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Congress of the United States

House of Representatives

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June 24, 2013

The Honorable John F. Kerry
Secretary
U.S. Department of State
2201 C Street, NW
Washington, D.C. 20520

Dear Mr. Secretary:

The Committee on Oversight and Government Reform is investigating the facts and circumstances surrounding the September 11-12, 2012, terrorist attacks on U.S. diplomatic facilities in Benghazi, Libya. As part of this investigation, I have submitted multiple requests to interview current and former State Department officials with direct knowledge of these events. To date, the Department has not agreed to schedule a single interview.

At my direction, on April 29, 2013, Committee staff e-mailed Department officials in the Bureau of Legislative Affairs to request their assistance in scheduling, within two weeks, transcribed interviews with current and former State Department employees.[1] When you identified your Chief of Staff, David Wade, as the point of contact for congressional requests related to Benghazi, Committee staff forwarded the request to him.[2] No interviews were scheduled.

I reiterated my request to interview current and former State Department employees in a letter dated May 17, 2013.[3] The letter identified 13 witnesses whose testimony would advance the Committee's investigation in a meaningful way. Now more than one month later, the Committee has only been able to interview one of the 13 individuals identified on May 17, 2013, and that interview was scheduled without the assistance of the State Department.

In a series of phone calls and e-mails, Committee staff worked with the Department's Bureau of Legislative Affairs and the Office of the Legal Adviser to schedule interviews. Committee staff answered specific questions about the transcribed interview process and prioritized specific interviews to assist the Department with scheduling. Despite these good faith efforts, the Department has been unable to provide firm dates for a single witness interview. In

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[1] E-mail from Committee staff to State Dep't Bureau of Legislative Affairs staff (Apr. 29, 2013, 4:08p.m.)
[2] E-mail from Committee staff to to David Wade, Chief of Staff for Secretary John F. Kerry (Apr. 30, 2013, 1:42 p.m.)
[3] Letter from Rep. Darrell E. Issa, Chairman, H. Comm. on Oversight & Gov't Reform, to The Honorable John F. Kerry, Secretary, U.S. Dep't of State (May 17, 2013).

fact, it is my understanding that interviews will not occur until the middle of July because the State Department is just now preparing documents and other materials for the witnesses to review. I respect the witnesses' interest in preparing to answer the Committee's questions; however, I am concerned that waiting weeks or months while the Department prepares witnesses to be interviewed creates the risk that their testimony will have been rehearsed or coached. It does not require weeks of preparation to answer questions truthfully. These delays also take us further in time away from the dates of the events in question.

These persistent delays create the appearance that the Department is dragging its feet to slow down the Committee's investigation. The Committee has a bipartisan interest in holding a public hearing to examine the Accountability Review Board as soon as possible. The Committee has already interviewed ARB Chairman Ambassador Thomas Pickering and Vice-Chairman Admiral Michael Mullen. Based on the interview schedule that my staff laid out in April, it was my expectation that we would have interviewed a half dozen witnesses at this point.

It is my preference that Department officials appear voluntarily to give testimony about the ARB's methodology and the facts and circumstances surrounding the September 11-12 attacks. Their testimony will advance the Committee's understanding of the facts and prepare our Members for a hearing on the ARB. The Department has left me with no alternative but to issue subpoenas to compel testimony from these important witnesses.

It is irresponsible for the Department to unnecessarily expose its employees to the risks inherent in being named in a congressional subpoena. By its very nature, a subpoena can carry the implication that the witness is being uncooperative. In this case, that is an unfortunate and misleading consequence since it is the Department, and not the individuals themselves, that appears to be dictating the timetable.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and may at "any time" investigate "any matter" as set forth in House Rule X.

Thank you for your attention to this important matter. Please contact Brien Beattie or Jonathan Skladany of the Committee staff at (202) 225-5074 with any questions about this request.

Sincerely,

Darrell Issa
Chairman

cc: The Honorable Elijah E. Cummings, Ranking Minority Member