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United States Department of State

Washington, D.C. 20520

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Dear Mr. Chairman:

I am writing in reference to transcribed interviews that the House Committee on Oversight and Government Reform will be conducting in connection with its ongoing investigation into the attacks on the U.S. Special Mission in Benghazi.

As the Committee is aware, a considerable amount of information that the State Department has made available to the Committee for its review is classified, meaning that the unauthorized disclosure of such information could reasonably be expected to cause damage to U.S. national security. We have no objection to our witnesses, or their accompanying counsel, discussing classified information that is responsive to the Committee's inquiry. We expect that a full discussion with the witnesses of the issues surrounding the Benghazi attacks will involve some discussion of classified information, and we further expect that the Committee will ensure that the transcribed interviews take place in a meeting space that is appropriate both for the discussion of classified information and for the review of documents that may be classified.

While we appreciate that the Committee intends to create unclassified transcripts associated with these interviews, and therefore intends to conduct the transcribed interviews so as to avoid eliciting discussion of classified information, the Department is concerned that those asking and those responding to questions may nevertheless inadvertently discuss classified information and that such information will then be recorded on the transcripts that are created. This concern is heightened in the case of transcribed interviews at which the witness is represented by private counsel, because Committee staff has informed us that State Department counsel will not be permitted to attend those interviews or review the transcripts of those interviews.

To protect against inadvertent disclosure of national security information, the Department, as the originating agency of much of the information at issue,

The Honorable

Darrell E. Issa, Chairman,

Committee on Oversight and Government Reform,
House of Representatives.

requests that it be permitted to have a representative attend each transcribed interview to assist the participants to identify instances where discussion would likely result in the recording of classified information on the transcript that is being created by the Committee. In addition, the Department requests that it be afforded the opportunity to review the final transcript of all transcribed interviews to ensure that classified information was not inadvertently disclosed and, if necessary, to mark any classified information that appears in the transcript. For interviews that they attend with a Department witness, Department counsel can perform these functions.

The Department makes these same requests for any depositions relating to this investigation that the Committee may conduct in the future, and it requests the opportunity for a Department representative to review the transcripts of previously held transcribed interviews or depositions to ensure that classified information was not inadvertently disclosed and, if necessary, to mark any classified information that appears in the transcript.

The Department stands ready to work with the Committee on the logistics of such classification safeguards so as to minimize any inconvenience to the Committee's work. In the meantime, we thank the Committee for considering this request to help ensure that national security information is appropriately protected.

Please do not hesitate to contact us should you require additional information on this or any other matter.

Sincerely,



Thomas B. Gibbons
Acting Assistant Secretary
Legislative Affairs