

May 16, 2013

Chairman Darrell E. Issa
House Oversight and Government
Reform Committee
2157 Rayburn House Office Building
Washington, DC 20515-6143



Dear Chairman Issa:

We are writing in further response to your letters of May 13 & 15. As has been made clear on television and in writing, we are willing to testify publicly before the House Oversight and Government Reform Committee and answer directly questions regarding the Benghazi Accountability Review Board's procedures, findings and recommendations. In assuming the task of reviewing the incidents that led to the deaths of four valiant Americans, we were committed to being tough and transparent. Our obligation to the families – and to the American people – has been to ensure that our findings and recommendations are used effectively to prevent this from happening again. The public deserves to hear your questions and our answers.

We propose that we be permitted to testify at a public hearing on May 28 or June 3. If either of those dates is not convenient for the Committee we are certainly willing to find an alternative date.

Recently, you seem to have changed your position on the terms of our appearance, apparently asking for a transcribed interview behind closed doors. In our view, requiring such a closed-door proceeding before we testify publicly is an inappropriate precondition. Moreover, notwithstanding what your understanding may be, Ambassador Pickering did not agree to such a closed-door proceeding; his sole focus has been on testifying in an open hearing. If you and he were talking past each other that is unfortunate.

In the past weeks members of your Committee have publicly criticized – in both an open hearing and in the media – the work of the Accountability Review Board. Having taken liberal license to call into question the Board's work, it is surprising that you now maintain that members of the Committee need a closed-door proceeding before being able to ask "informed questions" at a public hearing. The Benghazi Accountability Review Board is perhaps the most transparent accountability review board ever. It is only the second to have its full report provided to the Congress by the Secretary of State. The Committee has had five months to review the Board's public report as well as the longer classified report to which over 30 appendices are attached, including key documents and a list of interviewees. Moreover, we briefed Senate and House committees on the Board's report shortly after its release.

At the hearing on May 8, you referenced the February 22, 2013 letter from Representative Chaffetz inviting us to appear for a public hearing before a subcommittee. There was no mention in this original request or at the May 8 hearing of a closed-door proceeding. The focus was on public testimony. As we have advised, we are willing to do just what Representative Chaffetz requested, except before the full Committee, which is a more appropriate forum. And,

as you know, Ambassador Pickering was prepared to testify at last week's public hearing, as Representative Elijah E. Cummings made clear in a public letter.

We are not fact witnesses to the events that took place in Benghazi. Rather, we were asked by the Secretary of State to serve as chairs of an accountability review board established in accordance with the law to review those facts. While we understand and respect that your committee has the authority and responsibility to review the Benghazi attacks, we ask that you similarly understand and respect that the Accountability Review Board bore its own authority and responsibility to review Benghazi. What the Committee is now proposing is highly unusual in the context of senior officials who are not fact witnesses but instead are reporting on their own independent review.

Very truly yours,

Handwritten signature of Thomas R. Pickering in black ink.

Thomas R. Pickering

Handwritten signature of Michael G. Mullen in black ink.

Michael G. Mullen

cc: Rep. Elijah E. Cummings