ONE HUNDRED TWELFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
FACSIMILE (202) 225–3974
MINORITY (202) 225–5051

http://oversight.house.gov

October 19, 2012

The Honorable Darrell E. Issa
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Earlier today, you sent a ten-page letter to the President making serious allegations relating to the attack on the U.S. diplomatic post in Benghazi, Libya. However, your letter completely ignores sworn testimony provided to the Committee, recklessly omits contradictory information from the very same documents it quotes, irresponsibly promotes inaccurate information, and makes numerous allegations with no evidence to substantiate them.

It seems obvious that your goal in sending a public letter at this time is to release the most negative and distorted view possible of the attack in Benghazi ahead of the Presidential debate on Monday evening. This is particularly disturbing given requests by Ambassador Stevens' family not to politicize his death as part of the campaign.

Your numerous claims about conducting a "bipartisan" investigation can no longer be taken seriously since you withheld from Democratic Members many of the documents quoted in your letter, despite my numerous requests that we work together responsibly, and in direct contradiction of House rules. Just because this has become common practice with this Committee does not make it any less of an abuse of your authority as Chairman. It denies Committee Members the ability to analyze documents before you make them public, and it prevents Members from evaluating the validity of your accusations.

Your actions have become so undeniably partisan that one of the key individuals who has been providing information to you has now relayed to my staff his concern and frustration with the way you are proceeding with this investigation. In one of several emails he wrote to my staff, he expressed astonishment that you are continuing to withhold documents from other Committee Members and added:

> Wow, how frustrating. I think we all assume that while there is some partisanship it doesn't impact when we are trying to get the story out and/or fix something to make it better for the next time around.

The fact is that the Committee has not spoken with a single official who was even in the country on the night of the attack in Benghazi and has not received a single classified briefing about the attack. To issue such a contorted and incomplete account of events three days before the upcoming Presidential debate undermines the legitimacy of the Committee and the credibility of its work.

I have no doubt that all Members of this Committee fully support a robust investigation of the attack in Benghazi that killed Ambassador Stevens and three other Americans. But the investigation should be thorough, careful, and responsible. In my opinion, your letter crossed the line by throwing out partial, incomplete, and in some cases inaccurate information in an effort to help your candidate for President.

I believe the Committee should conduct the investigation first and then draw reasoned conclusions. Based on the many problems with your letter, which are described below, I sincerely hope the Committee will refrain from such irresponsible behavior in the future.

Claims About Diplomatic Security Agent David Oliveira

Your letter selectively quotes from the Committee's transcribed interview of David Oliveira, the Regional Security Officer in Benghazi in June and July of 2012, to support your claim that "the Administration knew that diplomatic security was lacking in Libya." However, your ten-page letter omits all of Mr. Oliveira's statements that directly contradict your claims.

For example, Mr. Oliveira told the Committee that he considered the general threat level for Benghazi to be "low" and stated generally that "there was no problem."[1] He explained that during his time in Benghazi, security personnel would take trips to pick up pizza and videos without wearing their protective vests. He explained:

> We had vests. We did not actually have them on because most of the movements we felt comfortable driving around Benghazi; especially daytime movements, we felt comfortable, because we would go out without the principal officer, for example, just to set the environment, we would go out and get pizza for the QRF [Quick Reaction Force], just as a thank you for the work they were doing. We would go to a video store and get some videos and bring it back. Everything was back to the compound, but we felt comfortable with going out.

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[1] House Committee on Oversight and Government Reform, Transcribed Interview of Assistant Regional Security Officer David Oliveira (Oct. 9, 2012).

While there were concerns about local tensions as the Libyan elections approached, Mr. Oliveira explained that there was less concern about the targeting of Westerners. He told the Committee:

> There was a concern that in the run up to the elections, that tensions would increase in the region, because there were a number of groups that felt like the government was pushing back this election. Again, they were speculating as to why they were pushing it back. But we didn't feel at that point it was targeting us or the Westerners, but it was going to be Libyans upset with Libyans.

He also explained that the Libyan people "made it clear" that "they were supportive of us, that they were appreciative of what we had helped them to do to overthrow the Qadhafi regime, that we were helping democracy."

In addition, Mr. Oliveira told the Committee that, during his interactions with Lt. Col. Wood, who visited the Benghazi compound, he did not recall Lt. Col. Wood expressing alarm about the security situation in Benghazi. He told the Committee:

> At no point in time do I remember having a conversation with Lieutenant Colonel Wood where he even came close to saying that there was this impending doom that was happening.
>
> We did talk about potentially the tensions in the region rising because of the June 7th elections, excuse me, July 7th elections. But after the June 6th and June 11th attacks against Westerners or diplomats, a lot of the other stuff that we were witnessing on the local was either the Red Cross getting hit in Misrata, which was not in our town, some violent incidents in other towns, not in Benghazi, or we heard about militia versus militia.
>
> But I don't remember him or having a conversation with him saying that we are sitting ducks, or nothing to that effect, where, you know, this impending doom and we were all in trouble. I do not remember a conversation like that.

Claims About Diplomatic Security Agents Requested for Benghazi

Your letter claims inaccurately that there were "two formal requests by Embassy Tripoli for Washington to fill the five positions" for Diplomatic Security agents in Benghazi. However, your letter incorrectly cites a cable sent from Tripoli on July 9, 2012, and it also disregards sworn testimony at the Committee's hearing on October 10, 2012. Your letter also omits the fact that there were five agents on the ground in Benghazi on the night of the attack.

On page 7 of your letter, you cite a July 9, 2012, cable drafted by Diplomatic Security Agent Eric Nordstrom for your claim that he requested five diplomatic security agents. In fact, that cable asks for four agents, with a minimum of three:

> Post anticipates supporting operations in Benghazi with at least 1 permanently assigned RSO employee from Tripoli, however, would request continued TDY support to fill a minimum of 3 security positions in Benghazi.[2]

Mr. Nordstrom confirmed this fact during his testimony before the Committee, when he agreed that his cable requested "at least one permanently assigned RSO from Tripoli" and "a minimum of three security positions in Benghazi." When asked if "that would be a total of four," he responded, "that's correct."[3]

Nevertheless, both Mr. Nordstrom and Under Secretary of State for Management Patrick Kennedy confirmed during their testimony before the Committee that on September 11, 2012, the night of the attack, there were in fact five Diplomatic Service agents in Benghazi.[4]

Claims About Military Team Deployed to Benghazi Because of Inadequate DS Security

Your letter claims inaccurately that a Defense Department Security Support Team (SST) "comprised of 16 Special Forces personnel" had been "dispatched to Benghazi on several occasions to provide needed security support" in order to "compensate for the lack of DS agents." However, your letter cites no supporting evidence, no documents obtained by the Committee, and no interviews conducted by Committee staff.

Contrary to your claim, Lt. Col. Wood testified before the Committee that the SST team was sent to the region on only two occasions, and that its purpose was "to support movement of the principal officer" during trips outside the consulate in Benghazi, specifically "to Tobruk and Derna," which are hundreds of miles away from Benghazi and where there was no security presence.[5]

In addition, during his transcribed interview, Mr. Oliveira told the Committee that during his time as the Regional Security Officer, Lt. Col. Wood personally traveled to Benghazi, but that he "was coming down for a completely separate business that he had, something to do with DOD."[6]

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[2] *TRIPOLI—Request for Extension of TDY Security Personnel,* AMEMBASSY TRIPOLI (12 Tripoli 690) (July 9, 2012).

[3] Testimony of Eric Nordstrom, House Committee on Oversight and Government Reform, *Hearing on the Security Failures of Benghazi* (Oct. 10, 2012).

[4] *Id.*

[5] Testimony of Lt. Col. Andrew Wood, House Committee on Oversight and Government Reform, *Hearing on the Security Failures of Benghazi* (Oct. 10, 2012).

[6] House Committee on Oversight and Government Reform, Transcribed Interview of David P. Oliveira (Oct. 9, 2012).

Claims About "Normalization" Resulting in Reduced Security

Your letter claims that "the administration made a policy decision to place Libya into a 'normalized' country status as quickly as possible," and that security drawdowns were "aimed at conveying the impression that the situation in Libya was getting better, not worse." However, the only evidence you cite for this claim is a transcribed interview of Deputy Assistant Secretary Catherine Lamb. Ms. Lamb never referenced any such decision in her testimony or her transcribed interview before the Committee, and she certainly did not suggest that security decisions were made for such purposes.[7]

Your letter argued that the "administration's decision to normalize was the basis for systematically withdrawing security personnel and equipment—including the much-needed DC-3 aircraft." However, your letter omitted the explanation Ms. Lamb provided to the Committee:

> The plane was not used to transport people back and forth to Benghazi or it was not used for security purposes, it was just to bring our initial people and supplies in and out when commercial airlines didn't exist.[8]

Finally, your letter argues that Ms. Lamb told Mr. Nordstrom that "she 'would not support' an extension of the SST." Your letter omits the fact that, during her transcribed interview with the Committee, Ms. Lamb denied this allegation, stating:

> He was not told not to ask. I told him that I would not support it if he had all his assets to meet the numbers that he needed to do the workload that he could articulate.[9]

Omission of Additional Facts That Contradict Your Assertions

In an effort to form your partisan narrative, your letter fails to acknowledge that Mr. Nordstrom, who was critical of the State Department's personnel decisions, also had significant praise for his superiors in the State Department and their actions in supporting security requests from Libya.

During the Committee's hearing on October 10, 2012, Mr. Nordstrom testified that he was "impressed with the plans that would send our team into Libya, a massive show of well-organized resources."[10] He further stated:

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[7] House Committee on Oversight and Government Reform, Transcribed Interview of Charlene Lamb (Oct. 9, 2012); House Committee on Oversight and Government Reform, *Hearing on the Security Failures of Benghazi* (Oct. 10, 2012).

[8] House Committee on Oversight and Government Reform, Transcribed Interview of Charlene Lamb (Oct. 9, 2012).

[9] *Id.*

[10] House Committee on Oversight and Government Reform, *Hearing on the Security Failures of Benghazi* (Oct. 10, 2012).

> The Department of State Diplomatic Security Service and Mission Libya officers conducted themselves professionally and with careful attention to managing people and budgets in a way that reflects the gravity of that task.[11]

Mr. Nordstrom also stated emphatically that the "vast majority" of his resource requests were "considered seriously and fastidiously by [Diplomatic Security] and the department." Mr. Nordstrom's testimony also included a litany of security improvements that he was able to make in Tripoli and Benghazi, with the full support and funding of his superiors.[12]

Mr. Nordstrom's testimony was also corroborated by Mr. Oliveira, who explained to the Committee during his transcribed interview that his requests for additional guards to rove the Benghazi compound at night were approved "very, very quickly, very quickly."[13] He also explained that it was clear that if they needed security assistance, he should never hesitate to make the request, regardless of cost or potential contracting issues. He stated:

> [T]hey made it very clear that I shouldn't be worried about that at all, that if we needed that money, they would take the steps, go ahead and get the guards, and we'll take care of getting you that money.[14]

Conclusion

In any investigation of this type, there is bound to be conflicting evidence, contradictory accounts, and incomplete information about what happened on the ground. It is our responsibility to first gather this evidence so that we can sift through it in a careful and responsible manner. Only then will we be able to draw reasonable conclusions that are supported by that evidence and make well-considered recommendations. I sincerely hope that we can achieve these goals in a bipartisan manner going forward.

Sincerely,

Elijah E. Cummings
Ranking Member

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[11] *Id.*

[12] *Id.*

[13] House Committee on Oversight and Government Reform, Transcribed Interview of David P. Oliveira (Oct. 9, 2012).

[14] *Id.*