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Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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October 30, 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 reports that State Department officials conferred immunity on the Blackwater guards involved in the September 16 shooting incident at Nisoor Square in Baghdad that resulted in the deaths of 17 Iraqi civilians.

Multiple news reports are asserting that the State Department compromised the investigation into the shootings and the potential for prosecutions of Blackwater personnel by offering immunity to the Blackwater guards.¹ According to one report, agents of the State Department's Bureau of Diplomatic Security promised Blackwater personnel "immunity from prosecution" in order to elicit statements.² Another report stated that the State Department offered "limited-use immunity" without authority to do so and without consulting with the Justice Department.³ According to these accounts, prosecution of Blackwater personnel has become, at a minimum, "a lot more complicated and difficult."⁴

This rash grant of immunity was an egregious misjudgment. It raises serious questions about who conferred the immunity, who approved it at the State Department, and what their motives were. To help the Committee investigate these matters, I request that the State

¹ *Charges Uncertain in Blackwater Shooting*, Associated Press (Oct. 29, 2007); *Immunity Jeopardizes Iraq Probe*, Washington Post (Oct. 30, 2007); *Immunity Deals Offered to Blackwater Guards*, New York Times (Oct. 30, 2007).

² *Charges Uncertain in Blackwater Shooting*, Associated Press (Oct. 29, 2007).

³ *Immunity Deals Offered to Blackwater Guards*, New York Times (Oct. 30, 2007).

⁴ *Immunity Jeopardizes Iraq Probe*, Washington Post (Oct. 30, 2007).

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Department provide written responses to the following questions no later than noon on Friday, November 2, 2007:

1. What form of immunity was offered to the Blackwater personnel?
2. What limitations does this form of immunity impose upon the investigation?
3. Who authorized the offers of immunity?
4. Who was aware of the offers of immunity at or before the time that they were delivered?
5. When did you, Deputy Secretary of State John Negroponte, former Assistant Secretary of State Richard Griffin, Ambassador David Satterfield, and Ambassador Ryan Crocker learn of the grant of immunity?
6. What consultation, if any, was conducted with the Justice Department prior to the offers of immunity?
7. Has the State Department ever offered immunity to security contractor personnel as part of other investigations into contractor conduct? Please describe each such occasion.

I further request that knowledgeable officials appear at the previously scheduled briefing for Committee staff on November 2 to respond to questions about the State Department's written response to these questions.

Finally, I request that the State Department produce the following documents no later than Friday, November 9, 2007:

1. All communications relating to any offers of immunity to Blackwater personnel relating to the September 16, 2007, Nisoor Square incident; and
2. All communications relating to any offers of immunity to Blackwater personnel or other private military contractors relating to other incidents in Iraq.

At this point, the Committee is not seeking information from any witness statements obtained as a result of any grant of immunity. If any such information is contained in documents that are responsive to the Committee's request, it may be redacted prior to the production of the documents to the Committee.

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

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House Rule X. Enclosed with this letter are instructions on how to respond to the Committee's document request.

If you have any questions, please contact me or ask your staff to 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, flowing style.

Henry A. Waxman
Chairman

Enclosure

cc: Tom Davis
Ranking Minority Member