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REVIEWS OF THE BENGHAZI ATTACKS AND UNANSWERED QUESTIONS

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HEARING

before the

COMMITTEE ON OVERSIGHT

AND GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

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## C O N T E N T S

	Page
Hearing held on September 19, 2013.....	1

### WITNESSES

Ambassador Thomas R. Pickering, Chairman, Benghazi Accountability Review Board	
Oral Statement.....	9
Written Statement.....	12
Admiral Michael G. Mullen, USN (Retired), Vice-Chairman, Benghazi Accountability Review Board	
Oral Statement.....	20
Written Statement.....	23
Mr. Mark Sullivan, Chairman, Independent Panel on Best Practices, Former Director, United States Secret Service	
Oral Statement.....	26
Written Statement.....	28
Mr. Todd Keil, Member, Independent Panel on Best Practices, Former Asst. Secretary for Infrastructure Protection, U.S. Department of Homeland Security	
Oral Statement.....	32
Ms. Patricia Smith, Mother of Sean Smith	

Oral Statement..... 107  
 Mr. Charles Woods, Father of Tyrone Woods  
 Oral Statement..... 108

APPENDIX

Letter to Chairman Darrell Issa from Kate Doherty Quigley..... 122  
 Interim Report on the Accountability Review Board..... 126  
 Status Update on Investigation of Attacks on U.S. Personnel and  
 Facilities in Benghazi..... 225

REVIEWS OF THE BENGHAZI ATTACKS AND UNANSWERED QUESTIONS

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Thursday, September 19, 2013

House of Representatives,  
 Committee on Oversight and Government Reform,  
 Washington, D.C.

The committee met, pursuant to call, at 9:40 a.m., in Room 2154, Rayburn House Office Building, Hon. Darrell E. Issa [chairman of the committee] presiding.

Present: Representatives Issa, Mica, Duncan, McHenry, Jordan, Chaffetz, Walberg, Lankford, Amash, Gosar, Meehan, DesJarlais, Gowdy, Farenthold, Hastings, Lummis, Woodall, Massie, Collins, Meadows, Bentivolio, DeSantis, Cummings, Maloney, Norton, Tierney, Clay, Lynch, Connolly, Speier, Cartwright, Pocan, Duckworth, Davis, and Grisham.

Staff Present: Ali Ahmad, Communications Advisor; Brien A. Beattie, Professional Staff Member; Molly Boyd, Parliamentarian; Lawrence J. Brady, Staff Director; Daniel Bucheli, Assistant Clerk; Caitlin Carroll, Deputy Press Secretary; John Cuaderes, Deputy Staff Director; Adam P. Fromm, Director of Member Services and Committee Operations; Linda Good, Chief Clerk; Frederick Hill, Director of Communications and Senior Policy Advisor; Mitchell S. Kominsky, Counsel; Jim Lewis, Senior Policy Advisor; Mark D. Marin, Director of Oversight; John Ohly, Professional Staff Member; Ashok M. Pinto, Deputy Chief Counsel, Investigations; Susanne Sachsman Grooms, Minority Chief Counsel; Jennifer Hoffman, Minority Communications Director; Chris Knauer, Minority Senior Investigator; Julia Krieger, Minority New Media Press Secretary; Elisa LaNier, Director of Operations; Jason Powell, Minority Senior Counsel; Dave Rapallo, Minority Staff Director; Daniel Roberts, Minority Staff Assistant/Legislative Correspondent; and Valerie Shen, Minority Counsel.

Chairman Issa. The committee will come to order.

The Oversight Committee exists to secure two fundamental principles. First, Americans have a right to know that the money Washington takes from them is well spent. And second, Americans deserve an efficient, effective government that works for them.

Our duty on the Oversight and Government Reform Committee is to protect these rights. Our solemn responsibility is to

hold government accountable to taxpayers, for what they know is important for how they decide. And in fact, our job is to work tirelessly in partnership with citizen watchdogs to deliver the facts to the American people and bring genuine reform to the Federal bureaucracy. This is our mission.

I now would ask unanimous consent to read into the record statements from two witnesses who will not be available, but family of the victims of the 9/11 attack on Benghazi.

Without objection so ordered.

First, a letter from Kate Doherty Quigley. And she says in a letter to the ranking member and myself, thank you for your invitation to participate in the committee's September 19, 2013, hearing concerning the attacks on the U.S. facility on September 11, 2012, during which four Americans, including my brother, Glen Doherty, was killed. I am unable to do so but submit for the committee's consideration the following questions concerning events that led to my brother's death in particular. I ask that because I am unaware of the answers these questions have been provided. First, my understanding is that it took 8 hours for the rescue team from Tripoli to travel 200 miles to reach their destination in Benghazi, that there were no dedicated transportation assets in place and that the team received no help getting through barriers like the Benghazi airport and checkpoints in that city.

If this is correct, why was it so given the urgency of the mission, recognizing the difficulty of what ifs, and that is the way it is written, I nevertheless, ask, if those conditions were so, had been different would the outcome have been less tragic? Secondly, Glen lived his life to the fullest and took pride in teaching others how to be their best. Glen died serving with men he respected protecting the freedoms we enjoy as Americans and doing something he loved.

He is an American hero to those who did not know him, but for those of us who did know him, he is a best friend who leaves behind a giant hole in our hearts. My thanks go out to those in Congress and the administration who strive to learn what mistakes were made that night so that U.S. personnel can be better protected in the future. And it is signed Kate Doherty Quigley.

Chairman Issa. Secondly, a letter that is signed from Chris Stevens' family. Chris Stevens died in the service of his country. He died doing what he loved most, working to build bridges of understanding and mutual respect between the people of the United States and the people of the Middle East and North Africa.

He was loved by many more Libyans than those who hated him for being an American. A few dozen fanatics penetrated his compound, but more than 30,000 people in Benghazi demonstrated in protest over his death. Chris was successful because he embodied the traits that have always endeared Americans to the world, a commitment to democratic principles and respect for others regardless of race, religion or culture.

Chris regarded and liked each person he met as an individual. He respected their views whether or not he agreed. One of his friends told us a tale that reflects his success on a small scale. Picnicking in the Libyan countryside, they met a local family. Chris immediately greeted them and suggested that

they be photographed together. The young son of the patriarch of the family suspicious and negative toward Americans, refused to participate. So Chris continued chatting with the others. When it was time to leave, the initially suspicious son presented Chris with a bouquet of flowers. ``This is because you were so respectful to my father,' ' he said.

Chris was not willing to be the kind of diplomat who would strut around in fortified compounds. He amazed and impressed Libyans by walking the streets with the lightest of escorts, sitting in sidewalk cafes chatting with passersby. There was a risk to being accessible. He knew it, and he accepted it.

What Chris would never have accepted was the idea that his death would be used for political purposes. There was security shortcomings no doubt. Both internal and outside investigations have identified and publicly disclosed them. Steps are being taken to prevent their recurrence. Chris would not have wanted to be remembered as a victim. Chris knew and accepted that he was working under dangerous circumstances. He did so just as so many of our diplomats and development professionals do every day. Because he believed the work was vitally important, he would have wanted the critical work he was doing to build bridges of mutual understanding and respect, the kind of work that made him literally thousands of friends and admirers across the broader Middle East to continue.

So rather than engage in endless recrimination, his family is working to continue building bridges he so successfully began. One year ago this week, in response to tremendous outpouring of support from around the world, we launched the J. Christopher Stevens fund. The mission of the fund is to support activities that build bridges between the people of the United States and those of the broader Middle East.

This was the mission to which Chris dedicated his life. We are grateful to each contribution received from friends and family, from the government of Libya and from people near and far moved by Chris and his story.

In the coming weeks and months, we will launch a number of innovative programs and initiatives. The focus of our activity is on young people, both here in America and across the Middle East and North Africa.

Chris served in the Peace Corps in Morocco, and his death was felt acutely by the Peace Corps family. Last year in response to numerous queries from returned Peace Corps volunteers during Peace Corps Week, we encouraged returned volunteers to fan out across America and speak with youth about their experience abroad. We are now working with the Peace Corps to expand their reach into schools and communities across the country.

The Center for Middle East Studies at the University of California, Berkeley, where Chris studied as an undergraduate, announced on September 11th, the Ambassador J. Christopher Stevens Memorial Fund for Middle East Studies. Endowed by the J. Christopher Stevens Fund, our purpose is to encourage and inspire students in Middle Eastern and North African scholarship.

In Piedmont, California, where Chris spent his teen years, the Piedmont unified school district board of education has voted to name the Piedmont High School library the Ambassador

Christopher Stevens Memorial Library.

Chris was inspired by Piedmont high school's motto, ``achieve the honorable.''

Later this year, together with a coalition of public and private partners, we will launch the J. Christopher Stevens virtual exchange initiative. This initiative will embrace the power of technology to fuel the largest ever increase in people-to-people exchanges between the United States and the broader Middle East, vastly increasing the number and diversity of youth who have a meaningful cross-cultural experience as part of their formative education and reaching over 1 million youth by 2020.

Later this year the University of California Hastings College of the Law from which Chris graduated in 1989, will host the Ambassador J. Christopher Stevens Symposium. The event will emphasize law and public policy as used in the practice to advance global understanding and peace principles to which Chris was committed.

There have been more awards bestowed and honors given to Chris' memory, than we would ever have thought possible. But as we have said before, we have received letters from thousands of people all over the world who were touched by Chris' example. His openness touched a cord in their hearts. Chris would have wanted to be remembered for that. Thank you. The family of Chris Stevens.

And without objection, they will both be placed in the Record.

Chairman Issa. Briefly in my opening statement, today, we want to both do our job as constitutional officers and be very cognizant of the wishes of the family. We will hear on the second panel from additional family members. Like the first, they both want answers to questions, and they want Chris's memory to be one of his diplomacy and his service. They don't want this to be a political football.

The committee's primary obligation as the Oversight and Reform Committee is to do oversight leading to meaningful reform.

Last week marked the 12th anniversary of the September 11th attack on the United States. It marked the 1-year anniversary of the terrorist attack on the diplomatic facility in Benghazi. The attack cost Americans their lives, Ambassador Christopher Stevens, State Department information officer Sean Smith, and two American security officers, former U.S. Navy SEAL, Tyrone Woods and Glen Doherty.

Today, we honor their memories and the heroic service to our Nation. We recognize also the family members of the fallen who are with us today are those who truly experience that loss firsthand.

Last October, Secretary Hillary Clinton convened the Accountability Review Board, or ARB, as required by law to examine the facts and circumstances surrounding the hideous attacks and the report findings and recommendations. The ARB report was delivered to Congress on December 18, 2012. While the ARB made some important findings, it also raised serious additional questions.

First, the ARBs structure, along with the State Department culture, raises questions about the extent to which it can be

independent. Although it is a meaningful document, this committee has not been able to receive the background information or were the rerecorded notes sufficient to allow for a true review of the review?

As we convene this hearing, the committee down the hall, the Foreign Affairs Committee, has authored significant reforms in the form of legislation. Part of what we will do here today is to continue fueling the discovery process for that purpose.

In preparation for today's hearing, the staff has prepared approximately a 100-page report which is entitled ``Benghazi Attacks, Investigative Update Interim Report on the Accountability Review Board.''

I ask unanimous consent it now be placed in the record.

It raises important questions on the review board process. Today our panel includes distinguished former government officials who know firsthand how important this process is, and who dedicated their lives to this public service. And we thank you for being here today.

Any criticism of the accountability review process or the law passed by Congress in 1986 that created it, should be cast on Congress and the process that they were asked to do and not to the individuals who headed this. I believe that to the extent that the ARB was currently and traditionally used, it has done its job. Our criticism today is was it the appropriate investigation? Was it complete? Did it have the processes necessary to do a thorough review? Did it have the authority to go beyond the State Department? Was the record such that it could be reviewed and reviewed again as many tragic and large investigations will?

I think we all understand that if the attack 12 years ago on 9/11/2001 had been reviewed through the accountability review process, it would not have been sufficient for the American people. Therefore, our investigation today and the subject of this hearing is to look at what could be done, what was done, what was learned through the ARB. And I want to thank Ambassador Pickering and Admiral Mullen personally for their work. They made many reform suggestions. My understanding is all of them have been accepted. My understanding, further, is acceptance and implementation can be different.

In particular, one of the questions that will not be answered today but undoubtedly will be asked is if four individuals were held accountable and in testimony, at least one was recommended for firing, why is it none lost a day's pay and all are back on the job? That is a question for the current administration and not one for this panel.

Additionally, we are joined by Director Sullivan and Todd Keil. Their review is a second review, and it is broader in nature than Benghazi. And it is important because one thing that America learned from the attacks on 9/11, 2012 is that, in fact, the system failed the people who were in that compound in Benghazi.

Without a doubt, there are problems with in how decisions are made for security of our various diplomatic facilities throughout the world. I look forward particularly in that Director Sullivan has firsthand knowledge of primary protection of an individual, such as an Ambassador or the President of the United States, but he also understands that compounds and

facilities, both preplanned and ad hoc such as a hotel the President might be staying in, have to be taken as they are but made to work.

That for me says a lot about the nature of our diplomatic facilities throughout the world. Diplomatic compounds that are Inman compliant need not be looked at in any great additional detail. They are, in fact, set back, they are, in fact, fortresses.

The only thing that needs to happen in Inman-compliant facility is for the rules and the procedures to be followed for them to be extremely secure. But the vast majority of consulates, offices, USAID facilities and the like throughout the world are not Inman compliant. In fact, our investigation has shown that a great many exceptions occur every day, if you will, waivers to what is supposed to be. Often this comes in the form of defining a facility in a way different than what it actually is. And a multi country office has a different standard than a consulate or an embassy, but if, in fact, principal officers are there and the risk of attack is high, they must be looked at in that sense.

So I for one believe that this interim report closes--and I hope it really will--the chapter on the service of Ambassador Pickering and Admiral Mullen because I believe their service, although limited to the rules of the ARB, has been honorable, and they have done the best they could under the rules that Congress gave them in 1986.

And with that, I'm going to ask unanimous consent that my entire opening statement be placed in the record since I used so much time for the earlier reading. And I yield back and I recognize the ranking member for his opening statement.

Mr. Cummings. Thank you very much, Mr. Chairman.

I want to begin by recognizing Mrs. Patricia Smith, and Mr. Charles Woods who are here to testify about their sons who were killed in Benghazi, Sean Smith and Tyrone Woods.

Nobody can fully comprehend the anguish they are suffering. I know from my own experience that losing someone so young and so promising is one of the most difficult things we ever experience in life.

Sadly, there are now other mothers and fathers, husbands and wives, sisters and brothers who are also grieving after the shootings this week at the Washington Navy Yard less than a mile from this very room. Our hearts go out to those families as well.

In addition, although Ambassador Stevens' family was not able to attend today, and the Doherty--they sent a written statement, as did Glen Doherty's sister, and Mr. Chairman, I'm very, very pleased and I thank you for not only reading their statements into the record, but making sure that they are part of the record.

I look forward to hearing that testimony, and I hope we can learn more about who these very brave individuals were. I want to learn about their hopes and their dreams and their service to our country.

I believe our goal at today's hearing should be to honor them as heroes, because that is exactly what they were. They believed in this Nation and they devoted their lives to protecting it.

There are other ways our Nation should honor these men. First, we must hunt down those responsible and bring them to justice. Progress on this front may not always be visible to the public, but as our Nation demonstrated in the relentless worldwide 10-year pursuit of Osama bin Laden, the United States does not forget. We never forget. And I believe I speak for the entire committee when I say that our commitment to this goal is bipartisan and unwavering.

Another way to honor their memories is to obtain information about what happened in Benghazi. Chairman Issa issued a report earlier this week that provided some new information but, unfortunately, he chose not to work with any Democratic committee members. So today I offer him my own report that I would like to provide to the committee and the witnesses.

As this report explains, our goal was to supply detailed information in response to some of the specific questions that have been raised relating to the attack. Our report is based on the review of tens of thousands of pages of classified and unclassified documents, 16 transcribed interviews, and one deposition.

Our report provides new details about the intense and terrifying week last September when events at embassies and consulates around the world put U.S. personnel on hair trigger alert for days. These included events not only in Benghazi, but also in Khartoum, Sana'a, Karachi, Lahore and Islamabad where crowds of thousands marched, set fires and breached United States compounds repeatedly.

Mr. Chairman, I ask that our report be made part of the record.

Chairman Issa. Without objection so ordered.

Mr. Cummings. Thank you.

Another critical way we should honor the memories of these heroes is by implementing the recommendations and reforms that were put forth to improve the security of our diplomatic and military forces around the world. This is so important. This is the committee on Oversight and Government Reform, reform is so, so vital, particularly at this moment.

I hope we can all agree on a bipartisan basis that we should implement these recommendations as effectively and as efficiently as possible.

On this point, Ambassador Pickering explained to the committee during his deposition that because of his own personal and professional bond with Ambassador Stevens, he viewed his service on the Accountability Review Board as ``a debt of honor.''

He said, ``Chris gave me two wonderful years of his life in supporting me in very difficult circumstances.''

He also said, ``I owed him his family and the families of the others who died the best possible report we could put together.''

However Ambassador Pickering also said he was deeply concerned that although the previous ARBs were ``excellent in their recommendations, the follow-through had dwindled away.''

Ladies and gentlemen, we cannot let that happen under our watch. This is our watch. We are in charge now, and we must make the, we must never let a report like this sit on some shelves collecting dust, and then 10, 12 years from now we are

going through the same process again. As I have said many times, we are better than that.

I would like to make one final point. And let me go back to Admiral Mullen. I want to thank both of you for your service. The chairman said this is not any kind of an attack on you all, it is concerned about the breadth of the report and things like that. But I know that you gave a phenomenal amount of your time and I want to thank both of you. But I don't want to just thank you for today. I want to thank you for what you have done for your entire lives, for your entire lives, giving your blood, your sweat, your tears to make life better for us so that we could sit here and do what we do. And I appreciate that.

Ambassador Pickering, in my 37 years of practicing law, I have never heard such compelling testimony. I just so happened to sit in at your deposition, and when you told us why you did this, and why it was so important that it be excellently done and completely done, and I will never forget the things you said. And I really thank you for that.

There have been some extremely serious accusations that the ARB was a 'whitewash' and a 'coverup.' Some said 'it doesn't answer any real questions.' And that is 'the sole function, the sole function was to insulate Hillary Clinton.'

When I hear those kinds of statements and then I read the depositions and I listen to you, Ambassador Pickering, you know, I got to tell you, those kinds of statements upset me. Because I think that they are so unfair. And we are better than that.

So let me respond as directly as I can. Based on all of the evidence obtained by this committee, this Benghazi review was one of the most comprehensive ARB reviews ever conducted. I have seen no evidence, none whatsoever, to support these reckless accusations. To the contrary, witness after witness told the committee that the ARBs report was 'penetrating, specific, critical, very tough, and the opposite of a whitewash.'

Finally, one reason I requested today's hearing 4 months ago was to give Ambassador Pickering and Admiral Mullen an opportunity to respond directly to these unsubstantiated accusations. I'm glad they are finally being given that opportunity.

Our Nation owes them and the other board members profound thanks for their dedication and for their service. With that, Mr. Chairman, I yield back.

Chairman Issa. I thank the gentleman.

All members will have 7 days to submit opening statements for the record, and we will now recognize our first panel.

As previously noted, Ambassador Thomas R. Pickering served as chairman of the U.S. Department of State's Accountability Review Board for Benghazi. Ambassador Pickering has had a long and distinguished career as a diplomat. He has served in an unprecedented number of ambassadorships: Jordan, Nigeria, El Salvador, Israel, India, Russia, and the United Nations.

Not to be any less distinguished, Admiral Michael G. Mullen, U.S. Navy retired, served as the vice chairman of the ARB. Admiral Mullen is a retired four-star Navy admiral who served two terms as the chairman of the joint chiefs of staff, the highest rank of any officer in the Armed Forces. Mr. Mark

Sullivan served as chairman of the independent panel on best practices, and is the former director of the United States Secret Service, a role in which he and I worked together on a number of tough issues, and I respect your participation here today.

The Honorable Todd M. Keil served as a member of the independent panel on best practices and is the former assistant secretary for infrastructure protection at the United States Department of Homeland Security.

Welcome all. Pursuant to our rules would you please rise raise your right hand to take the oath.

Do you solemnly swear or affirm the testimony you will give today will be the truth, the whole truth and nothing but the truth? Please be seated.

Let the record reflect that all witnesses answered in the affirmative.

As I said before, this hearing in our private meeting, this is an important hearing and one in which each of your testimonies are extremely important. Your entire written statements will be placed in the record. Use as close to 5 minutes as you can for your opening. I'm not going to have a heavy gavel if you have additional words you have to say, but I would like to allow as much time for questions as possible.

Ambassador.

#### STATEMENT OF AMBASSADOR THOMAS R. PICKERING

Ambassador Pickering. Mr. Chairman, thank you very much and ranking minority member Mr. Cummings, thank you very much. It's an important opportunity to appear before you today for this important matter.

It's been a special honor for me to work with Admiral Mullen and indeed the other members of the Accountability Review Board on this very pressing important and significant issue.

If I may, and I don't want to extend beyond the limits of my brief with you, Mr. Chairman, I would hope that our report will also appear in the record in an appropriate fashion.

Chairman Issa. The entire report will be placed in the record.

Ambassador Pickering. Thank you, sir. The loss of four brave individuals is devastating to our country and most especially to their families. We sympathize with them, with Mrs. Smith and Mr. Woods and all of them in their loss.

The board met pursuant to a statute. The questions the board was to respond to under the statute are the extent to which the incident was security related; whether the security systems and security procedures were adequate; whether the security systems and security procedures were properly implemented; the impact of intelligence and information availability; such other facts and circumstances which may be relevant to the appropriate security management of U.S. missions abroad; and finally, with regard to personnel, whenever the board finds reasonable cause to believe that an individual has breached the duty of that individual, the board should report that finding to appropriate Federal agency or instrumentality.

The board met almost continuously for 2-1/2 months. The group worked collegially and intensively and after extensive activities outlined in my testimony, reached unanimous conclusions which are reflected in the report. The board conducted about 100 interviews beginning with key personnel who were on the ground during the events in Benghazi. It further reviewed many thousands of pages of documents and viewed hours of video. It was provided with the fullest cooperation by the Department of State and all elements of the U.S. Government.

The key findings of the board include the following:

The attacks were security related, involving the use of armed force against U.S. personnel at two facilities. Responsibility for the loss of life and other damage rests completely with the terrorists who carried out the attacks. Systemic failures and leadership and management deficiencies at senior levels within two bureaus of the Department of State resulted in a security posture at the special mission in Benghazi that was inadequate for the mission and grossly inadequate to deal with the attacks.

Notwithstanding the proper implementation of security systems and procedures and the remarkable heroism shown by American personnel, those systems and the Libyan response fell short in the face of the attacks which began with the penetration of the mission by dozens of armed attackers. The board found that U.S. intelligence provided no immediate specific tactical warning of the attack. Known gaps existed in the U.S. Intelligence Community's understanding of the extremist militias in Libya and the potential threat that they posed to U.S. interests, although some threats were known to exist.

The board found that certain senior officers within two bureaus of the State Department demonstrated a lack of proactive leadership and management ability in their responses to security concerns posed by the Benghazi special mission attack given the deteriorating threat environment and the lack of reliable host country, Libyan, protection. The board did not find reasonable cause to determine that any individual U.S. Government employee breached his or her duty.

Recommendations. The Department of State should urgently review the balance between risk and presence. We did not agree that no presence was an appropriate answer in most cases. The basis for review should include a defined, attainable, priority mission, clear-eyed assessment of the risks and costs, commitment of sufficient resources to mitigate risks, and constant attention to changes in the situation, including when to leave and perform the mission from a distance.

The Department should reexamine the diplomatic security organization and management. The Department should organize a panel of outside independent experts to identify best practices and regularly assist the Diplomatic Security Bureau in evaluating U.S. security in high risk and high threat posts, and indeed I'm delighted that Mr. Sullivan and Mr. Keil are with us who prepared that report.

The Secretary should require an action plan on dealing with the use of fire as a weapon. Recalling the incomplete construction recommendations of the Nairobi and Dar Es Salaam ARB, the Department should work with the Congress to restore

the capital cost sharing program in its full capacity adjusted for inflation to about \$2.2 billion for fiscal year 2015 in a 10-year program to address outstanding needs in high-risk, high-threat areas.

While intelligence capabilities have improved post 2001, there is no certainty of warning information. More attention needs to be given to generally deteriorating threat situations. Key trends need to be identified early to sharpen risk calculations.

The board recognizes that poor performance does not ordinarily constitute a breach of duty that would serve as a basis for disciplinary action, but instead needs to be addressed by the performance management system of the State Department. However, the board is of the view that findings of unsatisfactory leadership performance by senior officials in the case of Benghazi should be a potential basis for discipline recommendations by future ARBs and would recommend a revision of Department of State regulations or amendment of the relevant statute to this end.

In conclusion, Mr. Chairman, it was an honor to be called again for government service on the Benghazi ARB. Many have said that our report would either advocate mere reinforcement of fortress embassies or closing down our presence. No conclusion like that could be farther from the truth. We recognize that perfection and protection is not possible and that fine and good men and women will still come forward to serve their country and risk their lives on the front-lines of danger. We should continue to do all that we can to protect them as they go about such challenging tasks. That was the sole purpose of our report, and it was produced with a deep sense that we had to get it right, politics, elections, personal controversy and all other external factors aside.

I am aware that no report will ever be perfect but I am proud of this one which has been seen by many as clear, cogent and very hard hitting, as it should be.

New information is always welcome. I feel that this report is still on the mark, free of coverup and political tilt and will personally welcome anything new which sheds light on what happened and that helps us to protect American lives and property in the future.

Finally, I recognize that we are a government of branches and checks and balances. I have always respected the Congress and the tasks it must assume to make our Nation great. I appear today against the backdrop of those beliefs. We will not always agree. But let us always agree that the national interests, the best interests and welfare of the American people, are the criteria against which we serve.

Thank you, Mr. Chairman, and I very much look forward to your questions.

Chairman Issa. Thank you.

[Prepared statement of Ambassador Pickering follows:]

[GRAPHIC] [TIFF OMITTED] T5095.001

[GRAPHIC] [TIFF OMITTED] T5095.002

[GRAPHIC] [TIFF OMITTED] T5095.003

[GRAPHIC] [TIFF OMITTED] T5095.004

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Chairman Issa. Admiral Mullen.

STATEMENT OF ADMIRAL MICHAEL G. MULLEN

Admiral Mullen. Mr. Chairman and Mr. Cummings, before addressing the subject of this hearing, both my wife Deborah who is here with me today, and I want to express our deepest sympathies to the families of those killed and the tragedy earlier this week. As a Navy family ourselves, those lost were part, were our shipmates and family members in the truest sense of the word, and their dedication, service to our country and sacrifice will never be forgotten.

And Chairman Issa and Ranking Member Cummings and distinguished members of the committee, thank you for the opportunity to testify today. And I hope my testimony will be helpful to the committee as it investigates the tragic events that occurred in Benghazi, Libya on September 11th and 12, 2012.

Shortly after those events, I was asked by then Secretary of State to serve as the vice chair of the Accountability Review Board, established to examine the attacks on the special mission compound and annex in Benghazi. The board was ably led by Ambassador Thomas Pickering and included three other highly qualified, respected members with expertise in various areas relevant to this review.

The board members took our responsibilities very seriously and we worked diligently to fulfill our obligations to determine the facts and make recommendations as to how best to avoid similar tragedies in the future.

From the beginning, the State Department emphasized that it wanted full transparency about what happened in Benghazi and what led to those events. We had unfettered access to State Department personnel and documents. There were no limitations. We received the full cooperation of all witnesses and every State Department office. We interviewed everyone we thought it was necessary to interview. We operated independently, and we were given freedom to pursue the investigation as we deemed necessary.

This independence was particularly important to me. I would not have accepted this assignment had I thought that the board's independence would be compromised in any way.

The board interviewed more than 100 individuals, reviewed thousands of pages of documents and reviewed hours of video footage. We determined, as stated in the Board's report, ``that responsibility for the tragic loss of life, injuries and damage to U.S. facilities and property rests solely and completely

with the terrorists who perpetrated the attack.' ' The board did find multiple serious State Department shortcomings which exacerbated the impact of the terrorist attack. We also concluded that there was nothing the U.S. military could have done to respond to the attack on the compound or to deter the subsequent attack on the annex. The actions of our military, which moved many assets that night, were fully appropriate and professional.

In total, the board made 29 recommendations, 24 of which were unclassified. I stand by those recommendations. One of the Board's recommendations led to the establishment of the best practices panel which Mr. Sullivan and Mr. Keil will detail today. Most of the Board's recommendations were designed to be implemented at State Department facilities worldwide in order to keep diplomatic personnel safe and secure everywhere they serve, especially in areas where they face great personal risk because our Nation needs them there.

The State Department may implement our recommendations as it sees fit, and I understand that it has accepted and plans to implement them all.

The Board's recommendations with respect to the shortcomings of State Department personnel have been given much attention. Because of the courageous and ultimate sacrifices made by Ambassador Stevens, Sean Smith, Glen Doherty and Tyrone Woods, the board meticulously reviewed the conduct of all State Department employees with direct responsibilities for security at the Benghazi special mission compound.

We assigned blame at the level where we thought it lay. That is what the ARBs statute intended, operational accountability at the level of operational responsibility.

The House report that originally adopted the ARB statute admonished that ``In the past, determining direct programmatic and personal accountability for serious security failures had been weak, often higher senior officials have ultimately accepted responsibility for operational failure in circumstances where they had no direct control.' '

The ARB statute permits a board only to make findings and recommendations. Any implementation of those recommendations must be done by the State Department. It is not an adjudicative process or body.

As to personnel, the statute speaks only to recommendations that individuals be disciplined. As set forth by Congress in the ARB statute that governed the Board's deliberations, discipline requires a finding that an individual breached his or her duties. The board came to understand this as a very high legal standard going well beyond negligence that requires affirmative misconduct or willful ignorance of responsibilities.

Furthermore, discipline is a formal term meaning complete removal or demotion, removal from or demotion within, the Federal service. Other forms of significant administrative action such as removal from a position or reassignment are not considered formal discipline.

The board has encouraged Congress to consider whether to amend the ARB statute so that unsatisfactory leadership performance by senior officials in relation to the security incident under review should be a potential basis for

discipline recommendations by future ARBs.

After careful review, the board found that no individual engaged in misconduct or willfully ignored his or her responsibilities, and thus we did not find reasonable cause to believe that an individual breached his or her duty. However the board did find that two individuals demonstrated a lack of proactive leadership and management ability that significantly contributed to the precarious security posture of the Benghazi compound.

The board recommended that the Secretary of State remove those two individuals from their positions. The board also concluded that the performance and leadership of two other individuals fell short of expectations but did not recommend any specific personnel action.

Following our report, all personnel decisions were made by the State Department.

I have the greatest admiration for the service and the and the sacrifice of Ambassador Stevens, Sean Smith, Glen Doherty and Tyrone Woods. They were patriots and heroes in every sense of the word. They died dedicating their lives to our country. I have heartfelt sympathy for the families of these brave men. We should never forget their sacrifice. I believe we should honor them by doing everything in our power to ensure that the lessons learned from Benghazi never have to be learned again. The board's report was issued in that spirit and with that goal.

I look forward to your questions.

Chairman Issa. Thank you, Admiral.

[Prepared statement of Admiral Mullen follows:]

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Chairman Issa. Mr. Sullivan.

#### STATEMENT OF MARK J. SULLIVAN

Mr. Sullivan. Good morning, Chairman Issa, Ranking Member Cummings, and distinguished members of this committee thank you for asking Todd Keil and I to appear here today.

The shootings at the Navy Yard which occurred earlier this week in our Nation's Capital, remind us all of the vulnerabilities and diversified threats we face every day whether in our own backyard or on foreign soil.

My thoughts and prayers are with the victims, their families and loved ones.

In any environment where uncertainty permeates, one certainty we share is the necessary collaborative effort that is needed in our country to ensure the safety and security of all American lives. It is also a necessary certainty that we honor and protect the memories of those citizens who have been lost as a result of violent attacks with dignity and respect.

As a Federal agent for almost 35 years, my life has been and continues to be dedicated to contributing to improving

America's security. From May 2006 through February, 2013, I had the honor of serving as director of the United States Secret Service under both Presidents Bush and Obama.

As director, I learned and understood the importance of having clear lines of authority in an organizational structure concerning security matters. I have also learned that things don't also go as planned. And when they don't, it is vital to implement lessons learned in an effort to prevent them from happening again.

Mr. Chairman, I consider it an honor to have served with the panel members Todd Keil, Richard Manlove, Raymond Mislock, Jr., Timothy Murphy, and staff, Erica Lichliter and Stephanie Murdoch.

Our panel shares a combined experience of almost 170 years of security and law enforcement expertise.

The panel's report reflects the independent views of the panel based upon the members' best professional judgment, experience and analysis of best practices informed by interviews, travel and research.

It was a pleasure to serve with the other panel members, and I appreciate their professionalism and hard work. I would also like to acknowledge and thank the hundreds of people interviewed in the course of drafting this report from the U.S. Government, private sector, international organizations and foreign governments.

The best practice panel was the result of the Accountability Review Board for Benghazi, which recommended that the Department of State establish a panel of outside independent experts with experience in high risk, high threat areas to support the Bureau of Diplomatic Security, identified best practices from other agencies and countries and evaluate United States security platforms in high-risk, high-threat posts.

Our report provides 40 recommendations in 12 different areas. In the panel's opinion, these recommendations, if adopted and implemented, will further strengthen the Department's ability to protect its personnel and work more safely on a global platform to achieve American foreign policy goals and objectives.

The 12 areas of recommendations are organization and management, accountability, risk management, program criticality and acceptable risks, planning and logistics, lessons learned, training and human resources, intelligence, threat analysis and security assessments, programs resources and technology, host nations and guard forces capability enhancement, regular evaluation, and change management, leadership, communications and training.

The best practices panel looked across a wide spectrum of private government and nongovernmental organizations to identify effective measures to enhance the Department's ability to ensure a safe and secure environment for employees and programs.

Not surprisingly, the panel found that many institutions, including governments, refer to diplomatic security as the gold standard for security and seek to model their services after diplomatic security. Nevertheless, any organization must continuously evolve and improve to adjust with a fluid and

dynamic environment.

The panel's view is that its recommendations should be realistic, achievable and measurable.

The findings and the recommendations of the ARB as well as the recommendations of other Department of State reports and management studies were reviewed in the context of the panel's own independent assessments and observations of the Department's security-related operations. Best practices were then identified to address shortcomings and provide mechanisms for further consideration by the Department.

Among one of the most important of the recommendations is the creation of an under secretary For diplomatic security. It should be noted that this structural recommendation is not new and was suggested in earlier report 14 years ago following the east Africa embassy bombings. The way forward should be characterized by cooperative efforts that will provide a framework which will enhance the Department's ability to protect Americans. To be effective we must be innovative so that we ensure institutions adapt and evolve to meet changing security requirements and needs.

Finally, I would like to take this opportunity to thank the Department of State in particular, overseas post that hosted panel visits and the Bureau of Diplomatic Security For the outstanding support provided to the panel during our endeavor.

Thank you for your time, chairman, ranking member and we look forward to any questions you may have.

Chairman Issa. Thank you.

[Prepared statement of Mr. Sullivan follows:]

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Chairman Issa. Mr. Keil, I understand you do not have an opening statement. Would you like to say a few words? The gentleman is recognized.

#### STATEMENT OF TODD KEIL

Mr. Keil. Thank you, Chairman Issa, Ranking Member Cummings, and distinguished members of the committee for inviting Director Sullivan and me to testify today about our independent panel report on best practices in the aftermath of the tragic events that occurred in Benghazi, Libya.

Our panel is committed to identifying best practices from throughout the U.S. Government, the private sector, nongovernmental organizations and foreign governments which can improve the security of U.S. diplomatic facilities abroad and enhance the safety of Department of State and foreign affairs agency personnel not only in high-risk areas, but globally. We identified 40 recommendations to achieve this goal.

Importantly, the panel affirmed what we already knew based on our professional experience that the men and women of the

State Department's diplomatic security service are truly dedicated public servants, and amongst the best in service to our great Nation. Every day around the world they face extreme challenges, unpredictable risks and unknown events but still provide a safe and secure environment for the conduct of U.S. foreign policy, and they do so with distinction.

As we stated repeatedly throughout our report, best practices will not save lives unless they are resourced, implemented and followed, not just accepted.

As Director Sullivan stated, almost 14 years ago, a number of very similar recommendations were made after systematic failures were recognized as a result of the east Africa embassy bombings, and little has been accomplished by the Department of State since then to improve its approach to security even after approval by then-Secretary of State Albright to elevate the Bureau of diplomatic security and make other enhancements.

Now is the time for the Department of State, with the support of Congress, to finally institutionalize some real, meaningful and progressive change. The Department of State owes it to those people who have given their lives in service to our country and to those employees who continue to serve our country in some very dangerous locations around the world.

Thank you very much, Mr. Chairman.

Chairman Issa. Thank you.

I will now recognize myself and I will go in reverse order.

Mr. Keil, at the current time, isn't it true that both the facilities sufficiency and the sufficiency of diplomatic security rise to Under Secretary Kennedy, effectively he is the Under Secretary for Diplomatic Security at this time under the current structure isn't that true?

Mr. Keil. Sir, as we traveled around the world as part of our panel research----

Chairman Issa. No. No. Mr. Keil please. I have a very short time. You first start by saying yes or no.

Mr. Keil. Yes.

Chairman Issa. So he is, in fact, in a position where he-- the pyramid rises to him, your recommendation and the recommendation 14 years ago is that he be relieved of diplomatic security, and that be placed in the separate Under Secretary position, is that correct?

Mr. Keil. Correct.

Chairman Issa. Wouldn't that create, by definition, a situation in which somebody would be responsible for the hardware, the facilities, including Inman compliance and somebody else would be responsible for the bodies and the support.

Have you considered that? And how would we or the Foreign Affairs Committee structure that briefly?

Mr. Keil. Yes, we did consider that and, sir, currently there is integration between overseas buildings operations and the Bureau of Diplomatic Security.

Chairman Issa. But they all report to Under Secretary Kennedy?

Mr. Keil. They all report to Under Secretary Kennedy.

Chairman Issa. And wasn't the failure in Benghazi both a failure to have the facility sufficient and a failure to have sufficient physical security in the way of armed personnel?

Weren't those both failures that rose to one under secretary?

Mr. Keil. Yes, sir.

Chairman Issa. Okay. And that doesn't mean I disagree with the findings now or 14 years ago, but clearly, there was somebody who had both halves of it and both failed.

My ranking member told Politico that we should listen carefully to the Ambassador and the Admiral, and I did, and Admiral, I think I heard you correctly clearly saying that you had limitations in what the ARB mandate was including that your limitations are you can't really, under the ARB, look at policy deficiencies and that by definition, you were mandated to look at the lowest level of operational failure, not the highest level of policy failure, is that true?

Admiral Mullen. I think that policy, policy adjustments or policy issues were well within our mandate. What I talked about in my opening statement is the constraint was in the discipline----

Chairman Issa. Okay. So finding fault had to go to the lowest level, even though you looked at policy failures.

Admiral Mullen. Finding fault had to go to the appropriate level.

Chairman Issa. Okay. Well, the decision to extend the facility for another year with limited protection and not meeting Inman or close to Inman standards was a decision made by Under Secretary Kennedy. So did you consider that policy error, the error to be there with insufficient fiscal and human resources, as a policy decision or only that someone lower was responsible?

Admiral Mullen. Actually, I think the decision, the memo, I think to which you are referring----

Chairman Issa. The August memo.

Admiral Mullen. --Mr. Chairman, that Under Secretary Kennedy signed in December of 2011----

Chairman Issa. Yes, December 2011.

Admiral Mullen. --was the result of a process inside the State Department took everybody into consideration and was approved to extend it. And I think that was pretty clear to everybody. It wasn't the establishment of the--of the special mission compound----

Chairman Issa. No. We understand that. We actually had--we actually had testimony that there was--there were under consider on September 11th of extending it permanently. But the decision to keep them there and the reduction in the assets to protect it occurred and was decided on in December 2011.

Admiral Mullen. The failure, Mr. Chairman, was not in the establishment or that memo. It was in the execution of what was laid out in that memo to include the requisite number of security personnel, which were rarely there over the course of the next year.

Chairman Issa. Okay. So whoever is responsible for not having enough security personnel is the person who failed.

Admiral Mullen. Correct. That is actually where we ended up focusing the investigation, the review.

Chairman Issa. The final point I want to make sure I get out is you had a mandate under of the ARB. You've said essentially that the changes in what the mandate are welcome and you believe, both of you, I understand, believe that some

changes to the ARB to make it more able to do more will be necessary. I pretty well heard that, that what the Foreign Affairs Committee is considering, not the specific legislation, but considering changes is something both of you welcome, having gone through this process.

Admiral Mullen. I think it is important. Yes, sir. I think where--for the lessons that we learned, absolutely. I think its independence is critical, as well as the anonymity of those who come to the table to--to make statements so that those statements are made in the spirit of where we're trying to go, and they don't feel limited.

Chairman Issa. And when I heard you, you said that the-- both of you said that the administration, the Secretary and so on made your job easy because you had full access to a hundred witnesses and the attempt was to have full transparency.

Admiral Mullen. Correct.

Chairman Issa. Do you think that Congress should have that same option? In other words, since the State Department has not made one of those witnesses you interviewed first available, meaning people in Benghazi who are fact witnesses, none have been made available. As a matter of fact, even the names have been, to the greatest extent possible, withheld from this committee, do you believe that is appropriate, or do you believe that we should have access to fact witnesses as we review the process?

Admiral Mullen. Mr. Chairman, I think that is--and I have been in government a long time--that is something that historically, certainly in this case, has to be worked out between the Congress and the executive branch.

Chairman Issa. Admiral, if something like the Cole attack occurred again today and Congress said we wanted to speak to people who were on the deck of that ship today, would you believe that we should have a right to speak to those people in order to understand the facts on the ground that day?

Admiral Mullen. I don't--I--I honestly----

Chairman Issa. I am asking from your experience.

Admiral Mullen. I understand that. I don't----

Chairman Issa. And a DOD framework.

Admiral Mullen. I don't know what would limit you to do that, quite frankly.

Chairman Issa. I am in the process of issuing subpoenas because the State Department has not made those people available, has played hide and go seek, is now hiding behind a thinly veiled statement that there is a criminal investigation. As you know, there was a criminal investigation on the Cole, any time Americans are killed abroad. So the answer, quite frankly, is we are not being given the same access that you had or Mr. Sullivan and his team had. And that is part of the reason that this investigation cannot end until the State Department gives us at least the same access that they gave your board.

And, with that, I recognize the ranking member for his questions.

Wait a second. Just one second. I apologize. I do have to make a technical correction, if you don't mind. It has come to our attention that there is a typo on page 25 of the majority staff report that has led to some misunderstanding about what

Admiral Mullen told the committee about a conversation with Cheryl Mills. We have made a technical correction in our report to clarify that portion. The report will be--correctly identifies Admiral Mullen's testimony as referring to Charlene Lamb's interview. The report includes the full text of Admiral Mullen's testimony, and the testimony speaks for itself. And the full transcript of the interview will be made available on our Web site immediately. And it should be clear that the typo was unintentional and has been corrected.

And I now recognize the ranking member.

Mr. Cummings. First of all, I want to thank the chairman for addressing the last issue. That fact came out in our memo, by the way. And we made it clear that that was not correct.

Admiral Mullen, as the former Chairman of the Joint Chiefs of Staff, you were the military expert on the ARB. Is that correct?

Admiral Mullen. Correct.

Mr. Cummings. Over and over again, during the past year, Republican Members of Congress, including several members of this committee, have impugned the integrity of our military forces and their leadership by suggesting that they withheld assistance on the night of the attacks for political reasons.

Admiral Mullen, if you look on page 23 of our report, there is an excerpt from your interview with the committee in which you said this, and I will quote, quote it for you, it says, ``I personally reviewed, and as the only military member of the ARB, I personally reviewed all the military assets that were in theater and available.''

Admiral Mullen, in your review, did you have access to all military information, data, and people necessary to evaluate the military--the military's response.

Admiral Mullen. I did.

Mr. Cummings. And I understand from your interview transcript that you conducted this examination not once but twice. Is that correct?

Admiral Mullen. First time, Mr. Cummings, was to--actually with all members of the ARB, we went to the Pentagon to review it in detail. And then the second time, I went back by myself when this became an issue that there were certainly questions being raised about, I went back again to verify and validate what I had done before. And I found nothing different in that the military response, the military did everything they possibly could that night. They just couldn't get there in time.

Mr. Cummings. So, just to be clear, you have 40 years of experience in the military and achieved the highest ranks. You had access to all the information and personnel you thought were necessary to investigate the interagency response on the night of the attack and you personally reviewed everything twice. Do I have that right?

Admiral Mullen. Correct.

Mr. Cummings. You told the committee during your interview: ``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.''

Is that right?

Admiral Mullen. Correct.

Mr. Cummings. Can you explain from your perspective what it

means for the military to have done: ``everything possible.'' What I am getting at is, did the military really try everything?

And I ask this for the families who want to know that the country their loved ones served did everything they could do for them.

Admiral Mullen. Mr. Cummings, I worked for two Presidents. The direction you get from a President in a situation like that is ``Do everything you can.'' It's all the guidance that you need. Secretary Panetta and General Dempsey both testified to the specifics along the lines of--in testimony early February along the lines of what I found when I reviewed this on two occasions. It is our--it is--it goes to our core, when people are in trouble, to do everything we possibly can to help them out. And there were many forces that moved that night, including a Special Operations force in Europe that ended up on a base in Southern Europe, a large Special Operations force from the United States, which moved under direction as soon as--as soon as they were given orders; a group of Marines that essentially were sent in from Spain into Tripoli the next day. It literally became--this is not something you can just wish to happen instantly. There is a lot of planning, preparation, as rapidly--to do it as rapidly as one can do it.

And, if I may, I will just--there has been great discussion given to fast movers: Could you get a jet over Benghazi because there are jets in Europe? We have--our readiness condition at that--on that particular night, there were no planes sitting at the ready. So it is 2:00 in the morning. There are no planes on alert. It is 2 and a half to 3 hours to fly there. Tanker support is 4 hours away. You need host nation support for where they are to get permission to fly, particularly combat-ready jets, out of that country. You have got to go get the bomb racks. You have got to stow the munitions together. You have got to plan the mission. There are a tremendous number of details that have to go on. You have to bring the pilots in, pre-brief them, et cetera. Takes hours and hours and hours to do if you are not sitting at the ready when this happened.

What has happened since then that I have been briefed on is the Defense Department, the Pentagon has adjusted readiness of forces in certain parts of the world to respond. We are not big enough in the military to--and--Ambassador Pickering will I am sure echo this--we are not big enough in the military to be everywhere around the world to respond to where every embassy is that might be high risk. We have to take risks and figure that out.

Mr. Cummings. So, Admiral, what do you say in response to those members who continue to this day to imply that the military somehow fell down on the job?

Admiral Mullen. They didn't fall down on the job, and I just completely disagree with that view.

Mr. Cummings. Now, Ambassador Pickering, I see you shaking your head. Would you comment? I have about a minute left.

Ambassador Pickering. I think the point that has just been made by Admiral Mullen is very important. We have over 270 consulates and embassies around the world in some very isolated and strange places. The responsibility for their primary security rests with the host country. Where that does not

exist, as it did in Benghazi, it falls back on us to do it. The report we provided you and others provides the recommendations to deal with those particular cases. We are not able to count on the U.S. military, as Admiral Mullen said, always being positioned to come in short notice to deal with those issues, so we must do better on the ground.

Mr. Cummings. Thank you very much, Mr. Chairman.

Chairman Issa. Thank you.

Now recognize Mr. Mica for his questions.

Mr. Mica. Thank you, Mr. Chairman.

And many Americans have been waiting for this hearing. As I go back to my district, Admiral and Ambassador and others, I can't tell you how many times people have said, don't let Benghazi and what happened there be swept under the table.

Unfortunately, the ranking member mentioned this, that in my district and the vast majority of Americans feel that your report was a whitewash; he said whitewash or cover-up. But that's what people feel. And they feel their government let them down. They feel that American public servants were lost there. And now the review is--doesn't really address anything. Nobody has been fired. Nobody has been dismissed. No one has been arrested for the murders. I can't tell you how frustrating this is. Do you understand where the American public is coming from, Admiral Mullen.

Admiral Mullen. Mr. Mica, I understand what you are saying with respect to that.

Chairman Issa. Would you please put the mic a little closer, Admiral?

Admiral Mullen. Sorry. I understand what you are saying.

Mr. Mica. I am just tell you how my people feel. So they want us to get to this.

Then you look at who was interviewed, for example, you just got through, Admiral Mullen, saying that we seek direction from the President. You sought direction, and the President had to do this.

Admiral Mullen. Mr. Mica, that was what the military----

Mr. Mica. I know----

Admiral Mullen. --got from the President in terms of response.

Mr. Mica. But the military is the one that could have saved the day. And the Secretary of State--when you don't have a--and for 14 years now haven't had an under secretary of security, which was recommended. So someone was in charge. Mr. Keil said he felt Kennedy or someone was in charge. But again, no one held accountable to this date. That is the way Congress feels and the American people feel.

I tend to differ with you--I am not the greatest military strategist, but Mr. Issa and I were, in January, we were at least at one post. I know of at least three other posts, we could have launched an attack. The attack started at 9:45. We might not have been able to save the first two, the ambassador and his colleague, but the Seal should never have died. It was 9:45. It was a 5:15 to 5:30 when they died. You testified a few minutes, 2 and a half to 3 hours. There is no reason that we couldn't launch from at least three locations I visited and been told that we have in place people monitoring the situation, particular and specifically in Africa and North

Africa. And if we are not, shame on us.

Admiral Mullen. What I said was 10 to 20 hours to get there.

Mr. Mica. That should not be the case.

Admiral Mullen. That is the way it was that----

Mr. Mica. And I was advised as a Member of Congress, when I visited and sat down at one of those locations, that we could launch almost immediately to rescue American personnel or American citizens in danger. So there is something wrong there.

Then, again, investigating people above. It is all below the lower level, of which nobody--a couple people temporarily moved, all with pay and to other positions. You didn't interview the Secretary of State. She appointed four out of the five members. Is that correct? Of the board.

Admiral Mullen. She did.

Mr. Mica. Yes. And it looks like a--sort of an inside job of investigation. The Department of State looking at the Department of State. And you had difficulty--again, you testified you didn't have difficulty, Mr.--Admiral Mullen, but two witnesses interviewed by the committee testified that ARB member Richard Shennick told them that it was difficult process, that the board was having a tough time obtaining details or context. Another witness stated, I said, ``Dick, how is the ARB going?'' And Dick said, ``Ray, it is going slow; we are not getting any details, we are not getting any context.''

Admiral Mullen. Well, we got lots of details and lots of context.

Mr. Mica. Yes. But we are the Congress of the United States, and we aren't getting that. You just heard the chairman, the delay. We can't get access to witnesses. I had somebody come up to me another day, I don't know if it is true, they say they are--they are conducting lie detector tests of some of these people to see if they have talked to us. This is the stuff that is going on out there that American people feel that justice is not prevailing in this case.

Again, you didn't--you didn't investigate--okay. You didn't go to Clinton. How about the Deputy Secretary, William Burns? Was he interviewed?

Ambassador Pickering. We talked to both Mr. Burns and Mr. Nides, both Deputy Secretaries of State. At the time that we got to them, as it was with Secretary Clinton, we had very clear evidence, full and complete to our information, that the authority, the responsibility, the accountability rested with the people we identified.

Mr. Mica. They are not on the list, unfortunately, the ARB.

Finally, when Secretary Clinton testified, she said, I talked to the President at the end of the day, but had been in constant communication with the National Security Advisor, I guess it was Tom Donilon at the time, the staff told me. Did you interview Tom Donilon?

Ambassador Pickering. We did not because we saw no evidence he made any of the decisions that we and the board were asked by the Congress to investigate with respect to the security. And we followed the precepts that Admiral Mullen has just outlined for you not to go for the people who didn't make the decisions but to go, following the will of Congress, to the people who made the decisions. And indeed, we went to the

people who reviewed those decisions.

Chairman Issa. I thank the gentleman.

Mr. Mica. Secretary wasn't involved. I must be on another planet. Thank you.

Chairman Issa. The gentleman's time has expired.

We now go to the gentleman from Massachusetts, Mr. Tierney.

Mr. Tierney. Thank you, Mr. Chairman. First of all, thank all of the witnesses, not just for being here today but for your service in relation to the panels that you recently filed reports with.

Look, Admiral, I don't pretend at least as a member here to know better about what could have been done than somebody who served in the military with as long and as distinguished a career as you did. And no matter how many bases I visit, I don't think I will pretend that I have more knowledge or experience or ability than you do. So I am going to accept your word that you reviewed, not once but twice, all of the possibilities that were there and finally came to the conclusion that everything that could be done would be done. I think it is important for the families to know that. We shouldn't be surprised that some people in the public are confused because there have been misstatements plastered all over the place, on TV, and not retracted even when they are shown to be absolutely wrong. So there would be some confusion out there on that basis.

But the chairman's staff report that was released earlier this week concluded that the ARBs independence is undermined and that board members had actually perceived--put that in quotes--`conflicts of interest.'

Admiral Mullen and Ambassador Pickering, that is a very serious charge that challenges the integrity of the unanimous report but also challenges fundamentally your own integrity. I want to give you each an opportunity to respond to those allegations. But first, I want to again acknowledge that you both served our Nation for decades in some of the most senior positions in your fields. You have served Republican and Democratic Presidents alike, and you have won so many awards and promotions, respectively, that if I listed them all here, it would eat up the rest of my time. You agreed to volunteer months of your time to serve on this ARB.

So, Admiral Mullen and Ambassador Pickering, can each of you explain why you agreed to serve on the board.

Ambassador Pickering. As the ranking minority member made clear and as my testimony in my deposition, which is available to everybody, made clear, I served first because the Secretary of State asked me to take on a tough job. And I have been doing that for my life, and my sense of service to my country said this is not something that I should turn down, anyway, anyhow.

Secondly, I made it very clear that Chris Stevens gave me 2 years of help and service as Undersecretary of State. And I had a personal debt of honor to Chris to take this on.

Thirdly, I felt very strongly that we needed quickly to know what went wrong and then how to fix it. And that was the function of the ARB. And I believe we carried out to the best of our ability that particular function.

Finally, I had no sense anywhere that there was any conflict of interest. I have spent 42 years in the State

Department. I knew many of the officers concerned. I have to tell you full, fair, and free, this was not an exercise in any personal sense of debt or obligation to any of those people. And I believe that the comments on the report that it was hard-hitting, that it called the shots the way it should have, in my view, is the best summation of what we tried to do, free of political influence, free of conflict, and I am proud of the report, sir.

Admiral Mullen. I served, first of all, because I was asked to do it, Mr. Tierney.

Secondly, we lost four great Americans that night. I have certainly in the last 10 years or so been with so many of those in uniform as well as those who serve in the State Department around the world in some very, very difficult posts. And I thought I could, certainly with my experience, contribute from the professional standpoint and particularly from the military perspective on what happened that night and wanted to be able to do that. In its--at its core, it's still who I am, which is a servant of this country. And when asked to go do that, it was pretty easy to say yes.

Mr. Tierney. Thank you.

You know, the ARB staff comments were made by the Republican staff report they said: ``Under Secretary for Management Patrick Kennedy supervised the selection of the Benghazi ARB staff. This placed the staff in a position in which their duties required them to evaluate the performance of supervisors, colleagues, and friends.''

Ambassador Pickering, how do you respond to the notion that the selection of staff created inappropriate conflict of interest?

Ambassador Pickering. My understanding of the role of Secretary Kennedy was that he made clear he did not participate. That seemed to have been an error somewhere. And that testimony, I think, is now in the minority report.

I think, secondly, my judgment of the staff performance was that I saw no hint of any favoritism or preference. I saw a staff that worked many extra hours, that looked very carefully at all the issues, that did extraordinary research for us, was highly responsible to us.

But in every case, Mr. Tierney, we all reviewed the final report many times. We each made contributions, and the unanimous view of this five-member panel is they took full responsibility and approved every word of that report.

Mr. Tierney. Ambassador, then the chairman's report also raises questions about your recommendation of board member Catherine Bertini. Do you in any way believe that your recommendations of Catherine Bertini created a conflict of interest, and can you explain who she is and why you recommended her as a board member?

Ambassador Pickering. No. I was asked in the course of an early discussion who I thought might usefully serve on the board from outside the State Department. And I gave a list of names to Under Secretary Kennedy, who was accumulating those for Secretary Clinton. Large number of the people that I put on the list were not selected. Catherine Bertini was selected. She had, in my view, an outstanding reputation. She ran the World Food Programme, a multibillion dollar enterprise of the U.N.

She was Under Secretary General of the U.N. for Management. She has a distinguished record as a professor of public policy. And I knew, in fact, that her own political background was on the opposite side to the party in power.

Mr. Tierney. Thank you, sir.

Yield back.

Chairman Issa. When the staff report talked about conflicts, isn't it true that there were no true outsiders? There were no advocates for the families. There were no people whose service outside of government could have caused them to be skeptical. But, in fact, each of you--and, Ambassador, you said you had no conflict. Well, at the same time, you talked about 42 years in the organization you were overseeing.

If we looked at the bank failures of 2007 and brought Jamie Diamond in to head the board, some might say that there was an inherent conflict because of his experience and life.

Wouldn't you agree that, in fact, your makeup was a makeup of people like Admiral Mullen, who was responsible for the policy, ultimately, just before he left as Chairman of the Joint Chiefs that had no response to this 9/11 attack, and of course, you had years of viewing things through an ambassador's eyes.

Ambassador Pickering. Mr. Chairman, with greatest respect, this was not a ``gotcha'' investigative panel. The responsibilities were to provide recommendations to see that we do our best never to let this happen again.

Would you choose--put it this way, someone with no experience to come in and investigate and carry forward the work? We used to, years ago, elect military officers. We stopped that a long time ago. I suspect that brain surgery was one of the most early professionalized occupations in the world. Why would you choose a panel of people who knew nothing about the responsibilities, nothing about how and in what way they were carried out? The value of this panel was that three were from outside, and only two of us were from inside, hopefully to give precisely the cross current of controversy, discussion, questioning, and examination that you yourself just expressed the hope that we had. We, sir, had that.

Chairman Issa. I appreciate that.

Obviously, this was not a ``gotcha'' panel because nobody was ``gotcha'd,'' Admiral.

Ambassador Pickering. I would with great respect say we gave four names to the Secretary of State that we believed were failing in their senior leadership and management responsibilities.

Chairman Issa. So it is your testimony today that something should have happened; they should not be on the job, not having lost a day's pay.

Ambassador Pickering. We made recommendations that two of those people be removed from their job----

Chairman Issa. So people should have been fired that have not been fired.

Ambassador Pickering. Fired is a discipline. It is a different set of circumstances. I cannot respond for the Secretary of State and what he or she is----

Chairman Issa. But wouldn't you agree, there was no accountability?

Ambassador Pickering. No, there was accountability. Of course. And we identified it.

Mr. Lynch. On a point of order. Are we going to balance out the time?

Chairman Issa. To be honest, the gentleman went over. I was trying to make this quick.

Mr. Duncan is now recognized.

Mr. Duncan. Thank you, Mr. Chairman.

And earlier, you commended Ambassador Pickering and Admiral Mullen. I want to commend you and your staff for the very thorough way that you have attempted to get the full story of this Benghazi situation in an instant.

Let me--let me just mention--say this. Ever since some well publicized embassy bombings in 1998 and then again after the events of 9/11, the Congress has approved whopping increases, many, many billions of extra and additional funding for embassy security around the world. Yet the ARB report found that: ``Embassy Tripoli did not demonstrate strong and sustained advocacy with Washington for increased security for Special Mission Benghazi.''

I would like to ask Ambassador Pickering or Admiral Mullen, how did you come to that conclusion? Were there specific documents that led you to that statement or----

Ambassador Pickering. Yes, Mr. Duncan.

It was a combination of documents and personal interviews with the people who made the recommendations.

Mr. Duncan. Admiral Mullen. Okay.

Admiral Mullen. I would agree with Ambassador Pickering said.

Mr. Duncan. The--your report says, on page 4, that; ``Systematic failures and leadership and management deficiencies at senior levels within two bureaus of the State Department resulted in a special mission security posture that was inadequate for Benghazi and grossly inadequate to deal with the attack.''

What--what were the systematic failures and leadership that you are talking about in that statement?

Ambassador Pickering. Briefly, sir, a constant churn in personnel, including security personnel, with an average stay time in Benghazi of 40 days or less, and, as well, differential and uncertain and then sometimes negative attitudes towards security physical improvements of the post are two examples.

Admiral Mullen. I would add to that, sir, that it is--the application of resources over time, whether it was from inside the security branch of the State Department or inside the buildings branch. The training of personnel before they went for the right kind of high-threat training. The physical upgrades that had been sought. And it is because the rotations were occurring, so quickly, the continuity of achieving those physical upgrades, the stovepipes that no leader, no leader--and we focused on the key leaders in our report--saw fit to cross to make things happen from a leadership perspective. So there wasn't active interventionist kind of leadership. And we particularly focused on the people with the knowledge in security who actually were making the decisions. So it was--as well as knowledge in the area, so that would be the NEA bureau as well.

Mr. Duncan. You said not--the knowledge that was available. And several people and the chairman just talked about how no one has been held accountable in the way that most American people would consider accountability in this situation.

And, Admiral Mullen, in your interview with the committee, you were asked about a man named Ray Maxwell. And you said, ``Nobody had the picture like he did.''

Admiral Mullen. Ray Maxwell was in a position in the--in the NEA bureau where his whole portfolio were these four countries in the Maghreb, including Libya. As was stated earlier, there was a--there was a tremendous amount of instability throughout the Middle East, not just the demonstrations but clearly the evolution of what had happened in Egypt and Syria as well. So as you net down and you have the Assistant Secretary Jones, who is very focused on the whole region, to include those crises, and you come down under her, the individual with, from my perspective, the focus, the knowledge, the portfolio, the day-to-day focus, was Mr. Maxwell.

And I was, quite frankly, taken back significantly that he had, from my perspective, removed himself from those responsibilities in terms of what was going on in Libya. I was shocked, actually, based on his interview.

Mr. Duncan. I had to slip out briefly to another committee. Maybe you have already answered this. But were you surprised or shocked that he or some--or any of these other three people, the top four that have been removed, that they--that no one was fired?

Admiral Mullen. We have talked about the constraints of the law. And that--those are very real constraints. And if I could, oftentimes this gets equated--Chairman, you brought up the Cole. So this gets equated to the military. So when we have a military commander that fails we, quote-unquote, ``fire'' them. What that really is in essence is we move him or her out of that job. They are not dismissed from the Federal service, unless you get into the criminal--unless they go through the criminal proceedings, and they are dismissed as a result of a court-martial. So there is this mismatch of the perception of you fire people in the military all the time. What you really do is you move them out of a job. They still are in the Federal service.

Mr. Duncan. So you don't fire them in the way they would be fired in the private sector.

Admiral Mullen. Where they are no longer part of the organization, no, sir.

Chairman Issa. Will the gentleman yield?

Mr. Duncan. Yes, sir.

Chairman Issa. Isn't it true in the military you would get an adverse OER. You would never be promoted again, in all likelihood, and your career would be over. And in an up-or-out basis, you have a limited time before you are going to be forced out. And if you are a second, first lieutenant, you are going to be forced out before you are eligible for retirement. So in the military, isn't there a level of ultimate accountability in which your career is over and you know it at that moment?

Admiral Mullen. Absolutely. And I would let Ambassador

Pickering speak to how that works in the State Department.

Ambassador Pickering. I think there is an exact parallel. Exact parallel. If you are removed from a job, particularly under the circumstances that have to do with something like Benghazi, your future career is, in my view, finished.

Chairman Issa. Thank you.

Mr. Lynch.

Mr. Lynch. Thank you, Mr. Chairman, and ranking member. I want to thank the panelists for helping us with our work. To begin, I want to offer my prayers and condolences to the Stevens family, the Smith family, the Woods, and Doherty families for their loss. I think we can only hope that their grief and the burden that they now carry might be lightened a little bit by knowing that it is shared by so many across this Nation and perhaps by knowing the high regard with which our government holds the breadth of their family's service and the depth of their sacrifice. Also, as has been mentioned, I think it is important that we remember these four individuals were among our Nation's very best, who accepted great personal risk to do a very dangerous job. And in that sense, I think it somehow diminishes their memory to think of them as victims. Far from it. These four men, I think it is better to honor them and their memories by recalling that they--they were very dedicated patriots. They are American heroes. They trained long and hard, and they prepared long and hard. And with extreme bravery, they went out--they went out to meet the challenges that they--that they faced. And they loved doing so on behalf of this country.

Now, Admiral Mullen, in your interview with the committee, you said that during an unfolding crisis like this, the President is likely to tell their military leaders to; ``do everything possible to respond.'' And this is--this is basically the direction they need to start moving assets forward and formulating a response. Is that basically your testimony?

Admiral Mullen. That is my experience with two Presidents.

Mr. Lynch. Okay. Terrific. Did it happen in this case?

Admiral Mullen. Yes.

Mr. Lynch. Did you find that the Defense Department, the State Department, and the intelligence community engaged quickly after the President gave them the green light?

Admiral Mullen. As rapidly as they possibly could.

Mr. Lynch. Okay.

Ambassador Pickering, the committee had the opportunity to interview--our committee had the opportunity to interview Jake Sullivan, the former director of policy, planning, at the State Department. And he told us--this is a rather lengthy quote, but he told us that Secretary Clinton and other senior officials were heavily engaged on the night of the attacks. And let me read you what he said exactly: ``Secretary Clinton was receiving reports of what was happening, and she made a series of phone calls as a result of that and gave direction to Pat Kennedy, to Diplomatic Security, to Beth Jones, to do everything possible with respect to our own resources and with respect to Libyan resources to try respond to this situation. She was deeply engaged. She not only was receiving regular reports and updates, but she was proactively reaching out. She

spoke with Director Petraeus. She spoke with the National Security Advisor on more than one occasion. She participated in the Secure Video Teleconference System, and she made other phone calls that night. And from the time she first learned of it, Secretary Clinton was the--this was the only thing that she was focused on.'

So, Ambassador Pickering, are Mr. Sullivan's statements consistent with what you found regarding interagency response.

Ambassador Pickering. Yes, they are consistent with what we heard principally from Mrs. Jones and from Undersecretary Kennedy from their perspectives and what we heard and what the committee heard and what the public heard from Gregory Hicks, who was in charge of Tripoli after the death of Ambassador Stevens.

Mr. Lynch. Very good. And were State Department officials immediately engaged as the attacks unfolded?

Ambassador Pickering. They were, sir, in multiple ways and through multiple channels.

Mr. Lynch. And, in your opinion, did they do everything that they could to--they could that night.

Ambassador Pickering. I believe they did.

Mr. Lynch. Okay. My time has gone short. But, Admiral Mullen and Ambassador Pickering, I have followed both of your careers. They are--your reputation is impeccable and your service to this country has been in the highest standards of State Department and Defense Department. I just want to say I think at times you have been treated unfairly and that your body of work and diligence has not been appreciated by some. And I just think that you are owed a debt of gratitude for your years of public service, number one, and also your diligence and your energy and honesty and integrity during this whole process. I just want to thank you.

And I yield back the balance of my time.

Mr. Chaffetz. [presiding.] I thank the gentleman.

Now recognize the gentleman from Ohio, Mr. Jordan, for 5 minutes.

Mr. Jordan. Thank you, Mr. Chairman.

Admiral Mullen, in your testimony, your written testimony today, you--fourth paragraph, you say, ``We operated independently, were given freedom to pursue the investigation as we deemed necessary.''

In your interview with the committee staff, transcribed interview, the committee asked you, ``The ARB is supposed to be set up as an independent review board. Did you have any questions about the independence of the board?'' Your response, ``From my perspective, the most important descriptive characteristic of it was that it would be independent.''

Is that all accurate?

Admiral Mullen. Correct.

Mr. Jordan. Okay. In that same interview with committee staff, you were asked, ``Did you update the State Department in the course of the ARB?'' You replied: ``Shortly after we interviewed Ms. Lamb, Charlene Lamb, I initiated a call to Ms. Mills to give her heads-up because at this point Ms. Lamb was on the list to come over here to testify.''

Now, the ``over here to testify,''

is that in reference to when Ms. Lamb testified in front of this committee?

Admiral Mullen. In October.

Mr. Jordan. In October. Yes, sir.

Admiral Mullen. Yes, sir.

Mr. Jordan. And this Ms. Mills you refer to here, is this the same Ms. Mills who is Cheryl Mills, chief of staff and counselor to the Secretary of State?

Admiral Mullen. It is.

Mr. Jordan. All right. And this is the same Ms. Mills that Greg Hicks testified when he was in front of the committee last spring that, when she calls, you take her call. It is a call you don't always want to get, but it is one you always take. That is the same Cheryl Mills we are talking about?

Admiral Mullen. I accept that that is what you say----

Mr. Jordan. Okay. Later in that same response to the committee's question about you updating the State Department in the course of the ARB, you said this: ``So, essentially, I gave Ms. Mills, Cheryl Mills, chief of staff, counselor to the Secretary of State, a heads up. I thought that her appearance, Charlene Lamb, could be a very difficult appearance for the State Department.''

Admiral Mullen. Correct.

Mr. Jordan. Now, here is what I am wondering. My guess is a lot of people are wondering. If this is so independent, why are you giving the State Department a heads up about a witness coming in front of this committee?

Admiral Mullen. We had just completed--within a day or two of that phone call, the----

Mr. Jordan. So you had a phone call with Ms. Mills? Is that what we are talking about?

Admiral Mullen. Yes. I mean, I think that is what my statement said.

Mr. Jordan. Okay.

Admiral Mullen. But, no, we had just completed the interview with Ms. Lamb. And as someone who----

Mr. Jordan. That raises an important question.

Admiral Mullen. Could I answer your question?

Mr. Jordan. Yes, you can.

Admiral Mullen. So my--as someone having run a department and spent many, many times trying, as a leader of a department, to essentially----

Mr. Jordan. Let me ask--my time is winding down.

Admiral Mullen. To--let me answer this, would you, please?

Mr. Jordan. Well, let me ask you this, because this is important. The ARB was formed on October 3rd; correct?

Admiral Mullen. Correct.

Mr. Jordan. All right. Charlene Lamb came in front of this committee October 10th.

Admiral Mullen. Correct.

Mr. Jordan. Seven days later.

Admiral Mullen. Right.

Mr. Jordan. So why was she one of the first people you interviewed?

Admiral Mullen. She was----

Mr. Jordan. Why not----

Admiral Mullen. She was one of the first people interviewed because she was the one in control of Diplomatic Security decisions.

Mr. Jordan. Okay. How did you know she was on the list? Who told you she was testifying in front of Congress?

Admiral Mullen. It was public knowledge that she was----

Mr. Jordan. That is not usually made public until 2 days before.

Admiral Mullen. Well, by the time I knew it----

Mr. Jordan. So what day did you interview Charlene Lamb? Do you know?

Admiral Mullen. Between the 3rd and the 10th.

Mr. Jordan. Okay. Then when did you talk to Cheryl Mills? Right after that?

Admiral Mullen. No, not right after that. I would say within 24 hours and specifically to give her a heads up that I didn't think that Charlene Lamb would be a witness at that point in time that would represent the department well, specifically. And I had run a department, worked a lot, worked a lot historically to get the best----

Mr. Jordan. But, again, we have been told that this--the ARB is an independent review. In fact, you said it. You have said it twice.

Admiral Mullen. Correct.

Mr. Jordan. You said it in front of the committee staff; you said it in your statement today.

Admiral Mullen. Correct.

Mr. Jordan. And yet within a week, within a week, you are giving the counselor to the Secretary of State a heads up about a witness who you think is not going to be good witness when it comes in front of the committee investigating.

You know what else happened between October 3rd and October 10th? Congressman Chaffetz, sitting in the chair, went to Libya. And on that trip, for the first time, under what Greg Hicks testified in front of this committee last spring, State Department, Cheryl Mills, sent a staff lawyer on that trip. And Greg Hicks testified first time in all his years of diplomatic service where that lawyer was instructed to be in every single meeting Jason Chaffetz had with Greg Hicks. That also happened. Did you and Cheryl Mills talk about that?

Admiral Mullen. No.

Mr. Jordan. That also--and Greg Hicks also testified that when there was a meeting at a classified level that this staff lawyer was not eligible to attend, he got a phone call quickly thereafter from Cheryl Mills saying why in the world did you let this meeting take place where this lawyer couldn't be in that meeting?

Admiral Mullen. I had nothing to do with----

Mr. Jordan. Same Cheryl Mills in that same time frame you are giving a heads up to, and yet we are supposed to believe this report is independent.

Admiral Mullen. I actually rest very comfortable that it is independent.

Mr. Jordan. Let me ask you one last question because my time is out. Did Cheryl Mills--two last questions, if I could, Mr. Chairman.

Did Cheryl Mills get to see this report before it went public?

Admiral Mullen. We had a draft report when it was wrapped up. We specifically briefed the Secretary of State for a couple

of hours and Ms. Mills was in the room.

Mr. Jordan. So both Cheryl Mills and Hillary Clinton got to see this report before it went public?

Admiral Mullen. The report was submitted to her. The Secretary of State made a decision----

Mr. Jordan. So before December 18----

Admiral Mullen. --to release it.

Mr. Jordan. --they both got to see it.

If I could, one last question. Let me just ask this, Admiral Mullen. So if an inspector general--if you learned that an inspector general in the course of an investigation informed its agency leadership that a witness scheduled to testify before Congress would reflect poorly on the agency, would you have concerns about an inspector general doing the same thing you did?

Admiral Mullen. The intent of----

Mr. Jordan. No, that is yes or no. If an inspector general did what you guys did, would you have concerns about that?

Admiral Mullen. The intent of what I did was to give the leadership in the State Department a heads up with respect to Ms. Mills. That was----

Mr. Cummings. Mr. Chairman----

Mr. Jordan. --see the final report until it went public.

Mr. Chaffetz. The gentleman's time has expired.

Mr. Cummings. I would ask that our witness--that Mr. Connally be given the same amount of time.

Mr. Chaffetz. Absolutely.

Mr. Connolly. I thank the chair.

And I thank the ranking member.

I welcome the panel.

And I do want to say to family members my--I have heartache for your loss. I just lost three constituents at the Navy Yard last week. I am old enough to remember Lebanon, where our embassy was bombed not once, but twice. I lost a good friend in that embassy bombing in the early 1980s. Of course, we also lost our Marine Amphibious Unit. Well over a hundred lives were lost.

I don't remember, Mr. Pickering, an ARB at that time. Was there an ARB?

Ambassador Pickering. No. It was before ARBs became a practice, Mr. Connally.

Mr. Connolly. Right. So we lost our embassy, dozens of deaths. We lost the MAU at the Beirut airport with over a hundred deaths of young Marines. I don't remember any investigation. I don't remember any charges. I don't remember the Democrats exploiting Ronald Reagan's management of that incident. We understood it was a national tragedy, and we tried to come together.

I say to all four of you, I deeply regret the tone of this hearing. But it is typical, unfortunately, of all too many of the so-called investigations into Benghazi where apparently there is an agenda. And the agenda isn't getting at the truth; it is getting at somebody. In fact, the chairman used the word ``gotcha.'' Seems to be regret there wasn't enough ``gotcha.'' So we are going to make up for it by getting you and trying to besmirch the reputations, particularly the chairman and co-chairman of this ARB who are among the finest civil servants in

their respective fields to serve this country in a generation. I just say to you, there are many who see through that and understand that innuendo and smear and insinuation and badgering aren't going to cloud the truth, that a tragedy occurred, and it occurred because terrorists perpetrated terror.

And we are trying to find out, as you most certainly tried to find out in the ARB, how can we learn from that tragedy? How can we make sure there aren't more grieving families before us? How can we make sure we are better prepared? And I thank you for the courage you have shown, not only in undertaking that investigation but in weathering the partisanship that has clouded this investigation.

Admiral Mullen, speaking of which, in an entirely partisan report leaked to the press, not shared with this side of the committee--which should give you a big, fat hint as to what the intent is--you were the subject of an allegation--follow up on the questioning just now--where, quote, ``Mullen put Cheryl Mills on notice in advance of her interview that the board's questions could be difficult for the State Department'' under the title that you gave Ms. Mills an inappropriate heads up prior to her ARB interview.

I want to give you an opportunity to respond to that allegation.

Admiral Mullen. I called, and as I said, I tried to say, I called Ms. Mills, having interviewed--actually the ARB had interviewed Ms. Lamb very early in the process, prior to the first testimony here on the Hill on I think the 10th of October. And I was particularly concerned because I had run a major organization, a couple of them and had always worked to provide the best witnesses to represent the organization on the Hill. And it was very early in the process, as far as what had happened. There were many unknowns. I was concerned about her level of experience. And I expressed that to Ms. Mills and that was it.

Mr. Connolly. You don't think that you gave an inappropriate heads up to Ms. Mills?

Admiral Mullen. No.

Mr. Connolly. Did you give an inappropriate heads up to Charlene Lamb?

Admiral Mullen. No. No. I am--and in fact, with respect to the independence piece, it never had an impact.

Mr. Connolly. Ambassador Pickering, do you want to comment on that?

Ambassador Pickering. I would.

I think there are two issues running here. I think Admiral Mullen has clearly explained what he did and why. I think it had nothing to do with the ARB.

I do think the Republican text which you cited is an error. It had nothing do with testimony by Cheryl Mills before the ARB.

The third point is that I believed from the beginning of the ARB, since we were to report to the Secretary, that it was my obligation as Chairman from time to time to talk to the Secretary through the chief of staff about our progress, about where we were going, about, in fact, the timing of the report, and, in fact, what our expectations were with respect to the

timing of conclusion, all of which I believed was in full keeping with our obligation to the Secretary to give the best possible report.

There was no direction. There was no feedback. There was no request to do this, that, or the other thing. And that happened every couple of weeks.

Mr. Connolly. Thank you, Mr. Ambassador.

I have one more minute, and I want to ask just one more question.

Admiral Mullen, one of the things that has seemingly been disproved time and time again but it keeps on coming up as recently our hearing on Benghazi yesterday at the Foreign Affairs Committee, and that is the canard that there was an order to stand down, that somebody gave a command that the military was not to respond. Could you put that allegation to rest? Did that, in fact, happen, or did it not?

Admiral Mullen. An order to stand down was never given. This specifically refers to the four special operators that were in Tripoli. They had finished at the--at DCM Hicks' direction, supporting movement of American personnel in Tripoli from the embassy compound into a safer place. Having finished that, as every military person, active or retired, would want to do, they want to go to the fight to try to help. He checked, Lieutenant Colonel Gibson checked up his chain of command, which was the Special Operations Command in AFRICOM, and the direction that he got was to hold in place. He was re-missioned then to support the security and the evacuation. And, in fact, only in hindsight, had they gone--and we had a very good understanding of what was going on then with respect to the evacuation--had they actually gotten on an airplane, they would have taken medical capability that was needed out of Tripoli and most likely crossed in route with the first plane that was evacuating Benghazi at the time.

Mr. Connolly. Thank you.

And thank you, Mr. Chairman.

Mr. Chaffetz. Thank you.

Gentleman's time has expired. Yields back.

I now recognize any self for 5 minutes.

Stevens, Smith, Woods, and Doherty. God bless them. That is what this is all about. Admiral Mullen, I would like to direct my questions to you.

Within the Department of Defense, was there an after-action review or report that was done and did you read it?

Admiral Mullen. I am--there always is, and I haven't seen it, no.

Mr. Chaffetz. My understanding, Chaffetz there isn't a report. And for you to come to the conclusions that you did without reviewing such report, or if there is a review or is such a review or report is something the committee wants to further explore. It seems odd and mysterious there is no such report and that you would not have reviewed it.

Did you--did the ARB ever talk to Lieutenant Colonel Steven Gibson?

Admiral Mullen. We did not.

Mr. Chaffetz. Did you or anybody in the ARB speak with anybody from the Office of Security Cooperation located at the embassy?

Admiral Mullen. We were in touch with and spoke with-- actually interviewed the defense attache.

Mr. Chaffetz. But not within the Office of Security Cooperation.

What about, who is Colonel George Bristol?

Admiral Mullen. I don't know.

Mr. Chaffetz. He is the Commander of Joint Special Operations Task Force Trans-Sahara, directly responsible for the Office of Security Cooperation, and was not interviewed by the ARB.

Did you ever speak with Rear Admiral Richard Landolt, Director of Operations for AFRICOM?

Admiral Mullen. Not directly, no.

Mr. Chaffetz. And nobody within the ARB did as well----

Admiral Mullen. No. But actually, we were certainly aware of his input, having interviewed--I am sorry--having spoken with the Joint Staff and the Director of Operations on the Joint Staff.

Mr. Chaffetz. He was the Director of Operations, AFRICOM, and was not interviewed by the ARB.

Admiral Mullen. That is different from the Joint Staff. That is----

Mr. Chaffetz. Yes. I understand. And he was not interviewed.

The Rear Admiral Brian Losey, do you know who he is?

Admiral Mullen. I do.

Mr. Chaffetz. He is the Commander, Special Operations Command at the time of Benghazi attack. Did you or the ARB interview him?

Admiral Mullen. We didn't.

Mr. Chaffetz. Did you speak with Vice Admiral Charles Joe Leidig, Deputy to the Commander For Military Operations there in AFRICOM.

Admiral Mullen. We spoke to actually General Ham, who is his boss.

Mr. Chaffetz. But all of these people that I--I named off, directly involved in the operations that night, and one of the concerns is you didn't read an after-action report or review; we don't even know if there is one that has been done. All these people are directly involved; they were not engaged in this. What time did----

Admiral Mullen. I effectively, when I went back, particularly the second time, listened to an after-action report with respect to what happened that night.

Mr. Chaffetz. We all know----

Admiral Mullen. I stand by what they did and what I saw.

Mr. Chaffetz. We understand the General Ham was in Washington, D.C. He was not at Stuttgart. He was not in Libya. These people were.

I--what time did the Department of Defense ask Libya for permission for flight clearance?

Admiral Mullen. Actually, General Ham was involved throughout. They were able to do that globally----

Mr. Chaffetz. I understand he was involved, but he was not in Stuttgart. He was not in Libya.

The question is, did the Department of Defense ever ask Libya for permission for flight clearance? I believe the answer

is no.

Admiral Mullen. Which--do I get to answer the questions?

Mr. Chaffetz. I am asking if that is----

Admiral Mullen. What kind of flight clearance are you talking about?

Mr. Chaffetz. So that we could fly our military assets over there. We already had permission to fly. The answer is no.

Correct?

Admiral Mullen. Correct. Actually, I take that back. The-- the assets that came from Germany, specifically, we received permission to put them----

Mr. Chaffetz. That was--let me keep moving. When specifically did the United States military reach out to our NATO partners, given their close proximity, when did that happen?

Admiral Mullen. Actually, I don't think it did.

Mr. Chaffetz. And that is one of the concerns. The Italians had more than 50 Tornadoes less than 35 minutes away from Benghazi. We didn't even ask them. Never even asked why. You presided----

Admiral Mullen. Mr. Chaffetz.

Mr. Chaffetz. There is not a question in there. With all due respect, Admiral.

Next thing. Specifically, when did the United States jets, tankers, whatever you need to do a show of force, when were they called up? When were they put on alert?

Admiral Mullen. They were specifically looked at as to whether or not they could get there in time, and they couldn't. That was a decision that was made.

Mr. Chaffetz. Here is the problem.

Admiral Mullen. Actually, their readiness status was upgraded.

Mr. Chaffetz. You said that no planes were at the ready. That was your testimony in Cairo, Admiral, with all due respect----

Admiral Mullen. At the time of the attack, Mr. Chaffetz, the readiness status there were no strip alert aircraft ready to go.

Mr. Chaffetz. And that is a fundamental problem and challenge, too, I think we have to look at. In Cairo hours earlier the demonstrators had breached a wall, gone over a 12 foot wall, they tore down the American flag they put up an al Qaeda-type flag. It was Libya after the revolution on 9/11, we had been bombed twice prior, the British Ambassador had the assassination attempt and nobody is leaning forward? There is nobody that is that's ready to go? Were the closest assets truly in Djibouti? Is that where the closest assets were?

Admiral Mullen. Physically in Djibouti? I think it was between Djibouti and other places in Europe.

Mr. Chaffetz. Europe actually had more assets that were closer than Djibouti, correct?

Admiral Mullen. They were not in a readiness condition to respond.

Mr. Chaffetz. And that's what we fundamentally do not understand. Did you talk to anybody who did want to move forward? Was there anybody that you came across that did want to engage----

Admiral Mullen. Everybody in the military wanted to move forward. Everybody in the military wanted to do as much they can. There were plenty of assets moving. It became a physics problem, and it's a time and distance problem. Certainly that is who we are, to try to help when someone is in harm's way.

Mr. Chaffetz. And the fundamental problem is they didn't. They didn't get there in time. I'm telling you if you look at Glen Doherty, you look at Lieutenant Tyrone Woods, they ran to the sound of the guns. There were other people that wanted to go. Like Lieutenant Colonel Gibson I wish you or the ARB had spoken to them, because it is an embarrassment to the United States of America that we could not get those assets there in time to help those people. We didn't even try, we didn't ask for permission, we didn't ask for flight clearances, we didn't even stand up the assets we had in Europe. We didn't even try.

Admiral Mullen. I disagree with what you're saying, Mr. Chairman.

Mr. Chaffetz. You just told me that they did not even get to the ready. They were never asked. You presided as the Chairman of the Joint Chiefs when we bombed Libya for months we did so in connection with our NATO partners and you never asked those NATO partners to help and engage that night.

Admiral Mullen. I actually commanded NATO forces, and the likelihood that NATO could respond in a situation like that was absolutely zero.

Mr. Cummings. Mr. Chairman, I would ask that Ms. Speier be given an extra minute and a half so that she can clear up some of what you just said which we on this side of the aisle consider to be misleading.

Mr. Chaffetz. I take exception to the last part, but the gentlewoman is recognized.

Ms. Speier. Thank you, Mr. Chairman.

You know, I am so outraged by the conduct of this committee today. There is 83 years worth of service to this country by these two men, and they are being treated shabbily, and I apologize to you for what I find to be just totally unnecessary.

We are trying to get the facts. We are trying to prevent this from happening again, and badgering you does not achieve that goal.

Now let me also point out that there has been a classified briefing, Mr. Chairman, on the whole issue of whether Lieutenant Colonel Gibson was told to stand down. It was an Armed Services Committee subcommittee meeting, I was there at it. There was a press release that was put out by the subcommittee after that classified briefing. And I want to read to you what was posted.

During the attack, Colonel Bristol was traveling in Africa, unreliable communications prohibited him from participating in the attack response beyond an initial conversation with Lieutenant Colonel Gibson and Rear Admiral Losey. Colonel Bristol confirmed to committee that in his role, he gave lieutenant Colonel Gibson initial freedom of action to make decisions in response to the unfolding situation in Benghazi. Lieutenant Colonel Gibson previously testified to the committee that contrary to some reports, he was at no point ordered to stand down but rather to remain in Tripoli to defend the

American embassy there in anticipation of possible additional attacks and to assist the survivors of the return from Benghazi. Colonel Bristol confirmed this account of events.

When, I ask, will we ever listen to the facts? This came out of the subcommittee of the Armed Services Committee chaired by a Republican colleague. These are the facts.

Let me move on and ask Admiral Mullen a question as well.

Another allegation has been made by many Republicans including that the military should have sent the F-16s or other fighter planes to fly over Benghazi. I think that was a series of questionings from just prior to mine. Mr. Issa stated on national radio 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 Secretary to actually care about people in harm's way as they are being attacked by al Qaeda elements?

There are some things wrong with this statement. And I don't know where to start but how about this. Do you agree the President of the United States and Secretary of State: ``do not care about people in harm's way?''

Admiral Mullen. I do not agree with that.

Ms. Speier. With respect to flying jets over Benghazi, page 32 of our report includes an excerpt from your interview transcript where you explain that these planes would have needed refueling maybe twice en route, is that correct?

Admiral Mullen. That's correct.

Ms. Speier. That is basically the same thing General Dempsey, the current chairman of the Joint Chiefs of Staff said in his testimony 4 months earlier before the Senate Armed Services Committee is that correct?

Admiral Mullen. That's correct.

Ms. Speier. After conducting your own independent review of the military assets, did you reach the same conclusion as General Dempsey?

Admiral Mullen. I did.

Ms. Speier. In fact, on Page 31 of our report, we quote from your interview transcript, there's no one I've ever met in military that wouldn't want to get help there instantly. The physics of it, the reality of it, it just wasn't going to happen for 12 to 20 hours. And I validated that in my review when I went to the Pentagon to look at every single asset that was postured in theater including those jets in Aviano, is that correct?

Admiral Mullen. Correct.

Ms. Speier. So Admiral Mullen, both former Secretary Gates and former Secretary Panetta raised other risk-based concerns about sending aircraft to fly over Benghazi on the night of the attack. Are you familiar with their concerns and do you agree with them?

Admiral Mullen. I am familiar with their concerns, and you always have to assess the risks in a situation like that. My own experience is that certainly our military is prepared to go into high-risk environments if they're able to do that. There was an awful lot that night back to what we've talk about, that precluded that. It wasn't for lack of the desire to do that or help someone in harm's way.

The other thing I would talk briefly about is the whole

issue of the situation under, the circumstances in which Tyrone Woods and Glen Doherty actually gave their lives and in fact, they were killed in a very--they had just relieved two individuals on top of the building. Shortly after that, there were three mortar rounds that landed very accurately in a very short period of time in the middle of the night from a place nobody really knew where that mortar fire was coming from. And that is how they lost their lives in the end.

So even the likelihood that we could have provided some kind of overflight over a long period of time, the likelihood that that would have somehow sorted out that mortar fire is virtually impossible.

Ms. Speier. I thank you gentlemen for your service and to the families of those who lost their loved ones.

Mr. Cummings. Would the gentlelady yield 30 seconds?

Ms. Speier. Yes. I yield.

Mr. Cummings. Mr. Chaffetz asked you about a number of people that you said you did an interview. Would either of you comment on that? How did you choose who you interviewed?

Admiral Mullen. I think we both can quickly. We basically, as we started the interview we took, we essentially took the process and those we would interview based on the facts as we uncovered them over time, and did not feel, I did not feel compelled to interview the chain of command in South Africa. I understand that chain of command. I know what happens. I know Losey. I know where he was and I know what they were doing that night. I just didn't feel compelled to do that. And I was very comfortable, as I've said in my opening statement, we interviewed those we thought we needed to interview.

Mr. Chaffetz. The gentlewoman's time is expired. We'll now recognize the gentleman from Michigan, Mr. Walberg, for 5 minutes.

Mr. Walberg. Thank you, Mr. Chairman.

Mr. Sullivan, the ARB report discussed stovepipe to discussions by the State Department regarding decisions on policy and security.

My question to you is what can be done to ensure these security decisions are not stovepiped and that the individuals making the decisions have access to the necessary security information.

Mr. Sullivan. Thank you, Congressman. One of the things that we had recommended that I mentioned earlier was to create, to elevate the assistant secretary for diplomatic security to an under secretary level. As I'm sure you know overall, the Secretary is in charge of security for the Department, and that authority is delegated down to the Assistant Secretary. What we found is that that has led to a little bit of some confusion. When we spoke to people in the embassies, to the ambassadors, to the RSOs, to the deputy chief of mission, it seems like the lines of communication, the lines of authority, accountability are pretty well understood. What we found is at the headquarter level that was not as well understood.

So we believe that by creating this new under secretary, there will be clear lines of authority that the under secretary in our view would be involved in the policy decisions with the under secretaries and we believed that that would go a long way towards creating clearer lines of communication.

Mr. Walberg. Thank you.

Mr. Keil, the best practices panel found that it is common across many industries to have a hot wash or after action debriefing of key participants in a critical event.

What is the purpose of a hot wash?

Mr. Keil. Sir, I think, and as Admiral Mullen says that typically happens at the Department of Defense also. It is to gain critical information as quickly as possible before memories start to fade.

Mr. Walberg. Does State Department have a hot wash?

Mr. Keil. We did not find any process for after action or hot wash at the State Department.

Mr. Walberg. So there is no lessons learned process at the Department of State?

Mr. Keil. We did not find a lessons learned process no.

Mr. Walberg. In your opinion, what should the Department do to create an effective lessons learned process?

Mr. Keil. I think they need to do a lessons-learned process from a tactical and strategic perspective, a lessons-learned process within the Bureau of Diplomatic Security and a broader enterprise wide lessons learned process for the Department to gather that critical information as quickly as possible, wrap it back into operations, wrap it back into training.

Mr. Walberg. Any indication that that's being done?

Mr. Keil. Not that I know of.

Mr. Walberg. Thank you. Admiral Mullen, again, with all due respect, and this is a rhetorical question, you've answered it already, but I just wanted to ask this question to bring the context back again, and that question is, why should we not conclude that a heads up, as you indicated, is not a desire to coach a witness or an action, especially in the context of an independent panel such as the ARB?

Admiral Mullen. The only thing I would say is the intent was to get the best possible witness identified for the State Department.

Mr. Walberg. Again, with all due respect, again, an independent panel coaching a witness, I don't think we conclude anything else from that.

Admiral Mullen. Well, I didn't coach--there was no coaching that was ever discussed.

Mr. Walberg. Ambassador Pickering, why did the board decide not to administer oaths to those testifying before the board?

Ambassador Pickering. Because no ARB had done that in the past, and we had no reason to believe that we would not get truthful testimony.

Mr. Walberg. So this was consistent with the practice of previous ARBs?

Ambassador Pickering. Yes, Mr. Walberg.

Mr. Walberg. Why were interviews then not recorded or transcribed?

Ambassador Pickering. Interviews were recorded on the basis that the, if previous ARBs had followed, in addition, it was a pattern that interestingly enough the Federal Bureau of Investigation adopted in its reports as well. We felt it was more than sufficient to record the critical and key points that we would have to take into account in preparing our report on recommendations----

Mr. Walberg. Could you see a benefit in adopting this practice, especially in the context that this panel has found it almost impossible to get full information on making decisions on our own, regardless of what the other side of the dais says.

Ambassador Pickering. With deep respect, there is a difference between your access to documents and the question of the type of documents that should be prepared.

Mr. Walberg. What do you mean by that?

Ambassador Pickering. I don't believe that transcribed interviews would have created the kind of attitude and approach of give and take which we found with the witnesses, which was particularly useful and relevant. I think that the formal process, in fact, of taking a transcription is, in some ways, inhibiting of the kind of information we were soliciting, the kind of views we wanted to get, and the broad and open character of the kind of approach we were taking.

Mr. Walberg. Well, I appreciate that, but more importantly, the American public and this panel doesn't feel like we have that access to information necessary to make good decisions about the movement forward, and we talk about stovepipes, we talk about hot washes, and all of these things that are done at other levels of government, other agencies, other industries, and we here have information lacking to us because there is not information that we can read or bring out to the American public.

Chairman Issa. [presiding.] Mr. Walberg, I will assure you that this committee will not have chummy discussions that are friendly and cordial in lieu of the kind of interviews that we make available on the record. We will continue to use our process even if others think that conversations unrecorded are important and I thank the gentleman.

Mr. Walberg. Mr. Chairman, I appreciate that. I understand that you will do that. We needed that from this panel, and the American public deserves it, and especially the families sitting in this room and not deserve that information. Thank you.

Chairman Issa. I thank the gentleman. The gentleman from Pennsylvania.

Mr. Cummings. I ask the gentleman be given an extra minute and a half.

Chairman Issa. The gentleman is recognized.

Mr. Cartwright. Thank you, Mr. Chairman, thank you Ranking Member Cummings, and thank you, Ambassador Pickering and Admiral Mullen for coming back. Both of you testified at prior proceedings, closed-door deposition, recorded interviews. I had the privilege of helping conduct some of that questioning, and so we've spoken quite a bit at length already and I thank you for coming back again today on this terribly sad chapter in American history.

I'm going to start with you, Ambassador Pickering. In your deposition that you had with the committee, you told us that to the best of your knowledge ``no other ARB was so extensive and far reaching in its findings of personal responsibility or personal accountability, or made such far reaching recommendations at such high levels in the State Department.''

Now you also told us that in writing this report, you

didn't want to ``pull any punches'' and you felt that ``you had a serious obligation under the law and from the Secretary to do that.'' But you also explained that you were ``deeply concerned'' that previous ARBs ``had been excellent in their recommendations, but that through the follow-through had dwindled away'' as you said.

Ambassador Pickering, my understanding that Secretary Clinton immediately adopted all 29 recommendations in the ARB report, and that the State Department is making progress on all of them. Is that true?

Ambassador Pickering. Yes, Mr. Cartwright, to the best of my knowledge I believe they are. It was testimony I understand yesterday to that effect as well.

Mr. Cartwright. And Ambassador Pickering, I gather you believe that, if implemented, your recommendations will make U.S. Facilities abroad and the people that serve in them safer?

Ambassador Pickering. Yes, we believe that is the case, Mr. Cartwright.

Mr. Cartwright. Would you take a few moments and explain to us how the recommendations will make us safer?

Ambassador Pickering. They will in the cases of posts, particularly like Benghazi, stop the personnel churn which allowed such deficiencies to develop both in continuity and focus and size of personnel.

We believe they will provide a better system for the decision making with respect to the improvement of physical security by the application of higher standards. We believe that the training programs that we recommend will improve the capacity of both security specialists and non-security specialists to know and understand how to, in fact, operate more effectively. We believe that the serious discrepancy between fire safety preparations and security safe havens illustrated in Benghazi will be ended, and that there will be appropriate equipment to deal with fire safety in safe haven areas.

Those are just a few, Mr. Cartwright, of what I think are the most salient points.

If I could ask permission just to make one brief statement, the chairman just implied that our interviews and our work was not recorded. And the chairman knows and I know that that is not the case.

Mr. Cartwright. Thank you, Ambassador. And Admiral Mullen, I want to give you a chance to weigh in on this question as well.

Admiral Mullen. Well the only thing that I would add to that is with the immediate establishment inside the NEA bureau, if somebody at the senior office--the senior individual with respect to diplomatic security with the establishment of a separate the Diplomatic Security Deputy Assistant Secretary specifically focused on high threat posts.

And to Chairman Issa, one of the things that I thought was helpful in your report was this focus on expeditionary diplomacy. And if I were to give you an example of expeditionary diplomacy, it would be in places like Benghazi and quite frankly, in consulates in Iraq and Afghanistan and places like Pakistan that we all need to focus on to make sure that we do all the balance, the need to be there, and be there

in a secure way as absolutely possible.

So I actually think that the changes that were recommended will have a substantial impact on how the State Department moves forward, how we move forward as a country in these very difficult times.

It's changed since the ARB of 1998 and 1999. The world has changed and we need to adapt to that and in many ways, in many ways, we have.

Mr. Cartwright. Well, I thank you for that gentlemen and I yield back.

Chairman Issa. I thank the gentlemen. And just to make the record clear, Ambassador, we will disagree on what a record is. This committee makes an accurate, verbatim record to the greatest extent possible just as the transcription is being done today which is different than the impressions in a diplomatic note. And I appreciate the fact that the diplomatic service looks at dit notes which are impressions of what was said as a record, and I know it is helpful, but it is a very different standard in investigations and one of the things that this committee is considering and, Mr. Cartwright, I hope that you appreciate it too is that the level of record, of any investigation done of any incident no matter what part of government, needs to be considered for how it will be recorded.

That is not to disparage you or the history of how they've been done. We appreciate, at least I appreciate, that you recorded as per, if you will, your 40-plus years of history and ARBs. What we are viewing and Mr. Walberg was viewing is more how we do it. And I will assure you that if the FBI were investigating the death of four people, they would tend very much to want a very accurate record, which is what we are looking for, Ambassador.

Ambassador Pickering. Well, they can speak best for themselves but our impression has been that the type of recording they provided to us in connection with their investigation of four dead Americans was very much along the lines that we were preparing for our own use. Admittedly and reasonable people can differ, investigations and reviews sometimes have a different context and a different purpose.

Chairman Issa. Thank you, Ambassador.

And we now go to the gentleman from Arizona--I'm sorry the gentleman from Oklahoma, Mr. Lankford is there. Mr. Lankford.

Mr. Lankford. Thank you. And thank you to all of you.

You've done a tremendous amount of work and a tremendous amount of preparation both for this hearing, but obviously for a lot of the reports and everything that you've done and the hours that you've spent for it, I want you know we appreciate that very much, and what you've taken on, the scope of it.

My line of questioning is just trying to gather a group of facts as we know it at this point, again, to try to zero in on some of the things you're trying to accomplish what do we do to not have this repeat again in the days ahead.

Would you agree we had an overt dependence on Libyan security that night and the security team that was local that was not sufficient for the task and that we had an overdependence on them at that point? Anyone can answer that.

Ambassador Pickering. Yes.

Mr. Lankford. Would you agree we did not have a sufficient

number of our own armed security forces on the ground? We had a larger number before of DOD personnel over there. They were obviously removed, their task as it was done they normalized, as I've heard several folks say, both Charlene Lamb and Ambassador Kennedy said they wanted it normalized, that we did not have a sufficient number of armed security there that night?

Ambassador Pickering. I believe the answer to that is yes, but your implication that ``DOD was anywhere around Benghazi at that time'' is a mistake.

Mr. Lankford. No, I'm talking about prior to that, were DOD personnel there in August?

Ambassador Pickering. DOD personnel served a few short periods in Benghazi, but their assignment was in Tripoli, their work was in Tripoli, and their majority was always in Tripoli.

Mr. Lankford. Did they travel with the Ambassador when he went to Benghazi or would they have traveled with him?

Ambassador Pickering. No.

Mr. Lankford. Because the testimony that we had received is that they would have assigned some of those folks to travel with the Ambassador----

Ambassador Pickering. The Ambassador took two Benghazi, two Department of State security agents with him.

Mr. Lankford. Right, because they didn't have other folks that were there to be able to travel. Those twelve individuals had already left.

Admiral Mullen. I think it's really important, this is the SST, I think it's really important to focus on what the SST's mission was, and over the period of time when they were there for many, many months, over that period of time, the vast majority of their mission was training. They did take a couple of forays out to Benghazi, they did make some security recommendations, and from that perspective, they certainly provided some input with respect to security. But my own view is, I think it's a reach to think that they would have been there that night.

Mr. Lankford. Fair enough. Did we have adequate diplomatic security there that night?

Ambassador Pickering. The answer to that I already gave you. No.

Mr. Lankford. Thank you for that. The facility, did it meet the standards set, the Inman standards after the 98 the facility in Benghazi?

Ambassador Pickering. No certainly not. It didn't meet any of the standards that were set for Department of State folks.

Mr. Lankford. Do you know how many posts that we had worldwide? At that time? Obviously, that has changed dramatically as it should. How many posts did we have worldwide at that time that didn't meet that minimum standard?

Ambassador Pickering. I'm only guessing but somewhere between one-third and up.

Mr. Lankford. A third of our posts did not meet the standards at that time?

Ambassador Pickering. Yes.

Mr. Lankford. So 260 or so posts worldwide and you're saying a third of those didn't meet the standard set in 1999?

Ambassador Pickering. That's my best understanding.

Mr. Lankford. Is there a certain----

Ambassador Pickering. Could I just say, Mr. Lankford, one of our principle recommendations was that the Inman building building program recommended in the Nairobi Dar Es Salaam ARB 10 years before had dwindled away, and that it needed to go back to 10 a year at a cost beginning in 2015 of \$2.2 billion a year, and that's in recognition that probably among those that don't meet standards, there are urgent high threat, high-risk posts perhaps that ought to get priority in that program.

Mr. Lankford. What about the high-risk posts? How many posts would you consider high risk high threat at that time?

Ambassador Pickering. At the time of Benghazi, the Department of State with the Department of Defense had an emergency review of 19 posts, including visits to them, which I believe was their judgment about what was high risk, high threat at that time.

Mr. Lankford. Is there any special chain of authority to have actual personnel there, any differences in the high risk high threat? Who makes the decision putting personnel there and what the security is there?

Ambassador Pickering. Yes, there is, and the decisions were made at the place that we identified, the Deputy Assistant Secretary in Diplomatic Security makes the primary decisions, that her bosses are the people who oversee and review that activity.

Mr. Lankford. So that would be Charlene Lamb, Patrick Kennedy, would that go up to the Secretary of State's Office who would have to sign off on that?

Ambassador Pickering. No. And they don't go to the under secretary for management unless there is a dispute and then they do go to him for resolution.

Mr. Lankford. You had mentioned before as well that night or Admiral Mullen had actually that night there was no one on the ready to be able to respond militarily.

Admiral Mullen. Correct.

Mr. Lankford. Did you discover if there was a contingency plan? Obviously, we are in a high-risk location, Libya is in a civil war just coming out of that, did you see if there was a contingency plan for a response in case there was an emergency?

Admiral Mullen. I'm not aware. I don't think there was one, and I'm not aware if there was.

Mr. Lankford. Is that something that we should recommend in the days ahead?

Admiral Mullen. It goes back to available assets and what are you going to focus on and what the priorities are.

Mr. Lankford. Sure I would say you take high risk locations. There's a relatively small number that are high-risk locations. Should those locations have a contingency?

Admiral Mullen. Well, 19 is not a small number when you start talking about forces. So how are you going to make those decisions and distribute your forces? It is a worthy discussion, and I know that the Pentagon and the administration has recalibrated that as a result of Benghazi. But it's not an infinite resource and so you can't get them everywhere.

Ambassador Pickering. If I could just add, Mr. Lankford, the first line of defense is the local government.

Mr. Lankford. Right, which was not sufficient.

Ambassador Pickering. The second line of defense is our resources in place and those are the things we concentrated our attention on. As you know, the Department of State is assigned an additional number of marines and an additional number of security officers. They've come to you for that support, I hope they get it, I believe it is going ahead.

Mr. Lankford. And that was our concern as well that obviously the Libyan militia was not sufficient. We know that clearly now. We didn't have a high enough number of diplomatic security personnel. The facility obviously did not meet the minimum standards. It was listed as a high-risk facility, and we seem to not have a contingency plan. The difficulty is it appears that the individuals that were there were very naked, and we understand our diplomatic personnel around the world always take risks on it, but they seemed to be particularly exposed in this particular location.

Admiral Mullen. The only other thing I would add to that, and I mentioned this in my closed statement is that it was the deterioration of the numbers and the upgrades over time, over the course of that many months, that essentially did not prepare that Benghazi compound from a deterrent standpoint. But it was very significant, and had we had two or three times the number of people in place that night from a security standpoint, I'm not sure that a mob, a terrorist mob like that that they could have done much, but what we also lost by watching the numbers deteriorate and not upgrading it, we lost any kind of deterrent capability so that the enemy would think twice about whether they would do something like that.

Chairman Issa. I thank the gentleman. The gentleman's time is expired. And I thank the Admiral for including the portion of this that talks about if you have a strong force, you often don't get attacked, and that may have been ultimately the greatest benefit of additional forces.

We now go to the gentleman from Wisconsin for 5 minutes.

Mr. Pocan. Thank you, Mr. Chairman. And thank you to the witnesses. I appreciate you being here today.

As one of the newer folks around here, I know when I signed up for this, even though I served in the legislature for about 14 years, I knew it wasn't exactly going to be Mr. Smith Goes to Washington, but I also didn't expect Groundhog's Day. And I have to admit I feel a little bit like I'm watching another copy of Groundhog's Day.

We've had I think 12 Congressional hearings on Benghazi, three in this committee that I've been on. There are three this week alone in the House. I know that I sat through part of a closed deposition with Ambassador Pickering, and for several hours where we asked some questions. We've gone through extensive conversations about Benghazi. And I think sometimes in the bubble that's Washington having just come from outside the bubble, where real people were, before I got elected, I think sometimes it's odd that members, we think that we know more by visiting bases than someone who has been, perhaps, the chairman of the Joint Chiefs of Staffs.

And I guess what my questions specifically are, kind of following off Mr. Cartwright, what I'm most concerned about is what we're doing to make sure this never happens again, to make sure that we are actually honoring the lives of Sean Smith and

Tyrone Woods and Glen Doherty and Chris Stevens by making sure that their friends and co-workers and the people who work across the world for us in those 270-plus locations that we talked about don't have to face another Benghazi, and what we can do to make sure of that.

And I think that is, by far, the most important thing that we can do, and I know that Ambassador Pickering you specifically said you want to make sure this never happens again.

And part of what the reports, both reports have outlined there are a number of recommendations, I think one of the areas perhaps that we've been remiss on is Congress, in my opinion, and having come from the outside spending more time out there than here is that we don't talk about what Congress has to do. This Congress has been pretty much failing to get much of anything done.

But I think when you look at the recommendations that came in your report and most recently in the newest report there are specific things that Congress should be doing to make sure that we protect our embassies in other locations across the world, and I think we're remiss in doing that. And I think what our job really should be is rather than poking and poking and hoping to get a gotcha, which I think sometimes happens too often in Congress, let's figure out what we're doing to make sure this never, ever happens again and honor the lives of the people who lost their lives.

So if I can ask specifically, Ambassador Pickering, you talked about the fact that State Department immediately accepted those recommendations, and in the process of implementing them, how about the recommendations you had for Congress recommendation Number 10, have we moved at all on the recommendations that we've had for Congress to make sure that we are protecting our facilities across the world?

Ambassador Pickering. I believe that on a couple of the recommendations that were made of an emergency character after the visit to the 19 posts I spoke about a minute ago with Mr. Lankford, there have been moves by Congress. It has not been, put it this way, our brief or our responsibility to do the follow-up to the report. There are a number of our recommendations which have to be translated into legislation or legislative proposals. And on that, we rely on the State Department and the budget process to proceed to you so I think that in effect, the Congress in this case is not being asked independently to take initiatives, but hopefully to support the executive branch's recommendations to take our ideas and put them into action.

Mr. Pocan. So by Congress not moving a budget, kind of living on continuing resolutions as we have for the last 4 years, we really haven't had a chance to address the very recommendations that I think you have made in this report.

Ambassador Pickering. And I don't know, sir, whether these will be subs of 2014, 2015, proposals or not. That really comes beyond our responsibility, and I would hesitate at this stage to try to give you a thought when I don't know.

Mr. Pocan. Thank you. And it's my hope, Mr. Chairman, that at some point as we continue, and I know we will continue to talk about what happened in Benghazi and it's a tragic

incident, that we will really focus on, I think what Congress can do best, which is how do we make sure what do we do to make sure nothing happens like this again.

So as much as I know we keep looking backwards, I think there is a reason why our eyes are in the front of our face and not the back of our head, because we actually have to figure what we're doing to make sure that this doesn't happen to those other 270 facilities, so we honor the lives of the four people who lost their lives, and I would hope, and I am hopeful that that's where we'll be moving in the future.

Chairman Issa. Would the gentleman yield?

Mr. Pocan. Sure, I yield.

Chairman Issa. I'm sorry you weren't there on the CODEL in January where we actually saw some of the changes that were made post 9/11 in Morocco and Algeria. And I'm sorry you didn't get to see the facility in Lebanon which is, of course, is famously not Inman compliant, but has several hundred people who guard it with armed weapons, including heavy machine guns because there's an awful lot that has to be considered in addition to the question of dollars. But if you're available, along with Ms. Duckworth, I would love to have you go on the next trip to the region and we can begin looking at what recommendations we could help with.

Mr. Pocan. Mr. Chairman, I think that is a great suggestion. I would love to do that. I just looked at what just happened was we looked at what we might do in Syria, and what was one of the first things that happened was we were contacting people in embassies and countries around it putting out warnings to make sure.

So we know there still is an imminent threat out there in certain regions of the world, but what I don't see us doing is addressing that part of what Congress' responsibility, what can we do about it to make sure it doesn't happen again rather than continuing to look backwards. And I'm really looking forward to the conversations we have that are forward looking to make sure we protect our people who work across the world for us.

Chairman Issa. And one of the challenges we do have, you mentioned Syria, the Ambassador's residence in Syria is basically right on a street with glass windows, and you look out on people going by. And it hasn't been selected historically for an upgrade for a number of reasons, mostly host nation support.

It's one of our challenges. And if you're lucky enough to ever get to Dublin which you'll discover there is that our embassy is on an intersection of two streets where the windows can be broken inadvertently by a rock being popped up from a truck going by.

So we do have a lot of facilities around the world and the complexity of it is important I think today when we look at a situation in a country that might have been more similar to Afghanistan or Iraq in Benghazi on September 11th, there's a different consideration, and hopefully that is part of what Foreign Affairs will look at in detail. But I look forward to having you on our next trip.

And with that we go to the gentleman from Arizona, Mr. Gosar, Dr. Gosar.

Mr. Gosar. Thank you. Mr. Sullivan, the best management

practice review panel found that many important recommendations made in the 1999 ARB convened after the Nairobi and Dar Es Salaam bombings were not, in fact, implemented. In fact, you wrote this report was largely ignored by the Department and did not receive wide circulation within either the Department or DS at the time.

Many of the senior officials involved before, during and after the Benghazi attacks, including the ARB, held senior positions within the Department prior to and after the 1998 attacks.

At the time, Thomas Pickering was the Under Secretary of Political Affairs, Patrick Kennedy was the Acting Assistant Secretary for Diplomatic Security, Susan Rice was the Assistant Secretary for the Bureau of African Affairs.

What did your best management panel recommend to ensure that the State Department would actually implement the recommendations set forth in your report by the Benghazi ARB?

Mr. Sullivan. You know, Congressman, what we thought was that it's really important that this be an enterprise-wide initiative, that everybody has to be involved in this and everybody has to understand what their roles are.

We talked about how important accountability is, and we didn't look at accountability as a negative, we looked at accountability as a positive as an enabler.

So we just felt that, with these recommendations, I can't speak to what happened in the past, but we do believe that this is not just about the office of diplomatic security but it's about department-wide and everybody knowing what their responsibilities are and what their accountability is, and that everybody work on this together. For example, risk management, you know we believed that, you know, having a formalized risk management model is something that is very important, and again, not just for the Department of Diplomatic Security, but also for the whole enterprise.

Mr. Gosar. Mr. Keil, would you agree with that?

Mr. Keil. Certainly, Congressman. I think Mr. Sullivan hit on a fundamental issue. We were talking previously about the facility in Benghazi, how high the walls were, if there was any blast resistance, how many agents were there. Those tactical things are important but the fundamental issue comes down to if the State Department does not have a risk management process to determine and make informed decisions, should we be in some of these places with a full understanding of the risk? That's what our panel found.

Mr. Gosar. So let's go back on, so will regular best management panel evaluations be conducted to ensure that the recommendation set forth in your report and that the ARB recommendations will be followed?

Mr. Keil. Right. That is part of the ARB recommendation that created our panel, it called for regular re-evaluation.

Mr. Gosar. And I guess what I'm coming back to is accountability, right? And part of that accountability could be part of Congress' duty, would it not?

Mr. Keil. Definitely. Obviously, some of the recommendations are going to take Congressional action.

Mr. Gosar. And I'm a private sector guy, so this mortifies me what I've just seen here because accountability is very

implicit, I mean, you're going to have a stack of attorneys, you're going to have depositions, you're going to have transcripts, and you don't get a go pass go and collect \$200 it doesn't work in the private sector.

So from the standpoint of the records that we've been talking about at this ARB, the State Department is withholding those interview summaries that have come out because there are no transcriptions, but there has been a recorded log.

In order for Congress to do its job, we should have access to those, should we not?

Mr. Keil. I think that's probably a question more for Admiral Mullen and Ambassador Pickering.

Mr. Gosar. I'm asking you.

Mr. Keil. Yes, I believe so.

Mr. Gosar. How do you feel about that, Mr. Sullivan?

Mr. Sullivan. I would agree that if these are documents that Congress is entitled to, that they should have them to review as well.

Mr. Gosar. How about that, Admiral Mullen?

Admiral Mullen. Again, I have a longstanding history in terms of providing documents when requested, and I think it's something that's got to be worked out between the Hill, the administration----

Mr. Gosar. No, no, no, no, it doesn't need to be worked out. It's our due diligence, sir. I mean, accountability, I mean, I'm talking to a man who is very accountable, and through his whole lifetime has been that way. And the mantra in this place in this Beltway needs to change. There needs to be accountability. That is why I would hope that you would genuinely come forward and say, absolutely, those records should be turned over.

Admiral Mullen. I have lived my life focusing on accountability, and I feel very strongly about that.

Mr. Gosar. I would expect you to say absolutely yes, that those records should be turned over to Congress. I mean, from what I've ever seen and I've ever heard of you, that you would say absolutely, accountability and transparency should be there. And I personally, you, Admiral Mullen, would see it right to turn those records over.

Admiral Mullen. I have, believe me, I'm right where you think I am with respect to accountability. The issue of the specifics of what's inside that has to be worked out, specifically, with respect to records. I mean, I've been in departments that for reasons, whatever the reason is, they don't provide or take a long time, and I'm not privy, quite frankly, to the specifics of why those are not being provided right now.

Mr. Gosar. So you don't like the status quo?

Admiral Mullen. No, no, I think that what where we were in the ARB was to try to get to the best position we could with respect to accountability, driven by the law, quite frankly----

Mr. Gosar. I understand but part of that accountability is the oversight of Congress, and part of the oversight of Congress for implementation, because we've seen this timeline of ineptitude of implementing these, actually these discussions from previous actions. And part of that is that we're not getting part of the records to actually have that oversight,

because legislative is not just budgets it's also about this--

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Chairman Issa. The gentleman's time has expired.

Admiral Mullen. I think oversight to ensure implementation and execution in the long term makes a lot of sense.

Chairman Issa. I thank the Admiral. With that we go to the gentlelady from Illinois, Ms. Duckworth.

Ms. Duckworth. Thank you, Mr. Chairman. Ladies and gentlemen, in the Army, our soldiers live by a creed and a warrior ethos that begins with, I will always place the mission first, I will never accept defeat, I will never quit, and I will never leave a fallen comrade behind.

I believe that all of our personnel in Benghazi and in Tripoli lived, and in the case of our four heroes, laid down their lives as warriors on that day. That said, Admiral Mullen, I think the Navy has something similar to the warrior ethos, but the Navy's version of it.

I want to go back over what we've talked about today, and ask you to just briefly answer my following questions and I'm going to give you some time to speak towards the end.

First as to the allegation that the four-man team in Tripoli was ordered to stand down, there was no such order. The team was directed to provide security and medical assistance in Tripoli. Is that correct?

Admiral Mullen. That's correct.

Ms. Duckworth. With respect to the allegation that the military could have flown aircraft over Benghazi in a matter of hours, in fact, they would have needed tankers to refuel them and those tankers were many more hours away, is that correct?

Admiral Mullen. That's correct.

Ms. Duckworth. In terms of the allegations by unidentified person who claims to be a special operator that a European Union command special forces team could have prevented the attacks in Benghazi, that is also incorrect, according to your review and the review of General Dempsey?

Admiral Mullen. That is incorrect. That is, what you're saying is correct.

Ms. Duckworth. Thank you. Admiral Mullen, I really don't understand this because you know it used to be that when our Nation came under attack, we would rally together and especially, especially around our men and women in uniform. And the allegations that anyone in the military in the uniform on that day would ever do anything other than their very best effort to come to the assistance of the men and women in Benghazi and in Tripoli troubles me.

You yourself have commanded a gasoline tanker, a guided missile destroyer, a guided missile cruiser, you've commanded a cruiser destroyer group and the United States Navy Second Fleet. I would suspect that if you could have personally done anything to get there, you would have yourself based on your extensive military experience.

Admiral Mullen. I certainly would have.

Ms. Duckworth. Admiral, during your interview, you addressed this exact line of questioning, on page 32 of our report, you explained how these accusations affect our military service members. And this is what you said. ``The line of questioning approached here for those of us in the military

that we would consider for a second not doing anything we possibly could just stirs us to our bones because that's not who we are. We don't leave anybody behind.' Did you say that?

Admiral Mullen. I did.

Ms. Duckworth. So Admiral, what do you say to those, such as my very passionate colleague from Utah who continue to question the integrity, the professionalism and the motives of our military commanders and our men and women in uniform? You can take as much of my remaining times as you would like.

Admiral Mullen. One of the things that has been evident in this review and certainly even in Congressional testimony for former members of the military and indeed serving foreign service officers is the, that you see is the frustration with the inability to deliver that night. And I think it's universal. And I can see it in the, along the lines of questioning. And I understand that.

I led a force for many years. No one I ever knew in that force that wouldn't give their life to try to save those four individuals. And including myself. So that every--which is one of the reasons I paid so much attention to what could have happened that night from a military standpoint and looked at it as I indicated twice.

There really was a time distance physics problem that would have prevented us from getting there for what seems to be an extraordinary amount of time. But as I indicated earlier in particular with the F-16s, for example, there are very real requirements in order to do that, not even getting to the point of how do you mitigate the risk. And believe me, the military's willing to go into high-risk places. It just wasn't going to happen in time.

What is, to some degree, a little bit ironic in all of this, is at the compound, we lost two great heroes and we talked tonight, or today about the fact that they weren't very well armed, that the security posture wasn't there at all, as it should be, and I think rightfully so, have criticized that. At the other compound, we actually had a compound that was incredibly well armed, incredibly well defended and yet somehow back to this mortar fire in the middle of the night we lost two people which speaks to the challenge that you have creating security in every circumstance, and those two heroes again were individuals had come from a force that I know well. So there is no one I know in the military that didn't do that night all they could and wouldn't do all they could to save those people.

Ms. Duckworth. Admiral, thank you. Can you say that the military has learned some valuable lessons from that day and is doing a better job now of considering what we should do in the future in terms of our force posture?

Admiral Mullen. Again, my--as far as posture is concerned, I know that the forces have been repostured, specifically in that part of the world, although I don't know the details and that was a lesson that was learned and put in place immediately after it happened.

Ms. Duckworth. Thank you very much. And again, thank you for your many decades of service.

Chairman Issa. If the gentlelady would allow me a very quick follow up on what exactly what you're doing.

Admiral, you're aware of the commandant's initiative in

Sigonella and its response capability, are you not?

Admiral Mullen. Yes, sir, I am.

Chairman Issa. And that would be an example of a direct response where the Marines have taken existing assets, repositioned them for a very different response.

Admiral Mullen. Yes, but--not but, to what was discussed earlier, particularly with the CR, I have probably too much expertise and history in the budget and programming world that under, there are some new initiatives coming, at least recommended, and at least as best I can recall, you can't start new programs under a CR.

So, for instance, the additional force that the Marine Corps is asking for to create an expanded security force at embassies around the world that has to be funded, and it's got to be funded pretty quickly given the risks that are out there. I don't know if you can do that in a CR, somehow make exception because of the priority of that.

Chairman Issa. I do know that Chairman McKeon has every intention of trying to make sure there is a regular order where some of these things can be done, and I appreciate it Admiral.

And with that, we go to the gentleman from Pennsylvania, Mr. Meehan.

Mr. Meehan. Thank you, Mr. Chairman.

And Admiral, I want to thank you for your distinguished leadership of our military, and Ambassador Pickering, I want to thank you for your long and distinguished career in the best boat and tradition of a Joshua Chamberlain, but I also have responsibility here, and it's in that capacity of oversight that I ask you questions.

And I'll begin my questioning with the legal premise that under the Inman principles it is such an important idea that any variation from the security requirements under Inman require the direct nondelegable commitment by the Secretary, him or herself before it can be changed. Now I realize we are not in an Inman type of circumstance, what we are, in fact, is a different circumstance, but your findings, the board that said the key driver behind the weak security platform was the decisions to treat the Benghazi as a temporary residential facility, even though it was a full-time office facility. Is it not correct that Under Secretary Kennedy made that decision?

Ambassador Pickering. Yes, he made the decision to continue for a year the facility that then existed at Benghazi. I don't know who made any decisions in the course of the transformation between April, 2010 and December, 2012 from a residence to an office and residence to another building.

Mr. Meehan. Let me ask at the time that decision was made, was it in conformance with what we call the overseas security policy board standards?

Ambassador Pickering. It was not.

Mr. Meehan. In fact, your findings were----

Ambassador Pickering. The building did not meet those standards.

Mr. Meehan. That the comprehensive upgrade, the risk mitigation plan did not exist, there wasn't a comprehensive security review conducted by Washington for Benghazi in 2012, that that decision was a flawed process, the decision did not take security considerations adequately into place. And

Ambassador Pickering, did you interview Mr. Kennedy?

Ambassador Pickering. Yes, we interviewed Mr. Kennedy.

Mr. Meehan. Did you interview Mr. Kennedy?

Ambassador Pickering. Yes, I did.

Mr. Meehan. Did you keep a transcript of that interview?

Ambassador Pickering. We have a record of that interview.

Mr. Meehan. You have a record of that interview. What is the record of that interview? Is that notes?

Ambassador Pickering. I'm sorry?

Mr. Meehan. Is that notes? What is the record of that interview----

Ambassador Pickering. The record of that interview is notes.

Mr. Meehan. Do you expect that that record will be shared with Congress?

Ambassador Pickering. That's obviously a question that we've discussed here many times. In my view, it is a longstanding issue between the executive branch and Congress into which I will not get.

Mr. Meehan. Now when he--when you asked him questions about this, what were his responses when you asked him about the failure to have a risk mitigation plan or any comprehensive security views and all of those others things which you identified when you asked him those questions what were his responses?

Ambassador Pickering. The simple answer was he was making, according to his testimony, a decision to continue to occupy the real estate. The responsibilities for providing adequate security rested with the Bureau of diplomatic security.

Mr. Meehan. Now do you really believe that his responsibility is only to make a real estate decision and he is placing this down on people below him?

Ambassador Pickering. I believe that he believed that's the decision he----

Mr. Meehan. Well you're the person who is asking him the questions. If he believed--I just cited the fact that even the slightest change on the Inman principles has a direct turnover, I mean, the direct requirement of the Secretary of State herself.

Ambassador Pickering. The Under Secretary for Management and the Assistant Secretary for Diplomatic Security have different roles and missions. The Assistant Secretary for Diplomatic Security is responsible for providing the security.

Mr. Meehan. May I ask, you said that he believed, but do you believe that he had a responsibility to look into those factors?

Ambassador Pickering. I believe that the Assistant Secretary For Diplomatic Security had that responsibility.

Mr. Meehan. What was his responsibility then with respect to all of these kinds of shortcomings?

Ambassador Pickering. To provide the personnel and the security----

Mr. Meehan. But the security was not there. It was not being provided.

Ambassador Pickering. We found that individual at fault for not having done so, Mr. Meehan.

Chairman Issa. Would the gentleman yield for just a second.

To make the record clear, the Under Secretary was in place the year before and the year before and the year before, so the decision to rent that facility in Benghazi was made under the Under Secretary and the diplomatic security head held accountable reports to the under secretary. So why is this merry-go-round between you and the gentleman from Pennsylvania as to whether the Under Secretary had all the authority in front of him, but rather wants to blame the diplomatic security head who reports to him?

Mr. Meehan. Well, may I continue?

Chairman Issa. Please.

Mr. Meehan. I want to continue my line of questioning here in particular, because this is the testimony yesterday of Mr. Kennedy before the Foreign Relations Committee. With respect, this is his words, every day we review the threat levels at all the posts of the world. We reach a point where we believe that the mitigation tools that are available to us cannot lower the threat level down, then we close the posts.

He cites an example. We were in Damascus several years ago, and I concluded that given the situation on the ground of Damascus we could not longer mitigate the risks sufficiently. I went to the Secretary of State, and she instantaneously gave me approval to suspend operations in Damascus and pull our people out.

When you asked him what conversations he had with the Secretary of State with regard to the security at Benghazi, what did he tell you?

Ambassador Pickering. We did not ask him what conversations he had with respect to the Secretary of State----

Mr. Meehan. Why not?

Ambassador Pickering. --in Benghazi. Because we knew and understood that the decision making with respect to Benghazi took place at the level of the Assistant Secretary for Diplomatic Security----

Mr. Meehan. But he just said here in Syria in a parallel situation, he consulted with the Secretary of State with regard to this. Not only did he make decisions as you said not just about real estate, but this is his testimony yesterday that he was the one that was making decisions with regard to the points where we believe mitigation tools aren't effective. And this was, he was assuming this responsibly. He was using this as his shield that this was, I wanted to demonstrate the things that I have done effectively in the past and therefore, don't hold me accountable.

So I am asking why he is not being held to the same degree of responsibility in a place in which you identify yourself that the security reviews were so deficient in so many ways?

Ambassador Pickering. Because again, we believed after looking at this, the initial decisions were made in the Bureau of Diplomatic Security and reviewed there----

Mr. Meehan. But he is the one who made the initial decisions. It moves up. He is the one that is responsible. He made the decision.

Ambassador Pickering. Not if there is not a dispute about providing the resources necessary to do this.

Mr. Meehan. But Ambassador Pickering, you identified 19 separate circumstances of aspects in which there were threats

and other kinds of very serious things and he said he monitors it every day. Now what is the discrepancy?

Why wouldn't that be in his attention? Why would this not be brought to the attention where he makes a decision or as he says, he discusses with the Secretary of State the circumstances of that, of Benghazi?

Ambassador Pickering. Because we believed that responsibility was lodged in the Assistant Secretary For Diplomatic Security. And it was very clear that's where the decisions were made and were not made.

Mr. Meehan. But the decision to continue is--I struggle to understand why you're saying it's down there when he himself says he has these responsibilities and conducts these kinds of things every day.

Ambassador Pickering. I can only tell you that our full examination of this located the decision making there, under the review of the decision making.

Mr. Meehan. I thank you, Ambassador. But I certainly question the conclusion.

Chairman Issa. I thank the gentleman for his line of questioning. And we now go to the gentlelady from the District of Columbia, Ms. Norton.

Ms. Norton. Thank you very much, Mr. Chairman, and I want to apologize I had a markup and was not able to hear all the witness testimony. But I understand the question I have had and I think had hung over this entire matter has not been asked, and therefore I'd like to use this opportunity to clarify to get you, Admiral Mullen, and Ambassador Pickering to clarify Secretary Clinton's role.

You certainly did very extensive interviewing, according to your report, over 100 witnesses, thousands of pages, and of course, the Secretary was not interviewed, and that is why I think this has to be clarified.

The majority has used, in every way they can, the presence of Hillary Clinton to somehow point to an elevator that links up with her reading a report? For example, in an earlier hearing, they pointed out that she signed the cable. And the truth came out to the staff that's on every cable of the Secretary. So we take everything now with a grain of salt. But this is an opportunity to clarify this issue.

We recognize, or at least I recognize, that not every important matter, even one as important as this, will necessarily involve an agency head. But again, her name has been raised over and over again.

So I have to ask you, if you received any evidence that led you to believe that the Secretary should be interviewed, or what did, what is it about your investigation that led you to believe that she should not be interviewed although apparently her name does appear in the report a fair number of times?

Ambassador Pickering. I think your statement and the question is essentially what we found, no evidence to believe that we had a need to interview the Secretary of State.

Ms. Norton. And why was that?

Ambassador Pickering. Because we found, as I just discussed, that the decision making with respect to the security issues were made at lower levels in which we found responsibility.

Ms. Norton. Now are these levels, let me ask Admiral Mullen, are these security matters, matters that you would not expect to go to the agency head but to be resolved by security?

Ambassador Pickering. Maybe since I have experience in the State Department, I can answer that question and the answer to that question is no, we would not expect those normally to go to the agency head.

Admiral Mullen. If I could just pick up on this, and maybe it is a concern that was expressed over here, for agency heads and people that operate at that level, including Mr. Kennedy, quite frankly, they have global responsibilities, and so that, first of all, what we found in execution was this, the decisions with respect to security were delegated. And I think you would, and certainly Secretary Clinton has said she held herself responsible in her own testimony. But when you are running a big organization, you delegate that and then you have principals who work for you that you expect to raise issues of concern against whatever the guidance is or in accordance with whatever guidance, when something happens.

And we found that guidance to and expertise and responsibility resident in the Assistant Secretary for Security.

So in my view, it was his responsibility to raise these issues up the chain of command. And, in fact, the opposite was going on.

His immediate deputy, Ms. Lamb, held all these decisions very, very closely. And in fact, the, per the direction from the statute itself, which directs us at the level decisions were being made, that's where we were. Just to reinforce what Ambassador Pickering said, we found no evidence, no lines to Kennedy or above with respect to these decisions that got made with respect to Benghazi that resulted in the outcome.

Ms. Norton. And you were very critical in the report of how these decisions were kept and made?

Admiral Mullen. Exactly.

Ms. Norton. And I think it is very important. When you call out the name of an official simply because she was present, and in this case, the head of the agency to lay on the record what evidence there was that she knew about this matter, and here we find that she not only didn't know, but there was an effort to make sure that these security matters were kept where they were.

Now, when you consider that you're dealing with security matters, even if you have very broad experience, that is a sphere unto itself, I don't expect that normally an agency head would second-guess a security official without the same kind of expertise. I do accept your admonition and your criticism of the failure to go up the chain of command. I think you were very forthright on that. But having found that failure, it does seem to me to be unfair and the extremes to, therefore, hold the official who had no knowledge, and from whom knowledge was kept, responsible for the tragedy.

Chairman Issa. Would the gentlelady yield?

Ms. Norton. Always glad to yield to the chairman.

Chairman Issa. I think there is a good point. I don't think you were here earlier when we got into this. We had made it clear that the ARBs inability to deal with policy decisions and

other areas outside their jurisdiction, if you will, which include, for example, the Secretary of State's obvious policy decision on normalization, policy decision that was in progress, one of the reasons that we had heard testimony that the Ambassador was in Benghazi was because of the desire by the Secretary to put a permanent mission there.

Now, we've never said and I hope none of our reports will ever say that she made a decision to cut security at the consulate. But, you know, part of the challenge here today in the earlier testimony is that the ARB, as currently structured, has a lot of limitations as to what they can do, including the four people they recommended for adverse action, all of whom are back on the job without losing a day's pay.

Ms. Norton. Yeah, but that leaves the Secretary's name muddied frankly by this committee. And it just seems to me that we ought to lay to rest that matter never came to her, should have perhaps, don't know, but certainly never came to her. It's almost, Mr. Chairman, like the, an earlier and terribly great tragedy when there was a killing, and of course, the committee sought to go to the Attorney General. I do believe in accountability at the top.

Chairman Issa. The gentlewoman may remember he was held in contempt for withholding information on lying to Congress that occurred under his watch.

With that, the gentlelady's time is expired. We go to Mr. Gowdy.

Ms. Norton. I do remember that was one of the most controversial, if not the most controversial decision of this committee.

Chairman Issa. It wasn't controversial from this side of the dais.

Ms. Norton. That's right. That's all that can be said for that.

Chairman Issa. Mr. Gowdy.

Mr. Gowdy. Admiral Mullen, I thank you and the other witnesses for your service. I understand you did an interview of Secretary Clinton. Did you submit written questions to her for her response?

Admiral Mullen. We did not.

Mr. Gowdy. Was Secretary Clinton aware of the attacks on Western targets in Benghazi leading up to September 11, 2012?

Ambassador Pickering. I believe our information----

Mr. Gowdy. I'm asking Admiral Mullen.

Admiral Mullen. I think she was.

Mr. Gowdy. She was aware of the attacks on Western targets? Was she aware that the British ambassador was almost assassinated in Benghazi in the weeks and months leading up to September 11, 2012?

Admiral Mullen. I can't be positive but I think she was.

Mr. Gowdy. Was she aware of the requests for additional security at the Benghazi facility?

Admiral Mullen. I would say no.

Mr. Gowdy. Was she aware of a specific request from the Ambassador himself for improved security at that facility?

Admiral Mullen. We never saw any requests from Ambassador Stevens to----

Mr. Gowdy. That wasn't my question. Was she aware of it?

Admiral Mullen. We never saw anything that indicated Ambassador Stevens asked for significant upgrade at the facility.

Mr. Gowdy. There has been testimony that he has. My question was was she aware of that? Was the Secretary of State aware of it?

Admiral Mullen. I don't know the answer to that.

Mr. Gowdy. And here is what I found confounding about that. The 1998 ARB, you start your ARB with a quote from a Spanish American philosopher about history and those who don't study it are doomed to repeat it. And I found that interesting because the 1998 ARB recommended this, the Secretary of State should personally review the security of embassies and other official premises, closing those which are highly vulnerable and threatened.

The Secretary of State, that was the specific recommendation from history. So you can understand, with all due respect to my colleagues who don't want to mention the Secretary of State's name, you can understand my question, did she personally review the security at Benghazi?

Admiral Mullen. I don't know the--not--all the evidence that we saw indicated no, but I don't know the answer to that.

Mr. Gowdy. Did she personally consider closing the facility in Benghazi, again, given the fact that a panel exactly like the one you cochaired recommended, recommended the Secretary of State personally review it? My question to you is did she?

Admiral Mullen. I'm not aware that she did.

Mr. Gowdy. So there was no evidence despite a previous recommendation from an ARB just like yours, because what our colleagues on the other side say is let's don't study the past, let's just look forward. You've made recommendations, all is going to be well now, all 30 of them will be implemented, and my point is we had this recommendation. We had it in 1998, that the Secretary of State herself review the facilities and consider closing them if they are not safe.

Admiral Mullen. I think one of the, and I think we have pulled people out where it wasn't safe over the course of those years.

Mr. Gowdy. But my question, Admiral, is you never interviewed the Secretary of State about whether she, whether she accepted and performed a responsibility given to her by a previous accountability review board.

Admiral Mullen. Part of our writ was to look at previous accountability review boards. We certainly commented on that, those that had not been implemented. But it was not to test each recommendation against those who were in positions in the current administration.

Mr. Gowdy. I want to read you a quote, and I want to ask you if you know the author of that quote, okay? ``The independent accountability review board is already hard at work looking at everything, not cherry-picking one story here or one document there, but looking at everything.' ' Do you know who the author of that quote was?

Secretary Clinton.

How could you look at everything when you don't even bother to interview the person who is ultimately responsible for what happens at the State Department?

Admiral Mullen. I think we've explained that that we found no evidence that she was involved in the decision making and no need, therefore, to do that.

Mr. Gowdy. But I just cited for you it is her responsibility according to an ARB just like yours from 1998, she should personally review it.

Did you ask her whether she was familiar with that previous ARB recommendation?

Admiral Mullen. We didn't interview her so obviously we didn't ask her.

Mr. Gowdy. I will read you another quote. ``Over the last several months, there was a review board headed by two distinguished Americans, Mike Mullen and Tom Pickering who investigated every element of this with this being Benghazi.'' Do you know the author of that quote.

Admiral Mullen. No.

Mr. Gowdy. Barack Obama. Did you interview him and ask whether he made any calls to any of our allies in the region and said can you help us? Our guys are under attack.

Admiral Mullen. We did not.

Mr. Gowdy. Admiral, my colleague, Jason Chaffetz, asked you about Cheryl Mills and a conversation you had with her. And I noted two different times you said you wanted to give her a heads up. And make no mistake she's the lawyer for Hillary Clinton. She used to counsel for the State Department. You wanted to give her a heads up. A heads up about what?

Admiral Mullen. I specifically said that having interviewed Charlene Lamb and knowing that she was going to appear in Congress that I thought she would not, that she would be a weak witness.

Mr. Gowdy. Were you concerned that she would tell the truth or not tell the truth? When you say not be a good witness, what was your concern?

Admiral Mullen. I wasn't concerned about whether she would tell the truth or not. That had nothing to do with it.

Mr. Chaffetz. [presiding.] The gentleman's time is expired.

Mr. Gowdy. I thought there was a practice of going 2 minutes over. I don't know why I possibly could have thought that based on being here.

Mr. Cummings. I would ask that the gentleman be given another minute because I would like to get an answer to that question myself.

Mr. Chaffetz. Without objection, so ordered.

Mr. Cummings. Thank you. Could you answer his question? The last question.

Mr. Chaffetz. Maybe you can repeat the quote.

Mr. Gowdy. My question was a heads up about what? Were you concerned that she would tell the truth or not tell the truth?

Admiral Mullen. No. That had nothing to do with it. I would never question the integrity of Charlene Lamb.

Mr. Gowdy. Did you think she was just not going to be an effective witness?

Mr. Cummings. Would the gentleman just let him answer?

Mr. Gowdy. I'm trying to help him.

Mr. Cummings. He's been around 40 years in the military, so he knows how to answer questions.

Admiral Mullen. I explained before, Mr. Gowdy, I had run

departments, I had dealt with witnesses who came to Congress and representing the departments that I was in as best we possibly could. The intention of the heads up was to just having sat down with Lamb, it was the first time I had met her in our interview, that I thought there could be better witnesses to represent the Department. It had nothing to do with the ARB.

Mr. Gowdy. Better witnesses from what standpoint?

Admiral Mullen. At that time and place, with respect to the events which had occurred in Benghazi.

Mr. Gowdy. Admiral, wasn't she a fact witness? I mean, the facts pick the witnesses. I mean the State Department doesn't pick witnesses. The facts pick the witnesses. She was a fact witness, right?

Admiral Mullen. Right.

Mr. Gowdy. So whether she is good or bad is immaterial. She is a fact witness.

Admiral Mullen. Again, I approach it from a standpoint of having run a department and many times working to have the Department represented as best as we possibly could. That was it.

Mr. Gowdy. Well, in conclusion, Admiral, let me just say from my previous life, I well understand having bad witnesses. I've had plenty of cases where I wish I could have picked them, but I couldn't. She was a fact witness. The fact that she was not going to be a good fact witness for the State Department to me is immaterial. She's a fact witness.

Mr. Cummings. Will the gentleman yield 1 minute the time that neither one of us have. But just one thing. Will the gentleman yield real quick?

Mr. Gowdy. Sure.

Mr. Cummings. This is the question, and the reason why I want to hear your answer is this, as I listen to you, this has nothing to do with honesty and integrity with regard to what the witness was saying.

Admiral Mullen. No.

Mr. Cummings. Nothing like that.

Admiral Mullen. No.

Mr. Cummings. So what did it have to do with? In other words, if somebody, for example, somebody who may not know the facts, may not understand?

Admiral Mullen. I take Mr. Gowdy's point. She certainly was a fact witness. It was, from my perspective, a judgment that she hadn't done this before. Obviously this was a terribly important issue, and to be able to represent that, particularly early in the process, I thought was very important and that was the sole reason.

Mr. Cummings. I take it that you wanted the best information to come to the ARB?

Admiral Mullen. Sure--to the Congress. To the Congress. This had nothing to do with the ARB.

Mr. Cummings. All right.

Mr. Gowdy. I yield back.

Mr. Chaffetz. Thank you.

I will now recognize the gentlewoman from New York, Mrs. Maloney from New York, for a very generous 5 minutes.

Mrs. Maloney. Thank you. First of all, I would like to

thank the chairman and the ranking member for assembling such a distinguished panel. I particularly want to publicly acknowledge the selfless and distinguished careers of Admiral Mullen and Ambassador Pickering, both of whom have served Republicans and Democratic Presidents and have taken on some of the most challenging and difficult problems and obstacles that our country has faced.

So I want to publicly thank them for their public service and their selfless public service. And I respect your work, and I wish all of my colleagues would likewise respect everything that you have done for our country.

I must say, as the former chair of the women's caucus, I'm particularly sensitive of any efforts to roll back gains for women or any attacks on women. And I find the attacks unusual and consistent against the former Secretary of State, Hillary Clinton. Although the ARB report, which I thought was excellent and there has been little mention of the many fine recommendations that you came forward with to improve the safety of our embassies and our people overseas, and I thank you for that. I understand the State Department has started to implement many of them.

But in your statement I believe, Admiral Mullen, you stated, and I quote from you, there was no official, including the Secretary of State, whose involvement was not reviewed extensively, and do you stand by that statement?

Admiral Mullen. I do.

Mrs. Maloney. And I found the report that was issued this week by my colleagues on the other side of the aisle a very partisan staff report on its separate investigation of Benghazi, I found it very partisan because even though you say she had no participation and all evidence shows that, it mentions the former Secretary of State 25 times, 25 times, and not once does the staff report identify any evidence whatsoever to indicate that the former Secretary of State played any role in security-related decisions about the Benghazi special mission compound. And I compliment you for focusing on positives of how we can move forward to make our country safer and better in many ways.

I would like to also point out that there were personal attacks on national television stating that the former Secretary of State lied under oath when she testified before Congress that she did not personally approve of security reductions in Libya. And as proof, the Republicans produced a cable that had her stamped signature on it. So I would like to ask you, Ambassador Pickering, since you have spent a majority of your years in the State Department and serving our country many times overseas, do you believe that because the Department stamps the Secretary's name on this cable that she personally approved it?

Ambassador Pickering. No. All cables sent out by the State Department are stamped with the Secretary's name.

Mrs. Maloney. And how many cables a year are sent out would you say?

Ambassador Pickering. I thought the last estimate was 1.4 million.

Mrs. Maloney. So that would not say that. And what does the State Department manual say about this?

Ambassador Pickering. I think it says that all cables should be stamped with the Secretary's name. In the past, they used to stamp with the Acting Secretary's name. That was changed under Secretary Powell. Wherever the Secretary is, she is still Secretary and her name still goes on the cables.

Mrs. Maloney. Could you mention for the panel the four top recommendations, in your opinion, of the ARB to make our personnel and our professionals and our public servants safer overseas?

Ambassador Pickering. This is hard with 24 in classified and 29 recommendations. I would center a couple of thoughts on a number that I mentioned in my oral testimony a minute ago; one the notion that we should carry out the Nairobi Dar El Salaam construction program recommended by Admiral Crowe 10, 12 years ago which has dwindled away through inflation, through reductions in budgetary support.

I think those kinds of issues still are very, very important.

I would like to say as well, that I think among the others, and I have highlighted them and if I can, I will just give you a sense of what those might be, that we need better risk management assessments and we laid out some criteria, and Mr. Sullivan's report I think produced clear evidence that there were better ways to do that in the State Department.

My sense is that we can improve intelligence performance, and we suggested a number of ways that we could do that. And I think on the question of personal accountability which has figured here very heavily, I believe we made recommendations that were important with regard to that. And my hope is that the State Department will carry those out. There have been discussions here about that. They go beyond where the ARB is, but our recommendation, as you know, is two be separated from their jobs and two others be reviewed for deficiencies and performance.

Mrs. Maloney. My time has expired. Thank you.

Mr. Chaffetz. Thank you. We will now recognize the gentleman from Kentucky, Mr. Massie, for 5 minutes.

Mr. Massie. Thank you, Chairman. I thank the witnesses for coming today.

The brevity as well as the incongruity of statements in the ARBs report begs the question, what was Ambassador Stevens doing in Benghazi? And I apologize for asking this, but it begs to be asked. So let me read a statement from the report. The board found that Ambassador Stevens made the decision to travel to Benghazi independently of Washington.

Now let me read you the testimony of Mr. Hicks when he was here in front of this very committee. I asked him, did you tell the accountability review board about Secretary Clinton's interest in establishing a permanent presence in Benghazi because ostensibly wasn't that the reason the Ambassador was going to Benghazi? Mr. Hicks said this, Yes, I did tell the accountability review board that Secretary Clinton wanted the post made permanent. Ambassador Pickering looked surprised. He looked both ways to the members of the board saying, does the seventh floor know about this? And another factor, Hicks went on to say, was our understanding that Secretary Clinton intended to visit Tripoli in December. I asked him, so

Pickering was surprised that this was Ambassador Stevens' mission to establish a permanent facility there. Is that your impression? He said yes.

Were you surprised by his statement?

Ambassador Pickering. No. I was surprised by the fact that this was a new item of information to us and I wondered how ramified it was understood. Secondly, I made in my deposition a series of statements about the numerous reasons why Ambassador Stevens went.

Mr. Massie. I'm short on time. So why wasn't that included in the ARB report, that Secretary Clinton had directed him to go there?

Ambassador Pickering. She had not, to the best of my knowledge, directed him to go there.

Mr. Massie. So you disagree with his testimony in front of your board?

Ambassador Pickering. I agree that what he had to say was an indication of what the Secretary hoped for.

Mr. Massie. Let me go on----

Ambassador Pickering. I don't think it was a direction from her to go to Benghazi.

Mr. Massie. I have very little time. So, I think we all agree that any investigation should include a comprehensive list of survivors and witnesses.

Did you or do you, possess a list of survivors and witnesses, present or observing during the attack in Benghazi?

Ambassador Pickering. It's in the classified report, all of those people we interviewed.

Mr. Massie. Can that report be made available to all the members here?

Ambassador Pickering. It is made available to all the members here.

Mr. Massie. Are you at liberty to say how many of those witnesses or survivors were CIA operatives?

Ambassador Pickering. No.

Mr. Massie. Can you say if any of them were.

Ambassador Pickering. No.

Mr. Massie. You said you had unfettered access to State Department employees. Does that also include the CIA employees?

Ambassador Pickering. I am not going to go there because that gets us into classified issues.

Mr. Massie. Okay. How many people were evacuated from Benghazi immediately following the attacks? You mentioned an airplane that took people out of there.

Ambassador Pickering. There were two aircraft. I think the first one evacuated 12, and the remainder, and I think that may have been up to another two dozen or so, came on a second aircraft.

Mr. Massie. So maybe 36 people?

Ambassador Pickering. Something in that neighborhood, but that is just a very rough estimate, Mr. Massie.

Mr. Massie. How many of those were State Department employees, and how many were military?

Ambassador Pickering. I can't tell you that exactly. I can tell you that there were, I think, five security officers from the State Department who were evacuated.

Mr. Massie. Okay. Do you have a comprehensive inventory of

U.S. weapons or small arms that were there or at the annex before and after the attack?

Ambassador Pickering. I do not have such an inventory.

Mr. Massie. Is it true that after the attack, those facilities were left unsecured for quite sometime?

Ambassador Pickering. They were, but I believe the weapons and some or most of the security material from the State Department facility was evacuated.

Mr. Massie. Can you give us a list of what was evacuated?

Ambassador Pickering. I can't, but I am sure the State Department could.

Mr. Massie. Okay. And I have to ask this question because the public wants to know this. Are you aware of any arms that, not by accident but by intention, were being transferred to Turkey or Syria from Libya?

Ambassador Pickering. No.

Mr. Massie. Can you give us--can you make any statements or give us confidence that that was not occurring?

Ambassador Pickering. I am just not aware of it. I think that I have to say I looked into it, and I am not aware of it.

Mr. Massie. Okay. Thank you, I yield back.

Mr. Chaffetz. Thank the gentleman.

Now recognize the gentleman from Georgia, Mr. Woodall, for 5 minutes.

Mr. Woodall. Thank you, Mr. Chairman.

I want to thank everyone on the panel for your service. I am relatively new to the committee, though not as new to public service. We have talked a lot about unfettered access. You all had a role to play. I know the ARB was able to access folks in 10 weeks that this committee hasn't been able to access in almost a year. So much of what we do in public service, for better or for worse, has less to do with the facts and more to do with credibility. Folks have unanswered questions. I always tell my constituents back home, there are more Congressmen in jail for the cover up than there are for the crime. It is that undermining of public trust.

I just want to ask you all because, again, you have all been entrusted with these responsibilities for much longer than I. Understanding a division of government here, executive, legislative, judicial, trying to serve that public trust, Mr. Keil, would you conclude that we could serve that public trust best if this committee could have access to as much information as possible and then dispose of this issue as quickly and thoroughly as possible?

Mr. Keil. Yes, I do, sir.

Mr. Woodall. Mr. Sullivan?

Mr. Sullivan. Again, sir, I think, and I go back to what Admiral Mullen said, I think this is something between the committee and State Department. I do believe that if these are documents that Congress is entitled to get, then they should receive them. Again, I think that this is something that should be dealt with between the committee and the State Department.

Mr. Woodall. And with due respect, and I very much appreciate that answer, I actually think it is between the American People and the public servants to whom they entrust the future of the republic----

Mr. Sullivan. I would agree.

Mr. Woodall. --and that is a frustration for me, and I understand if you said----

Mr. Sullivan. I would agree with that, too, sir.

Mr. Woodall. Admiral Mullen?

Admiral Mullen. We have talked about this several times.

Mr. Chaffetz. Can you help us with the microphone there, please?

Admiral Mullen. Sorry. We have talked about this several times, and certainly I think the whole issue of how a government deals with, you know, this kind of situation I think I told the chairman earlier, I think the oversight is absolutely critical. I have just dealt too much, too many times with the tension between agencies and Capitol Hill on what should be provided and what isn't, and it's not for me or us to decide that today or I don't even think recommend in terms of what is actually going on. I am not even aware of the documents specifically of which you speak.

Mr. Woodall. It gives me no pleasure to disagree with a public servant of your caliber, but I actually----

Admiral Mullen. You wouldn't be the first.

Mr. Woodall. I might not be the first, but candidly, it is less your feelings that we ought to be able to resolve these things that I was interested in and more the absence of the outrage that we can't deal with these things because this process is going to continue. I asked someone the other day, I said, when do we come to an end of this Benghazi investigation? And the answer was, when we can finally get the folks who have the answers to speak with us. Again, you all were able to do it in 10 weeks by your calculations.

Ambassador, I talked to every relevant witness within 10 weeks, and yet we have not been able to do it in a year. And it is less about the powers of this committee. It is more about the duties that we owe the folks back home who still have unanswered questions. I will give you an example of one of those questions. In fact, the gentleman sat right there in the seat that you are sitting in, Admiral Pickering, it was Mr. Mark Thompson. You all may have dealt with Mr. Thompson professionally, but he said this when he was in that chair, Ambassador. He said, My biography is in the record. He said, We live by a code, and that code says you go after people when they are in peril when they are in the service of their country. We did not have the benefit of hindsight in the early hours, and those people who are in peril in the future need to know that we will go and get them and we will do everything we can to get them out of harm's way. And he concluded with this; he said, That night unfolded in ways that no one could have predicted when it first started, and it is my strong belief then as it is now that we needed to demonstrate that resolve, even if we still had the same outcome. Admiral Mullen, earlier in your testimony, you talked about how we were unable to get to Benghazi fast enough. You talked about bombs on the racks, munitions on the racks of aircraft at the ready.

Admiral Mullen. I used that as an example. The aircraft weren't at the ready, and what General Dempsey testified to, and I have today certainly and in previous transcription of my statements, we just couldn't get there fast enough. I do resonate completely with what Mr. Thompson said, and every

military individual to their core feels the same way, and that is, to the best of the military's ability that night, that is what happened. I looked at every asset, every possibility. It wouldn't, couldn't get there in time.

Mr. Woodall. In retrospect, it couldn't get there in time. I think the question so many folks back home have on behalf of so many families is, ``Can we see the fuel being driven to the runway? Can we see the pilots getting out of bed, can we see the teams being scrambled?'' Yes, we have seen some of that, folks arriving the next day, but this is every bit as much about what happens in the future as it was what happened in the past, if not more so, and again, I thank you all for your great public service.

Mr. Chaffetz. The gentleman yields back.

We will now recognize the gentlewoman for 5 minutes.

Ms. Lujan Grisham. Mr. Chairman, thank you.

And in the spirit of continuing this conversation, I yield back to Ranking Member Mr. Cummings.

Mr. Cummings. Thank you very much.

I just ask, Mr. Chairman, that I be given the extra minute that Mr. Woodall also had, please.

Mr. Chaffetz. Without objection, so ordered.

Mr. Cummings. Ambassador Pickering, sometimes I don't think that the public understands that the State Department is often serving in places that don't offer a lot of options when it comes to facilities. Let me read to you what the executive director of the Bureau of Near Eastern Affairs told the committee in his interview about how the United States ultimately selected the special mission compound in Benghazi for use as a military facility. He said this: The villas were the only things that were available at the time that even met minimal standards. Remember, Chris Stevens had just gotten off a ferry with cars. He had gone back into a hotel. There had been a bomb that went off. We had to find something and something quick, and I mean the Department as a whole had to find something.

Here is the challenge. In the case of Benghazi, you had some very smart people, including Ambassador Stevens, advising the United States Government that we should be in Benghazi, but it sounds like there were not many good options available. Even the hotel where they first tried to locate came under risk of being bombed.

Ambassador Pickering, isn't it the case that, in many parts of the world, State Department officials don't have the best of choices from which to operate a diplomatic post?

Ambassador Pickering. That is true, Mr. Cummings. On the other hand, we are speaking about April 2010 more or less, and the problem with Benghazi was that there was time to make change and improvements, and we found people at fault for not having taken that time to do the job.

Mr. Cummings. And whose responsibility was that?

Ambassador Pickering. We believed it was principally in the Bureau of Diplomatic Security, which is charged with oversight and implementation of State Department security.

Mr. Cummings. Ambassador Pickering, I am gathering that we don't want to lock up our people in fortresses, and Ambassador Stevens, who was so loved and appreciated by the people,

understood that. Can you tell us in practical terms how your recommendations will help the State Department going forward strike a balance between important policy imperatives and the fact that there are not always a lot of good choices from which to operate?

Ambassador Pickering. Because, sir, it takes or tries to take into account the special disadvantages that you have mentioned in location, in changing threat situations, and in risk management, and it sees that as a dynamic where not every day can you wander the bazaars, but when you can you should know about it and understand the risks that you are taking. It also means that different locations in cities have different requirements for security. Cars are different than residences, are different than safe havens. And so it provides graduated levels, if I could put it this way, of safety and security over a period of time to individuals who might be in danger. Hopefully, the situation will be in the main the kind of situation that Chris Stevens really was able in a maximum way to take advantage of, but at the same time, it would also be, we hope, the kind of situation that would prevent the death of a Chris Stevens in times when the threat level had increased and the security would be adequate to deal with that, and so it is not all Inman buildings, but for most places, it is nice to have those as what I would call the security anchor for the worst times.

Mr. Cummings. Mr. Sullivan, a key to this seems to be risk mitigation. Can you explain how your best practices panel addressed this issue and explain how a department-wide risk management model would help?

Mr. Sullivan. Yes, sir. What we looked at was risk management, and what we found is that, for the most part, risk is dealt with either by experience or intuition, which those two things are extremely important. However, what we're recommending is that there be a more---

Mr. Cummings. Did you say ``intuition''?

Mr. Sullivan. Yes, sir. Experience, intuition, you know, and background. What we're seeing is there needs to be a more formalized system. As things become, you know, more complicated out there as the threat becomes, you know, more severe, there needs to just be a more formalized risk-management model that would be available not just to the department, not just to DS but to the department as a whole, you know, risk management when it comes to, you know, medical services, risk management when it comes to IT, risk management when it comes to where you're going to put a building, and that would--DS would feed into this risk management model when it comes to, you know, what--how do you mitigate the threat? You know, what is acceptable risk? What is the criticality of the program that you are running? How important is it for that program to run? You know, all of us know that nothing is a hundred percent certain when it comes to eliminating risk. We all know that the minute you step out the door, there is going to be risk, but what we're getting at here is that there be a collaborative effort among everybody in the department to come up with the best way to manage that risk, to come up with mitigation for that risk and make sure we give the safest environment to our diplomats overseas in these high threat areas.

Mr. Cummings. Thank you very much. Thank you.

Chairman Issa. [presiding.] We now go to the gentleman from North Carolina.

Mr. Meadows. Thank you, Mr. Chairman.

Some have argued today that this hearing is just all about politics, and yet I know that I made a promise to some of the family members that are sitting right behind you that I would do everything within my power to make sure that this never happened again, and to that end, there is a bill that Chairman Royce, H.R. 1768 that looks at the ARB and modifying that, of which I with some of my colleagues here are a cosponsor of, and so I want to specifically look at a couple of things that really hopefully will keep us from repeating this tragedy.

And I want to address what is now known as the Cohen memo that was brought forth under Secretary Madeleine Albright. It made some recommendations there. It made a recommendation that we had an under secretary for Diplomatic Security that reported directly to the Secretary.

And Ambassador Pickering, I want to address this question to you, and if you would put a slide up on the screen so that we can know what we are talking about there, if I could ask the committee to do that. But in that, you were copied on a memo, that Cohen memo, because you were the under secretary for political affairs, and it talked about the issue, and I quote, ``The issue of the DS,' ' or Diplomatic Security, ``reporting to the Secretary of State was controversial with the corporate board.' '

What is the corporate board?

Ambassador Pickering. I suppose that Under Secretary Cohen was referring to the group of people on the seventh floor, under secretaries and up, who were close to the Secretary and perhaps some of her personal staff, but I cannot but guess.

Mr. Meadows. Okay. Were you a member of that corporate board?

Ambassador Pickering. From time to time, yes, but not on all issues.

Mr. Meadows. Okay. So why was this controversial with that corporate board?

Ambassador Pickering. I don't know. I personally had some--

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Mr. Meadows. So you would support that?

Ambassador Pickering. --reservations about the under secretary proposal.

Mr. Meadows. All right. So--because I think the other quote, and I want to quote this as well, There are strong feelings that there were already enough under secretaries and that the under secretary of management should be entrusted to make tradeoff decisions, tradeoff decisions between Diplomatic Security and administrative functions.

You know, when we are talking about the lives of Americans, tradeoff is not a good word. Would you agree with that?

Ambassador Pickering. I agree. I believe that there is a natural problem in that particular question between the under secretary of political affairs and the under secretary for management, between the political imperative of staying in a post and the security imperative----

Mr. Meadows. Okay.

Ambassador Pickering. --of protecting it or leaving it.

Mr. Meadows. Okay. So let's look at this. You had an ARB that was extensive. So this can be to you, Ambassador, and to you, Admiral Mullen. Why was this particular issue not brought up in the ARB when it was clearly recommended when we had a tragedy in East Africa before? Why would you not have addressed this as an issue?

Ambassador Pickering. We did not, in my view, believe that the deficiencies that we found would be cured by that problem. That was my personal view.

Secondly, that that cure would not solve all issues. It would bifurcate, in my view, things like the sources of----

Mr. Meadows. So having one person----

Ambassador Pickering. Responsibilities for----

Mr. Meadows. So having one person in control of Diplomatic Security is not a good idea?

Admiral Mullen, would you agree with that?

Ambassador Pickering. I believe that one person in control of Diplomatic Security is an excellent idea at the assistant secretary level.

Mr. Meadows. Okay. Admiral Mullen?

Admiral Mullen. I have seen certainly this brought up today, and I'm aware that the panel recommended the same thing. I am not as sanguine immediately on doing this because I don't think you fix it by just bureaucratically making the change.

Mr. Meadows. Well, there may not be one fix, but indeed, it was recommended before, and it was thought to be a good idea, and yet here we are 15 years later not doing it.

Admiral Mullen. Part of the way--part of the way we tried to address that was to look at previous recommendations and implementation, and a lot has changed since 1998, so it may be the right answer. There are some--there are some bureaucratic issues associated with this that I am not overly excited about. That doesn't--what it can't do is be put in place and not be integrated in a way with the rest of the State Department.

Mr. Meadows. All right. So, for the record, today, each of you, are you for this or against it, this recommendation? For the record, I want both of you to tell me where you are on the record, and creating an under secretary for Diplomatic Security.

Ambassador Pickering. I am inclined against it because I think the problems it raises are larger than the problems it solves.

Mr. Meadows. Okay. Admiral Mullen?

Admiral Mullen. I am against it until I know a whole lot more about it.

Mr. Meadows. Okay. I can see my time is expired, so I will yield back.

Chairman Issa. Well, before the gentleman yields back, I think Mr. Sullivan and Mr. Keil can speak to their view of this, and, you know, candidly, I will tell you, Mr. Meadows, I am actually with the admiral and the ambassador in that I think Under Secretary Kennedy had both parts of this on his watch. And it was an organizational failure to weigh the two. Maybe it didn't come to his desk, but putting a separate under secretary wouldn't have changed that.

Mr. Sullivan?

Mr. Sullivan. Mr. Chairman, thank you.

You know, as the panel looked at this, there were a couple of things that just came to mind, and even here there is debate, I believe, as far as who is in charge of security. So, from that perspective, we believe that by having an under secretary for security that would, you know, eliminate all debate, confusion about who, in fact, was in charge of security.

When we look at the amount of, the breadth and scope of what comes under the under secretary for management, it is just pretty vast, and it is pretty, you know, administration, budget, visa, the Foreign Service Institute, the comptroller, HR, information resource. We thought that was an awful lot for one secretary. You know, I understand the hesitation because of the--this may, you know, just create another bureaucratic layer, and one thing I think is important to understand is, you know, my background, you know, as director, I was a direct report to the Secretary, you know. We had a deputy director from the FBI and, you know, and his background, the deputy--the Director was a direct report to the Attorney General, and I think when you have that type of direct report and it is made clear to everybody, it just lets your internal, and external partners, for that matter, just know the importance of security and where security stands within an organization. But, again, we also understand that there are a lot of other factors that are involved here, and there's a few things that need to be worked out, and I have talked to the current acting assistant secretary, Greg Starr, this is something after the report came out, he wanted to talk to us about in more detail.

Chairman Issa. Mr. Keil, anything briefly?

Mr. Keil. Yeah, just quickly. I think when you look at our report, all the aspects of our report are interlinked. The under secretary is the linchpin. You have to go to a risk management model, program criticality and the other aspects of the report. It is not a standalone. You don't just create an under secretary, and it solves it. It is interlinked, as you read our entire report. It is all interlinked. Interestingly, just one last point, the former assistant secretary for Diplomatic Security, Eric Boswell, testified before your staff, and it is in your committee report. He says, and it is a quote from your committee report, that the under secretary for management was making all the security decisions. That does not integrate well into a risk management model.

Mr. Meadows. Thank you, Mr. Chairman.

Chairman Issa. That was our view.

Admiral Mullen. Mr. Chairman, could I just add one thing?

Chairman Issa. Of course, Admiral.

Admiral Mullen. With this work, which I just saw recently, the intent of what we did in the ARB was to certainly have this but hope that this independent group continues over time to evaluate this issue so that this isn't the last word with respect to these issues.

Chairman Issa. Well, post-9/11, I think we all know that security is a daily relook and not a one-time relook.

Ambassador?

Ambassador Pickering. I should just mention because the question of the previous ARB was raised.

Secretary Albright, as a result of that recommendation, met daily with the assistant secretary of state for Diplomatic Security first thing in the morning, and that established a nexus, a chain which neither her--I think none of her three successors kept. I think that may have been an error. I think that in some ways her interest, and put it this way, in no more Nairobi's and no more Dar es Salaams was an important instinct. That wouldn't be solved necessarily by elevating the rank or denigrating the rank. It was solved by a process, and I think that that was a rather good process, and in some ways, I'm sorry it wasn't repeated, but it wasn't extended at the time we looked at the ARB.

Chairman Issa. Thank you.

Mr. Davis.

Mr. Davis. Thank you very much, Mr. Chairman.

And thank you, gentlemen.

Ambassador Pickering, in your deposition you said that no other ARB was so extensive and far-reaching in its findings of personal responsibility or personal accountability or made such far-reaching recommendations at such high levels in the State Department. Is that correct?

Ambassador Pickering. Yes, I believe it is, sir.

Mr. Davis. You further said that you were able to arrive at that conclusion because you had your staff review all of the other ARBs that were reported on to compare how they did their work and what they reported. Is that true?

Ambassador Pickering. Yes, sir, that's particularly germane to the level and degree of accountability which I believe we assessed.

Mr. Davis. Then can you explain how your review of previous ARBs led you to conclude that your ARB was one of the most comprehensive and far-reaching?

Ambassador Pickering. We reviewed the level at which they fixed responsibility when they did and the degree to which they discussed that responsibility and the actions that they did recommend or did not recommend with respect to the people involved in those ARBs as a comparator against which to judge what we were recommending.

Mr. Davis. Thank you, Mr. Ambassador.

I also understand that a principal reason for doing the review of recommendations is that you felt that previous ARBs had made good recommendations but that the State Department sometimes fell short in implementing them. Is that correct?

Ambassador Pickering. Yes, we did, and that is correct.

Mr. Davis. Then could you tell us what steps that you took with this ARB to ensure that the 29 recommendations you made would, in fact, be implemented?

Ambassador Pickering. We re-recommended at least one principal unfilled recommendation of a previous ARB which we felt was very germane to our ongoing security posture. That is a construction recommendation involving large amounts of money. We tried to carry that message, Mr. Davis, by starting each chapter of the ARB with a recollection of past recommendations which we believe hadn't been heeded, needed to be reheeded or needed to be reintroduced.

Mr. Davis. Then have you been able to follow your recommendations and see how they are being implemented, and if

so, what have you found?

Ambassador Pickering. Only in the press, and so far what we have seen has shown department action in that regard, but I cannot say that that is a satisfactory method of review. It was not in our mandate.

Mr. Davis. One senior State Department official interviewed by the committee said that, while serving in Libya, he saw evidence that the ARB recommendations were being implemented. He said; ``when I was charge in Tripoli for 6 months, for example, there was a huge number of security upgrades that are underway. Many of them, you know, attributable either directly or indirectly to ARB.''

Are you encouraged by this comment?

Ambassador Pickering. I saw that in the report. I am encouraged by the comment, but we know that, in fact, the first year after the ARB is a time of intense activity, and I worry whether, in fact, this is going to be continued, whether some of the heavy lifting between this branch of government and the executive branch for additional money and proposals for additional funding are going to be followed through. I hope they are. I can say I remain now skeptically optimistic, but I live in hope.

Mr. Davis. Thank you very much.

And I have no further questions, Mr. Chairman. I yield back.

Chairman Issa. I thank the gentleman.

We now go to the gentleman from Michigan, Mr. Bentivolio.

Mr. Bentivolio. Thank you very much, Mr. Chairman.

Gentlemen, thank you very much for your distinguished service. I certainly appreciate it. I am going to be real quick. I only--I have a lot of questions but only 5 minutes to ask them.

Admiral, I especially took note of your distinguished career and that, noticed that you were the captain of several ships or Navy vessels, correct?

Admiral Mullen. Correct.

Mr. Bentivolio. And on those boats, vessels, ships----

Admiral Mullen. Ships.

Mr. Bentivolio. Ships, thank you. I am an old Army guy. That you probably created a culture on that ship that had a high degree or those ships that had a high degree of morale, a culture of safety, risk management as we were speaking about, and maintaining a high state of discipline and readiness; is that correct?

Admiral Mullen. Correct.

Mr. Bentivolio. You probably wouldn't have been promoted to admiral had you not done that. So, rest assured, I have no doubt in my mind that your career is one of the most distinguished I've ever read about. I'm really impressed.

But there's--I want to get back to this risk management. It seems to me, from what I've been hearing all day, there was a lack of it in--well, in the State Department. Did you find that also to be true?

Admiral Mullen. I've sort of a two-level answer for this.

Mr. Bentivolio. Okay.

Admiral Mullen. One of the things that most of us that grew up in the military do almost instinctively is risk management,

particularly with respect to any kind of combat, and we've been in a lot of combat in the last dozen years. What I have found, and I take, go to my senior position in the Pentagon as the chairman, as the head of the Navy, we're not as good at what I call strategic risk management as I would like to be specifically. And I worked on that when I was a chairman and when I was the head of the Navy in those senior positions. And too often, we're great tactically and not good strategically in many areas.

What I found when we did our, the ARB is there wasn't the existence of certainly a system, systematic risk management program.

Mr. Bentivolio. So you're familiar with the military risk management matrix, correct?

Admiral Mullen. Yes.

Mr. Bentivolio. Okay. We start at the very top would be extremely high risk, right?

Admiral Mullen. Well, yeah. I mean, we would look at a combination of what we call likelihood and danger----

Mr. Bentivolio. Okay.

Admiral Mullen. --or most significant outcome.

Mr. Bentivolio. Well, I'm from the Army and we have low, medium----

Admiral Mullen. Yeah, yeah.

Mr. Bentivolio. --high, and extremely high risk, and we evaluate just about every task----

Admiral Mullen. Sure.

Mr. Bentivolio. --including when we go into combat.

Admiral Mullen. Right.

Mr. Bentivolio. We look at all those. And let's see. Where--the part I'm talking about, and I think we touched on this in earlier questioning, you developed or the military tries to develop a culture around risk management, and I think that's what you're trying to improve when you talk about discussing this at the Pentagon, right?

Admiral Mullen. Yes.

Mr. Bentivolio. But I seem to have found absent in the leadership of the State Department. And I was just reading and just to prove your point in how we try to create a culture of safety and evaluating risks at all levels, I have a copy from the manual that is often used in training our first line of leaders, E-5, sergeants, I think. What do you call them in the Navy? E-5s?

Admiral Mullen. Petty officers.

Mr. Bentivolio. Petty officers, thank you. Petty officer. You have same, similar classes where they learn leadership skills?

Admiral Mullen. Yes.

Mr. Bentivolio. Including risk management analysis, correct?

Admiral Mullen. Well, it's certainly included. We certainly have a leadership focus.

Mr. Bentivolio. Right. Thank you.

Mr. Keil, Mr. Sullivan, thank you, and you brought up risk management as well. Are you familiar with--well, it says here, let me read this, leaders and individuals at all levels are responsible and accountable for managing risk. They must ensure

that hazards and associated risks are identified and controlled during planning, preparation, and execution of operations. Are you familiar with that?

Mr. Keil. Yes, sir.

Mr. Bentivolio. Are you familiar with the matrix that I'm talking about, referring to?

Mr. Keil. Generally, yes, sir.

Mr. Bentivolio. Generally, okay. How would you evaluate, if you got an intelligence report saying that November 16th that the British intel agency has foiled an attack on the Libya's National Transition Council and the British ambassador was about to get assassinated or tried to on February 6 in Syria, and in 2012, the U.S. closed the embassy in Syria, On June 15, 2012, Tripoli, Libya, reporting a string of attacks on Western diplomats and international organizations. If you were going to Libya, how would you evaluate or on that matrix, what would be the level of risk? High, extremely high, medium or low?

Mr. Keil. I would say extremely high, sir.

Mr. Bentivolio. An extremely high, would you not try to address those things to lower that risk, including worst-case scenarios?

Mr. Keil. Yes, sir.

Chairman Issa. The gentleman's time has expired, but you can answer.

Mr. Keil. Yes, sir, and but it can't just be addressed strategically. It also has to be addressed tactically. You can't separate those two. Too often people are quick to say, Oh, it was the Bureau of Diplomatic Security's responsibility. It doesn't stop there. It's more of a strategic question. It's got to be a whole-of-organization approach to risk management.

Mr. Bentivolio. A culture within the organizations?

Mr. Keil. Yes, sir.

Mr. Bentivolio. And because of that absence of culture, the captain of this ship, so to speak, probably wouldn't get a very good rating; is that correct?

Mr. Keil. Yes, sir.

Mr. Bentivolio. And who was the captain of the Department of State at the time?

Mr. Keil. Secretary of State.

Mr. Bentivolio. And name please?

Mr. Keil. At that time it was Secretary Clinton.

Mr. Bentivolio. Thank you very much.

Chairman Issa. I thank the gentleman.

We now go to the gentleman from Missouri, who has been patiently looking in and out, coming in and out for this very opportunity.

Mr. Clay. Thank you, Mr. Chairman, for conducting this hearing.

And thank the witnesses for appearing, and hopefully some of our questions are being answered.

And, Mr. Chairman, at this time, I would like to yield to my friend, the husband----

Chairman Issa. Well, thank you.

Mr. Clay. The husband of the brilliant Dr. Rockeymoore, Mr. Cummings of Maryland.

Chairman Issa. Oh, so I was your second choice.

The gentleman is recognized.

Mr. Cummings. Thank you very much. I'll tell my wife you said that.

The ARB assigned accountability to three individuals within the Bureau of Diplomatic Security, the deputy assistant secretary responsible for Libya, her boss, the principal deputy assistant secretary, and the assistant secretary. However, the ARB did not find specific fault with the under secretary for management, Patrick Kennedy, who is the supervisor of the assistant secretary.

The Republican staff report released on Sunday night stated, ``The ARB downplayed Kennedy's role in the decisionmaking that led to the inadequate security posture in Benghazi.''

Ambassador Pickering, do you agree that you downplayed Under Secretary Kennedy's role?

And Admiral Mullen, would you answer the same question?

Ambassador Pickering. No. I think that we looked very carefully at this. We have had numerous dialogues about this here this morning. We did not find the pattern of decisionmaking on the part of Secretary Kennedy deficient with respect to security. We did find the pattern of decisionmaking at the deputy assistant secretary level in the Bureau of Diplomatic Security deficient, and we found the review of that pattern by her boss, the assistant secretary, lacked, put it this way, sufficient attention to leadership and management, that it was deficient. We've talked here about that, and I believe that's the best description I can give you of that interrelationship.

Mr. Cummings. Admiral Mullen?

Admiral Mullen. I would only add that, again, we were guided by the statute that said, Look at who was making the decisions, and that's--it's almost hard to overstate the significance and the nexus of those decisions being made in the DS Bureau by Lamb and fully supported by her boss, Boswell.

Mr. Cummings. As evidence----

Ambassador Pickering. Not only to reinforce that, we were specifically admonished under the statute not to take as dispositive the acceptance of responsibility by senior officers who clearly didn't make decisions and, in some cases, were not informed but took that responsibility pro forma as part of their sense of obligation to their department.

Mr. Cummings. As evidence of this allegation, the Republican staff report discusses a memorandum that Under Secretary Kennedy approved in December 2011, extending the special mission for 1 year. The Republican staff report said this; ``The document and the testimony show that one of the major contributing factors to this deficiency was the temporary nature of the Benghazi compound authorized by Under Secretary Patrick Kennedy.''

Ambassador Pickering, did the Accountability Review Board review the December 2011 memorandum approved by Under Secretary Kennedy?

Ambassador Pickering. Yes, we did.

Mr. Cummings. Ambassador Pickering, can you explain what role Under Secretary Kennedy had in that memo and why you did not conclude that he was responsible for the specific measures at the temporary facility?

Ambassador Pickering. He was asked to approve the extension by all of the bureaus concerned, including the Bureau of Diplomatic Security which had responsibility in carrying out that extension to carry out the appropriate security measures. There was not a proposed panoply of security measures which Kennedy was asked to approve. It was part of the process that the Bureau of Diplomatic Security had that responsibility, would take it and carry it out.

Mr. Cummings. Admiral Mullen, do you agree with that?

Admiral Mullen. I do, and one very specific line item in that memorandum designated the expected number of ARSO's, security agents or officers in Benghazi, and that gets back to, in implementation, where the decisions were made. The failure and accountability was in not meeting that need.

Mr. Cummings. Then, finally, in fact, that memo was approved before it reached the under secretary by both the Bureau of Diplomatic Security and the Bureau of Overseas Building Operations, both of which were responsible for the security at the post. The Republican staff report also finds fault with Under Secretary Kennedy plays a role in approving the decision not to expand--extend the SST, a Defense Department team helping with security in Tripoli, the report states, and this is--I'll close with this, ``The decision to end the SST mission in Libya in July 2012 was made by Ambassador Kennedy, albeit based upon a recommendation from Charlene Lamb.''

Do you all have a comment on that?

Ambassador Pickering. Yes, I would just comment that to the best of our knowledge and belief, the continuation of the SST was not also actively supported by Ambassador Stevens, and that played a role as well in the decisionmaking.

Mr. Cummings. I'll yield.

Chairman Issa. With that we go--go ahead, Admiral.

With that, we go to the gentleman from Florida.

Mr. DeSantis. Thank you, Mr. Chairman.

Admiral Mullen, just to follow up, there was the discussion about giving the head's up to Cheryl Mills, so what was the purpose of doing that?

Admiral Mullen. The purpose was to--the purpose was to, having sat through an interview with Ms. Lamb, who answered all questions very honestly--there's been an issue raised today about whether there was any question about her, and there wasn't ever, about Ms. Lamb and her straightforwardness--but the single purpose was very obviously very early in the overall process post-Benghazi, the testimony was having run a large department, I spent a lot of time when I was head of the Navy, as well as chairman, and in previous jobs, but really in those head jobs, that the senior jobs, looking at who should, who would be best qualified for whatever the question was----

Mr. DeSantis. No, I understand that and I understand----

Admiral Mullen. And so testified.

Mr. DeSantis. Sorry to interrupt, but I'm limited on time, and I understand, as a CNO, and I was in the Navy when you were CNO, and I appreciate that, but I guess, you know, you're on this ARB. I just--what is it? Like what interest do you have in who the State Department puts up or not? I understand why, given your Navy position, how you would have done that with the

Defense Department.

Admiral Mullen. Actually, it had nothing, it had nothing to do with ARB, and it had everything to do with a heads up in order to at least give my view that this was going to be a weak witness to an agency head who was working through who was going to appear.

Mr. DeSantis. Ambassador Pickering, this may, was mentioned previously, but this 1998 ARB recommendation about the Secretary of State personally reviewing the security situation in these outposts and closing some if there is not adequate security, and this was after the East Africa bombings, was that something, because I know you were high in the State Department, was that something that you remember, and did you think that that recommendation made sense?

Ambassador Pickering. Yes.

Mr. DeSantis. And so the issue with not submitting interrogatories to Secretary Clinton or not interviewing her about, you know, what determinations did she make with respect to Benghazi, what was the reason for not doing that?

Ambassador Pickering. I think that we made it clear that, as I said a moment ago, that's, that particular process, which Secretary Albright implemented in her own way of having a daily meeting in the morning with the assistant secretary of security, seems to have dwindled away. It did not exist, and therefore, there was a weakness, in our view, in perhaps pushing issues up that might have attracted the attention of the Secretary, but that was not done.

But that was not, in our view, a fault with the Secretary. It was a fault with the assistant secretary for security, who, if he had that view, should have pushed it up. That was, of course, a decisional question. We found weaknesses in taking account of a whole series of activities in the region that everybody seemed to live with and not take as a kind of bell ringing in the night that the situation was getting worse and you better take a look at it.

Mr. DeSantis. And I understand that. I guess my issue is, is, you know, Benghazi and eastern Libya generally, like when I was in Iraq in 2007, there were foreign fighters coming into Iraq from Libya. And we knew when we were conducting operations against Qadhafi that a lot of his opposition was an Islamist opposition. And so it just seems to me that that process breaking down, I understand how that, but this particular area on the eve of 9/11, it just seems to me that there should have been more alarm bells ringing off that would go all the way to the top. And I understand your point about the breakdown, but it just seems to me it would have been helpful to get the Secretary's input on what she did or didn't do proactively, understanding that there may be fault beneath because of the critical nature of that, and so I just want--my final question would be, you know, as you sit here today, and obviously, it would be to both Admiral Mullen and Ambassador Pickering, are you satisfied with the United States Government's response to what happened in Benghazi writ large?

Ambassador Pickering. No, and I think that our report was designed, sir, to provide a series of recommendations----

Mr. DeSantis. But what I'm saying is----

Ambassador Pickering. --on what to do.

Mr. DeSantis. The response, since you've done the report, are you satisfied with the action that the government's taken, and then, just as somebody, and I know this is outside the purview of your report, but just as an American, and certainly Admiral Mullen, as a distinguished military officer, you know, are you satisfied with what we've done to bring the folks who actually did this to justice?

Ambassador Pickering. I'm--look, you've got a couple questions here. What was done to follow up the ARB generally through the newspaper reports, I think they are making a serious effort to do it, but I would be happier if I sat down and had a full briefing and then could give you the kind of judgment that I hope you would expect from somebody with experience.

Chairman Issa. Heck, we'd be happy to get a briefing, too.

Ambassador Pickering. Yeah, I understand. On the FBI's work, I think that's something you really need to talk to them about. There have been complaints that they aren't moving soon enough, but we all know the difficulty of investigative activities in foreign countries where, in fact, it requires a huge security presence even to go and take a look at the crime scene. And I think there are formidable problems that the FBI faces in being able to provide a rapid response. And I think I understand as well as most. I, certainly as a citizen, I would like to see it instantaneously, but as, I hope, a rational person, I have some understanding of what it is they have to contend with.

Chairman Issa. I thank the gentleman.

We now go to the gentleman from Tennessee, Mr. DesJarlais.

Mr. DesJarlais. Thank you, Mr. Chairman.

Thank you, gentlemen. I know it's been a long hearing.

There's many lingering questions on Benghazi. One I get asked quite frequently, and I want to get your perspective, Ambassador and Admiral, on this particular issue, and that is the claim by the State Department, the Secretary of State, the intelligence community as to the fact that this attack was the result of a YouTube video. What is your perspective as to why that was propagated for so long?

Ambassador Pickering. Look, that all happened after the ARB was, in effect, reported. It was not in our line of responsibility, and therefore, I think that principally those investigating criminally are going to have to look for motive and rationale. And I believe, in fact, that, without bucking it too much, that's where the real decisionmaking on what really was motivating the guys will have to take place.

Put it this way: There was an attack on Egypt apparently more directly related to the video that took place on the afternoon before the attack on Benghazi. There is some indication that that attack stimulated interest in Benghazi, only indication.

There are some who have said there is testimony that, in fact, the video was in people's minds.

Mr. DesJarlais. Okay. I mean, I think we can all buy that story, sir.

Ambassador Pickering. But I can't give you a conclusive view because I haven't done the work.

Mr. DesJarlais. Okay, I think we can all buy that.

You're an American. You listened to this. You watched the news, and you had to have been a little bit ashamed of the fact that this was propagated for 2 to 3 weeks. I think this is important because we have family that still have not had justice, the justice that Obama went on television and promised we would get; we would catch these people. It's a year later; there's not even been an arrest. And, you know, that's a problem.

And so it goes to the credibility, and I just wanted to get your perspective. I get your talking points, and I know what happened in Egypt, and that story might have held water for, what, maybe 6 hours, but not 3 weeks. But yet, you know, to the American people the credibility of the administration, the State Department and the intelligence community was diminished because they continued to propagate that.

Admiral, do you agree?

Admiral Mullen. We made very clear early on, and obviously it was almost a month later when----

Chairman Issa. Admiral, if you would take your mic, please.

Admiral Mullen. Sorry. We made very clear early on, and obviously, we started a month later, that we thought it was a terrorist attack based on, actually not just based on sort of the public discussion but based on the evidence. And certainly I----

Mr. DesJarlais. What do I tell the folks back home?

Admiral Mullen. I guess the way I would answer the question is to say I understand the question.

Mr. DesJarlais. Uh-huh, you understand.

Admiral Mullen. But it really was outside our purview to get in.

Mr. DesJarlais. A lot of people think it was political. I mean, we were 7 weeks from a Presidential election; this was just messy, and we didn't want to deal with it, but what it did create was a lack of an investigation taking place immediately. It was delayed about 3 weeks, and that's why I bring it up.

But let's get back to something that is more germane to today's hearing. Raymond Maxwell is one of the people selected for accountability. Can you tell me what Raymond Maxwell did to contribute to the inadequate security posture in Benghazi?

Ambassador Pickering. He told us that he had made a conscious decision not to read the intelligence.

Mr. DesJarlais. Okay. And did you look at the testimony of his supervisor, Beth Jones, where she said it's been determined that there was no intelligence they could have told us that this attack was underway; it wasn't material.

Ambassador Pickering. That was all substantive to our discussion. We did interview Ms. Jones. From what I can see, her subsequent testimony to the committee indicated she was not aware of the fact that her subordinate was not reading the intelligence.

Mr. DesJarlais. But in fact, there was evidence that he had not stopped reading all the intelligence.

Ambassador Pickering. He made a statement to us that led us to believe that he had stopped reading intelligence.

Admiral Mullen. And he did not clarify it, as it has been clarified I've seen in certain documents.

Ambassador Pickering. And in every interview, we gave

people at the end of the interview the warning and the right, did they have anything more to say to explain their testimony to us?

Mr. DesJarlais. Okay. So was Maxwell's finding for accountability directly related to the attack on Benghazi or was the accountability unrelated to the attack?

Ambassador Pickering. We believe it was related to the security question. If he didn't know the intelligence, he couldn't understand the security problem in full.

Admiral Mullen. And, sir, just very quickly, from my perspective, in that interview. I mean, again, I was stunned and shocked when I heard him. What it represented to me was a detachment from the responsibilities for Libya and then inside Libya and Tripoli and Benghazi. It was a strong indicator of his detachment, and he as a very senior guy in the State Department, responsible with everything else that was going on in the world, it sort of lay right in front of him.

Mr. DesJarlais. Okay, so I'll----

Ambassador Pickering. And, sir, he said he did this because he didn't want to confuse in public speaking classified and unclassified, while at the same time, he was clearly reading all of the State Department classified material, so this didn't seem to us to be a responsible position or a reasonable position, and I fully support what the admiral said.

Mr. DesJarlais. Okay, so you think at this point, he still should be one of the four individuals based on what you know now? This is, of all the things that happened in Benghazi, this is one of the guys that should take the heat?

Ambassador Pickering. We haven't changed our view. Certainly, I haven't.

Mr. DesJarlais. Thank you.

Chairman Issa. We go to Mrs. Lummis.

Mrs. Lummis, would you yield me about 10 seconds.

Mrs. Lummis. Yes, Mr. Chairman.

Chairman Issa. I just want to make one thing clear in a question. I'm following up on Dr. DesJarlais. You held him accountable because he was derelict in focusing on his responsibility. However, people above him and below him were acutely aware that there had been a series of attacks, including the two on the British ambassador and the like. So the actual attacks and the actual risk was not a question but only the classified information. I just want to make sure that's correct. We've had both of you in depositions on this.

Ambassador Pickering. I think we believed that his responsibility in the bureau extended to everything taking place in Libya.

Chairman Issa. So he's part of the culture of not caring enough but, in fact, people above him and below him, including Under Secretary Kennedy, were acutely aware of the growing danger and risk actually occurring in Benghazi?

Ambassador Pickering. They were not----

Chairman Issa. That's a yes or no.

Ambassador Pickering. They were not required to follow, Mr. Chairman, on a daily basis. He had the dot. He made it clear he had the dot, and he was--they were not--these----

Chairman Issa. Now, look we're aware of the----

Ambassador Pickering. --his universe to cover.

Chairman Issa. Admiral--or ambassador, we're not----

Ambassador Pickering. I love the promotion, keep giving it to me.

Chairman Issa. No, ambassador is forever, we know that. The fact is that we are not disagreeing that there was a level, a sequence of responsibility.

Ambassador Pickering. Yes.

Chairman Issa. So, trust us, we are not saying you were wrong in holding certain people accountable. One of the challenges here, as Dr. DesJarlais said, is, Look, you had absolutely no mandate to deal with the fact that the American people were outright lied to as to the cause of the attack and misled for a long period of time, including on virtually every Sunday talk show. We understand that wasn't your mandate, but neither was your mandate to look at the question of a system, under Under Secretary Kennedy, that did not allow anybody to pull the panic button, but rather, it kept looking for one person who would decide not to do, not to have Benghazi open or to man it with resources they may not have had. Mrs. Lummis, I would ask----

Ambassador Pickering. Quite the contrary, Mr. Chairman. One of our recommendations was that there ought to be a system, a very simple one, where there were differences of view between the regional bureau supporting the ambassador in the field and Diplomatic Security, that it ought to be resolved by the two assistant secretaries immediately. If it couldn't go there, it should go to Kennedy and his political opposite number in this point, Wendy Sherman. If they couldn't solve it right away, the Secretary. So we believed, in fact, that push up was not taking place, and the principal responsibility, as Admiral Mullen I think explained a while ago, seemed to be at the level of the people who had the responsibility to push up, who were in a sense covering their decisions.

Chairman Issa. Thank you.

I would ask unanimous consent the gentlelady have the full 5 minutes. Without objection, so ordered.

Mrs. Lummis. Thank you, Mr. Chairman.

I want to follow up on Dr. DesJarlais's and the chairman's line of questioning. You did, as the Accountability Review Board, admit last December that there was no protest prior to the attacks, correct?

Ambassador Pickering. Correct.

Mrs. Lummis. Is it true that there really were video and audio feeds from Benghazi as the attacks unfolded?

Ambassador Pickering. No. There were video feeds to the tactical center in Benghazi monitored by a DS agent.

Mrs. Lummis. And did the----

Ambassador Pickering. Who had an opportunity to see certain cameras that were put in for precisely that kind of surveillance.

Mrs. Lummis. Okay. And so did the DSA agent have an opportunity to communicate what he was seeing on the film to--

--

Ambassador Pickering. Yes, he was speaking over the telephone on a regular basis with the DS operations center at the State Department in Washington.

Mrs. Lummis. Okay. So that gets it into the chain of

command. So that information could have been or should have been available to the President, to the Secretary of Defense, the Secretary of State; is that correct?

Ambassador Pickering. That particular set of information was shared in the State Department. I don't know to what degree it went beyond the State Department.

Mrs. Lummis. So we still don't know why Susan Rice went on those Sunday talk shows when they had the information that this wasn't due to a spontaneous protest and instead said it was.

Ambassador Pickering. We did not obviously have responsibility for investigating that, so I don't even want to give you an opinion on it.

Mrs. Lummis. Okay. Was it an organized terrorist group that attacked?

Ambassador Pickering. That is something the FBI will have to answer. I can say the following: From my observation of the surveillance camera film, which was spotty, not complete, some of the invaders showed some modicum of organization for a short period of time and some showed a lot of disorganization, but Admiral Mullen is the military expert. I don't know whether he has any comment on that or not.

Admiral Mullen. I think that's pretty well said. I would say it was a combination.

Mrs. Lummis. Okay. Is it true that a former GTMO detainee who knew Ambassador Stevens claimed responsibility for the attack after it happened? Is that true?

Ambassador Pickering. I believe you're getting into classified intelligence and that we can't take you there now.

Mrs. Lummis. Okay. Is it true----

Chairman Issa. Will the gentlelady suspend?

Mrs. Lummis. Yes.

Chairman Issa. That is not true. That is not classified that they made an overt claim of responsibility. The gentlelady's question had to do with that a group had claimed it. They made a very public claim.

Mrs. Lummis. Okay, thanks, Mr. Chairman.

Ambassador Pickering. Yeah, but--okay.

Mrs. Lummis. Is it true that there's documentation that the Muslim Brotherhood and operatives from Egypt were involved in the attack?

Ambassador Pickering. Our report indicates that one Egyptian organization, which is named in the report, was possibly involved, and I'm not sure. I think that that's in the unclassified. I hope it is.

Mrs. Lummis. Okay. If we--is it true that they were seeking to loot surface-to-air missiles that were gathered up at the annex?

Ambassador Pickering. I can't comment on that.

Mrs. Lummis. Okay. Is it possible that they were trying to acquire classified communications codes?

Ambassador Pickering. I can't comment on that.

Mrs. Lummis. Okay. Is it true that they were planning to kidnap the ambassador and it went wrong?

Ambassador Pickering. I can't comment on that.

Mrs. Lummis. Thank you Mr. Chairman I yield back.

Chairman Issa. Would the gentlelady yield?

Mrs. Lummis. I will.

Chairman Issa. Mr. Sullivan, Mr. Keil, I just had one question that has come up again and again in your post mortem of problems. I'm a big fan of really great security systems, and my favorite one is how they produce high quality automobiles on the Japanese assembly lines. They have overhead lines and any production worker--and this has become common in America too--anyone on the production line can pull if they see a bad part or a safety hazard they can pull a chain and the line shuts down. That's how they make sure they don't have defects.

Is one of the problems you've observed that whether or not we have a growth in the bureaucracy, an Under Secretary of X, Y, and Z, who theoretically report directly to the Secretary, isn't one of the problems that the culture doesn't allow one person who sees a problem to simply shut it down? In other words, one group is making the facilities decision as a complete exception to the safety standards; another person is held accountable after a decision is made to be in a hopelessly worthless building, one whose wall had been breached by a very small piece of explosive, and yet that person didn't have the ability to say, stop, we're not going to be in Benghazi because policy drives whether you are in Benghazi, facilities drives what building you're in, and then diplomatic security is told to make sure that they make it safe.

Isn't the functional structure at the Department of State one in which instead of having everybody be able to shut something down for safety, virtually nobody in some situations can independently shut it down other than the Secretary of State herself?

Mr. Sullivan. I think what we looked at here was enabling people to be able to do that very thing. I think what we saw here, a Secretary, there's a lot of very, very good outstanding people at the Department of State.

Chairman Issa. Agreed.

Mr. Sullivan. Diplomatic security. I think when it comes to risk, we, as a country, what I've been briefed on, we've made a determination that we're going to go into these high-risk areas. What I think is there just needs to be an improvement in how we go about doing our risk management and how we come up with the best plan to mitigate that risk.

We've seen, we have seen stovepiping, I think that's an issue, I think that's an issue in any organization. But to me, this is about identifying what those problems are and fixing it. And I do see that that move is afoot. But I do think when you go into any high-risk area, I do think that there is always going to be that threat. We're never going to be able to eliminate all of that risk but we need to come to a--I think State Department needs to come to a, arrive at a spot where, you know, they look at the criticality of that program and they come up with the best mitigation for that threat.

Chairman Issa. I thank the gentleman.

Mr. Cummings. Mr. Chairman, may I have 30 seconds to just sum up?

Chairman Issa. Yes.

Mr. Cummings. Mr. Chairman, you said a moment ago you said something, and you said that's not true when you were talking to Admiral Pickering.

Admiral Pickering, I just want you to clear that up the chairman said to me he misunderstood, but I want the record clear.

Chairman Issa. I was only saying based on her question which the Ambassador misunderstood.

Mr. Cummings. Because these records--I don't want your reputation to be impugned in any way.

Ambassador Pickering. I've lost part of the conversation. I'd be glad to address the question.

Chairman Issa. It was simply that what her question was if properly understood was about a public report, and it was clear that you didn't understand she was asking about the public report which then you both cleared up.

Mrs. Lummis. That is true.

Ambassador Pickering. Because I know, I will put it this way, unpublic information----

Chairman Issa. We do not want unpublic information here today.

Ambassador Pickering. And I would always say, Mr. Chairman, just let me say this: Kidnapping seemed to me to be far-fetched because, in effect, in the testimony that was given in the public report, they did not make a serious attempt to go into the closed area of the villa. It is not even sure, in my view, they knew the Ambassador was there.

So I would say while I said I didn't want to touch that, I would say in retrospect, it doesn't seem highly likely. Could be, but I don't think so.

Mr. Cummings. Thank you, Mr. Chairman.

Chairman Issa. Thank you. We're now going to recognize that everyone has had a first round. I would like to get this panel out of here in less than 10 minutes. So I'm going to look to my left and tell the gentlemen that I will waive my time and give you, between the two of you, 5 minutes. I will look to my right and give my ranking member 5 minutes, and no one will get a minute more. The gentlemen over there may split their time starting now.

Mr. Jordan. I thank the chairman for the generosity.

Admiral Mullen, we learned earlier that in the very first week of the ARB being formed, you gave Cheryl Mills a heads up because you felt Charlene Lamb, who was coming to testify in front of this committee was quote, and the response to Mr. DeSantis' question, ``a weak witness.''

So my question is real simple. Why should you care? Why does it matter? Weak--if she was a weak, strong witness, short witness, tall witness, male witness, female witness, why in the heck does it matter? Your job is to figure out what took place at the State Department not to decide what kind of representative the State Department sends in front of a Congressional committee. So why in the heck did you care?

Admiral Mullen. I indicated before that I did that having nothing to do with the ARB, and having everything to do with the fact that I've run departments, provided witnesses, and as the head of a----

Mr. Jordan. If she was a strong witness, if she was going to convey a good light for the State Department, would you have called up Cheryl Mills and say hey, Charlene Lamb is going to knock it out of the park you know make sure you coach her and

get her ready and send her in front, she is going to be stellar. Would you have called Cheryl Mills then?

Admiral Mullen. In my interpretation or judgment at that point, she is going to be a strong witness? No.

Mr. Jordan. So the only reason you called her is because she was going to be a weak witness and convey a bad light on the State Department.

Admiral Mullen. The only reason I called was to give her a heads up that I thought the Department could be better represented at the hearing.

Mr. Jordan. Let me walk you one more thing before I yield my time to the gentleman from Utah.

Isn't it true that you were selected, you were notified by Cheryl Mills that you were going to serve on the ARB?

Admiral Mullen. Correct.

Mr. Jordan. So Cheryl Mills called you up, said, Admiral Mullen, I want you to serve on the board. A week into the formation of the board you call her back up and you say, hey, Cheryl Mills, the lady who's about to go in front of the committee that has jurisdiction looking into this is going to be a terrible witness. You need a heads up on this, and oh, by the way, at the end of the report before it goes public, you give Cheryl Mills and Hillary Clinton a chance to look at the report and make edits if they want to, and yet, I forget one important point, maybe the most important point. In your opening statement you said you operated and the board operated independent.

Admiral Mullen. We did operate independent.

Mr. Jordan. I just want to make it clear. I yield my time to the gentleman from Utah.

Admiral Mullen. And the only thing I'd like to comment with respect to what you said in the last statement was in the normal process, as we report it out, we were done with the report, and we went to Secretary Clinton to give her a briefing on the report. It was hers to take, that was the tasking, and hers to choose what to do with if she chose to sign it out.

Mr. Jordan. And Admiral that's all fine, but don't convey this as independent. If Cheryl Mills picked you, you gave her a heads up within days of starting, and you let them look at the report and edit the report at the end, that's all fine if that's the way the statute reads, but don't try to tell us that it's independent.

Admiral Mullen. Ms. Mills didn't pick me. She called me and asked me to do this for the Secretary of State.

Mr. Jordan. Okay that's not picking. All right. I got that. Chairman Issa. The gentleman from Utah.

Mr. Chaffetz. I just have to ask as a follow-up to that. You testified that Charlene Lamb you thought was honest, you're not questioning her integrity so what made her a weak witness?

Admiral Mullen. It was my reaction from having sat down with her for a couple of hours at that particular point in time.

Mr. Chaffetz. So she's honest, she's full of integrity but that made her a weak witness?

Admiral Mullen. My sense was, Mr. Chaffetz, my sense was that she had not appeared before, this was not certainly, it certainly wasn't routine, from that standpoint, and it was not,

and I just ask you, I have to ask you to believe me, it was not certainly intended to never put her in front of the committee, or at least speak to that.

Mr. Chaffetz. This is the problem. With all due respect, you make in your fourth paragraph of your testimony you go to great lengths about the unfettered access, the ability to talk to people. We didn't get that same privilege. We don't have that on the same panel.

The President of the United States said before the American people and said that he would ``I think it is important to find out exactly what happened in Benghazi and I'm happy to cooperate in any way that Congress wants.''

That's never happened. It doesn't happen in this panel, it doesn't happen from the State Department. That is part of the frustration. I don't mean to single you out at all. I appreciate you being here and what you've done in your career. We still don't have answers to very basic things.

The video, or the lack of a video, is kind of an important element to what happened or didn't happen in Benghazi. You didn't even look at that.

Now I need to ask Mr. Sullivan, because part of the reason that you and Mr. Keil are here is because we saw in Al Jazeera of all places the independent panel on best practices. You convened this panel at the recommendation of the ARB. You started this panel back in April, correct? Mr. Sullivan?

Mr. Sullivan. Yes, sir.

Mr. Chaffetz. When did you complete your work.

Mr. Sullivan. We completed our work just before the report came out which would have been the end of August, beginning of September.

Mr. Chaffetz. Who specifically--I want a name--did you give this report to? This report is dated August 29, 2013, this report is dated then.

Mr. Sullivan. Yes, sir.

Mr. Chaffetz. Who did you hand this to?

Mr. Sullivan. The report was handed to Greg Stern who is the acting----

Mr. Chaffetz. I'm sorry, who is he?

Mr. Keil. We presented actually under the Federal Advisory Committee Act, we were legally bound to present the report to the Overseas Security Advisory Committee, which is a FACA-exempt group, and their executive counsel had to take a look at the report before it could officially go to the Department of State.

Mr. Chaffetz. Has it gone to the Department of State?

Chairman Issa. Your time is expired. This will have to be the last question.

Mr. Sullivan. I don't know.

Mr. Chaffetz. I would ask my friend, the ranking member, if he would be okay just to finish this line of questioning. Please, if can have an additional minute.

Chairman Issa. Without objection, so ordered.

Mr. Sullivan. The Department of State does have the report.

Mr. Chaffetz. One of my fundamental challenges and problems is the United States Congress doesn't have this report. It's been almost a month. We don't have this report. And yet the first time it comes up, to the best of my knowledge, is on Al

Jazeera, that's where we've got to get this stuff? And so----

Mr. Sullivan. Congressman, I think that was really unfortunate----

Mr. Chaffetz. Do you know how it happened?

Mr. Sullivan. I do not. And believe me, that, I believe that's extremely unfortunate that that report came out that way. The State Department, quite frankly, didn't even have a chance to look at that report before it was, before that came out.

Mr. Chaffetz. So who is going to investigate how Al Jazeera gets a copy of it before the State Department or the United States Congress gets to it? Where did it go? You used to be the head of the Secret Service. You know how this stuff works. How did this happen?

Mr. Sullivan. Sir, all I know is that we provided this report, as Greg said, I was not there that day. I was out of town. But this report was provided to the representative of the Overseas Security Advisory Committee, and the next thing we knew within 2 days, that report had been leaked out.

Mr. Chaffetz. I do hope for those State Department officials, Mr. Chairman, I'm going to wrap up, the State Department officials that are here in this room that are listening to this, to understand this they've got to get to the bottom of this, and we still, as the United States Congress, have to get a copy of this. For Al Jazeera to have it a month almost before us is just not acceptable.

Chairman Issa. I thank the gentleman. We now go to the ranking member.

Mr. Cummings. Admiral Pickering, Admiral Mullen Mr. Sullivan and Mr. Keil, many of my comments mainly at Ambassador Pickering and Admiral Mullen, I'm so glad you're there. I'm glad you did what you did.

There's a book that I love called The Speed of Trust by Covey. At some point, we have to have trust in somebody. When you lose trust, what happens is that it's almost impossible for any relationship to succeed.

And I know that you come here, and I notice that everybody gives you these nice compliments and everything and then all depending on who it is, then you hear a lot of negatives and sometimes positive. But again, I thank you for what you've done.

Let me ask you, Admiral Mullen, there's been a number of questions about this heads up, and sounds like it was more just general advice as to who could best present testimony, but going back to the, now back to the ARB, did you all take it easy on Charlene Lamb?

Admiral Mullen. We did not.

Mr. Cummings. I can't hear you.

Admiral Mullen. We did not.

Mr. Cummings. Did you give her a pass?

Admiral Mullen. No, we held her accountable.

Mr. Cummings. Would you agree with that, Admiral Pickering? Ambassador. I'm sorry.

Ambassador Pickering. Okay.

Admiral Mullen. Absolutely.

Mr. Cummings. I apologize. During the transcribed interviews with the committee staff, numerous officials

described the week of the attacks on Benghazi as an intensely dangerous, complex and confusing week of protests and other violent episodes at U.S. facilities around the world. For example, Eric Boswell, the Assistant Secretary of Diplomatic Security, described a multitude of events threatening U.S. posts around the world.

This is what he told us; ``The state of play was not only in Benghazi but in Tripoli, we were very concerned about Tripoli, but also things were starting to go haywire in other places. We had an attack on our embassy in Sana'a, Yemen, where demonstrators penetrated the perimeter, did a great deal of damage, milled around inside the compound and in subsequent days, there were other such demonstrations, so I had my hands full. We had,' and this continuing on with the quote, ``we had a mirror innovation of a compound in Khartoum, Sudan, where very large thousands of demonstrators in each case, there was thousands of demonstrators, saw thousands of demonstrators, came up against the wall of this brand new mission.''

Continuing; ``There was a similar attack by a mob on our embassy in Tunis, another brand new facility, a large number of demonstrators penetrated into it, into the facility, another round, did a lot of damage. It was very alarming at the time.''

Admiral Mullen, I'm trying to put myself in the shoes of our military, diplomatic and intelligence officials who were trying to deal with this in very few days. I noted the ARB looked specifically at Benghazi, but can you tell us anything about how our military would have dealt with this entire week of incidents?

Admiral Mullen. You mean in terms of a military response.

Mr. Cummings. Yes.

Admiral Mullen. It would have been obviously posturing forces, increasing levels of readiness, moving them as rapidly as we could, literally, as you described it, around the world in order to respond. And it would pull us away from places like the Persian Gulf where we have a lot of forces, even, quite frankly, the Western Pacific we started to roll from there, forces that were heavily engaged as well in places like--or in Afghanistan. So it wouldn't have, it wouldn't be for, I'd say, a short period of time, impossible to kind of move forces into place, but sustaining them in, lo, these many areas for a long period of time, that's where we don't have enough forces.

Mr. Cummings. Ambassador Pickering, what about the State Department's global perspective? How do you begin to even process all of this incoming information?

Ambassador Pickering. Well, I think that we have a system to do it, but the responses to cascades of basically deteriorating events are always measured against what are the resources of the State Department to mobilize reserves.

And in truth, Mr. Cummings, there ain't no reserves. We're short on dough, people are stretched. We have to take away from one set of foci where we're working online, operationally, pull people out and put them other places.

When compounds are under pressure, particularly where there are dependents, that raises another very serious question of how do we get them out of harm's way as soon as we can? So there are multiple questions. And I can understand that assistant Secretary Boswell was literally up to here to have 3,

4 or 5 major attacks if you can put it this way on U.S. facilities taking place in the space of 3 or 4 days.

And so that is getting close to exhaustion. And in many ways, the ability to ride that out and to see the way through it represents, in my view, an extraordinary devotion to duty.

Mr. Cummings. Mr. Chairman, I again thank you for bringing our witnesses forward. Thank you all very, very much. We really appreciate your testimony, all of you. Thank you.

Chairman Issa. I thank you. I also thank our witnesses and as we close, we thank each of you for your service, both in your roles of investigation and for your many years of Federal service.

We have learned today, I believe, a great deal about how the, particularly the Admiral and the Ambassador, view the ARB deficiencies, recommendations. We certainly have a number of statements made that I believe this committee will take note of and reflect on including Admiral Mullen's statement that, in fact, had there been in the neighborhood of 30 defense forces in Benghazi, the attack may not have occurred because at that point it would have been viewed as a harder target.

At the same time we contrast that with the two heroes who were lost at the annex, a facility that was, by comparison, better fortified and better armed. What it means to us is that there is no single point of accountability, there is no single fix that will deal with this.

Having been many times in the embassy in Beirut, I know what a facility that is heavily guarded costs as compared to one that is heavily fortified by design.

Recognizing that we will always have areas of risk, it is one of the challenges of this committee to recommend to the Foreign Affairs Committee and to the Appropriations Committee such funding in investments and organization as may allow a better decision process to be made.

One of the challenges I believe this committee and the other committees of jurisdiction will have is if the decision is that we must have a diplomatic presence, and then facilities and manpower must be procured, it takes away the honest authority of the Congress to appropriate such funds as they see fit, and ask the administration to live within those funds.

That struggle does that not occur in this committee. Our recommendations will be based on a process, hopefully leading to better decision processes.

I want to thank you again. I want to thank the next panel of witnesses for their patience. We will take a very short recess and reconvene. Thank you.

[Recess.]

Chairman Issa. We now recognize our second panel of witnesses. Ms. Patricia Smith is the mother of Sean Smith who lost his life in the attacks on the U.S. diplomatic facilities in Benghazi on September 11, 2012. And Mr. Charles Woods is the father of Tyrone Woods, who also lost his life that night.

I want to thank you for your patience. Hopefully you benefited as much from the question and answers as the committee did.

Pursuant to the rules of the committee, could you please rise to take the oath. Raise your right hand.

Do you solemnly swear or affirm the testimony you will give

today will be the truth, the whole truth and nothing but the truth?

Please be seated. Let the record indicate both witnesses answered in the affirmative.

You waited a long time through the first panel, and there were a great many questions. There will be many less questions, and I would ask that you tell us what you feel what you've experienced so that we can understand what it's been like for this slightly more than 1 year since the death of your loved ones. Ms. Smith.

#### STATEMENT OF PATRICIA SMITH

Ms. Smith. I don't know exactly know what to say. I have been ignored by the State Department. I've been told I was unimportant, and I had to find everything I know by going on the Internet and asking questions, because nobody from the government has gotten back to me to tell me anything, and I mean that by saying anything. And it's been, I hate to put in the record, but it has been pure hell living through all this and not getting any answers. I wanted to be able to put everything beside me and have everything go away. But I can't do that because I don't have plenty of answers that I need.

One silly question that I had was every time I see this on TV, I see these bloody fingerprints crawling down the wall of that Benghazi place, and I keep asking everybody, do those belong to my son? And nobody has told me anything. One person said, no, it's not them. It's not him. But that's just the kind of answers I get. Are those his bloody fingerprints? And I know you people can't answer that now. But this is how it feels, and it feels terrible. I want answers. I want to know what happened with my son. And I know you can't tell me anything classified, but tell me something. The only thing--wait a minute, I take that back, I apologize, I was told a few things and they're all lies.

Obama and Hillary and Panetta and Biden and Susan all came up to me at the casket ceremony. Every one of them came up to me, gave me a big hug and I asked them what happened please tell me. And every one of them said, it was the video. And we all know that it wasn't the video, even at that time they knew it wasn't the video. So they all lied to me.

But what they said was, I will check up on it and get back to you for sure. And do you know how many times I heard from them? None. I don't count. People of America don't count. The only thing that counts is their own selves and their own jobs. And the people that are involved in this get suspended for a short time, paid the whole time, and then rehired or whatever it is that they do.

I want to know what happened to my son. Why can't these people tell me this? I'm sorry. I'm ranting.

That's it.

Chairman Issa. Thank you.

Mr. Woods

#### STATEMENT OF CHARLES WOODS

Mr. Woods. Thank you, Congressman Issa, for inviting

members of the family. First of all, I'd just like to say, this tie right here is special to me. It was worn at my son's funeral. And I only wear it on special occasions and this right here I trust is something special that is happening. The other thing that is special that is happening is after Ty went home to be with Lord, I really was concerned about his son that was born just, he only saw for a very brief time before he left on assignment, how he'd be doing and after 1 year, we spent a day with him yesterday that was the one ray of sunshine through the clouds this week, so a few special things have happened here and I thank you for what you're doing.

It's been over a year since four brave Americans were tragically killed in Benghazi. And after 1 year, we know very few answers that we have been asking for the last year. We don't know much more than we did a year ago.

Two of my heroes while growing up were John F. Kennedy and Martin Luther King. Reverend King made the statement that justice delayed is justice denied. It's been over a year. We have no justice and we have very few truthful answers that have been provided.

Public testimony is necessary in front of a committee such as this so that the American people can get the truth. So I thank you very much for what you're doing here. Now, voters, they need to know the truth about what happened in Benghazi in order to protect America's freedoms. Now a lot of people unfortunately say that we can't tell the people the truth, we have to answer, I can't answer that question. Such as the Ambassador did. There are too many of these witnesses that are testifying behind closed doors, and we don't know what they said. We don't see their faces on TV to tell whether or not they're credible witnesses. We don't see whether or not the right questions were asked to get to the truth or whether meaningless questions were asked instead.

So it's very important that we have public testimony by credible witnesses with firsthand--not hearsay--knowledge of the situation. That is why it's imperative that you call people like General Ham, you call people like Ty's friends who have contacted various committees and wanted to testify through their attorney but have not been issued subpoenas.

There are people out there that have firsthand knowledge, and public testimony is necessary.

The voters need to have the truth about Benghazi so that the voters can protect the freedom of America.

Now after 1 year, there are certain questions that I would like to have answered. Recently I sent a letter to the President who offered to reach out for answers some of the questions I asked I would like to direct to this body as well.

I am the father of Ty Woods, who was killed while heroically defending the American consulate in Benghazi. These are some of the questions. Who made the decision to stand down and when and why was that decision made?

Now there is some conflict as to whether or not there was an order to stand down. There are very credible sources that say that Ty and five of his special forces workers were denied three times, once they went, were denied. They waited a certain period of time, second time they were denied. They waited another period of time. Third time, they were denied. They went

anyway.

We need to ask the people that were there, not rely upon hearsay evidence as to whether or not there was an order to stand down.

More importantly, we also need to know find out who it was that gave that order to stand down and why that order was given to stand down? The former admiral of the Pacific fleet said that in all of his decades of service, this has never happened where a rescue attempt was not at least attempted immediately, and immediately does not mean the next day. Immediately does not mean 8, 9, 10 hours later.

When is also important, because Ambassador Stevens was alive for a substantial period of time after he made that initial distress call. It's very possible that there would have been no loss of life if that first order to stand down had not been given. We need to find that out.

Another question is, is it true that General Ham was relieved from duty for refusing to follow the order not to rescue? I have had a general tell me that according to his intel, that General Ham was relieved of duty because immediately after the distress call was relayed to him, he was told to stand down. And his words, according to this general were, I don't speak like this, screw it, and, within moments, General Ham was relieved of his duty by an inferior officer.

Now the spin that was given by the administration was that this was a prescheduled rotation of generals. Well, I think it is an insult to the intelligence of the American community to say that a general in the middle of a battle would be relieved because of a prescheduled rotation, and especially by an inferior officer. We need to have that direct testimony by General Ham, and it needs to be public so that the public, so that the voters can view the credibility of who is telling the truth, because the ARB contradicts that and says that there was not any denial of support by anyone from Washington at page 37.

Finally, this is a very personal question to me, but a very important question, and that is if the President's child were in Benghazi, would the rescue attempt have been more aggressive? There are very--there's very strong evidence of what the answer to that question is, and I will let every American make that decision for themselves.

Thank you.

Chairman Issa. Thank you.

I'll be brief in my questions and first I will start with a comment for both of you. We're essentially the Select Committee on Investigations here in the House, and we have a counterpart in the Senate, and we have a long history of doing investigations and sometimes people talk about us writing subpoenas and demanding people and hauling people before this committee. And we don't walk away from that. Sometimes it's necessary.

Today I want you to know that just today, I signed subpoenas for Alec Henderson and John Martinek.

Mr. Woods. Thank you.

Chairman Issa. If there are additional witnesses who have facts and were on the ground and want us to issue subpoenas if their names could be provided to us we will do so.

We are issuing the subpoenas for these two individuals

because the State Department has repeatedly lied in how they reflected these people's availability saying that they were available if they wanted to come forward. Well, a spokesperson in the press office after repeatedly being asked by press officials, not us, the press officials essentially created the obvious slant which was that these individuals were free to come forward, but there was a criminal investigation and they might harm it.

We finally have reached the end of our rope after repeated requests for these individuals. In fact, their names have never been formally given to us, but rather, a large stack of information delivered to us as classified while, in fact, on their face being unclassified is guarded by State Department official and we may not make copies of it.

Instead we were able to find from open source, the names of these individuals, and we today subpoenaed them.

We will not end our investigation until all your questions are answered.

Mr. Woods. Thank you.

Chairman Issa. One of the questions, Mrs. Smith, that I have is how could President Obama tell you that, in fact, this had anything to do with a video when he said, quite frankly during a live debate in Denver, that the next morning in the Rose Garden he knew it was a terrorist attack, and that statement in the Rose Garden obviously occurred prior to your son coming home. So that one I find hard to believe.

Ambassador Rice, on the other hand, continued to be somewhat delusional as to the cause of this on five sequential television appearances. Secretary Clinton, I'm not sure what difference it makes to her, but I am surprised that she would make a categorical statement of something that her own acting ambassador on the ground has said before this committee, under oath, he knew from the moment it happened that it was, in fact, a terrorist attack and more importantly the Secretary was well aware that the Ambassador went to bed at 9:05 and would never have gone to bed if, in fact, there was a large demonstration occurring outside his door.

For both of you, I really truly regret your loss and I can see the pain that you deal with every day. I'm not going to inflict any more pain on you here today.

The promise I make is that as long as I have this gavel, I will continue to pursue this. As you go down the dais at least most of the dais, you're going to see people who have worked on this and will continue to work on this. And I want you to take particular note to Mr. Chaffetz who, on my request, made the first trip to the region was with General Ham and if he were sitting next to you, the testimony he would give as to what he found out from General Ham before the handlers got to him was quite a bit different than what was later related.

So, Mr. Woods, we will work with you, we will work with both of you to try to get you the truth.

The fact is that will not bring your loved ones back. And the only thing we can say is that it may save somebody else as a result of their efforts. And I also want to reiterate what I think is understood is those who picked up arms to defend the compounds undoubtedly saved the lives of their colleagues. And if reports are correct, there were more than 30 people who are

alive today because of their heroic efforts. And I want to thank you for that.

I recognize the ranking member for his question.

Mr. Cummings. Thank you very much. I don't have any questions. But I do want to thank you all for being here.

It is so important, and Mr. Woods, the last conversation I had with you was a very wonderful conversation and I have actually written about, and I remember you asked two things that we find out who did this, who is responsible, and do everything in our power to bring them to justice. But you also said something else and that was to do everything that we could to make sure it doesn't happen to anybody else. I made a commitment to you that day and I continue to make a commitment to you today to do just that.

So Mrs. Smith and Mr. Woods, I join my colleagues in expressing our sympathy for your loss, and honoring their memories. It's tough, I know, and very, very difficult. Not all of the heroes who were killed in Benghazi have family here today, but I wanted to honor those individuals as well as I know you would.

Mr. Woods, like your son, Glen Doherty was a Navy SEAL who spent his life serving our country. He was part of the team that responded to the USS Cole attack and he participated in two tours of duty in Iraq.

I'd like to read some words of kindness that friends of Glen Doherty shared at his memorial. Here is what one friend and former Navy SEAL said about Glen.

My friend Glen, he would never pound his chest or tell you how great he was. Glen was a great listener and always had experience and advice. He was the jack of all trades and the master of all, a person that was great at everything he did, a warrior, spirit balanced by kindness of hearts.

Here is what another friend and former Navy SEAL said about him. Glen was, without a doubt, the most liked man I have ever met. He was the kind who went through which hundreds of people knew one another and kept in touch and up-to-date with each other. I can't remember ever hearing anyone say a bad thing about the man, which I found particularly interesting considering he was one of the most genuine men I have ever known.

He was a brother in arms as well as a brother in life. Don't cry for Glen. He would not approve of that. Celebrate a man who lived well and died with a gun in his hands fighting for those too weak to fight for themselves.

Another former Navy SEAL described Glen this way. He said Glen Doherty was a true American hero in every sense of the word. He embodied the selfless spirit, unwavering determination to succeed, and a dedication to our country that sets the standard for what every American should strive to be.

The loss of this incredible warrior is one that will forever hurt this Nation's heart, as Glen was truly a gift to the many people that knew him, and even to the ones who didn't. There is nothing he wouldn't do to help those that were close to him and he never met a stranger that he would not befriend. Glen was one of the finest men I have ever had the pleasure of knowing. And the brotherhood that mourns of the loss of one of its very best.

And I think that we can as a matter of fact, I know we could say the same about your sons. They were gifts to us. And guess what? You are also gifts to them. And we're going to do everything in our power, as the chairman said, to get to the bottom of this. But we thank you so much for being here.

Ms. Smith. I do have another question. And it is not really a question, but, it is, when I spoke to Obama and Hillary and all the rest that I told you about, they all promised me, including Obama, that he would get back to me and that it was the fault of the video. So don't tell me that he didn't know about it. He may have changed his mind, but he did tell me that it was the fault of the video. And I don't trust my government anymore because they lie to me.

Mr. Cummings. Again, I want to thank you all both for being here.

Chairman Issa. Thank you.

Mr. Jordan.

Mr. Jordan. Again, I will be brief too. I can't add to what's been expressed already other than just to say thank you and your family for the service to our country for coming here and testifying today. God bless you, and I'm committed just like the chairman said to getting to the truth, asking every question, getting every witness on that witness stand under oath. It's the way our system works. There's a problem in the executive branch, they have to come here in front of Congress under oath and answer questions from the legislative branch. That's how you have accountability. That's how you have the checks and balances as the Founders wanted. And I'm committed to doing that, but again, I just want to thank you for you and your family's courage and the sacrifice that each of your families has made for our country.

Chairman Issa. Mr. Chaffetz.

Mr. Chaffetz. Well, thank you, thank you, Mr. Chairman and I thank you both for being here. God bless you and your families. I just love when Americans, ordinary Americans do extraordinary things, and for both of your sons and the others that were involved, we can never forget their service, their sacrifice and the millions of people, quite frankly, that have gone before them and done as well. And I can only hope that my kids will look at what your kids did. I just appreciate it. I just want to say thank you.

As Mr. Jordan said, part of what we do as a Nation which makes us different from so many others is we are self-critical, we do look hard at these things and that's why we have this inspired document called the United States Constitution.

And so you will always have an open door here. We have a duty and obligation to find out the truth because you deserve that, our country deserves that and we have to make sure that it never ever happens again.

But here is my concern, here is a quote from the President, this is November, November 14th, of last year. The President said, ``I think that it is important for us to find out exactly what happened in Benghazi, and I'm happy to cooperate in any ways that Congress wants.''

That has never, ever happened. Not even close. Not even close. And it's sad to me to be 13 months after the fact and look you in the eye and tell you, that has never happened.

This is, again, the President: ``We have provided every bit of information that we have and we will continue to provide information.''

Again, it has never, ever happened. The President continued, and we have got a full-blown investigation and all that information will be disgorged to Congress.

Again, I'm here to look you in the eye and tell you that hasn't happened either. They told us today the accountability review board didn't even look at the video they didn't even look into that, they didn't see if that was one of the factors.

The President continued, and I don't think there's any debate in this country that when you have four Americans killed that's a problem, and we've got to get to the bottom of this and there needs to be accountability.

Thirteen months later there hasn't been the accountability. That hasn't happened either.

Finally, the President said, we've got to bring those who carried this out to justice. And there won't be any debate from me on that. I can tell you as a Member of Congress spending as much time as everybody here who is still sitting here by the way, that hasn't happened either.

And so I know there are a lot of people who say why are you still doing this? Why? It is all politics. We've been through this. And you're exactly the reason why. And I think if we just lived up to the promise that the President of the United States days after an election made to the American people, made to you, that's fine that's the standard. I just want to live up to what the President said. I just want the President to do what he said he would do.

Do you have any comments, Mrs. Smith?

Ms. Smith. I have many comments, but I can never bring them to mind when I want to.

Mr. Chaffetz. You'll think about them tonight, I know that happens to all of us.

Ms. Smith. There are just so many, many things that have happened and, I just want my government, I love my country. I love my country. But I sure don't like my government. And if these people are involved in this, why don't you, why don't you get them out here to tell us their story? Why isn't Hillary out here telling us? It was her department. Why hasn't she been subpoenaed? Why can't somebody call her get her out here and put her under oath and say okay, what did you know?

Ms. Smith. And hope that maybe she will tell the truth.

Mr. Chaffetz. Mr. Woods?

Mr. Woods. I would like to take this opportunity.

Mr. Chaffetz. Sorry, your microphone again, sir.

Mr. Woods. I would like to take this opportunity to publicly honor Congressman Chaffetz. He has lived up to that promise to reach out to my family. After this happened, he gave me his personal cell phone number. Once I called him up, he was in the process of taking his children to Disneyland. He took a substantial chunk of his family's time out to talk with me.

He was so concerned about this that in October, right after it happened, when it was still fresh, he went back to Benghazi, a very dangerous place, or back to Libya with General Ham. And before General Ham was compromised possibly, we don't know, he asked him that very pointed question about whether, you know,

there were assets and whether there was an order to stand down.

Now, I'm old school. I keep my brains in my shirt pocket. I'm not the sharpest person in the world, so I have to write important things down, and this is what General Ham told Jason Chaffetz. General Ham told the Joint Chiefs of Staff the forces were available but no order to use them was given. That is in direct conflict to page 23 of the ARB report. We need to have public testimony, where the public can judge credibility and find out whether one is credible or the other. Jason Chaffetz is a man of impeccable credibility. There's no question.

Mr. Chaffetz. You're very kind, too kind. God bless you both, thank you.

Mr. Chairman, we need to hear from the survivors who were on the ground that night. It needs to be in public so the country can hear it, so these families can hear it. Those that survived the attacks in Benghazi are the ones that we have to hear from.

Yield back.

Chairman Issa. I thank the gentleman.

We now go to the gentleman from Pennsylvania, Mr. Meehan.

Mr. Meehan. A grateful Nation thanks you for the sacrifice of your children, the service of your children, and the sacrifice of your families.

My prayers are with you, and I'll be inspired by your courage and testimony here today to assure that we do what we can to continue to try to get you answers, and I thank you for your courage being here.

I yield back.

Chairman Issa. Mr. Gowdy.

Mr. Gowdy. Thank you, Mr. Chairman.

Ms. Smith and Mr. Woods, I want to express on a personal level my gratitude and my sympathy to you for the loss of your sons and to everyone that loved your sons and all of the four victims of Benghazi. And when you were testifying, I couldn't help but think of this dichotomy of death that sometimes it walks slowly to the front door of your life and it gives you plenty of time to get your affairs in order: You've had a good life. You have time to say goodbye to the people you love. You have time to offer a prayer for your soul. It just walks slowly and knocks gently on the front door.

And then sometimes it kicks in the front door unexpectedly with no notice, and you don't even have time to offer a prayer.

The word ``closure'' is used all the time, and my experience is it's only used by people who have never suffered the loss of a child because there is no closure. I can't offer you closure. What I hope we can offer you is the truth, facts, justice, and let you do with that what you need to do as you walk down that road we call grief.

So we can't give you closure, just the facts, the truth, and the real jury, Mr. Woods and Ms. Smith, is the American people. They're the ones watching this trial unfold, and they will decide. They heard this morning a perspective that everything that can be investigated has been investigated, everything. That's one perspective.

The other perspective is you didn't even bother to interview some of the central key eyewitnesses. And the American people are going to have to decide whether or not they

would ever tolerate an investigation where you don't call eyewitnesses and you don't call the people responsible for whatever the duty was.

But I want to leave you with this, I want you to know this, from the upstate of South Carolina, I am asked about Benghazi more than any other issue. It has not been forgotten. I suspect you both live a long ways from the upstate of South Carolina, but just know, Republican, Democrat, independent, don't know, don't care, from church to the grocery store to Costco, frankly, to the golf course, I am asked about Benghazi and, in effect, about your sons more than any other issue. So the jury has not forgotten.

Ms. Smith. Get answers, please.

Mr. Gowdy. Yes, ma'am. I will work with Mr. Chaffetz, whom I agree with you on your characterization of, and the others, and frankly, there are folks on both sides----

Mr. Woods. Right.

Mr. Gowdy. --who want to find out, and I appreciate the fact that Mr. Cummings has been here all day. I can't give you closure. I just want to give you the facts and the truth and justice and let you use it however you need to use it.

Yield back.

Chairman Issa. Thank you.

The gentlelady from California, Ms. Speier.

Ms. Speier. Thank you, Mr. Chairman.

To Ms. Smith and Mr. Woods, we have no idea what you're going through. Even those of us who have lost spouses and endured horrific experiences have no idea, but we are a grateful country for the service of your sons, and we want to see that the truth bears out.

We also want to make sure that this doesn't ever happen again, and we know you're here in part because you don't want to see anyone else go through this.

And I think it would be helpful to us to hear about your sons. So if you could just take a couple of minutes each and talk about how wonderful they were. I mean, Mr. Woods, I believe your son was a Navy SEAL and served in some of the most dangerous places on the planet to protect our country. Could you just tell us a little bit about each of your sons?

Mr. Woods. I was told that Ty was a SEAL among SEALs. He was an alpha male among alpha males. We sat around when the bodies were coming in with several of his SEAL friends, and we were exchanging stories like what you're asking for. They exchanged a story with me that I had never heard before, and one was that Ty was two things, a man of incredible physical and moral strength. He would not allow what they would refer to or he would refer to, he would use the word ``smoke and mirrors.'' He would not allow any breach of integrity. He could bench press over 500 pounds. You've seen a picture of his arms, okay? Obviously, a recessive gene. And once someone in authority lied to him, gave him smoke and mirrors, he took that strong Navy SEAL arm of his, lifted the person up by this part of their body, and said, in Navy SEAL language, I'll paraphrase, ``don't ever lie to me again. No more smoke and mirrors.''

If Ty--and I seriously think there's a very good chance up in heaven he might know more about this hearing than anyone in

this room knows right now. He might know about the lack of integrity. He might take one of those people who, you can kind of paint the picture, who has shown smoke and mirrors, and figuratively speaking lifted that person up and said, ``no more lies, no more smoke and mirrors.' ' That's what Ty would want. Thank you.

Ms. Speier. Ms. Smith.

Ms. Smith. I keep--I'm not a good button pusher. Sean was married. I didn't see very much of him toward the end. He was stationed in The Hague. I didn't know about Benghazi. I didn't know anything about Benghazi. Now I even learned how to spell it, which took a little bit, but he said he was always being sent out to various different places. And he would call me all the time, and I would call him all the time. And we kept in touch that way, and--I was 38 before I even had him. I was told I couldn't have kids, but my family called him Patsy's kid because that was my kid, my miracle baby. Well, my miracle baby was abandoned in Benghazi that I couldn't spell before, but I can now, and he was--I don't know what to say about him. He was just a wonderful kid, and I loved the hell out of him, and I always will. I don't know what else to say.

Ms. Speier. Thank you.

I yield back.

Chairman Issa. Thank you.

The gentlelady yields back.

We now go to the gentlelady from Wyoming, Mrs. Lummis.

Mrs. Lummis. Thank you, Mr. Chairman.

Mrs. Smith, could I ask you to introduce some of your family members who are with you here today?

Ms. Smith. Okay. This is my friend Don, Don Howard.

Mrs. Lummis. Hello, Don.

Ms. Smith. And that's it.

Mrs. Lummis. Okay. Well, I'm so pleased that, Don, you're with us as well.

Ms. Smith. Don. Don.

Mrs. Lummis. Don, yes, thank you so much for being with us.

And Mr. Woods, could you introduce your family members who are with you today?

Mr. Woods. Well, I brought two of Ty's sisters. And one is Joy. She's the oldest. She's a senior in high school. And Hope, she's an eighth grader. They also have another sister by the name of Faith.

Mrs. Lummis. Well, I thank you for introducing your family members, and there's a verse in the Bible that says, Surely goodness and mercy shall follow me all the days of my life. In your case, Mr. Woods, surely Hope and Joy will follow you all the days of your life and Faith as well. So you can rest assured that your family will be enormously supportive of each other as you endure this loss, and that you will fill a hole in Ty's life that their father would deeply appreciate, so thank God for family and for you all.

And Ms. Smith, I want to hope for you that you'll have the peace of God because, like Mr. Gowdy, the people that I represent visit about you and your children and what they did for our country with me frequently in the great hope that we will continue to search for answers. And I want to congratulate the chairman of this committee, the chairman of the

subcommittee, Mr. Chaffetz, and all the gentlemen with whom I serve on my side of the aisle and all the gentlemen and ladies with whom I serve on the other side of the aisle who are in relentless pursuit of the truth.

I, too, Mrs. Smith, hear from many of my constituents that they don't trust their government anymore. And it's among the saddest things that I hear from my constituents, and it makes me sad to hear it from you here today. But that's why we're here. That's why we were elected, to restore people's trust in their own government, and on this issue, trust will not be restored until we get to the truth, and so we will continue to seek the truth. We appreciate your participation, and we wish you God's good graces as we continue to pursue the truth.

Mr. Chairman, I yield back.

Chairman Issa. I thank the gentlelady.

We now go to the gentleman from Michigan, Mr. Walberg.

Mr. Walberg. Thank you, Mr. Chairman.

And I guess what I want to say to you two is that as a Member from Michigan, a Member who understands my position representing a district, not even a State but a district, but that district is made up of people who expect us to stand firmly behind the Constitution, the oath of office we've taken, which involves defending and protecting our citizens against all enemies, both foreign and domestic.

There are times when a bureaucratic maze sometimes becomes the enemy of a good and great country, which is none other than a good and great people. Your sons were good and great people. Their memories will continue to expand the opportunities for defining what good and great is in the context of America. My sons and daughter, my grandsons and granddaughter, when they hear the story that I will tell them, regardless of what the history books say about the heroes of Benghazi, and I've learned to spell it now, too, Ms. Smith, with an H in it.

Ms. Smith. Yes.

Mr. Walberg. They will hear the story of men who rushed in, men who stood firm, men who understood the cost and ultimately gave the supreme sacrifice, but I hope they also hear the rest of the story from me, that I was privileged to serve in a Congress that didn't stop looking for and achieving the truth.

I'm not looking for a pound of flesh. I'm not looking even for punishment, though I think it ought to be meted out, but I'm looking for the truth. Your family members would have done no less, and so I can't ask you any questions, but I can assure you of my commitment to continue the effort toward truth that would honor your sons and our great country, and I yield back.

Chairman Issa. I thank the gentleman.

We now go to the gentleman from Oklahoma, Mr. Lankford.

Mr. Lankford. Bless you all for a very long day. I cannot imagine what it was like to start the travel here and to know that the destination was going to end up right here where you are right now after a very, very long day, so thank you. I am overwhelmed with Psalm 34:18, where it says, The Lord is near the brokenhearted, and He saves those who are crushed in spirit. And I pray that for you and for your family that you will experience the closeness and nearness of God and the comfort that only He can provide in this.

Here's another city you may not be able to spell, Ms.

Smith. Like Benghazi, all of us learned how to spell that, Wewoka, Oklahoma.

Ms. Smith. What is that?

Mr. Lankford. Wewoka, Oklahoma.

Ms. Smith. Wewoka?

Mr. Lankford. Is a tiny little town in my district, and in August, I held a town hall meeting in Wewoka, Oklahoma, a town you've never heard of until just right now.

Ms. Smith. That's right.

Mr. Lankford. And they asked me about Benghazi, and they wanted to know in small town Oklahoma what's being done to get the facts out and hold people in Libya that did this to account. There are people all over the country that care deeply about this, small towns and big towns, and they stand with you. And I thought you needed to know that today, that the good folks in Wewoka, Oklahoma, care deeply about what's going on as well as in big towns.

Ms. Smith. Okay. I'm going to look you up.

Mr. Lankford. Well, you need to look it up, yeah. Go to Oklahoma City and move east, and you'll find Wewoka out there.

Ms. Smith. Okay.

Mr. Lankford. Grateful that you all are here. Thank you for being a part of this day, and please keep us informed of the questions that you have. It is important that you receive what you were promised, and that's the facts and the truth, and we want to help in that in every way we can.

With that, I yield back.

Chairman Issa. I thank the gentleman.

We now go to the gentleman from Michigan, Mr. Bentivolio.

Mr. Bentivolio. Thank you very much, Mr. Chairman.

Ms. Smith, Mr. Woods, I would like to echo and reiterate what my colleagues have said earlier and their sentiments and know in your hearts I grieve with you. I feel your--I share your frustrations in finding the truth. I was never a career politician. I served 26 years part time and full time in the military and served in Vietnam and Iraq Freedom. Since I've been here in Washington, and I'm new, I started January 3rd, and I came to the realization that the hardest thing to find here in Washington is the truth.

Ms. Smith. True.

Mr. Bentivolio. It's a rare thing. With the verbal two-steps, the shuffle, the verbal moonwalk, the dodge, and all of those smoke and mirrors, it's pretty hard to find it. And I feel your frustration and understand exactly what you mean when you say, I love my country, but my government is a problem. Yep. But I want you to know that I'm joining and have joined because one of the reasons I came here was to find out what actually happened in Benghazi. As a soldier, I always believed in the warrior ethos, never leave one of our own behind, and I know in the unit that I came from we have, we hold that warrior ethos pretty high, with high regard, and the people I served with, well, like your losts, strived valiantly, endured greatly in service to our country. My office is open and at your service, whatever you need, don't hesitate to ask. I'm sure it applies to everyone here.

Thank you, God bless you.

Ms. Smith. Thank you.

Mr. Bentivolio. I yield back my time.

Chairman Issa. I thank the gentleman.

I guess I'm the last ``thank you.' ' It's been a long day. It's been a long year, longer for you than for any two people we could possibly conceive of. Both for you and for the other surviving family members that are not here today, we thank you for your comments and statements, including the written statements you heard me read at the beginning.

I don't think any words are going to equal what has to be done, so I told you a little bit about what this committee is doing. You saw people with differing opinions on the dais. The opinion that ultimately matters is the opinion of the Speaker of the House. The Speaker of the House has authorized repeatedly the investigation to continue, the subpoenas, and all the work that we're doing. And I'm quite sure that as long as John Boehner is Speaker, I will have the ability and the authority to continue getting to the bottom of this.

And since we're all piling on, on Mr. Chaffetz, the fact is that I have a team that you saw a great many of today, and they, too, will continue to have that ability to go anywhere anytime and get to the truth. It takes a long time, and for that, I apologize. But we haven't quit, and we won't quit.

Mr. Woods, I can only say that it's seldom I would note for the record that my sister Faith, my sister Hope, and my departed sister Willow would be very proud of the naming practices within your family, and with that one light note of the day, we stand adjourned. Thank you.

Mr. Woods. Thank you.

[Whereupon, at 3:24 p.m., the committee was adjourned.]

#### APPENDIX

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#### Material Submitted for the Hearing Record

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