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Congress of the United States

House of Representatives

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May 13, 2013

Admiral Michael G. Mullen, USN (Ret.)
Woodrow Wilson School of Public and International Affairs
Princeton University
427 Robertson Hall
Princeton, NJ 08540

Dear Admiral Mullen:

On May 8, 2013, the Committee on Oversight and Government Reform held a hearing on the September 11-12, 2012, attacks on U.S. diplomatic facilities in Benghazi, Libya. The hearing was titled “Benghazi: Exposing Failure and Recognizing Courage.” During the hearing, the findings and methodology of the State Department’s “Accountability Review Board” (ARB) were discussed frequently. Three senior State Department officials who testified at the hearing criticized the ARB’s work as “incomplete”¹ and flawed because the ARB did not interview key witnesses² and failed to hold senior officials accountable.³ It is necessary for the Committee to understand whether these criticisms are valid because the White House and the State Department have touted the ARB’s report as the definitive account of how and why the Benghazi attacks occurred.

Minutes before the hearing started, NBC News Chief Foreign Affairs Correspondent Andrea Mitchell reported that Ambassador Thomas Pickering was willing to give testimony to the Committee. Prior to Mitchell’s report, the Committee had not been made aware of his interest in testifying. In fact, prior to May 8, Ambassador Pickering and other members of the State Department’s Accountability Review Board, including you, declined to assist the Committee’s investigation of the Benghazi attacks. I hope that Ambassador Pickering’s apparent willingness to give testimony to the Committee also means that you, as Vice Chairman of the ARB, will reconsider your willingness to assist.

Shortly after the deadly attacks on U.S. consulate facilities in Benghazi, Secretary Clinton convened the ARB pursuant to Title III of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 to review the facts and circumstances surrounding the attacks. On

¹ See, e.g., Testimony of Gregory Hicks, Transcript at 66, *Benghazi: Exposing Failure and Recognizing Courage: Hearing before the H. Comm. on Oversight and Gov’t Reform*, 113th Congress (May 8, 2013).

² See, e.g., Testimony of Eric Nordstrom, Transcript at 67, *id.*

³ *Id.*, Transcript at 79.

December 18, 2012, the ARB delivered its findings and recommendations to Congress.⁴ Subsequently, documents and witness testimony obtained by the Committee raised questions about the ARB's methodology and findings. Despite repeated attempts by Members of this Committee to gain the perspective of you and other members of the ARB on these matters, we have not yet had the opportunity.

On February 22, 2013, National Security Subcommittee Chairman Jason Chaffetz invited you, Ambassador Pickering, and other members of the ARB to testify at a hearing on March 14, 2013. On March 1, 2013, your assistant notified Committee investigators that you would not appear at any Benghazi-related hearing. This response was consistent with what the Committee heard from Ambassador Pickering, who I understand was coordinating every member of the ARB's response to congressional requests for testimony.

The State Department's refusal to provide a clear account of the materials that the ARB relied on is hampering the congressional effort to evaluate the ARB's process and conclusions. In fact, the Department's unwillingness to share more information about how the ARB worked creates the appearance that they are shielding the ARB from scrutiny. It is particularly important for us to understand if the ARB had access to documents that congressional committees have not seen. Otherwise, we cannot know if there are documents and information that would resolve our concerns about apparent weaknesses in the ARB report. Similarly, we have been unable to assess if there is information that was brought to our attention that was not considered by or available to the ARB.

With that in mind, I was pleased that yesterday, during a conversation after we appeared on "Meet the Press," Ambassador Pickering agreed to be interviewed on the record by Committee investigators. I hope that you will also make yourself available for a transcribed interview.

Documents and testimony obtained by the Committee, however, suggest there are unanswered questions about Benghazi and we are committed to resolving these concerns. Your testimony will help the Committee better understand how the ARB reached its conclusions. To assist the Committee, I request that you please make yourself available for a transcribed interview with staff investigators at your earliest possible convenience. Following the transcribed interview, we will work with you to find an appropriate date for you to testify at a public hearing. In addition, please provide the following information as soon as possible, but no later than May 17, 2013:

1. A detailed list of all documents, communications and materials reviewed by the ARB;
2. A list of all witnesses interviewed by the ARB, excluding any covert or clandestine witnesses;
3. Any transcripts, notes or materials produced from interviews conducted by the ARB; and

⁴ Department of State, *Accountability Review Board for Benghazi Attack of September 11, 2012*, Dec. 19, 2012, available at <http://www.state.gov/documents/organization/202446.pdf> (last visited May 10, 2013).

Admiral Michael G. Mullen, USN (Ret.)

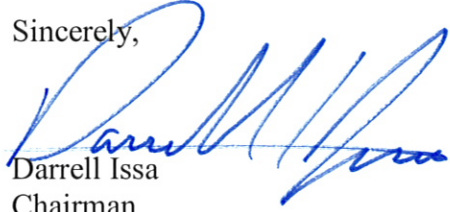
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4. A detailed description of the process by which the independent ARB report was reviewed and edited by the Departments and Agencies under investigation. The Committee is particularly interested in any material excluded from or included in the report at the request of any Department or Agency.

Additionally, please contact Brien Beattie or John Ohly of the Committee staff at (202) 225-5074 no later than 5:00 p.m. on May 15, 2013 to schedule a transcribed interview or to answer any questions. Thank you for your attention to this important matter.

Sincerely,



Darrell Issa
Chairman

cc: The Honorable Elijah E. Cummings, Ranking Minority Member