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House of Representatives

Select Committee on Benghazi

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October 15, 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:

Over the past week, Republicans have inaccurately inflated the record of the Select Committee to defend against repeated admissions by Members of your own party that Republicans have used millions of taxpayer dollars to damage Secretary Clinton's bid for president. This morning, the *Washington Post Fact Checker* evaluated these attempts to "hype the numbers" and awarded the statements two pinocchios.¹

Two weeks ago, House Majority Leader Kevin McCarthy admitted on national television that Republicans have been using millions of taxpayer dollars to damage Secretary Clinton's campaign for president.

Last weekend, a self-described "conservative Republican" investigator, Major Bradley Podliska, charged that he was fired from the Select Committee in part because he wanted to conduct an objective investigation and refused to go along with plans by the Republican leadership to shift the Select Committee's focus to target Secretary Clinton.

And just yesterday, Republican House Member Richard Hanna admitted during a radio interview: "This may not be politically correct, but I think that there was a big part of this investigation that was designed to go after people and an individual, Hillary Clinton."

You have responded by continuing to deny any undue focus on Secretary Clinton, arguing: "I cannot say it any plainer than stating the facts, the Benghazi Committee is not focused on Secretary Clinton."²

¹ *How Many 'New' Witnesses Has The House Benghazi Panel Interviewed?*, Washington Post (Oct. 15, 2015) (online at <https://www.washingtonpost.com/blogs/fact-checker/wp/2015/10/15/how-many-new-witnesses-has-the-house-benghazi-panel-interviewed/>).

² *Former Benghazi Committee Investigator Alleges Bias Against Hillary Clinton*, NBC News (Oct. 12, 2015) (online at www.nbcnews.com/news/us-news/fired-benghazi-committee-investigator-alleges-bias-against-hillary-clinton-n442316).

One of the key data points you have cited to defend against reports that the Select Committee is targeting Secretary Clinton is the number of “new” interviews the Select Committee has conducted. Last Thursday, for example, you sent a letter to me stating: “The Committee has interviewed over 50 witnesses to date who have never before been interviewed.”³

The problem with your argument is that your numbers are wrong. The Select Committee has conducted a total of 53 transcribed interviews and depositions to date. Previous congressional committees and the independent Accountability Review Board (ARB) had already spoken to 23 of these individuals. In other words, the actual number of “new” interviews is 30—significantly lower than the 50 interviews cited in your letter on Thursday.

Moreover, the majority of the Select Committee’s 30 new interviews have been with State Department employees, and they have included current and former campaign officials, IT employees, press officials, and others who had little or nothing to do with the attacks in Benghazi. Overall, the Select Committee has conducted nearly ten times as many interviews with State Department employees than Defense Department employees (38 compared to 4).⁴

Today, the *Washington Post* Fact Checker evaluated your claims and awarded them two pinocchios, concluding:

The numbers game is important to Republicans because they use the figure to justify how the Select Committee is necessary and breaking new ground. But there is a bit less here than meets the eye. ... there’s little reason to hype the numbers and better to remain as precise as possible.⁵

The Fact Checker also reported that your spokesperson admitted that the figures in your letter were wrong, blaming them on “staff error,” and that the numbers you used on national television were “also a misstatement.”⁶

³ Letter from Chairman Trey Gowdy to Ranking Member Elijah Cummings, House Select Committee on Benghazi, at p. 13 (Oct. 8, 2015) (online at <http://benghazi.house.gov/sites/republicans.benghazi.house.gov/files/TG%20letter%20to%20EEC%2010.7.15.pdf>).

⁴ The number of interviews conducted by the Select Committee is also far lower than other investigative bodies. For example, the ARB conducted more than 100 interviews during its approximate three-month investigation (an average of more than 8 per week), while the Select Committee has conducted only 53 interviews during the past 17 months (fewer than one per week). The Church Committee lasted 15 months and interviewed approximately 800 witnesses, conducted 250 executive and 21 public hearings, and issued a final report with 96 recommendations to reform the intelligence community. The Watergate Committee conducted 137 days of hearings with hundreds of witnesses during its 72-week investigation.

⁵ *How Many ‘New’ Witnesses has the House Benghazi Panel Interviewed?*, Washington Post Fact Checker (Oct. 15, 2015) (online at www.washingtonpost.com/blogs/fact-checker/wp/2015/10/15/how-many-new-witnesses-has-the-house-benghazi-panel-interviewed/).

⁶ *Id.*

This effort to artificially inflate the number of interviews with “new” witnesses is not the only data point that illustrates the Select Committee’s obsession with Secretary Clinton. For example:

- You identified Secretary Clinton as the first witness you wanted to testify one day after Stop Hillary PAC, a group that describes itself as “created for one reason only—to ensure Hillary Clinton never becomes President of the United States,” delivered about 264,000 signatures demanding that he subpoena her. This is the same group that aired a highly offensive attack ad this week exploiting images of the four Americans killed in Benghazi as well as Ambassador Steven’s grave without the knowledge or consent of his family.
- After the *New York Times* issued its story on Secretary Clinton’s emails in March, the Select Committee abandoned all of its scheduled monthly hearings for 2015—except its hearing with Secretary Clinton. The Select Committee has not held a single public hearing since January.
- The Select Committee abandoned its plans for a public hearing with the Secretary of Defense, as well as its plans for a private interview with him. The Select Committee has never asked a single question to the Secretary of Defense—in public or private.
- The Select Committee has never held a single hearing with anyone from the Department of Defense during its 17-month tenure.
- Of the 70,000 pages of documents obtained by the Select Committee, the only documents you have chosen to release publicly are Secretary Clinton’s emails with Sidney Blumenthal. Your actions contradict your own claim just weeks earlier that “serious investigations” do not “make selective releases of information without full and proper context.”⁷
- At the same time, you have blocked the public release of Sidney Blumenthal’s deposition transcript, which would reveal the questions Republicans asked about issues related to Secretary Clinton that have nothing to do with Benghazi, as well as Mr. Blumenthal’s answers to questions about the emails that you released.⁸
- The Select Committee has been engaged in an aggressive press campaign focused almost entirely on Secretary Clinton, issuing 25 press releases related to Secretary Clinton since

⁷ Chairman Trey Gowdy, House Select Committee on Benghazi, *Interim Progress Update* (May 8, 2015), at ii (online at <http://benghazi.house.gov/sites/republicans.benghazi.house.gov/files/Interim%20Progress%20Update%2005-08-15.pdf>).

⁸ Ranking Member Elijah E. Cummings et al. to Chairman Trey Gowdy, House Select Committee on Benghazi (June 24, 2015) (online at <http://democrats.benghazi.house.gov/news/press-releases/committee-democrats-invoke-deposition-rules-demand-public-vote-on-release-of>).

March, but only 5 press releases on all other topics combined. You have referenced Secretary Clinton more than 50 times in nationally televised interviews since March.⁹

You have not provided an adequate explanation for why the Select Committee abandoned much of its planned work in order to focus primarily on Secretary Clinton. Last March, all five of the Democratic Members of the Select Committee warned you about exactly this outcome within days of the Select Committee's partisan turn towards Secretary Clinton. As we wrote to you on March 6, 2015:

We are writing to object to the very partisan and political turn the Select Committee has taken this week, when you and the Republican Members decided to issue a congressional subpoena to former Secretary of State Hillary Clinton—with no consultation, no debate, no vote and no notice—despite the Secretary's complete cooperation with our Committee to date. Democratic Members only learned about your subpoena by reading about it in the *Washington Post*.¹⁰

You declined to take our views into consideration then, and the results have been unfortunate and entirely predictable.

Over the past two weeks, we have heard the truth from the Republican House Majority Leader, one of your own handpicked 'conservative Republican' investigators, and now yet another Republican Member of Congress, all saying what is crystal clear to those of us who have been working inside the Select Committee on a daily basis. In light of the McCarthy-Hanna-Podliska admissions, it is finally time for the Republican Party to stop denying the undeniable, stop defending the indefensible, and stop using millions of taxpayer dollars for the illegitimate purpose of trying to damage Hillary Clinton's bid for president.

Sincerely,



Elijah E. Cummings
Ranking Member

⁹ House Select Committee on Benghazi Democrats, *Democrats Release New Video and Fact Sheet: "Couldn't Be More Plain"* (Oct. 6, 2015) (online at <http://democrats.benghazi.house.gov/news/press-releases/democrats-release-new-video-and-fact-sheet-couldn-t-be-more-plain>).

¹⁰ Ranking Member Elijah E. Cummings et al. to Chairman Trey Gowdy, House Select Committee on Benghazi (Mar. 6, 2015) (online at http://democrats.benghazi.house.gov/sites/democrats.benghazi.house.gov/files/documents/2015_03_06_SCBDems_to_TG_re_Clinton_Subpoena.pdf).