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Congress of the United States

House of Representatives Select Committee on Benghazi

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March 31, 2015

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STAFF DIRECTOR

Mr. David E. Kendall
Williams & Connolly LLP
725 12th Street, NW
Washington, D.C. 20005

Dear Mr. Kendall:

On March 19, 2015, the Committee asked former Secretary of State Hillary Clinton to provide her personal email server to the Inspector General for the State Department to ensure the full record of her tenure as Secretary was preserved. This request allows for a neutral, detached and independent third-party review of the server to identify information responsive to this Committee's subpoena. The Committee suggested the current Inspector General for the Department of State—nominated by President Obama and confirmed without a dissenting vote by the U.S. Senate—to conduct this review independently. The Committee was then and remains open to the designation of another neutral, detached, and independent arbiter to review Secretary Clinton's server to ensure all relevant records have been preserved and produced to the Committee consistent with its subpoena.

Secretary Clinton's refusal to allow the Inspector General to ensure the public record is complete is not only disappointing but portends to delay the ability of our Committee to complete its work as expeditiously as possible. We, therefore, urge the Secretary to reconsider her position and allow a neutral, detached, and independent arbiter ensure the public record is complete and all materials relevant to the Committee's work have been provided to the Committee.

If the Secretary continues to reject the offer of a neutral review, the House of Representatives as a whole will need to consider its next steps. As you know the production of documents made to the Select Committee represents a very small portion of the total public record housed in the Secretary's possession until recently. As such, other committees of Congress as well as the media and the public at large have equities in the Secretary's public record.

Although I have made this abundantly clear, it bears repeating: our Committee has no interest in any emails related to the Secretary's personal, private matters nor is our Committee seeking documents unrelated to Libya and Benghazi during the relevant time periods. The Committee is, however, committed to reviewing and considering every document related to the work the House of Representatives charged us with doing.

Toward that end and because of the Secretary's unique arrangement with herself as it relates to public records during and after her tenure as Secretary of State, this Committee is left with no alternative but to request Secretary Clinton appear before this Committee for a transcribed interview to better understand decisions the Secretary made relevant to the creation, maintenance, retention, and ultimately deletion of public records. The Committee is willing to schedule the interview at a time convenient for Secretary Clinton, but no later than May 1, 2015.

The Committee believes a transcribed interview would best protect Secretary Clinton's privacy, the security of the information queried, and the public's interest in ensuring this Committee has all information needed to accomplish the task set before it.

Once there is a reasonable assurance all documents in the Secretary's care, custody and control related to what happened before, during, and after the attacks in Benghazi have been shared with the Committee, we will be in a position to schedule her appearance in a public hearing to constructively discuss these topics. We share the Secretary's desire these two conversations take place as quickly and efficiently as possible, and are willing to expedite both working with your office, the Secretary's schedule and our Democrat colleagues on the Committee. What the Committee cannot do is conclude its work without assurances the Committee has all relevant information necessary for us to discharge the duties required of us.

We continue to believe Secretary Clinton's email arrangement with herself is highly unusual, if not unprecedented. The decision to delete these records during the pendency of a congressional investigation only exacerbates our need to better understand what the Secretary did, when she did it, and why she did it. While she has cited a variety of justifications for this arrangement, many questions and details about the arrangement remain unanswered. These questions relate to:

1. her decision to bypass an official government email account;
2. whether she affirmatively turned over any relevant records during the pendency of the Accountability Review Board investigation or at any time after Congress first began investigating the Benghazi attack until December 2014;
3. her decision to retain those records upon separation from the Department of State;
4. the methodology by which these emails were subsequently searched for evidence of official records; and
5. her decision to delete certain emails.

Mr. David E. Kendall

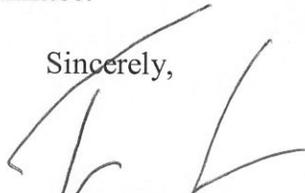
March 31, 2015

Page 3

The Committee also reiterates pending the resolution of this matter the server and any associated information, data, backups, and equipment must be preserved wherever they reside and that any further deletion or destruction of data or information must cease. As you should be well aware, it is technically possible in many instances to recover electronic information notwithstanding whether it has been "deleted" or overwritten. It is precisely for this reason a neutral and objective party must have access to the server and related equipment to identify information potentially responsive to relevant laws and investigative requests.

We look forward to working closely with you to schedule both Secretary Clinton's private transcribed interview related to her email arrangement as well as her public appearance before the Committee.

Sincerely,

A handwritten signature in black ink, appearing to read 'Trey Gowdy', written over the word 'Sincerely,'.

Trey Gowdy
Chairman

cc: The Honorable Elijah E. Cummings, Ranking Member