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Congress of the United States
House of Representatives

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The Honorable John A. Boehner
Speaker of the House
U.S. House of Representatives
H-232 The Capitol

Dear Mr. Speaker:

You and I have had multiple conversations over the last year about the House's approach to investigating Benghazi. While we have our differences on the House's current approach, I think we can both agree that the current committee investigations, in both the House and the Senate, have not resulted in anyone being held accountable.

Over the last several months, my staff and I have had multiple private conversations with family members of the victims, including some who have never spoken out publicly before. The one thing they all have made clear is that they are very frustrated and disappointed that no one has been held accountable for what happened that night.

In recent days, there have been several pieces published that also point out this absence of accountability. Enclosed is an op-ed published in *The Wall Street Journal* this morning, written by Greg Hicks, the well-respected deputy chief of mission for Ambassador Stevens – and the last person to speak to him the night of September 11, 2012. Mr. Hicks details how the administration and even some in Congress have sought to blame the late ambassador for the security failures, when in fact the blame lies with senior administration officials.

Additionally, *Washington Post* columnist Ruth Marcus has written about this issue. In a piece yesterday, Marcus wrote of Benghazi, “the attack was preventable, yet no one has been disciplined for failing to prevent it. [Sen.] Collins singled out Undersecretary of State for Management Patrick Kennedy, who testified that the threat environment in Benghazi was ‘flashing red’ yet failed to ensure that a facility he approved there had adequate security. If the State Department were a corporation, heads would have rolled.”

Mr. Speaker, there has literally been zero accountability for what happened in Benghazi. No terrorist has been detained or killed. No administration official has been held responsible for the security failures and poor response that night. Don't the families of those killed deserve accountability and justice?

“What signal does this send to our men and women in uniform, or in the Foreign Service, or in the Intelligence Community? It's hard not to conclude that there's one set of rules for those who serve their country and another for those who run it. Perhaps the most telling part of the Senate report is in the ‘additional views’ section, which points out that “important questions remain unanswered as a direct result of the Obama Administration’s failure to provide the committee with access to necessary documents and witnesses.”

Look at the discrepancies between the House interim report last April and the Senate report released this month. The Senate report – released by Democrat Chairman Dianne Feinstein – raised key new issues and findings that the House committees have never shared before. Why? And speaking of the House’s nearly year-old “interim progress report,” when will the final report of the committees be published, if ever?

Amazingly, the Senate report raised the critical point that while some in the Department of Defense may have known of the CIA facility, neither AFRICOM nor its Commander “were aware of an annex in Benghazi, Libya.” And more importantly, just what was the CIA doing in Benghazi that was so secret that AFRICOM was not made aware of its existence?

You know me well enough to know that my persistence in pursuing answers isn't about politics or a vendetta, it's about the Legislative Branch conducting its most basic responsibility: strong oversight. To date, we can't honestly say we've fulfilled this Constitutional responsibility with regard to Benghazi.

We are never going to get to the bottom of what happened that night until there is a bipartisan House Select Committee that can reach across jurisdictional boundaries, compel public testimony and documents that the administration continues to withhold from the Congress and protect those who may want to testify publicly about the events of that evening. I have always made the case that I believe “iron sharpens iron” and that we need the Members and investigators from each of the five committees working together and sharing all information to ensure a seamless review of all of the facts. Perhaps, if we had such a Select Committee, the recent Senate report would have better represented Mr. Hicks’ testimony about the administration’s failure to provide adequate security in Benghazi, rather than forcing him to pen an op-ed to correct the record.

That's precisely why I and 180 of our colleagues continue to call for a bipartisan, independent Select Committee to ensure the full truth is learned and accountability is assigned. Aren't these recent disclosures from the Senate Intelligence Committee report and Hicks' op-ed today enough to demonstrate huge gaps in the current investigation and the need for clear accountability? What more will it take?

I couldn't agree more with the final sentence of the ‘additional views’ section of the Senate report: “The families of those murdered in Benghazi deserve the truth, and all of our intelligence, military, and diplomatic professionals who serve overseas in dangerous places are entitled to have confidence that the errors of Benghazi will not be repeated.”

The Honorable John A. Boehner

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Mr. Speaker, it's past time for a Select Committee. We really do owe it to the families and the American people.

Best wishes.

Sincerely,

Frank R. Wolf
Member of Congress

PS: The men and women who faithfully serve our nation – and the American people – deserve accountability and transparency.

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OPINION

Gregory Hicks: Benghazi and the Smearing of Chris Stevens

Shifting blame to our dead ambassador is wrong on the facts. I know—I was there.

By GREGORY N. HICKS

Jan. 22, 2014 7:18 p.m. ET

Last week the Senate Select Committee on Intelligence issued its report on the Sept. 11, 2012, terrorist attacks in Benghazi, Libya. The report concluded that the attack, which resulted in the murder of four Americans, was "preventable." Some have been suggesting that the blame for this tragedy lies at least partly with Ambassador Chris Stevens, who was killed in the attack. This is untrue: The blame lies entirely with Washington.

The report states that retired Gen. Carter Ham, then-commander of the U.S. Africa Command (Africom) headquartered in Stuttgart, Germany, twice offered to "sustain" the special forces security team in Tripoli and that Chris twice "declined." Since Chris cannot speak, I want to explain the reasons and timing for his responses to Gen. Ham. As the deputy chief of mission, I was kept informed by Chris or was present throughout the process.

On Aug. 1, 2012, the day after I arrived in Tripoli, Chris invited me to a video conference with Africom to discuss changing the mission of the U.S. Special Forces from protecting the U.S. Embassy and its personnel to training Libyan forces. This change in mission would result in the transfer of authority over the unit in Tripoli from Chris to Gen. Ham. In other words, the special forces would report to the Defense Department, not State.

Chris wanted the decision postponed but could not say so directly. Chris had requested on July 9 by cable that Washington provide a minimum of 13 American security professionals for Libya over and above the diplomatic security complement of eight assigned to Tripoli and Benghazi. On July 11, the Defense Department, apparently in response to Chris's request, offered to extend the special forces mission to protect the U.S. Embassy.

However, on July 13, State Department Undersecretary Patrick Kennedy refused the Defense Department offer and thus Chris's July 9 request. His rationale was that Libyan guards would be hired to take over this responsibility. Because of Mr. Kennedy's refusal, Chris had to use diplomatic language at the video conference, such as expressing "reservations" about the transfer of authority.



Chris's concern was significant. Transferring authority would immediately strip the special forces team of its diplomatic immunity. Moreover, the U.S. had no status of forces agreement with Libya. He explained to Rear Adm. Charles J.



At a memorial service for U.S. Ambassador Chris Stevens in San Francisco, Oct. 16, 2012. *Reuters*

Leidig that if a member of the special forces team used weapons to protect U.S. facilities, personnel or themselves, he would be subject to Libyan law. The law would be administered by judges appointed to the bench by Moammar Gadhafi or, worse, tribal judges.

Chris described an incident in Pakistan in 2011 when an American security contractor killed Pakistani citizens in self-defense, precipitating a crisis in U.S.-Pakistani relations. He also pointed out that four International Criminal Court staff, who had traveled to Libya in June 2012 to interview Gadhafi's oldest son, Saif al-Islam al-Qadhafi, were illegally detained by tribal authorities under suspicion of spying. This was another risk U.S. military personnel might face.

During that video conference, Chris stressed that the only way to mitigate the risk was to ensure that U.S. military personnel serving in Libya would have diplomatic immunity, which should be done prior to any change of authority.

Chris understood the importance of the special forces team to the security of our embassy personnel. He believed that by explaining his concerns, the Defense Department would postpone the decision so he could have time to work with the Libyan government and get diplomatic immunity for the special forces.

According to the National Defense Authorization Act, the Defense Department needed Chris's concurrence to change the special forces mission. But soon after the Aug. 1 meeting, and as a complete surprise to us at the embassy, Defense Secretary Leon Panetta signed the order without Chris's concurrence.

The Senate Intelligence Committee's report accurately notes that on Aug. 6, after the transfer of authority, two special forces team members in a diplomatic vehicle were forced off the road in Tripoli and attacked. Only because of their courage, skills and training did they escape unharmed. But the incident highlighted the risks associated with having military personnel in Libya unprotected by diplomatic immunity or a status of forces agreement. As a result of this incident, Chris was forced to agree with Gen. Ham's withdrawal of most of the special forces team from Tripoli until the Libyan government formally approved their new training mission and granted them diplomatic immunity.

Because Mr. Kennedy had refused to extend the special forces security mission, State Department protocol required Chris to decline Gen. Ham's two offers to do so, which were made after Aug. 6. I have found the reporting of these so-called offers strange, since my recollection of events is that after the Aug. 6 incident, Gen. Ham wanted to withdraw the entire special forces team from Tripoli until they had Libyan government approval of their new mission and the diplomatic immunity necessary to perform their mission safely. However, Chris convinced Gen. Ham to leave six members of the team in Tripoli.

When I arrived in Tripoli on July 31, we had over 30 security personnel, from the State Department and the U.S. military, assigned to protect the diplomatic mission to Libya. All were under the ambassador's authority. On Sept. 11, we had only nine diplomatic security agents under Chris's authority to protect our diplomatic personnel in Tripoli and Benghazi.

I was interviewed by the Select Committee and its staff, who were professional and thorough. I explained this sequence of events. For some reason, my explanation did not make it into the Senate report.

To sum up: Chris Stevens was not responsible for the reduction in security personnel. His requests for additional security were denied or ignored. Officials at the State and Defense Departments in Washington made the decisions that resulted in reduced security. Sen. Lindsey Graham stated on the Senate floor last

week that Chris "was in Benghazi because that is where he was supposed to be doing what America wanted him to do: Try to hold Libya together." He added, "Quit blaming the dead guy."

Mr. Hicks served as Deputy Chief of Mission at the U.S. Embassy in Tripoli from July 31 to Dec. 7, 2012.

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