

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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February 21, 2018

The Honorable Trey Gowdy  
Chairman  
Committee on Oversight and Government Reform  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

I am writing to request that you join me in obtaining documents from the White House to address critical unanswered questions about the deadly ambush in Niger on October 4, 2017, that killed four U.S. Special Forces troops: Staff Sgts. Bryan C. Black, Jeremiah W. Johnson, and Dustin M. Wright, and Sgt. La David Johnson. These were the first combat deaths of U.S. servicemembers as part of the “advise and assist” mission in Niger.<sup>1</sup>

On October 25, 2017, we sent a joint letter to the Department of Defense (DOD) requesting a briefing for all Committee Members.<sup>2</sup> However, you declined to join my letter on the same date requesting a similar briefing from the White House.<sup>3</sup> Unfortunately, since I sent my letter, the White House has refused to provide any information or respond in any way.

On November 9, 2017, DOD officials provided a classified briefing to Committee Members in which they described their understanding of the operation’s timeline, the separation of Sgt. La David Johnson, and the status of the Pentagon’s ongoing investigation. During that briefing, Committee Members asked key questions about the President’s knowledge of and response to the ambush. DOD officials informed Committee Members that they were not able to answer these questions.

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<sup>1</sup> *Pentagon Identifies Fourth U.S. Soldier Slain in Niger Ambush*, Washington Post (Oct. 7, 2017) (online at [www.washingtonpost.com/world/national-security/pentagon-identifies-fourth-us-soldier-slain-in-niger-ambush/2017/10/07/02760672-ab93-11e7-850e-2bdd1236be5d\\_story.html?utm\\_term=.f8dad3da8335](http://www.washingtonpost.com/world/national-security/pentagon-identifies-fourth-us-soldier-slain-in-niger-ambush/2017/10/07/02760672-ab93-11e7-850e-2bdd1236be5d_story.html?utm_term=.f8dad3da8335)).

<sup>2</sup> Letter from Chairman Trey Gowdy and Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, to Secretary of Defense James N. Mattis, Department of Defense (Oct. 25, 2017) (online at <https://oversight.house.gov/wp-content/uploads/2017/10/2017-10-25-TG-EEC-to-Mattis-DOD-re-Niger.pdf>).

<sup>3</sup> Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, to Donald F. McGahn II, Counsel to the President, The White House (Oct. 25, 2017) (online at <https://edit-democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-10-25.%20EEC%20to%20WH-McGahn%20re.%20Niger%20update.pdf>).

As a result, it is now clear that, in order to conduct our investigation in a thorough manner, we need information that only the White House can provide. Since you refuse to seek a briefing from the White House, I now request that you at least join me in requesting documents from the White House on the deadly ambush in Niger—a step you took without hesitation when you served as the Chairman of the Select Committee on Benghazi.

Specifically, on December 29, 2014, you sent a letter to the White House during the Obama Administration requesting 12 broad categories of documents relating to the attacks in Benghazi, including “all documents, to include but not be limited to calendars, scheduled, and movement logs, regarding meetings or events attended by the President” from September 11-20, 2012. You explained your rationale for requesting these documents:

[T]he Committee’s investigation requires a review of executive branch materials regarding policies and decisions related to the American presence in Libya and in Benghazi, specifically, the security of our facilities there, and the government’s response to the Attacks. The Committee’s mandate also includes making recommendations that will lead to improved security for our fellow Americans working in dangerous posts overseas.

To this end, we must first learn about the Attacks so that we can learn from the Attacks. Accordingly, the Committee requests the White House, to include the Executive Office of the President, provide the following items, which the Committee has determined are relevant to its work.<sup>4</sup>

In response to your request, the Obama White House delivered nearly 1,500 pages of documents in eight separate productions, including emails from top White House officials, such as Deputy National Security Advisor Denis McDonough and Deputy National Security Advisor for Strategic Communications and Speechwriting Ben Rhodes, as well as internal communications between the National Security Council staff and top officials from the State and Defense Departments on the night of the attacks. These productions were in addition to tens of thousands of additional pages of documents from the Departments of State and Defense.

For these same reasons, I now ask that you join me in requesting the following documents in the custody, control, or possession of Executive Office of the President:

- (1) all documents and communications regarding orders from the President or White House staff to the Department of Defense regarding the ambush or the response;
- (2) all documents and communications regarding when the President first learned that American troops had been ambushed in Niger, who informed him, and any actions taken in response;

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<sup>4</sup> Letter from Chairman Trey Gowdy, Select Committee on Benghazi, to Denis McDonough, Chief of Staff, The White House (Dec. 29, 2014) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/2014-12-29%20TG%20to%20Denis%20McDonough%2C%20WH%20COS.PDF>).

- (3) all documents and communications regarding when the President first learned that Sgt. La David Johnson was missing in the aftermath of the attack, who informed him, and any actions taken in response;
- (4) all documents and communications regarding who authorized the October, 4, 2017, operation in Niger and if any authority was delegated, who it was delegated to; and
- (5) all documents and communications identifying the specific legal authorities relied upon for the U.S. mission in Niger.

When Congress investigates deadly attacks against U.S. servicemembers overseas, our actions should be conducted without regard to political considerations—they should not intensify when the President is a Democrat but then virtually evaporate when he is a Republican.

Thank you for your consideration of this request.

Sincerely,



Elijah E. Cummings  
Ranking Member