Statement of Andrew Howell, Esq.
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For
The Committee on Oversight and Government Reform
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Chairman Waxman, Congressman Davis, Members of the Committee, my name is Andrew Howell and I am the General Counsel of Blackwater USA—a team of dedicated security professionals whose primary mission is to protect the lives of Americans in very dangerous places. More specifically, Blackwater professionals, most of whom are military veterans, voluntarily go in harm's way at the request, direction, and control of the United States Government in order to provide security for U.S. personnel, facilities, and diplomatic missions. Chances are, if and when you as Members of Congress and your staffs travel into Iraq, your lives will be protected for at least part of the trip by Blackwater professionals.

Areas of Iraq are among the most dangerous places on Earth, where violence against Americans is endemic. Our people on the ground there choose to put their lives on the line daily in the service of our country. On behalf of Blackwater, I thank them for their service, especially those wounded or killed in the line of duty. I express again our deepest condolences to the families of our fallen colleagues, both those who appeared here today on the previous panel and those families who are not here today. Losing our teammates is the hardest reality of our profession.

Just two weeks ago, we lost five good men who were shot down in Iraq protecting a diplomatic convoy. This week we have had another man critically wounded. Our thoughts and prayers are with their families. I would like to read the statement of US Ambassador to Iraq Khalilzad on the tragic incident of just two weeks ago:

> **"These five American citizens were our colleagues and worked on behalf of the United States Government to protect American diplomats and missions in Iraq. They were killed during an attack on a security detail in eastern Baghdad where two Embassy employees were attending a routine meeting. . . . They represent the best of America, showing valor and courage in the work they did each day."**

And the words of State Department Spokesman Sean McCormick:

> **"These men assisted the Bureau of Diplomatic Security in protecting American diplomats and missions in Iraq. They played a critical role in our effort to bring a better way of life to the people of a country who had never experienced freedom and opportunity. We will always remember their courage, commitment, and ultimate sacrifice for their country."**

These messages recognize the dedication, capability, and sacrifice of our teammates. Like the other good men we have lost in the line of duty, these five are heroes who embody the best of who we are and who we strive to be.

Such dedication, however, is by no means atypical. I would like to briefly share with you today the unclassified and non-sensitive aspects of a recent event that reflects the dedication and heroism of our teammates that some so casually label "mercenaries." On a recent October afternoon, two Blackwater "little bird" helos, BW33 and BW34, were returning from a mission, when BW34 observed a US Army motorcade that had been attacked by an insurgent-placed explosive formed projectile charge (EFP). Our aircrew saw that the vehicles struck by the EFP contained numerous US casualties, and they made the decision to land at the site, help the wounded and provide medevac assistance.

Mark, a Blackwater medic, exited BW33 on landing, while John, another of our professionals, provided security. Mark quickly went to work assessing the wounded and beginning triage. Meanwhile, BW 34 with Door Gunners Emmett and Steve provided overhead protective cover for BW 33, anticipating the all-too-common secondary attack during rescue efforts. BW 34 also requested additional Blackwater medium-lift helicopters respond to the scene and assist with the medevac due to the potential number of casualties involved. Mark made a rapid care decision and our team used BW33 to transport two of the more seriously wounded to a Combat Surgical Hospital (CSH) in the International Zone. Mark remained behind to continue treating other wounded servicemembers, while John accompanied the evacuees and provided in-

flight care. BW 34 remained on scene to protect Mark, the wounded, and the other soldiers on the ground.

Shortly thereafter, BW 126 carrying Door Gunners Saleem and Andrew, and BW 608 with Door Gunners Luigge and Gregg arrived on scene. The gunners set up a security perimeter and began loading wounded soldiers for transport. Luigge (Medic) immediately assisted Mark with medical duties and evacuated the remaining wounded to the CSH.

Throughout this incident each individual performed his duties flawlessly, with the utmost concern for the wounded and the safety of all those involved. Their calm demeanor and actions prevented unnecessary casualties during the rescue efforts and saved the lives of five US soldiers. The events of that October afternoon are typical of our team.

The dedicated professionals serving today in Iraq are part of our nation's total force. In fact, just last month, during an appearance before the Senate Armed Services Committee, Lt. Gen. David Petraeus, the new commander in Iraq, said he counts "contract security forces" among the assets available to him to deal with the enemy insurgency. To be clear, we do not engage in offensive operations, but our defensive security function helps to unburden more of those in uniform to do so.

With regard to the important policy issues we will discuss today, we look forward to working with this Committee and with Congress so that the right laws, policies and procedures are in place to ensure that private security contractors can support our nation's essential security missions. Even as we provide that support, we are fully accountable and are subject to the laws, treaties and regulations of the United States. Even in our work with foreign allies or foreign companies, we must seek and receive the approval of the United States Government before providing any sort of defense services.

I hope you will understand that there are matters that I cannot discuss in an open forum such as this—especially matters relating to operational security or matters that our government has classified. I will endeavor to answer your questions as fully as possible with these

restrictions in mind. However, my task is even more complicated. Our company comes before this Committee today engaged in litigation in North Carolina. As you know, Committee staff provided us with a copy of a December 13, 2006, letter from plaintiffs' counsel to Speaker Pelosi effectively requesting that Congress hold this hearing.

In light of this obvious attempt by the plaintiffs' lawyers to use this hearing for their own purposes, I respectfully request careful consideration of the impact of Blackwater being asked in an open oversight hearing questions requested by one party in ongoing litigation. The four men murdered by our nation's enemies, whose deaths we still mourn, were killed with malice aforethought by those whose goal that day was, simply put, to murder Americans. Those who perpetrated the acts of terror that led to the deaths in Fallujah will never be witnesses before this Congress. Nor can our comrades killed in action be called upon to testify.

Litigation is conducted according to the rule of law before an impartial judge or jury hearing direct testimony over many days from witnesses and experts. After a case is complete, the issues raised in it may provide policy issues for Congress to consider. But Congressional intervention at this early stage of a litigation, at the request of one party, can have not only the expected and intended effects, but can have unexpected negative effects and even be unlawful. Our hope is that this hearing will not delve into an incomplete and one-sided exploration of a specific battlefield incident, but rather will explore the important policy issue of whether death and disability benefits of contractors and service members should remain roughly the same, as current Congressional policy dictates.

At Blackwater, we are proud to serve the United States. Every day our professionals protect other Americans serving our country in harm's way. We are a professional organization that got its start in 1997. Our first government contract was in 1998. In Iraq, the overwhelming majority of our contracts have been for services on a firm fixed-price basis with some costs reimbursed, rather than on the "cost plus" basis that is currently a source of concern. We are accountable under numerous laws and to the United States government clients we serve.

Our professionals are highly skilled and experienced. Yet for all of the experience and training, no one can guarantee that they will always be safe when they step into a war zone. Our

enemy has ensured that. Whether it is through a well designed ambush or while taking heavy gunfire from the ground, our teammates are targets of the same ruthless enemies who have killed over 3,000 American military personnel and thousands of innocent Iraqis. Like the uniformed military personnel alongside whom we serve, Blackwater professionals fulfill our duties with the full understanding of the extreme danger we face. Although our teammates have bled and even died in our mission of protecting other Americans, we have never lost a protectee, and our support for and dedication to our nation remain strong.

I am prepared to answer whatever questions I can under these unfortunate circumstances.