

Congress of the United States
House of Representatives
Washington, DC 20515

May 17, 2012

Mr. Michael T. Duke
Chief Executive Officer
Wal-Mart Stores, Inc.
702 SW 8th Street
Bentonville, AR 72716

Dear Mr. Duke:

On April 23, 2012, we sent you a letter relating to allegations in a New York Times article that top Wal-Mart executives covered-up the actions of company officials in Mexico who “orchestrated a campaign of bribery to win market dominance.”¹ Since then, we have obtained hundreds of internal documents relating to the Wal-Mart bribery allegations. These documents appear to confirm the accuracy of the New York Times report and raise additional questions about your company’s conduct.

The documents we have received show that a key individual with knowledge of Wal-Mart’s activities in Mexico is Maritza Munich, the former general counsel of Wal-Mart International. The Times reported that Ms. Munich had “pushed the [Wal-Mart] board to adopt a strict anticorruption policy,” “reacted quickly” when notified of the allegations of improper payments, and expressed concern about the independence and thoroughness of the company’s internal investigation.²

The documents we have received corroborate the New York Times report and add important new details. For example, they indicate that after she reviewed a draft report of Wal-Mart’s actions in Mexico, Ms. Munich recommended via e-mail that “the needed follow-up investigation should extend beyond the specific transactions contained in this draft report to other potentially suspect transactions not yet identified.”³

¹ *Vast Mexico Bribery Case Hushed Up by Wal-Mart After Top-Level Struggle*, New York Times (Apr. 21, 2012) (online at www.nytimes.com/2012/04/22/business/at-wal-mart-in-mexico-a-bribe-inquiry-silenced.html?_r=).

² *Id.*

³ See, e.g., Email from Maritza Munich, General Counsel, Wal-Mart International, to Bob Ainley, Director of International Audit Services, Wal-Mart Stores, Inc., Michael Fung, Senior Vice President, Internal Audit Services, Wal-Mart Stores, Inc., Ronald Halter, Special Investigator, Wal-Mart Stores, Inc., Tom Mars, Senior Vice President and General Counsel, Wal-Mart Stores, Inc., and Martin J. Weinstein, Willkie, Farr, and Gallagher LLP (Jan. 18, 2006).

In addition, the documents we received show that Ms. Munich resigned effective February 1, 2006, and that three months later, her replacement, Alberto Mora, determined that the investigation should be concluded without further action.⁴

As part of our investigation, the staffs of our two Committees have contacted Ms. Munich. Through counsel, Ms. Munich indicated that she wanted to speak with Wal-Mart representatives before speaking with us. We respectfully request that you authorize Ms. Munich to cooperate with our investigation and speak with our staffs.

We also request that you respond to our letter of April 23 without further delay. We appreciate that your counsel has tentatively scheduled a general briefing on Wal-Mart's "going forward FCPA compliance monitoring program."⁵ However, this briefing will not answer our questions about Wal-Mart's past actions. We believe our review of the documents we have received would be facilitated by the opportunity to learn your company's perspective.


We therefore request that you instruct your counsel to schedule immediately the briefing we requested in our April 23 letter so the company can answer our questions, as well as respond to new questions raised in the documents obtained by Democratic staff of the two Committees.

If you have any questions regarding this request, please contact Una Lee of the Oversight Committee staff at (202) 225-5051 or Tiffany Benjamin of the Energy and Commerce Committee staff at (202) 226-3400.

Sincerely,



Elijah E. Cummings
Ranking Member
Committee on Oversight and
Government Reform



Henry A. Waxman
Ranking Member
Committee on Energy and
Commerce

cc: The Honorable Darrell E. Issa, Chairman
Committee on Oversight and Government Reform

The Honorable Fred Upton, Chairman
Committee on Energy and Commerce

⁴ Email from Alberto Mora, Vice President and General Counsel, Wal-Mart International, to Jose Luis Rodriguezmacedo Rivera, General Counsel, Wal-Mart de Mexico (May 16, 2006).

⁵ Email from Counsel for Wal-Mart Stores, Inc. to Majority and Minority Committee Staffs, Committee on Oversight and Government Reform and Committee on Energy and Commerce (May 13, 2012).