



BARACK OBAMA: DEMANDING TRANSPARENCY AND ACCOUNTABILITY FROM PRIVATE SECURITY CONTRACTORS

Barack Obama, who opposed the war in Iraq in 2002, has consistently said that America cannot defeat 21st century threats on a conventional battlefield. And America cannot win a fight for hearts and minds when we outsource critical missions to unaccountable contractors. Barack Obama has been the leader on this issue in the U.S. Senate, having introduced legislation to address this problem in February. Obama's plan will make these operations more transparent and accountable.

Private Contractors Harming Counterinsurgency Efforts: An estimated 48,000 private security contractors are operating in Iraq, and more than 1,000 contractors have died in Iraq since 2003. The recent shooting on September 16 involving Blackwater that killed 17 Iraqis and wounded several others has increased attention to U.S. reliance on private security contractors in Iraq. But that incident was just the latest in a series of incidents in which that company's employees have engaged Iraqi government personnel or killed Iraqi civilians.

Yesterday, the Chairman of Blackwater testified before Congress that nearly 30 Blackwater employees have been killed in Iraq. On Monday, the House Oversight Committee released a report that found Blackwater guards had engaged in 195 shooting incidents since early 2005. Despite several instances of excessive use of force, including one drunken Blackwater employee killing a bodyguard of one of the Iraqi vice presidents, there is no evidence the State Department sought to hold anyone with Blackwater accountable. The report also said more than 80 percent of the incidents involved Blackwater guards firing first. In light of these findings, the Federal Bureau of Investigation announced it was sending a team to Baghdad to compile evidence for possible criminal prosecution.

Lack of Transparency and Accountability: Americans have the right to know about the role of and accountability for private security contractors. There are an estimated 180,000 or more contractors working in Iraq under contracts awarded by the Department of Defense, the State Department, U.S. Agency for International Development, and other federal agencies. Little is known about what functions these security contractors are actually performing, at what cost, the rules of engagement under which they are operating, and how many have been killed or wounded. Moreover, there is no clear legal framework under which contractors can be held accountable for criminal behavior. Accountability is essential in America's larger effort to bring a responsible end to the war in Iraq.

Security Contractor Accountability Plan: Unaccountable security contractors can act as if the law doesn't apply to them – because it doesn't. Obama's plan would require contractors to coordinate with the U.S. military to stop contractors from acting in ways that undermine our mission. Contractors would also have to follow rules of engagement when they use force and comply with U.S. laws. When contractors break the law, they will be prosecuted. Obama's plan would also establish F.B.I. in-theater units to investigate every incident for which there is reasonable suspicion of criminal felony misconduct. This should not just be a temporary job for the F.B.I. – it should be one of their permanent responsibilities.

Reliance on Highly-Paid Security Contractors Undermine Morale of the Troops: Private security contractors are paid significantly more than U.S. troops. A recent *Washington Post* article revealed that a senior manager for Blackwater who oversees a security team of 34 people earns **double** what the U.S. top commander in Iraq, General David Petraeus, earns. General Petraeus makes about \$493 each day, while an unmarried sergeant in Iraq earns around \$85 per day. Experts argue that this leads to lower troop morale and a capital flight of military personnel to the private sector.

Leadership on Blackwater: In February Obama introduced the Transparency and Accountability in Military and Security Contracting Act. The act would clarify the legal status of contractors, subjecting them to the Military Extraterritorial Jurisdiction Act (MEJA) to ensure that all contractors working in war zones – regardless of contracting agency – would be held accountable under U.S. law. Passed in 2000, MEJA says that contractors for the armed forces can be prosecuted under US law for crimes committed overseas. However, because companies like Blackwater have contracts with the State Department rather than the Defense Department, the company is not technically subject to that law. Obama’s bill would also require federal agencies employing private security contractors to report to Congress on the details of those arrangements, such as the total number and cost of contractors, the number of contractors killed or wounded, information about the military and safety equipment provided to contractors, and details of disciplinary action taken against contractors.

Obama has sent letters to President Bush, Secretary Gates, and Secretary Rice requesting answers on the Blackwater incident and on the role and accountability of contractors in general.

Last week, the Senate agreed to include several provisions of this bill to the FY2008 Defense Authorization bill. This would improve transparency in the number of contractors operating in Iraq and the missions they are conducting not only to safeguard taxpayers’ interests, but also to protect contractors.