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Congress of the United States

House of Representatives

Select Committee on Benghazi

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March 16, 2016

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

Dear Mr. Eggleston:

Thank you again, as well as your staff, for helping schedule and facilitate two recent interviews.

As you and I have discussed previously, there has been much speculation as to why Ambassador Chris Stevens traveled from Tripoli to Benghazi specifically and why generally the U.S. had a presence in Benghazi. Some of the speculation has centered around allegations of weapons trafficking, weapons diversion, and the monitoring of weapons transfers. Indeed, as you know, some of this speculation and the questions attendant thereto have taken place in public settings and via media. I continue to believe the role of congressional investigations is to gather the facts and separate those facts from unsubstantiated rumors, speculation, and theories. Indeed, a public service is done by debunking myths not rooted in fact, every bit as much as illuminating facts in the first instance.

The Select Committee does not rely on media reports with respect to sensitive national security matters. Nonetheless, such reports do tend to shape public perception, which in turn requires the Committee to review matters with an eye toward corroboration or contradiction.

In December 2012, the *New York Times* published an article titled "U.S.-Approved Arms for Libya Rebels Fell Into Jihadis' Hands."¹ The article alleges a complicated set of circumstances regarding U.S. involvement of weapons shipments in Libya. In part, the article states:

The Obama Administration secretly gave its blessing to arms shipments to Libyan rebels from Qatar last year, but American officials later grew alarmed as evidence grew that Qatar was turning some of the weapons

¹ James Risen, Mark Mazzetti, and Michael S. Schmidt, *U.S.-Approved Arms for Libya Rebels Fell Into Jihadis' Hands*, N.Y. TIMES, Dec. 5, 2012, available at <http://www.nytimes.com/2012/12/06/world/africa/weapons-sent-to-libyan-rebels-with-us-approval-fell-into-islamist-hands.html>.

over to Islamic militants, according to United States officials and foreign diplomats. . . . The Obama administration did not initially raise objections when Qatar began shipping arms to opposition groups in Syria, even if it did not offer encouragement, according to current and former administration officials. But they said the United States has growing concerns that, just as in Libya, the Qataris are equipping some of the wrong militants.

* * *

The administration has never determined where all of the weapons, paid for by Qatar and the United Arab Emirates, went inside Libya, officials said. Qatar is believed to have shipped by air and sea small arms, including machine guns, automatic rifles, and ammunition, for which it has demanded reimbursement from Libya's new government. Some of the arms since have been moved from Libya to militants with ties to Al Qaeda in Mali, where radical jihadi factions have imposed Shariah law in the northern part of the country, the former Defense Department official said. Others have gone to Syria, according to several American and foreign officials and arms traders.

* * *

After discussions among members of the National Security Council, the Obama administration backed the arms shipments from both countries, according to two former administration officials briefed on the talks. American officials say that the United Arab Emirates first approached the Obama administration during the early months of the Libyan uprising, asking for permission to ship American-build weapons that the United States had supplied for the emirates' use. The administration rejected that request, but instead urged the emirates to ship weapons to Libya that could not be traced to the United States. "The U.A.E. was asking for clearance to send U.S. weapons," said one former official. "We told them it's O.K. to ship other weapons."

* * *

Concerns in Washington soon rose about the groups Qatar was supporting, officials said. A debate over what to do about the weapons shipments dominated at least one meeting of the so-called Deputies Committee, the interagency panel consisting of the second-highest ranking officials in major agencies involved in national security. "There was a lot of concern that the Qatar weapons were going to Islamist groups," one official said.²

² *Id.*

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This article helped fuel theories as to what the U.S. was doing in Libya regarding weapons shipments, and whether Ambassador Stevens had traveled to Benghazi to further or monitor this involvement.

In its report on the attacks in Benghazi, the House Permanent Select Committee on Intelligence (HPSCI) found simply, and in purely conclusory fashion, that “[t]he CIA was not collecting and shipping arms from Libya to Syria.”³ This conclusion was, however, based on an investigative effort amounting to little more than merely asking several witnesses, most of whom lacked even a Top Secret clearance, that very question. HPSCI also did not address other issues, including what activities the State Department may have been involved with regarding weapons in Libya. It was, after all, the Benghazi Accountability Review Board that found “[t]wo American citizen State Department contractors traveled to the airport and linked up with the remaining U.S. government personnel.”⁴ No previous investigation into the Benghazi attacks has addressed the question as to who these contractors were and what was so mission critical that they were operating in such a dangerous part of the world.

Rumors about CIA or State Department involvement with weapons in Libya have loomed over prior congressional investigations. Congress’ inability to get to the bottom of what was actually occurring and address precisely what these two contractors were doing have only served to fuel rumors and allegations that illegal or covert activity was taking place. The HPSCI report did nothing to dispel these rumors and allegations. In fact, the HPSCI report gave short shrift to allegations which served primarily to fuel them and spawn additional ones.

Last year, months after the HPSCI report had become public, reports surfaced that the “United States supported the secret supply of weapons to Libyan rebels.”⁵ Marc Turi, an international arms dealer who was allegedly at the center of a plan for the U.S. to supply weapons to Qatar as a “workaround” instead of providing them directly to Libya, stated publicly “[w]hen this equipment landed in Libya, half went one way, and [] half went the other way. The half that went the other way is the half that ended up in Syria.”⁶

Just last month the *New York Times* published a series of detailed articles regarding the U.S. intervention in Libya. In the articles, the *Times* wrote:

Former President Bill Clinton had publicly noted in April 2011 that the United States should “not rule out” arming the opposition, and in emails with Mr. Sullivan, her policy adviser, Mrs. Clinton discussed using private contractors to do just that. Mr. Ross, speaking generally, said she had frequently consulted her husband: “I’d say, ‘Here’s what I think we should do.’ She’d say, ‘That’s what Bill said, too.’”

³ *Investigative Report on the Terrorist Attacks at U.S. Facilities in Benghazi, Libya, September 11-12, 2012: Report by the H. Permanent Select Comm. on Intelligence*, 113th Cong. 16 (2014).

⁴ U.S. Dep’t of State, *Benghazi Accountability Review Bd.* (UNCLASSIFIED) at 27, Dec. 18, 2012.

⁵ Pamela Browne and Catherine Herridge, *Exclusive: The Arming of Benghazi*, FOX NEWS, June 27, 2015, available at <http://www.foxbusiness.com/politics/2015/06/27/exclusive-arming-benghazi.html>.

⁶ *Id.*

Now Mrs. Clinton took what one top adviser called “the activist side” of the debate over whether to counter Qatar by arming more secular fighters.

* * *

Mrs. Clinton understood the hazards, but also weighed the costs of not acting, aides said. They described her as comfortable with feeling her way through a problem without being certain of the outcome.

President Obama ultimately took her side, according to the administration officials who described the debate. After he signed a secret document called a presidential finding, approving a covert operation, a list of approved weaponry was drawn up. The shipments arranged by the United States and other Western countries generally arrived through the port of Benghazi and airports in eastern Libya, a Libyan rebel commander said.

“Humvees, counterbattery radar, TOW missiles was the highest end we talked about,” one State Department official recalled. “We were definitely giving them lethal assistance. We’d crossed that line.”⁷

Such articles—and the continued drip of rumors—have hovered over this Committee’s investigation. The House of Representatives “authorized and directed” this Committee to “conduct a full and complete investigation and study and issue a final report of its findings to the House regarding . . . all policies, decision, and activities, that contributed to the attacks on the United States facilities in Benghazi, Libya . . . and any other relevant issues relating to the attacks.”⁸

In interviews with Committee witnesses we have painstakingly tried to corroborate or contradict allegations and speculation in these areas. However, we have been unable to do so and in fact have received testimony on the record suggesting the need for further clarification. Previously, I mentioned to you we would solicit your help in gaining access to relevant information. Since that time, my staff has been in communication with your office about such access - without success.

Absent clarification, both the public speculation and the testimony of record before the Committee leave a strong implication something connected to our engagement in Libya is being withheld. We have tried to ask relevant witnesses relevant questions. Some facts have been established in the negative inasmuch as witnesses have said what was not occurring.

The Select Committee is, however, unable to state with certitude these issues have been resolved. I continue to believe the failure to answer these questions with clarity with spawn more rumors, more insinuation and ultimately do a disservice to both the truth and the public.

⁷ Jo Becker and Scott Shane, *Hillary Clinton, ‘Smart Power’ and a Dictator’s Fall*, N.Y. TIMES, Feb. 27, 2016, available at http://www.nytimes.com/2016/02/28/us/politics/hillary-clinton-libya.html?_r=0.

⁸ H. Res. 567, 113th Cong. (2014).

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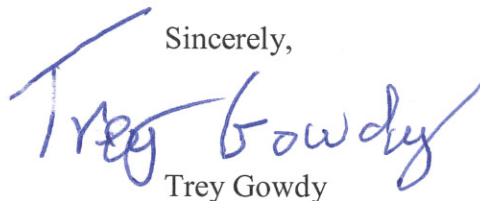
With this letter, I am also including a classified attachment detailing specific testimony received by the Committee establishing the need to further clarify what specific activities the U.S. government may have conducted, and/or authorized, in Libya in 2011 and 2012.

The Committee must write its final report with the information we have before us. The testimony is inconclusive, and while witnesses do not confirm some of these allegations, they do not deny them either. With our current record, the Committee will be forced to write its report without any conclusions in this area, and will be forced to note that multiple witnesses up and down the chain of command across multiple agencies refused to answer these questions on the record. Such testimony does not serve either of our interests, and would only continue to fuel speculation about U.S. government activities in Libya and why Ambassador Stevens was in Benghazi during the attacks.

As we have discussed before, discounting inaccurate allegations is every bit as meaningful as corroborating accurate ones. I frankly believe reality is less provocative than what is being alleged. But what I believe is irrelevant if it cannot be corroborated or contradicted factually. You are in a unique position to help us make sure the record is complete. In order to accomplish this, however, the Committee requires your assistance. I therefore write to formally request access to all special access programs regarding U.S. activities in Libya in 2011-2012. This access can be provided under terms and conditions you believe are protective of executive branch equities. I have no interest in investigating anything that is beyond the jurisdiction of our Committee. Likewise, I have no interest in failing to adequately investigate matters that are squarely within the jurisdiction of the Committee but for which the Committee cannot access relevant information.

Thank you in advance for your response as soon as possible, but no later than March 25, 2016. In addition, I am available to meet at your convenience to discuss this in person.

Sincerely,

A handwritten signature in blue ink that reads "Trey Gowdy". The signature is written in a cursive, slightly slanted style.

Trey Gowdy

cc: The Honorable Paul Ryan, Speaker
The Honorable Elijah E. Cummings, Ranking Member