

**Washington, D.C.** - Congressman David Price (D-NC), a leading congressional proponent of private security contractor accountability, called on the Administration to help clear the legal fog that has contributed to lawless behavior by some contractors working in Iraq.

In a letter to Secretary of State Condoleezza Rice following an incident in which Blackwater USA contractors were alleged to have killed civilian Iraqis, Price wrote, "the incident requires immediate investigation and, if warranted, prosecution of any criminal acts."

News reports indicate that the Iraqi government is seeking to ban Blackwater from operating in the country, and that the Iraqi government may attempt to bring charges against the contractors involved under Iraqi law. This would be a significant development given that the Administration has failed to investigate or prosecute almost all previous allegations of abuse by contractors and has argued that contractors enjoy immunity from Iraqi law.

One major factor in the lack of accountability for private security contractors, Price notes in his letter, is a gap in the original law that was intended to bring contractors under the jurisdiction of U.S. courts. Price has legislation, H.R. 2740, which would clarify the law and ensure that all contractors working for a U.S. government agency would be covered by federal criminal codes. His bill would also establish F.B.I. investigative units in the war zone charged with investigating allegations of misconduct.

The text of Congressman Price's letter is below.

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September 17, 2007

The Honorable Condoleezza Rice

Secretary

U.S. Department of State

2201 C Street NW

Washington, DC 20520

Dear Secretary Rice:

I am writing with regard to today's press reports that private security contractors working for Blackwater USA were involved in an incident in Baghdad which left as many as eight Iraqi civilians killed and thirteen wounded.

As I understand it, Blackwater employees, working under a diplomatic security contract with the Department of State, were providing protection to an US Embassy motorcade when two mortar rounds landed near the convoy, prompting contractors to open fire. The reports, which indicate that the contractors used excessive or inappropriate force against civilians, are apparently credible enough that the Iraqi Government has decided to terminate the company's license to operate in Iraq. I hope you agree that the incident requires immediate investigation and, if warranted, prosecution of any criminal acts.

I would like to inquire about your plans to pursue an investigation and about the adequacy of existing legal authority to prosecute misconduct by contractors working under your authority.

First, what are your plans to investigate the incident?

Secondly, do you believe you have the legal authority to prosecute the individuals involved in

the September 16 incident if your investigation finds evidence of wrongdoing? As you know, the Military Extraterritorial Jurisdiction Act (MEJA) and the Uniform Code of Military Justice (UCMJ) extend only to contractor personnel "accompanying the force" or working "in support of a Defense Department mission." In your reading of these statutes, does their jurisdiction extend to the contractors involved in the September 16 incident? Are there other statutes which you would expect to apply in this case?

A related question is whether the contractors involved in the incident could potentially be prosecuted under Iraqi law. According to the Associated Press, an Iraqi Interior Minister spokesman has acknowledged that U.S. contractors are immune from prosecution under U.N. Security Council Resolution 1546, but has suggested that this resolution exempts security contractors from this immunity. Do you agree with this interpretation, and would you anticipate that any contractors charged by the Iraqi government with crimes in this incident would be prosecuted under Iraqi authority? If MEJA, UCMJ, or other statutes do not apply to such contractors, does our government have the discretion to cancel immunity or otherwise make accused contractors available to the Iraqi government for prosecution?

Finally, how do you intend to meet security needs that have been provided by Blackwater? Do you anticipate awarding a new contract for diplomatic security or otherwise replacing Blackwater USA? What immediate interim steps will be necessary to fulfill diplomatic security functions in Iraq?

The allegations related to the September 16 incident have the potential to become a flashpoint in terms of Iraqi antagonism toward U.S. personnel, with wide-ranging implications for our mission and our troops. There is no question that the lack of clarity surrounding the legal options for prosecuting criminal acts has significantly undermined our efforts in Iraq.

To address this uncertainty in the law, I have introduced legislation (H.R. 2740) to clarify that all contractors working for the United States Government in theaters where our military is conducting contingency operations could be prosecuted under the authority of MEJA. I request your support and assistance in enacting this legislation so that we will have the tools to hold accountable those who recklessly flout the rule of law and endanger our troops and mission.

I look forward to your response clarifying the questions posed above. Thank you for your attention to this matter.

Sincerely,

DAVID PRICE

Member of Congress