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Congress of the United States

House of Representatives

Select Committee on Benghazi

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STAFF DIRECTOR

January 29, 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:

I was very concerned to read several statements over the past 24 hours claiming that you and your office were not aware that former Secretary Hillary Clinton agreed months ago to testify before the Select Committee as early as December, particularly since you personally requested that I obtain her agreement—on your behalf. The fact of the matter is that you could have had Secretary Clinton’s public testimony last year, but it was your decision not to obtain it.

For example, according to one press account:

Rep. Elijah Cummings, the top Democrat on the panel, told reporters Tuesday that Clinton had informed him she was willing to testify as early as December 2014 before the panel. Cummings said he reached out to Clinton during the early days of the panel’s investigation in September at the request for committee Chairman Trey Gowdy (R-S.C.).

“She immediately said she would do that and she wanted to come in December and then she said, ‘Well, if you can’t have me in December I’ll come in January.’ She said ... ‘I’ll do it, period,’” Cummings said.

A spokeswoman for Gowdy said he was “not aware of any formal notice that she would [testify], just ... Cummings’ statement at the press stakeout after the hearing.”¹

Similarly, during an interview on national television yesterday, you had this exchange:

Q: So according to Elijah Cummings, Congressman Elijah Cummings, he says Hillary Clinton is ready to testify for you anytime. So, why not put her out there?

¹ *Democrats: Hillary Clinton Willing to Testify Before Benghazi Panel*, Politico (Jan. 27, 2015) (online at www.politico.com/story/2015/01/democrats-hillary-clinton-benghazi-panel-114664.html) (emphasis added).

A: Well, I'm glad Mr. Cummings changed his mind. In December he was not saying that. But I do welcome his change of heart.²

These statements are inaccurate, and in order to ensure that there are no misconceptions, I would like to clarify the public record.

On September 18, 2014, one day after the Committee's first hearing, an entity known as Stop Hillary PAC delivered more than 264,000 signatures to the Select Committee insisting that you issue a subpoena to compel Secretary Clinton to testify, despite the fact that she has already testified before the House and Senate about Benghazi and answered more than 200 questions for the record.

The day after receiving these petitions, you began speaking with me about requesting former Secretary Clinton to testify before the Committee. Ultimately, you asked me to help you facilitate this process by contacting Secretary Clinton directly on your behalf to determine whether she would testify.

To be clear, you asked me to take this step before proposing an investigative plan, before issuing any requests for new documents, and before conducting a single joint interview of anyone.

As a courtesy, I contacted Secretary Clinton, and she responded without hesitation that she was willing and able to testify in a public hearing—as early as December 2014—to answer any remaining questions.

I personally communicated all of this information to you more than three months ago—in October 2014. In addition, on November 12, 2014, in a joint phone call with both Republican and Democratic staff, Secretary Clinton's attorney again officially confirmed the Secretary's willingness to testify in a public hearing before the Committee as early as December.

It was your decision not to hold a hearing with Secretary Clinton in December. Instead, you decided to delay Secretary Clinton's testimony. You then explained to me that you wanted to obtain additional documents before setting a date for her testimony. This was a new standard you had not expressed before obtaining the Secretary's agreement to testify, and this standard has not been applied to the other witnesses before the Committee.

Finally, you decided to wait until November 18, 2014—well after Secretary Clinton accepted the invitation to testify—to issue your request for additional documents.

I hope this letter clarifies any misunderstandings.

² *America's Newsroom*, Fox News (Jan. 28, 2015).

Sincerely,

A handwritten signature in blue ink that reads "Elijah E. Cummings". The signature is written in a cursive style with a large, sweeping flourish at the end.

Elijah E. Cummings
Ranking Member