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Congress of the United States

House of Representatives

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October 11, 2012

The Honorable Darrell E. Issa
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I have grave concerns about the way yesterday's hearing devolved into a disorganized, partisan, and absurd spectacle when it should have been a serious and responsible investigation of the attack in Benghazi that killed Ambassador Stevens and three other Americans. I also have very specific concerns about the way classified and sensitive information is being handled during this investigation.

As multiple news accounts reported, yesterday's hearing was short on substance and appeared to be a partisan attempt to exploit this tragedy for political gain. As Wolf Blitzer stated on CNN:

It was supposed to be a hearing to figure out what went wrong the day of that massive attack on the United States consulate in Benghazi, but it quickly became a political food fight.¹

Similarly, Elise Labott, a seasoned reporter with decades of experience covering these issues, observed:

I have been covering the State Department for 12 years, budget hearings, all these kind of hearings. I haven't seen anything like that. This is the Committee's job for Oversight and Investigation, but I think that it did itself a disservice because it didn't allow the investigation to come out.²

¹ *The Situation Room*, CNN (Oct. 10, 2012).

² *Id.* See also *Before Hearings on Libya Attack, Charges of Playing Politics*, New York Times (Oct. 11, 2012); *Partisan Fireworks at Libya Hearing*, Politico (Oct. 11, 2012); *At Politically Charged Hearing, Congress Probes Security Failures in Libya*, PBS News Hour (Oct. 10, 2012).

One of my specific concerns is with your decision not to hold even a single classified briefing for the Committee prior to holding yesterday's rushed, "emergency" hearing. As Chairman of the Committee—and particularly as a former Member of the House Permanent Select Committee on Intelligence—you have an obligation and a responsibility to ensure that classified information is protected during proceedings before the Oversight Committee. Yet, it was obvious to anyone watching yesterday's hearing that Committee Members had no way to determine what information was classified or unclassified.

Related to this, I am very concerned with the irresponsible manner in which the Committee handled documents that were flying around the hearing room with no apparent control or concern for potential security implications—and which you claim to have received from unnamed "whistleblowers." The Committee failed to consult with security officials, either at the State Department or other government agencies, prior to making these documents public.

On multiple occasions before and even during this hearing, I requested copies of these documents so Committee Members and staff could carefully analyze them for security-related issues and conduct our investigation in a responsible manner. You refused to provide them, claiming that there is no rule that requires you to share these documents with Democrats.

You are mistaken. House rule XI clause 2(e) provides that Committee records are the property of the House and that each Member "shall have access thereto." In addition, House rule X clause 9(g) provides that the minority "shall be accorded equitable treatment with respect to ... the accessibility of committee records."

In addition to impeding the ability of Committee Members to analyze documents for security concerns before they are made public, your refusal to give Democrats access to these documents stands in stark contrast to your public claims that you are conducting this investigation in a bipartisan manner.

In light of these concerns, I have three specific requests:

First, give all Committee Members access to all the documents.

It is time to stop withholding from Committee Members documents and information they need to do their jobs. This is not only good policy, it is the rule of the House.

Second, hold a classified briefing for the Oversight Committee.

Rather than speaking in ignorance about topics the Committee knows little or nothing about, you should ensure that Committee Members have the information they need to protect the security of our personnel and facilities overseas.

Third, work with the House Intelligence Committee.

It is my understanding that the Intelligence Committee already has access to much of the information being sought as part of this investigation, particularly relating to intelligence sources and methods over which our Committee has no jurisdiction. We should work with them in a careful and deliberate manner.

The Honorable Darrell E. Issa
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These steps are imperative if the Committee is going to avoid a repeat of yesterday's premature, counter-productive, and potentially damaging hearing. I believe the Committee should conduct a thorough and robust investigation, but I also believe the investigation should be responsible and bipartisan. I hope you agree.

Sincerely,

A handwritten signature in blue ink that reads "Elijah E. Cummings". The signature is stylized, with the first name "Elijah" written in a cursive-like script and the last name "Cummings" in a more formal, blocky script. The signature is positioned above the printed name and title.

Elijah E. Cummings
Ranking Member

cc. The Honorable John Boehner, Speaker of the House
The Honorable Nancy Pelosi, Democratic Leader