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Some of Clinton's Libya emails said to be withheld from Benghazi Committee

It's not clear who withheld the correspondence.

By RACHAEL BADE | 6/15/15 7:56 PM EDT | Updated 6/16/15 11:09 AM EDT

House GOP Benghazi investigators have discovered 60 new Libya communications between Sidney Blumenthal and former Secretary of State Hillary Clinton, a congressional source told POLITICO on Monday — suggesting that either the State Department or the 2016 Democratic presidential contender withheld correspondence the panel had requested.

The House Select Committee on Benghazi had quietly subpoenaed Blumenthal's Libya emails. And on Friday, the longtime Clinton family friend — who is set to testify before investigators behind closed doors Tuesday morning — handed over 120 pages worth of new Libya- and Benghazi-related emails.

“These emails were not previously produced to the Committee or released to the public, and they will help inform tomorrow's deposition,” panel Chairman Trey Gowdy (R-S.C.) said in a statement late Monday evening. “We are prepared to release these emails.”

Panel Republicans are pushing to release the emails as early as Tuesday but need Democrats to agree to do so under committee rules that require the minority to be given a five-day warning before release.

In the meantime, they're wondering why they didn't have them in the first place.

Clinton has said she and her team gave all her work-related correspondence over to State, which was then tasked with going through the emails and giving the panel relevant messages. Department officials turned up about 300 emails related to the attack on the Benghazi diplomatic compound that left four Americans dead.

The congressional source did not know whether Clinton had turned over all the new emails to State and State did not provide them, or whether Clinton failed to hand over the correspondence.



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Blumenthal's attorney, James Cole, and Clinton's attorney, David Kendall, did not immediately respond to requests for comment.

A State Department spokesman downplayed the discovery and said the agency gave the panel what it asked for.

“The Department is working diligently to publish to its public website all of the emails received from former Secretary Clinton through the FOIA process,” Alec Gerlach said in a statement. “We provided the Committee with a subset of documents that matched its request and will continue to work with them going forward.”

At the crux of the back-and-forth is whether the committee specifically asked State for all Clinton's Libya emails or only Benghazi-related correspondence. State says the panel initially asked for Benghazi-only material and only recently expanded that request to include all correspondence on the Middle Eastern nation. The congressional source argued that the initial request for information from Clinton was aimed at all Libya correspondence — and that State was being evasive.

The Dec. 2, 2014, letter to Clinton's lawyer, which he then forwarded to State, does not seem to limit the scope.

“Please provide, as soon as possible but no later than Dec. 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 Jan. 1, 2011 through Dec. 31, 2013,” it says.

Republicans say that the broader U.S.-Libya policy in the months leading up to the attack could have influenced what happened in Benghazi, when a special diplomatic mission was overrun by terrorists. But Democrats will argue the two are distinct and the committee is on a fishing expedition aimed at making Clinton look bad.

“The Select Committee is now conducting its investigation by selective leaks and press releases, without mentioning that these documents don't identify any smoking gun about the Benghazi attacks — in fact, they hardly relate to Benghazi at all,” said panel Democrat Elijah Cummings of Maryland in a statement. The deposition, he added, “won't bring us any new information about the Benghazi attacks because the witness appears not to have any firsthand knowledge about them.”



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But the debate may be beside the point: The panel in its statement says some of the emails specifically relate to the Benghazi attacks and, therefore, should have been turned over, even if the State Department read the document request narrowly.

Since Clinton used a personal server when she was secretary, rather than an official State email account as she was supposed to, her lawyer decided which emails constituted “official” communications and provided them to the State Department before they were released to the committee and publicly.

The Clinton-Blumenthal relationship came under scrutiny last month when The New York Times reported that Blumenthal had been passing Clinton unsubstantiated intelligence on Libya, including one email where he blamed the Libya attacks on an anti-Muslim Internet video. Then-U.N. Ambassador Susan Rice suggested the video was a major cause as well in an initial TV appearance, but critics said the administration was dishonest about the security situation in the fragile country following dictator Muammar Qadhafi's ousting.

Barred from a State position by the Obama administration but paid \$10,000 a month to advise the philanthropic Clinton Foundation, Blumenthal was also engaged in talks about a new Libyan business venture. At the same time, he also passed Clinton information about the security situation in Libya. And Clinton's responses show she took him seriously enough to forward around his emails to her top aides, though some messages were met with skepticism.

Republicans last week said his advice and intelligence on Libya were mentioned in more than 35 percent of the correspondence Clinton received on Libya.

Tuesday's deposition with Blumenthal, the panel's first, is closed to reporters. Due to the latest discovery, the questioning will likely focus on whether more Libya emails are missing.

The GOP on Tuesday also plans to question Blumenthal — who earned a spot in Clinton's inner circle after his ardent defense of Bill during the 1990s impeachment trial — about their relationship, why he passed Clinton such emails and whether he was getting paid for his work. Republicans question if the advice was really “unsolicited,” as Clinton has said.

So far, Blumenthal and Clinton have dismissed the GOP's suspicions, and Clinton has said they're simply “old friends.” Blumenthal has said he sent Clinton information he believed “she might find interesting or helpful,” per the statement he released following news of his subpoena.

The panel will also touch on Blumenthal's intelligence sourcing. Usually those in decision-making positions at major agencies receive vetted intelligence to ensure accuracy — but Blumenthal circumvented those traditional lines of communication because of his close relationship with Clinton.

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