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October 7, 2015

The Honorable Elijah E. Cummings
Ranking Member
Select Committee on the Events Surrounding
the 2012 Terrorist Attack in Benghazi
U.S. House of Representatives
Washington, DC 20515

Dear Ranking Member Cummings:

I was disheartened at the nature and tone of Monday's letter from your Democrat colleagues and you. Since first being elected to Congress, you and I have dutifully served together on oversight committees where our responsibility has always been to the American public and trying to re-earn the trust in government that is so wanting in the current environment. We have worked together to protect against waste, fraud, and abuse in government agencies in an effort to ensure taxpayer funds are not misused. We have worked together—behind closed doors and above the partisan din—on ensuring benefits are properly awarded to the families of those who lost their lives in Benghazi.

While we may not agree on every topic, we have always enjoyed a cordial relationship where we freely express our ideas and concerns to one another outside of the public eye. Quite frankly, we have never had a cross word, nor has a cross word ever been exchanged between any Republican and Democrat Member of the Committee. Many of us work together on other Committees: Messrs. Pompeo, Westmoreland, and Schiff on the Permanent Select Committee on Intelligence; Mr. Smith and Ms. Roby on Armed Services; and Ms. Sanchez, Ms. Brooks, and me on Ethics. So, I was disappointed in both the tone and assertions of your recent letter, although I do understand the tremendous strain you and the other members of the minority are under, and have been under, since the House—including seven Democrats—voted to form this Committee.

Our private conversations have extended to this Committee, as well. Over the course of the last seventeen months, you and I have had many private conversations regarding this Committee. I have been candid, perhaps too candid, in response to questions you have posed regarding Committee strategy and timing. You have known from the outset that it was my intent to conduct the business of this Committee in a fair and bipartisan manner and follow the facts wherever they may lead. And because your staff has participated fully in each transcribed interview and deposition, you know we have done exactly that. Not once in any of these

conversations have you ever questioned the motivations of the Committee's work or questioned our mission to uncover the facts surrounding the Benghazi terrorist attacks.

Your public posture, however, has been quite the opposite. For months you have done nothing but write letters dripping with vitriol and baseless allegations, driven, one would reluctantly conclude, by the desire to create a false partisan narrative. Your Democrat colleagues and you have contributed nothing substantively to the Committee's investigation over the past seventeen months—you have not requested a single new witness interview nor have you made one single document request to any Executive Branch agency. In fact, your Committee Members have appeared infrequently at witness interviews; sometimes staying only long enough to apologize to the witness, ask questions about Secretary Clinton, and then address the media. I cannot nor would I make any Member participate in an interview. I would simply ask that if you are not going to participate at least do not distort the motives and actions of those who do.

Further, it is you, not the Republicans, who has selectively leaked information to promote your own false narrative—that this Committee is political—or protect Democrat political figures, when it is a fact Democrats and you are the ones who have treated the Committee as political from the outset. This is glaringly obvious—no testimony has been disclosed from people interviewed who were on the ground or from national security professionals. Instead, the only leaks have been regarding Democrat political figures, and the initial stories have all selectively disclosed testimony to fit with Democrat political narratives. Your letter from Monday is completely disingenuous in attempting to criticize Republicans for leaks and mischaracterizing testimony while at the same time leaking part of the transcript because the politics of doing so were apparently too good for you to pass up.

Ms. Mills' attorney, whom I hold in very high regard, and I did have a "handshake" deal that we would treat the interview in a confidential manner. That seemed only fair to both the Committee and Ms. Mills. No sooner had I begun to walk up the stairs to the Capitol—minutes after Ms. Mills finished her interview—than a reporter repeated back to me, nearly verbatim, portions of her testimony favorable toward Secretary Clinton. I am convinced this information could only have come from Democrat members or those associated therewith.

Ms. Mills and her appearance provide a perfect illustration as to why we do not release transcripts. Serious allegations have been made against several State Department employees in connection with the production of documents related to the Accountability Review Board. Those allegations are serious enough to investigate and serious enough to not repeat until such time as they are investigated. They will either be corroborated or contradicted. That corroboration or contradiction will come after all relevant witnesses, who can speak to those issues, have been properly examined. It is manifestly unfair to Ms. Mills to have those allegations released to the public at this time. She was afforded an opportunity to address them and she did. Other witnesses will be afforded similar opportunities. What does it accomplish to publicize those portions of that—and other—transcripts until such time as all witnesses have been examined?

Accordingly, I decline to respond to your request for comment on your intention to unilaterally and improperly release Committee documents I have clearly stated my intention not to release for both investigative and potential national security reasons. Similarly, I must also

state clearly you alone bear full responsibility for any consequences flowing from such an improper release.

I understand the position you are in, however, and do not begrudge you for dutifully playing your role. From this Committee's outset you have been under extreme pressure from your Democrat colleagues to act as an apologist and defense attorney for this Administration, which deemed this a "phony scandal" before the Committee was even formed.¹ Your duty as Ranking Member of this Committee has not been to the American public, but to your Democrat colleagues and to the Administration, including former Secretary Clinton. This is evidenced by your complete lack of interest in gathering any facts whatsoever, and instead spending the majority of your time issuing press releases describing Democrat strawmen which no one is investigating except Democrats and you. These are the same old partisan Washington games with which the American people are fed up.

I. Following the facts, avoiding leaks

At the beginning of this investigation, I was hopeful that we could rise above the din of partisanship and show America that Congress can in fact serve American interests in the aftermath of tragedy. But it takes two to accomplish that objective, and your continued actions as a defense lawyer for the Administration have rendered my hope false. This is unsurprising, given that the majority of Democrat Members on the Committee have already endorsed former Secretary Clinton for President.²

Our position, however, is different. Our job is to find the facts and unearth the truth about what led to the Benghazi terrorist attacks. As I have stated from the outset, this Committee would follow the facts wherever they may lead in pursuit of the truth. And that is exactly what we have done. When we began this investigation, Sidney Blumenthal was not on our potential interview list. Secretary Clinton's exclusive use of private email, housed on her own private server, was not a topic of our inquiry. Yet when we learned nearly half of Secretary Clinton's entire email correspondence regarding Benghazi and Libya before the attacks was with Sidney Blumenthal, that became a fact we could not ignore. When we learned Secretary Clinton exclusively used private email to correspond for her official duties and that the State Department did not even have access to these records until this Committee asked for them, that became a fact we could not ignore. Those were decisions Secretary Clinton made herself, and we have simply followed the facts where they have led. To indicate otherwise simply ignores the facts that are plainly obvious.

Journalists, independent observers, and even Democrat commentators agree that these facts raise significant substantive questions. Nothing about these facts has changed. As just two examples, the Washington Post's Eugene Robinson said on *Meet the Press* "It's hard to claim this is all just a partisan witch hunt when the Justice Department under a Democratic

¹ Press Briefing by Press Secretary Jay Carney, Ass't to the President (July 31, 2013), *available at*: <https://www.whitehouse.gov/the-press-office/2013/07/31/press-briefing-press-secretary-jay-carney-7312013>.

² *Hillary racks up endorsements for 2016*, THE HILL (Apr. 15, 2015), *available at*: <http://thehill.com/homenews/campaign/238912-2016-hillary-endorsement-list>.

administration is looking into the whole email mess. So, that doesn't ring so true."³ Bob Woodward similarly commented "But, the other issue here is, for Hillary Clinton to go out, as she did, in recent days and say, this is politics. This is dirty politics. They're trying to smear me in an unfair way, that dog will not hunt, at all. You have got Barack Obama's government now investigating her and looking at this."⁴

As a former prosecutor, I believe that one of the best measures of character and intentions is to judge people by their actions and not their words. While our words tell a strong story—in this Committee's three public hearings to date, I have not once uttered former Secretary Clinton's name—our actions are even stronger. We have interviewed more than 50 witnesses and received nearly 100,000 pages of documents from the Department of Defense, Department of State, Central Intelligence Agency, National Security Agency, Defense Intelligence Agency, National Security Agency, and the White House. I have long stated that the bulk of this Committee's work would be done behind closed doors and outside the view of the public, and that is what we have done. As FBI Director James Comey recently said, "Part of doing our work well is we don't talk about it while we do it."⁵ Unfortunately, your Democrat colleagues and you have consistently leaked information for the sole purpose of political gain and protecting former Secretary Clinton.

While you may be proud of your actions to date (and your staff has boasted in the past of their pride in this conduct), continued leaks by your staff and you do nothing to further fact finding regarding the Benghazi attacks and serve only to remind people of the blatant partisanship and gamesmanship they detest about Washington. Additionally, these leaks are causing harm to our investigation. This past Monday, in response to a question about leaks in the FBI inquiry into potential classified information breaches in former Secretary Clinton's email system, Attorney General Loretta Lynch stated:

I think leaks are detrimental to any matter, no matter what it is, no matter who is involved because everyone wants to have matters conducted in the way the department always does, which is thoroughly, fairly, efficiently and with a view towards whatever the ultimate resolution is going to be.⁶

You have ignored the words of the Attorney General and the well-established principles of thoroughness and fairness behind them. Instead, your selected leaks of the testimony of Cheryl Mills were detrimental to the integrity of this investigation. In fact, this was not the first time the Democrats have leaked information about Mills' testimony to the public, as Democrats

³ Eugene Robinson, *Meet the Press*, NBC (Aug. 16, 2015), available at: <http://www.nbcnews.com/meet-the-press/meet-press-transcript-august-16-2015-n412636>.

⁴ Bob Woodward, *Morning Joe*, MSNBC (Aug. 17, 2015).

⁵ Michael Schmidt, *F.B.I. Chief Says Politics Won't Interfere With Inquiry on Hillary Clinton's Email*, N.Y. TIMES (Oct. 1, 2015).

⁶ Josh Gerstein, *Lynch on Clinton probe: Leaks 'detrimental' no matter who is involved*, POLITICO (Oct. 5, 2015), available at: <http://www.politico.com/blogs/under-the-radar/2015/10/lynch-on-clinton-probe-leaks-detrimental-no-matter-who-is-involved-214435#ixzz3niZTWZUj>.

did so just minute after the Mills interview concluded.⁷ These leaks were done not only to selectively mischaracterize her testimony for a political purpose—defending former Secretary Clinton—but were also tantamount to disclosing information from an Executive Session of the Committee. These leaks do not reflect creditably on the House. They also do an injustice to Cheryl Mills, who apparently cooperated fully and noted after the interview that the Committee treated her with “professionalism” and “respect” throughout the process.”⁸

Your decision was to score a cheap political point, but it does no favors to this Committee or the House as an institution. Such a move is exactly the kind of partisan brinksmanship that the American public disgusts.

II. Cheryl Mills and the Accountability Review Board

This brings me to the substance of the highly selective disclosures and allegations in your letter. The letter conveniently ignores—likely because it was not politically advantageous for you to include—the fact that Cheryl Mills testified she did in fact suggest changes to the Accountability Review Board report before it was made public.⁹ This is problematic and once again calls into question the independence of the ARB, a report on which Secretary Clinton has often relied in deflecting questions about her role in the attacks. Mills’ review of the ARB report prior to it being made public becomes even more concerning when recognizing that she handpicked members of the ARB,¹⁰ contrary to State Department regulations designed to ensure that the ARB remains an independent process.¹¹ If the ARB is not performed in the efficient and effective manner envisioned in the statute passed by Congress, convening an ARB becomes a pointless exercise. Independence is particularly important with respect to accountability review, which you should know and fully understand is not analogous to a routine Inspector General report as you inaccurately suggest in your letter.

Mills’ testimony, however, is not the only testimony that calls into question the independence of the ARB. In an interview conducted by another committee, the Vice Chairman of the ARB, Admiral Mike Mullen, described how a culture of collegiality—the same culture that was fostered by Cheryl Mills handpicking the ARB Members—could undermine the ARB’s independence. Mullen testified he alerted Cheryl Mills that a State Department employee would be a weak witness before Congress. Mullen testified:

Shortly after we interviewed Ms. Lamb, I initiated a call to Ms. Mills to give her – what I wanted to give her was a head’s up because at this point she was on the list to come over [to Congress] to testify, and I was – so from a department representation standpoint and as someone that led a department, I always focused on certainly trying to make sure the best

⁷ Rachel Bade, *What Cheryl Mills told Benghazi investigators*, POLITICO (Sept. 3, 2015), available at: <http://www.politico.com/story/2015/09/cheryl-mills-benghazi-testimony-213320>.

⁸ Rachel Bade, *What Cheryl Mills told Benghazi investigators*, POLITICO (Sept. 3, 2015), available at: <http://www.politico.com/story/2015/09/cheryl-mills-benghazi-testimony-213320>.

⁹ Transcribed Interview of Cheryl Mills at 217 (Sept. 3, 2015).

¹⁰ See, e.g., Email from Cheryl Mills to William Burns (Sept. 15, 2012) [STATE-SCB0057847].

¹¹ See 12 FAM 033.2.

witnesses were going to appear before the department, and my reaction at that point in time with Ms. Lamb at the interview was – and it was a pretty unstable time. It was the beginning, there was a lot of unknowns. To the best of my knowledge, she hadn't appeared either ever or many times certainly. So essentially I gave Ms. Mills a head's up that I thought that her appearance could be a very difficult appearance for the State Department, and that was about – that was the extent of the conversation.¹²

Admiral Mullen's testimony further calls into question the independence of the ARB, as it creates the appearance that a member of an independent body is placing the interests or reputation of the entity under investigation above the body's investigative mandate.

The ARB, of course, did not have the benefit of reviewing former Secretary Clinton's emails during its investigation either. At the time of the ARB investigation, the State Department did not even have access to Secretary Clinton's emails because they resided on Secretary Clinton's private server—safe from the review of both the public and the ARB as it performed its critical work. Because there were no emails from Secretary Clinton to review, the ARB did not interview the then-Secretary.

III. Sidney Blumenthal, Secretary Clinton's primary advisor on Libya

This Committee, though, has the benefit of reviewing former Secretary Clinton's emails produced to it. In fact, this Committee was the only entity to discover Secretary Clinton's private email usage and take steps to ensure the public record of her time in office is complete. You yourself somewhat bizarrely called on me (instead of Secretary Clinton herself) to release those emails,¹³ and former Secretary Clinton has said on many occasions that she wants the public to see her email as soon as possible and even acknowledged as much on her Twitter feed.¹⁴ It was to that end the Committee released a subset of Secretary Clinton's emails provided to us by Sidney Blumenthal—because former Secretary Clinton decided unilaterally to exclusively use private email to prevent these emails from being captured on State Department systems, the public would never have seen the subset of her emails with Sidney Blumenthal but for the release by the Committee since the Department of State does not have possession of them. Unfortunately, it is completely consistent with your conduct throughout this investigation that you would ask for something via a press release and then send a letter comprised of nothing but partisan talking points complaining I actually did what you asked.¹⁵

Only in Washington, D.C. can both the author of the emails and the ranking member of a committee call for the disclosure of all relevant emails and then complain that all relevant emails were disclosed. Frankly, you missed a wonderful opportunity to show the bipartisanship that I

¹² Transcribed Interview of Adm. Michael (Ret.) before the Committee on Oversight & Gov't Reform at 23-24 (June 19, 2013).

¹³ Cummings Issues Statement on Clinton Emails (Mar. 3, 2015), *available at*: <http://democrats.benghazi.house.gov/news/press-releases/cummings-issues-statement-on-clinton-emails>.

¹⁴ Tweet by Hon. Hillary R. Clinton (Mar. 4, 2015 8:35 pm), *available at*: <https://twitter.com/HillaryClinton/status/573340998287413248>.

¹⁵ Letter from Hon. Elijah E. Cummings et al. to Hon. Trey Gowdy (June 17, 2015).

have seen you evidence on other occasions. Why not join us in asking how 15 of these emails were missed? Clearly they were relevant and responsive. Clearly Congress has the authority to provide oversight. Clearly when anyone says they turned over “everything” we have the right to expect the plain meaning of the word “everything” to carry the day. Why did you not join the majority members in trying to ensure the public record was complete? You have sponsored legislation yourself related to the need to protect the public and ensure transparency. Why the change?

Let me also address the allegation you keep making that federal marshals appeared at Blumenthal’s house to serve him with a subpoena. Committee staff called Blumenthal directly to discuss with him the possibility of appearing before the Committee in a transcribed interview. Committee staff left a message with Blumenthal’s wife and asked him to call back. But Blumenthal never did, ignoring this Committee’s request to speak with him. Because Blumenthal never called us back to indicate whether he would appear voluntarily or he would accept electronic service of a subpoena, the Committee was forced to use the U.S. Marshals Service to serve him with the subpoena. This is standard operating procedure both in the federal judicial system as well as by Congress when serving subpoenas. For you to insinuate otherwise is without merit and, again, serves no purpose other than putting a political spin on a routine procedural process.

Two weeks ago, the Committee received a new batch of over 1,500 emails from Secretary Clinton, including over 500 pages of emails, or roughly one-third of the production, to and from Sidney Blumenthal. The Committee was unable to ask Blumenthal about these emails at his deposition because the State Department withheld them from the Committee, despite being responsive to Committee requests. Today, consistent with the Memorandum of Understanding we have with the State Department, I am alerting the Department that the Committee plans on releasing these new emails in five days. You and Secretary Clinton have repeatedly said you want all relevant emails made public so I am hopeful you will join us in providing notice to the Department of State.

The contents of these emails are quite remarkable. Nearly half of all the emails sent to and from Secretary Clinton regarding Benghazi and Libya prior to the Benghazi terrorist attacks involved Sidney Blumenthal. That number—nearly half—is simply astonishing. Blumenthal was neither a State Department employee nor an employee of the federal government nor an expert on Libya, by his own admission. The fact that former Secretary Clinton relied so heavily on an individual for the Libyan intervention, her quintessential foreign policy initiative, whom the White House explicitly prohibited from working at the State Department is mind boggling.

A deeper dive into the correspondence between former Secretary Clinton and Blumenthal, however, offers clues as to why she relied so heavily on him. Blumenthal was not merely acting as a steward of information to Secretary Clinton but was acting as her de facto political advisor. While Blumenthal, an old friend of Clinton’s, admittedly knew little about Libya and had not ever been to Libya, Clinton seemingly read every one of his emails on the topic that began appearing out of nowhere in February 2011.

In a six day span in February 2011, Blumenthal sent Clinton detailed reports titled “Latest Libya intel,”¹⁶ “Libya intel,”¹⁷ “No fly zone over Libya,”¹⁸ “Intel on Gaddafi’s reinforcements,”¹⁹ “Libya WMD,”²⁰ “Qaddafi’s Scuds and strategy for holding on,”²¹ “Option on WMD,”²² “Phone #s that may work,”²³ and “Q location, new defections, beginnings of interim govt.”²⁴ These daily emails, filled with unvetted intelligence, continued for nearly six weeks. Secretary Clinton often responded to Blumenthal, and almost always forwarded them to her top policy advisor, Jake Sullivan, in some cases cautioning him not to “share until we can talk.”²⁵ Much of the information in Blumenthal’s emails came from Tyler Drumheller, a controversial former CIA operative, and Cody Shearer, another old Clinton friend. Interestingly, Secretary Clinton even took the further step to hide from Sullivan the fact that some of this information came from Shearer.²⁶ It is unclear why she did this, and it is not at all clear what intelligence tradecraft was undertaken to ensure the reliability of this information, or whether the State Department’s very own intelligence bureau, funded by taxpayers for that very purpose, was even aware of these matters.

Dozens of emails between Clinton and Blumenthal show an individual who tried to heavily influence the Secretary of State to intervene in Libya. Blumenthal pushed hard for a no-fly zone in Libya before the idea was being discussed internally by senior U.S. government officials.²⁷ Clinton told Blumenthal that she was pushing the option with the “[U.N.] Security Council,” and to “[s]tay tuned!”²⁸ Shortly thereafter, the U.S. pushed a no-fly zone through the U.N. Security Council.

The emails also show Blumenthal firmly as a political body who pulled no punches towards the White House or others in government with whom he disagreed. In one email he discussed “National Security Adviser Tom Donilon’s babbling rhetoric about ‘narratives’ on a phone briefing of reporters” that “inspired derision among serious foreign policy analysts here and abroad.”²⁹ In another email he described “[Obama] and his political cronies in the WH and in Chicago are, to say the least, unenthusiastic about regime change in Libya or anywhere else in the ME. Why is that? Hmmm. Obama’s lukewarm and self contradicting statements have produced what is at least for the moment, operational paralysis.”³⁰

¹⁶ Memorandum for Hillary from Sid, Re: Latest Libya intel (Feb. 21, 2011) [STATE-SCB007064].

¹⁷ Memorandum for Hillary from Sid, Re: Libya intel (Feb. 21, 2011) [STATE-SCB0077063].

¹⁸ Email from Sidney Blumenthal to Hon. Hillary R. Clinton (Feb. 21, 2011) [STATE-SCB0078042].

¹⁹ Memorandum for Hillary from Sid, Re: Intel on Gaddafi’s reinforcements [STATE-SCB0077074].

²⁰ Email from Sidney Blumenthal to Hon. Hillary R. Clinton (Feb. 24, 2011) [STATE-SCB0077096].

²¹ Email from Sidney Blumenthal to Hon. Hillary R. Clinton (Feb. 25, 2011) [STATE-SCB0078057].

²² Email from Sidney Blumenthal to Hon. Hillary R. Clinton (Feb. 25, 2011) [STATE-SCB0078066].

²³ Email from Sidney Blumenthal to Hon. Hillary R. Clinton (Feb. 23, 2011) [STATE-SCB0078091].

²⁴ Email from Sidney Blumenthal to Hon. Hillary R. Clinton (Feb. 26, 2011) [STATE-SCB0078095].

²⁵ Email from Hon. Hillary R. Clinton to Jake Sullivan (Mar. 2, 2011) [STATE-SCB0078121].

²⁶ Email from Hon. Hillary R. Clinton to Jake Sullivan (Mar. 5, 2011) [STATE-SCB0077193].

²⁷ Email from Sidney Blumenthal to Hon. Hillary R. Clinton (Feb. 21, 2011) [STATE-SCB0077070].

²⁸ Email from Hon. Hillary R. Clinton to Sidney Blumenthal (Feb. 22, 2011) [STATE-SCB0078042].

²⁹ Email from Sidney Blumenthal to Hon. Hillary R. Clinton (Mar. 13, 2011) [STATE-SCB0077233].

³⁰ Email from Sidney Blumenthal to Hon. Hillary R. Clinton (Mar. 30, 2011) [STATE-SCB0078302].

Once Blumenthal got his way and a no-fly zone was established, he pushed for a more aggressive posture by the U.S. in the conflict, including arming the rebels. To support his rationale to Secretary Clinton, he used sagging polling numbers. In a memo titled "Win this war," Blumenthal writes:

1. **Quinnipiac poll this morning shows Obama at his lowest approval and defeated for reelection 50-41 because of Libya. (See below.) No time for panic. Time to prevent panic.**
2. Pat Lang argues for intensified bombing. I understand the bombing continues. Whatever it is, it is not enough.
3. Of course, victory cannot be achieved without the rebels gaining ground, getting to the gates of Tripoli, an uprising, and marching in. They must have training and armor piercing weapons. If US, UK and France can't provide this, then the rebels should secure it elsewhere. Sotto voce.
4. The case for the US interest should be made in light of what a Q victory would mean. That is the negative case, but perhaps most effective. The positive case for national interest in terms of removing Q, establishing stability in North Africa, security democracy in Egypt and Tunisia, economic development, effect throughout Arab world and Africa, extending US influence, counter-balancing Iran, etc., should be obvious. It is a vital national interest today, now, at this moment. **The humanitarian motive offered is limited, conditional and refers to a specific past situation.** Having avoided a massacre at Benghazi, constantly claiming credit for it as though seeking gratitude from people (Libyans and American public opinion), soon reaches a counter-productive point. (This reminds me of Obama's message for the midterms, demanding gratitude from the public for avoiding a deeper recession, something that was not experienced.) I infer Gates' problem is losing an internal debate. Tyler, who knows him well, says, "He's a mean, vicious little prick." You may have another view. Whatever his alleged virtues, his public statements have been transparently calculated to be undermining and have achieved that effect.
5. **Read the poll. Win the war. No way out.**

* * *

Obama should think about the political effect here in the US of defeat by Qathafi's puny forces. He wants to be re-elected? It would be interesting to see how his prospects would be affected by Qathafi's continuing presence in Tripoli in November 2012 and the mockery that the Republicans will rain down on him over his present weakness.³¹

³¹ *Id* (emphasis added).

This email is interesting for a number of reasons. One, Blumenthal is not shy about expressing scathing opinions of the President and Secretary of Defense. Two, Blumenthal notes that the humanitarian rationale for intervening in Libya—something the Administration and Secretary Clinton noted heavily—does not contain much political benefit, and offers alternative ways to sell the American public on why the country is involved. Three, and perhaps most shockingly, Blumenthal advocates for increased aggression in Libya to help the Administration in the polls, increase Obama's chances for reelection, and have Secretary Clinton appear presidential. It is no wonder that he sought to downplay his relationship with Secretary Clinton in his testimony before the Committee.

Secretary Clinton takes this political advice to heart. She tells Jake Sullivan "Pls read and discuss w me later. This is quite troubling,"³² and then again that "I agree about the need to keep the attack tempo up."³³

IV. Sidney Blumenthal's motivation revealed – money

Beyond the pure politics that were occurring at this time, perhaps more disturbing is that at the same time Blumenthal was pushing Secretary Clinton to war in Libya, he was privately pushing a business interest of his own in Libya that stood to profit from contracts with the new Libyan government—a government that would exist only after a successful U.S. intervention in Libya that deposed Qaddafi. This business venture was one he shared with Tyler Drumheller and Cody Shearer, the authors of the information sent to Secretary Clinton. It is therefore unsurprising that somebody who knew so little about Libya would suddenly become so interested in Libya and push an old friend in a powerful place to action—for personal profit.

While Blumenthal and Drumheller have both acknowledged a personal stake in the business venture, known as Osprey Global Solutions, they have downplayed their involvement to the Committee.³⁴ New documents received by the Committee, however, indicate more extensive involvement than previously known. Shortly after the no-fly zone began, Blumenthal began emailing Secretary Clinton about business in Libya. On May 5, 2011, Blumenthal wrote of the "French economic grab," noting:

At the same time, these sources add that these flights are bringing in representatives of major French corporations, as well as officers of the French General Directorate for External Security (DGSE), all of whom are looking to establish working relationships with the rebel leaders as the move toward becoming the new government of Libya. . . . According to these knowledgeable individuals, while no contracts were signed in the first series of meetings, [Bernard Henri] Levy arrived in Benghazi on April 2nd, and obtained the signature of the appropriate TNC leaders on a Memorandum of Agreement, establishing the fact that French firms will

³² Email from Hon. Hillary R. Clinton to Jake Sullivan (Mar. 30, 2011) [STATE-SCB0077448].

³³ Email from Hon. Hillary R. Clinton to Jake Sullivan (Mar. 31, 2011) [STATE-SCB0078325].

³⁴ Letter from Robert Nealon to [Select Committee on Benghazi Chief Counsel] at 2 (July 24, 2011).

receive favorable consideration in all future business matters. According to knowledgeable individuals, Levy, speaking in polite terms, made it clear to the TNC officials that they owed a debt to France for their early support, and that Sarkozy needed something tangible to show the leaders of France's business and political communities in return. Both sides agreed to handle the agreement discreetly for the time being, not wanting to anger other countries involved with the rebels.³⁵

Secretary Clinton, responding to Blumenthal the following day, wrote "Just met w TNC again, but signed no contracts! Thx."³⁶ It is unclear if she knew about Blumenthal's business venture Osprey Global Solutions at this time.

However, she certainly knew shortly thereafter. On July 14, 2011, Blumenthal sent Clinton two emails. On the subject line of one email Blumenthal wrote "H: IMPORTANT FOR YOUR MEETING. Sid."³⁷ On the subject line of the other email Blumenthal wrote "Re: H: Pls call before you leave for Turkey. Important re your trip. Sid."³⁸ That email contained the note "read the memo I sent you. Here it is again."

The contents of these memos were both identical. They read:

You should be aware that there is a good chance at the contact meeting in Turkey the TNC ambassador to the UAE, a man you have not yet met, whose name is Dr. Neydah, may tell you the TNC has reached an agreement with a US company. The company is a new one, Osprey, headed by former General David Grange, former head of Delta Force. Osprey will provide field medical help, military training, organize supplies, and logistics to the TNC. They are trainers and organizers, not fighters. Grange can train their forces and he has drawn up a plan for taking Tripoli similar to the plan he helped develop that was used by the first wave of Special Forces in the capture of Baghdad.

This is a private contract. It does not involve NATO. It puts Americans in a central role without being direct battle combatants. The TNC wants to demonstrate that they are pro-US. They see this as a significant way to do that. They are enthusiastic about this arrangement. They have held meetings with Grange in Geneva and Dubai this week, Tuesday and Wednesday, that concluded late last night (Wednesday). They have developed a good relationship. This is the group the TNC wants to work with. As I understand it, they are still working out funding, which is related to the overall TNC funding problems.

³⁵ Email from Sidney Blumenthal to Hon. Hillary R. Clinton (May 5, 2011) [STATE-SCB0078426].

³⁶ *Id.*

³⁷ Email from Sidney Blumenthal to Hon. Hillary R. Clinton (July 14, 2011) [STATE-SCB0078451].

³⁸ Email from Sidney Blumenthal to Hon. Hillary R. Clinton (July 14, 2011) [STATE-SCB0078453].

Grange is very low key, wishes to avoid publicity and work quietly, unlike other publicity hungry firms. Grange is under the radar.

Tyler, Cody and I acted as honest brokers, putting this arrangement together through a series of connections, linking the Libyans to Osprey and keeping it moving. The strategic imperative: Expecting Gaddafi to fall on his own or through a *deus ex machina* devolves the entire equation to wishful thinking. The TNC has been unable to train and organize its forces. The NATO air campaign cannot take ground. The TNC, whose leaders have been given to flights of fancy that Qaddafi will fall tomorrow or the day after, have come to the conclusion that they must organize their forces and that they must score a military victory of their own over Qaddafi that is not dependent solely on NATO in order to give them legitimacy.³⁹

Upon receiving these emails, Secretary Clinton took two actions: she forwarded one of them to Jake Sullivan and said “Pls read and discuss w me at hotel. Thx;”⁴⁰ and she responded to Blumenthal. First she wrote “I just landed and will call shortly.”⁴¹ She followed that up with “Got it. Will followup tomorrow. Anything else to convey?”⁴²

Interestingly, in the first paragraph of the email Blumenthal notes that Osprey—the company in which he had a financial stake—did exactly as he suggested should have been done three months earlier. In an April 8, 2011 email to Secretary Clinton, Blumenthal wrote that “LNC military leaders are considering the possibility of hiring private security firms to help train and organize their forces.”⁴³ Secretary Clinton forwarded this email to Jake Sullivan, noting that the “idea of using private security experts to arm the opposition should be considered.”⁴⁴

Over the next seven months, Blumenthal continued to mention Osprey to Secretary Clinton in a series of memos and reports.⁴⁵ Even in reports where Osprey is not specifically mentioned, Blumenthal discussed concerns regarding European countries and business interests in Libya,⁴⁶ and Blumenthal specifically mentioned influential individuals in the Libyan government with whom Osprey had close relationships.⁴⁷

³⁹ Email from Sidney Blumenthal to Hon. Hillary R. Clinton (July 14, 2011) [STATE-SCB0078452] (emphasis added).

⁴⁰ Email from Hon. Hillary R. Clinton to Jake Sullivan (July 14, 2011) [STATE-SCB0078451].

⁴¹ Email from Hon. Hillary R. Clinton to Sidney Blumenthal (July 14, 2011) [STATE-SCB0078454].

⁴² Email from Hon. Hillary R. Clinton to Sidney Blumenthal (July 14, 2011) [STATE-SCB0078453].

⁴³ Email from Sidney Blumenthal to Hon. Hillary R. Clinton (Apr. 8, 2011) [STATE-SCB0045042].

⁴⁴ Email from Hon. Hillary R. Clinton to Jake Sullivan (Apr. 8, 2011) [STATE-SCB0045042].

⁴⁵ See, e.g., Email from Sidney Blumenthal to Hon. Hillary R. Clinton (Oct. 20, 2011) [STATE-SCB0078561] and Memorandum for Hillary from Sid Re: NTC Politics of Humanitarian Aid (Aug. 31, 2011) [STATE-SCB0077901].

⁴⁶ See, e.g., Email from Sidney Blumenthal to Hon. Hillary R. Clinton (Sept. 15, 2011) [STATE-SCB0078553] and Email from Sidney Blumenthal to Hon. Hillary R. Clinton (Mar. 8, 2012) [STATE-SCB0045166].

⁴⁷ See, e.g., Email from Sidney Blumenthal to Hon. Hillary R. Clinton (Jan. 5, 2012) [STATE-SCB0045107], Email from Sidney Blumenthal to Hon. Hillary R. Clinton (Jan. 23, 2012) [STATE-SCB0045133], and Memorandum for HRC From Sid Re: Libya Turmoil (Feb. 1, 2012) [BLU-123].

The revelations in these new emails raise the likelihood that the Committee will need to bring back Sidney Blumenthal to reopen his deposition.


In addition to Sidney Blumenthal's business interests, Secretary Clinton also apparently received classified information from Blumenthal—information she should have known was classified at the time she received it. In one email, Blumenthal writes "Tyler spoke to a colleague currently at CIA, who told him the agency had been dependent for intelligence from [redacted due to sources and methods]."⁴⁸ This information, the name of a human source, is some of the most protected information in our intelligence community, the release of which could jeopardize not only national security but also human lives. Armed with that information, Secretary Clinton forwarded the email to a colleague—debunking her claim that she never sent any classified information from her private email address.⁴⁹ There may be other instances as well where Secretary Clinton passed on classified information she received from Sidney Blumenthal.

V. The work of this Committee will continue

While it is unfortunate that for over seven months the State Department withheld nearly 1,900 pages of Secretary Clinton's emails responsive to this Committee's requests, our work must go on. Simply because you have chosen to play politics with this Committee and the State Department has chosen to play politics by shielding its former Secretary at the expense of the truth does not mean that this Committee was founded on politics, is based on politics, or will veer off course due to the political actions and allegations of others. We can be proud of the fact that we have never had an unauthorized disclosure of any Committee document and, until your detrimental actions earlier this week, had never had an unauthorized disclosure of any witness testimony. The Committee has interviewed over 50 witnesses to date who have never before been interviewed, and has plans to interview at least a dozen more across four executive branch agencies after the upcoming October 22 hearing.

You may, and no doubt will, attempt to continue characterizing our motives however you feel may be politically expedient for the Democrats. The fact is that while we have done what we set out to do, much work still remains. The October 22 hearing is but one event in a series of tasks that we must accomplish to conclude the fact finding portion of this investigation. There is still time for you to join us in this endeavor. I hope you are finally able to rise above the political pressures you face and remember why we are here: the promises we made more than a year ago to the families of our fallen heroes. At the very least, they deserve our best efforts to answer the questions with which they left us, and not the partisan bickering that you have displayed to date.

Sincerely,



Trey Gowdy
Chairman

⁴⁸ Email from Sidney Blumenthal to Hon. Hillary R. Clinton (Mar. 18, 2011) [STATE-SCB0078243].

⁴⁹ *Id.*