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ONE HUNDRED THIRTEENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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May 17, 2013

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

Dear Mr. Ambassador:

I received your response to my request.<sup>1</sup> While I am very much committed to having you testify publicly and appreciate your newfound willingness to do so, I was disappointed that you are attempting to limit the Committee's understanding of the Accountability Review Board by refusing to participate in a voluntary transcribed interview prior to testifying publicly.

As you know, witnesses at the Committee's May 8, 2013, hearing on the Benghazi attacks raised questions about the ARB.<sup>2</sup> These questions are unsettling, especially in light of the fact that the Administration is actively implementing the ARB's recommendations.<sup>3</sup> The Committee endeavors to shed light on the ARB's process and methodology by holding a hearing to allow witnesses—including you and Admiral Michael Mullen—to address the concerns State Department officials raised at the May 8, 2013, hearing. The ARB worked behind closed doors. It did not record its interviews. No transcripts of ARB interviews exist. Even now, months after the ARB report was released, the ARB's investigative process has remained opaque.

<sup>1</sup> Letter from Hon. Thomas R. Pickering & Hon. Michael G. Mullen to Hon. Darrell Issa, Chairman, H. Comm. on Oversight & Gov't Reform (May 16, 2013) [hereinafter Letter].

<sup>2</sup> Three senior State Department officials who testified at the hearing criticized the ARB's work as "incomplete" and flawed because the ARB did not interview key witnesses and failed to hold senior officials accountable. *See, e.g., Benghazi: Exposing Failure and Recognizing Courage: Hearing before the H. Comm. on Oversight and Gov't Reform*, 113th Cong. (May 8, 2013) (Test. of Gregory Hicks, Tr. at 66; Test. of Eric Nordstrom, Tr. at 67 & 79).

<sup>3</sup> Remarks by President Obama in Joint Press Conference with Prime Minister Cameron of the United Kingdom (May 13, 2013), <http://www.whitehouse.gov/the-press-office/2013/05/13/remarks-president-obama-and-prime-minister-cameron-united-kingdom-joint> (The President stated: "[The ARB] gave us a whole series of recommendations. Those recommendations are being implemented as we speak.").

On January 28, 2013, and again on April 15, 2013, I wrote to the State Department to request documents and information related to the ARB.<sup>4</sup> House Foreign Affairs Committee Chairman Ed Royce and House National Security Subcommittee Chairman Jason Chaffetz co-signed those requests. The State Department refused to produce the requested documents.

To advance the Committee's investigation, I requested documents and information related to the ARB from you and Admiral Mullen on May 13, 2013.<sup>5</sup> You, like Admiral Mullen and the State Department, did not produce any of the documents I requested. I also remind you that the Committee attempted to speak with you on several occasions months before some individuals – whom the ARB interviewed – publicly criticized the Board's process and findings. You declined to discuss the ARB with Members of the Committee and me, even informally.

The Committee's hearings are based on facts, and we make extensive efforts to gather facts prior to hearings – usually by reviewing documents and interviewing witnesses. Because you, Admiral Mullen, and the State Department have all declined to make documents related to the ARB available to the Committee, the Committee's investigation has sought information directly from you through testimony.

At this point, the only publicly available information about the ARB's methodology is contained in the 39-page unclassified version of the report itself. The public version of the report does not contain footnotes or list the witnesses that were interviewed. A fully informed hearing, in which the Committee begins with a factual understanding of how the Board reached its conclusions, is critical to engaging in a public discussion with you about criticisms career State Department officials levied at the ARB's efforts and recommendations.

Your refusal to allow staff investigators to interview you is inconsistent with your commitment to be "tough and transparent."<sup>6</sup> I hope you will reconsider your position in order to assist the Committee in gaining a full and complete understanding of the ARB's work, and to help us address concerns career State Department officials and others have raised. In light of your continuing refusal to appear voluntarily for a transcribed interview, however, I have found it necessary to issue a subpoena to compel your appearance at a deposition. This subpoena creates a legal requirement that you appear in room 2157 of the Rayburn House Office Building at 10:00 a.m. on Thursday, May 23, 2013, and that you answer questions fully and truthfully. It remains my preference for you to appear voluntarily for a transcribed interview, and if that should also become your preference, please notify my staff and I will consider lifting the subpoena.

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<sup>4</sup> Letter from Hon. Darrell Issa, Chairman, H. Comm. on Oversight & Gov't Reform, Hon. Jason Chaffetz, Chairman, H. Subcomm. On Oversight & Gov't Reform, & Hon. Edward R. Royce, Chairman, H. Comm. on Foreign Affairs, to Hon. Hillary Clinton, U.S. Secretary of State (Jan. 28, 2013); Letter from Hon. Darrell Issa, Chairman, H. Comm. on Oversight & Gov't Reform, Hon. Jason Chaffetz, Chairman, H. Subcomm. On Oversight & Gov't Reform, & Hon. Edward R. Royce, Chairman, H. Comm. on Foreign Affairs to Hon. John Kerry, U.S. Secretary of State (Apr. 15, 2013).

<sup>5</sup> Letters from Hon. Darrell Issa, Chairman, H. Comm. on Oversight & Gov't Reform, to Hon. Thomas R. Pickering & Hon. Michael G. Mullen (May 13, 2013).

<sup>6</sup> Letter at 1.

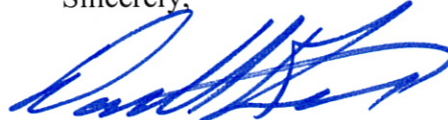
Ambassador Thomas R. Pickering

May 17, 2013

Page 3

Please contact Brien Beattie or John Ohly of the Committee staff at (202) 225-5074 with any questions. Thank you for your attention to this important matter.

Sincerely,



Darrell Issa  
Chairman

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