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Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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October 5, 2007

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

Dear Madame Secretary:

I am writing to express concern that the State Department may have failed to report important facts about a private military contractor's killing of a guard for the Iraqi Vice President and thereby facilitated the hiring of that individual to work on another contract in support of the Iraq War only two months after the homicide.

On October 2, 2007, the Committee held a hearing to examine the mission and performance of Blackwater USA and its affiliated companies in Iraq and Afghanistan. Blackwater holds a \$1.2 billion contract with the State Department to provide security services to protect State Department personnel in Baghdad and around the world. The State Department, represented by Ambassador David Satterfield, Assistant Secretary of State Richard Griffin, and Deputy Assistant Secretary of State William Moser, testified at the hearing.

One episode that was the subject of questioning at the hearing was the December 24, 2006, shooting of a guard for the Iraqi Vice President by a Blackwater contractor. The contractor, who has since been identified in media reports as Andrew Moonen, shot and killed the guard in a confrontation in the Green Zone. As described at the hearing, the State Department and Blackwater cooperated to have Mr. Moonen flown out of Iraq within 36 hours of the shooting and to make a cash payment to the victim's family as "the best way to assure the Iraqis don't take steps, such as telling Blackwater that they are no longer able to work in Iraq."¹ Although the State Department has asserted that the Justice Department is continuing to investigate the matter, to date no charges have been brought against Mr. Moonen.

Serious questions now exist about whether the State Department may have withheld from the U.S. Defense Department facts about this Blackwater contractor's shooting of the Iraqi guard

¹ E-Mail from Charge d'Affaires, to Regional Security Officer (Dec. 25, 2006).

that should have prevented his hiring to work on another contract in support of the Iraq War. Today, CNN reported that in February 2007, Mr. Moonen was hired by Combat Support Services Associates (CSA), a Defense Department contractor, to work in Kuwait through August 2007. According to this report, "Because the State Department and Blackwater kept the incident quiet and out of Moonen's personnel records, CSA was unaware of the December incident when it hired Moonen."² The report also stated that in April 2007, the U.S. Army tried to call Mr. Moonen, a veteran of the 82nd Airborne Division, back to active duty, but cancelled the request upon learning that he was already overseas.³

This report is partially corroborated by a February 13, 2007, e-mail from an Army investigator to Blackwater in which he described a recent sighting of Mr. Moonen in the Green Zone:

Moonen was believed to have been seen by Security Forces personnel in the International Zone here in Baghdad. Has he returned here or is he still in the Washington?⁴

This report that Mr. Moonen was allowed to return to the Middle East to work on another security contract for a different company just two months after the December 24 shooting raises obvious concerns about the actions of the State Department and Blackwater. It is hard to reconcile this development with the State Department's claim that "We are scrupulous in terms of oversight and scrutiny not only of Blackwater but all of our contractors."⁵

The report also raises questions about several claims made at the hearing regarding steps taken to prevent re-employment of offenders. Blackwater Chairman Erik Prince testified that Blackwater "made sure his clearance was cancelled" so that Mr. Moonen would "never work in a clearance capacity for the U.S. government again."⁶ Assistant Secretary Griffin testified that "[t]he DS HTP program office (in Washington) maintains records of personnel terminated for cause from the WPPS program in order to prevent them from re-entering the program with

² *Contractor Involved in Iraq Shooting Got Job in Kuwait*, CNN.com (Oct. 5, 2007).

³ *Id.*

⁴ E-Mail from Army CID Special Agent to Blackwater (Feb. 13, 2007).

⁵ State Department, *Daily Press Briefing* (Oct. 1, 2007).

⁶ Testimony of Erik Prince, *Hearing of the House Committee on Oversight and Government Reform: Blackwater USA: Private Military Contractor Activity in Iraq and Afghanistan* (Oct. 2, 2007).

another contractor.”⁷ These steps were apparently insufficient to prevent Mr. Moonen from securing re-employment in the Iraq War.

In light of this report, I request that the State Department produce the following documents to the Committee by Friday, October 12, 2007, at 12:00 noon:

1. All personnel records and other documents relating to Andrew Moonen;
2. All communications and other documents relating to the possible or actual inclusion of notations in files, reports, or other records that would serve to inform future government or contractor employers of Mr. Moonen’s involvement in the Christmas Eve shooting;
3. All communications and other documents relating to any efforts to have Mr. Moonen’s security clearance revoked following the Christmas Eve shooting;
4. All communications and other documents relating to any efforts to notify the Defense Department or other government contractors, of Mr. Moonen’s involvement in the Christmas Eve shooting; and
5. All documents relating to the consideration and delivery of a monetary payment to the family of the victim of the Christmas Eve shooting.

In addition, I renew my request, as stated in my letter of September 14, 2007, for all documents relating to the Christmas Eve shooting, the investigation into that incident, and any sanctions or corrective actions imposed on the individual or Blackwater resulting from the investigation. These documents should also be produced by Friday, October 12, 2007, at 12:00 noon.

I will also be requesting documents and information from Combat Support Services about the hiring of Mr. Moonen.

In addition to the documents requested above, I also request by this date a briefing by the State Department regarding all steps taken, if any, following the Christmas Eve shooting to ensure that Mr. Moonen would not work under any government contract related to the Iraq War.

The Committee on Oversight and Government Reform is the principal oversight committee in the House of Representatives and has broad oversight jurisdiction as set forth in House Rule X. Enclosed with this letter are instructions on how to respond to the Committee’s

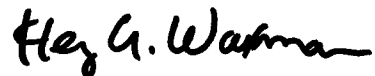
⁷ Testimony of Richard J. Griffin, Assistant Secretary of State, *Hearing of the House Committee on Oversight and Government Reform: Blackwater USA: Private Military Contractor Activity in Iraq and Afghanistan* (Oct. 2, 2007).

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document request. All documents should be produced with no redactions unless agreed to by Committee staff.

If you have any questions about this request, please contact Theodore Chuang or Christopher Davis of the Committee staff at (202) 225-5420.

Sincerely,

A handwritten signature in black ink that reads "Henry A. Waxman". The signature is written in a cursive, slightly slanted style.

Henry A. Waxman
Chairman

Enclosure

cc: Tom Davis
Ranking Minority Member