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Congress of the United States

House of Representatives

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LAWRENCE J. BRADY
STAFF DIRECTOR

August 8, 2013

The Honorable Victoria Nuland
U.S. Department of State
2201 C Street, NW
Washington, D.C. 20520

Dear Ambassador Nuland:

On September 11, 2012, terrorist attacks on U.S. diplomatic facilities in Benghazi, Libya, claimed the lives of four Americans. Five days later, on September 16, 2012, Ambassador Susan Rice appeared on CBS, NBC, ABC, Fox, and CNN to discuss the attacks. She told the American people that:

[W]hat happened in Benghazi was in fact initially a spontaneous reaction to what had just transpired hours before in Cairo, almost a copycat of – of the demonstrations against our facility in Cairo, which were prompted, of course, by the video.¹

When it became clear that the Benghazi attacks were not a spontaneous escalation of a protest, but rather a premeditated act of terror, questions arose about the talking points Rice relied on in advance of her television appearances. On May 15, 2013, House Foreign Affairs Committee Chairman Ed Royce and I wrote to Secretary Kerry to request all versions of those talking points and all other relevant documents, including e-mails.² Later that day, the White House released “100 pages of e-mails and other documents” related to the preparation of the talking points provided both to Congress and to Ambassador Rice.³ Five days later, on May 20, 2013, the State Department forwarded those 100 pages to the Committee in response to my and Chairman Royce’s document request.

The documents the White House released on May 15, 2013, did not clarify who at the State Department expressed reservations about certain aspects of the talking points, including language that made clear the State Department had received prior warnings of threats in the

¹ Statement of Amb. Susan E. Rice on NBC’s *Meet the Press* (Sep. 16, 2012).

² Letter from Hon. Darrell E. Issa, Chairman, H. Comm. on Oversight & Gov’t Reform, and Hon. Ed Royce, Chairman, H. Comm. on Foreign Affairs, to Hon. John F. Kerry, Sec’y, U.S. Dep’t of State (May 15, 2013).

³ Letter from Thomas B. Gibbons, Acting Ass’t Sec’y, Legislative Affairs, U.S. Dep’t of State, to Hon. Darrell E. Issa, Chairman, H. Comm. on Oversight & Gov’t Reform (May 20, 2013).

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. One of your e-mails made clear that some of your colleagues at the State Department headquarters shared these concerns. You wrote that changes to the talking points did not “resolve all my issues **or those of my building leadership**.”⁴

Because so many unanswered questions remained after the White House selectively released certain e-mails related to the development of the talking points, I issued a subpoena to Secretary Kerry on May 28, 2013. The subpoena covered documents and the communications of ten key officials related to “the talking points prepared for members of the House Permanent Select Committee on Intelligence . . . and used by Ambassador Rice during her September 16th, 2012 appearances on CBS, NBC, ABC, Fox, and CNN.”⁵

On June 7, 2013, the State Department produced 97 pages of documents to the Committee in response to the subpoena. None of the 97 pages that the State Department produced, however, made clear what the “issues” those in your “building leadership” were concerned about. In fact, nearly all of the 97 pages produced by the Department had been previously released to the media by the White House. The State Department continues to refuse to make the documents available that would clarify what aspects of the talking points your bosses were concerned about.

The documents produced by the State Department contained e-mails from only three State Department officials: you, Deputy Chief of Staff for Policy Jake Sullivan, and Assistant Secretary for Legislative Affairs David Adams. While you have publicly stated that your references to building leadership were only about Jake Sullivan, that explanation is not fully consistent with the content of the e-mail from your account produced to the Committee. The documents produced in response to the subpoena were most notable for what they did not include - there was not a single e-mail from a senior Department official expressing any view about the talking points, except those from you, Sullivan, and Adams. The questions at the core of the controversy surrounding the talking points are:

- 1) What were State Department leadership’s concerns about the early drafts of the talking points; and
- 2) Who shared those concerns?

Unfortunately, the State Department has withheld the documents and communications that are most likely to answer these questions.

⁴ E-mail from Victoria Nuland to unnamed staff (Sep. 14, 2012, 9:24 p.m.), *available at* <http://www.cnn.com/interactive/2013/05/politics/white-house-benghazi-emails/> (emphasis added) (last accessed May 23, 2013).

⁵ H. Comm. on Oversight & Gov’t Reform subpoena to Hon. John F. Kerry, Secretary, U.S. Dep’t of State (May 28, 2013).

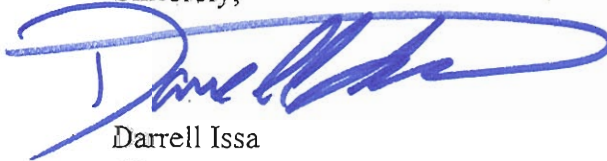
It has been the Committee's experience in the course of the Benghazi investigation that the Department has found responsive documents weeks or months after making a production that, at the time, it represented as complete. It is also unclear whether the Department searched the non-official, personal e-mail accounts of officials who can reasonably be expected to have been involved in preparing the talking points for responsive materials. With that in mind, I am requesting your assistance so that the Committee can have the requisite level of visibility into the process by which the talking points were developed. Your e-mail makes clear that Department leadership shared concerns with you about the draft talking points. It is my hope and expectation that the documents I am requesting will identify those concerns, and whose concerns they were.

Please provide all your e-mails related to official State Department business from September 11, 2012 through September 16, 2012. Include any e-mails related to official business that were sent or received using a non-governmental account. Please produce unredacted versions of those communications as soon as possible, but by no later than noon on August 15, 2013.

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. 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.

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

Sincerely,



Darrell Issa
Chairman

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