

**STATEMENT OF ADMIRAL MICHAEL G. MULLEN
BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM**

SEPTEMBER 19, 2013

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

Shortly after those events, I was asked by the then-Secretary of State to serve as Vice Chair of the Accountability Review Board (ARB) established to examine the attacks on the Special Mission Compound and Annex in Benghazi. The Board was led by Ambassador Thomas Pickering and included three other highly qualified, respected members with expertise in various areas relevant to its 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.

As set forth in the Board's Report of December 18, 2012, in accordance with the ARB statute, the Secretary of State asked us to examine "whether the attacks were security related; whether security systems and procedures were adequate and implemented properly; the impact of intelligence and information availability; whether any other facts or circumstances in these cases may be relevant to appropriate security management of U.S. missions worldwide; and, finally, whether any U.S. government employee or contractor, as defined by the Act, breached her or his duty."¹

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 of every State Department office. We interviewed everyone we thought it necessary to interview. We operated independently and 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."² The Board did find multiple, serious State Department shortcomings, which exacerbated the impact of the terrorist attack.

¹ Benghazi ARB Report at *1, December 18, 2012; *see also* 22 U.S.C. § 4834(a).

² Benghazi ARB Report at *4.

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. The military could not have moved assets into Benghazi the night of the attack in a timely enough way to have made a difference.

In total, the Board made 29 recommendations, 24 of which were unclassified. I stand by those recommendations, which cover a wide array of significant topics:

- increasing and more closely monitoring the level of security at our facilities overseas;
- ensuring adequate staffing of high risk, high threat posts;
- improving the training and awareness of State Department employees;
- expanding access and availability of security and fire safety equipment at our overseas facilities;
- improving the gathering and dissemination of relevant intelligence and threat analysis; and
- personnel accountability.

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. I understand that it has accepted and plans to implement all of them.

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. This is what the ARB statute intended: operational accountability at the level of operational responsibility. The House Report originally adopting the ARB statute admonished that "[i]n the past, determining direct programatic [*sic*] 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."³

The ARB statute permits a board only to make findings and recommendations.⁴ Any implementation of those recommendations must be done by the State Department. 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. Although this concept may seem straightforward, the Board came to understand that this is in fact a very high legal standard,

³ House Report No. 99-494 at *10, 1986 U.S.C.C.A.N. 1865, 1876, March 12, 1986. The House said that "[a] system must be established to ensure that requisite security advice is accepted and acted upon not only by Ambassadors and chiefs of missions, but by all senior officers, including Assistant Secretaries and their deputies in Washington." *Id.*

⁴ See 22 U.S.C. § 4834(c).

going well beyond negligence, that requires affirmative misconduct or willful ignorance of responsibilities.⁵ Furthermore, I learned through my service on the Board that “discipline” is a formal term meaning firing or demotion within the civilian personnel system. And that definition of “firing” means removal from the Federal Service. Other forms of significant administrative action, such as removal from a position or reassignment, are not considered formal “discipline” under the ARB statute and relevant personnel rules. Consistent with the Board’s Report, I would encourage 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.”⁶

Given the bounds of the existing statutory and regulatory regime and 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.”⁷ 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.⁸ 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 the imposition of any specific personnel action as to them. Following our Report, all personnel decisions were made by the State Department. I understand that it reassigned all four individuals to different positions.

I have the highest admiration for the service and sacrifice of Ambassador Stevens, Sean Smith, Glen Doherty, and Tyrone Woods. They were patriots and heroes in every sense of the word. They died doing what they dedicated their lives to. I have the greatest sympathy for the families of these brave men. I believe we should honor and respect their service and dedication 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.

⁵ Benghazi ARB Report at *39.

⁶ *Id.* at *12.

⁷ *Id.* at *39.

⁸ *Id.* at *7.

Committee on Oversight and Government Reform
Witness Disclosure Requirement – “Truth in Testimony”
Required by House Rule XI, Clause 2(g)(5)

Name: Michael G. Mullen

1. Please list any federal grants or contracts (including subgrants or subcontracts) you have received since October 1, 2010. Include the source and amount of each grant or contract.

N/A

2. Please list any entity you are testifying on behalf of and briefly describe your relationship with these entities.

N/A

3. Please list any federal grants or contracts (including subgrants or subcontracts) received since October 1, 2010, by the entity(ies) you listed above. Include the source and amount of each grant or contract.

N/A

I certify that the above information is true and correct.

Signature:



Date:

17 September 2013