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Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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September 25, 2007

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

Dear Madam Secretary:

I am writing about three extraordinary communications the Committee has received from the State Department regarding corruption within the Iraqi government, the operations of Blackwater USA, and the status of political reconciliation in Iraq.

First, Committee staff were informed yesterday that State Department officials with direct knowledge of corruption within the Maliki government would not be allowed to provide the Committee with "assessments which judge or characterize the quality of Iraqi governance or the ability/determination of the Iraqi government to deal with corruption" unless the Committee agreed to treat this information as classified and withhold it from the public.

Second, Blackwater has informed the Committee that a State Department official directed Blackwater not to provide documents relevant to the Committee's investigation into the company's activities in Iraq without the prior written approval of the State Department.

Third, the Committee staff were informed that you have refused to testify at any hearing called by this Committee to examine the progress of political reconciliation in Iraq, the impact of corruption in Iraq, and the Blackwater incident.

I urge you to reconsider the unusual positions you are taking. Congress has a constitutional prerogative to examine the impacts that corruption within the Iraqi ministries and the activities of Blackwater may have on the prospects for political reconciliation in Iraq. You are wrong to interfere with the Committee's inquiry.

The Corruption Investigation

As part of the Committee's investigation into corruption in Iraq, I sent you a letter on September 10, 2007, requesting interviews with State Department officials knowledgeable about reports of corruption within the Iraqi ministries and seeking copies of State Department reports on the status of anti-corruption efforts in Iraq.¹

Initially, the State Department refused to allow the Committee to speak with two officials, Vincent Foulk and Christopher Griffith, who worked in the State Department Office of Accountability and Transparency, which is responsible for monitoring corruption within the Iraqi ministries. As a result, the Committee issued subpoenas on September 20 for the deposition of these individuals.

Now the State Department is taking the position that investigators for the Committee may speak with these individuals, but that the investigators may not ask them questions that could embarrass the Maliki government unless the Committee agrees to refrain from any public discussion of their answers. State Department officials explained that any information about corruption within the Maliki government must be treated as classified because public discussions could undermine U.S. relations with the Maliki government.

This absurd position was confirmed in an e-mail sent to Committee staff last night at 6:55 p.m. In the e-mail, the State Department provided a description of the "redlines" that its employees may not cross in unclassified interviews scheduled for today. According to the State Department, the following information is now classified:

Broad statements/assessments which judge or characterize the quality of Iraqi governance or the ability/determination of the Iraqi government to deal with corruption, including allegations that investigations were thwarted/stifled for political reasons;

Statements/allegations concerning actions by specific individuals, such as the Prime Minister or other GOI officials, or regarding investigations of such officials.²

The scope of this prohibition is breathtaking. On its face, it means that unless the Committee agrees to keep the information secret from the public, the Committee cannot obtain information from officials in the Office of Accountability and Transparency about whether there is corruption within the Iraqi ministries, how extensive the corruption is, or whether the

¹ Letter from Rep. Henry A. Waxman, Chairman, House Committee on Oversight and Government Reform, to Secretary of State Condoleezza Rice (Sept. 10, 2007).

² E-mail from Joel E. Starr, Deputy Assistant Secretary of State for Legislative Affairs, to Staff, House Committee on Oversight and Government Reform (Sept. 24, 2007).

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corruption is funding the insurgency and undermining public confidence in the Iraqi government. The Committee also cannot obtain information about whether Mr. Maliki himself has been involved in corruption or has intervened to block corruption investigations of Iraqi officials close to Mr. Maliki.

The scope of the restrictions is so broad that my staff inquired yesterday whether Ambassador Ryan Crocker violated these restrictions when he testified to Congress earlier this month about the functioning of the Iraqi ministries. State Department officials responded that those statements were not classified because they would not complicate the State Department's relationship with the Maliki government.

This morning, Committee staff conducted a transcribed telephone interview with Mr. Foulk. Because of the restrictions placed on Mr. Foulk by the State Department, the interview was virtually worthless. The State Department officials participating on the call would not let Mr. Foulk answer whether there is large-scale corruption in Iraq, whether Iraqi ministers are blocking corruption probes, or whether corruption in Iraq is undermining U.S. efforts. Mr. Foulk stated that he was informed of these new restrictions just this morning and that he had never heard of them before.

At one point, Mr. Foulk was read a statement that you made in October 2006, in which you praised Prime Minister Maliki's efforts to combat corruption at the Interior Ministry. In this statement, you said:

I think he's a very good and strong prime minister. And you know, they're really starting to take actions. ... [W]e've said many times that the Interior Ministry in the prior government before the permanent government was put in place was not active enough in really rooting out potential corruption and potential violence within the Ministry itself, or of the Ministry forces. And so they are starting to really take some actions of that kind. So I think this is a strong prime minister.³

Mr. Foulk was asked whether he agreed or disagreed with this public statement. He said he could not answer this question under the ground rules established by the State Department because his opinion would be considered classified.

In effect, your position seems to be that positive information about the Maliki government may be disseminated publicly, but any criticism of the government must be treated as a national security secret. I suppose this would be an effective way for the Bush Administration to control the facts and debate about Iraq, but it has no place in our democracy.

³ Secretary of State Condoleezza Rice, *Briefing En Route Baghdad, Iraq* (Oct. 5, 2006).

The State Department has also refused to turn over to the Committee official reports on corruption in Iraqi ministries. The Committee requested these reports after reading press accounts that assert that the reports depict extensive corruption within the Iraqi ministries.⁴

The State Department initially informed Committee staff that the reports were designated "sensitive but unclassified." After receiving the Committee's inquiry, however, the State Department retroactively classified the documents and refused to provide them voluntarily to the Committee.

The Committee subpoenaed the documents last week, but they still have not been provided to the Committee in either classified or unclassified form.

Obviously, the State Department's position on this matter is ludicrous. Over 3,790 American soldiers have been killed in the Iraq War and another 28,000 have been wounded. The American people have already spent \$450 billion on the war. If there is widespread corruption within the Maliki government, this is information that both Congress and the public are entitled to know.

The Blackwater Investigation

The Committee is also investigating the recent incidents involving Blackwater and as part of this investigation made a request to the company for relevant documents last week.⁵ This morning, however, the Committee received a letter from Blackwater stating that the company has received a letter from the State Department that "directs Blackwater USA not to disclose any information concerning the contract without DOS pre-authorization in writing."⁶

Blackwater attached a copy of the letter it received from the State Department. In this letter, the State Department contracting officer writes: "I hereby direct Blackwater to make no disclosure of the documents or information" sought by the Committee without written authorization from the State Department.⁷

⁴ *Secret Report: Corruption is "Norm" Within Iraqi Government*, The Nation (Aug. 30, 2007). See also *Report Reveals Corruption in Iraq*, National Public Radio (Sept. 1, 2007); *Iraqi Official: "Corruption Has Crippled Iraq"*, MSNBC (Sept. 7, 2007).

⁵ Letter from Rep. Henry A. Waxman, Chairman, House Committee on Oversight and Government Reform, to Erik Prince, Chairman, The Prince Group (Sept. 21, 2007).

⁶ Letter from Stephen M. Ryan, Counsel to The Prince Group, to Rep. Henry A. Waxman, Chairman, House Committee on Oversight and Government Reform (Sept. 24, 2007).

⁷ Letter from Kiazan Money Penny, U.S. Department of State, to Fred Roitz, Blackwater USA (Sept. 20, 2007).

Earlier today, my staff contacted a member of your legislative affairs staff, who agreed to look into this matter and attempt to reverse the position taken by the contracting officer. This should happen without delay. Any interference with the Committee's documents request would be wholly inappropriate. Unless the President is prepared to make an assertion of executive privilege over the Blackwater documents, the State Department has no authority to prevent their transmission to Congress.

Testimony before the Committee

As Secretary of State, you have a preeminent role in fostering political reconciliation in Iraq. Although much attention has been paid to the role of the U.S. military in Iraq, most military leaders agree that the key to success in Iraq is political progress rather than military victories. As General Petraeus has stated:

There is no military solution to a problem like that in Iraq, to the insurgency of Iraq. Military action is necessary to help improve security ... but it is not sufficient. There needs to be a political aspect.⁸

Similarly, Defense Secretary Robert Gates has stated:

[T]his is not going to be solved by the military. It has to involve political reconciliation in Iraq among Iraqis. We're basically buying them time. That's the whole purpose of this strategy.⁹

You have recognized the significance of your role. As you stated in October 2006:

I'm really here and more on the political side because obviously the political side and the security side are linked. The ability to get a national reconciliation plan, to get everybody to understand precisely how their interests are going to be represented and how their interests are going to be served in this political process, to pull more people into the political process and out of the insurgency, more people into the political process and out of connections with militias, that's why the political process is so central. So I'm really more focused on the political process.¹⁰

Because of your responsibility for promoting political reconciliation, I asked my staff to work with your staff to arrange a mutually agreeable date for you to testify before the Committee regarding these matters. In numerous telephone calls and e-mails, my staff offered a host of

⁸ *General Says Iraq Talks Critical*, BBC (Mar. 8, 2007).

⁹ *Face the Nation*, CBS News (Mar. 18, 2007).

¹⁰ Secretary of State Condoleezza Rice, *Briefing En Route Baghdad, Iraq* (Oct. 5, 2006).

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possible dates to accommodate your schedule. Last night, however, your staff informed the Committee that you are "unavailable" for such a hearing. The only rationale offered by your staff was some unspecified "other interest" in having you testify elsewhere on Capitol Hill.

I appreciate that you may not want to answer questions about political reconciliation, corruption in Iraq, and Blackwater. But that is not a legitimate basis for refusing to appear before the principal oversight committee in the House about matters within your purview as Secretary of State.

Conclusion

I urge you to give these matters your immediate attention, to direct your staff to cooperate with the Committee's inquiry, to instruct Blackwater to comply with the Committee's document request, and to arrange a mutually convenient time in October for your testimony before the Committee.

Sincerely,



Henry A. Waxman
Chairman

cc: Tom Davis
Ranking Minority Member