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Congress of the United States

House of Representatives

Select Committee on Benghazi

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SUSANNE SACHSMAN GROOMS, MINORITY
STAFF DIRECTOR

June 17, 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:

Yesterday, you issued a press release announcing that you intend to publicly release emails that Sidney Blumenthal provided to the Select Committee relating to Libya. Your press release stated:

“Sidney Blumenthal produced to the Committee nearly 60 new emails regarding Libya and Benghazi,” Gowdy said. “These emails were not previously produced to the Committee or released to the public, and they will help inform tomorrow’s deposition. We are prepared to release these emails, but where practicable our internal processes include consultation with the Ranking Member before release. If Ranking Member Cummings consents, we will add to the former Secretary’s public email record and release these shortly. If not, we will do so after the required five days has passed.”¹

However, you did not consult—or even contact—Ranking Member Cummings, other Democratic Select Committee Members, or anyone on our staffs before issuing your press release. Nor did you contact the State Department to clarify why its production of Benghazi-related emails might have differences from Mr. Blumenthal’s production of Libya-related documents.

As you know, we have always supported transparency as part of this investigation. We called on you to release former Secretary of State Hillary Clinton’s emails after the Select Committee obtained them in February, but you refused to do so. As you explained at the time:

“I am not going to make any emails public. We have no idea whether this represents 10 percent of the document production, 50 percent of the document production. We in the

¹ House Select Committee on Benghazi, *Select Committee Obtains New Blumenthal Emails Before Deposition* (June 16, 2015) (online at www.benghazi.house.gov/news/press-releases/select-committee-obtains-new-blumenthal-emails-before-deposition).

past have not produced information selectively. In my judgment it runs counter to a serious investigation to do so.”²

You also highlighted “the danger whenever you selectively release or leak information, is you give a disproportionate amount of attention and importance to whatever you’ve leaked.”³

Despite your previous statements on this matter, your press release yesterday indicated that you now believe it is appropriate to release selected emails from our investigation.

In response to your press release, Ranking Member Cummings agreed to your proposal to release Mr. Blumenthal’s emails, provided that you also release—at the same time—the full transcript of his day-long deposition with the Select Committee. Rather than selectively leaking only certain information about Mr. Blumenthal, the American people deserve the benefit of Mr. Blumenthal’s responses to the hundreds of questions that you and other Select Committee Members asked him, including questions about these same emails.⁴

In response to the Ranking Member, you stated last night: “I need him to explain to me why this witness should be treated differently than any other witness.”⁵

The fact of the matter is that you are the one treating Mr. Blumenthal differently. You are the one who ordered armed Marshals to go to his home—without any debate or vote by the Committee—to serve a subpoena compelling his testimony at yesterday’s deposition without even contacting him first.⁶ You are the one who forced Mr. Blumenthal to appear at a mandatory deposition—the only one the Select Committee has held in the year since it was established—rather than a voluntary transcribed interview like every individual before him. And you are the one who is now proposing to release only Mr. Blumenthal’s emails when you have not released emails from dozens of other individuals whose documents the Select Committee has obtained.

² *House Benghazi Committee Press Conference on Secretary Clinton Email Revelations*, House Select Committee on Benghazi (Mar. 4, 2015) (online at www.youtube.com/watch?v=XUNQt0DYn68).

³ *Id.*

⁴ House Select Committee on Benghazi, Democrats, *Cummings Calls on Gowdy to Release Blumenthal Deposition Transcript with Emails* (June 16, 2015) (online at democrats.benghazi.house.gov/news/press-releases/cummings-calls-on-gowdy-to-release-blumenthal-deposition-transcript-with-emails).

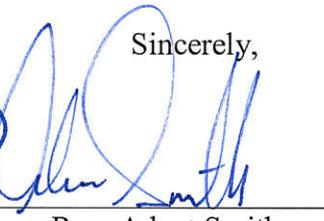
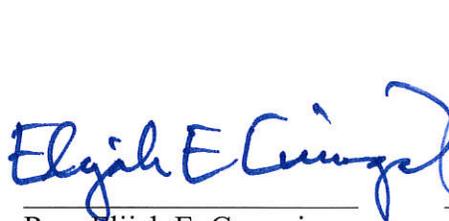
⁵ *Gowdy to Release New Blumenthal-Clinton Emails*, CNN (June 16, 2015) (online at www.cnn.com/2015/06/16/politics/sidney-blumenthal-benghazi-emails-hillary-clinton/index.html).

⁶ House Select Committee on Benghazi, Democrats, *Cummings Response to Use of U.S. Marshal Service to Deliver Subpoena* (May 20, 2015) (online at democrats.benghazi.house.gov/news/press-releases/cummings-response-to-use-of-us-marshal-service-to-deliver-subpoena).

Given your own words on this topic warning against the selective release of information from the Committee's investigation, it has become impossible to understand your revolving policy on when the Select Committee will release information and when it will not. This type of incoherent policy inevitably leads to criticisms that the investigation is motivated by a partisan political attack against former Secretary Clinton rather than a neutral effort to obtain the facts.

Obviously, the full transcript of Mr. Blumenthal's deposition will provide important background and context to his emails. Otherwise, there would have been no reason to hold the deposition in the first place. We would be happy to have our staffs work together to review both the emails and the deposition transcript to identify any content that we all agree should be redacted before public release. In fact, we understand that you have already agreed to such a practice with Mr. Blumenthal's attorney regarding his emails, so the same process could easily be used to review his deposition transcript. If Republicans truly believe in transparency, then they should have no objection to this course of action.

Sincerely,



Rep. Elijah E. Cummings
Ranking Member

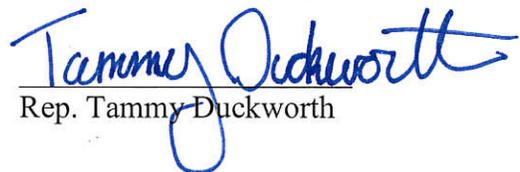
Rep. Adam Smith



Rep. Adam B. Schiff



Rep. Linda T. Sánchez



Rep. Tammy Duckworth