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Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

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LAWRENCE J. BRADY
STAFF DIRECTOR

November 1, 2012

The Honorable Hillary Clinton
Secretary
U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20005

Dear Madam Secretary:

The Committee on Oversight and Government Reform is investigating the facts and circumstances surrounding the death of U.S. Ambassador to Libya J. Christopher Stevens and his colleagues on September 11, 2012. Today, troubling new documents, first reported by *Foreign Policy*,¹ have been brought to the Committee's attention. These documents include information that is consistent with the Committee's understanding of events leading up to the attack and also includes information that has not been made public.

According to a November 1, 2012, *Foreign Policy* article titled "'Troubling' Surveillance Before Benghazi Attack," drafts of two letters were uncovered at the U.S. diplomatic compound in Benghazi. The documents, written immediately prior to the attack on September 11, 2012, indicate that the compound was under "troubling" surveillance and that Chief of Mission personnel were complaining to the Libyan government that it had failed to fulfill requests for additional security. The unsigned documents express justifiable fears about the status of security at the compound on the day of the attack. They were reportedly recovered by journalists during a visit to the compound on October 26, 2012, many days after Federal Bureau of Investigation agents had already visited the compound to collect evidence.

These documents paint a disturbing picture indicating that elements of the Libyan government might have been complicit in the September 11, 2012, attack on the compound and the murder of four Americans. It also reiterates the fact that the U.S. government may have had evidence indicating that the attack was not a spontaneous event but rather a preplanned terrorist attack that included prior surveillance of the compound as a target.

Given the location where they were found, these documents appear to be genuine and support a growing body of evidence indicating that the Obama Administration has tried to

¹ Harald Doornbos, Jenan Moussa, "'Troubling' Surveillance Before Benghazi Attack," *Foreign Policy*, November 1, 2012.

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withhold pertinent facts about the 9/11 anniversary attack from Congress and the American people.

One letter, written on September 11, 2012, and addressed to Mohamed Obeidi, the head of the Libyan Ministry of Foreign Affairs' office in Benghazi, reads:

“On Sunday, September 9, 2012, the U.S. mission requested additional police support at our compound for the duration of U.S. ambassador Chris Stevens' visit. We requested daily, twenty-four hour police protection at the front and rear of the U.S. mission as well as a roving patrol. In addition we requested the services of a police explosive detection dog.

“We were given assurances from the highest authorities in the Ministry of Foreign Affairs that all due support would be provided for Ambassador Stevens' visit to Benghazi. However, we are saddened to report that we have only received an occasional police presence at our main gate. Many hours pass when we have no police support at all.

“Finally, early this morning at 0643, September 11, 2012, one of our diligent guards made a troubling report. Near our main gate, a member of the police force was seen in the upper level of a building across from our compound. It is reported that this person was photographing the inside of the U.S. special mission and furthermore that this person was part of the police unit sent to protect the mission. The police car stationed where this event occurred was number 322.

“We submit this report to you with the hopes that an official inquiry can be made into this incident and that the U.S. Mission may receive the requested police support.”

A second letter is addressed to Benghazi's police chief and repeats Chief of Mission concerns regarding the police surveillance of the U.S. consulate on the morning of September 11, 2012.

Once again, relevant information about the events leading up to the attack on the diplomatic compound in Benghazi comes to the Committee via the news media and not as a product of the information we have repeatedly requested from the Department of State. We remain deeply concerned that, during an October 9, 2012 State Department briefing, which was conducted by unnamed senior State Department officials on the eve of our Committee hearing, one official claimed that there had been no security incidents at the consulate that day. “Everything is calm at 8:30 p.m.,” the official said. “There's nothing unusual. There has been nothing unusual during the day at all outside.” These statements appear to be inconsistent with the information included in the documents uncovered by *Foreign Policy*.

To assist this Committee with its oversight, we would like to know whether the information included in the letters discussed above was memorialized in any cables, telegrams or

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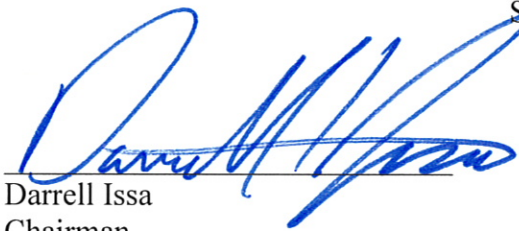
e-mails prior to the attack or in any post-attack review. If so, please provide copies of these documents. In addition, we ask that you please explain why this information was not included in the material provided to the Committee for review in response to the Committee's standing request for information related to the attack.

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. An attachment to this letter provides additional information about responding to the Committee's request.

We request that you provide the requested documents and information as soon as possible, but **no later than 5:00 p.m. on November 8, 2012**. When producing documents to the Committee, please deliver production sets to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building. The Committee prefers, if possible, to receive all documents in electronic format. The Committee has the cleared personnel and facilities to accept and store all classified information including Top Secret/SCI information.

If you have any questions about this request, please contact Thomas Alexander of the Committee Staff at 202-225-5074. Thank you for your attention to this matter.

Sincerely,



Darrell Issa
Chairman



Jason Chaffetz
Chairman
Subcommittee on National Security,
Homeland Defense, and Foreign Operations

Enclosure

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

The Honorable John F. Tierney, Ranking Minority Member,
Subcommittee on National Security, Homeland Defense, and Foreign Operations

Benghazi Police Chief

September 11, 2012

Early this morning at 0643, one of our diligent guards made a troubling report. Near our main gate, a member of the police force was seen in the upper level of a building across from our compound. It is reported that this person was photographing the inside of the U.S. Special Mission and, furthermore, that this person was part of the police unit sent to protect the mission. The police car stationed where this event occurred was number 322.

We submit this report to you with the hopes that an official inquiry can be made into this incident and that the U.S. Mission may receive the full support of the Benghazi Police. The United States Special Mission Benghazi takes this opportunity to renew to the Benghazi Police the assurances of its highest consideration and hopes for increased cooperation.

MFA Mohamed Obeid.

The United States Special Mission Benghazi presents its compliments to the Ministry of Foreign Affairs. On Sunday, September 9, 2012, the U.S. Mission requested additional police support at our compound for the duration of U.S. Ambassador Chris Stevens' visit. We requested daily, twenty-four hour police protection at the front and rear of the U.S. Mission as well as a roving patrol. In addition, we requested the services of a police explosive detection dog. We were given assurances from the highest authorities in the Ministry of Foreign Affairs that all due support would be provided for Ambassador Stevens' visit to Benghazi. However, we are saddened to report that we have only received an occasional police presence at our main gate. Many hours pass when we have no police support at all.

Finally, early this morning at 0643, September 11, 2012, one of our diligent guards made a troubling report. Near our main gate, a member of the police force was seen in the upper level of a building across from our compound. It is reported that this person was photographing the inside of the U.S. Special Mission and, furthermore, that this person was part of the police unit sent to protect the mission. The police car stationed where this event occurred was number 322.

We submit this report to you with the hopes that an official inquiry can be made into this incident and that the U.S. Mission may receive the requested police support. The United States Special Mission Benghazi takes this opportunity to renew to the Ministry of Foreign Affairs the assurances of its highest consideration and hopes for increased cooperation.

DARRELL E. ISSA, CALIFORNIA
CHAIRMAN

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ONE HUNDRED TWELFTH CONGRESS

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Responding to Committee Document Requests

1. In complying with this request, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
 - (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - (b) Document numbers in the load file should match document Bates numbers and TIF file names.
 - (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - (d) All electronic documents produced to the Committee should include the following fields of metadata specific to each document;

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH,
PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE,
SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM,

CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.
7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.
8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.
10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.
11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
14. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.
15. Unless otherwise specified, the time period covered by this request is from January 1, 2009 to the present.
16. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been

located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.

17. All documents shall be Bates-stamped sequentially and produced sequentially.
18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.
19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Schedule Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.

3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.
5. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
6. The term “referring or relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.
7. The term “employee” means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.