



One Hundred Eighteenth Congress  
U.S. House of Representatives  
Committee on Foreign Affairs  
2170 Rayburn House Office Building  
Washington, DC 20515

February 26, 2024

The Honorable Antony Blinken  
Secretary of State  
U.S. Department of State  
2201 C Street NW  
Washington, DC 20520

Dear Secretary Blinken:

In March 2022, the Department of State conducted a 90-day internal review to assess its role in the Biden Administration’s catastrophic withdrawal from Afghanistan, titled the After-Action Review on Afghanistan (the “AAR”).<sup>1</sup> The AAR found significant failures in the Department’s response and, in doing so, identified “an electronic and paper collection of all the materials the review team consulted and cited to prepare its report,” titled the “Afghanistan AAR files.”<sup>2</sup> Following numerous requests, threats of compulsory process, a July 18, 2023 subpoena,<sup>3</sup> and countless accommodations by the House Foreign Affairs Committee, the Department has yet to produce to Congress these key AAR files. The Committee’s patience has been exhausted, and it requires these files to complete its investigation and make legislative recommendations for this Congress to consider. Should the Department fail to produce the priority AAR files outlined below by March 6, 2024, the Committee is prepared to hold you in contempt of Congress.

On January 12, 2023, well-over a year ago, the Committee requested the production of “[a]ll documents resulting from State Department internal reviews related to the Afghanistan withdrawal,” to better understand the Department’s role in the withdrawal.<sup>4</sup> On January 30, Committee staff provided the Department a list of initial priorities to facilitate production, including the “After-Action Report and all documents and communications referring and relating to it[.]”<sup>5</sup> The Committee requested these be produced by no later than February 7, 2023. The Department failed to comply with this deadline, prompting a warning of compulsory process.

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<sup>1</sup> U.S. DEP’T OF STATE, AFTER-ACTION REVIEW ON AFGHANISTAN, JANUARY 2020 — AUGUST 2021 (Mar. 2022).

<sup>2</sup> *Id.*

<sup>3</sup> *Subpoena from the U.S. House of Rep. Comm. on Foreign Affs. to Antony Blinken, Sec’y of Dep’t of State*, 118th Cong. (July 18, 2023).

<sup>4</sup> Letter from Michael T. McCaul, Chairman, H. Comm. on Foreign Affs. (HFAC), to the Hon. Antony J. Blinken, Sec’y of State, U.S. Dep’t of State (Jan. 12, 2023).

<sup>5</sup> Email from HFAC Majority staff to U.S. Dep’t of State staff (Jan. 30, 2023, 11:51 ET) (on file with author).

On March 3, 2023, the Committee requested that “a current draft of Ambassador Smith’s After-Action Report (including any associated documents such as exhibits or appendices)” be produced immediately.<sup>6</sup> The Department, again, failed to produce these items, prompting yet another warning of compulsory process if they were not produced by March 22, 2023.<sup>7</sup> Only then did the Department agree to share the AAR, but failed to provide any of its associated documents. Compliance with the Committee’s request meant production of not only the AAR, but the accompanying AAR files.

On April 25, 2023, the Committee requested that the Department produce the Afghanistan AAR files “in complete and unredacted form” no later than May 5, 2023.<sup>8</sup> This deadline elapsed with no response from the Department. The Committee, again, sent letters on June 8 and June 20, warning of compulsory process if the Department continued to obstruct Congress’s access to the AAR files.<sup>9</sup>

On July 18, 2023, the Committee finally served you with a subpoena to produce the AAR files by July 25, 2023.<sup>10</sup> As detailed above, this followed repeated requests for voluntary productions dating back to January 2023 and multiple warnings of compulsory process. The Department responded to the subpoena with a mere 57-page production, over a third of which were duplicates.<sup>11</sup>

On August 9, 2023, I requested transcribed interviews with the Department’s Assistant Secretary for the Bureau of Legislative Affairs, Naz Durakoğlu, and Acting Legal Adviser, Richard Visek, both of whom are responsible, in part, for document production.<sup>12</sup> Two days later, on August 11, you called me, communicating your personal commitment to cooperating with the Committee’s July subpoena.<sup>13</sup> In response, I agreed to cancel the transcribed interviews “contingent on the Department making substantial productions, on a weekly basis, starting with high-priority documents, as designated by the Committee, until the subpoena is fully satisfied.”<sup>14</sup>

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<sup>6</sup> Letter from Michael T. McCaul, Chairman, HFAC, to the Hon. Antony J. Blinken, Sec’y of State, U.S. Dep’t of State (Mar. 3, 2023).

<sup>7</sup> Letter from Michael T. McCaul, Chairman, HFAC, to the Hon. Antony J. Blinken, Sec’y of State, U.S. Dep’t of State (Mar. 20, 2023).

<sup>8</sup> Letter from Michael T. McCaul, Chairman, HFAC, to the Hon. Antony J. Blinken, Sec’y of State, U.S. Dep’t of State (Apr. 25, 2023).

<sup>9</sup> Letter from Michael T. McCaul, Chairman, HFAC, to the Hon. Antony J. Blinken, Sec’y of State, U.S. Dep’t of State (June 8, 2023); Letter from Michael T. McCaul, Chairman, HFAC, to the Hon. Antony J. Blinken, Sec’y of State, U.S. Dep’t of State (June 20, 2023).

<sup>10</sup> *Subpoena from the U.S. House of Rep. Comm. on Foreign Affs. to Antony Blinken, Sec’y of Dep’t of State*, 118th Cong. (July 18, 2023).

<sup>11</sup> Email from Dep’t of State staff to HFAC staff (July 25, 2023, 15:51 ET) (on file with author).

<sup>12</sup> Letter from Michael T. McCaul, Chairman, HFAC, to the Hon. Antony J. Blinken, Sec’y of State, U.S. Dep’t of State (Aug. 9, 2023).

<sup>13</sup> Call between Michael T. McCaul, Chairman, HFAC, to the Hon. Antony Blinken, Sec’y of State, U.S. Dep’t of State (August 11, 2023).

<sup>14</sup> Letter from Michael T. McCaul, Chairman, HFAC, to the Hon. Antony Blinken, Sec’y of State, U.S. Dep’t of State (Aug. 21, 2023).

On August 31, 2023, the Committee interviewed Ambassador Dan Smith, whom you tasked to lead the AAR.<sup>15</sup> Ambassador Smith informed Committee staff that the AAR was based, in part, on interviews he and his team conducted of Department officials.<sup>16</sup> He testified that he and his team “took notes on the interviews,” which took the form of “memorand[a] of conversation.”<sup>17</sup> Ambassador Smith confirmed those notes would be “in the custody of the State Department,” as part of the AAR files his team consulted and preserved.<sup>18</sup>

Based on its longstanding requests, buttressed by Ambassador Smith’s interview, on September 8, 2023, the Committee requested that the Department produce, among other priority items, the “AAR team’s interview notes, including but not limited to all of the AAR team’s memoranda of conversation and all attachments.”<sup>19</sup> As primary source documents, the Committee deemed these notes vital to its investigation and to inform its legislative recommendations. The Department in response failed to produce the notes and instead informed the Committee it was “working to provide more of the documents specifically identified in [the September 8] letter.”<sup>20</sup>

On October 11, 2023, Committee staff reiterated its urgent request for the AAR team’s interview notes, stressing its importance to the Committee’s investigation.<sup>21</sup> Less than a week later, Committee staff reminded the Department that the interview notes, among other priority items, had been outstanding for over a month. In the interest of productive engagement, the Committee extended the production deadline to October 20.<sup>22</sup> The Department, for the first time, responded that it might refuse to produce the notes.<sup>23</sup> It stated that providing these notes to the Committee would have a “significant chilling effect on the Department’s ability to conduct thorough and impactful lessons learned efforts to improve our foreign policy-making.”<sup>24</sup>

On November 16, 2023, Committee staff again stressed the need for the AAR team’s interview notes, given their memorialization of first-hand accounts.<sup>25</sup> Committee staff communicated their willingness to accommodate potential Department concerns by, for example, redacting names for

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<sup>15</sup> Transcribed Interview with Dan Smith, Amb., U.S. Dep’t of State, in Rayburn House Office Bldg. (Aug. 31, 2023).

<sup>16</sup> *Id.* at 45-46.

<sup>17</sup> *Id.* at 45.

<sup>18</sup> *Id.* at 45, 86-87 (“Q The AAR identifies a document collection called the AAR files. Can you please explain what the AAR files are? A As we’ve indicated or we discussed before, those are all the documents that we consulted and memoranda. It was a conversation for interviews we held. Q And somewhat repetitive, but what is included within the AAR files? A All of those documents and memorandums [sic] of conversation.”).

<sup>19</sup> Letter from Michael T. McCaul, Chairman, HFAC, to the Hon. Antony Blinken, Sec’y of State, U.S. Dep’t of State (Sept. 8, 2023).

<sup>20</sup> Letter from Naz Durakoğlu, Asst. Sec’y, U.S. Dep’t of State, to Michael T. McCaul, Chairman, HFAC (Sept. 15, 2023).

<sup>21</sup> Call between HFAC Majority staff and U.S. Dep’t of State staff (Oct. 11, 2023).

<sup>22</sup> Email from HFAC Majority staff to U.S. Dep’t of State staff (Oct. 16, 2023, 15:40 ET) (on file with author)

<sup>23</sup> Letter from Naz Durakoğlu, Asst. Sec’y, U.S. Dep’t of State, to Michael T. McCaul, Chairman, HFAC (Oct. 20, 2023).

<sup>24</sup> *Id.*

<sup>25</sup> Call between HFAC Majority staff and U.S. Dep’t of State staff (Nov. 16, 2023).

confidentiality.<sup>26</sup> Department officials informed Committee staff that members of senior Department leadership were personally assessing the Committee’s request.<sup>27</sup>

On November 28, 2023, the Committee once more requested the interview notes, stating that the Department had failed to produce any high-priority items in its last eight productions.<sup>28</sup> The Committee set a deadline of December 8, which, again, lapsed.<sup>29</sup> For the next month, the Department stated the priority items requested, including the AAR team’s interview notes, “either belong to a third agency or implicate significant Executive Branch confidentiality interests.”<sup>30</sup>

On January 12, 2024, Committee staff communicated to Department officials my willingness to consider proposed accommodations to facilitate production of the AAR interview notes.<sup>31</sup> Committee staff also stressed the legislative need for these primary source documents. Department officials, in response, stated that the Deputy Secretary for Management and Resources, Rich Verma, personally reviewed the interview notes and they are being withheld by the White House and National Security Council.<sup>32</sup> The officials communicated this decision is now above their “paygrade.”<sup>33</sup>

The Department’s stated reasons for withholding the interview notes are not rooted in law and, in fact, contravene Congress’s constitutional and statutory oversight authority.<sup>34</sup> The law does not afford the State Department blanket authority to hide behind “Executive Branch confidentiality interests” to obstruct Congress’s access to the truth.<sup>35</sup> The Committee has pursued the AAR team’s interview notes in good faith and with every effort to compromise. The Department has not negotiated in good faith and has failed to both comply with the Committee’s July 2023 subpoena and fulfill your August 11 personal commitment to cooperate with this investigation.

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<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> Letter from Michael T. McCaul, Chairman, HFAC, to the Hon. Antony Blinken, Sec’y of State, U.S. Dep’t of State (Nov. 28, 2023).

<sup>29</sup> *Id.*

<sup>30</sup> Letter from Naz Durakoğlu, Asst. Sec’y, U.S. Dep’t of State, to Michael T. McCaul, Chairman, HFAC (Dec. 8, 2023); Letter from Naz Durakoğlu, Asst. Sec’y, U.S. Dep’t of State, to Michael T. McCaul, Chairman, HFAC (Dec. 16, 2023).

<sup>31</sup> Call between HFAC Majority staff and U.S. Dep’t of State staff (Jan. 12, 2024).

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> U.S. CONST. art. I, § 8, cl. 1; *McGrain v. Daugherty*, 273 U.S. 135, 174 (1927) (holding that “the power of inquiry—with process to enforce it—is an essential and appropriate auxiliary to the legislative function”); *Eastland v. U.S. Servicemen’s Fund*, 421 U.S. 491, 504 (1975) (holding that “the power to investigate is inherent in the power to make laws”); *Barenblatt v. United States*, 360 U.S. 109, 111 (1959) (holding that “the scope of power of inquiry . . . is as penetrating and far-reaching as the potential power to enact and appropriate under the Constitution.”); 22 U.S.C. § 2680 (“The Department of State shall keep the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives fully and currently informed with respect to all activities and responsibilities within the jurisdiction of these committees. Any Federal department, agency, or independent establishment shall furnish any information requested by either such committee relating to any such activity or responsibility.”).

<sup>35</sup> Letter from Naz Durakoğlu, Asst. Sec’y, U.S. Dep’t of State, to Michael T. McCaul, Chairman, HFAC (Dec. 8, 2023); Letter from Naz Durakoğlu, Asst. Sec’y, U.S. Dep’t of State, to Michael T. McCaul, Chairman, HFAC (Dec. 16, 2023).

It is appalling that over two years after the deadly and chaotic withdrawal, the Department continues to choose politics over policy.

For these reasons, the Committee intends to pursue holding you in contempt of Congress if you fail to produce the AAR team's interview notes by March 6, 2024.

Sincerely,

A handwritten signature in blue ink that reads "Michael T. McCaul". The signature is written in a cursive, slightly slanted style.

Michael T. McCaul  
Chairman  
House Foreign Affairs Committee

Enclosures

Cc:

Rep. Gregory W. Meeks, Ranking Member  
House Foreign Affairs Committee