

Congress of the United States
Washington, DC 20515

May 15, 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 and the Committee on Foreign Affairs are investigating the facts and circumstances surrounding the September 11-12, 2012, terrorist attacks on U.S. diplomatic facilities in Benghazi, Libya. We are writing to request that you immediately produce State Department e-mails related to talking points drafted by the Intelligence Community, revised by the State Department and other federal agencies, and ultimately used during United Nations Ambassador Susan Rice's September 16, 2012, appearances on the Sunday morning talk shows.

According to a joint report prepared by five House committees on the events surrounding the Benghazi terrorist attacks, on September 14, 2012, Members of the House Permanent Select Committee on Intelligence (HPSCI) sought guidance from the Central Intelligence Agency on how to discuss the attacks publicly in an unclassified setting.¹ The CIA generated initial drafts of the unclassified talking points and provided them to other officials within the Executive Branch for clearance.² The initial draft included references to the involvement of Islamic extremists with ties to al Qaeda in the Benghazi attacks, including possibly Ansar al-Sharia, and information about previous attacks on foreign interests in Benghazi since April 2012.³

According to the House Report, when the initial draft talking points were sent to officials throughout the Executive Branch on September 14, 2012, a senior Department official expressed "serious concerns" about them. The official requested that they be altered because Members of Congress might attack the Department for "not paying attention to Agency warnings" about the growing threat in Benghazi.⁴ According to an article by Stephen Hayes in *The Weekly Standard*, that senior official was the Department's chief spokesperson, Victoria Nuland.⁵ Although the modified draft that was re-circulated later that night contained no reference to Ansar al-Sharia,

¹ Interim Progress Report for the Members of the House Republican Conference on the Events Surrounding the September 11, 2012 Terrorist Attacks in Benghazi, Libya (Apr. 23, 2013), Report at 20. [hereinafter House Report]

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ Stephen F. Hayes, *The Benghazi Talking Points: And how they were changed to obscure the truth*, WEEKLY STANDARD, May 13, 2013.

Ms. Nuland again raised concerns, saying the changes did not “resolve all my issues or those of my building leadership.”⁶ According to an e-mail obtained by CNN, Ben Rhodes, Deputy Assistant to the President and Deputy National Security Advisor for Strategic Communications at the White House, responded by stating “[w]e need to resolve this in a way that respects all of the relevant equities” and that “[w]e can take this up tomorrow morning at [the Deputies Committee Meeting].”⁷

The House Report states that Department officials joined with CIA officials to modify the talking points after a Deputies Committee Meeting on September 15, at which the White House resolved any interagency disagreement.⁸ The resulting final document scrubbed all references to the fact that the State Department had received prior warnings of threats in the region and was aware of previous attacks on foreign interests in eastern Libya, and that extremists linked to al Qa’ida may have participated in the attacks which claimed the lives of four Americans in Benghazi.⁹ The final scrubbed version of the talking points was provided to Members of HPSCI.

CBS News reported that “there was a flurry of approximately 100 interagency government e-mails on September 14 and September 15 regarding the content of the talking points to be released to members of Congress regarding the Sept. 11 terrorist attacks that killed U.S. Ambassador Christopher Stevens and three others in Benghazi.”¹⁰ CBS News further reported that the e-mail list showed officials from the White House, State Department, CIA, FBI and other departments and agencies reviewed the talking points.

On April 23, 2013, five House committee chairmen sent a letter to President Obama requesting that he immediately provide all versions of the talking points and any relevant e-mails or other documents. On April 30, 2013, Counsel to the President Kathryn Ruemmler responded on behalf of the President. Ruemmler stated:

[The State Department and the Office of the Director of National Intelligence] are in the best position to consider any new or pending requests for information related to the attacks, and I therefore encourage you to continue working with these agencies on any remaining oversight interests your committees have in this matter.¹¹

The various iterations of the Benghazi talking points and related e-mails are critical to our effort to understand how and why officials at the State Department, the White House, and other

⁶ *Id.*

⁷ Email from Ben Rhodes to others, Sep. 14, 2012, 9:34 pm, *accessed at* <http://www.cnn.com/interactive/2013/05/politics/white-house-benghazi-email/index.html>.

⁸ *Report* at 21.

⁹ *Id.*

¹⁰ Sharyl Attkisson, *Emails reveal a flurry of changes to Benghazi Talking Points*, CBS NEWS, May 10, 2013.

¹¹ Letter from Kathryn H. Ruemmler, Counsel to the President, to Chairmen Howard P. “Buck” McKeon, Mike Rogers, Ed Royce, Bob Goodlatte, and Darrell E. Issa (Apr. 30, 2013).

agencies revised the message that would be shared with Congress and the public in the wake of terrorist attacks that claimed the lives of four Americans. Publicly available information about the talking points creates the appearance that Administration officials were interested in sparing the State Department from political criticism in the wake of the attacks.

This allegation was not vetted by the State Department's Accountability Review Board. On May 12, 2013, Ambassador Thomas Pickering stated that the talking points were outside the scope of the investigation conducted by the ARB. To date, congressional investigators have not had full access to relevant documents and e-mails that would allow us to assess the talking points in question and the process that developed them.

Please produce the following documents and communications for the Committees' possession as soon as possible, but no later than 5:00 p.m. on May 20, 2013.

All documents and communications, including e-mails, referring or relating to the talking points prepared in advance of Ambassador Rice's September 16, 2012, appearances on the Sunday morning talk shows, to or from the following individuals:

1. Victoria Nuland;
2. Cheryl Mills;
3. Philippe Reines;
4. Jake Sullivan;
5. Patrick Kennedy;
6. Beth Jones;
7. Elizabeth Dibble;
8. William Burns; and,
9. Thomas Nides.

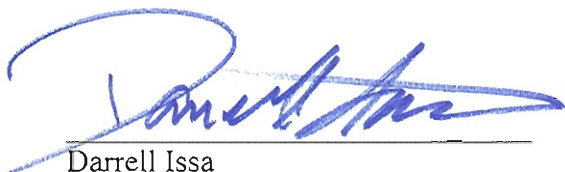
If the Department does not produce the requested documents and information by May 20, 2013, we will have no alternative but to use compulsory process to obtain them.

When producing documents to the Committees, please deliver unredacted production sets to the Majority and Minority offices of each committee. We prefer, if possible, to receive all documents in electronic format.

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If you have any questions about this request, please contact Brien Beattie of the Committee on Oversight and Government Reform at (202) 225-5074 or Thomas Alexander of the Committee on Foreign Affairs at (202) 225-5021. Thank you for your attention to this matter.

Sincerely,



Darrell Issa
Chairman
House Committee on Oversight
and Government Reform



Ed Royce
Chairman
House Committee on Foreign Affairs

cc: The Honorable Elijah E. Cummings, Ranking Minority Member
House Committee on Oversight and Government Reform

The Honorable Eliot L. Engel, Ranking Minority Member
House Committee on Foreign Affairs