

TREY GOWDY, SOUTH CAROLINA
CHAIRMAN

LYNN WESTMORELAND, GEORGIA
JIM JORDAN, OHIO
PETER ROSKAM, ILLINOIS
MIKE POMPEO, KANSAS
MARTHA ROBY, ALABAMA
SUSAN W. BROOKS, INDIANA

PHILIP G. KIKO, STAFF DIRECTOR

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>

ELIJAH E. CUMMINGS, MARYLAND
RANKING MINORITY MEMBER

ADAM SMITH, WASHINGTON
ADAM B. SCHIFF, CALIFORNIA
LINDA T. SÁNCHEZ, CALIFORNIA
TAMMY DUCKWORTH, ILLINOIS

114TH CONGRESS

SUSANNE SACHSMAN GROOMS, MINORITY
STAFF DIRECTOR

January 27, 2015

The Honorable Trey Gowdy
Chairman
Select Committee on the Events Surrounding
the 2012 Terrorist Attack in Benghazi
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your letter yesterday responding to previous letters from me and the other four Democratic Committee Members, in which we expressed grave concerns about being excluded from participating fully in the investigation. In your letter yesterday, you requested that I identify any mistakes or inaccuracies in your letter. Below are several examples:

- Your letter does not address the fundamental concern of Democratic Members, which is that you and your staff excluded Democrats from investigative interviews with potential witnesses, and that your staff later downplayed the significance of those interviews when they contradicted a preconceived political narrative. Your letter does not explain why you excluded Democrats from these interviews, particularly when witnesses were willing to speak with Democrats all along. Your proposed rules would allow this partisan tactic to continue.
- Your letter states that our characterization of witness testimony “not only risks an adverse effect on the investigation but also could also negatively impact the witnesses’ careers.” None of the witnesses we spoke with requested confidentiality or expressed any concerns about potential reprisal. They were willing to speak with both Democrats and Republicans, but you and your staff elected to exclude us nonetheless. Far from discouraging witnesses from coming forward, our willingness to fight for the truth will inspire confidence in future witnesses who want the facts to be known.
- Your letter asserts that the Democratic website, *Benghazi on the Record: Asked and Answered* and its corresponding *Compendium of Investigative Resources*, “instantly prejudged facts that are not yet in evidence.” In fact, the website does exactly the opposite. It collects—in one place—information that has already been gathered by other committees and investigative bodies. It identifies the specific sources of this evidence, such as transcripts of witness interviews, witness testimony at hearings, and reports that are in the public record, quotes from that evidence, and provides a link to the primary

sources themselves. Our counterparts on other committees have spent years gathering a wealth of knowledge about Benghazi, and there is no justification for disregarding it.

- Finally, your letter states explicitly that you are withholding a vote on any Committee rules unless Democratic Members agree to your terms. After Democratic Members raised concerns with you directly in December, and after you and I met personally with Speaker Boehner, you agreed to hold an organizational meeting and a vote on Committee rules, which still has not occurred. Democratic Members should have an opportunity to voice their views, even if you do not agree with what they say.

We have spent months taking every possible step privately to urge you to change course and begin including us in the investigation before we were forced to raise our concerns publicly.

The American people may find this difficult to believe, but eight months into this investigation, Democrats and Republicans on the Benghazi Select Committee have not spoken jointly with even a single witness. You may have authority under House rules to conduct secret interviews and exclude Democrats, but doing so forfeits your right to continue calling this investigation “bipartisan.”

I respectfully ask that you follow through on the commitment you made in December to hold a vote and adopt Committee rules, rules that should ensure the inclusion of Democrats in all aspects of the Committee’s investigation.

Sincerely,

A handwritten signature in blue ink, appearing to read 'E. Cummings', with a long, sweeping flourish extending to the right.

Elijah E. Cummings
Ranking Member