was not the message given by these talking points.

Why was this message given to the American people that maybe there was a chance of terrorism when your own reports say that there almost certainly was al-Qa'ida involved? And that is what I think many of us, at least I can speak for myself, found very distressing. In General Petraeus's, you put the two together, General Petraeus's submission to our committee and these talking points both seemed to indicate for whatever reason an intention to downplay the involvement of al-Qa'ida and al-Qa'ida affiliates. I find that very troubling. I wish General Petraeus had come in on the 14th and told us about this overnight report on the 12th. He didn't. And he never said anything about shifts in the line of analysis.

Again, I ask you to address those points because they are I think the real concerns of the American people, certainly that I have. I can't speak for anybody

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else on the committee. Those are the real concerns I have.

MR. MORELL: Sir, let me take the General Petraeus question. I was not here, but I saw his talking points. And his talking points clearly said that Ansar al-Sharia was involved in this attack. He clearly said that Ansar al-Sharia was an al-Qa'ida-affiliated group. And he clearly said that AQIM was involved in the attack, individuals associated with AQIM were involved in the attack as well. So I believe that General Petraeus made very clear --

MR. KING: I can say having been here that day, that was put in almost as an afterthought, as it was clearly not a terrorist attack. There may have been some people of Ansar al-Sharia involved. Of course there is a lot of them in that area. That was the tone of his testimony. Not that they played a lead role, not that they were part of an assault. It was just -- you have members of Ansar al-Sharia in the area, they may have been there, but they were not a major part of the attack. That was his clear testimony. That is my impression of it anyway. That was the impression he left us with.

General Clapper, you can address why this was put in almost as an afterthought, indications about extremist participation when here we have September 13 and 15 folks saying al-Qa'ida was involved.

GENERAL CLAPPER: Well, again, that was the view that was taken at the time. It was coordinated across the IC.

MR. KING: How can you say that when it says right here on the 13th and 15th that they were involved? That is not an indication, that is a direct statement they were involved. That clearly gave a different signal on those shows.

GENERAL CLAPPER: I guess we can parse the words that were in the talking points. And I guess one lesson learned is we will never again do

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unclassified talking points. I think one overarching concern I have here about it is the kind of the chilling effect that this has on the Intelligence Community when these things are blown up like this as they have been.

MR. KING: I don't consider it blown up. This was the President of the United States sending out his spokesman, spokeswoman on Benghazi and giving misleading information. When she says there is indications. If she had said we know for certain, almost certainly that al-Qa'ida was involved, that would have been a totally different message instead of saying there is an indication.

GENERAL CLAPPER: The composition of the wording of why the term "extremists" was used.

[Senior CIA officer #1]: Yes, sir. As I mentioned before, our understanding at the time of the individuals involved was that there was a mix of individuals with links to al-Qa'ida-affiliated groups and others, possibly including Libyan militia elements. So the use of the word "extremists" --

MR. KING: I am not questioning extremists. I am questioning the word "indication." Indication seems like some reports maybe somewhere. Indications is very different from the definitive conclusions that you had on the 13th and 15th that al-Qa'ida almost certainly participated. So I am questioning the word "indication." It is like an afterthought.

GENERAL CLAPPER: I think that word was chosen somewhat out of concern for security considerations. It was admittedly a more ambiguous word, the indications, than a definitive statement. And some of that had to do with the sources of the information that would make it more definitive.

MR. MORELL: And sir, I think I am now on the record with this committee saying that were we as precise in the language as we should have been in all of

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these products? And I said the answer to that question was no.

MR. KING: It is all the imprecision went in the wrong direction.

THE CHAIRMAN: I will take an opportunity here to ask just a few follow-up questions as it has gone along. One, just allow you to correct the record, Mr. Morell. You said you weren't there, but the Director said. I want to be clear that our notes do not reflect that he said that. What you were talking about for the record was his talking points may have said that.

MR. MORELL: Yes, sir. I have them right here.

THE CHAIRMAN: Okay. But the Director, I can clearly attest to you, given all of our members and the notes here, the only reference he made was that there were other threats in eastern Libya, militias, AQIM-linked individuals and groups.

MR. MORELL: Okay. Let me make it very clear that when I referred to what he said here, I was talking about his talking points. Obviously, I wasn't here.

THE CHAIRMAN: I just want to make that clear for the record, because that came out very definitive.

[Senior CIA officer #1], are you familiar with the meeting that you had with committee staff on November 1st, both HPSCI and SSCI staff, I believe?

[Senior CIA officer #1]: Yes, sir.

THE CHAIRMAN: During that meeting, you discussed the fact that al-Qa'ida-linked information was excluded, but when it left the building it was in. And we have a bit of a transcript here for you. And I just want to read it back to you just to refresh your memory. "The logistics of how that actually occurred --" and you were talking about the removal of that information -- "is opaque to me. To be honest, I can't give you a blow-by-blow of who took it out, why, and when."

[Senior CIA officer #1]: Yes, sir.

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THE CHAIRMAN: You said a little something different today. I just want to give you an opportunity for the record to correct your statement.

[Senior CIA officer #1]: For the record, sir, the original talking points as drafted, it was an iterative process. We drafted a set of talking points that initially was -- perhaps had more detail. As individuals, much like any product that we do, it is an iterative process of coordination and of editing. So the initial set of talking points as drafted initially had more information. It then went into an IC-coordinated process, as was mentioned, including the Department of State, because of their interests, the Department of Justice, the rest of the IC. And as with any product that we would disseminate publicly, it was shared with the national security staff.

What I was discussing at that point, sir, is many things changed at that point. But that is a normal process for us.

THE CHAIRMAN: Okay.

[Senior CIA officer #1]: And I could not give you a blow-by-blow on how that happened.

THE CHAIRMAN: Did that include the White House? Is that part of that iterative process?

[Senior CIA officer #1]: The national security staff, sir, the talking points with shared with them.

THE CHAIRMAN: And would they have had input on those?

[Senior CIA officer #1]: At that point, sir, I have no -- that is where I say it is opaque to me.

THE CHAIRMAN: So when you say left the building, you mean from when the CIA's perspective as it entered that interagency process, it said, as you said, al-Qa'ida-linked information was excluded. So when it left the building, that is what

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you mean. When it left the CIA --

[Senior CIA officer #1]: To go into the iterative process for coordination, yes, sir.

THE CHAIRMAN: Okay. So at that point the CIA apparently believed it was an al-Qa'ida-linked organization.

[Senior CIA officer #1]: As we had said in the session here, sir, we said at that time that there were individuals with links to al-Qa'ida involved. And we reflected the same in those talking points. My recollection, sir, having been in the session with former Director Petraeus as a back bencher, was that indeed he had said that there were individuals with links to al-Qa'ida involved in the attacks, that the idea that they would be the only one or that it would be necessary to have been involved with al-Qa'ida to have been able to do the kind of, have the efficacy and lethality, we were saying that was not necessarily the case.

THE CHAIRMAN: And that may have been what you were saying. I will tell you that that is not what members walked out of that briefing, nor is it what the notes of the briefing reflect, nor is it what the transcription of your meeting with both SSCI and HPSCI staff on November 1 on the product of which you were recommending. And I only bring this up, you know, I am not trying to parse words, but it is a serious conclusion not just about who said what when, but the policy implications of this had incredible consequences, including trying to promote this notion for up to a couple of weeks. So we have two problems on the committee.

And Mr. Clapper and I have had great and I think fruitful discussions on this. We either have to determine you all really screwed this up pretty badly and gave policymakers really bad information, incomplete information even though you knew it, or something happened in the interim that allowed them to make really God awful