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## Congress of the United States

### House of Representatives

#### Select Committee on Benghazi

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August 7, 2015

W. Neil Eggleston  
Counsel to the President  
The White House  
1600 Pennsylvania Avenue NW  
Washington, D.C. 20500

Dear Mr. Eggleston:

More than seven months have passed since the House Select Committee on Benghazi ("the Committee") sent the White House a single, 12-category document request (hereinafter "the Request") seeking information relevant to our investigation into the 2012 terrorist attacks in Benghazi, Libya. Seven months should, by any reasonable calculation, be sufficient time to comply with the Committee's Request. This is especially true where, at the invitation of your representative, we discussed the particular areas of Committee interest underlying our Request. While we have received some documents over the last few months, a large portion of those documents produced are of little to no value, such as press clippings readily available in the public domain. At this point, we have no sense of the time frame within which the requests made in December 2014 will be complied with.

In addition, the White House has yet to identify by category, document, or otherwise those responsive documents which will be produced contrasted with those responsive documents which will be withheld. To the extent the White House has advanced a basis for withholding documents, the reasons cited include "institutional interests" or pronouncements about historical norms and the limits of congressional oversight -- without citation to constitutional or other legal authority. For example, while your office has drawn bright lines against production of drafts of presidential speeches and wholly *intra*-White House communications, we have not received a clearly articulated legal basis for those lines, nor the scope and extent of any such lines.

So the Committee can move its investigative effort forward and conclude the work assigned to it by the House of Representatives, I invite you to meet with Committee staff at your earliest convenience to discuss the Committee's outstanding requests. At a minimum, we need a category-by-category response to the Request. This should include a statement about your willingness to produce responsive documents whether in whole or in part and some explanation as to why documents are being withheld. By way of illustration, we do not concede your

Mr. W. Neil Eggleston  
Ms. Jennifer O'Connor  
August 7, 2015  
Page 2

assertion that all communications between two members of the White House staff are privileged. Similarly, in your January 23, 2015, letter you stated some of the Committee's requests represent an intrusion into "longstanding executive branch confidentiality and other institutional interests." Your meaning and its application to the Committee's Request, however, remain unclear. If a congressional inquiry represents an "intrusion" violative of "longstanding" "confidentiality" and "institutional interests" you should have no trouble pointing the Committee to your legal authority.

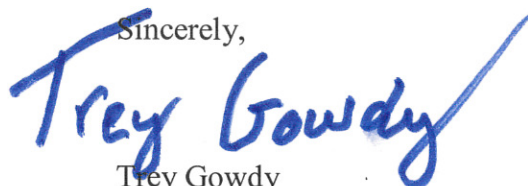
Without that basic information, we can only speculate about the identity of documents the White House has withheld and its reasons for doing so. To highlight the problem, in cover letters dated May 11, 2015, and June 19, 2015, accompanying White House productions, you stated only that documents being produced were "responsive to *certain* of your requests[.]" We appreciate that information, but it does not inform us whether *all* responsive documents are being produced.

Additionally, your January 23, 2015, letter suggests certain of the Requests were beyond the scope of the Committee's authorizing resolution. That interpretation, if accepted, would foreclose relevant and proper lines of inquiry into the Benghazi attacks and related matters charged to the Committee by the House. As an initial matter, however, we need to understand whether, and to what extent, you have withheld responsive documents based on your interpretation of the House resolution.

The Committee remains willing to discuss any objections you may have to the Request in the hopes of accommodating legitimate executive branch interests while at the same time recognizing Congress' broad and equally important power to conduct oversight. Without identifying the specific grounds for your objections or identifying the documents or categories of documents to which you object, however, doing so is not possible. Accordingly, we ask that at our next discussion the White House state specifically the legal grounds it intends to assert in withholding documents from the Committee, if any such legal authority exists.

Once we have identified where an accommodation can be reached and areas where it cannot, we can determine the next steps of our investigative effort. I would be grateful if you contact the Committee staff not later than August 16, 2015, to arrange a meeting as soon as one can be held.

Sincerely,



Trey Gowdy  
Chairman

cc: The Honorable Elijah E. Cummings, Ranking Member