



United States Department of State

Washington, D.C. 20520

AUG 23 2013

Dear Mr. Chairman:

I am writing in regard to your letter of May 29.

As you know, following the September 11, 2012, attacks on U.S. government facilities in Benghazi, Libya, Secretary of State Clinton convened an independent Benghazi Accountability Review Board (ARB), which, under the leadership of Ambassador Thomas Pickering and Admiral Michael Mullen, conducted a rigorous investigation into the attacks. The ARB has made clear that it had unfettered access to documents, individuals, and other resources to ensure a thorough review.

In its report, the independent ARB issued 29 recommendations to the Department. To date, the Department has taken action to substantially address all of the ARB's recommendations. These actions include: putting in place new procedures within the Department to address high threat posts; procuring critical security assets; working with other colleagues at the Department of Defense to deploy additional Marine Security Guard Detachments; and working to secure necessary funding for embassy security. Moreover, the Department has taken steps above and beyond those recommended by the ARB – from centralizing decision making for high threat posts under one Deputy Assistant Secretary, to creating the Secretary's high threat post review effort – to strengthen security even further.

Congress created the ARB process to assess and make recommendations following security-related incidents at U.S. missions abroad. Under the current ARB statute, 22 U.S.C. 4834(c), an ARB is to recommend that an agency initiate appropriate investigatory or disciplinary action if it finds reasonable cause to

The Honorable

Edward R. Royce, Chairman,
Committee on Foreign Affairs,
House of Representatives.

believe that an employee has breached his or her duty. In its report, the ARB did not find such reasonable cause. With a view toward promoting greater accountability, it did, however, recommend that the Department seek legislation amending the ARB statute to provide that certain performance that may not constitute a breach of a duty should, nevertheless, be subject to a disciplinary recommendation. The Department submitted such proposed legislation to the Congress earlier this year.

While the independent ARB did not find that any U.S. Government employee engaged in misconduct or willfully ignored his or her responsibilities, it did find that State Department officials within two bureaus demonstrated a lack of proactive leadership and management ability in their responses to security concerns posed by Special Mission Benghazi. The ARB recommended that two of these individuals no longer hold positions they held at the time. Consistent with its authority, it did **not** recommend termination or other formal disciplinary action for any of the four individuals whom it specifically addressed. Following the release of the ARB report, the Department placed all four employees on administrative leave pending further review.

As soon as he came into the Department in February, Secretary Kerry made it clear that he wanted to invest the necessary time to thoroughly review the ARB's findings. Because he cares deeply about security and about the men and women who are a part of the institution he leads, and he recognizes that the careers of four longstanding employees are at issue, he wanted to make sure that the Department took the time necessary to get these decisions right.

The Department has now re-affirmed the findings and recommendations of the ARB. With respect to the four individuals, all will be held accountable by permanently relieving them of the positions and duties that gave rise to the ARB's findings. In two cases, this step of relieving them of their duties goes beyond the recommendations of the ARB itself. The Department determined that such a step is in the best interests of the Department and those two employees.

As a result, the employees who had worldwide decision making authority for security resources affecting high-threat posts will no longer have those responsibilities. Their new assignments, which in some cases will be preceded by additional management training, will reflect a level of responsibility appropriate to their expertise and experience. Consistent with the findings of the Benghazi ARB,

the Department has determined that there was no breach of duty and no basis to pursue formal disciplinary action.

In reaching these decisions, the Department considered the findings of the ARB, the employees' performance, and applicable personnel rules. The Department also considered the totality of these employees' service to the Department of State over many years to determine if there was a pattern of inadequate performance. No such pattern was found, but rather the record showed a history of dedicated service by four employees who sought to faithfully execute their responsibilities. The four individuals are all longstanding public servants who collectively have more than a century of committed civilian service, plus additional service in both the U.S. military and in local law enforcement. In addition to serving in a variety of critical positions in Washington, they have served in and volunteered for difficult assignments in the former Soviet Union, sub-Saharan Africa, Central America, and the Middle East. In all of these assignments, operating under challenging and often dangerous circumstances, they acquitted themselves with honor – amassing 15 Senior Performance Awards, one Distinguished Honor Award, 10 Superior Honor Awards, and 14 Meritorious Honor Awards.

In the wake of a tragedy such as Benghazi, we all understand the instinctive desire to make public examples of one or two individuals in the name of “accountability.” By permanently relieving these four employees of the duties that gave rise to the ARB's findings, the Department has held the four employees accountable for their performance. However, the facts and evidence simply do not support finding them responsible for the attacks and their tragic outcome. As Tripoli Regional Security Officer Eric Nordstrom, who has been critical of the Department, testified before Congress: “Having an extra foot ... of wall or extra half-dozen guards or agents would not have enabled us to respond to that kind of assault.” Indeed, the ARB itself described the difficult circumstances under which State Department personnel were operating. It noted that there have been “significantly increased demands on U.S. diplomats to be present in the world's most dangerous places” such that “the Bureau of Diplomatic Security (DS) is being stretched to the limit as never before.” It recognized that “No diplomatic presence is without risk ... and the total elimination of risk is a non-starter for U.S. diplomacy.” And it found that “DS overall has done a fine job protecting thousands of employees in some 273 U.S. diplomatic missions around the world.”

Rather, the ARB report was very clear in stating that the only people responsible for the lethal attack on our Special Mission Compound in Benghazi

were the terrorists who orchestrated the attack. These terrorists must be brought to justice; the entire U.S. Government remains committed to doing just that. Everyone from the Secretary on down is squarely focused on moving forward to strengthen security and protect our people and our facilities in the field. We can never completely eliminate the risk. But we are firmly committed to making sure we do everything we can to protect those who serve America around the world.

Please let us know if we can be of further assistance to you on this matter.

Sincerely,



Thomas B. Gibbons
Acting Assistant Secretary
Legislative Affairs

cc: Eliot L. Engel