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May 6, 2016

The Honorable Ashton B. Carter
Secretary of Defense
Washington, DC 20301-1000

Dear Secretary Carter:

I write on behalf of the Majority members of the Committee and in response to the April 28, 2016 letter from your Assistant Secretary of Defense for Legislative Affairs. The letter from your Assistant Secretary intentionally mischaracterizes both the nature of the Committee's investigation and its interaction with the Department of Defense. It is also riddled with factual inaccuracies, which not only does a disservice to the public but also does a disservice to the women and men who work for the Department of Defense. To that end, let us be clear on the facts, the nature and intent of the Committee's work, and the cooperation still necessary to enable the Committee to complete its work. Of course this could have all been communicated personally or through the same channels previously employed but that would have denied your Assistant Secretary the chance at an overtly partisan letter, which was both drafted and leaked for said purposes.

Your letter cited the "number and continued pace" of Committee requests since February 2016 and spoke of "unrealistic timelines" for completion of the work. As a measure of the Department's compliance, the letter cited a total of seven completed transcribed interviews and the production of 1,000 pages of documents in nearly two years. The Committee has, in fact, interviewed sixteen (16) Department of Defense witnesses, twelve (12) of whom have never before been interviewed by Congress, and nine (9) of whom are now retired or no longer with the Department.

By contrast, the Department was able to complete the recently released review of the bombing of a civilian medical facility in Kunduz, Afghanistan within two months. That review "interviewed more than 65 witnesses, including personnel at the Trauma Center, members of U.S. and Afghan ground forces, members of the aircrew, and representatives at every echelon of command in Afghanistan." It also evaluated "more than 3,000 pages of documentary evidence, much of it classified," three times the number of pages your letter says were produced to the Committee. All of this work was completed without the burdens of which the Department now complains. The Department apparently has a different definition of burden when it is investigating itself as opposed to cooperating with the Congress of the United States.

Regardless of whether you employ a different standard for investigating your own department than when that investigation is conducted by the legislative branch, our Committee was specifically asked by the House of Representatives to review all matters relating to the terrorist attacks in Benghazi, Libya. With respect to the Department of Defense, this task required an assessment of the posture and capability of the Department to respond to such an attack as well as its performance in response to the attack itself. The review has focused on ensuring an accurate, complete record including investigating unresolved and occasionally inconsistent issues arising from previous interviews.

Americans, both on the ground during the attacks in Benghazi and the citizens we work for, have asked why more could not have been done to rescue our fellow citizens or to repel the attackers. That is an imminently fair question and one that deserves a full, fact-centered review. Such a review requires the Committee to consider matters on the ground in Libya, at the Pentagon in Washington, across multiple combatant commands, and understanding the Department of Defense's coordination with other agencies. This is why the Committee sent three letters requesting records, information, and answers in April 2015, and first requested interviews with six (6) witnesses in July 2015.

Given the importance of the issue and the absolute necessity that the inquiry be full and fair, it is disappointing your staff has found it necessary to challenge the Committee's requests for interviews. The Committee has judiciously identified and interviewed only witnesses believed relevant to the investigation. As I have repeatedly said, it is essential questions surrounding military preparedness, posture and response be answered fully and fairly. Family members of those who were killed and injured deserve the whole truth, our fellow citizens deserve the whole truth, and those who serve our country in uniform deserve the whole truth. I would rather risk interviewing a witness in good faith, who ultimately produces little probative information than risk not interviewing one who does. The failure to pursue leads does the Department, the public and Congress no favor. This has been the Committee's approach with all combatant commands from the top commander all the way down to an individual piloting a plane that could have been on its way to Benghazi. In addition, this Committee has been extremely accommodating of the Department, particularly with respect to witnesses on active duty.

I appreciate and share the Department's commitment to a fact-centered investigation. It is thus all the more curious how your letter could credibly assert it is unnecessary for the Committee to talk to witnesses who previously have not been interviewed, or how anyone at the Department could reach such a conclusion in a fact-centered manner without even finding the individuals to know what they have to say. Further, the work of the Committee to date has not only provided a significant amount of new details and information about matters pertaining to the attacks, it has uncovered the fact that information previously provided to Congress by the Department has been flat out wrong.

To cite one example, after a Committee inquiry the Department of Defense changed its own unclassified timeline regarding the response to the Benghazi attacks. This shift in the Department's position has important ramifications in understanding how the Department responded to the terrorist attacks in Benghazi on September 11-12, 2012.

Similarly, Department representatives informed the Committee the map it previously provided the Committee showing where forces in the region were postured on September 11, 2012 was incomplete. Aside from concerns about the Department presenting inaccurate information to Congress, there is simply no investigatory rationale for failing to verify information with individuals who actually have knowledge, expertise, and first-hand information. It is for this very reason the Committee must speak with all relevant witnesses and not simply rely on Department assertions, summaries, briefings and other information.

Finally, it is important to address specific inaccuracies and inconsistencies in your letter. In February 2016, Members of the Committee made a specific request to speak with the pilots of the drones that flew above Benghazi on September 11-12 2012. The Department was unable to respond to this request until after a March 2016 meeting where your staff learned subpoenas had been drafted and approved for these individuals. Afterward, the Department provided some names of drone pilots and indicated it would facilitate interviews. To date those interviews have not even been scheduled. The Committee also is reviewing other matters potentially contrary to the public record that could explain the Department's remarkable reluctance to schedule interviews with these individuals.

The Department's letter severely mischaracterizes the facts surrounding this specific request. The letter claims the Committee first asked to speak with an individual who called a talk radio show and claimed to be a drone camera operator, and it was only after the Department was unable to locate him that the Committee expanded its request to interview all drone pilots and operators. In fact, the opposite occurred; the Member request from February 2016 predated any request to speak with the individual on the talk show. The Committee hopes your staff simply made a mistake rooted in negligence and not an intentional one rooted in politics.

The letter also mentions the Committee's request to interview an individual who claimed on his Facebook page that he was a crew chief at an air base in Europe the night of the attack. The individual alleges planes stationed at his base could have been deployed to Benghazi in time to make a difference. The Department's letter asserts interviewing this individual is "not necessary" because his claims are "easily dismissed" by higher-ranking military officials. It is exactly this type of interview that has, to date, yielded results and uncovered new facts unavailable to more senior military commanders. Additionally, perhaps this interview would not be necessary had the Department answered a simple question posed by the Committee in February 2016 that would either confirm or deny the allegations. The Department has never responded to this question.

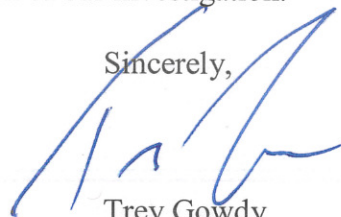
This approach to independent congressional oversight and the inaccurate characterization of the Committee's work – as well as suggestions of potential partisan coordination in regard to Mr. Hedger's letter – are unbecoming of the Department of Defense, which is why I thought it was important you know the facts. I, too, would have liked this investigation completed months ago. Yet, constant obstacles and barriers created by the executive branch—including the Department of Defense—have made that impossible.

All aspects of the Benghazi attacks are important. It is essential for the military's preparedness, posture, and response be treated factually, fairly and fully. I held women and men in uniform in the highest regard before the House assigned me to this investigation. That regard is even higher now. We have the most powerful military the world has ever known, and its greatest weapon is the courage of the women and men who serve. Not only has the Committee learned new facts from the military witnesses, we have a much clearer understanding of what service during an attack like Benghazi entails. Talking to the Generals and the Admirals is important. So too is talking to the service members actually on the ground making preparations to carry out orders.

Your staff is welcome to waste taxpayer dollars writing partisan, factually deficient letters to our Committee, coordinate the language with House Democrats, and then leak it to the media. That is your prerogative. It will not prevent this Committee from interviewing all witnesses who can help us write the final, definitive accounting of what happened before, during, and after the attacks that killed four Americans in Benghazi and injured others. It will just prolong the investigation. I have been encouraged by too many soldiers, sailors, airmen and Marines across the country to allow letters from political appointees to stop us.

I remain optimistic these outstanding issues can be resolved quickly to ensure there is no further delay in the completion of our investigation.

Sincerely,



Trey Gowdy
Chairman