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Congress of the United States

House of Representatives Select Committee on Benghazi

1036 Longworth House Office Building
Washington, D.C. 20515-6090

(202) 226-7100

<http://benghazi.house.gov>

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RANKING MINORITY MEMBER

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January 29, 2015

The Honorable Elijah E. Cummings
Ranking Member
Select Committee on the Events Surrounding
the 2012 Terrorist Attack in Benghazi
U.S. House of Representatives
Washington, DC 20515

Dear Ranking Member Cummings:

Thank you for your most recent letter of January 29, 2015. It is always good to hear from you. We have a diverse array of fact-finding ahead of us on a broad range of issues and Secretary Clinton's appearance is but one of many Committee activities for the future. Because you have dedicated so much public attention to it this week, however, I wanted to make sure there is no misunderstanding.

You and I are in agreement on a couple of points: (1) Secretary Clinton has never expressed an unwillingness to appear before our Committee; and (2) you and I shared a belief, initially, that she should come before the Committee but only after the Department of State has complied with our requests for documents so our members were best positioned to have a constructive conversation with Secretary Clinton. Our private conversations reflected this belief. Emails between our staffs reflected this belief. Common sense dictated this belief. I have no interest in asking questions of the Secretary in a piecemeal fashion. That would be unfair to her and unfair to the process. She should appear once and that one time should be scheduled after the Department of State has produced the appropriate documents, cables, emails and other materials that would facilitate the most constructive conversation.

So while Secretary Clinton's position has not changed and the commonsensical understanding that you cannot constructively question any witness without access to the underlying documents has not changed, your position has - at least twice.

Initially you supported her appearance but only after our members had the documents, cables, emails and other materials that would facilitate a constructive conversation. Then, for reasons only you can speak to, your position changed.

An article in *The Hill* dated December 10, 2014 reads thusly:

Rep. Elijah Cummings (Md.), the select committee's top Democrat, indicated Wednesday he would oppose calling on Clinton to testify because the State Department's Accountability Review Board that investigated Benghazi had already talked to her.

If you believe you were quoted inaccurately I assume you took that up with the author of the article. What lends credence to *The Hill's* reporting is that you were repeating an oft cited Democrat talking point that Secretary Clinton has been interviewed by the ARB. What struck some of us as interesting is you directly contradicted the two co-chairs of the ARB, Admiral Michael Mullen and Ambassador Thomas Pickering, both of whom have stated under oath that the ARB never interviewed Secretary Clinton. So, while you are welcome to an opinion that Secretary Clinton should not appear before a Select Committee authorized to write the final, definitive account of Benghazi, you are not entitled to your own facts on who the ARB did and did not interview. If you have evidence Secretary Clinton was interviewed by the ARB, I would be more than happy to review it if you would share it.

Moreover, and in furtherance of the same, is a quote from you in *The Daily Caller* also dated December 10, 2014 wherein you were quoted as saying in reference to an appearance by Secretary Clinton:

But Maryland Democrat Elijah Cummings poured cold water on that idea, saying "Mr. Schiff said today he could not see why she would be called, and I would agree with that," referring to fellow Democrat Adam Schiff.

Again, I do not know if you sought a retraction or clarification for what you now contend to be a comment you did not make. It would be highly coincidental that two different reporters would get a fact so terribly wrong on precisely the same day.

Despite your own apparent change of position, the Secretary herself has not appeared to change her position of being willing to appear to before the Committee. Moreover, I have not changed my position, which I will reiterate again for you: the Committee will hear from Secretary Clinton no later than 30 days after receipt of all documents requested from the Department of State, which are essential to our being able to have a productive conversation with Secretary Clinton.

Since you were reported to believe that Secretary Clinton was interviewed by the ARB, despite and in direct contradiction to the previous sworn testimony of the ARB co-chairs, we would also ask you to join us in seeking all ARB documents, including copies of any notes of that interview, questions asked, answers provided and who else may have been present for any interview with Secretary Clinton. If you are correct in that she was interviewed, these documents would be helpful to the Secretary in refreshing her recollection and to the Committee in avoiding our asking duplicate questions. Those documents would be additionally helpful to the Committee since we were previously led to believe the Secretary merely appointed the ARB members but was never formally interviewed by them.

Given the fact that your position seems to have changed from her appearance to her non-appearance and back to her appearance, perhaps it is best if the majority members of the Committee deal directly with Secretary Clinton and her designees. There has never been any confusion on their behalf with respect to her availability and the related issues, so talking directly to Secretary Clinton's designee seems to be the most productive and constructive way to move forward.

Accordingly, I have asked my staff to reach out to Secretary Clinton or her designee to schedule her appearance before the Committee as soon as practicable after the production of relevant and requested documents.

Sincerely,

A handwritten signature in blue ink that reads "Trey Gowdy". The signature is written in a cursive, flowing style.

Trey Gowdy
Chairman