

FACT V. FICTION

Top Ten Unfounded Allegations About the Attacks in Benghazi

Democratic Press Office, House Committee on Oversight and Government Reform (202) 226-5181

ALLEGATIONS

Department of Defense

- 3 The Pentagon failed to deploy military assets to save lives.**
- 5 The Pentagon issued a “stand down” order to four military personnel in Tripoli.**

Department of State

- 7 Secretary Clinton lied to Congress about authorizing security reductions in Libya.**
- 8 The Department cut the Counterterrorism Bureau out of the loop and failed to activate the Foreign Emergency Support Team out of “pure politics.”**
- 10 Under Secretary Kennedy withdrew the Site Security Team, which weakened security in Benghazi.**

Talking Points

- 12 The Administration and the President “deliberately misled” the American people and engaged in a “cover-up.”**
- 15 The State Department knew the attacks were perpetrated by extremists linked to Ansar al-Sharia, but denied it on the Sunday news shows.**

Accountability Review Board

- 16 The ARB investigation was a “whitewash.”**
- 18 The ARB was flawed because it did not interview Secretary Clinton or other Department officials.**
- 20 The ARB did not hold senior officials accountable for the attacks in Benghazi.**

Allegation:

The Pentagon failed to deploy military assets to save lives.

Chairman Issa:

“You still have to say why weren’t there aircraft and capability headed toward them at flank speed? And the next time this happens, can we count on this President and the secretary to actually care about people in harm’s way as they’re being attacked by al Qaeda elements?”¹

Rep. Chaffetz:

“I think one of the unanswered questions here is, if it’s a possibility, if there’s any chance that we could get military overflight, if we could get a military flight there, then we would ask permission in advance. My concern is there was never an intention, there was never an attempt to actually get these military aircraft over there.”²

Senator McCain:

“And over a seven and a half hour period, with all the assets we have in the region, we couldn’t have an F-16 at low altitude fly over those people who were attacking our consulate?”³

The Facts:

The ARB’s Vice Chairman, former Chairman of the Joint Chiefs of Staff Admiral Michael Mullen, explained during his interview with Committee staff that the military response was as timely as possible:

Q: Admiral, did you conclude that the military took the appropriate steps to help the Americans in Benghazi on the night of the attack?

A: I did.

Q: And, generally speaking, what facts led to you determine that the military’s response was appropriate?

A: I personally reviewed, and as the only military member of the ARB, I personally reviewed all of the military assets that were in theater and available. ... And we walked through the force posture in Europe, notionally, and looked at every single U.S. military asset that was there, and what it possibly could have done, whether it could have moved or not. And it was in that interaction that I concluded, after a detailed understanding of what had happened that night, that from outside Libya, that we’d done everything possible that we could.

Q: Okay. And did you have access to all of the information you needed to address this question, both paper, videotapes, any hard material that you needed as well as individuals?

¹ Darrell Issa on Benghazi and the IRS, HughHewitt (Aug. 7, 2013).

² House Committee on Oversight and Government Reform, *Hearing on Benghazi: Exposing Failure and Recognizing Courage* (May 8, 2013).

³ *This Week*, ABC News (May 12, 2013).

A: Yes. ...

Q: Okay. So your conclusion based on your experience, 40 years of experience, is that the military and the U.S. Government did everything that they could to respond to the attacks?

A: Yes. ...

Q: And you were able to essentially take the night of the attacks and almost work backwards and say, show me where all the assets were in theater or in that region or around the world, and you were able to look at the time components and sort of the logistics of what it would take to move from point A to B, and this includes naval, aviation, ground forces, all components of the military?

A: I did that twice.

Q: And you were satisfied?

A: I am.⁴

Former Secretary of Defense Robert Gates agreed:

I listened to the testimony of—both Secretary Panetta and General Dempsey. And—and frankly had I been in the job at the time, I think my decisions would have been just as theirs were. We don't have a ready force standing by in the Middle East. Despite all the turmoil that's going on, with planes on strip alert, troops ready to deploy at a moment's notice. And so getting somebody there in a timely way—would have been very difficult, if not impossible.

And frankly, I've heard 'Well, why didn't you just fly a fighter jet over and try and scare 'em with the noise or something?' Well, given the number of surface to air missiles that have disappeared from Qaddafi's arsenals, I would not have approved sending an aircraft, a single aircraft, over Benghazi under those circumstances. ...

And personally, I would not have approved that because we just don't it's sort of a cartoonish impression of military capabilities and military forces. The one thing that our forces are noted for is planning and preparation before we send people in harm's way. And there just wasn't time to do that.⁵

⁴ House Committee on Oversight and Government Reform, Interview of Admiral Michael Mullen (June 19, 2013).

⁵ *Face the Nation*, CBS News (May 12, 2013).

Allegation:

The Pentagon issued a “stand down” order to four military personnel in Tripoli.

Chairman Issa:

“[T]here were calls for help that were unheeded by any support from outside, including military personnel that were effectively told to stand down when they tried to be part of a relief mission.”⁶

Rep. Chaffetz:

“[M]ilitary personnel were ready willing and able, and within proximity, but the Pentagon told them they had no authority and to stand down.”⁷

Senator Ayotte:

“Even more troubling is the fact that they asked for permission to deploy four U.S. Special Operations troops to Benghazi the next morning, and they were told to stand down.”⁸

Senator Rubio:

“In essence, there are now witnesses saying that they were ready to go in and help at least prevent the second wave of attacks, but they were told to stand down. So either they didn’t have the people available, which is a dereliction of duty, or, and an irresponsible thing to do, or they did have the people, but they decided not to send them.”⁹

The Facts:

ARB Vice Chairman Mullen explained that there was no “stand down” order. Instead, troops were directed to provide security in Tripoli and assist the survivors as they returned from Benghazi:

[W]hen I heard Mr. Hicks’ testimony, I went—I specifically went to look at that aspect of what had happened. ... There was never direction given to him [Lieutenant Colonel Gibson] to stand down.¹⁰

Admiral Mullen cited the ongoing threat to Tripoli as a reason to direct military assets to maintain a security presence in Tripoli:

⁶ *Issa Ignoring Real Benghazi Scandal?*, WorldNetDaily (Aug. 9, 2013).

⁷ *Former Deputy Chief of Mission in Libya: U.S. Military Assets Told to Stand Down*, CNN (May 7, 2013).

⁸ *New Hampshire Senator Kelly Ayotte on the Eve of Benghazi Hearings*, HughHewitt (May 8, 2013).

⁹ *Florida Senator Marco Rubio On The Benghazi Hearings And The First Day Of Markup Of Teh [sic] Immigration Bill*, HughHewitt (May 10, 2013).

¹⁰ House Committee on Oversight and Government Reform, Interview of Admiral Michael Mullen (June 19, 2013).

A: So from a commander's perspective there's some wisdom in telling him to hold in place until we can kind of sort this out, combined with the fact that by every indication it was over out east and everybody was coming back.

Q: And that was going to be my follow-up question. Was it known that Tripoli wouldn't experience an attack that night?

A: No.

Q: So that was a possibility?

A: Absolutely.¹¹

After receiving several classified briefings and holding hearings with military officials, the Republican Chairman of the House Armed Services Subcommittee on Oversight and Investigations also concluded that there was no order to stand down:

Contrary to news reports, [Lieutenant Colonel S.E.] Gibson was not ordered to "stand down" by higher command authorities in response to his understandable desire to lead a group of three other Special Forces soldiers to Benghazi. Rather, he was ordered to remain in Tripoli to defend Americans there in anticipation of possible additional attacks, and to assist the survivors as they returned from Benghazi. Gibson acknowledged that had he deployed to Benghazi he would have left Americans in Tripoli undefended. He also stated that in hindsight, he would not have been able to get to Benghazi in time to make a difference, and as it turned out his medic was needed to provide urgent assistance to survivors once they arrived in Tripoli.¹²

¹¹ *Id.*

¹² House Committee on Armed Services, *Readout of the House Armed Services Committee, Subcommittee on Oversight and Investigations Classified Briefing on Benghazi* (June 26, 2013).

Allegation:

Secretary Clinton lied to Congress about authorizing security reductions in Libya.

Chairman Issa:

“Secretary of State was just wrong. She said she did not participate in this, and yet only a few months before the attack she outright denied security in her signature in a cable April 2012.”¹³

This claim was also made in a partisan Republican staff report issued by five Committee Chairmen and House Speaker John Boehner.¹⁴

The Facts:

The Committee has now obtained the cable referenced by Chairman Issa, and it includes a pro forma line with former Secretary Clinton’s name, similar to millions of other cables sent from the State Department.

Richard Shinnick, a member of the Accountability Review Board and veteran State Department official, stated:

Every single cable going out is signed ‘Clinton,’ it is the normal procedure. ... Millions of cables come into the operation center every year, not thousands, millions. And they are all addressed Hillary Clinton. So you can make a story that Hillary saw a cable and didn’t act on it or sent a cable out; it’s all bullsh*t, it’s all total bullsh*t. I can’t be any clearer than that.¹⁵

The *Washington Post* gave this claim “Four Pinocchios”:

Issa has no basis or evidence to show that Clinton had anything to do with this cable—any more than she personally approved a cable on proper e-mail etiquette. The odds are extremely long that Clinton ever saw or approved this memo, giving us confidence that his inflammatory and reckless language qualifies as a ‘whopper.’¹⁶

¹³ *Fox and Friends*, Fox News (Apr. 24, 2013).

¹⁴ Chairmen of the Committees on Armed Services, Foreign Affairs, Judiciary, Oversight and Government Reform, and Intelligence, *Interim Progress Report for the Members of the House Republican Conference on the Events Surrounding the September 11, 2012 Terrorist Attacks in Benghazi, Libya* (Apr. 23, 2013).

¹⁵ *Benghazi Review Panel Member: Fox-Promoted GOP Claims Against Clinton Are ‘Total Bullsh*t,’* Media Matters (Apr. 25, 2013).

¹⁶ *Issa’s Absurd Claim That Clinton’s ‘Signature’ Means She Personally Approved It*, Washington Post (Apr. 26, 2013).

Allegation: ***The Department cut the Counterterrorism Bureau out of the loop and failed to activate the Foreign Emergency Support Team out of “pure politics.”***

Rep. Chaffetz: “Early on in this fight these people made a critical bad decision in that they did not activate these people simply because they were afraid it would be labeled as terrorism. It was pure politics.”¹⁷

Rep. Turner: “We basically have two stand-down decisions that we’ve been able to discuss. One, the foreign emergency support team that Mr. Thompson [Mark Thompson, the Acting Deputy Assistant Secretary in the State Department Bureau of Counterterrorism] has told us about. And Mr. Hicks you told us of Colonel Gibson.”¹⁸

Rep. Chaffetz: “So why were you not called into action? This is what you trained for, it is what tabletops are for, it is what you are prepared to do. Why was FEST [Foreign Emergency Support Team] not called into action? ... Mr. Chairman, this is one of the great mysteries. Here we have this expertise. We have invested heavily in it. They tabletop it, they understand it. This is exactly what they train for. And they were never asked to go into action. We had no idea how long or when this was going to end.”¹⁹

Other “Sources”: “Sources close to the congressional investigation who have been briefed on what Thompson will testify tell Fox News the veteran counterterrorism official concluded on Sept. 11 that Clinton and Kennedy tried to cut the counterterrorism bureau out of the loop as they and other Obama administration officials weighed how to respond to—and characterize—the Benghazi attacks.”²⁰

The Facts: Ambassador Daniel Benjamin, the former Coordinator for Counterterrorism at the State Department, explained that the charge that the Counterterrorism Bureau was cut of the loop is “simply untrue” and that the decision not to activate the team was the correct one based on the circumstances:

I ran the bureau then, and I can say now with certainty, as the former Coordinator for Counterterrorism, that this charge is simply untrue. ... At no time did I feel that the Bureau was in any way being left out of deliberations that it should have been part of.

¹⁷ *GOP Lawmaker: Benghazi Witnesses Will Contradict Account*, USA Today (May 7, 2013).

¹⁸ House Committee on Oversight and Government Reform, *Hearing on Benghazi: Exposing Failure and Recognizing Courage* (May 8, 2013).

¹⁹ *Id.*

²⁰ *Clinton Sought End-Run Around Counter-Terrorism Bureau on the Night of Benghazi Attack, Witness Will Say*, Fox News (May 5, 2013).

After the attack, the first question to arise that involved the CT Bureau was whether or not the Foreign Emergency Support Team (FEST) should be deployed. ... The question of deployment was posed early, and the Department decided against such a deployment. In my view, it was appropriate to pose the question, and the decision was also the correct one.

After Benghazi, such a deployment would have had little positive impact and might well have complicated the difficult situation of US personnel on the ground in Libya. If I had believed the decision that was taken to have been incorrect, I would personally have raised the question of the FEST again.²¹

Admiral Mullen agreed with Mr. Benjamin's assessment that the correct decision was made not to deploy the FEST: "It's my own personal view, based on my own experience, that it wasn't the time or the place for a FEST."²²

During the Committee's May 8 hearing, Rep. Norton asked Mr. Thompson directly about these claims: "Mr. Thompson, I am asking you, is that quote accurate, that you believe that the Counterterrorism Bureau was intentionally kept out of the loop for political reasons?" Mr. Thompson responded: "It is not."²³

He acknowledged: "I agree that the Counterterrorism Bureau was included" in those discussions.²⁴

²¹ *Fmr. State Dept. Official Denies That Counterterrorism Unit Was Cut Out of Benghazi Loop*, Fox News Insider (May 6, 2013).

²² House Committee on Oversight and Government Reform, Interview of Admiral Michael Mullen (June 19, 2013).

²³ House Committee on Oversight and Government Reform, *Hearing on Benghazi: Exposing Failure and Recognizing Courage* (May 8, 2013).

²⁴ *Id.*

Allegation:

Under Secretary Kennedy withdrew the Site Security Team, which weakened security in Libya.

**Chairman Issa
and Rep. Chaffetz:**

“Under Secretary Patrick F. Kennedy apparently withdrew the Security Support Team from Libya, despite multiple warnings from Ambassador Christopher Stevens of a deteriorating security situation. This was a key decision that detrimentally affected the security posture of U.S. diplomats in Libya prior to the attack.”²⁵

The Facts:

Although Under Secretary Kennedy was the final authority on whether to extend the Site Security Team (SST), Department officials told the Committee that he based his decision on the recommendation of Charlene Lamb, then-Deputy Assistant Secretary for International Programs. Admiral Mullen told the Committee:

The SST it was leaving the country on the 2nd of August. There were discussions as late as July with respect to between State and DOD and internal to State about whether we were going to extend this. In the end it’s my view that Ms. Lamb won that debate, didn’t want to extend it.²⁶

Scott Bultrowicz, then-Principal Deputy Assistant Secretary of Diplomatic Security and Ms. Lamb’s direct superior, also told the Committee that the decision was based on Ms. Lamb’s recommendation:

Q: You had mentioned that it was Ms. Lamb’s recommendation not to extend the SST team?

A: Yeah. She recommended that we wouldn’t need the extension.

Q: And that was the final extension, I think, in—

A: They left—I think they left August 4th.

Q: Right.

A: Right.

Q: And so, would that have been her decision to make?

A: No. That was a recommendation made to the Under Secretary.

Q: From?

A: Under Secretary of Management.

Q: But—

A: And she made it through me. The Under Secretary had asked her for a recommendation, because

²⁵ Letter from Reps. Darrell E. Issa, Edward R. Royce, and Jason Chaffetz, to Secretary of State Hillary Rodham Clinton (Jan. 28, 2013).

²⁶ House Committee on Oversight and Government Reform, Interview of Admiral Michael Mullen (June 19, 2013).

she was the one closest to everything, you know, knowing where the status of the guards were, the training programs, and things of that nature. So that recommendation was made.

Q: So she would have been the most knowledgeable person in the position to evaluate whether or not the SST should remain in country, and then it was her job to make a recommendation—

A: Right. ...

Q: Who had the final authority to make the decision to end the SST mission?

A: The final authority? Well, I guess—

Q: Within State.

A: Well, ultimately, it would have been the highest person who had a say in it. So, I mean, I guess, if Mr. Kennedy would have come back and said, you know what, I don't see it, I mean, he certainly would have had the authority to say that. But I don't see where he would have any reason, you know, much like myself, to doubt what was being said.²⁷

Then-Assistant Secretary of Diplomatic Security Eric Boswell told the Committee that he agreed that the decision not to extend the SST was “a prudent course of action.” He explained:

An SST team is never deployed for extended periods of time; it's a short term. In the case of Tripoli—and I know the SST is controversial and has been the subject of a whole lot of discussion—the SST remained in place from September 2011 to, I think, August 4, 2012. That's an extraordinarily long time for an SST. We are very grateful that the military was willing to put up with it. The SST has other responsibilities. SSTs have other responsibilities that they were not doing when they were in Libya. So we're very grateful to General Ham and others on the military side to have agreed to extend the SSTs—the SST.²⁸

²⁷ House Committee on Oversight and Government Reform, Interview of Scott Bultrowicz (July 8, 2013).

²⁸ Letter from Reps. Darrell E. Issa, Edward R. Royce, and Jason Chaffetz, to Secretary of State Hillary Rodham Clinton (Jan. 28, 2013).

Allegation: *The Administration and the President “deliberately misled” the American people and engaged in a “cover-up.”*

Chairman Issa: “Clearly, the American public was deliberately misled, these talking points were changed.”²⁹

“Ambassador Rice outright read off of talking points that had to be knowingly false, claiming that there was a video causing this rather than the reality that it was in fact a preplanned terrorist attack on September 11th ... It certainly was wrong to flat lie about the cause of this attack for more than a week in a presidential year.”³⁰

“[I]n fact, clearly, he [Patrick Kennedy] was at the table during what we believe at this point is a misinformation campaign, at best, and a cover up at worst.”³¹

Senator Inhofe: “Of all the great cover-ups in history—the Pentagon papers, Iran-Contra, Watergate, all the rest of them—this ... is going to go down as most egregious cover-up in American history.”³²

Senator McCain: “I’d call it a cover-up. I—I would call it a cover-up in the extent that there was willful removal of information, which was obvious.”³³

Rep. Rohrabacher: “What is clear is that this administration, including the president himself, has intentionally misinformed, read that LIED, to the American people in the aftermath of this tragedy.”³⁴

Rep. Gowdy: “And we know we were lied to. I think I can prove tomorrow that it was an intentional misrepresentation by Susan Rice and others. I think what will be new tomorrow is that that intentional misrepresentation actually impeded our ability to access to crime scene, and therefore, you know, you only have one chance to work a crime scene before it’s contaminated.”³⁵

²⁹ *CBS Evening News*, CBS (May 6, 2013).

³⁰ *Darrell Issa on Benghazi and the IRS*, HughHewitt (Aug. 7, 2013).

³¹ *Face the Nation*, CBS (May 5, 2013).

³² *GOP Sen. Inhofe: Obama Could Be Impeached over Benghazi ‘Cover-up,’* The Hill (May 10, 2013).

³³ *This Week*, ABC News (May 12, 2013).

³⁴ *Benghazi Hearing Turns Ugly: Republicans Accuse Obama of Lying, Dems Fire Back*, NBC News (Nov. 15, 2012).

³⁵ *Rep. Trey Gowdy On Benghazi Hearing Tomorrow: Revelations That Will Be New, Provocative, Instructive*, HughHewitt (May 7, 2013).

The Facts:

In May 2013, the White House released 100 pages of emails demonstrating that the talking points used by Ambassador Susan Rice on the Sunday talk shows were prepared by the Intelligence Community based on its best assessment at the time.

During her interview with the Committee, Victoria Nuland, the former State Department spokesperson, directly refuted these allegations:

Q: Now, turning to a different phrase, does the phrase “demonstrations in Benghazi were spontaneously inspired” appear in this version of the talking points, again, in the first bullet?

A: It does.

Q: Thank you. Did you or anyone at the State Department to your knowledge insert the phrase “demonstrations in Benghazi were spontaneously inspired” or request that this phrase be used in the talking points?

A: We did not.

Q: Based on your understanding of the facts and circumstances of the events in Benghazi at this time, was there anything factually inaccurate about including this phrase?

A: Again, I wasn’t sure personally, one way or the other, whether what had transpired outside the gates could or could not be called a demonstration. Frankly, that evening I assumed that if the CIA was writing this this way, that they had confirmed that there had been demonstrations.

Q: Turning to a different phrase, does the phrase “violent demonstrations” appear in this version of the talking points, focusing now on the second bullet?

A: Yes.

Q: Did you or anyone in the State Department, to your knowledge, insert this phrase or request that this phrase be used in the talking points?

A: I did not.

Q: Based on your understanding of the facts and circumstances of the events in Benghazi at this time, was there anything factually inaccurate about including this phrase?

A: Again, I wasn’t aware of any information, at that point, that would have necessarily contradicted this. I assumed that in writing it, the CIA had facts to back it up.³⁶

Ambassador Nuland also explained the role of the White House during this process:

³⁶ House Committee on Oversight and Government Reform, Interview of Victoria Nuland (Aug. 28, 2013).

On this chain of talking points, the White House, the National Security staff, did not develop the contents. In fact, it was rarely the case that the NSS developed the content. In this case, the CIA developed the content. The NSS staff, as I saw it, were endeavoring to ensure that the equities of all the relevant agencies in the process were respected, that the talking points were complete, that they were consistent, that they were accurate.³⁷

Jake Sullivan, then-Director of Policy Planning at the State Department, also explained:

A: The role of the White House was simply to coordinate a clearance process in which each of the agencies that had some role or interest reflected in the points got a chance to weigh in.

Q: Okay. And to your knowledge, during this process, did the White House, did the White House officials, did they, in your view, unfairly weigh in on behalf of any single official or agency?

A: No.

Q: In your view, did they generally run a fair process?

A: In my view, yes, it is all laid out in the emails. I think the process was entirely fair and geared towards ensuring that everyone's voices were heard and that the end product was appropriate. ... [T]he information captured in the HPSCI talking points was completely consistent with what the Intelligence Community was telling the State Department that week."³⁸

Ambassador Eric Boswell, the former Assistant Secretary of Diplomatic Security, described the talking points as "entirely reasonable based on what I understood at the time." He explained: "to this day, I don't think we have a good fix as the USG [U.S. Government] on what exactly caused that attack or was motivating that attack."³⁹

State Department official Bill Roebuck agreed: "I think that the first week after 9/11 there was significant uncertainty about what had happened and disagreement among key people who shaped opinion. And I don't mean people with ideas. I mean people with information. There was a disagreement about what had happened."⁴⁰

³⁷ *Id.*

³⁸ House Committee on Oversight and Government Reform, Interview of Jacob Sullivan (Sept. 12, 2013).

³⁹ House Committee on Oversight and Government Reform, Interview of Eric Boswell (July 9, 2013).

⁴⁰ House Committee on Oversight and Government Reform, Interview of William Roebuck (Aug. 5, 2013).

Allegation:

The State Department knew the attacks were perpetrated by extremists linked to Ansar al-Sharia, but denied it on the Sunday news shows.

An email sent on September 12, 2012, summarized a conversation between then-Acting Assistant Secretary Beth Jones and the Libyan Ambassador to the U.S.:

When he said his government suspected that former Qaddafi regime elements carried out the attacks, I told him that the group that conducted the attacks—Ansar Al Sharia—is affiliated with Islamic extremists.⁴¹

Rep. Gowdy:

During the Committee’s May 8 hearing, Rep. Gowdy relied on this email to accuse Ambassador Rice of intentionally providing false information to the American people:

She told him, the State Department, on September the 12th, days before our Ambassador went on national television, is telling the Ambassador to Libya the group that conducted the attacks, Ansar al-Sharia, is affiliated with Islamic terrorists. Mr. Hicks, I want to know two things. Number one, why in the world would Susan Rice go on five Sunday talk shows and perpetuate a demonstrably false narrative? And, secondarily, what impact did it have on the ground in Benghazi, the fact that she contradicted the President of Libya?⁴²

The Facts:

Then-Acting Assistant Secretary Beth Jones told the Committee that Deputy Chief of Mission Gregory Hicks had initially informed her that Ansar al-Sharia had publicly claimed responsibility for the attacks, but she later learned that the group withdrew its claim:

A: Greg said they took responsibility for the attack. I had no judgment on whether they had undertaken the attack. Taking responsibility and undertaking the attack are two different things.

Q: Understood. I guess my question is, were you apprised of any information that changed your understanding of their claim of responsible—they had, in fact, claimed responsibility?

A: Yes. A couple of days later, I heard that they had withdrawn their claim of responsibility.⁴³

⁴¹ E-mail from [REDACTED] to William Burns, et al., *RE: Libya Update from Beth Jones* (Sept. 12, 2012).

⁴² House Committee on Oversight and Government Reform, *Hearing on Benghazi: Exposing Failure and Recognizing Courage* (May 8, 2013).

⁴³ House Committee on Oversight and Government Reform, Interview of Elizabeth Jones (July 11, 2013).

Allegation:

The ARB investigation was a “whitewash.”

Chairman Issa:

“[T]he next ARB will probably whitewash the same as this one.”⁴⁴

“Ambassador Pickering heard what the Administration wanted to hear. ... [H]e was simply acting as an appointee of the—the Secretary.”⁴⁵

Rep. Gowdy:

“[A]fter seven months, it becomes patently obvious that the sole function of the Accountability Review Board was to insulate Hillary Clinton.”⁴⁶

The Facts:

The ARB’s Vice Chairman, former Chairman of the Joint Chiefs of Staff Admiral Michael Mullen, directly refuted these claims:

Q: Admiral Mullen, was the ARB part of a whitewash?

A: It was not.⁴⁷

He responded further:

Q: Do you believe that Ambassador Pickering heard only what the administration and former Secretary Clinton wanted the board to hear?

A: I don’t. Fundamental to the board throughout was the board’s independence.

Q: Did you believe that the board or Ambassador Pickering was beholden to the Secretary in any way?

A: In no way whatsoever.

Q: And did the board or Ambassador Pickering shield the Secretary from criticism because she convened the board and appointed you?

A: No.

Q: Did political considerations play any role in the ARB’s investigation or conclusions?

A: No.⁴⁸

⁴⁴ House Committee on Oversight and Government Reform, *Hearing on Benghazi: Exposing Failure and Recognizing Courage* (May 8, 2013).

⁴⁵ *Meet the Press*, NBC News (May 12, 2013).

⁴⁶ Fox News (Apr. 30, 2013).

⁴⁷ House Committee on Oversight and Government Reform, Interview of Admiral Michael Mullen (June 19, 2013).

When asked specifically about Rep. Gowdy’s claim, Admiral Mullen responded:

The sole purpose of the Accountability Review Board was to determine what happened, particularly with regards to security to make recommendations that we found relevant to the deficiencies that we saw in the Department and in the people, and we did that very comprehensively. What he said about us is, from my perspective, completely wrong.⁴⁹

Admiral Mullen also explained to the Committee that he would not have agreed to serve on the ARB if there was any question about its independence:

Q: Did you have any questions about the independence of the board?

A: In fact, in the original conversation I had with [Chief of Staff Cheryl] Mills about this, the most—from my perspective, the most important descriptive characteristic of it is that it would be independent, and Ms. Mills assured me that was the Secretary’s intent upfront, and had that not been the case, I certainly wouldn’t have agreed to it. Secondly, I saw in execution that independence throughout, from beginning to end, that it was supported.⁵⁰

Other officials interviewed by the Committee also disputed the Chairman’s allegations, describing the ARB’s work as “the opposite of a whitewash,” “very tough,”⁵¹ “thorough,”⁵² “penetrating,” and “a good evaluation.”⁵³

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ House Committee on Oversight and Government Reform, Interview of Elizabeth Jones (July 11, 2013).

⁵² House Committee on Oversight and Government Reform, Interview of William Roebuck (Aug. 5, 2013).

⁵³ House Committee on Oversight and Government Reform, Interview of Lee Lohman (July 30, 2013).

Allegation:

The ARB was flawed because it did not interview Secretary Clinton or other Department officials.

**Chairman Issa
and Rep. Chaffetz:**

“Unfortunately, the ARB did not address some important questions about the attacks in Benghazi, which we believe may contain crucial lessons learned for other U.S. facilities abroad to follow. This may be due, in part, to its failure to interview the senior-most officials at the State Department, including you [Secretary Clinton], Deputy Secretary William J. Burns, and Deputy Secretary for Management and Resources Thomas R. Nides. We believe this was a critical omission from the ARB’s review of the facts leading up to the attack.”⁵⁴

The Facts:

Over the course of its investigation, the ARB interviewed more than 100 people, reviewed thousands of pages of documents, and viewed hours of video.

Admiral Michael Mullen, the Vice Chairman of the ARB, explained: “[W]e interviewed everyone that we thought was relevant.”⁵⁵ He explained:

I had a conversation with Chairman Pickering when it started, that every—from my perspective, and he agreed, everybody was on the table. And then it would obviously be part of the process and discovery, if you will, about who we thought was responsible and who we should—who we should interview, who we thought was responsible, and eventually who we would assign accountability to.⁵⁶

He also stated:

So there was a consensus, and it was a universal consensus over time that we did the interviews we needed to do and that we didn’t do the interviews we didn’t do, which would have included the ones obviously that we didn’t do, which were Nides and Burns and Secretary Clinton. ...

[F]rom a direction standpoint, we tried to cast a wide net and have a very open door and have that word out, and we were reassured more than once that that was the case.⁵⁷

⁵⁴ Letter from Reps. Darrell E. Issa, Edward R. Royce, and Jason Chaffetz, to Secretary of State Hillary Rodham Clinton (Jan. 28, 2013).

⁵⁵ House Committee on Oversight and Government Reform, Interview of Admiral Michael Mullen (June 19, 2013).

⁵⁶ *Id.*

⁵⁷ *Id.*

Regarding Secretary Clinton, Admiral Mullen told the Committee:

We never found any evidence whatsoever that she was involved in the day-to-day security decisions with respect to Benghazi, and my expectation is that those would, for her to be involved, that would have to be brought to her attention by somebody in her chain of command.⁵⁸

He explained that he certainly would have interviewed the Secretary if he believed it was necessary:

Q: Did you find or uncover any evidence or receive any evidence that led either you or Ambassador Pickering to feel the need to interview the Secretary at any point throughout the process?

A: We did not.

Q: And if you had uncovered that evidence, would you—what would you have done?

A: We would have interviewed her.⁵⁹

⁵⁸ *Id.*

⁵⁹ *Id.*

Allegation:

The ARB did not hold senior officials accountable for the attacks in Benghazi.

Chairman Issa:

“The State Department’s questionable investigation because it clearly meets a statutory requirement to do an investigation but it doesn’t answer any real questions or place blame on people who were involved in this failure.”⁶⁰

“[O]ne of the problems with this ARB report is, it doesn’t seem to find anybody at the high level of State Department or anyone else to have failed.”⁶¹

Rep. Tom Cole:

“The ‘Accountability Review Board’ assembled by the State Department to investigate security failures leading to the Benghazi terror attack has released a report that fails to hold any senior officials accountable for the assault that claimed four American lives.”⁶²

The Facts:

The ARB held four senior State Department individuals accountable, including an Assistant Secretary, a Principal Deputy Assistant Secretary, and two Deputy Assistant Secretaries. During his transcribed interview, ARB Vice Chairman Michael Mullen explained that the ARB placed accountability on the officials who made the decisions:

[T]he responsibility for the decisions that were involved in the incidents, if you will, were made at a level inside the Department at a lower level, senior but lower. It very specifically focuses by law directing us as ARB members on where the decisions were made. That’s what guided us. And in the end there was no official, including the Secretary of State, whose involvement wasn’t reviewed

We assigned accountability where we thought it was best and most appropriately resident in the officials, the four in particular, the four senior officials that we singled out in the report, two of whom we made specific recommendations for, and I’m very comfortable with that.⁶³

⁶⁰ *Face the Nation*, CBS News (May 5, 2013).

⁶¹ *Meet the Press*, NBC News (May 12, 2013).

⁶² Rep. Tom Cole, *Still No Accountability for Benghazi* (Dec. 21, 2012) (online at <http://cole.house.gov/still-no-accountability-benghazi>).

⁶³ House Committee on Oversight and Government Reform, Interview of Admiral Michael Mullen (June 19, 2013).

Admiral Mullen explained that the accountability decisions were made unanimously by the entire ARB:

Q: Was the determination of accountability a unanimous decision of the board members?

A: It was.

Q: Were any of the decisions made about the placement of responsibility based on political considerations?

A: No.

Q: Was the placement of responsibility at all impacted by an interest on the part of any members to protect any individuals?

A: No.

Q: Was the placement of responsibility at all impacted by your or any other ARB member's personal relationships with any individuals?

A: No.

Q: Was the placement of responsibility at all directed by the Secretary of State?

A: No.⁶⁴

In a letter to Chairman Issa, the Department explained that it has now removed these four employees from their positions and duties, although it found no basis for termination:

While the independent ARB did not find that any U.S. Government employee engaged in misconduct or willfully ignored his or her responsibilities, it did find that State Department officials within two bureaus demonstrated a lack of proactive leadership and management ability in their responses to security concerns posed by Special Mission Benghazi. ... With respect to the four individuals, all will be held accountable by permanently relieving them of the positions and duties that gave rise to the ARB's findings. In two cases, this step of relieving them of their duties goes beyond the recommendations of the ARB itself. The Department determined that such a step is in the best interests of the Department and those two employees.

As a result, the employees who had worldwide decision making authority for security resources affecting high-threat posts will no longer have those responsibilities.⁶⁵

⁶⁴ *Id.*

⁶⁵ Letter from Thomas B. Gibbons, Acting Assistant Secretary, Legislative Affairs, Department of State, to Chairman Darrell E. Issa, House Committee on Oversight and Government Reform (Aug. 23, 2013).