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ONE HUNDRED EIGHTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

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May 11, 2004

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INDEPENDENT

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

Dear Mr. Chairman:

Last week, Ranking Member Waxman wrote to urge you to investigate the allegations that civilian contractors participated in the grotesque abuse of Iraqi detainees at the Abu Ghraib Army prison outside of Baghdad. According to *The Hill*, however, the Republican chairs of the committees of jurisdiction in the House, including you, have decided not to investigate these abuses and will defer instead to the Administration's internal investigations. This is an abdication of Congress' constitutional oversight responsibility, and we urge you to reconsider.

There appears to be a concerted effort by the Republican House leadership not to investigate the Abu Ghraib prison abuses. H. Res. 627, which the House passed last week, urged the Defense Department to investigate itself. It omitted any reference to the need for independent congressional investigations. According to *The Hill*, Republican leaders have rejected congressional investigations because, as Chairman Ney put it, "America's reputation has been dealt a serious blow. . . . The last thing our nation needs now is for others to enflame [*sic*] this hatred by providing fodder and sound bites for our enemies."¹

This approach is fundamentally misguided. The Bush Administration has been shielded from serious congressional oversight for far too long. This lack of accountability has been an invitation to abuse. And it has fostered an atmosphere of secrecy and disdain for the principle of open government. Contrary to Chairman Ney's assertions, it is not unpatriotic to hold the Administration accountable for its actions; it's what our constitutional duties require.

There are many questions that Congress should investigate relating to the Abu Ghraib abuses, and our Committee, which has unlimited oversight jurisdiction over the executive branch, unquestionably has the authority to launch a broad investigation. But we are not

¹ *House GOP Defer to Bush on Iraq Abuses*, *The Hill* (May 6, 2004).

requesting that you take this step at this time. Instead, we are asking that you examine the issue that is uniquely within our jurisdiction: the role of private contractors in the prison abuses.

According to General Antonio Taguba's report and news accounts, civilian contractors have been implicated in the abuse of prisoners at Abu Ghraib. Two private companies, CACI International and Titan Corporation, apparently assisted with interrogations.² General Taguba concluded that two civilian contractor employees were among those "either directly or indirectly responsible for the abuse at Abu Ghraib."³ The accused soldiers claim that civilian contractors not only conducted interrogations but also "urged military police . . . to take steps to make prisoners more responsive to questioning."⁴ Moreover, a senior intelligence official disclosed that an Iraqi detainee died from internal injuries during an interrogation that involved a CIA contractor-translator.⁵

The involvement of private contractors in these abuses raises a host of issues. A fundamental question is whether it is appropriate for the Defense Department and CIA to hire private contractors to assist in the interrogation of prisoners. A second question is what laws apply and what sanctions are available when private contractors operating in Iraq engage in abuse. It appears that military law does not apply to civilian contractors. Colonel Jill Morgenthaler of the 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."⁶ Yet another question is what, if any, standards apply to the hiring and supervision of contractors involved in interrogations. There have been reports of civilian interrogators and translators being sent to Iraq without complete background checks and without sufficient qualifications, working "barely supervised" once in Iraq.⁷

As the primary investigative committee in the House of Representatives and the committee with jurisdiction over government contracting, the Committee has an obligation to hold a hearing to investigate the role of civilian contractors in the abuse of prisoners at Abu

² *Iraqi Prisoner Abuse Appears More Extensive*, Los Angeles Times (May 2, 2004).

³ *Torture at Abu Ghraib*, New Yorker (May 3, 2004).

⁴ *Iraqi Prisoner Abuse Appears More Extensive*, *supra* note 2.

⁵ *Ashcroft Says U.S. Can Prosecute Civilian Contractors for Prison Abuse*, Washington Post (May 7, 2004).

⁶ *U.S. Military in Torture Scandal*, Guardian (Apr. 30, 2004).

⁷ *Contractors in Sensitive Roles, Unchecked*, New York Times (May 7, 2004).

Ghraib. While other committees can examine the military's involvement in this appalling pattern of abuse, it is our Committee's special responsibility to investigate the involvement of private contractors. We urge you to call immediate hearings so that we can fulfill this responsibility.

We appreciate that you try to run the Committee in a fair and bipartisan manner. And we recognize that the Committee has held a number of hearings at the minority's request, including the recent hearing into reconstruction contracts in Iraq. But the Committee has repeatedly failed to fulfill its oversight functions when serious allegations of Administration misconduct have been raised. Three prominent examples are the Committee's refusal to hold hearings on the manipulation and misuse of intelligence about Iraq, the outing of Ambassador Joe Wilson's wife, and the withholding of the Medicare cost estimates. These failures to investigate may provide a short-term political benefit to the White House, but in the long run they damage the Administration by reinforcing the image that this Administration is accountable to no one.

For these reasons, we respectfully urge you to reconsider your position on the Abu Ghraib abuses.

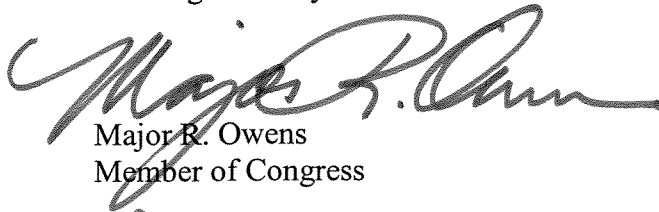
Sincerely,



Henry A. Waxman
Ranking Minority Member



Tom Lantos
Member of Congress



Major R. Owens
Member of Congress



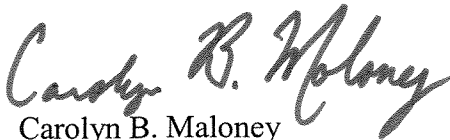
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Member of Congress



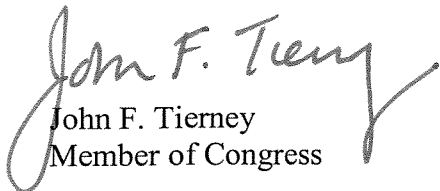
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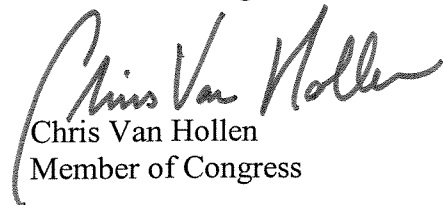
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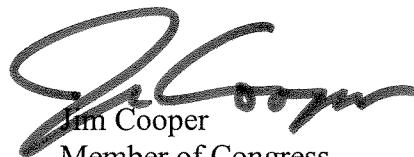
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