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ONE HUNDRED EIGHTH CONGRESS

# Congress of the United States

## House of Representatives

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May 4, 2004

The Honorable Tom Davis  
Chairman  
Committee on Government Reform  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

I am writing to request that the Committee immediately investigate allegations that private contractors participated in the illegal and systemic abuse of Iraqi detainees at the Abu Ghraib Army prison outside Baghdad.

There appears to be substantial evidence that U.S. military and intelligence personnel subjected Iraqi detainees to physical, psychological, and sexual abuse at the Abu Ghraib prison in late 2003. A report by Major General Antonio M. Taguba found multiple instances of “sadistic, blatant, and wanton criminal abuses” at the prison.<sup>1</sup> The report found evidence of detainees being sodomized with a broomstick or chemical light and threatened and bitten by military dogs.<sup>2</sup> Disturbing photographs also have surfaced. One depicts seven hooded and naked Iraqis piled on top of each other in a pyramid with smiling soldiers in the background. Another shows a hooded prisoner standing on a box with wires attached to his hands. According to the Army, the prisoner “was told that if he fell off the box, he would be electrocuted.”<sup>3</sup> Six American soldiers are now facing court martial in Iraq.

Unfortunately, it appears that private contractors may also have been involved in abusing prisoners at Abu Ghraib. According to media reports, two private companies, CACI International and Titan Corp., assisted with interrogations.<sup>4</sup> The accused soldiers claim that civilian contractors conducted interrogations and “urged military police ... to take steps to make

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<sup>1</sup> *Torture at Abu Ghraib*, New Yorker (May 3, 2004).

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

<sup>3</sup> *Abuse of Iraqi POWs By GIs Probed*, CBS News (Apr. 29, 2004).

<sup>4</sup> *Iraqi Prisoner Abuse Appears More Extensive*, Los Angeles Times (May 2, 2004).

prisoners more responsive to questioning.”<sup>5</sup> One of the soldiers alleges that civilian contractors were involved in an interrogation that left a prisoner dead.<sup>6</sup> A civilian interrogator reportedly told Army investigators that he had “broken several tables during interrogations” while attempting to “fear up” prisoners.<sup>7</sup> In addition, military investigators informed *The Guardian* that a CACI instructor was terminated for allowing or instructing military police to “facilitate interrogations by setting [unauthorized] conditions.”<sup>8</sup> General Taguba concluded that two CACI employees were among those “either directly or indirectly responsible for the abuse at Abu Ghraib.”<sup>9</sup>

The involvement of private contractors in these abuses raises many issues. One important question is whether it is appropriate for the Defense Department to turn to private contractors to assist in the interrogation of prisoners. A second question is what sanctions apply when private contractors operating in Iraq engage in outrageous abuse. It appears that military law does not apply to civilian contractors. Colonel Jill Morgenthaler of U.S. Central Command explained, “One contractor was originally included with six soldiers, accused for his treatment of the prisoners, but we had no jurisdiction over him. It was left up to the contractor on how to deal with him.”<sup>10</sup> Peter W. Singer, a fellow at the Brookings Institution, is concerned that “[w]e’ve let the contractors fall through a gap in the law.”<sup>11</sup>

As the primary investigative committee in the House of Representatives and the committee with jurisdiction over government contracting, our Committee should conduct a vigorous investigation of the alleged role of civilian contractors in the abuse of prisoners at Abu Ghraib. The Committee should request copies of the Army’s reviews of treatment of detainees at the prison, as well as a briefing on the role of private contractors in interrogating prisoners there. We should also seek to determine who has jurisdiction over alleged criminal behavior by private contractors in Iraq, the source of the applicable law, and what, if any, standards or guidelines apply to civilian contractors involved in interrogation.

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<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> CBS News, *supra* note 3.

<sup>8</sup> *U.S. Military in Torture Scandal*, *The Guardian* (Apr. 30, 2004).

<sup>9</sup> *New Yorker*, *supra* note 1.

<sup>10</sup> *Los Angeles Times*, *supra* note 4.

<sup>11</sup> *Contractors Fall Through Legal Gaps*, *Los Angeles Times* (May 4, 2004).

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Other committees may examine the military's involvement in this inexcusable episode. I hope you will agree with me that our Committee has a unique responsibility to investigate the involvement of private contractors in this incident.

Sincerely,

A handwritten signature in black ink that reads "Henry A. Waxman". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Henry A. Waxman  
Ranking Minority Member