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Congress of the United States

House of Representatives

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May 13, 2013

The Honorable Thomas R. Pickering
Vice Chairman
Hills & Company
1120 Twentieth Street NW
Second Floor, North Building
Washington, D.C. 20036

Dear Ambassador Pickering:

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

On May 12, 2013, you defended the ARB’s work on “Face the Nation.” You stated that those criticisms are “unfair.” During your interview, you confirmed that the ARB did not interview Secretary Clinton and other high-ranking State Department officials, that the ARB did not record or transcribe witness interviews, and that the ARB did not review how and why the Administration’s talking points on the Benghazi attacks were misleading. Despite these apparent weaknesses in the investigation, you stated that “I don’t see yet any reason why what we did at the Accountability Review Board should be reopened. The questions that were asked about our work were in themselves answered at the time they were raised.”⁴

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. It is necessary for the Committee to understand whether the criticisms of the ARB’s work that we heard from witnesses on May 8, 2013, are valid.

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.

⁴ Ambassador Thomas R. Pickering on “Face the Nation with Bob Schieffer,” CBS (May 12, 2013).

On February 22, 2013, National Security Subcommittee Chairman Jason Chaffetz invited you and other members of the ARB to testify at a hearing on March 14, 2013. On March 1, 2013, a member of my staff was informed by an assistant for Admiral Michael Mullen, the Vice Chairman of the ARB, that he would not appear at any Benghazi-related hearing, and that you were coordinating the response to Chairman Chaffetz's invitation with other members of the ARB. The same afternoon, you informed my staff that a scheduling conflict would prevent you from testifying on March 14, 2013. When asked if you would be available another date, you advised that you were "deeply disinclined" to testify at any time because Congress had turned the issue into a "political circus."⁵

On March 13, 2013, I requested to meet privately with you and Admiral Mullen. The next day you informed my staff that you were coordinating with Admiral Mullen. On March 18, 2013, you responded to a question about your availability from a Committee investigator by saying, "Checking but will be travelling extensively."⁶ That was the last time the Committee heard from you, until the morning of May 8, 2013, when NBC News Chief Foreign Affairs Correspondent Andrea Mitchell reported that you would like to assist the Committee's investigation.

Minutes before the May 8, 2013, hearing started, Mitchell reported that you were willing to testify before the Committee. After the hearing, you appeared on MSNBC with Mitchell. You stated:

Yes, I'm willing to testify, **I made that clear yesterday. The White House I understand made that clear to Mr. Issa.** He declined. I don't know the reasons for that, made some statement about perhaps sometime later we could come, but I was very interested in being there, because I thought the testimony this morning might be important with respect to the accountability review board and its work.⁷

Just before the hearing began, media outlets reported that I declined your request to testify. That is incorrect. Prior to the hearing, neither you nor the White House requested that you be allowed to testify. Neither did the State Department, nor Ranking Member Elijah Cummings.

Prior to Mitchell's reporting, the Committee had not been aware of your interest in testifying. Mitchell's report was particularly surprising in light of the fact that you declined a series of invitations to appear before the Committee. With that in mind, I was pleased that yesterday, during a conversation after we appeared on *Meet the Press*, you agreed to be interviewed on the record by Committee investigators, as an important preliminary step before a public hearing. You also agreed to work with Admiral Mullen to arrange for his availability for a transcribed interview, as well.

⁵ Telephone call between Ambassador Thomas R. Pickering and H. Comm. on Oversight and Gov't Reform Staff (Mar. 1, 2013).

⁶ E-mail from Ambassador Thomas R. Pickering to H. Comm. on Oversight and Gov't Reform staff, Mar. 18, 2013, 5:47 p.m.

⁷ Igor Bobic, *Ambassador Pickering: I Was Willing To Testify On Benghazi*, TALKING POINTS MEMO, May 8, 2013.

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The State Department's refusal to provide a clear account of the materials on which the ARB relied 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 it is 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 are unable to assess if there is information that was brought to our attention that was not considered by or available to the ARB.

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 expect that you will 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. 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 with any questions. Thank you for your attention to this important matter.

Sincerely,



Darrell Issa
Chairman

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