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# Congress of the United States

## House of Representatives

### Select Committee on Benghazi

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113<sup>TH</sup> CONGRESS

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STAFF DIRECTOR

December 2, 2014

Mr. David E. Kendall  
Williams & Connolly LLP  
725 12th Street, NW  
Washington, D.C. 20005

Dear Mr. Kendall:

Thank you for your recent conversations with Committee staff regarding Secretary Hillary Clinton's appearance before the Select Committee on Benghazi.

As we prepare for Secretary Clinton's testimony, we believe there may be documents and emails from Secretary Clinton relevant to the Committee's inquiry that have not been produced to the Committee and are likely in her possession. In the most recent document production to Congress in August 2014, the State Department, for the first time, produced emails regarding the Benghazi attack that were sent to and from the address of "hdr22@clintonemail.com." The use of this email address could explain the relatively small number of emails attributed to Secretary Clinton produced by the Department of State relevant to our requests.

The Department was able to identify these newly produced and ostensibly newly discovered emails because those emails additionally traveled to or from an official State Department email address. However, the Department has produced only a few of these documents. The Committee is of course interested in all relevant emails related to the state of Libya before, during, and after the attack on September 11, 2012 regardless of whether those emails originated from official or non-official accounts. To be clear, the Committee has no interest in any emails, documents or other tangible things not related to Benghazi. But to the extent personal email was used to conduct, in any way, official duties we would request those documents, emails, and other tangible things.

The following summary will aid your understanding of what we have seen in the limited documents produced thus far.

#### Examples of Email Usage

In the early morning hours of September 12, 2012, the day after the attack, Sidney Blumenthal, a longtime friend of Secretary Clinton, sent an email to [hdr22@clintonemail.com](mailto:hdr22@clintonemail.com) regarding Libya. Sent at 12:50 a.m., this email contained the subject "H: Magariaf on attack on

US in Libya. Sid.”<sup>1</sup> A second email, sent at 6:16 p.m. later that day, contained the subject “Fwd: more on Libya.”<sup>2</sup> This second email contained a 4-page document as an attachment. At the beginning of the document, in all capital letters, was the comment “THE FOLLOWING INFORMATION COMES FROM AN EXTREMELY SENSITIVE SOURCE AND SHOULD BE HANDLED WITH CARE.” Later, the document reads:

Source Comment: In the opinion of this individual, Libyan security officers also informed el Magariaf that the attacks had been planned for approximately one month.<sup>3</sup>

Later that night, Secretary Clinton forwarded both of these emails to Jake Sullivan, her deputy chief of staff. She commented, “we should get this around asap.”<sup>4</sup> What further action was taken by Secretary Clinton or Jake Sullivan regarding this information is unknown.

State Department officials also used the [hdr22@clintonemail.com](mailto:hdr22@clintonemail.com) address as a means to share information about Benghazi with Secretary Clinton. On September 14, 2012, Cheryl Mills, Secretary Clinton’s chief of staff, forwarded an article to this non-government address with the subject “Fw: pretty powerful piece on standing up for diplomats.”<sup>5</sup> On September 15, 2012, Mills again emailed Secretary Clinton’s private address, this time forwarding an article titled “US intelligence warned embassy in Egypt of concern about anti-Muslim film.”<sup>6</sup> The article had originally been sent from State Department Press Secretary Victoria Nuland to several high-level State Department officials, including Cheryl Mills, Jake Sullivan, Under Secretary Patrick Kennedy, and Assistant Secretary Eric Boswell, just ten minutes earlier.<sup>7</sup> Notwithstanding that the article was sent to these individuals’ official State Department email addresses, it was subsequently forwarded to Secretary Clinton’s private email address. This suggests that this private address could have been used with some frequency while conducting official State Department business.

Other top State Department officials also sent official communications to [hdr22@clintonemail.com](mailto:hdr22@clintonemail.com). For example, on September 16, 2012, the day that U.S. Ambassador to the United Nations Susan Rice appeared on the Sunday morning talk shows, Jake Sullivan emailed Secretary Clinton a transcript from Rice’s appearance on *Meet the Press*, with the comment “Good.”<sup>8</sup> Clinton responded three minutes later from this address.<sup>9</sup> Two weeks later

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<sup>1</sup> Email from Sidney Blumenthal to Hillary Clinton (Sept. 12, 2012, 12:50 a.m.) [State Dept. Document #C05622868].

<sup>2</sup> Email from Sidney Blumenthal to Hillary Clinton (Sept. 12, 2012, 6:16 p.m.) [State Dept. Document #C05622865].

<sup>3</sup> *Id.*

<sup>4</sup> Email from Hillary Clinton to Jacob Sullivan (Sept. 12, 2012, 11:26 p.m.) [State Dept. Document #C05622865]; Email from Hillary Clinton to Jacob Sullivan (Sept. 12, 2012, 11:30 p.m.) [State Dept. Document #C05622868].

<sup>5</sup> Email from Cheryl Mills to Hillary Clinton (Sept. 14, 2012, 5:59 a.m.) [State Dept. Document #C05622888].

<sup>6</sup> Email from Cheryl Mills to Hillary Clinton (Sept. 14, 2012, 3:50 p.m.) [State Dept. Document #C05622885].

<sup>7</sup> Email from Victoria Nuland to Jacob Sullivan, et al. (Sept. 14, 2012, 3:40 p.m.) [State Dept. Document #C05622885].

<sup>8</sup> Email from Jacob Sullivan to Hillary Clinton (Sept. 16, 2012, 2:36 p.m.) [State Dept. Document #C05622873].

<sup>9</sup> Email from Hillary Clinton to Jacob Sullivan (Sept. 16, 2012, 2:39 p.m.) [State Dept. Document #C05622873].

Sullivan again emailed Clinton's private address, this time to forward the CIA's final unclassified talking points to her.<sup>10</sup>

Secretary Clinton not only used her [hdr22@clintonemail.com](mailto:hdr22@clintonemail.com) address to receive information, but also to email her top aides at the State Department. On September 11, 2012, just minutes after the attack on the Annex took place in Benghazi, Secretary Clinton emailed Cheryl Mills, Jake Sullivan, and Victoria Nuland from her private email address regarding Ambassador Chris Stevens. She wrote:

Cheryl told me the Libyans confirmed his death. Should we announce tonight or wait until morning?<sup>11</sup>

On September 26, 2012, Clinton emailed Jake Sullivan regarding a *New York Times* article. Clinton wrote:

Well, this is a stretch beyond what I said or intended, but I don't think we need to say more. Do you agree?<sup>12</sup>

Finally, in our review of the State Department production of records, it appears that at least one other top State Department official also had a private email address at the [@clintonemail.com](mailto:@clintonemail.com) domain address that may have been used for official business. On September 13, 2012, Secretary Clinton's official schedule for the following day was sent to nearly twenty people on private email domains.<sup>13</sup> One such individual was the Secretary's deputy chief of staff, with the email being sent to her "[@clintonemail.com](mailto:@clintonemail.com)" address rather than an official government email address.

Given Secretary Clinton's known usage of a private email address, coupled with the paucity of documents to or from Secretary Clinton produced by the State Department, I have a reasonable belief that there may be relevant information regarding Benghazi that was transmitted through private email addresses used by State Department officials, information that has not been captured or retained on State Department networks or produced to Congress.

### Document Request

As we prepare for Secretary Clinton's testimony before the Select Committee, it is imperative that we have a full picture of what information Secretary Clinton had, and what actions she took, regarding Libya. The State Department has not provided all of the requisite

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<sup>10</sup> Email from Jacob Sullivan to Hillary Clinton (Sept. 27, 2012, 12:28 p.m.) [State Dept. Document #C05579952].

<sup>11</sup> Email from Hillary Clinton to Jacob Sullivan et al. (Sept. 11, 2012, 11:38 p.m.) [State Dept. Document #C05622916]. The subject of the email is "Chris Smith," the first name of Ambassador Chris Stevens and the last name of Sean Smith, the State Department Information Management Officer who also died in the attack on the Special Mission Compound. Given the fact that Smith had been declared dead hours earlier and Ambassador Stevens was missing, this email conversation was likely regarding Ambassador Chris Stevens.

<sup>12</sup> Email from Hillary Clinton to Jacob Sullivan (Sept. 26, 2012, 3:30 p.m.) [State Dept. Document #C05561922].

<sup>13</sup> Email from Lona Valmoro to Lona Valmoro and S\_S-Final Schedule (Sept. 13, 2012, 4:50 p.m.) [State Dept. Document #C05579612].

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documents on this matter, and this Committee needs access to all of Secretary Clinton's emails on these topics. Therefore, we see two potential ways for the Committee to have a full and complete account of these emails; first, to work through you, or second to work through the domain host of "@clintonemail.com." My strong preference is not to request production from a third-party in this matter, and I am hopeful you are able to provide the Committee the documents we need.

Therefore, please provide, as soon as possible but no later than December 31, 2014, any and all documents and communications referring or relating to a) Libya (including but not limited to Benghazi and Tripoli), and/or b) weapons located or found in, imported or brought into, and/or exported or removed from Libya, authored by, sent to, or received by the email address "hdr22@clintonemail.com" between January 1, 2011 through December 31, 2012.

Accessing the private email account of individuals is not something I undertake lightly. However, given the minimal documents produced by the State Department to date on this matter and the seemingly frequent usage of this email address by Secretary Clinton, it is necessary for the Committee to take the step of asking you to produce emails that fall within the scope of the Committee's mandate.

An attachment to this letter provides additional information about responding to this request. When producing documents to the Committee, please deliver production sets to the Majority Staff in Room 1036 of the Longworth House Office Building, and the Minority Staff in Room B241 of the Longworth House Office Building. The production of documents should be in electronic format.

Please contact the Committee's Staff Director, Phil Kiko, at (202) 226-7100 with any questions regarding this request. I look forward to working further with you on this matter.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Trey Gowdy', with a long horizontal flourish extending to the right.

Trey Gowdy  
Chairman

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

Enclosure

## Document Request

For the time period of January 1, 2011 through December 31, 2012:

Any and all documents and communications referring or relating to a) Libya (including but not limited to Benghazi and Tripoli), and/or b) weapons located or found in, imported or brought into, and/or exported or removed from Libya, authored by, sent to, or received by the email address "[hdr22@clintonemail.com](mailto:hdr22@clintonemail.com)".

### Definitions

- A. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, cables, records, correspondence, letters, notes, manuals, instructions, financial reports, working papers, inter-office and intra-office communications, messages, electronic mail (e-mail), summaries or notations of any type of conversation, telephone or cellular call, meeting or other communication, transcripts, diaries, analyses, minutes, projections, comparisons, contracts, press releases, reviews, opinions, studies and investigations, (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
- B. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document, or otherwise, and whether in a meeting, by telephone, facsimile, e-mail (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise. Electronic or cellular communications shall not be limited to communications sent to or received by Department of State communication devices, addresses, or other means and shall include communications sent to or received by other devices, addresses or means but for which a document or communication exists or has been retained within or by the Department of State. For example, email communications shall include those sent to or received by an "@clintonemail.com" email address or "clintonemail.com" domain. Communications "sent to or received by" includes any means of transmission or receipt including but not limited to communications that are copied, blind copied or forwarded. Additionally, any communication that incorporates, contains, or attaches another document or communication shall include that additional document or communication.

- C. The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request/subpoena any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
- D. The term "referring or relating," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.
- E. The term "weapons" includes any instrument, tool, or device for use in an attack or defense, to include but not be limited to firearms, grenades, mortars, missiles, MANPADS (man-portable air-defense systems), CBRNE (chemical, biological, radiological, nuclear, explosives) devices.