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WINNING THE PEACE: COALITION EFFORTS TO RESTORE IRAQ

HEARING

BEFORE THE

COMMITTEE ON GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTH CONGRESS

FIRST SESSION

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WINNING THE PEACE: COALITION EFFORTS TO RESTORE IRAQ

WEDNESDAY, OCTOBER 8, 2003

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC.

The committee met, pursuant to notice, at 10:13 a.m., in room 2154, Rayburn House Office Building, Hon. Tom Davis of Virginia (chairman of the committee) presiding.

Present: Representatives Tom Davis of Virginia, Shays, Ose, Platts, Miller, Murphy, Turner, Carter, Janklow, Blackburn, Waxman, Maloney, Cummings, Kucinich, Davis of Illinois, Tierney, Clay, Van Hollen, Sanchez, Ruppersberger, and Norton.

Also present: Shuster, Rogers of Michigan, Shimkus, Walsh, Sherwood, Kolbe, Tiahrt, Hoekstra, Frelinghuysen, Pomeroy, Dicks, and Eddie Bernice Johnson of Texas.

Staff present: Peter Sirh, staff director; Melissa Wojciak, deputy staff director; Keith Ausbrook, chief counsel; David Young and John Hunter, counsels; Robert Borden, counsel/parliamentarian; Ellen Brown, legislative director and senior policy director; David Marin, director of communications; John Cuaderes, senior professional staff member; Teresa Austin, chief clerk; Brien Beattie, deputy clerk; Jason Chung, legislative assistant; Corrine Zaccagnini, chief information officer; Phil Barnett, minority chief counsel; Kristin Amerling and Michael Yeager, minority deputy chief counsels; Karen Lightfoot, minority communications director and senior policy advisor; Anna Laitin, minority communications and policy assistant; Jeff Baran, minority counsel; Earley Green, minority chief clerk; Jean Gosa, minority assistant clerk; and Cecelia Morton, minority office manager.

Chairman TOM DAVIS. Good morning. A quorum being present, the Committee on Government Reform will come to order.

I want to welcome everybody to today's hearing on the U.S. coalition efforts to restore peace, freedom, security, and dignity to the people of Iraq. On August 24th, I led an 11-member bipartisan delegation to see firsthand our efforts in Iraq. Before leaving the United States, I had no real idea of what to expect on my visit. After all, most press accounts of our efforts in Iraq were full of gloom and doom. But what we witnessed was an Iraq of great promise, vibrancy and vitality. We saw a nation with potential and a people that were enjoying the fruits of freedom in its infancy. We saw a remarkable progress throughout the country, whether it was a hospital in Baghdad or a new police station in Mosul.

We witnessed a busy market in Mosul where one could buy anything under the sun, including items that were forbidden under Saddam Hussein's regime, such as satellite dishes, one of the hottest selling items in the country. We met with newly elected regional council members—men and women, Kurds, Shiites and Sunnis—who spoke of embracing democratic values and representing all of Iraq, not just their own religions, tribes and home towns.

We also witnessed the greatness of our military; not of their might, but of their humble actions in assisting a people in need. Our soldiers are firm in their resolve to stay until the job is finished. These young men and women are not only soldiers but also peacekeepers, and when called upon, diplomats and friends. There is no doubt, we still have a lot of work ahead of us. Our military is still in harm's way, but, from what I have seen, we can be successful as long as we remain steadfast, patient and committed.

The coalition's work is far from over. Iraq is still a work in progress, and new challenges arise every day. We must overcome the many security threats that, to this day, continue to be the greatest challenge to our troops and the stabilization of Iraq. Rebuilding efforts, although well under way, and perhaps well ahead of schedule, will not succeed in the end if we cannot overcome the prevailing threats against those who are there to help.

While I am confident that we will succeed in ridding Iraq of elements that want to see the coalition fail, we need to keep in mind several important lessons, such as: while the rotation of military forces in Iraq is essential, increasing the number of military personnel in the area may not be necessary or advisable to accomplish the mission.

Second, reconstituting a qualified and effective Iraqi military police force and border protection guard is a key element to improving overall security in Iraq. The development of functioning institutions in a secure environment is essential to Iraq's success. Furthermore, the sooner Iraqis can take responsibility for their own affairs, the sooner U.S. forces can come home.

For human intelligence to improve, we need the participation of Iraqi-Americans who have the skills, the knowledge and the willingness to assist in the intelligence gathering and analysis. However, we need to actively recruit, vet and train these individuals. In order for these people to be effective, we need to expedite the security clearance process. Iraqi citizens can provide vital intelligence about the whereabouts of weapons of mass destruction, but the coalition forces need the authorization to grant relocation and protective status to informants and their extended families.

Saddam Hussein misappropriated much of the money loaned to Iraq for his own personal benefit to the detriment of the Iraqi people. My colleague, Congresswoman Carolyn Maloney, has introduced H.R. 2482, which could greatly benefit the people of Iraq by canceling Odious Debt in accordance with customary international law. This is potentially a very wealthy country, second largest oil reserves in the world, the Fertile Crescent there between the Tigris and the Euphrates River, the Garden of Eden, Ancient Mesopotamia, but with a debt structure that is four times the gross domestic product, no nation can survive under that structure, so that is obviously going to have be revisited as this country is succeeding.

While operations in Iraq are still young—we are only 160 days into the rebuilding effort—we have accomplished much. We are building schools, upgrading hospitals and modernizing the utilities infrastructure at a pace that surpasses operations we led after World War II, and we are well ahead of the pace of our reconstruction efforts in the Balkans.

Still, most of the media accounts of post-war Iraq discuss rampant chaos and mismanagement. However, according to a public opinion poll conducted in August by the Zogby Group, more than two-thirds of those Iraqis who expressed an opinion wanted coalition troops to remain in Iraq for at least another year, and 70 percent of Iraqis said they expect their country and their personal lives to be better in 5 years.

During our visit to Iraq, the delegation visited a site southwest of Baghdad, in a sector guarded by the U.S. Marines known as Al-Hillah. One cannot begin to describe this site. There are no landmarks to identify its location, but we know of this place because once we overthrew Saddam, the Iraqi people themselves were our guides. In those early days after we swept through this area, Iraqis by the dozens came to Al-Hillah to do something that is hard to put into words: they dug. Yes, many came to this nondescript place to dig, many with their bare hands. They dug because it is here that we learned of Saddam's brutality. Al-Hillah was a killing field. For reasons unknown except to Saddam and his henchmen, men, women and children were summarily executed over a span of many days. They were buried, and the process was repeated time and time again, people buried on top of one another. This was a scheme designed by a sociopath bent on crippling the Iraqi people. Now the people return, most with kitchen utensils and their hands, to find and dig up remains of loved ones.

Under the protection of coalition forces, Iraqis are learning what it means to be free. Our role in Iraq has just begun, and it is a new fight, a fight that is far greater than simply ridding Iraq of Saddam Hussein. We need time, patience, and, most of all, the resolve to finish the job we started. The people of Iraq deserve no less. Our men and women serving in Iraq want to finish the job, and we need to support them while the Iraqi people savor freedom and bring stability to a region that desperately needs it.

Through this hearing, the committee hopes to gain insight from the on-the-ground experience of the people performing reconstruction projects in Iraq, as well as the viewpoints of Iraqi-Americans, scholars and others who have recently observed the reconstruction process. I also welcome my colleagues, many of whom are not members of this committee but have traveled to Iraq and have their own views, emotions and experiences that they want to share.

With that in mind, we have assembled an impressive group of witnesses to help us assess our efforts and our progress in Iraq. We will hear from the Department of Defense and the Coalition Provisional Authority. We will also receive input from some distinguished Iraqi-Americans, as well as a constitutional scholar who will provide us her thoughts regarding the inclusion of women's rights in the yet-to-be-determined constitution. I want to thank all our witnesses for appearing before the committee; I look forward to

their testimony. I also want to acknowledge and welcome the many non-committee members attending today's hearing.

Due to time constraints, we intend to limit opening statements, the ranking member and myself. Members will have 5 legislative days to submit opening statements for the record. All Members will have ample opportunity to give their views and question today's witnesses. I do intend to recognize committee members first, followed by the other Members in order of their appearance.

And, Mr. Waxman, I am going to have to leave in the middle of the hearing and come back, because we have bills that will be pending on the floor, but it shouldn't take much time, and I will yield at that point to another committee member to preside.

I would now yield to my ranking member, Mr. Waxman, for his opening statement.

[The prepared statement of Chairman Tom Davis follows:]

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Opening Statement
Chairman Tom Davis
Committee on Government Reform
"Winning the Peace: Coalition Efforts to Restore Iraq"

October 8, 2003

I would like to welcome everyone to today's hearing on the U.S.-led coalition efforts to restore peace, freedom, security, and dignity to the people of Iraq. On August 24, I led an eleven-member bipartisan delegation to see first-hand our efforts in Iraq. Before leaving the U.S. I had no real idea of what to expect on my visit. After all, most press accounts of our efforts in Iraq were full of gloom and doom. But, what we witnessed was an Iraq of great promise, vibrancy, and vitality.

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We witnessed a busy market in Mosul where one could buy anything under the sun, including items that were forbidden under Saddam Hussein's regime, such as satellite dishes. We met with newly elected regional council members – men and women, Kurds, Shia's and Sunni's – who spoke of embracing democratic values and representing all of Iraq, not just their own religions, tribes, and home towns.

We also witnessed the greatness of our military – not of their might, but of their humble actions in assisting a people in need. Our soldiers are firm in their resolve to stay until the job is finished. These young men and women are not only soldiers but also peacekeepers, and when

called upon, diplomats and friends. Let there be no doubt: We still have a lot of work ahead of us. Our military is still in harm's way, but from what I have seen we can be successful as long as we remain steadfast, patient, and committed.

The Coalition's work is far from over. Iraq is still a work in progress, and new challenges arise each day. We must overcome the many security threats that, to this day, continue to be the greatest challenge to our troops and to the stabilization of Iraq. Rebuilding efforts, although well under way and perhaps well ahead of schedule, will not succeed in the end if we cannot overcome the prevailing threats against those who are there to help.

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- While the rotation of military forces in Iraq is essential, increasing the number of military personnel in the area may not be necessary or advisable to accomplish the mission.

- Reconstituting a qualified and effective Iraqi military police force and border protection guard is a key element to improving overall security in Iraq. The development of functioning institutions in a secure environment is essential to Iraq's progress. Furthermore, the sooner Iraqis can take responsibility for their own affairs, the sooner U.S. forces can come home.

- For human intelligence to improve, we need the participation of Iraqi-Americans who have the skills, knowledge, and willingness to assist in intelligence gathering and analysis. However, we need to actively recruit, vet and train these individuals. In order for these people to be effective, we need to expedite the security clearance process.

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With that in mind, we have assembled an impressive group of witnesses to help us assess our efforts and progress in Iraq. We will hear from the Department of Defense and the Coalition Provisional Authority. We will also receive input from some distinguished Iraqi-Americans as well as a constitutional scholar who will provide us her thoughts regarding the inclusion of women's rights in the yet-to-be-determined Iraqi constitution.

I would like to thank all of our witnesses for appearing before the Committee, and I look forward to their testimony. I would also like to acknowledge and welcome the many non-committee Members attending today's hearing.

Mr. WAXMAN. Thank you very much, Mr. Chairman. I am very pleased that you have called this hearing on the important subject of the restoration efforts in Iraq, and I want to commend you for traveling there to seek firsthand information. All of us here share deep appreciation for the efforts of our military and our civilian employees in Iraq to promote stability in Iraq and improve the well-being of its citizens.

Congressional oversight is essential to help ensure that reconstruction is proceeding in a manner that gets results and makes efficient use of American taxpayers' dollars. My own oversight efforts began in March, when I wrote the administration about the multibillion dollar contract it entered into with Halliburton on a sole-source basis. Since then, I have written many other letters seeking basic information about how taxpayer funds are being spent in Iraq. This August I sent senior staff to Iraq to gather additional information as part of the chairman's delegation.

Overall, this has been a frustrating process. Transparency is the only way to dispel public concern about the lucrative contracts that the administration has entered into with Halliburton, Bechtel and other large campaign contributors operating in Iraq. Yet, with the exception of the Corps of Engineers, the administration has provided virtually no meaningful information to Congress, or the public, about how it has spent taxpayers' dollars in Iraq. For example, in April I asked the Administrator of AID for basic information about the contracting process with respect to contracts worth over $1 billion that were limited to only a few handpicked companies. AID has still not provided copies of the contracts or information on source selection. Despite a recommendation by the U.S. Army Corps of Engineers to allow public scrutiny of a no-bid sole-source oil field contract with Halliburton subsidiary Kellogg Brown & Root, the Defense Department continues to classify the details of the contract as a national security secret. The administration still has not responded to my letter on September 12th, requesting that it explain why the President's request for an additional $2.1 billion to repair Iraq's oil infrastructure is over 2.5 times larger than a detailed estimate prepared just a few months ago by the CPA, the Corps of Engineers and the Iraqi Ministry of Oil. This secrecy is simply unacceptable. Two companies alone, Halliburton and Bechtel, have been given contracts worth over $3 billion relating to the conflict and reconstruction in Iraq. Members of Congress and taxpayers who are footing this enormous bill should know how this money is being spent.

While the administration has declined to respond to basic requests about its contracts, information I have received from a variety of sources is painting a disturbing picture. It appears that big American contractors are receiving too much money for too little work and too few opportunities are being afforded Iraqis. Members of the Iraqi Governing Council, for example, have told my staff that costs to the American taxpayers could be reduced by 90 percent if the projects were awarded to Iraqi contractors, rather than to large American companies. Anecdotal information from innovative field commanders in Iraq confirms this account.

During the chairman's congressional delegation, the members and staff met with Major General David Petraeus, the general in

charge of Northern Iraq. General Petraeus said that the U.S. engineers estimated that it would cost $15 million to bring a cement plant in Northern Iraq to western production standards. But because this estimate was substantially higher than funds available, General Petraeus gave the project to local Iraqis, who got the cement plant running for just $80,000. Think about this. General Petraeus reduced the cost to U.S. taxpayers by 99 percent by using local Iraqi contractors instead of Halliburton or Bechtel.

Many people don't realize this, but the billion dollar contracts with Bechtel and Halliburton are what is known as cost-plus contracts. These contracts are structured so that the bigger, the more complex and the more expensive the project, the greater the profits for these companies. This is obviously a good deal for the companies, but is it a good deal for the taxpayer?

The administration's supplemental request for an additional $20 billion for reconstruction raises many questions. It includes numerous proposals for complex, state-of-the-art Western facilities that almost certainly will have to be performed by large government contractors under abuse-prone cost-plus contracts. Of the 115 discreet projects described by the CPA in the supplemental, fewer than 25 mention employment opportunities for Iraqis.

I hope that the Army and CPA witnesses here today will be able to shed light on some of the questions about reconstruction contracts that remain unanswered to date, and I encourage the majority on this committee and in the rest of the Congress to move forward with the minority in conducting meaningful oversight of the restoration process in Iraq.

Mr. Chairman, I hope this hearing will be a beginning of that opportunity for oversight. I thank you for holding this hearing, and I look forward to the testimony of the witnesses.

[The prepared statement of Hon. Henry A. Waxman follows:]

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STATEMENT OF REP. HENRY A. WAXMAN
HOUSE COMMITTEE ON GOVERNMENT REFORM
HEARING ON RESTORATION EFFORTS IN IRAQ

October 8, 2003

Mr. Chairman, I am very pleased that you called this hearing on the important subject of restoration efforts in Iraq, and I commend you for traveling there to seek firsthand information. All of us here share deep appreciation for the efforts by our military – and by our civilian employees in Iraq – to promote stability in Iraq and improve the well being of its citizens.

Congressional oversight is essential to help ensure that reconstruction is proceeding in a manner that gets results and makes efficient use of American taxpayer dollars. My own oversight efforts began in March, when I wrote the Administration about the multi-billion dollar contract it entered into Halliburton on a sole-source basis. Since then, I have written many other letters seeking basic information about how taxpayer funds are being spent in Iraq. This August, I sent senior staff to Iraq to gather additional information as part of the Chairman's delegation.

Overall, this has been a frustrating process. Transparency is the only way to dispel public concerns about the lucrative contracts that the Administration has entered into with Halliburton, Bechtel, and other large campaign contributors operating in Iraq. Yet with the exception of the Corps of Engineers, the Administration has provided virtually no meaningful information to Congress or the public about how it has spent taxpayer dollars in Iraq. For example:

- In April, I asked the Administrator of AID for basic information about the contracting process with respect to contracts worth over a billion dollars that were limited to only a few hand-picked companies. AID still has not provided copies of the contracts or information on source selection.

- Despite a recommendation by the U.S. Army Corps of Engineers to allow public scrutiny of a no-bid sole-source oilfield contract with Halliburton subsidiary Kellogg Brown and Root, the Defense Department continues to classify the details of the contract as a national security secret.

- The Administration still has not responded to my September 12 request that it explain why the President's request for an additional $2.1 billion to repair Iraq's oil infrastructure is over 2.5 times larger than a detailed estimate prepared just a few months ago by the CPA, Corps of Engineers, and the Iraqi Ministry of Oil.

This secrecy is simply unacceptable. Two companies alone – Halliburton and Bechtel – have been given contracts worth over $3 billion relating to the conflict and reconstruction in Iraq. Members of Congress and the taxpayer – who is footing this enormous bill – should know how this money is being spent.

While the Administration has declined to respond to basic requests about its contracts, information I have received from a variety of sources is painting a disturbing picture. It appears that big American contractors are receiving too much money for too little work and too few opportunities for Iraqis.

Members of the Iraqi Governing Council, for example, have told my staff that costs to the American taxpayer could be reduced by 90% if the projects were awarded to Iraqi contractors rather than to large American companies.

Anecdotal information from innovative field commanders in Iraq confirms this account. During the Chairman's congressional delegation, the members and staff met with Major General David Petraeus, the general in charge of northern Iraq. General Petraeus said that U.S. engineers estimated that it would cost $15 million to bring a cement plant in northern Iraq to Western production standards. Because this estimate was substantially higher than funds available, General Petraeus gave the project to local Iraqis, who got the cement plant running for just $80,000.

Think about this. General Petraeus reduced the costs to the U.S. taxpayer by 99% by using local Iraqi contractors instead of Halliburton or Bechtel.

Many people don't realize this, but the billion-dollar contracts with Bechtel and Halliburton are what is known as "cost-plus" contracts. These contracts are structured so that the bigger, the more complex, and the more expensive the project, the greater the profits for the companies.

This is obviously a good deal for the companies, but is it a good deal for the taxpayer?

The Administration's supplemental request for an additional $20 billion for reconstruction raises many questions. It includes numerous proposals for complex, "state-of-the-art," Western facilities that almost certainly will have to be performed by large government contractors under abuse-prone cost-plus contracts. Of the 115 discrete projects described by the CPA in the supplemental, fewer than 25 mention employment opportunities for Iraqis.

I hope that the Army and CPA witnesses here today will be able to shed light on some of the questions about reconstruction contracts that remain unanswered to date. And I encourage the majority on this Committee and in the rest of Congress to move forward with the minority in conducting meaningful oversight of the restoration process in Iraq.

Mr. Chairman, thank you again for holding this hearing. I look forward to the testimony of the witnesses.

Chairman TOM DAVIS. Thank you.

I just want to say, on the cement plant, I remember talking to General Petraeus about that, and he awarded the contract to an Iraqi firm, but he never said it would be up to Western standards. But he did what he could with the money, and I know firsthand, and our witnesses can talk about this, that we are trying to give Iraqis as much of that work as we can, because their economy is a major part of what is happening. But our witnesses can address that, and we will have ample time to do questions and answers, so why don't we move to our panel?

Members' written statements will be in the record, and all of you will have ample time under questions and answers to make statements.

If you will all rise with me and raise your right hands.

[Witnesses sworn.]

Chairman TOM DAVIS. Please be seated.

We have the Honorable Les Brownlee, the Acting Secretary of the Army, former staffer with Senator Warner, and we are happy to have you here; Philo Dibble, the Principal Deputy Assistant Secretary of State for the Bureau of Near Eastern Affairs; we have Tom Korologos, senior advisor to Ambassador Paul Bremer; U.S. Major General Carl Strock, who is the director of operations and infrastructure of the Coalition Provisional Authority; and Mr. Bernie Kerik, who is the former Director of the Interior, Coalition Provisional Authority and former police chief in New York.

Why don't we start, Secretary Brownlee, with you, and we will move right down. I think you know the rules. Your entire statements are in the record. Our Members have a lot of questions and comments they are going to want to make, and I won't start with questions, I will start moving down the way. So welcome. And when the light turns orange, that means 4 minutes are up, and when it is red, 5 minutes. We want to give you an opportunity to say what you need to say, but your entire statement is in the record, thank you.

STATEMENTS OF LES BROWNLEE, ACTING SECRETARY OF THE ARMY; PHILO DIBBLE, PRINCIPAL DEPUTY ASSISTANT SECRETARY OF STATE, BUREAU OF NEAR EASTERN AFFAIRS; TOM KOROLOGOS, SENIOR ADVISOR TO AMBASSADOR L. PAUL BREMER III, ADMINISTRATOR OF THE COALITION PROVISIONAL AUTHORITY; MAJOR GENERAL CARL STROCK, U.S. ARMY, DIRECTOR OF OPERATIONS AND INFRASTRUCTURE, COALITION PROVISIONAL AUTHORITY; AND BERNIE KERIK, FORMER DIRECTOR OF THE INTERIOR, COALITION PROVISIONAL AUTHORITY

Secretary BROWNLEE. Mr. Chairman and distinguished members of the committee, I appreciate the opportunity to appear before you today to testify on the tremendous accomplishments of our soldiers, both active and reserve components, and the great progress they are making in winning the peace in Iraq. I know that many of you have just recently returned from Iraq, and on behalf of the soldiers who are serving our country, let me begin by expressing gratitude for the exceptional support you provided to them and their families as well. I am happy to join you here this morning to talk about the

marvelous work our soldiers are doing and the great progress that is being made every day in Iraq. I visited Iraq in June and again in late September, and I am pleased to share with you what I learned.

The insurgency being waged in Iraq includes foreign fighters and terrorist groups, along with former Ba'athists, making this the central battlefront in the war on terrorism. After our lightning ground attack into Baghdad, an overwhelming military victory by coalition forces, the mission in Iraq now remains clear: to win the peace. Our soldiers understand this mission, and their commitment to getting the job done is having an extraordinarily positive effect on the people of Iraq. Soldiers are working with the Iraqi people, our coalition partners and the international community to achieve a better Iraq for the Iraqis, the region and the world.

During my visits to Iraq, I have witnessed the progress being made, and I can tell you that things are getting better, and will continue to get better both for the people of Iraq and for our men and women serving there. Here are a few of the great things that are happening: local government councils exist in over 90 percent of the country and are taking increasing responsibility for civic administration and services; our Army divisions are training Iraqi police, facility protection forces, and civil defense corps to assume responsibility for local security and law enforcement; our units are helping getting Iraqi schools running again—in the Baghdad region alone, we will have 820 schools refurbished by the end of October. We are continuing to make things safer for the people of Iraq and our own troops by removing ammunition caches from around the country. The nation's infrastructure was badly neglected under the Ba'ath region, and we are helping to restore and modernize it. For example, we are hiring Iraqis to help restore the oil industry and power generation, and to repair roads. These are but a few of the thousands of things our Army is busy doing for the people of Iraq, and for our own troops.

Last month soldiers began taking advantage of the R&R leave program, which allows them to spend 2 weeks away from the theater during their 12-month tour. Since my last visit to Iraq in June, we have opened 31 new dining facilities for our troops, as well as Internet cafes, chapels, and exchanges. Most soldiers are living in hard structures or climate-controlled billets so troops returning from patrols can adequately rest and refit.

In Iraq, the mission for our soldiers continues. They must attack and eliminate remaining anti-coalition forces and assist interim governments to deliver basic services to their people. Our soldiers must simultaneously conduct combat operations and provide humanitarian assistance, often shifting between these two in the same day. The administration is aware of our concerns and requirements. President Bush has asked Congress for the resources to help fight the war on terror, and they are addressed in the fiscal year 2004 supplemental. We urge Congress to assist us by quickly passing this legislation.

Despite remarkable successes, our fight is not over. Our enemies are committed and believe we lack the resolve to win the peace in Iraq. I can assure you this is not true. Our commanders and troops are determined and optimistic, and feel that we are gaining mo-

mentum in the fight. In years to come, when historians write the story of this critical period, they will note that in Iraq and around the globe, the unwavering commitment, courage and compassion of the American soldier led the way in the fight against terror. By carrying the fight to the enemy, the Army is destroying terrorism today in its home nests and spawning grounds, providing protection to the American people and striking fear in the hearts of our enemies.

In closing, I would like to take this opportunity to thank this committee for the opportunity to appear today and for your continued support for the men and women in uniform deployed in Iraq, Afghanistan and around the world fighting terrorism. I would like to take this opportunity also to thank all our soldiers for their service, and their families as well, for the sacrifices they are all making for our Nation. Mr. Chairman, I look forward to answering your questions.

[The prepared statement of Secretary Brownlee follows:]

RECORD VERSION

STATEMENT BY

THE HONORABLE LES BROWNLEE
ACTING SECRETARY OF THE ARMY

BEFORE THE

COMMITTEE ON GOVERNMENT REFORM
UNITED STATES HOUSE OF REPRESENTATIVES

ON

WINNING THE PEACE: COALITION EFFORTS TO RESTORE IRAQ

FIRST SESSION, 108TH CONGRESS

OCTOBER 8, 2003

NOT FOR PUBLICATION
UNTIL RELEASED BY THE
COMMITTEE ON GOVERNMENT REFORM

STATEMENT BY
THE HONORABLE LES BROWNLEE
ACTING SECRETARY OF THE ARMY

Mr. Chairman and distinguished members of the Committee, I appreciate the opportunity to come before you today and testify on the tremendous accomplishments of our soldiers and the great progress they are making in "Winning the Peace" in Iraq. I know that many of you have just recently returned from Iraq, and on behalf of the soldiers who are serving our country, let me begin by expressing gratitude for the exceptional support that you have provided to our soldiers and their families.

I have been asked to come before you today to talk about the great work our soldiers are doing and the tremendous progress that is being made each and every day in Iraq. I was in Iraq in June and returned again last week. While there, I had the opportunity to speak with commanders and soldiers at every level and am grateful to have the opportunity to share what I learned with you.

We appreciate the service and the enormous sacrifice made by our soldiers and their families as we meet the challenges and risks posed by the Global War on Terrorism – with the current higher operational tempo and frequent, extended deployments. We are committed to finding ways to lessen the impact of these deployments on our soldiers with unit rotations, unit manning, and by re-balancing our forces. I would also like to highlight the sacrifices made by our Reserve Components. These soldiers have left behind families and jobs and made invaluable contributions to our success in Iraq and around the world. We appreciate all of the sacrifices of their families and their employers.

One fact is clear: the dedicated service of the Army's Total Force has been invaluable. The steady progress in the war on terrorism has been possible because both Active and Reserve Component forces have fought together, along with our sister services, to win decisively on battlefields where terrorism once flourished. Now we are engaged in bringing peace to these regions and creating an environment where democracy can take root.

The insurgency being waged in Iraq includes foreign fighters and terrorist groups, making this the central battlefront of the war on terrorism. After a lightning ground attack into Baghdad and overwhelming military victory by coalition forces, the mission in Iraq remains clear – to win the peace. Vice President Richard Cheney made a key point when he said, "we will help the Iraqi people to build a free, sovereign, and democratic nation. That free nation will stand as an example to the entire Middle

East, proving that freedom and the hope of peace have far more power and appeal than ideologies of hate and terror."

As the President said on the same day that he announced the end of major combat operations, "We have difficult work to do in Iraq. We're bringing order to parts of that country that remain dangerous. We're pursuing and finding leaders of the old regime, who will be held to account for their crimes." And he added, "The transition from dictatorship to democracy will take time, but it is worth every effort."

Our soldiers understand this mission, and their commitment to getting the job done is having an extraordinarily positive effect on the people of Iraq. They are working with the Iraqi people, our coalition partners, and the international community to achieve a better Iraq for the Iraqi people, the region, and the world. Our soldiers understand that helping the Iraqis build a free and democratic society will help make our own country safer, and they continue to make remarkable progress in that direction every day.

During my visits to Iraq, I have witnessed the progress being made, and I can tell you that things are getting better, and will continue to get better, both for the people of Iraq and for the men and women serving there. Saddam and his supporters ran that country from 1979 to 2003, and they ran it into the ground. We're helping the Iraqis get back on their feet.

Here are some of the great things happening:

- Local government councils exist in over 90 percent of the country and are taking increasing responsibility for civic administration and services. Our Army divisions are training Iraqi police, facility protection forces, and civil defense corps to assume responsibility for local security and law enforcement. The Iraqi people are getting their own country back from the thugs who stole the country decades ago. In areas of operations north, the Army has trained over 1,400 police officers.
- Our units are helping get Iraqi schools running again. In the Baghdad region, Task Force Wisdom will have 820 schools refurbished by the end of October; this includes school supplies, furniture, playground equipment, and more. They are being helped in this effort by numerous American communities back home, which have been sending the troops additional supplies to distribute to the Iraqi children.
- We are continuing to make things safer for the people of Iraq and our own troops by removing ammo caches from around the country, including those stored in schools and hospitals. In the Baghdad region

alone, we have cleared over 12,000 short tons of ammunition. That's over 180 C-17 sorties' worth, from just one part of the country.

- The nation's infrastructure was badly neglected under the Ba'ath Regime, and we are trying to help get things restored and modernized. For example, Task Force Pothole has hired Iraqis to fix 285 kilometers of roads thus far around Ninevah province.

These are but a very few of the thousands of things our Army is busy doing for the people of Iraq these days.

For our troops:

- Last month, soldiers began taking advantage of the Rest and Recuperation (R&R) Leave Program. Under the program, soldiers deployed between their third and 11th month may be authorized 15 days of chargeable leave and a flight, at government expense, to and from an aerial port of debarkation, either in Germany or the United States. In addition, each division has established R&R policies to supplement those of CENTCOM and the Department of Defense. These are important programs, which are providing our soldiers much needed time to unwind and stay fresh and fit.
- Since my last visit to Iraq in June, we've opened 31 new dining facilities for our troops. Internet cafes are open and permit troops to stay in closer touch with their families back home. Most soldiers are living in hard structures or climate controlled billets, with climate controlled facilities so troops returning from patrols can relax. There are chapels, mini-exchanges, and other support facilities to make life a little better for our men and women overseas.

In Iraq, the mission for our soldiers is the same. They must attack and eliminate remaining anti-coalition forces and establish a secure environment where the values of freedom and democracy can take root. An integral part of this campaign is assisting interim governments to deliver basic services – security, food, water, power, and education – to their peoples. Our soldiers must simultaneously conduct combat operations and provide humanitarian assistance, often shifting between the two in the course of a single day.

The magnitude of the effort is staggering. For example, in Iraq, soldiers are executing more than 2,000 missions every day. Each mission is important, and each one is dangerous. Nonetheless, our soldiers are performing as professionals – with skill, courage, and dedication. We all know this will take time, and that for now, the Army, as part of the joint team, will bear the brunt of the fight.

The operations tempo is high and so is the pressure. We've established a unit rotation plan to give the combatant commanders the forces they need to accomplish their missions while giving soldiers and their families more predictability through deployments of up to 12 months, while. We seek to use active forces from all services whenever possible, using reserve volunteers and reserve units not recently mobilized to balance deployment stresses across the Army. To balance risks from other possible contingencies, we are cutting back on exercises and other commitments. We will seek more contractor support in the areas of logistics, training, and other functions, thereby freeing up soldiers for other duties.

We will make better use of the troops and units we have available. We will seek to achieve a better balance between the Army's Active and Reserve Components, including rebalancing within the components. There are several high-demand, low-density career fields and units that we need more of, like military police, aviation mechanics, intelligence analysts, and civil affairs specialists. We are going to find ways to provide for these critical needs.

The Administration is aware of these concerns and requirements. President Bush has asked Congress for the resources to help fight the war on terror and they are addressed in the FY04 Supplemental. We urge Congress to quickly pass this legislation.

We are in a dangerous business. Our men and women and their families recognize the obligations that come with the uniform, and they have not flinched. I have visited with many of them at Walter Reed Army Medical Center. Without exception, they deeply impressed me with their dedication to duty and their units, their good spirits, and their faith in the United States. Their families – mothers, fathers, relatives – and friends whom I've met there and elsewhere are the same. They understand that freedom is not free, but is the most precious thing we possess. These soldiers and hundreds of other service men and women know this and have paid for the freedom of other Americans they will never meet. They are American Soldiers in the greatest traditions.

Despite remarkable successes, our fight is far from over. Our enemies are committed and believe we lack the resolve to "Win the Peace" in Iraq. I can assure you that this is not true. The progress we have made in the past five months is a testament to our force's ability to quickly adapt and respond to the many complex challenges they face. Our commanders and troops are optimistic and feel that we are gaining momentum in our fight.

In years to come, when historians write the story of this critical period, they will note that in Iraq and around the globe, the unwavering commitment, courage, and compassion of the American Soldier led the way in the fight against terror and lit the lamp of freedom and democracy for millions who had known only oppression. By carrying the fight to the enemy, the Army is destroying terrorism today at its core and spawning grounds, providing the greatest assurance of protection to the American people, and striking fear in the hearts and minds of our terrorist enemies.

For more than 228 years, the Army has never failed the American people – and it never will!

In closing, I would like to take this opportunity to thank this Committee for the opportunity to appear before you today, and for your continued support for the men and women in our Army, deployed in Iraq, Afghanistan, and throughout the world fighting terrorism. I look forward to answering your questions.

Chairman TOM DAVIS. Thank you very much, Secretary Brownlee.

Secretary Dibble, thank you for being with us.

Mr. DIBBLE. Thank you, Mr. Chairman. I am grateful for the opportunity to appear before the committee this morning, and I will keep my remarks brief.

Several senior administration officials, including Ambassador Bremer of the Coalition Provisional Authority in Baghdad and Deputy Secretary of State Armitage have testified in recent days on key issues concerning U.S. policy on Iraq. Their statements stand alone as the administration's position on Iraq but I am here to attempt to address any questions you may have.

It is in the interest of all Americans and, indeed, the international community, to see peaceful and prosperous countries across this important region. For far too long Iraq exported destabilizing waves of violence and terrorism across its borders and around the world. Iraq now has the potential to turn the situation around and become a source of stability and prosperity in the region, around the world and for Americans here at home.

Meeting our military objectives in Iraq was only the beginning of reaching that vision, however, not the end. While it is in our interest to stabilize the situation, we also owe it to our men and women in uniform, to their courage and sacrifice, to accomplish the entire mission. In addition, we need to support our own people who also serve on the front lines of this fight, providing assistance in what are often dangerous circumstances and insecure settings.

I would like to continue by paying tribute to my friends and colleagues throughout Iraq on both military and civilian sides. They are working extraordinarily hard, at heavy personal risk, to restore stability and security, reestablish normal life for Iraqis, and help lay the basis for Iraqis to succeed in the election of a representative government, and they deserve all our thanks.

Mr. Chairman, succeeding in this project in all its aspects is of vital interest to the United States, and we cannot fail. The task has three main dimensions: security, restoring normal life for Iraqis and establishing a political process. Each dimension is related to the others and is a necessary condition for success. Security is a fundamental requirement for normal life and for a legitimate political process. Restoration of normal life meaning access to employment, to health care, to education, and clean water, among so many other things, is desirable in itself and underpins security. Finally, a political process provides confidence to the Iraqi people that they will soon take on the task of governing themselves. That confidence, in turn, contributes to security.

These are difficult times, as the situation in Iraq continues to shift and take shape. With the clarity of hindsight, however, I believe we will know this Nation had the courage to take tough decisions to safeguard our future peace and prosperity at the time when it mattered most. In so doing, the U.S. Government has the opportunity to help not only our own people, but also the people of Iraq, the region and around the world. Success in Iraq, however, is also of vital interest to the international community. As such, we have sought and achieved international participation in the coalition. We look to the United Nations to contribute a substantial ex-

pertise and experience in this connection, and we are aggressively seeking substantial financial support from the international community for the reconstruction effort.

This outlines the main elements of our policy on Iraq, and I would be happy to respond to the committee's questions. Thank you.

[The prepared statement of Mr. Dibble follows:]

Testimony of
Philo Dibble
Principle Deputy Assistant Secretary for
The Bureau of Near East Affairs, U.S. Department of State
Before the
House Government Reform Committee
Wednesday, October 8, 2003

Thank you Mr. Chairman. I am grateful for the opportunity to appear before the Committee this morning.

I will keep my remarks brief. Several senior Administration officials, including Ambassador Bremer of the Coalition Provisional Authority in Baghdad and Deputy Secretary of State Armitage have testified in recent days on key issues concerning U.S. policy on Iraq. Their statements stand alone as the Administration's position on Iraq, but I am here to attempt to address any questions you may have.

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This outlines the main elements of our policy on Iraq. I would be happy to respond to the Committee's questions.

Chairman TOM DAVIS. Thank you very much.

Tom Korologos, thanks for being with us.

Mr. KOROLOGOS. Mr. Chairman, members of the committee, my name is Tom Korologos. I am a senior counselor to Ambassador L. Paul Bremer, the Coalition Provisional Authority Special Envoy in Iraq. My responsibilities include working with three other senior counselors, the various coalition ministers, and staff, and also handling visiting congressional delegations as they come through Iraq; and your group was among them, and I see other members here on the committee who were there.

When I first got to Baghdad last May, it was a city burning. We were given earplugs to shut out gunfire so we could sleep. Today we are living in the midst of a rebirth for this maligned country that has enjoyed more religious and political freedom in the past 4 months than in the past 40 years. I have traveled the country extensively with Ambassador Bremer and with the Members of Congress, and I have seen firsthand the successes that have followed the ceasing of these hostilities.

As many of you who visited us this summer know full well, Baghdad is not a war-ravaged city. Baghdad is a hustling and bustling city where you can buy everything on the streets from air conditioners to refrigerators to satellite dishes to shoes. To be sure, all of us dread hearing about the shootings or attacks on American soldiers in Iraq, and as Ambassador Bremer said 2 weeks ago, our day begins 8 hours ahead of yours here, and we learn about those attacks before you awaken. We deplore those losses and wish they weren't so.

Mr. Chairman, as you have heard us say time and again, and as my colleagues on the panel have stated, we have three goals in Iraq. Our plan from the start has been to restore security, restore the economy and restore the government. We are making progress on all three fronts, and those of you from the committee who joined us know this firsthand. What we have in Iraq is a rich country which, as the chairman said, is temporarily poor. It has oil; it has water; it has an energetic, smart population. It is not unlike California, as a matter of fact, including problems with the economy and the government. Let me list a few facts. Schools reopened last week, as Secretary Brownlee said, and we are luring children back, where attendance had plummeted 50 percent of the eligible attendees. We have prepared and distributing 5 million new math and science text books minus Saddam's ideology. When I first arrived there, we had 9 mile-long gasoline lines. Today we have traffic jams. We love traffic jams; they mean that gas is flowing and people are out working. General Strock will give you the details of the oil business. The central bank is now open, providing loans and conducting commerce. In 2 weeks we are distributing a new currency to the Iraqis. Foreign investment is poised to come to Iraq. One member of the Governing Council told me 2 months ago, when Ambassador Bremer first approached the issue, that if anybody had said the word foreign investment under the old regime, he would have had his throat cut. Independent voices are being heard for the first time in 40 years. We have almost 200 newspapers up and running, 27 TV stations and 26 radio stations functioning.

The coalition, as Secretary Brownlee and General Strock, in a minute, will tell you, has completed more than 8,000 projects around the country, refurbishing everything from soccer fields to health clinics, to roads and bridges throughout the country. Saddam budgeted $13 million for health care in 2002. We have allocated $210 million, a 3,200 percent increase. On April 9th only 30 percent of the hospitals were running; today, all 240 around the country are open; 4 million Iraqi children have received 22 million doses of vaccine. Prewar, the country was averaging 4,000 megawatts of power. The demand was 6,000, we are now around 3,900, closing in on that issue. Oil is pumping: we are about 1.7 million barrels a day, and hope to get back to prewar levels, around 3 million.

The Governing Council is up and running. They have just named 25 various ministers to run the government, and those ministers probably constitute the most educated cabinet group in the world, since most of them have Ph.Ds. And as Secretary Brownlee also said, there are more than 700 democratically selected district council members. They include Sunnis, Shiites, Christians, Arabs, and Kurds, with more than 75 women among them; 90 percent of the Iraqi people are now under local representative governing councils; 90 percent of the courts are up and running, and last week I saw they even created the Iraqi Bar Association.

On and on the list runs, Mr. Chairman, and those of you who have been there can see those lists as we present them to you. The lament for those of us enduring 50 and 60 straight days of 100 degree heat—we had a 137 degree day once this summer—of wearing flak jackets when we leave the compound, we run around in armored cars when we go downtown, and in talking with about 95 to 98 percent of the Iraqis who support us, our lament comes from the fact there are good things happening that very few Americans know anything about. The reporting of those accomplishments, unfortunately, takes a back seat to the police blotter-type journalism that fills the front pages of the American papers.

And as the chairman said, those of you who went to the Al-Hillah grave site on our trip, I repeat what I said then: I find the silence on the mass graves deafening. A total of 1.3 million Iraqis are missing from wars and mass murders. Human rights groups estimate that 300,000 of those are in mass graves. One mass grave alone holds the bodies of 1,200 children. There are some 35 or 40 mass grave sites all around Iraq filled with Iraqis who opposed Saddam. If there is any doubt about our going in there in the first place, come see me, I will take you down to Al-Hillah for a poignant awakening. Yes, there are bumps in the road, and, yes, Ambassador Bremer has made audibles throughout the process. We are going to need many, many dollars to bring this country back to some semblance of freedom. And once that happens, the entire Middle East hopefully will stand up and take notice and some sanity will come to that part of the world.

Let me close with a couple of points. Everybody wants to know when our troops are coming home. The troops will start coming home when Ambassador Bremer comes home and the CPA succeeds. And when will that be? Let me cite a Rand Corporation study, which took a look at post-war rebuilding efforts in Germany,

Japan, Kosovo, and Bosnia. The study said of Iraq: "Staying there does not assume success. Leaving early guarantees failure." Thank you very much.

[The prepared statement of Mr. Korologos follows:]

October 8, 2003

Statement by Tom C. Korologos
Senior Counselor to Ambassador L. Paul Bremer,
Coalition Provisional Authority
Before the House Government Reform Committee

Mr. Chairman and members of the Committee:

My name is Tom Korologos; I am a Senior Counselor to Ambassador L. Paul Bremer, the Coalition Provisional Authority Special Envoy for Iraq.

My responsibilities include working with three other Senior Counselors, the various Coalition Ministers and Staff and also handling visiting Congressional Delegations as they come through Iraq.

When I first got to Baghdad last May it was a city burning. We were given ear plugs to shut out gunfire and so we could sleep.

Today we are living in the midst of a rebirth for this maligned country that has enjoyed more religious and political freedom in the past four months than in the past 40 years.

I have traveled the country extensively with Ambassador Bremer and with members of Congress and I have seen first hand the successes that have followed the ceasing of hostilities.

As many of you who visited us this summer know full well, Baghdad is not a war-ravaged city. Baghdad is a hustling and bustling city where you can buy everything on the streets from air conditioners, to refrigerators, to satellite dishes to shoes.

To be sure all of us dread hearing about the shootings or attacks on American soldiers in Iraq and as Ambassador Bremer said two weeks ago when he was testifying, our day begins eight hours ahead of yours here and we learn about those attacks before you awaken. We deplore those losses and wish they weren't so. Sergio DiMello, the UN Special Representative to Iraq who was killed in the UN bombing was a good buddy of mine. We all mourn him and all those who have lost their lives.

Mr. Chairman, as you have heard us say time and again we have three goals in Iraq. Our PLAN, from the start has been to restore security, restore the economy and restore the governance. We are making progress on all three fronts and those of you from the committee who joined us know this first hand.

What we have in Iraq is a rich country which is temporarily poor. It has oil, it has water and it has an energetic smart population. It's not unlike California, as a matter of fact, including problems with the economy and the government.

Let me list a few fun facts:

Schools re-opened in Iraq last week. We refurbished 1,000 schools and are luring back school attendance which had plummeted to about 50 percent of the eligible children.

We have prepared and are distributing 5 million new math and science textbooks minus Saddam's ideology.

When I first arrived there we had 9 mile long gasoline lines. Today, we have traffic jams. We love traffic jams because they mean the gasoline is flowing and the people are moving about.

The Central Bank is now open, providing loans and conducting commerce. Plus we are distributing a new currency to the Iraqis within the next two weeks.

Foreign investment is poised to come to Iraq. One member of the governing council told me two months ago when Ambassador Bremer first approached the issue that if anybody had even said the words "foreign investment" under the old regime he'd have his throat cut.

Independent voices are being heard for the first time in 40 years. There are almost 200 newspapers up and running.

There are 27 TV stations in operation.

There are 26 radio stations functioning.

The Coalition has completed more that 8,000 projects around the country. These include refurbishing everything from soccer fields, to health clinics to road and bridge projects.

Saddam budgeted $13 million for healthcare in 2002. It came to about 50 cents per person. We have allocated $210 million, a 3200 percent increase.

On April 9th there were only 30 percent of the hospitals running. Today, all 240 around the country are open.

More than 4 million Iraqi children have received 22.3 million doses of vaccine.

Prewar the country was averaging 4,000 megawatts of power. The demand was 6,000. We are now at about 3,900 so even when we reach prewar levels we will still be short 2,000 megawatts and we are working hard to fill that gap.

Oil is pumping. We are at about 1.7 million barrels a day and hope to get back to pre-war levels around 3 million. We plan to generate $2.5 billion in revenue by the end of the year and we are shooting for $12.5 billion by the end of next year.

The Governing Council is up and running. They have just named 25 various ministers to run the government. And those ministers probably constitute the most educated cabinet group in the world…since most of them have PhDs.

There are now more than 700 democratically selected District Council members. They include Sunnis, Shias, Christians, Arabs and Kurds with more than 75 women among them. 90 percent of the Iraqi people live under these local representatives governing councils.

We have 90 percent of the courts up and running. There is even an Iraqi Bar Association.

On and on the list runs, Mr. Chairman.

The lament for those of us enduring 50 or 60 straight days of 100 degree heat – we have had a 137-degree day this summer – of wearing flak vests when we leave our compound, of running around in armored cars when we go downtown, or talking and working with the 95 percent of the Iraqis who support us – our lament comes from the fact that there are good things happening and very few Americans know anything about them. The reporting of these accomplishments, unfortunately take a back seat to the police-blotter type of journalism which fills the front pages in the US.

As those of you who went to the Al Hillah mass grave with me on your trip, I repeat what I said then. I find the silence on the mass

graves deafening. A total of 1.3 million Iraqis are missing from wars and mass murders. Human Rights groups estimate that 300,000 of those are in mass graves. One mass grave holds the bodies of 1,200 children. There are some 35 or 40 mass grave sites all around Iraq filled with Iraqis who opposed Saddam. If there is any doubt about our going in there, come see me and I'll take you down to Al Hillah for a very poignant awakening.

There are bumps in the road. We have made audible calls as Ambassador Bremer says. We are going to need many many dollars to bring this country back to some semblance of freedom. And once that happens, the entire Middle East hopefully will stand up and take notice and some sanity will come to that part of the world.

Let me close with a couple of points. Everybody wants to know when the troops will be coming home. The troops will start coming home when Ambassador Bremer comes home and the CPA succeeds.

And when will that be? Let me cite a Rand Corporation study which took a look at post-war rebuilding efforts such as in Germany and Japan after World War II, and Kosovo and Bosnia and the like. The study said of Iraq:

Staying there does not assume success. Leaving early guarantees failure.

Thank you very much.

Chairman TOM DAVIS. Thank you. I was feeling pretty confident until you told me the lawyers were getting organized over there.

General Strock, thanks for being with us.

General STROCK. Thank you, Mr. Chairman. I am Major General Carl Strock. I am the Director of Civil Works for the U.S. Army Corps of Engineers. As a soldier and a citizen I would like to start, as the other members did, by thanking this committee and the Congress for your continued and unwavering support of our military as we pursue the global war on terrorism.

Sir, I have recently returned from Iraq after 6 months, where I served with the Office of Reconstruction and Humanitarian Assistance and then with the Coalition Provisional Authority. I held several positions, culminating as deputy director of operations and infrastructure for Ambassador Bremer. I was also the Senior Corp of Engineers Officer in Iraq and had responsibility to ensure that my agency was adequately and appropriately represented in supporting the effort. We do that in many ways. We have responsibility for the restoration of Iraqi oil infrastructure; we are supporting the U.S. Agency for International Development in the administration of their large construction contact; we are providing forward engineer support teams to each of the regional coordinators to assess, plan, prioritize, and execute projects in their areas; we provided ministry advisory teams to eight of the ministries of the Iraqi government; we are supporting the creation of a new Iraqi army with facilities; we have recently sent a task force in to assist in the restoration of electrical power. In all, 39 of our 40 districts are represented with about 400 people, mostly civilians, all volunteers, who are out there on the front line on a daily basis risking their lives in support of the Iraqi people and our country.

Sir, we are working in partnership with many, many agencies and international organizations: the USAID, other departments from our Government—State, Transportation, Health and Human Services, Agriculture, Commerce. We are working with international organizations: UNICEF, UNESCO, UNDP. Non-governmental organizations: the International Committee for Red Cross-Red Crescent, CARE and others. We are also working with the coalition military forces who have been a tremendous augmentation to the CPA capability to reconstruct infrastructure, as has been mentioned by the committee.

Sir, most importantly, though, I think it is important to note that it is the Iraqi people themselves who are really doing the heavy lifting in this. The ministries and the private sector there have proven to be competent, committed and courageous in their support of this effort. We simply could not do what we have done if the Iraqis had not been involved from the very beginning.

We came into a situation which is desperate. The infrastructure of this country has suffered a 30-year insult. There are many reasons for that. First of all, and fundamentally, is a neglect of the system; in some cases benign neglect, in some cases very deliberate neglect on the part of Saddam's regime. Services under Saddam Hussein were used as a reward or punishment. You can see a dramatic difference in the quality of life in Baghdad, where citizens typically enjoy 22 to 24 hours of power a day, and Al-Qud, where they only get 2 hours of power a day. So the infrastructure was

built around those who supported him and were denied to those who did not.

We also suffered war damage but because we made very careful efforts to limit damage through what we call effects-based targeting—where you decide what effect you want to create and do it with minimum impact to the infrastructure—we were able to keep actual war damage to a minimum, a very insignificant aspect of the problems we are facing now.

We suffered tremendous looting after the fall of the regime. Much of this was individual looting by people out for personal gain, and much of it then turned to a criminal element of deliberate and structured dismantling of the infrastructure. There has also been—and I think the largest factor has been—deliberate sabotage by the former regime loyalists who are doing everything they can to thwart our efforts and make it difficult for us to restore some level of normalcy to this country.

The result of all these things has been almost a total devastation of this country; not only the physical infrastructure, but the human infrastructure. Those people who are committed to maintaining the infrastructure have suffered dramatically in how they were able to do their jobs, and they continue to suffer intimidation and coercion as they support the effort.

The other panel members have already discussed some of the results, so I won't go into the details of those. One of the most important, though, that I would mention is the electrical power restoration, which now exceeds 4,500 megawatts, which is more than enough to provide for the daily needs of the Iraqi people. Oil production has now reached the 2 million barrel per day level, and we are simply now in the process now of developing the export facilities.

There is much work to be done, a good foundation has been laid, and, I might add, largely with Iraqi resources supplemented by our taxpayer' dollars, but resistance continues. Those within Iraq and outside of Iraq that have an interest in this outcome are working very hard to counter our efforts. We are fighting for the will of the Iraqi people and, to a degree, we are fighting for the will of the American people. Our soldiers won this war because they had the will to fight for what they believe in, and I think the Iraqi soldiers lost because they did not have the will to fight for a corrupt regime. I firmly believe that they melted away because they knew that was in the best interest of their country. We must not disappoint those Iraqi soldiers, and we must not neglect the sacrifices of our soldiers. We have to continue this effort. There is no option but to see it through.

As you mentioned, sir, Iraq is an impoverished country with tremendous potential; vast natural wealth and tremendous human capital. All they need from us right now is continued support and substantial assistance in accelerating their return to normalcy. I am intensely proud that I had the opportunity to serve this Nation and the people of Iraq, and I thank you for the opportunity to appear before this committee today.

Chairman TOM DAVIS. Thank you, General.

Bernie Kerik, thanks for being with us, chief.

Mr. KERIK. Thank you, Mr. Chairman. I too would like to echo the General's comments in thanking the committee here and other Members of Congress for coming to Iraq and seeing for yourself, seeing firsthand what has happened there, what it was like before, what it is like today, and the great successes we have had in the CPA.

I am Bernard Kerik. For 4 months I oversaw the Ministry of Interior as the senior policy advisor to Ambassador Bremer for the Interior. The Interior houses the police, customs, borders, immigration, emergency management and fire services for the entire country.

The Iraqi police service, as they stand today, are unable to independently maintain law and order and need the assistance and guidance of the coalition forces to accomplish this task. They have suffered years of neglect, coupled with a repressive command structure that prohibited training, proactive initiative, and stifled attempts toward modernization of the police. Unless redesigned and redeveloped, the Iraqi police will not constitute a suitable, viable, supportable, or sustainable police service for a free Iraq.

Although the police force in Iraq was only a part of the security apparatus used by Saddam's repressive regime, they are the only institution which remains somewhat intact following the conflict. In the opinion of many citizens, the police are inexplicably linked with a cruel and repressive regime that has been substantially tainted by their association. Generally seen as a part of the regime's enforcers, the populace normally describes the police as corrupt, unprofessional, and untrustworthy. The police force was a quasi-military institution heavily steeped in military tactics, doctrine, discipline, and philosophy, concurrently staffed with active military personnel who were tightly controlled by Baghdad and Saddam. Because of this restrictive control, the police services languished for the last 35 years and now displays the results of poor standards, inadequate expectations and performance, absence of understanding and appreciation for human rights, poor management, and insufficient and inadequate training.

Following the conflict, most of the police infrastructure was badly damaged, stolen or destroyed during the cathartic looting which succeeded the end of hostilities. As the public order situation has improved, many of the police who fled coalition forces have returned to work, not only within Baghdad but across the country, now nearly 40,000 in strength. Their ability to operate effectively in general was hampered by their inadequate knowledge of basic police skills such as patrol techniques, interviewing and crime scene investigation and was hampered by a lack of equipment.

As a result of the training, oversight and assistance by the coalition, and their willingness to cooperate with the coalition, they have demonstrated enormous progress in securing and stabilizing Iraq in the last several months. Establishing a sufficient proactive deterrent police presence remains one of the principal priorities of the Coalition Provisional Authority and the Iraq police services are presently engaged in extensive administrative and operational reforms. The thorough vetting of existing personnel was and is required, along with extensive retraining of those who survived this process. The recruitment and screening of new Iraqi police has

begun, and the training of new recruits untainted by the vestiges of the former regime must be accomplished as soon as possible. This infusion of new ideas, ideals and expectations will invigorate the police service, while forcing existing personnel to challenge paradigms of behavior that have held them hostage throughout their careers. Complimenting these ideas is the installation of a proactive and aggressive office of professional standards that will hold officers accountable to a standardized set of intentionally accepted policies, rules and regulations that will guide the police service long after international advising and police assistance have ended.

The reform of the police is a long-term program that will require considerable international assistance through financial in-kind contributions and qualified police personnel to train, monitor and advise their Iraqi counterparts. As there are too many accomplishments to mention in the Interior in this statement, I welcome the opportunity to go over them with you and other members of the committee at your request. And, again, thank you for the opportunity to be here.

[The prepared statement of Mr. Kerik follows:]

Kerik Statement

Good morning Mr. Chairman and members of the committee. I would like to thank you for the opportunity to speak to you today about the new Iraqi Ministry of Interior, most importantly the Iraqi Police Sevice.

The Iraqi Police, as they stand today, are unable to independently maintain law and order and need the assistance and guidance of Coalition Force to accomplish this task. They have suffered years of neglect, coupled with a repressive command structure that prohibited training, proactive initiative and stifled attempts toward modernization of the police. Unless redesigned and redeveloped, the Iraqi Police will not constitute a suitable, viable, supportable or sustainable police service for a free Iraq.

Although the Iraqi Police Force was only a part of the security apparatus used by Saddam Hussein's

repressive regime, they are the only institution which remains somewhat intact following the conflict. In the opinion of many citizens the police are inextricably linked with a cruel and repressive regime and has been substantially tainted by their association. Generally seen as part of the regime's enforcers, the populace normally describes the police as corrupt, unprofessional and untrustworthy.

The police force was a quasi-military institution heavily steeped in military tactics, doctrine, discipline and philosophy – concurrently staffed with active military personnel who were tightly controlled from Baghdad and Saddam. Because of this restrictive control, the Police Services languished for the last thirty five years and now displays the results of poor standards, inadequate expectations of performance, absence of an understanding or appreciation for human rights,

poor management and insufficient and inadequate training.

Following the conflict, most of the police infrastructure was badly damaged, stolen or destroyed during the cathartic looting which succeeded the end of hostilities. As the public order situation had improved, many of the police who fled Coalition forces have returned to work, not only within Baghdad but across the country, now nearly 40,000 in strength. Their ability to operate effectively, in general, was hampered by their inadequate knowledge of basic police skills, such as patrol techniques, interviewing and crime scene investigation and hampered by a substantial lack of equipment. As a result of the training, oversight and assistance by the Coalition, and their willingness to cooperate and work with Coalition, they have demonstrated enormous progress

securing and stabilizing Iraq in the last several months.

Establishing a sufficient, proactive, deterrent police presence remains one of the principle priorities of the Coalition Provisional Authority and the Iraq Police Service is presently engaged in extensive administrative and operational reforms.

The thorough vetting of existing personnel was and is required along with extensive re-training of those who survive the attrition process. The recruitment and screening of new Iraqi police (has) begun and training of new recruits, untainted by the vestiges of the former regime must be accomplished as soon as possible. This infusion of new ideas, ideals and expectations will invigorate the Police Service while forcing existing personnel to challenge paradigms of behavior that have held them hostage throughout their careers. Complementing these

ideas is the installation of a proactive and aggressive Office of Professional Standards that will hold officers accountable to a standardized set of internationally accepted policies, rules and regulations that will guide the Police Service long after international advising and police assistance have ended.

The reform of the police is a long-term program that will require considerable international assistance through financial, in-kind contributions and qualified police personnel to train, monitor and advise their Iraqi counterparts.

And for the next few moments I would like to go over a numbers of the achievements we have had in reconstituting the Interior over the last several months.

Draft

Coalition Provisional Authority
Interior Ministry

Iraq Police: An Assessment of the Present and Recommendations For the Future

Baghdad
June 2, 2003

Mission Statement

The International Police Assistance Team, assigned to the Coalition Provisional Authority - Interior Ministry, will assist in the reconstitution and development of a new Iraqi police service that will protect the human rights and dignity of all citizens while constituting a police service that reflects the diversity of the country. Program initiatives will endeavor to increase citizen trust and confidence in law enforcement, and develop the institutional framework upon which a serviced-based police institution is founded. Training programs will be developed and presented in a manner consistent with the principles of democratic policing through an educational philosophy that is strongly based on international human rights standards.

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EXECUTIVE SUMMARY

The Iraqi Police, as currently constituted and trained, are unable to independently maintain law and order and need the assistance and guidance of Coalition Force assets (or some appropriate follow on force) to accomplish this task. They have suffered years of neglect, coupled with a repressive command structure that prohibited training, proactivity, initiative and stifled attempts toward modernization of the police. Unless redesigned and redeveloped, the Iraqi Police will not constitute a suitable, viable, supportable or sustainable police service for a free Iraq.

Although the Iraqi Police Forces were only a part of the security apparatus used by Saddam Hussein's repressive regime, they are the only institution which remains intact following the conflict. In the opinion of many citizens the police are inextricably linked with a cruel and repressive regime and have been tainted by their association. Generally seen as part of the regime's mechanism the populace normally describes the police as corrupt, unprofessional and untrustworthy.

The police force was a quasi-military institution heavily steeped in military tactics, doctrine, discipline and philosophy – concurrently staffed with active military personnel who were tightly controlled from Baghdad. Because of this restrictive control, the Police Services languished for the last thirty years and now displays the results of poor standards, inadequate expectations of performance, absence of an understanding/appreciation for human rights, poor management and insufficient or inadequate training. Its *modus operandi*, weaponry and approach to human rights were totally unsuited to modern policing requirements.

Following the conflict, most of the police infrastructure was badly damaged, stolen or destroyed during the cathartic looting which succeeded the end of hostilities. As the public order situation improves, the police who fled Coalition forces are returning to work. More police return to work each week, not only within Baghdad but across the country. Their ability to operate effectively, in general, is hampered by their inadequate knowledge of basic police skills (patrol techniques, interviewing and crime scene investigation) and hampered by a substantial lack of equipment.

The Coalition Forces have been overwhelmed by the absence of training, lack of professional standards, ignorance of human rights and depleted initiative displayed by the Iraqi police. Though not the individual officer's failing, their lack of skills must be quickly addressed before demobilization of a peacekeeping force can be undertaken. In their defense, most Iraqi Police display a willingness to cooperate and work with Coalition police advisors concerning their future.

Establishing a sufficient, proactive, deterrent police presence remains the principle priority of the Coalition Provisional Authority. Once the Rule of Law has been established, the Iraq Police Service must be engaged in extensive capacity building and development for necessary to instill the knowledge base and appreciation for human rights necessary for a professional, sustainable and acceptable police service.

Before achieving these competencies, a thorough vetting of existing personnel is required along with extensive retraining of those who survive this attrition process.

The simultaneous recruitment, screening and training of new recruits, untainted by the vestiges of the former regime can not be postponed or ignored. This infusion of new ideas, ideals and expectations will invigorate the Police Service while forcing existing personnel to challenge paradigms of behavior that have held them hostage throughout their careers. Complementing these ideas is the installation of a proactive, aggressive Office of Professional Standards that will hold officers accountable to a standardized set of internationally accepted policies, rules and regulations that will guide the Police Service long after international advising and police assistance have ended.

Criminal Intelligence and intelligence gathering legislation (in accordance with international standards) will have to be addressed quickly in the new police service. With the advent of the de-*Ba'athification* program there are many disenfranchised former governmental officials (political, military and police) who are poised through training and history to begin a new lucrative career as members of organized crime or anti-government groups. This coupled with Saddam's pre-conflict release of all incarcerated persons gives Iraq a plethora of criminal operations and organizations that will threaten its future.

The separation of regulatory from enforcement duties, which minimizes opportunities for corruption, should be encouraged. More importantly, administrative and regulatory tasks normally do not require the skill sets of a police officer and can be competently performed by civilian personnel within the Service and Ministry. Tasks that can be civilianized – particularly those in specialty areas, such as accountants, attorneys – should be identified and staffed with competent, capable civilians who are given career opportunities to support the police mission. Civilianization will free police from administrative duties and allow them to devote their time and expertise to crime deterrence, prevention and detection.

The reform of the police is a long-term program that will require considerable international assistance through financial, in-kind contributions and in terms of qualified police personnel to train, monitor and advise their Iraqi counterparts. Reform will take many forms: vetting, screening, training, deterrence, mentoring and monitoring.

A policy decision regarding the type of police service to reconstitute is the first step in the long process of development. Although the implementation will take time, the Iraqi people must be given a vision of their future police. Ownership of this process by civil leaders, religious leaders, politicians, the public and especially the police will be crucial to the success of this undertaking. Ownership of the process must be heartfelt by every member of this fledgling police service striving to reconstitute itself and gain acceptance from a distrusting and skeptical public.

INTRODUCTION

The Police Assessment Team, attached to the ORHA/Coalition Provisional Authority Ministry of Interior office, comprised fifteen policing experts from the US, UK, Canada and Denmark.

It was originally envisaged that the assessment team, forming part of a wider Justice Sector assessment team[1], would have three to four weeks in which to conduct a scoping survey and make its report. However, the law and order situation was in a critical state of disarray and the ORHA priority was defined as establishing the police forces; therefore, the majority of the team were assigned to assist with this task.

A smaller team (five) carried out the assessment and its findings and recommendations were presented to the Ministry of Interior office for comment and revisions prior to release. Information available about the existing police forces came from various sources - Military Police, Civil Affairs, former/present Iraqi police, politicians and citizens - who had been working cooperatively to restore order.

The Assessment Team was based in Baghdad and traveled through Iraq to both Basra and Mosul. The process of assessment involved visits to police stations, interviews with Iraqi police officers and civilians, and debriefings by the Coalition Military Forces.

Time did not allow a visit to the Kurdish areas or ORHA Central South sector but written reports provided by the Coalition Forces indicate the overriding findings from the rest of the country are applicable to this area as well.

[1] An assessment on the judicial situation, courts and prisons is ongoing under the aegis of the Coalition Provisional Authority Ministry of Justice

BACKGROUND

The Iraqi Police Force was formed in 1920 and operated as a civil force under a Police Law[2], akin to that of the civil service, until it was militarized by the *Ba'ath* regime in 1970[3]. Since this the police have been inextricably linked with the repressive regime of Saddam Hussein. In the eyes of the public they are not the worst human rights offenders of the last thirty brutal years but they were the most visible and accessible. Equally damaging to their present state was the fact that the police were not a security force favored by Saddam Hussein; consequently, they were poorly paid and educated. This led to endemic corruption which further eroded public confidence and trust.

Under the *Ba'ath* regime there were two strata of internal security within Iraq. The first tier comprised the security agencies that reported directly to the Secretariat of the Presidency and included the Muhabarat[4], the Special Security Organization, the Directorate of General Security, the Fedayeen, the *Ba'ath* Party Militia and Special Republican Guard. The exact numbers of personnel in these categories are unknown but best estimates would place them at more than 30,000.[5]

The second tier operated under the Ministry of the Interior (see Annex A) and included the Police General Directorate, the Traffic Police General Directorate, the Civil Defense Directorate, Citizenship and Immigration Police Directorate, the Baghdad Police Academy and the Police Higher Development Institute. The Ministry of Defense was operationally responsible for the Border Guard but the Border Guard was administered, supplied and managed by the Ministry of the Interior.[6] The Minister of the Interior had direct control of the police Emergency Battalions that were distributed across the country and used for quelling civil unrest across the country.[7]

The General Director of Police (see Annex A) also commanded the Headquarters of the Police General Directorate in Baghdad and the seventeen Governorate Police Directorates (Maysan, An Najaf, Al Muthanna, Wasit, Karbala, Babil, Al Anbar, Diyala, Salah Ad Din, At Tamin, Ninawa, Baghdad Resafa, Baghdad Karkh, Basra, Dhi Qar and Al Qadisiyah). Under the General Director of Police were four Deputy General Directors: Vital Institutions Protection (Railway Police, Oil Protection, Electricity Police, Check Points, Ministry guards, Airport guards, Embassy guards and the like), Technology and Development, Finance and Administration, and

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[2] The last applicable law was Police Law No. 20 of 1943.

[3] Decree No. 995 of the Revolutionary Command Council enacted Law No. 184 of 1970 as an Appendage to Military Penal Code No. 13 of 1940. Article 1 of the 1970 Law states that provisions of the amended Military Penal Code No. 13 apply to all those covered by Law No. 149 of 1968 on police service, security agencies and citizenship police. Source: Farouk Jawad Ridha, former Chief of Judiciary Police, in *Islamic Jurists Association Review* 2003

[4] Internal intelligence service

[5] Various sources, some classified

[6] There was also a General Directorate of the Interior, under the Deputy Minister, which cut across several policing issues. It had Sub –directorates for Secret Affairs, Criminal Affairs, Borders, Traffic, Civil Defense, Clubs and Societies.

[7] They had a distinctive blue-green uniform

Criminal Affairs Operations. The Judiciary Police reported directly to the General Director of Police.[8]

The Governorate Directorates were organized more simply and consisted of Guards (Vital Institutions), Crime and Emergency Battalion Directorates, and others. Under their Headquarters were regional Directorates, each with departments and stations. The Chief of Police was appointed by the Minister of the Interior in Baghdad and could be directed in the province by the Governor and Mayor, both of whom would have been senior *Ba'athists*. Regardless of the appearance of local control, all police documents (arrest reports, for example) were copied to Headquarters in Baghdad, where tight control was retained over the provincial forces.

Included in the Ministry of Interior security forces were the Traffic Police Department who were responsible for vehicle registration, issuance of licenses and the control of traffic. The Civil Defense Directorate who was responsible for the fire service and natural disasters. The Citizenship and Immigration Directorate dealt with national identification cards and the registration of births, deaths, graves, marriages and divorces. Finally, the Border Police[9] had three primary branches: Customs Police[10], Border Police Stations and Border Guards. The Border Police patrolled the border while the Border Guards protected the 10 compounds which were located at the land points of entry into Iraq and the 264 Border Police Stations between them.

In 2003 the strength of the Iraqi Police Force under the General Director of Police was 58,006[11] and was exclusively male.[12]

TRAINING

There were three levels of police: Non-Commissioned Officers, Assistant Officers and Officers. The Non-Commissioned Officers possessed little formal education – normally only completing primary school. When hired they were trained within their provincial area in an unstructured training program that could last up to three months. Standards and length of training appear to have varied widely from province to province. Once they graduated from this training, these non-commissioned officers were responsible for most of the daily contact between Iraqi citizens and the police. Non-commissioned officers were the first responders to calls for service and were responsible for dealing with disputes and the maintenance of public order.

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[8] This is copied from a proposed structure received by ORHA from Lieutenant General Mohammed Habib Humadi, the fourth highest ranking officer in the General Directorate of Police, 11/5/2003. It has been compared with other sources and represents an accurate picture of the General Directorate as it was, less the nefarious security departments disbanded by ORHA – the Criminal Investigations Division and Police Security Office

[9] Pre-war strength 500 officers and 3,000 ranks (excluding Customs Police) – figures supplied by Brigadier General Khalef, Iraqi Border Police, 27/05/03

[10] Pre-war strength 198 officers and 2,202 ranks – figures supplied by Major General Ali, Iraqi Customs Police, 27/05/03

[11] Information provided by Lieutenant General Mohammed Habib Humadi

[12] Women were trialed as traffic police 1971-3, an experiment described by one senior officer as a 'disaster'. It should be noted that there are women police officers in the police forces of other Arab countries, such as Egypt, Jordan and Bahrain.

Assistant Officers completed secondary school education, usually from the Police High School, and then underwent on the job training. They were normally assigned to various administrative functions within the Iraqi Police Force and would only respond to serious crime for supervision only. Their duties usually consisted of administrative work assisting the Officer corps.

Officers were secondary school graduates who were further educated at the Police Professional College in Baghdad undergoing a three year course of instruction. Upon completion of training the Officers received the equivalent of a Bachelor's degree in Police Science; however, the curriculum was heavily steeped in military doctrine and training. After graduating the academy Officers were posted arbitrarily and normally served in the assigned region for the rest of their careers. Initially commissioned as Second Lieutenants, these candidates were eligible to apply for promotion every four years. The criteria for promotion were seniority, a good record, specialized training and a written exam up to the rank of Colonel. Officers were be allowed to attend the Police Higher Development Institute in Baghdad where they attended courses, conducted research and could be awarded post graduate degrees, including Doctorates. However, traditional supervision, management, command and staff level training and development did not exist within any of their training mechanisms.

SALARIES

The Iraqi Police Force did not attract quality recruits because the status of police held a position in society that was lower than the military resulting in poor pay and resources. The salaries (including bonuses) ranged from 80,000 Dinars (US $40) a month for the lowest grade to 185,000 Dinars (US $90) for a Major General. Those police officers who could, left the police and joined one of the Level One security agencies, where attendant privileges could be gained. One Iraqi Police General believed that his police salary of 40,000 Dinars could have been as high as 300,000 Dinars had he joined the Special Security Guard.

UNIFORMS

The uniforms of the General Directorate of Police – except traffic and emergency battalions - were olive green, with black berets. Traffic Police wore white shirt and blue trousers, while the Emergency Battalions wore distinguishing blue-green uniforms. The ranks were military and those from Major upwards incorporated the Iraqi eagle. Discipline was enforced through the Military Penal Code and enacted by the Military Courts.

WEAPONS & EQUIPMENT

The weaponry was distinctly military and Police station armories would store pistols, AK-47s, Light Machine Guns, Rocket Propelled Grenades, mortars and hand grenades. Iraqi Police normally carried AK-47s and pistols; however, they did not possess any other traditional police equipment, even handcuffs. There were no

intermediate levels of force available and within their arsenal there were no less-than-lethal options, which severely limited their approach to dealing with the public.

CRIMINAL INVESTIGATIONS

Like the patrol function, the Investigators had a bifurcated system of control and responsibilities. Detectives were divided between traditional police investigators and Investigative Judge investigators. Regardless, investigators rarely left the office and attended the crime scene unless directed to attend for specific tasks. It was the responsibility of the patrol, police officers and crime scene/evidence technicians to bring all evidence, witnesses and suspects to the investigators. When enough evidence was collected to present to an Investigative Judge, the information was then transferred from the police investigators to the Investigative Judge's investigators who would follow up on interviews and evidence collection necessary for a prosecution. Their methods of extracting information were rather draconian and their access to traditional investigative tools and equipment was limited or non-existent.

LAW

The applicable laws that governed the police's operations were the Penal Code with Amendments 1969 and the Law on Criminal Proceedings with Amendments No. 23 of 1971.

CURRENT SITUATION

ACROSS IRAQ

The present law and order situation varies across Iraq. Baseline data of the crime situation before the conflict is not available because it was either destroyed or secreted; therefore, it is impossible to compare the current situation or to undertake a detailed study of investigative abilities or specialized departments[13]. An additional problem rests with the gathering of current crime information from Coalition military sources that is classified and can not be shared in this forum.

Regardless of the lack of empirical data, the Coalition Force's priority remains law and order and getting the available police back on the streets. As noted above, much of the police's infrastructure and equipment had been damaged or pillaged during the immediate post conflict period. As in all post conflict situations though weapons of all types are readily available within the country, the *Rule of the Gun* is being replaced by the Rule of Law stemming from the concerted efforts and ingenuity of Coalition Forces working in concert with Iraqi Police.

On 2 May 2003 the Office for Reconstruction and Humanitarian Assistance (ORHA) called all Ministry of Interior employees of the Police Force, Civil Defense Force, Vital Institutions Protection Force (actually a part of the Police Force) and Traffic Police in Baghdad back to work for 04 May.[14] A similar call was issued outside the incorporated area by individual Coalition Force Commanders as their areas were secured. The announcement did not recall members of the first strata of Iraq's previous security apparatus and effectively disbanded these organizations.[15]

All members of the police forces were provisionally reappointed to the posts they occupied before the war. In the areas outside Baghdad, the police were stood up by the Coalition Forces under localized arrangements. In most areas the Chiefs of Police were appointed by provisional Town Councils. Some basic training by Coalition Forces has taken place but this has varied from area to area, as have the *modus operandi*. Encouragingly, the Iraqi police are cooperating and demonstrating a willingness to work alongside the Coalition Forces in order to address the law and order situation.

As of 30 May 2003 the Border Police have not been called back to work. While assessments concerning their future are currently being undertaken, a plan to open both the Umm Qase seaport and Baghdad International Airport have prompted Police

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[13] The Criminal Identification laboratory in Baghdad has survived the looting, as has the Crime Bureau database. The laboratory is reflective of the 1980's technologies but contains sections for ballistics, fingerprinting, casting, crime scene photography, blood sample analysis and counterfeiting. It has 700,000 fingerprints on both cards and computer. Most of the personnel were trained in Egypt, Jordan and India.

[14] *ORHA Announcement on Return to Work of the Police* 02/05/03

[15] Named as 'Intelligence Services, Public Safety Directorate, Military Intelligence Department, Special Guard Directorate and Emergency Brigade'

Advisors to recruit some former Border Patrol to staff these two points of entry. Border patrolling will soon be conducted by the Coalition Forces.[16]

SOUTHERN IRAQ - BASRA

The situation encountered by the Coalition Forces in Basra, the largest city in southern Iraq, was repeated as the advance continued through Iraq: the senior *Ba'athists* fled, the police forces faded away and widespread looting followed the collapse of law and order. All police stations were stripped of equipment, supplies and weapons and then the majority of the stations – sometimes up to 60 per cent - were subsequently damaged by fire. Most of the damage was caused by looters; however, some could be traced to former police who were attempting to destroy incriminating records. An assessment of refurbishment costs for the destroyed and missing police equipment and stations is ongoing.

Prior to the war the Basra police force numbered some 6,000 to 8,000 for a population of 1.4 million. Soon after their arrival, the Military Police Battalion did not have an adequate civilian police force and, as a stopgap measure, recruited auxiliary policemen in order to fill the void. The employment of auxiliaries (though they received on the job training) was seen as unsustainable in the long term and the priority shifted to again attempting to entice back the former police while attempting to reopen damaged police stations. In an effort to visually separate the returning police from the former regime an interim uniform[17] was devised, which met with cultural objections[18] and has been replaced with a new uniform that is currently being issued.

In the middle of May, the four main police stations in Basra were handed back to the police, under close supervision of the Coalition Forces. The Provost Marshal of the Division occupying the Southern Region has remained as the *de facto* Chief of Police in Basra, with the authority to retain or dismiss personnel[19]. Initially, Military Police collocated within the police stations alongside local Iraqi police as mentors and guides, until the military disengaged from the stations. Presently, the Military Police perform joint patrols with and continue to do field training of Iraqi police officers.

The Military Police officers frequently comment about the apparent lack of training and absence of proactivity of the former police force. Noted by the MP staff is the lack of appreciation for basic, mundane police behaviors such as carrying a notebook to record information. More serious, Iraqi police do not appear to be trained in even the most basic patrol tactics and techniques.

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[16] Brigadier General Khalef told the assessment team that, of his pre-war strength, he has 95 officers and 2,324 ranks available 27/05/03. Both they and the Customs Police are asking when they will return to work

[17] The police were not permitted to wear their former uniforms and ranks. Instead they wore white shirts and dark trousers.

[18] The white shirt is perceived by the police as specifically denoting a nurse and the police felt that wearing white shirts was degrading. The decision to utilize white shirts was made unilaterally by Coalition command without consultation with Iraqi police.

[19] All police positions are provisional appointments and will remain "at will" until an Iraqi civil administration takes authority within Iraq.

Also lacking are any verbal de-escalation or negotiative skills. Under the old regime a police officer's word was not to be questioned. Whenever a citizen made the grave mistake of questioning a police officer's authority or intent the officer's response was the application of force, most often liberally and viciously applied. Currently the Military Police provide close supervision to dissuade and prevent these behaviors.

The law and order situation in Basra has calmed since the post conflict looting and there continues to be a decline in the number of murders, assaults and thefts. The lack of crime statistical data makes it impossible to determine if this post conflict crime trend has changed since pre-conflict days. Nevertheless, nightly gunfire continues within Basra and attests to the proliferation of weapons through the country. Various explanations can be attributed to this firing: celebratory fire, weapons testing, gang warfare or looting prevention. Regardless, the local police continue to conduct day and night foot patrols alongside the Coalition Forces in order to seize illegal weapons, deter crime and reassure the public.

In a rural police station near Az Zubayr 15 former policemen and 19 auxiliaries have been trained by the Military Police and appear to be responding well. As with their municipal counterparts it was evident that these rural police were used to acting only upon orders and they exhibited little, if any, initiative. The prevailing police culture was to sit in the police station until something happened and then attend the scene only if an arrest was ordered or an investigation was necessary. Investigations, however, might require money to change hands, particularly if an arrest was anticipated at the conclusion of the investigation.

Another police station that the team visited, in the small town of Al Uzyr (a very rural area) near Al Amarah in Maysan Province, was manned by the Coalition Forces and a newly established force. The former police had disappeared and had been replaced by 64 civilians nominated by the provisional Town Council. These 64 received basic training and supervision from the inherent military force, were representative of the local population and were well received by the public. There had been three recent murders but one had not been designated as such by the locals because the victim was female.[20] This failure to recognize the willful killing of the female underscores some of the sensitization that will be necessary within the country and its' police force.

In Al Amarah itself (population 351,000) the police were returning to work also to the staffing of the pre-war numbers, but as with their counterparts throughout the country they did not appear to hold much public confidence. The Deputy Commander, General Sabeeh, assessed that the fundamental changes necessary were the need for new uniforms in order to dissociate the police from the previous regime and new training for the officers.

CENTRAL IRAQ - BAGHDAD

Baghdad, the sprawling capital of over five million inhabitants, witnessed unprecedented levels of looting and wanton destruction during the cathartic uprising following the Coalition entry into the city. Its sheer size and its position as the heart of

[20] Possibly in line with tribal customs on '*honor*' killings

the *Ba'athists* regime has made the imposition of law and order on such a metropolis a fundamentally different challenge to other areas of the country. Because Baghdad contained the majority of Level One security agencies, it is within the corporate limits that the inherent weaknesses and ineffectiveness of the Iraqi Police Force have been most apparent.

Baghdad was split into two police districts, delineated by the Tigris River, Al Rasafa (East) and Karkh (West). All 72 police and prison facilities[21] located in the city were subject to the theft, arson and damage noted in other portions of the country. The levels of lawlessness and chaos witnessed within Baghdad led to a slow response by former police as they were called back to work. Due to the extent of the damage and the number of facilities damaged, it will take longer to reopen facilities in Baghdad when compared to other parts of Iraq.

In less than two months since Coalition forces entered Baghdad and 7,297 police (not including Traffic and Vital Institutions Protection) have returned to work (87 per cent of pre-war strength). 18 of the 72 police facilities have been re-established[22] and a plan is being implemented to renovate some 40 looted and destroyed police stations and buildings in the coming weeks. More police continue to return to work and 14 days ago an international advisory/assessment team was deployed and started working directly with the police.

The police presently have 67 cars at their disposal, with another 50 due by the end of the month. Stolen police and government cars continue to be confiscated from the public by the Coalition Forces and the Iraqi police. The Coalition Forces have made significant efforts to re-equip the police. To date, Coalition Forces have issued over 4,000 9mm pistols and 1,766 AK 47s to replace those weapons stolen or discarded upon the arrival of Coalition Forces. New uniforms – the first 20,000 – consisting of light blue shirts and dark blue pants have arrived and have begun to be issued. Radios - 2650 handsets - and 3,101 sets of body armor have been ordered and will arrive shortly. The US Military, in conjunction with Motorola, is developing a police communications network across to serve Baghdad's emergency services needs.

The police have reported to their stations and joint Iraqi Police and US Military Police patrols began and have been expanded to cover day and nighttime operations. To improve communications the first-of-its-kind Iraqi Police-US Military Police Joint Operations Centre was established within the confines of the Police Academy.

Prior to the conflict, the police and patrol divisions had little contact or communication. These two functions have been merged as the Coalition begins to establish the structure of the new Iraq National Police Service. As with their rural counterparts, local Baghdad citizens expound upon the police's worst traits: reckless driving, excessive use of force and lack of positive interaction with the public.

[21] This figure includes the Police Academy and Higher Development Institute
[22] Source: 18 MP Brigade Briefing Document 26/05/03

Generally, the citizens of Baghdad view the Iraqi Police Force as corrupt[23], unskilled, unprofessional and unresponsive[24].

Currently, the security situation in Baghdad is still difficult. Sporadic gunfire is a nightly occurrence, while murder, carjacking and kidnapping continue to be the public's greatest concerns. The public is wary to venture out after dark and public confidence in the law and order situation in general is low.

NORTHERN IRAQ - MOSUL

Mosul, the largest city in northern Iraq and the centre of Ninawa province has proven to be a more benign environment. The population totaled 2,339,680 prior to the war, of which 1,345,000 were to be found in Mosul itself. The pre-war police forces numbered 3,665 for the city and 1,758 for the remainder of the province. The area was not heavily involved in fighting during the conflict, many of its structures remain in place and with the arrival of Coalition Forces it was possible to stand up the police forces within a short period of time.

To date the Headquarters and 14 sub stations have been reestablished. 2,017 police have returned to work in Mosul and 1,716 in the rest of the province[25]. These are all former police officers and there has not been a recruitment of new police or auxiliaries. The Traffic Police reported back in great numbers, working out of six stations reestablished by the Coalition forces, and are highly visible in Mosul.

There were also 2,296 guards (Vital Institutions Protection) pre-war with responsibility for communications facilities, banks, factories and buildings such as *Ba'ath* Party Headquarters. These members of the VIPF have not returned and political party buildings are being protected by the party's own armed guards.

The Chief of Police of Ninawa province, General Akram, left the area along with other senior *Ba'athists* during the conflict. The current Chief of Police, General Aziz, was a former Chief who had been retired by the former regime and re-appointed by the provisional Town Council, in consultation with religious and tribal leaders. The returning police are wearing their pre-war uniforms and ranks but this does not appear to present a problem either to the public or the police.

All police stations were stripped during the looting but are structurally intact. Some have suffered fire damage. As has been found elsewhere, the police's weaponry has all but disappeared and the current inventories indicate the extent of missing weapons:

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[23] Credible sources have reported that police officers are selling ORHA issued fuel on the black market and there is an MP belief that not all confiscated cars are making it to the compound at the police academy.

[24] Source: 709 MP Battalion Briefing 21/05/03. These perceptions were borne out during the assessment team's visit to the Patrol Police's current operating base (the Police Academy). The situation approached chaos. It was difficult to identify the police from the criminals they brought in. Prisoners were witnessed being punched and kicked. At the issue of weapons, basic handling drills were dangerously non-existent. Command and Control appeared conspicuously absent.

[25] The Military Police Battalion is currently undertaking a survey as to how representative this force is

Pistols 43 of 868; AK-47s 38 of 3,223; and light machine guns 30 of 99[26]. The disparity in pre and post-war numbers is attributed to police officers retaining weaponry at home for personal protection, weapons being looted and weapons being sold on the black market by the police and others. The vehicle situation is better than found in Baghdad, 126 out of 206 vehicles remain.

The law and order situation in Mosul is generally stable but there are a number of shooting incidents during the hours of darkness. This is attributed to infighting between rival gangs. Life goes on pretty much as normal during the day. The local police are conducting joint patrols with the Coalition Forces during daylight hours and the military are patrolling by night while the police remain in their stations. The less than proactive nature of the police was again evident in Mosul where the *modus operandi* was to congregate in the police station until something happened. As in other parts of the country, the public's view of the police was that they are corrupt and incompetent. Those members of the public spoken with expressed a desire for a completely new police force.

Tallkayft, ten kilometers from Mosul, is in a rural area and the police station has four sub stations in the surrounding villages. The town was occupied for one month during the conflict by the PDK and then the police were re-established within seven days with Coalition Forces assistance. The former Chief of Police, Colonel Mohammed Kasim, resumed his position with the approval of the provisional Mayor, tribal and religious leaders. The law and order situation differs little from pre-war days and is considered good. Car theft, tribal fighting and smuggling continue as the major crime problems. The police patrol of their own accord in this area, on foot, without Coalition Forces support. The congregation of police in the station was again observed and numbered some thirty when the team visited.

The Military Police Battalion responsible for the Northern Region is undertaking a basic modernization and restructuring of the Mosul Police. The program is split into four phases: (I) Accountability and Training (some of which is underway and includes a *per capita* estimate of the Mosul Police Force based on a one police officer per 300 population[27]), the creation of bilingual police reports[28], Guard Mount/Shift training, a new police structure and reorganization of the detention facilities; (II) Centralized Training (commenced 26 May and consisting of seven day courses covering basic policing); (III) Purging and (IV) International Certification[29].

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[26] No figures were available for the 28 RPGs and 618 Hand Grenades held pre-war. The police are also holding four flare guns and some sniper rifles.

[27] Ratio recommended to MP Bn by Coalition Forces Land Command Centre, Baghdad. It envisages a force of 6,000 including civilians

[28] Based on Department of the Army forms

[29] These last two phases are envisaged for the future. Phase III (Purging) begins when a National Police Academy is open and producing quality recruits. The recruits would receive further on the job training in Mosul and then replace current underperforming, incompetent or corrupt members of the Mosul Police Force. Phase IV (International Certification) envisages: 'United Nations or other international organization completes an assessment and offers the Mosul Police Department with certain conditions to be met to become an internationally recognized police force with regard to meeting international standards of police work. Source: MP Bn briefing document *Proposed Restructuring Plan for the Mosul Police Department* 24/5/03

KURDISH AREA – NORTHERN IRAQ

For logistical reasons it was not possible to visit the Kurdish areas. It was noted, from the Coalition forces, that there are Kurdish checkpoints in the hinterland south of the Kurdish area.

CURRENT INITIATIVES

STANDARDS FOR INTERIM POLICE SERVICES

Guidelines have been developed (see Annex B) and issued by the Police Assistance team through the ORHA Office of the Ministry of Interior to ensure that a standardized approach is utilized while re-organizing the police within each military area of responsibility. The guidelines address the structure of the police in the immediate post-conflict phase.

Specifically enumerated is the unification of the patrol, police and investigative divisions into a single organizational entity within the Iraq National Police Service (INPS). The Traffic Police will remain a part of the Iraq National Police Service; however, they loose their executive law enforcement powers and will concentrate on traffic movement and accident investigation. Disassociated from the INPS, the Vital Institute Protection Force has been renamed as the Facilities Protection Service (FPS), and like the Traffic Police will carry a weapon but exercise no executive law enforcement powers. All further development for police and public safety in the post-conflict phase will be established in accordance with the philosophical framework enunciated within the "*Principles of Policing in a Free Society.*[30]"

Criteria for vetting existing and screening newly recruited personnel have been established to complement the new minimum standards for selection. Also included in the general guidance is advice on the use of insignias of rank and identification cards. A program of instruction to re-train all existing personnel is being formulated and the material will be complete by mid June 2003. A program of instruction for new recruits is being drafted to the same timescale. Finally, a clear policy statement has been articulated concerning the police use of firearms and force – including the introduction of the concept of the use of reasonable and necessary minimum force commensurate with respect for human rights.

PRESENT SALARIES

The Coalition Provisional Authority has set four salary levels[31] for public sector employees across Iraq, from 100,000 to 500,000 Dinars per month, at 100,000 Dinar intervals.[32] These represent pay rises for the Iraqi Police, and especially for the officers[33]: Non Commissioned Officers and Assistant Officers will receive 100,000 Dinars as compared to 85,000 Dinars; Lieutenant to Captain 200,000 Dinars as compared to 105,000 Dinars; Major to Colonel 300,000 Dinars as compared to 125,000 Dinars; General 500,000 Dinars as compared to 185,000 Dinars.

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[30] Department of Justice, International Criminal Investigation Training and Assistance Program 1999.
[31] 100,000;200,000;300,000;500,000 Dinars
[32] First payment of new salaries is scheduled for 01 June
[33] Police scales decided by ORHA Ministry of Interior team

DE-*Ba'athification*

The Coalition Provisional Authority has issued an order banning senior members of the *Ba'ath* party from employment in the public sector. Vetting of senior police officers is underway.[34]

[34] Order of the Administrator of the Coalition Provisional Authority *De-Ba'athification of Iraqi Society* 16/05/03

ASSESSMENT RECOMMENDATIONS

- The Iraqi Police, as currently constituted and trained, are unable to independently maintain law and order and need the assistance and guidance of Coalition Force assets (or some similar follow on force) to accomplish this task. This is a result of years of neglect, coupled with a repressive command structure that prohibited training, proactivity, initiative and stifled attempts toward modernization of a police force. Unless redesigned and redeveloped, the Iraqi Police will not constitute a suitable, viable, and sustainable police service that can engender public trust and confidence. The Iraq National Police requires reform and restructuring. The previous philosophy, training, expectations and structure are fundamentally unsuited to a new, free Iraq.

- Nullify existing legislation that placed Iraq police under the military discipline system which essentially provided them with civil and criminal immunity, while enacting legislation for minimum standards, training, continued professional retraining, appropriate criminal/civil liability, certification and decertification for members of the police service.

- The current focus should remain reconstituting the Iraqi Police from previous members who have been properly vetted in order to enhance the established Rule of Law. Inherent in this undertaking is the establishment of an aggressive Office of Professional Standards investigative and disciplinary process that ferrets out corruption while immediately addressing unprofessional, unethical or criminal behavior within the Service.

- The police service should be restructured to remove the vestiges of Saddam's militarization of the police force including philosophy, rank structure, weapons, uniforms, expectations, training and approach to human rights.

- Develop and codify a standardized policy and procedure manual based upon the concepts of policing a free society, which also incorporates the principals of respect for human rights. This manual should encompass administration, training, disciplinary, procedural and operational guidelines for the police service.

- Implementation of the three-week Transition and Integration Program (TIP) for all Iraq Police Service personnel complemented by an accompanying Senior Level Management TIP for all Iraq Police supervisors and management personnel that will establish the foundation of policing in a free society.

- Once the introductory training has been completed, a long term capacity building and training program – which includes monitoring and mentoring - should be undertaken for every Iraq police officer that addresses all aspects of policing (basic police skills & tactics, respect for human rights, use of force, interviews and criminal investigation amongst others) – which incorporates mentoring and monitoring - until an effective, locally acceptable police force

is established that incorporates principals of community policing and full respect for the human rights of individuals.

- Establishment of a comprehensive basic mandate and compulsory, complementary field training program for all police recruits that provides field application and training in core competencies necessary to make the student a successful police officer in a free society. The Basic Course curriculum should be framed within the philosophies and principles of policing in a free society and respect for human rights, and covers a wide variety of skills required for policing in a democratic society. The lessons of instruction should include, but are not limited to the following: policing in a democracy, constitutional framework, human rights, use of force, police ethics and code of conduct, policing in a multi-ethic society, first aid, domestic violence awareness, gender issues, community policing, patrol procedures, arrest and detention, effective communication, traffic accident management, etc. International standards of human rights should be interwoven into all core subject matter, both in the classroom, practical exercises and throughout field training.

- A concurrent media and public information campaign – led by reformist Iraqi Police leadership – should be undertaken to rebuild the public's perception and expectations for the new Iraq Police Service. Within this framework, the new police service should strive for transparency throughout its operations and the public should be fully informed and have access to information concerning the rebuilding of their police and security structures. Inherent in this campaign is the transition from a police force to the mindset of a police service, focused on providing law enforcement services to the community.

- Work cooperatively with the Coalition Provisional Authority to restore and refurbish police stations that provide the Service with appropriate facilities to perform their jobs. These stations should be strategically located within neighborhoods to engender both the officer's and public's ownership of "*their*" new police.

- Enable legislation that allows the collection - including wiretapping and other clandestine collection methods, protection, and use of criminal intelligence information that are in concert with existing international standards. Establish a law enforcement criminal intelligence organization that is specifically focused on anti-terrorism, drug, organized crime and human trafficking investigations.

- Civilization of administrative and support positions within the police service. This initiative will provide more police officers devoted to law enforcement functions, while providing employment/development opportunities for citizens. This program must be buttressed with a professional training and development program for citizens that mimics that provided to police officers.

- Establish a recruiting policy that will encourage appropriate minority and gender representation within the Iraq police service.

RESTRUCTURING

The Coalition Forces – by necessity - have been reconstituting and restructuring the Iraqi Police Service without an overall strategic direction or coordination. Each force, in the four Areas of Responsibility, was creating its own model. This effectively began the creation of four potentially different police forces in Iraq: North, Central, South Central and South. Strategic guidance is crucial.

ORHA guidelines have been issued (see above) but a policy decision is needed as to the end state of the police and issued to both Iraqis and Coalition Forces alike so that there is an overarching vision and focus. Above all, it would be a message to the Iraqis that their future will be secure and guaranteed by embracing the new standards, which are significantly different from the old methods of behavior.

Two models are available. One is the classic single national police force with specialized units at the center and decentralized administration. The second is a police force which reflects a federal government structure. The preferred model may closely resemble the other police organizations in the region – notably Jordan and those in the Gulf such as Kuwait.

Whichever model is adopted, it should include a transformation into a wholly civil institution signified by civil ranks rather than military designations. This situation is reinforced if the police rank structure aligns with the civil service grading arrangements – and the police personnel placed at the appropriate position in the spinal pay column which reflects their qualifications, training and skills. This can be useful to enable police to see how they are valued by the state. Proper pay scales will materially assist the fight against corruption in the police.

The demilitarization of the police, including the removal of the police from military law and police courts would represent a tangible break from the Saddam Hussein era. A change of uniform and ranks would be a visible sign to the public that the new force was different from the old and this is likely to attract more public confidence. There is also an opportunity to replace the incompetent and corrupt in the police force with new recruits and retrain current personnel who remain in the police.

Consideration must also be given to the political relationship between the Chief of Police and the Minister/Ministry of Interior. The Chief of Police should not be subject to political and operational control by the Minister of Interior, so that the Political Executive is not able to exercise undue influence over operational policing decisions made by the Chief of Police.

Institutions such as a Police Service Commission answerable to a national assembly with authority derived from the President of the Republic should be contemplated to establish a firewall between the proper political oversight and accountability over policing exercised by the Ministry of Interior and the Chief of Police. If there is no alternative to housing the police headquarters in the large Ministry of Interior building in Baghdad, then arrangements could be made to physically separate the Ministry of Interior and police HQ within the complex of the building.

The size of the police force should probably be somewhere between 1:300 to 1:500 in terms of police:population ratio. New recruits could be drawn from expatriates as well as the indigenous population and former officers that were forced to retire by the previous regime. Regardless strict vetting must continue.

NATIONAL POLICE FORCE MODEL

This model is typified by a unified command structure with a single Police Commissioner wherein management authority is vested with the Commissioner, not the Minister of Interior. Police headquarters may then be comprise of the Police Commissioner and his deputies; however, there should only be one deputy who is empowered to act in the absence of the Police Commissioner. Other deputies function as assistants to the Police Commissioner. The Headquarters structure should be limited to those functions which are necessary to support the organization at the strategic level, and no public service delivery activities need to be located at this level beyond, perhaps, media and community relations, and national responsibilities such as counter-terrorism and diplomatic protection.

Characteristically, the following functions would be headed by a Deputy Police Commissioner within the headquarters structure:

- Operations – integrating patrol, police and traffic policing into one institution under a single command structure
- Intelligence[35] and Investigation – including crime statistics, scientific support and forensic services; and, any national investigation functions such as narcotics, anti-corruption, organized crime.
- Human Resource management – including recruitment, selection, training, certification as well as payroll services
- Finance and administration – including technical services (computers and communication), estate and fleet management
- Planning and Research – including legal services
- Office of Professional Standards – would also be a responsibility of a Deputy Police Commissioner.

Certain functions at the HQ level could be filled by qualified professionals – for example a civilian accountant as Director of Finance and Administration. A civilianization process can also be considered to free up police resources for those tasks which require the exercise of police powers, in areas such as clerical and administration processes, vehicle maintenance and other technical skills. Following this philosophy, functions such as petroleum and electricity police forces should become non-sworn police functions, as currently foreseen in the ORHA interim guidelines. In the long-term they can either be privatized completely as

[35] A decision would also need to be taken as to whether the police offer any operational support and on what basis to the internal security services which emerge from the transition to democracy.

security/property guards companies, or managed and administered by government agencies.

Geographically the organization can be sub-divided into command units based at the Provincial level, but with policing remaining a national responsibility. These command units at Provincial Headquarters reflect the functions at national level: operations, intelligence and investigation, human resource management etc. This may be overlaid by regional or zonal command units, although these are not necessarily to be recommended unless it is quite clear what value they will add to provincial and state policing, and they should not simply be a mirror image of the functions at national and provincial headquarters. They could undertake an inspection function to monitor and support management performance of the provincial unit police forces. They generally function where they exist as communication channels between the provinces and HQ (again not necessarily recommended), and also retain certain functions such as mobile units of public order forces to assist the provinces in the event of major civil disorder.

Under this model it would be important to empower the provincial Chiefs of Police to manage their own affairs as far as possible, including delegated financial management authority, and promotions to certain ranks. The operational and political interface between the provincial police chiefs and the Governorates and Mayoralties also needs to be clarified in the new Iraq, including the role of the police vis-à-vis the judicial authority which might continue to be dispensed by the Governor/Mayor. However, the centre would continue to perform high level strategic functions such as developing national policing policies and the overall direction of policing (for example the style of policing to be adopted) as the force develops in a democratic dispensation.

FEDERAL (REGIONAL) POLICE STRUCTURE

If the new constitution decides on a federation based on regions, a police force which reflects this political structure would be a natural development. There are a number of options for such an arrangement:

(a) Completely separate and independent institutions as discreet bodies of the federation as in for example the interim arrangements in Serbia and Montenegro, recruiting and appointing within their respective autonomies; with some sort of federal co-operation/joint task forces agreement at the national level to deal with certain issues – diplomatic protection, federal level anti-corruption and criminal investigations, and membership of Interpol, which only admits and signs international agreements with members as national entities. Thought would also have to given to tasks such as maintaining and managing the national fingerprint collection and other nationally based indices.

(b) Under the Basic Law policing becomes the responsibility of the Province/Region. At Provincial level police forces are recruited, appointed and trained locally. To ensure common standards are maintained it is then possible to provide the senior officers, including the provincial/regional CoP, through a national officer corps recruited and trained nationally – as in India and other British post-colonial police forces. The officers are then

brigaded to and become members of the provincial/regional forces. At the federal level certain functions can then be undertaken such as Railway Police, Highway Patrol, and counter-terrorism; and police development can be managed at the federal level with an institute to set standards and provide a national research and development function.

There is also a need for institutions to set and monitor policing standards across the federation to ensure minimum standards of police service delivery and police behavior whichever model is adopted.

METROPOLITIAN POLICING

Metropolitan policing has several distinguishing features from policing in the greater part of the country including such issues such as diplomatic protection and ceremonial policing. Whichever national model is adopted could be further refined by the establishment of separately organized metropolitan police institutions for the capital Baghdad and the other major cities of high population density. Large urban areas require a different style and approach to policing to cope with the volume of demand on police resources. It would be possible to encourage loyalty and corporatism in these urban forces by badging them differently and thereby identifying them as City Police forces – but with the personnel recruited and managed in exactly the same way as the other police in Iraq. Senior officers could be liable to transfers into and out of the metropolitan forces as part of career management and development within the overall police structure, but other ranks would be recruited and serve in the one area. This approach is practicable in a number of countries and appears to be successful.

ASSESSMENT OF LAW ENFORCEMENT AS PART OF OVERALL JUSTICE REFORMS

Activities have typically focused on strengthening individual institutions such as police, prisons, prosecution, courts and the judiciary. A sector approach to appraising the strengths and weaknesses of the institutions in the justice sector identifies the crucial linkages between the institutions within the system. It is also important to assess the problems from the user's perspective (a demand side analysis rather than simply focusing on supply) – and particularly from the point of view of the poor and vulnerable groups, including women, children, the elderly and minorities. Their concerns are likely to highlight issues of safety and security and greater access to justice, both state and customary, alternative dispute resolution; and, the importance of reducing corruption.

In the context of Iraq the justice system is a mixture of Napoleonic and British common law, together with Sharia (family law). The role of the police is to function in this context. For example the prosecutors are members of the judiciary, with common recruitment, selection and training. They enter the judiciary or Prosecutor General's Office depending upon their performance in the training. The police undertake preliminary investigations into allegations of crime. The evidence gathered is inadmissible at this stage and the case is handed over to an Investigating Judge, who will re-investigate the case – and in this process the evidence becomes

admissible in court proceedings. The role of the Prosecutor is to act for the State in criminal proceedings – however in Iraq relations between police and prosecutors are very poor and the prosecutor is often refused access to the legal papers – and may even have to bribe the police to obtain disclosure. In a process of reform it may be feasible to revise the role of either the Prosecutor or the Investigating Magistrate so that duplication in the investigation and case preparation is reduced in the interests of efficiency and fairness – both to the victims, witnesses and the accused.

The organization chart of the General Directorate is a typical police structure, but heavily dependent on the individual authority of the General Director. According to the chart each Deputy General Director reports directly to the General Director as do the provincial Chiefs of Police, as do all other departmental Directors. However such charts need to be treated with caution. They do not necessarily indicate how organizations actually work, but may point towards the power structures. Where they may be useful is to track the flow of resources through the institution.

Additional information is needed to better understand the role of the police in the justice system and how they interact with both the formal and non-formal justice systems. In reality they will engage in problem solving and conflict resolution mechanisms with both the formal and non-formal (customary) law systems. This may include discussions and negotiations with the Governors, Mayors, Tribal Leaders and Heads of Families – and the resolution based on the Sharia concept of compensation ("tahweedh") between the parties.

RETRAINING

The situation within the Iraqi police is so dire that it is useful to view the changes that will need to occur if there is to be a sustainable police force in Iraq that truly protects and serves the people.

The process of change will involve the following paradigm shifts:

Paramilitary/Enforcement **From a Force → →**	**Democratic** **→ → To a Service**
om meeting the interests of the rich and powerful	To servicing the needs of all citizens
om centralised command and control and ›lation from the community	To community consultation, participation and partnership
om secrecy and lack of democratic accountability	To local accountability and openness
om reactive	To proactive and responsive
om law enforcement driven	To the prevention of crime
om unsympathetic	To victim focused
om detachment	To integration with the other elements of the justice sector
om abuse of human rights and unethical haviour – confession based investigations	To the protection of human rights and ethical policing practices – evidence base methodical investigations

The Iraqi police force will be unable to become a police force to serve a democratic society unless it receives significant retraining. It is also apparent that a large number of the personnel in the police force are unsuitable. Minimum standards should be ruthlessly enforced and the incompetent and corrupt retrenched. Those capable of serving in the new democratic force, new entrants and existing personnel, should be thoroughly trained on the basics of policing in an open society. Human rights must be mainstreamed into all training interventions.

Without wishing to prejudge the results of any basic criteria tests, it would appear that significant numbers of new police will be required and should be recruited as soon as possible in a new and transparent manner. It should be borne in mind that the police should be broadly representative of the people they serve.

There are divergent views on whether women should serve in an Iraqi Police Force. In Baghdad, the academic police officers at the Police Academy and Higher Police Institute favored the measured integration of women and suggested that they should concentrate, at first, on juvenile crime, crime against women and social work. The view in the provinces, however, was that women in the police would be totally unacceptable. It is assessed that the recruitment of women should be actively explored as there women serving in the police forces of other Arab countries.

As well as basic training, a need for strategic leadership development, management and specialized training has been identified. It will be necessary to change the mind set of the existing personnel that remain in any new force. Efforts to enhance the skills sets of supervisors, management and executive leadership are underway.

INTERNATIONAL ASSISTANCE

The Iraqi Police Force will be unable to reform without significant international assistance. Besides training and supervision, monitoring of the new police service should be considered and co-location of senior level international police officers with senior level Iraqi police officers for mentoring, monitoring and advising purposes should be initiated.[36]

International assistance programs sometimes sacrifice long-term quality for short-term expediency. Measures such as rolling over personnel from the old security force into the new service, cutting down training periods, and pushing operational readiness faster than infrastructure and capacity can build, often limit the depth of reforms and risk long-term problems[37]. In this environment of democratic reform in the police being a slow process, experience elsewhere indicates that private security forces (which are unaccountable and unregulated, but also often more numerous and better equipped) soon threaten the ability of the public police to operate competently.

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[36] Interlocutors expressed a wish for US and UK police as trainers and supervisors. Consideration should obviously be given to a wider pool than this and should also include consideration of other Arab police forces. The police forces of Yemen, Jordan, Egypt and some other North African countries had training/academy links with the Iraqi Police Force before 1991

[37] *From Peace to Governance* August 2002, Melissa Ziegler and Rachel Nield, WOLA

Regardless, foreign assistance cannot produce reform against the wishes of the police[38]. Unless all police personnel are committed to reform it will not occur. Foreign '*experts*' tend to recommend what they are familiar with, regardless of its local applicability, and the most developed police systems are not necessarily the best models for a country such as Iraq.

[38] 'Democratizing the Police Abroad: What to Do and How to Do it' *Issues in International Crime*, David H Bayley, National Institute of Justice, US Dept of justice, June 2001

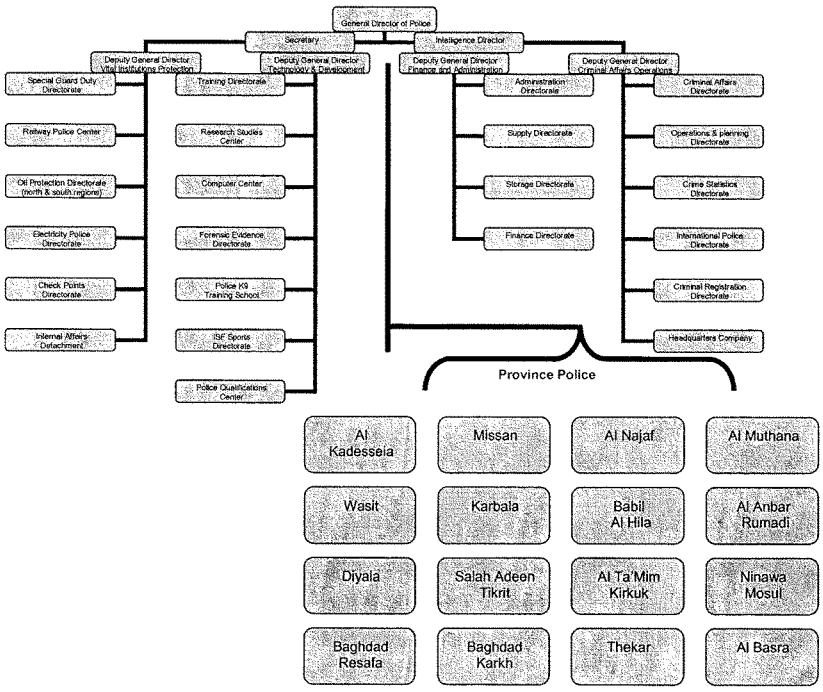
CONCLUSION

- A major planning and design program needs to be started as soon as possible.
- A decision needs to be made as to how the new Iraq police service will be structured in the future and be best configured to meet the needs of the population in a free Iraq.
- Once this structure is decided, thorough planning and implementation for the new force should commence.
- Regardless of the decisions to the questions above, this will be a major international effort requiring considerable project management skills and resources.
- Above all, the Iraqi people need to be a given a vision and reassurance about their future security and safety. The restructuring of the existing force remains a priority but, concurrently, major steps can be taken towards giving the Iraqi people the police service they deserve after the repression of the Saddam Hussein era.

ADDENDUMS

ANNEX A

STRUCTURE FOR THE FORMER GENERAL DIRECTORATE OF POLICE



ANNEX B

RECOMMENDATIONS AND STRATEGIES FOR "*RECONSTITUTING*" AN INTERIM POLICE SERVICE

Since the collapse of the Iraqi national government each BCT has found it necessary to install a rudimentary public safety organization within their AOR to restore order and ensure the public safety. The effort of these individual commanders has been commendable; however, we are now at a point within the process that some standardization must be imposed upon these organizations to ensure their eventual assumption into the appropriate national service.

1. STRUCTURE OF POLICE – POST CONFLICT

As the Coalition Provision Authority reconstitutes the Iraqi public safety services a series of structural changes are underway.

- The **Traffic Police** remain within the structure of the Police Service yet will become a dependent entity whose sole focus is the traffic control and direction. Traffic Police are authorized to carry a sidearm (pistol); however, they do not have executive law enforcement powers.
- The **Patrol and Police Divisions** of the Iraq National Police will be combined into one comprehensive Iraq National Police Service.
- Finally, the **Vital Institute Protection Force** (VIPF) is now the Facilities Protection Service (FPS) and the structure of the FPS is described in the military fragmentary order. The FPS is authorized to carry a weapon in the performance of their duties; however, like the Traffic Police they do not have executive law enforcement powers.

2. PHILOSOPHY OF POLICE AND PUBLIC SAFETY – POST CONFLICT

Due to the past practices of the Iraq National Police Service, as the force is reconstituted it will be formed and guided under the framework enumerated in the *Principles of Policing in a Free Society*[39].

- Considers *the individual citizen* as the *client of the police* rather than the state;
- Develops, maintains and encourages *adherence to organizational values* which, *without regard to race, religion, national origin, ethnicity, sex, age, social status or other non-behavioral human traits*;
  - *Honor* human rights and human dignity of its members and the general population;
  - *Support* the free exercise of available legal rights of all persons; and

[39] Developed by the US Department of Justice, International Criminal Investigative Training Assistance Program, June 1999

- *Encourage* the *fair and impartial enforcement* of those laws within its purview;

- In all functional aspects *operates in strict conformance with legal requirements* contained in the nation's constitution, police act, criminal code and other applicable laws;
- Establishes and maintains an *organizational culture* in which *public service* rather than *public repression* is the *end product* of police activities;
- Maintains a proactive focus on *crime prevention* as a means to *foster public order, domestic tranquility* and an *acceptable quality of life for all persons within the country*;
- Where reasonably possible, enters into *partnerships* with community and other governmental organizations to *identify and solve community problems* which provide *opportunities for criminal conduct*;
- *Actively* and *effectively investigates* reports of criminal conduct with the objective of *identifying and apprehending* the perpetrator(s) *so that guilt or innocence may be properly adjudicated*;
- Forms *functional relationships* with other *key components of the country's criminal justice system* to ensure that persons introduced to that system are processed *lawfully, effectively and fairly*;
- Approves and encourages the use of *non-deadly physical force* by its members only under carefully defined circumstances to further a legitimate and lawful, societal objective, and the use of *deadly force* by its members *only to save the life of any person, including a member of the police, from a perceived threat of imminent death or serious injury,* or under other circumstances articulated in a local, public law;
- Develops, maintains and operates under a *code of conduct, rules, policies and procedures* which provide *reasonable guidance* to police personnel in their behavior and the discharge of their assigned functions while holding them *accountable* for the manner in which they perform their duties;
- Manages the institution in a manner which *rewards* adherence to organizational values, effective performance and personal growth of its members, and *discourages* non-conforming behavior;
- Readily accepts and thoroughly investigates complaints of misconduct against police personnel; and
- Appropriately disciplines police personnel who are fairly determined to have violated the established police code of conduct

3. VETTING OF CURRENT PERSONNEL

The purpose of vetting is two-fold: to remove unacceptable personnel from the existing public safety service while preventing the introduction of unqualified personnel into the reconstituted public safety service. Vetting consists of a two-stage process where, in order to pass, the applicant or current employee must meet both Basic and Advanced Minimum requirements, and not be found to be precluded from employment in accordance with the De-*Ba'athification* program enumerated in Coalition Provisional Authority Order Number 1.

Basic Minimum Requirements for entry into the Iraq National Police Service, Traffic Service, and Facilities Protection Service are:

- No affiliation with the *Ba'ath* party in accordance with the standards enumerated in Coalition Provisional Authority Order Number 1.
- No reported history of Human Rights Violations or history of mistreatment or abuse of other persons;
- No criminal history involving violence, theft or violating the public trust;
- No reported history of a propensity to engage in violence or criminal acts;
- No reported history of immoral or unethical activity;
- Physically and psychologically fit to accept responsibilities,
- Each applicant's uncorrected vision must not exceed 20/200 in either eye and must be corrected to 20/20 binocular vision, with neither eye corrected to less than 20/40. Each applicant must be able to distinguish normal colors as determined by color plate test. Each applicant must be able to distinguish depth of field and possess sufficient peripheral vision to operate a motor vehicle safely and perform normal duties.

Each service has the below listed **Additional Minimum Requirements**:

Iraq National Police Service:

- Minimum Age 20; and,
- Completed Secondary School Education and ability to read, write and communicate orally in Arabic.

Traffic and Facilities Protection Services:

- Minimum age 18; and,
- Ability to read, write and communicate orally in Arabic.
- An applicant's military and/or special skills will be taken into consideration in the hiring process

Once an applicant is determined to possess both the Basic and Additional Minimum Requirements, the applicant will be submitted to a review under the CPA Order Number 1 criteria. The applicant will initially be required to fill out a complete a de-*Ba'athification* questionnaire. The questionnaire will be reviewed to determine whether the applicant or employee is, under CPA Order Number 1, authorized to be employed, absolutely disqualified from being employed, whether the applicant or employee will require a waiver in order to be employed.
The Administrator's Order Number 1 of May, 16 2003 on the De-*Ba'athification* of Iraqi Society (CPA/ORD 16 May 2003/01) criteria against which the applicant's or employee's background will be reviewed:

Absolute Disqualification:

- Former regime security organization affiliation (RG or worse);
- Senior *Ba'ath* party membership;
- Terrorist organization affiliation; or,
- Human rights violations and crimes against humanity.

Waiverable:

- Criminal History (except violent crimes and a repeated history of crimes that portray a propensity to engage in criminal activity which must be reviewed on an individual basis);
- Familial relationship to former regime (must be reviewed on an individual basis);
- Non-Iraqi citizenship;
- Extremist organization contacts; or
- Financial situation.

At the operational level for persons already employed, the Vetting Process steps are:

A. All current members of the Iraq Police Service, Traffic Service and Facilities Protection Service will be required to complete a de-*Ba'athification* questionnaire. Intentional falsifications or omissions to the de-*Ba'athification* questionnaire will be grounds for disciplinary action, up to and including termination of employment.

B. Vetting of current members will begin with highest ranking personnel and work down through NCO level. Police Officers will be vetted upon their attendance at the emergency training courses or when other assets are available to perform the procedure.

C. Cursory background investigations will be conducted on all ranking personnel and NCOs, which will be followed by a more in-depth background investigations as assets and personnel become available. Vetting of current employees will begin with a records check through the C-2 Intelligence function to determine if the person is on any of the *Ba'ath* party lists or if any other criminal/intelligence data could be discovered that would preclude their further service.

D. Nothing precludes an in-depth investigation from being initiated, regardless of rank, should reliable and verifiable information reveals that an employee is in conflict with The Administrator's Order Number 1 of May, 16 2003 on the De-Baathification of Iraqi Society (CPA/ORD 16 May 2003/01).

E. Applicants for Police, Traffic and Facilities Services will be fully screened prior to their appointment with their respective service.

4. Interim Appointment of all Personnel

All personnel, regardless of rank or position, will be appointed on an interim basis and can be dismissed from employment for any violation of rules, conduct or behavior. During this "*at will*" employment status, members of the Iraqi Traffic, Police and Facilities Protection Service are provided limited due process for any adverse personnel action.
Limited due process means the following: right to know the reason for the adverse action, a right to explain their action and a right of an appeal of an adverse employment decision to the next highest ranking officer (filed within ten working

days). Nothing in this section provides any job protection or guarantees other than those enumerated above.

5. Rank

BCT commanders may allow returning Traffic, Police and Facilities Protection personnel to wear their former rank (after proof of the rank is provided) when use of this rank is necessary to instill order and control within the agency. It must be understood, however, that this former rank is temporary and may be removed or changed at a later date. BCT commanders should always be aware that local units will eventually be pulled back into a national structure.

6. Identification Cards

Identification cards for Traffic, Police and Facilities Protection personnel will conform to the Ministry Of Interior standards which are undergoing revision.

7. Re-Training Present Personnel

The program of instruction for the three week re-training of Iraqi National Police is being formulated and should be completed by 15 June 2003, with distribution to follow. The POI for retraining of Facilities Protection Service office is dictated within the Fragmentary Order released by the military.

8. Training New Personnel

The program of instruction for new recruits – for all services – is under development and should be available on or about 15 June 2003.

9. Weapons and Use of Force

The Services will adhere to the Coalition Weapons Police as outlined below:

- Heavy Weapons are banned. Heavy weapons are defined as weapons capable of firing ammunition larger than 7.62mm, machine guns or crew-served weapons, anti-tank weapons, anti-aircraft weapons, mortars, artillery, armored vehicles, self-propelled weapons, high explosives including mines and hand grenades;
- Except as provided below, no person shall: Possess, conceal, hide, bury, trade, sell, barter, give or exchange heavy weapons with or to any person that is not an authorized representative of coalition forces or police, security and military forces in uniform under the supervision of coalition forces, and limited to the possession of only those heavy weapons which coalition forces expressly permit them to possess for the execution of their duties.

The Services are authorized to use force, up to and including deadly force, in the performance of their official duties as outlined in the draft policy below:

I. Every individual member of the Iraqi National Police Service has a personal duty and responsibility to use no more force than is absolutely necessary in seeking to achieve a legitimate law enforcement objective. It is universally recognized that the proper application of force is a legitimate and often unavoidable part of a law enforcement officer's duties. Officers will inevitably be faced with situations which require them to use force, whether in restoring or maintaining public order, effecting arrests or otherwise ensuring public safety and the rights and freedoms of citizens. The application of any degree

of force must be comensurate with respect for human rights. An officer may only apply force where it is necessary to attain a legitimate and lawful end and where the application of other non-violent means would be ineffectual in the prevailing situation. The essential principles for the use of force are those of lawfulness, necessity and proportionality. In all circumstances, officers are strictly prohibited from using any unnecessary or excessive force. There is no justification for a breach of this requirement.

PURPOSE

II. This directive establishes the procedures to be followed by all members of the Iraqi Police when the use of force is necessary in performing official duties and clearly defines what level of force is acceptable. Members of the Iraqi Police Service should seek to acheive all law enforcement and public safety objectives through the application of non violent means. The use of physical force must be seen as a last resort. Whenever possible and without compromising their legal and moral responsibilities, members should seek to caution, warn, persuade, negotiate, mediate and simply to explain in order to obtain the objective sought, whether this is the arrest of a suspect or the quelling of disorder.

PROCEDURE

III. Members of the Iraqi Police Service can resort to physical force only when all other available methods are ineffective or inappropriate and when it is strictly necessary to do so. Any resort to force must only be to the extent required for the performance of their duty. Police officers will use only that level of force strictly necessary to enforce compliance to legal directives and law, or to overcome the threat of violence directed at the officer or another citizen. Every police officer of the Iraqi Police Service will become thoroughly familiar with these procedures and will fully comply with this policy.

PROCEDURES FOR APPLICATION OF FORCE

IV. Levels of Force

A. The use of force, up to and including deadly force, is authorized in the following circumstances but only where less extreme methods are insufficient to acheive these objectives:

1. To defend oneself or to defend others against the imminent threat of death or serious injury.
2. To prevent the perpetration of a particularly serious crime involving grave threat to life.
3. To arrest a person presenting a grave threat to life and who is resisting the officers efforts to stop such a threat.
4. To prevent the escape of a person presenting a grave threat to life.
5. To disperse violent assemblies when it is strictly necessary to do so in order to protect human life.

B. In the dispersal of unlawful, but non-violent assemblies, law enforcement officers shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary.

C. The use of force, up to but excluding deadly force, is authorized to protect installations and special areas or goods designated by the Commissioner of Police, against any destructive or hostile act.

D. The use of strictly necessary force, whether by non-lethal or lethal means, to achieve legitimate law enforcement objectives is authorized.

V. Duty to Use Minimum and Proportional Force

A. Any force used must be limited, in its intensity and duration, to that which is necessary to achieve the legitimate objective. In some circumstances operational urgency may dictate the immediate use of force.

B. The use of force must be commensurate to the level of the threat and should be balanced with the requirement to minimize human injury, damage to property, cultural objects and the natural environment.

C. In all appropriate cases, consideration should be given to means other than force.

VI. Guidelines on the Use of Force

A. Force is to be used only when strictly necessary.

B. Force is to be used only for legitimate and lawful law enforcement purposes.

C. There can be no exceptions allowed, or justifications made, for the unlawful use of force.

D. The use of force must always be proportional to the lawful objective.

E. Restraint is to be exercised in the use of force.

F. Damage and injury are to be minimized.

G. Indiscriminate pointing of weapons in the direction of any person is prohibited.

H. Police officers will not shoot at a moving vehicle while in a pursuit situation. Police officers will not shoot at a moving vehicle unless the vehicle is being used as a weapon against police officers or other persons, or unless it is necessary to prevent serious injury or death from weapons being fired from the moving vehicle at police officers or other persons.

I. The discharge of any firearm other than in approved and organized training sessions, or as otherwise authorized in this policy, is prohibited.

VII. Use of Non-Deadly Force

The use of less than lethal weapons may include any approved control, restraint or incapacitating device that is not intended or designed to be lethal when properly used by police officers. The force used in the application of such a device may be justified where an officer reasonably believes that he/she cannot affect lawful control, restraint or incapacitation without employing such an intermediate device.

A. The baton or any other intermediate device should not be used against persons apparently, or known to be, under the age of fourteen, the elderly, or any incapacitated person including people who are obviously physically or mentally ill and women whose pregnancy is obvious, unless they directly endanger the life of the officer or other persons.

B. The Coalition Provisional Authority authorizes the carrying and use of an approved police baton as the only striking weapon for members of the Iraqi police service. All members are strictly prohibited from carrying or using any other form of striking or punching weapon. Members who are equipped with a police baton must be certified in its appropriate use. The police baton may be used in quelling confrontations where physical violence is directed against members of the Iraqi Police Service or other persons, where higher levels of force are unnecessary or inappropriate, and where lesser levels are also inappropriate or ineffective.

C. The police baton shall not be used to strike individuals who are already under effective control or restraint.

VIII. Use of Firearms

A. The use firearms must be seen as a final resort in the exercise of force. This does not mean that it is always appropriate to have recourse to lower levels of force before employing firearms. Whenever the lawful use of firearms is unavoidable, police officers must exercise restraint in their use, seek to minimise damage and injury, and make every effort to respect and preserve human life. As far as possible, non-violent means shall be applied before resorting to the use of firearms. To this end, the application of the graduated response procedure set out below, is also intended as a deterrence to prevent escalation up to the actual use of firearms. as well as to provide a warning.

B. **Identification:** The police officer is to identify himself or herself as a police official.

C. **Warning:** The officer is to give a clear warning and to allow adequate time for the warning to be obeyed.

1. A warning may be given verbally or visually in as clear and as unambiguous manner as is possible;

2. The warning should be repeated as many times as is necessary and is safe to ensure understanding or allow time for compliance.

D. **Use of Force:** If the preceding steps are ignored, then the minimum level of force should still be employed consistent with the threat to the officer or others. This include non-lethal incapacitating weapons. Armed force may be used when all other warnings are ignored and there are no other choices available, then the necessary minimum armed force can be used.

E. **The use of Firearms Without Warning or Without Adequate Time for a Warning to be Obeyed:** There is no requirement to give a clear warning where, in the circumstances, it is clearly pointless or inappropriate to do so. There is also no requirement to allow time for a warning to be obeyed where any delay would result in death or serious injury to the police officer or others.

F. **Procedures During Firing:** Any use of firearms must be in accordance with the stated policy and procedures for use of force. When using a firearm against another, the officer will shoot at the target's center body mass. The officer will immediately evaluate the situation and may continue to place controlled fire against the suspect until the threat is terminated. It is the responsibility of the officer to reassess the threat level after each shot is fired and to adhere to the use of force policy on the use of a minimum level of force consistent with the threat present.

IX. After the Use of Firearms

A. Medical assistance should be given to all injured persons without reasonable delay. In extremis and where requested spiritual/ religious support should sought and provided to the injured as is appropriate.

B. The relatives or friends of those injured should be notified as soon as is practicable.

C. Officers discharging their firearms must provide a full and detailed report of the incident on the appropriate form as soon as is practicable.

D. The Iraqi Police Service will conduct an investigation into every incident in which an officer discharges his firearm. The officer concerned is required fully to assist such and investigation.

X. Permissable Firearms and Ammunition

A. The Coalition Provisional Authority authorizes a limited range of approved police firearms as the only firearms which may be carried or used by qualified members of the Iraqi Police Service. All members are strictly prohibited from carrying or using any other firearm/s other than those issued to them by the Coalition Provisional Authority. All members are strictly prohibited from adapting, modifying or in anyway interfering with firearms issued to them. The Coalition Provisional Autority authorizes a range of approved police ammunition for use in officially issued firearms. All members of the Iraqi Police Service are strictly prohibited from using any ammunition other than that offiially issued to them and are prohibited from adapting, modifying or in anyway interfering with the ammunition so issued.

XI. Definitions

A. Force is the use of, or threat to use, physical means to impose one's will.

1. **Armed force.** The use of offensive weapons, including lethal and non-lethal weapons.

2. **Deadly force.** The level of force which is intended, or is likely to cause, death or grievous bodily harm regardless of whether death or grievous bodily harm actually results. This is the ultimate degree of force.

3. **Justifiable force.** The control actions of the officer that are reasonable, necessary and proportional to the subject's level of resistance and the legitimate law enforcement need to control the subject's actions.

4. **Minimum force.** The minimum degree of force, which is necessary, reasonable and lawful in the circumstances, to achieve the objective. The minimum degree of force is applicable whenever force is used.

5. **Non-deadly force.** The force employed which is neither likely nor intended to cause death or serious bodily injury.

6. **Non-deadly force techniques** are intended primarily to restrain or control an unarmed attacker or an actively or passively resisting subject.

7. **Unarmed force.** The use of physical force, short of the use of armed force.

C. **Hostile act.** An aggressive action where death, serious bodily harm or destruction of designated property would be likely to result.

D. **Hostile intent.** The threat of imminent and direct use of force. Hostile intent is shown through an action, which appears to be preparatory to a hostile action. Only a reasonable belief in the hostile intent is required, before the use of force is authorized. Whether or not hostile intent is being demonstrated must be judged by the on-scene personnel on the basis of:

1. The capability and preparedness of the threat.

2. The available evidence which indicates an intention to attack.

E. **Officer** includes all police officers that exercise police authority that includes the powers of arrest and detention.

F. **Passive resistant** means the subject may offer a verbal level of noncompliance to the officer's requests. These persons may be talked into compliance; however, limited physical contact by the officer may be necessary.

G. **Proportionality.** The amount of force which is reasonable in intensity, duration and magnitude, based on all facts known to the commander at the time, to decisively counter the hostile act or hostile intent.

H. **Reasonable belief** means that an ordinary and prudent person with similar information and knowledge would act in a similar way under substantially similar circumstances.

I. **Resistance.** Verbal or physical actions by the subject to resist or evade lawful control actions of the officer.

J. **Serious bodily harm.** A physical injury, which creates a substantial risk of death, serious or protracted disfigurement, impairment of the function of any bodily organ or limb.

K. **Subject** as a term includes all persons regardless of citizenship, ethnicity, gender, age, religious beliefs or status, which are in contact with police officers of the Iraqi Police Service and its organizational units.

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10. Criminal Code and Procedure

The Criminal Code to be used within Iraq is the 1969 Iraq Criminal Code (with modifications), which will be released soon.

11. Vehicles

No standards have been released regarding either the number or type of vehicles to be used by any of the Services under the authority of MOI. As standards are developed they will be released.

12. Uniforms

The standard uniform for the Services under the MOI are as follows:

- **Traffic Service** – White Shirt and Navy Pants
- **Police Service** – Light Blue Shirt and Navy Pants with Brassard (IP)
- **Facilities Protection** – Light Gray Shirt and Navy Pants with Brassard (FP)

13. Communication

The Communications infrastructure is under development of Baghdad and the first 1,000 portable radios should be delivered before 15 June 2003. Development of further communications systems in the outlying cities and governances is under consideration.

14. Station Start Up Packages

Twenty-five station start up packages for Baghdad have been ordered. These start-up packages include computers, desks, chairs and office supplies necessary to begin rudimentary operations. The package contains the items listed below:

Number Needed	Item Description	Cost Per Item	Total Item Cost
	Desk Top Computers	$1,000.00	$2,000
1	Typewriter	$100.00	$100
2	Printers	$150.00	$300
1	Fax/Copier	$200.00	$200
10	Cases - Pens	$25.00	$250
10	Cases - Pencils	$10.00	$100
5	Boxes Markers	$9.00	$45
15	Staplers with staples	$16.00	$240
15	Tape Dispensers with tape	$4.00	$60
15	Telephone Sets	$75.00	$1,125
5	Tables	$60.00	$300
10	Desks	$140.00	$1,400
50	Chairs	$30.00	$1,500
2	Clocks (Wall)	$12.50	$25
2	Maps	$25.00	$50
2	Roll Acetate	$15.00	$30
5	Cases of Push Pens	$80.00	$400
25	Cases of Printer Paper	$90.00	$2,250
12	Extension Cords	$8.00	$96

4	Surge Protectors	$25.00	$100
10	Scissors (Safety - rubber tipped)	$5.00	$50
5	Boxes Highlighters	$5.00	$25
10	Boxes 3.5 Inch Disketts	$10.00	$100
25	3 Ring Binders	$5.00	$125
5	Boxes Document Protectors	$5.00	$25
12	File Cabinets	$125.00	$1,500
5	Boxes of Manila Folders	$5.00	$25
5	Boxes of File Folders	$5.00	$25
2	3 Hole Punch	$7.00	$14
2	2 Hole Punch	$10.00	$20
10	Clip Boards	$10.00	$100
5	Boxes of Paper Clips	$2.00	$10
5	Dry Erase Boards	$75.00	$375
5	Boxes of Dry Erase Markers	$5.00	$25
50	Boxes of Trash Bags	$10.00	$500
10	Trash Cans	$10.00	$100
25	Boxes of One Gallon Zip Lock Bags	$36.00	$900
50	Laundry Bags	$6.00	$300
5	Boxes of Surgical Gloves	$14.00	$70
25	Flashlights	$22.00	$550
3	Cases of Flashlight Batteries	$36.00	$108
25	Pair Handcuffs	$22.00	$550
1,000	Flexcuffs	$0.20	$200
20	Packs of 3x5 cards	$2.00	$40
10	Packs of 5x7 cards	$2.00	$20
1	Digital Camera	$500.00	$500
5	Medium Security Locks (Series 5200 Type)	$20.00	$100
150	Feet of Medium Gauge Chain	$0.50	$75
3	Metal Foot Locker or Lock Box	$40.00	$120
1	Video Camera	$450.00	$450
25	Whistle	$9.00	$225
25	Reflective Vests	$15.00	$375
5	Brooms	$7.00	$35
5	Mops	$7.00	$35
5	Buckets	$7.00	$35
5	Gallon Detergent	$5.00	$25
1	Hammer	$9.00	$9
2	Boxes of Nails	$2.00	$4
5	Sponges	$1.00	$5
5	Scrub Brushes	$8.00	$40
1	5 Kilowatt Generator	$1,200.00	$1,200
1	Light Set (portable for generator)	$250.00	$250
10	Wall Lockers (Evidence Type)	$250.00	$2,500
5,000	Paper Bags	$75 per 1,000	$375
100	Rolls Evidence Tag	$5	$500
Total Amount of Request			$23,186

Each station @ $23,186 and we have 26 Police Stations within Baghdad - Total Needed: $602,836

15. Personal Equipment

Number Needed	Item Description	Cost Per Item	Total Item Cost
25	9 mm Service Pistol	$500.00	$12,500
50	Magazine for Pistols	$33.00	$1,650
25	Boxes of 9 mm Ammunition	$19.00	$475
25	Utility Belt	$60.00	$1,500
100	Belt Keepers	$5.00	$500
25	Holster for Pistol	$80.00	$2,000
25	Magazine Pouch	$27.00	$675
25	Bullet Resistant Vest	$550.00	$13,750
25	Handcuff Case	$25.00	$625
25	Flashlight Holder	$15.00	$375
25	Radio Pouch	$40.00	$1,000
		Total Personal Equipment	$35,050

Personal Issue @ $35,050 times 26 police stations - Total Needed:	$911,300.00

ANNEX C

POLICY STATEMENT ON MINORITY RECRUITING

Iraq faces a similar problem that has been encountered in other post-conflict peacekeeping missions: assuring adequate ethnic and gender representation within the reconstituted police service. As we move towards recruiting adequate personnel within Baghdad, and eventually Iraq, we are finding that some ethnic/gender populations are not well represented or not represented at all within the Iraq police service. To engage minority populations in the policing system the following guidelines are recommended:

- Prior to any recruiting within non-majority areas the following should be accomplished: meetings with civil, cultural or religious leaders to garner support for the recruiting; an acknowledgement or acceptance by these same leaders that some non-majority officers will be assigned outside their neighbourhoods and some majority officers will be assigned within their neighbourhoods. Solicit their assistance in encouraging qualified applicants to apply for police positions. Finally, dispel the belief that non-majority areas will only be policed by non-majority officers.

- Recruiting for non-majority populations must follow the same standards and practices as required of the majority population; however, targeted recruiting for gender or within ethnic areas should be encouraged. During these targeted recruiting opportunities members of the non-majority population currently serving within the service should be utilized as recruiters (if available and competent).

- Vetting and selection criteria should remain consistent between both majority and minority populations.

- Minority populations should be trained in multi-ethnic academy classes with other cadets using the same instructional staff that trains all students. This structured, educational environment will begin the assimilation/sensitization for both groups for working within a multi-ethnic environment.

- All members of the police service – and community leaders – should be informed that non-minority officers will be assigned duties within both majority and minority areas. Solicit messages from the civic, cultural and religious leaders that encourage tolerance and acceptance of the population to these practices. Engage community leaders to be involved in focus groups, community meetings on public safety and other police events.

ANNEX D

PRINCIPLES OF POLICING IN A FREE SOCIETY[40]

- Considers *the individual citizen* as the *client of the police* rather than the state;
- Develops, maintains and encourages *adherence to organizational values* which, *without regard to race, religion, national origin, ethnicity, sex, age, social status or other non-behavioral human traits*:
  - i. *Honor* human rights and human dignity of its members and the general population;
  - ii. *Support* the free exercise of available legal rights of all persons; and
  - iii. *Encourage* the *fair and impartial enforcement* of those laws within its purview;
- In all functional aspects *operates in strict conformance with legal requirements* contained in the nation's constitution, police act, criminal code and other applicable laws;
- Establishes and maintains an *organizational culture* in which *public service* rather than *public repression* is the *end product* of police activities;
- Maintains a proactive focus on *crime prevention* as a means to *foster public order, domestic tranquility* and an *acceptable quality of life for all persons within the country*;
- Where reasonably possible, enters into *partnerships* with community and other governmental organizations to *identify and solve community problems* which provide *opportunities for criminal conduct*;
- *Actively* and *effectively investigates* reports of criminal conduct with the objective of *identifying and apprehending* the perpetrator(s) *so that guilt or innocence may be properly adjudicated*;
- Forms *functional relationships* with other *key components of the country's criminal justice system* to ensure that persons introduced to that system are processed *lawfully, effectively and fairly*;
- Approves and encourages the use of *non-deadly physical force* by its members only under carefully defined circumstances to further a legitimate and lawful, societal objective, and the use of *deadly force* by its members *only to save the life of any person, including a member of the police, from a perceived threat of imminent death or serious injury,* or under other circumstances articulated in a local, public law;
- Develops, maintains and operates under a *code of conduct, rules, policies and procedures* which provide *reasonable guidance* to police personnel in their behavior and the discharge of their assigned functions while holding them *accountable* for the manner in which they perform their duties;
- Manages the institution in a manner which *rewards* adherence to organizational values, effective performance and personal growth of its members, and *discourages* non-conforming behavior;
- Readily accepts and thoroughly investigates complaints of misconduct against

[40] Developed by the US Department of Justice, International Criminal Investigative Training Assistance Program, June 1999

police personnel; and

- Appropriately disciplines police personnel who are fairly determined to have violated the established police code of conduct

ANNEX E

IRAQ Transition and Integration Program (TIP)

Purpose: The purpose of this training program is to introduce and improve human rights knowledge, democratic policing principles and modern policing techniques for the New Iraqi Police Service. The program will focus on International standards of human rights, modern police patrol procedures and techniques, and the applicable Iraqi criminal laws, procedures and laws of arrest and detention. This course is designed to introduce change in the philosophy, behaviors, actions and activities of all Iraqi police officers regardless of assignment or rank.

Goal: The goal of this training is to provide a foundation of new knowledge that paves the way for Iraqi police to deliver law enforcement service to the citizens of Baghdad in a more humane and dignified manner and to set standards by which the delivery of this service can be measured. The newly deployed Iraqi Police Service is expected to provide a legitimate security presence in the city of Baghdad, suppress crime and violence, restore peace and order and resolve citizen issues while respecting the human rights of all citizens, and abide the rule of law.

Course Syllabus:
(Tentative hours and core subjects)

Length	3 Weeks
Daily Classes	6 hours a day (staggered lunch)
Week Schedule	6 days per week
Total Hours	108

Course Syllabus (TIP)

(Modules / Approximate Hours / Order of Delivery)

Course Introduction and Administration	2 hours
New Iraqi Police Mission, Philosophy and Role	4 hours
International Standards for Human Rights	32 hours
Human Rights Law	
Right to Life	
Principles of Non Discrimination-Women in Society	
Prohibition Against Torture	
Rights of Children	
Civil and Political Rights	
Liberty and Security of Persons	
Freedom of Thought, Conscience, Religion, Opinion and Expression	
Freedom of Assembly and Association	
Freedom of Movement	
Treatment of Prisoners	
Violations of Human Rights	
Domestic Violence	3 hours
Police Ethics and International Standards for Police Code of Conduct	5 hours
International Standards on Police Use of Force	4 hours
Criminal Law, Criminal Procedures Laws of Arrest	8 hours
Search and Seizure	
Policing in a Free (Democratic) Society	6 hours
Patrol Procedures Community Policing Dealing with Citizens/Complaints Communication Skills	6 hours
Responding to Crime Scenes	4 hours
Responding to Major Incidents	3 hours
Report Writing Note Taking	4 hours
Interviewing Victims, Witnesses and Suspects	6 hours
Officer Survival and Firearms Safety	6 hours
Searching and Handcuffing	4 hours
Building Searches	3 hours
Vehicle Stops and Vehicle Pursuit	4 hours
Review and Testing	4 hours
	Total hours 108

ANNEX F

Iraqi Senior Level Management Seminar

Purpose: The purpose of this seminar is to introduce the new philosophy, mission and law enforcement responsibilities to the Senior Iraqi Police Leadership. A major focus will be placed on international human rights standards, and modern police supervision techniques. This course is designed to change the philosophy, behaviors, actions and activities of the Senior Iraqi Police Leadership and provide them with the tools and means necessary to lead a democratic policing organization that respects the dignity and human rights of all citizens - an organization that can properly provide appropriate police services in a free society.

Goal: The goal of this training is to provide a foundation for "change management" within the Iraqi Police Service and encourage the senior leadership to embrace the principles of service oriented policing, accountability to citizen review and standards of conduct for all Iraqi Police Officers. In addition it will be the responsibility of the Senior Iraqi Police Leadership to supervise and manage the Police Service to suppress crime and violence, restore peace and order, and resolve citizen issues while respecting human rights and the rule of law.

Course syllabus (Tentative hours and Core Subjects)
5 days / 3 hours per day / Total Hours =15 hours

Each Participant will required to also addend the 3 week transition course

Lessons	
New Philosophy, Mission and Values	3 hours
New Role as Police Managers	3 hours
International Standards for Human Rights	3 hours
Code of Conduct and Police Ethics	3 hours
Service Oriented Policing	3 hours
	15 Hours

Chairman TOM DAVIS. Thank you very much. And I have made an opening statement.

Tom, let me just ask you one question. I get a lot of questions from my constituents when I go out; they say, well, even if everything goes well in Iraq, even if we rebuild this country, it is taking tremendous resources from America, minimum of $87 billion, probably well in excess of that, American lives and American dollars to rebuild Iraq. Ultimately, is this a good use of our resources, or could they have been better used to rebuild our own infrastructure and our own cities, and help our own people?

Mr. KOROLOGOS. Mr. Chairman, the $87 billion includes $20.3 billion which is for the coalition; the other piece of it is for the military side. The short answer is yes, it is in the national interest of the United States to go in there and provide stability, create a country in the heart of the Middle East, which has been in turmoil for 2,000 years, a democratic state where even today you have the Iranians all nervous over what is going on in Iraq. My view is that it will stabilize that whole part of the world.

In addition, the example that we can use historically is the Marshall Plan. Ambassador Bremer keeps mentioning that in his testimony as an example of American interest and American support for a war-torn Europe that has brought us today the Europe we know. Right after the war, World War II, it was a shambles, and American generosity went in and created the stability that we have had in Europe ever since. World War I ended, and it was the war to end all wars, but it wasn't long before we had the creation of a Hitler and we had the creation of a Mussolini, which created even more problems for the world in World War II. So, yes, it is worth it. And to wipe out a regime like Saddam Hussein shows other regimes around that, "Holy cow, these Americans mean business, we better perhaps shape up."

Chairman TOM DAVIS. OK. Thank you very much.

Let me recognize Mr. Kolbe, one of the key appropriators in this area, and somebody who has taken a leadership role.

Mr. KOLBE. Thank you, Mr. Chairman, and thank you very much for holding this hearing and for the opportunity to be here. I really applaud you for doing this. It is, as we have heard from the witnesses already in their opening statements, a very important issue.

Mr. Chairman, as you suggested, because I do chair the Foreign Operations Subcommittee, I am keenly involved, deeply involved, in the reconstruction of Iraq. In fact, I was first there in Kuwait in April, just shortly after the fall of Baghdad, with our USAID Disaster Action Response Team [DART], and our Mission Director, Lou Luck, as they prepared to deploy to Iraq. At that time I had the opportunity to see my good friend, Chris Shays, a member of this committee, who was there at that time and made the first entry into Iraq.

Initially, last winter, going back even before that, part of the U.S. Interagency Team in Washington, USAID was tasked with getting contractors ready to hit the ground running in Iraq for various sectors such as reconstruction and governance. USAID used what they called a "limited competition system," in which the Agency personnel selected particular vendors and solicited bids. USAID then selected the winners from this limited competition and

the Bechtel contract, of course, for reconstruction of the infrastructure is probably the best known of these awards that were made.

Since then we have been arguing to the administration and USAID that they need to begin efforts now so that the next set of contracts is awarded through full and open competition; and I am talking about the $20.3 billion that Tom Korologos just referred to as the part that is in the supplemental for the next round of reconstruction. That is on a track, we are moving rapidly forward with that, but we have no time to lose if we are going to be prepared to make sure those are awarded on a competitive basis.

Frankly, there has been some reluctance downtown to do this, in part, I must say, Mr. Chairman, because the roles and missions of the U.S. agencies and the Coalition Provisional Authority have never really been sorted out completely. As recently as the hearings of our subcommittee 2 weeks ago, it still was unclear; the administration still hadn't decided who was going to do what in the Iraqi effort. The regular fiscal year 2004 bill that passed the Foreign Operations subcommittee and then the full committee and the House, included a provision that does require full and open competition, and I am happy to say, Mr. Chairman, we have been working with you and your staff very closely to develop language for the Iraq supplemental bill that we will mark up tomorrow, and I think that we have agreement on that language.

I really just want to conclude with this comment, and I can't overstate the importance of this issue. If we are going to have credibility with the American people, they need to know that American companies that either they represent or have done their work through the sweat off the brow of American workers are going to have a fair shot at securing contracts in the rebuilding of Iraq. That is what America is about, open competition, about giving everybody an opportunity; it is about basic American values and doing the right thing. The perception, the very perception, Mr. Chairman, that we might use something other than open competition would really undercut, I think, the support of the mission of the CPA.

There are some good signs; we have heard some of them here today, there is no doubt about it. And I think USAID has gotten the message. They have recently published a request for proposals for $1.5 billion in additional construction projects. That is in preparation, and I am glad to see that, for the fact that this $20.3 billion will be coming. Clearly there are emergency situations that may require sole-source or other than fully competitive methods, but I think it is fair to say that full and open competition ought to be the rule; it is fair and transparent, and I think it usually results in savings to the taxpayer as well.

And so, Mr. Chairman, I would thank you again for this chance to be here. And if there is an opportunity to ask one question of Mr. Korologos or any of the members of the panel there, it is, do you feel we are ready to win this next round, to have true open competition for these contracts?

Mr. KOROLOGOS. Mr. Chairman, Ambassador Bremer testified before the committee and said, yes, indeed, it will be transparency, it will be open competition, and the process, I think, has already begun toward that end, yes, sir.

Mr. KOLBE. Thank you. I appreciate that answer. I certainly hope that will be the case. I will be over there in about 3 weeks, Tom, to visit with you, and we will have a chance to talk some more about this.

Thank you, Mr. Chairman.

Chairman TOM DAVIS. Mr. Kolbe, thank you very much.

Mr. Van Hollen.

Mr. VAN HOLLEN. Mr. Pomeroy is here. He had some business on the floor, so I would ask unanimous consent.

Ms. NORTON. Mr. Chairman, are you calling people as to when they came?

Chairman TOM DAVIS. I am asking minority staff how they would like me to recognize them; I am working with them. So I am letting your leadership call the shots.

Ms. NORTON. Well, if the gentleman has to go to the floor, I would be pleased to let him go now. I was the first member here.

Chairman TOM DAVIS. I understand.

The gentleman from North Dakota, Mr. Pomeroy. Thanks for being here.

Mr. POMEROY. I thank both of my colleagues. There is a pension issue on the calendar on the floor now, the Ways and Means jurisdiction, and I am asked to speak on it, so I do apologize for going out of order, and I will be brief.

I went to Iraq in August with the House Intelligence Committee CODEL, led by Pete Hoekstra. I especially appreciated the work of Tommy K., as we call him, because I have trouble with that last name, Korologos, in the extraordinary time and commitment you made to making certain we saw everything that could be seen. Also very much appreciated the briefing we had from Commissioner Kerik right in the middle of a very busy time for you there.

I think it is important for Members coming back to draw a very clean line of what we saw and what we, therefore, could learn from firsthand exposure, and what we didn't see, and not assume by seeing something that we have an expertise in other areas. In my case, what we saw was extraordinary performance by the military, absolutely extraordinary. Our troops made me so very proud about the resolute way they were carrying out their functions under excruciatingly difficult conditions. It was 133 degrees there one of the days during our trip, and yet there they were, full field dress, Kevlar vests, helmets, getting the job done and not complaining a whit. The members of the CODEL had plenty to say about the conditions, but our military escorts performed absolutely as one might expect, the highest conditions of the military. That was reflective, I believe, of what we saw in true performance right across the board.

We were also very impressed by military leadership. The division commanders impressed us a great deal. And, in fact, some of the ad-hoc successes that I believe we have seen in the country have been achieved by a great deal of initiative and just flat out creativity of the military division commanders making the best of what was available to them without particular guidance from any central planned authority. So for the military component of it really the highest thoughts relative to being impressed.

Due to security conditions, we didn't visit with one Iraqi, not one member of the Provisional Council. That was a significant flaw to the trip. It left us with just half the picture. In visiting with Ambassador Bremer, Ambassador Kennedy, it is still unclear to me the organization running the reconstruction efforts or the stabilization efforts, whatever you want to call them. Ambassador Bremer was boxed out by Ambassador Kennedy, but Ambassador Kennedy was a direct report not to Ambassador Bremer, but to the Secretary of Defense. It appeared that the Office of Secretary Defense had a very major imprint on the reconstruction efforts, but all of that was shaken up recently, and today's Washington Post reports that Secretary Rumsfeld did not learn about the new commission being established in the White House under Condoleeza Rice, the President's Security Advisor, until he received a memo from Condoleeza Rice.

This kind of unclarity, lack of certainty about the structure that I got on the ground in Iraq has only been amplified by what I have been reading in the paper upon my return. It just seems to be a very chaotic organizational structure, and, unfortunately, the resident expertise, in terms of actual program implementation, residing in the Secretary of State or the State Department, residing in USAID, do not appear to have prominent and well defined roles in this part of the action, and I think that has to happen.

Finally, we really didn't learn about a well-developed plan. Even going over there, I didn't come back with the sense that we have a global plan we are operating on. And the money requested fills neatly into specified priorities on a time line appropriately sequenced. We learn of ad-hoc successes and now we have a significant budget request. It doesn't all fit together in some kind of framework that really makes sense.

Finally, I did come away with significant concern about the treatment of National Guard troops. They were called up, in North Dakota's instance, with 5 days notice. When we were there, General Sanchez said he was anticipating re-deployments in October, November. Two weeks after our return we learned that the plan is that the National Guard will remain in-country until April. That is a deployment away from their families of 15 to 16 months. I believe that is disastrous for their morale; it is very hurtful to their families; and I am not at all sure how we are going to keep National Guard recruitment up in light of this experience, this very experience our National Guard soldiers are having.

That concludes my impressions. I have a written statement for the record. Again, my deepest gratitude to the efforts being made on the ground, it is really heroic. Thank you.

Chairman TOM DAVIS. Thank you very much.

Anyone want to respond? Secretary Brownlee.

Secretary BROWNLEE. Sir, if I could, when I was there just a week or so ago, I specifically went and met with some of the troops of the National Guard who, of course, have had their mobilizations extended. When we made the decision to keep everyone there, boots on the ground for 12 months, there were really three factors involved. One was that the combatant commanders were very interested in continuity and stability of the force, and keeping the team together. The second factor was predictability for those troops, both

active and reserve components. And we also have to look at the resources we have remaining, both within the active and reserve, for future rotations. So it all became a matter of trying to balance this, and all of the troops that I talked to there, from units that were expecting that their deployments would be shorter, while they all clearly expressed, as most soldiers do, that what they would really like to do is go home, they also acknowledged that they understood their mission and they were perfectly prepared to conduct it. And we understand this creates hardship for the reserve components, and I assure you that we continue to look at this, and we will do everything we can in that regard.

Chairman TOM DAVIS. Thank you.

Secretary BROWNLEE. Thank you, sir.

Chairman TOM DAVIS. Thank you very much.

Mr. Sherwood. We are recognizing Members in the order they came. We are going to try to get to everybody.

Mr. SHERWOOD. Thank you, Mr. Chairman. I appreciate the hearing.

I just came back from Iraq, and a lot of the things that have been said I certainly agree with. My initial impressions when you fly over were how much water there is, and we don't understand that in this country. And another initial impression was how little damage our military did to their housing and their structures and their infrastructure. You drive down a street in Baghdad and it looks a lot like Palm Springs in places; they didn't even blow up or cut down the royal palms. But there are some things that I think we have to pay attention to.

Secretary Brownlee, I have to followup. The morale over there of the regular Army people is sky high, but the reservists don't feel they are being treated properly. They are there, they are glad to be there, they are glad to do their job, but they want to tell you about a million little indignities that they feel they suffer under, like having to input their time manually every time to get their hazardous duty pay. We have a lot of things that we could do in that regard. What is your comment on that?

Secretary BROWNLEE. Sir, I agree. One of the things that has impressed me the most about this, and I am sure you would agree, is how the forces have acted as a total Army, the reserve components and the active components. When you go out there, you can't tell the difference; that is how good they both are.

Mr. SHERWOOD. Except when you talk to them.

Secretary BROWNLEE. And, of course, as I said, most soldiers in any war would prefer to go home, but, again, I was impressed by their commitment. I have said before that I think that what we have here is another greatest generation; the sacrifices they are making, both financial and otherwise, are extraordinary. And all of them acknowledge to me that while they may have difficulties and they, of course, would like to go home, they understand their commitment, their mission, and they are prepared to do that. And as I have said before, we are going to continue to look at each one of these and try to do the best we can, but we have to respond to the commander's requirements also, and so we are trying to balance that with predictability for the families and the resources that we have.

Mr. SHERWOOD. Sir, you entirely missed my point.

Secretary BROWNLEE. I am sorry.

Mr. SHERWOOD. Those folks are willing to do what they have to do. They don't like to be there an extra 6 months, but they are going to do it. But they feel they suffer a great deal of indignity from the regular Army people who don't pay attention, who don't treat them right. They are so willing to do what they have to do, and I don't want to belabor this point, but I think we have some administrative details to work over.

The other thing that was impressive to me was what was going on in the north and how, when a commander has some resources and is able to take control of a sector, he can really get things done. In Baghdad, though, it was impressive to me. We were at the Al-Durah power plant and is there anybody here that can tell me what we are going to do with that monstrosity? We have this huge power plant which doesn't even have a 50-caliber machine gun hole in it, as near as I can tell, but where there are four huge turbines. There is one that is working relatively well, one that is working about 35 percent and the other two are shut down. Now, we didn't cause this, I understand that, but I think we have a relatively short window to keep the Iraqi people coming our way before we are seen as occupiers. What are we doing to get that power plant going?

General STROCK. Yes, sir. We are in fact working in Al-Durah right now, sir. We have reactivated the U.N. contracts to rebuild the boilers there and we are rewinding the turbines and that power plant is going to be brought back in service. But you are absolutely right, it is antiquated technology and part of the supplemental is to actually create new generation there, state-of-the-art generation that is reliable and stable. But Al-Durah is very definitely one of the key projects we are working on right now, sir.

Mr. SHERWOOD. But it was a little surprising to me that with all our resources we couldn't get that thing cranked up a little better. I mean, that needs some management. That needs somebody to go in there and kick ass and take names. It is a mess.

General STROCK. Sir, we have that. The U.S. Agency for International Development has created a project management team headed by a Mr. Dick Dumford, who is a power expert, and they are doing marvelous things. In the last month we have increased generation in the country by about 1,000 megawatts. Al-Durah is not yet online, but it will be very shortly. That power plant was down before the war.

Mr. SHERWOOD. Yes, I understand.

General STROCK. And we will get it back up. And, sir, as far as security goes, I know that is one of our prime security objectives and I know that is being well secured by the U.S. forces there.

Mr. SHERWOOD. I don't want anything I have said to be critical of our troops over there they were of the highest caliber; you just can't understand the commitment. I am trying to talk about the support from the top. Those young men and women are the highest caliber people I have ever been around in my life.

Chairman TOM DAVIS. Thank you very much.

Mr. Clay.

Mr. CLAY. Thank you, Mr. Chairman. I thank you for holding this hearing and thank the panel of witnesses for being here.

I have not had the pleasure of visiting Iraq, but would like to know the extent of collateral damage to the Iraqi infrastructure by the U.S. military. I mean, was there much damage to hospitals, schools, bridges, and roads during the war, and are we building or repairing that infrastructure that was damaged?

Mr. KOROLOGOS. Congressman, I can respond by saying smart bombs work. They knocked down the military targets, they knocked out the Ba'athist ministries, they knocked out the palaces where Saddam was thought to be. The infrastructure troubles occurred for two reasons. First, 30 years of mismanagement, coupled with sanctions. Saddam used to use them for political purposes; he would shut down electric plants, he would shut down mills and textile facilities for political and ideological reasons. In addition, after our soldiers got close, the looting began in all of those areas. The population decided that they were going to take it out on the 30 years of repression, and they went in and not only looted, but sabotaged. What can you loot at a power plant? They took away anything that moved; they took windows out, they took bars off the windows, and were using those for their own way of retribution.

So the infrastructure, and those Members that have been to Baghdad and to Iraq saw firsthand , was not damaged. It is amazing how little damage was done. And most of the damage that we are reaping the whirlwind on now, and the power plants, as General Strock said, and even in the ministries around, the prisons and what have you, was all done by looters.

Mr. CLAY. So you are telling me that most of the damage was minimal due to the war.

Mr. KOROLOGOS. Yes, sir.

General STROCK. Could I just add one thing, sir? Our military now uses a process called effects-based targeting when we go in with these kind of operations, and that is to understand the effect you want to create. And sometimes we do have to attack civil infrastructure to deny power to military facilities, for example. The easy way to do it is to take out the power plant; it is big, it is a one-stop shop, and you can do it quickly. The tough way to do it is to take out the transmission lines, but they are much easier to repair post-hostilities. And that is what we targeted, transmission systems and distribution systems, not the generation systems.

The only exception I would say was the communications systems of the country. In Iraq, the civil communications and military communications are one in the same, and while we protected those and did not attack those early on, we learned late in the war that we really had to go after them to accelerate the collapse of the regime. So we did attack the communications structure, which we are now rebuilding.

Mr. CLAY. Did you take out many bridges or roads?

General STROCK. Only where it was military necessity, sir, and those were typically on-the-spot decisions by commanders in combat.

Mr. CLAY. OK. I don't know who can tackle this question, but recently Senator Kennedy, citing a Congressional Budget Office report, said that only about $2.5 billion of the $4 billion being spent

monthly on the war can be accounted for by the administration. He goes on in this AP story to say that, "My belief is that this money is being shuffled all around to these political leaders in all parts of the world, bribing them to send in troops." And I don't know if I want to use that strong of a term, but can any of you explain to this committee and account to this committee for where the other money is going? If $2.5 billion is going to the troops, where is the other $1.5 billion going? Can anybody, or is it a national security consideration?

Mr. KOROLOGOS. I am not a budget officer, Congressman, except to say that we have inspectors general, we have GAO over there, and OMB even had a representative there. We account for every dime that is spent. Having said that to you, there were two funds that we were using. First, we had the vested and seized assets that Saddam had put in plastic bags and was trying to take out of the country as he fled. That was Iraqi money, and the vested assets that we have taken from other countries that he had in banks, and have used that to restore Iraqi infrastructure. And what happens with that money is, money that the coalition presents to the commanders in the field to go around and repair schools, repair soccer fields, repair whatever damage has been done, clean up the environment and garbage-strewn areas. This is called a rollover fund, which is not appropriated. Mr. Kolbe was there and we showed him some of those projects, as other members of the committee saw. That money also is accounted for. It does not go through the regular appropriation process because it is Iraqi money that we are using for Iraqis at the discretion of the commanders in the field and the new ministers that have been formed to say, "we need this, we need that;" and it is a rollover account.

Chairman TOM DAVIS. OK.

Mr. CLAY. I thank you for your answers. It seems like a pretty fast clock, Mr. Chairman.

Chairman TOM DAVIS. Time flies sometimes. I just want to make one comment that may help the gentleman. As we drove through Baghdad and areas that were heavily bombed, how little damage there was. It was a normal city, up and operating. Once in a while you would see a pile of debris here or there, and those were generally military installations or governmental installations that we had bombed with precision. Nobody wages conventional war as well as we do. Nobody has ever done it as well, that is very clear. The problem is, of course, the aftermath; when we are sitting there in an occupying status, it becomes a lot more difficult. But conventional war, all of the predictions we heard about mass casualties, didn't come true; we did an outstanding job there.

I recognize the gentleman from Kansas, Mr. Tiahrt.

Mr. TIAHRT. Thank you, Mr. Chairman. I also had the opportunity to go with Mr. Sherwood, Mr. Shimkus and others to Iraq about a week and a half ago, and I was a little bit shocked to find out that the country wasn't in chaos like they were reporting on the news, that the criminals were not controlling the streets and the lights and water were actually on. So I was a little bit surprised.

One thing that I did notice is that we have troops over there who are doing an excellent job, and our generals and those in charge

over there have excellent plans in place, but there seems to be a lack of interagency support. Now, I am told that there is good cooperation over in Iraq, but we have people in our military training border guards. I think the INS probably has more experience doing that job. We have people in our military who are training police officers. We probably have FBI agents that have more experience in those areas. We have military people teaching them how to become highway patrolmen, as far as Iraqis are concerned, and I thought we may have some reservists that have highway patrol experience. But, in general, we have the military taking on a whole lot of tasks besides trying to bring peace and security to the country, and it just seems to make sense to me that we should have more interagency cooperation, that we should have personnel from other agencies that have experience along those lines do the training with the Iraqis, rather than put that burden on an overloaded work force right now in the military trying to bring peace to the place. So if you could sort of let me know what you think, whether there is cooperation, if it is increasing. Do we have plans to increase it, or are we just going to tolerate the status quo?

Mr. KERIK. No, sir. We have made a number of requests to the FBI, to the Department of Homeland Security, and they are dispatching people from the United States to assist us in training the Iraqis. On the border and customs side, we will be getting agents, and we have had agents. In fact, when we put together the team that stood up and put together the Baghdad airport, we had U.S. Customs agents come in to train the Iraqis on the Pisces System and other systems that we would need to have in place for us to open up the airports at Baghdad and Basra and in the north. Those programs are continuing. We have had the military assist us in the area of in-service training, in transitional training.

We brought back, as you may know by now, nearly 40,000 police officers. There were several more pre-war; many of them, most of them probably that did not come back didn't come back because they were violators of human rights; they figured they would be arrested. Some came back and they were terminated, fired or retired. Several were members of the Ba'ath party, the senior levels of the Ba'ath parties, and they were removed.

We have created a 3-week transitional program, and that is what the military police are assisting in the training of, and that is to make sure that the people that we have brought back and reinstated are learning principles of policing in a democratic society. You know, simplistic things like police patrol and understanding that an interview and an interrogation doesn't mean that you hang somebody upside down by your feet and beat him until he is unconscious. Those things have to be taught to the people that are on the ground right now and that is what we are doing with the help of the military.

But as the program continues, and as the President mentioned last Friday, we are now going to be working with the Jordanian authorities to train the Iraqis that we are recruiting to stand up the rest of the police. We need a number of between 65,000 and 75,000 civil police and probably another 15,000 border and customs officials to secure the civil end of the country. Those people that have to be trained, recruited and vetted will be trained in Jordan with

the assistance of the Jordanian police and military; and that program is continuing.

And just one last point. There is an 8-week training program for the police that will be trained in Jordan, but they will come back into the country of Iraq and for 6 months they will have field training officers assigned to them. Those will probably be people out of the United States and some of the other 37 countries that are working in Iraq. We now have Italians, Poles, Spanish, more than 30 countries that we are working with as a part of that program to train them when they come back into the country.

Mr. TIAHRT. One of the things that we did while we were in Iraq was tour the Al-Durah power plant, which was mentioned by Mr. Sherwood. It is like a 1950's, 1960's old power plant put in place by the Germans, and they are trying to get it back up and running; I suppose it is a holdover, because there must be much more efficient power generating facilities. I know we have peak power plants in America, we have municipal power plants that are cheaper, less capital, much more efficient, and we ought to be looking at that rather than rebuilding this 1950's technology; that makes about as much sense as flying these old tankers when we could be flying KC–767 tankers, at least for the Air Force. So we ought to be thinking about what is the best technology available, and not being stuck in the past.

Thank you, Mr. Chairman. I appreciate the opportunity.

Chairman TOM DAVIS. Thank you very much.

Mrs. Norton. Thanks for being patient.

Ms. NORTON. Thank you, Mr. Chairman.

I think we all agree, when we say, "turn the country back to the Iraqis," we mean first democracy and then turn over their own economy to them, and my questions go far less to contracts for American companies than contracts for Iraqi companies, particularly since there are numerous press reports that, now that Iraqi businesspeople are talking to the press about how they feel shut out of our contracting process, they complain that they could do the work for many times less than the work is being done.

Now, I don't know if this involves the ability of our companies or our own Army Corps of Engineers to translate price bids as between our companies and their companies. Obviously, they will underbid us all the time, given the difference in the economies. But how do you deal with these complaints? How do you respond to these complaints? They know their country, they can do the work for a whole lot less than we are doing it and they are not getting the contracts.

Mr. KERIK. Good morning. I want to talk about the Ministry of Interior, for example, for one moment. And I have read some of the things in the newspapers and I have heard some of the criticism. In the Ministry of Interior in the city of Baghdad, we stood up 35 police stations in 4 months. Faster than anything you could have done in the United States, and we did so with Iraqi contractors.

Ms. NORTON. I would like a response to this question. In other words, are you saying that this is all anecdotal? I want to know about the ability to translate the price information so that the Iraqis understand why, for example, we are paying more than they have bid, because, you know, in this country, if you bid and you

had the lower bid and you don't get the work, then you think something is crooked. So I am trying to find out whether or not we have the capacity to make them understand our bidding process and to translate their bids to meet our system. Or what is the reason for these reports that are cropping up everywhere with complaints from Iraqi businessmen? I don't doubt that you are able to build. I don't doubt that you are using Iraqi businesspeople. I am asking a more technical question, about how the bidding process works, when you are dealing in a foreign country with people with a bidding process that is very different from the one we use here.

General STROCK. Well, ma'am, I can't comment. I am not aware of any case where bids have been received and it did not go to the low bidder, unless it was a best value sort of contract. So I don't know any specifics on that. I do know we are making great efforts, though, to employ as many Iraqi companies as we can.

One of our problems early on was the fact that most of the infrastructure-related companies in Iraq are state-owned enterprises, and as parts and extensions of the government, they suffered the same amount of destruction and devastation as the rest of the economy; and so to even get them to mobilize and be prepared to come to work was very, very difficult, and that is getting better and better all the time.

Ms. NORTON. Actually, I very much appreciate what you are doing in trying to deal in a foreign country, trying to get the work done quickly. Let me suggest this. Among the complaints I have read, again, these are Iraqis talking to the press, that, for example, the bidding period is so short, a couple of days, that they can't possibly deal with that kind of turnaround. There have been complaints that the information on the solicitations are inaccurate and misleading. Somebody doing these solicitations doesn't even understand the country and understand what needs to be done. There are complaints that because the bidding process opens and closes so quickly, probably because you are trying to get the work done quickly, it looks like a prefix setup, and that you have already chosen.

Now, let me just say something to you. I am on another subcommittee that has jurisdiction over the GSA. In this country, the GSA has to do weekly meetings in order to tell people how to get on the GSA Schedule and how to bid, and what I want to know is, whether you are doing the job that it will take to bring Iraqis into the process or if you are just throwing out a bid and saying, "we need a response in 2 days." How do you expect people to be able to bid, especially when you look at figures like Bechtel, which has $900 million in contracts and only $50 million in subs to Iraqis. Part of the reason may be that we haven't done our job in informing, teaching, training Iraqis how to use our bid process, so you just simply go along with whoever looks like he can do it and gets the work done. So I want to know what you are doing to bring them into the process so they know how to become a part of the process you are using.

General STROCK. Ma'am, Bechtel Corp. did hold a session for all Iraqi contractors about 2 months ago to explain the opportunities and processes to compete. There are some challenges, many of which are associated with just the lack of communication in the

country, the inability to even know when there are opportunities presented. So that is definitely a problem we are working on. I know that when the supplemental comes through, there is a plan afoot that will have, as part of the performance specification, the contractor's plan to employ Iraqis and how they are going to go back doing that, educating them on the process and then actively soliciting their support. So we are very aware that this is a problem and we are working on it.

Ms. NORTON. I know my time is up, Mr. Chairman.

I wish you would make the committee aware of how you inform, in writing, of how you inform contractors that they are to, in turn, inform Iraqis of how to use this process so that we have a greater understanding of what you are doing to bring Iraqis into your own bidding and contract process.

Chairman TOM DAVIS. That would be helpful to get that information to us, and we will circulate it to the Members.

Secretary BROWNLEE. Could I respond for just a moment?

Chairman TOM DAVIS. Sure.

Secretary BROWNLEE. The Army is the executive agent to assist.

Ms. NORTON. I can't hear you.

Chairman TOM DAVIS. Go ahead.

Secretary BROWNLEE. The Army is the executive agent to assist Ambassador Bremer's organization with contracting. Could I please provide for the record how we are doing that and what we intend to do to try to make sure the process is perceived as fair and transparent by both United States and Iraqi companies?

Ms. NORTON. That would be very useful, I believe. Thank you very much.

Chairman TOM DAVIS. That would be helpful. Thank you, Mr. Secretary.

The gentleman from Connecticut.

Mr. SHAYS. Thank you, Mr. Chairman. Mr. Chairman, I would like to take the opportunity, first, to thank you for holding these hearings, thank all of our patriots who are our panel and thank them very much, and to recognize Dr. Julian Lewis, who is a member of Parliament, if he would stand, from Great Britain. We appreciate your great country's help in this effort.

Chairman TOM DAVIS. Thank you. Welcome to the committee room. I hope he enjoys his stay over here in the colonies.

Mr. SHAYS. In my first visit to Iraq, I met a gentleman in Unm Qasr, whose name was Mohammad Abdul Hassan. He said, "you don't know us and we don't know you." And that spoke volumes to us in this rebuilding effort. Winning the war on a scale of 1 to 10 is an 11; winning the peace, I don't know where it is, but it is not an 11 or a 10, maybe not even a 9, and we need it to be up much higher.

I would love to ask you, not because I agree with all of his criticisms, but because I think you should respond to them, in the next panel we have Dr. Alaa Haidari, and he basically expresses gratitude for the United States coming into Iraq—he is an Iraqi-American—and he then proceeds to be somewhat critical. I am going to state his criticisms up front and then have you just respond to them.

One of them is, he said the current council makeup—the governing counci—simply does not reflect Iraqi reality. He said, sadly, most of the members of the current council have neither the support nor the approval of the people in their respective groups; nor does the current council provide any representation for many Iraqi provinces, and so on.

In disbanding the army, he said Iraqi police forces must take over as soon as possible. I think you have spoken somewhat to that. He said the U.S. administration must accept the fact that disbanding the Iraqi army and police force was a huge mistake.

His other point is on ministry employees. He said qualified Iraqis are more knowledgeable than anyone else in the affairs of their country, and can quickly determine the steps needed to rebuild the economy. And he said, except for the top echelons of Ba'athist leadership, it is essential that employees of the Iraqi ministry be rehired.

So those were his basic points and I will just end by saying, when I met with Colonel Buhani, who was the individual who allowed us to go into Iraq from Kuwait, he said "you Americans don't get it. You need to be hiring more Iraqi-Americans, you need people who speak the language and you need people who know the culture, and you need people who know the tribes." So I would love you to respond to that.

And just a quick first question to you, Mr. Korologos. Why should you basically be answerable to Defense? Why shouldn't you be answerable to State? I have never quite figured that one out.

Mr. KOROLOGOS. Well, the short answer is, because Congress passed a law creating the supplemental the first time in March, placing the Coalition Provisional Authority under the President, reporting through the Secretary of Defense. You saw, when you were there, Mr. Shays, the co-mingling of the coalition forces and the coalition Joint Task Force 7, which is General Sanchez. We are in the same building, we use the same lunch rooms, we use the same facilities. They are an integral part of each other's operation. The soldiers and the commanders out in the field are rebuilding, through their civil affairs operation, a great deal of the country. The Coalition Provisional Authority, through creating the general council and the ministers who are now operating, is creating a governance side. All of us are working on the security piece, which is a huge undertaking; and the co-mingling and the putting them together works a lot better for reporting purposes. There is a big State Department presence, as you saw.

Mr. SHAYS. I am sorry, I think you answered the question. Could you get on to the other points that were made by our panelist, the second panelists, the quotes that I did? Could some people respond to those? The issue of the ministries, the issue of the representation of the council not being true, can people address that, please?

Mr. DIBBLE. I can address that, or at least I hope in part.

Mr. SHAYS. Thank you.

Mr. DIBBLE. With respect to the council not reflecting reality, in fact, that is true. The council, we have to remember, is an interim body; it was selected, not elected and does not perfectly reflect Iraq's population. It was necessary to get a body in place as soon as possible. A lot of work went into that; I don't want to minimize

that. The council does, broadly speaking, reflect Iraq's general makeup. It is not perfect, and I think the coalition, and Ambassador Bremer in particular, are making an enormous effort from now to reach out to those parts of the population who believe they may not be perfectly represented on the council, because at the end of the day what will represent the Iraqis is an elected government, not something that has been appointed in any case.

Mr. SHAYS. Thank you, that is helpful. How about the issue of the ministries?

Mr. DIBBLE. We take the point that the people who know how to run Iraq are probably Iraqis; they know where the keys are, they know where the supplies are, they know the people, and they know the language; this is their country, after all. I think CPA is making an enormous effort to get the ministries up and running and to bring back those employees who are necessary to make the ministries run; I think that is a priority. It is not a high profile priority, but it is definitely happening.

Mr. SHAYS. I know my time is up, but maybe in the course of this panel they can address some of those questions that were raised by the next panel. Thank you.

Thank you, Mr. Chairman.

Chairman TOM DAVIS. Thank you very much.

The gentleman from Maryland.

Mr. VAN HOLLEN. Thank you, Mr. Chairman.

I thank all of you for being here today. As you all know, we have a request of about $20 billion, asking the American taxpayer to help with construction, reconstruction in Iraq. That is on top, of course, of billions that have been spent and billions that probably will be spent in the future. Given that, I think we would all agree that we would like to share the financial burden, as much as possible, with our allies and others in the international community. We have been working, trying to get a resolution out of the United Nations. The news today looks bad. I mean, the reports are that it doesn't look likely that we are going to get a resolution. My question is this: If we do not get a resolution out of the U.N. Security Council, what is your prediction as to what kind of support we are going to get at the upcoming donors' conference in Madrid? And I would like you to be as specific as possible in terms of what exactly you anticipate in terms of dollars we'll receive from other potential donors.

Mr. DIBBLE. It is very difficult for me to give you specific numbers because the campaign is now underway to persuade donors to come to Madrid to pledge significant amounts of money, both for the coming year and for out-years. The needs are enormous. The U.N. and the World Bank have either just released or are about to release their needs assessment. Other donors will be looking at that and will be looking at specific areas where they can slide in their contributions. I don't think we can abandon that effort, obviously, no matter what happens to the Security Council resolution. We need the international community up front, we need them with their checkbooks out, whether we come to some agreement in the Security Council or not.

Mr. VAN HOLLEN. Would you agree that failure to get a resolution in the Security Council will make it more difficult for us to get support?

Mr. DIBBLE. Yes.

Mr. VAN HOLLEN. Let me ask you this. I mean, we have had some talk about the current Iraqi Governing Council and whether it reflects the country. I assume, regardless of exactly how represented they are, it is our goal to enhance their credibility rather than to undermine their credibility. Would that be a fair assumption?

Mr. DIBBLE. Yes, sir.

Mr. VAN HOLLEN. OK. In light of that, given the fact that all reports indicate that the Iraqi Governing Council does not support the addition of Turkish troops, 10,000 Turkish troops, into the country, will we honor their request if they were to make that request official?

Mr. DIBBLE. I don't want to speculate on what may be happening now between the Governing Council and the CPA on discussions. What I do understand, however, is that the expression of opposition to the presence of Turkish or other foreign troops in Iraq was the opinion of a single member of the Council attributing that opinion to everybody else too, but it was not an official act of the Council.

Mr. VAN HOLLEN. Understanding that, if the Council were to take an official position in opposition to the 10,000 Turkish troops, would we honor that request, given the fact that although they are an imperfect reflection of Iraqis, as you just said, they are, broadly speaking, reflective of the Iraqis?

Mr. DIBBLE. The best answer I can give you is that we would certainly weigh their opinion very heavily against the obvious military necessity for the additional troops.

Mr. VAN HOLLEN. Well, it seems to me if we are trying to diminish the view that we are an occupying force that does not represent the will of the Iraqi people, we should honor the request of whatever group exists now that has at least some reflection.

Let me ask you this: Did the United States make any commitments to Turkey with respect to actions we would take against the PKK in the event that they were to provide their forces? And if so, what specific commitments have we made to the Government of Turkey with respect to the PKK?

Mr. DIBBLE. I would prefer not to go into specific commitments in open session. The PKK has been an issue for us as a terrorist organization for some time, irrespective of any specific commitments the Government of Turkey may have made to help on Iraq.

Mr. VAN HOLLEN. Well, let me ask you this. As part of our agreement with Turkey, do we expect that U.S. forces will be involved in any military actions against the PKK? Was that part of our understanding with the Turkish Government?

Mr. DIBBLE. Sir, I would prefer not to discuss that in open session.

Mr. VAN HOLLEN. OK. Well, I am going to pursue an answer with you, then, in closed session, if that is classified.

Mr. DIBBLE. By all means.

Mr. VAN HOLLEN. Let me just ask one last question, if I could, Mr. Chairman.

The $9 billion loaned to Turkey that has been held up pending this question on forces, do you expect that to go forward? And is my assumption correct that is not part of the $87 billion; that is in addition to?

Mr. DIBBLE. I don't know the answer, but I will get it for you.

Mr. VAN HOLLEN. OK.

If I have a little more time, I would like to ask you, with respect to Iran, what role you see Iran's Government currently playing in Iraq? Are they being constructive? Are they undermining our efforts? What is your assessment of that as of today?

Mr. DIBBLE. The role is difficult to assess with any precision because it is ambiguous. The Iranian Government has come out with a statement of objectives that are broadly consistent with ours—stability in Iraq, they have supported establishment of the governing council—all of which is positive. However, we also note that there are present in Iraq elements of the Iranian Government whose purpose is not obvious to us and who may be positioning themselves to undertake activities that are not consistent either with our objectives or the stated objectives of the Iranian Government. So it is hard to assess with any real precision at this point but we are watching very carefully.

Mr. VAN HOLLEN. Thank you, Mr. Chairman. I would just like to say I would like to followup later on some of these questions that were raised.

[The information referred to follows:]

Questions for the Record Submitted
to Deputy Assistant Secretary Philo Dibble
by Congressman Chris Van Hollen (#1, 2)
House Committee on Government Reform
October 8, 2003

PKK/KADEK COMMITMENTS TO TURKEY

Question:

Has the U.S., since June 1, 2003, made any commitments and/or representations to Turkey with regard to the PKK? A) If so, what specific commitments and/or representations have been made, and when were they made?

Has the U.S. military offered to take military action against the PKK under any circumstances? A) If so, please explain.

Answer:

The United States and Turkey share a common interest in eliminating the threat posed by the PKK and its alias KADEK. The U.S. identified KADEK as a Foreign Terrorist Organization in December 2002. As President Bush has made clear, the U.S. is committed to ending all safe havens for terrorists in Iraq. All responsible Iraqi parties agreed that there could no longer be any haven for terrorists in a free Iraq. Iraq cannot provide a haven for the PKK/KADEK. In that regard, a U.S. delegation led by Deputy Assistant Secretary for European and Eurasian Affairs Ambassador B. Lynn Pascoe met with Turkish officials in Ankara on September 12 to consult on eliminating the PKK/KADEK presence in northern Iraq. Coordinator for Counterterrorism Ambassador Cofer Black led another U.S. delegation to Turkey on October 2

to continue these discussions. The United States and Turkey are working together on a number of actions to address the PKK/KADEK threat and our discussions are ongoing. Our efforts at this time are focused on encouraging PKK/KADEK members to take advantage of Turkey's reintegration law that offers reduced or no punishment for eligible individuals who lay down their arms and return to Turkey.

U.S. military action is an option under consideration, if necessary, to rid Iraq of terrorist organizations.

Questions for the Record Submitted to
Deputy Assistant Secretary Philo Dibble
by Congressman Chris Van Hollen (#3)
House Committee on Government Reform
October 8, 2003

U.S. FINANCIAL ASSISITANCE TO TURKEY

Question:

Has the U.S., since June 1, 2003, agreed to provide any loans and/or grants to Turkey? A) If so, please detail the size, terms, timing, and/or conditions for the loans and/or grants. B) If so, what conditions, if any, must Turkey meet in exchange for such loans and/or grants?

Answer:

The Emergency Wartime Supplemental Appropriations Act, 2003 (P.L. 108-11), provided the Department of State with supplemental Economic Support Funds of $1 billion, convertible into loans of up to $8.5 billion, to support Turkey's ongoing economic reform process and to mitigate the adverse impact on Turkey related to Operation Iraqi Freedom. On September 22, 2003, the U.S. and Turkey signed a Financial Agreement to implement this assistance program. Turkey opted to receive $8.5 billion in loans, to be disbursed in four equal tranches over an 18 month period. The loans have a 10 year maturity, a four year grace period on principal repayment and a 7.56% interest rate. Turkey has the option to convert undisbursed loan tranches to the grant equivalent 12 months after the effective date of the agreement. The Turkish cabinet has not yet completed post-

signature ratification of the agreement. Upon approval, Turkey may request the first disbursement of $2.125 billion.

Under the conditions set forth in PL-108-11, the U.S. assistance is conditioned on Turkey's implementation of strong economic policies and on Turkey's cooperation with Operation Iraqi Freedom. Each disbursement is subject to a determination by the USG that the following conditions have been met:

- Turkey is implementing strong economic policies, including budgetary and economic reforms. In assessing Turkey's performance, the USG will consider, in particular, Turkey's compliance with its IMF Stand-by Agreement.
- Turkey is cooperating with the USG in Operation Iraqi Freedom, including the facilitation of humanitarian assistance to Iraq, is supporting USG-led efforts in the reconstruction and stabilization of Iraq, and has not unilaterally deployed troops into northern Iraq.

Chairman TOM DAVIS. Thank you very much.

Mr. Shimkus.

Mr. SHIMKUS. Thank you, Mr. Chairman, and thank you for allowing us to join with you in this hearing today.

I want to mention a couple of things and I will try to go quickly. Rick Jenkins, Dave Brown, John Agoglia, Ben Hodges, Mike Lenington are all classmates of mine from West Point, also colonels serving in theater. I got a chance to visit with them all and am very proud of their service. I think they are very reflective of what the Army and everybody is doing over there. I just want them to see that I remembered their names and mentioned them.

I have also been impressed and I would encourage Members to get over to Iraq. We have had a lot of Members go. I have been really pleased with the response from a bipartisan group of Members who have been on the ground, have seen the needs, seen the progress, and are in essence vocally supporting what the emergency supplemental is trying to do, especially the $20 billion. The field commanders say this is what we now need to move forward. I think everything I have read—and hearing others comments will confirm that. I would encourage Members, there are going to be a lot of opportunities to go.

The third thing is, I had dinner with four soldiers from the 101st and I said, "what one thing do you want me to bring back." One, a female Sergeant E–5 from Chicago said, "family has to be with us 100 percent." The second one said, a Sergeant E–5 was concerned about the care that was being given to an Iraqi friend. He had made a friend, a truck driver, and this Iraqi was injured and he is just not receiving the care a soldier would. What a great statement; here this soldier is in harm's way, he drives in the community and he is concerned about an Iraqi citizen, a great comment. Another said, "we are willing to pay the price." They know they are in a tough environment. The last one said, "America needs to be patient." You can't turn over things overnight. I want to make sure I put that out on the record.

The first question kind of goes with my colleague, Congressman Shays', line of questioning. What would be the political result if we would move sooner rather than later on turning power over to the Iraqi people without a developed constitution and without elections? What party is in the best position to recover and gain control? Mr. Dibble or Mr. Korologos.

Mr. KOROLOGOS. It is hard to say. First of all, the religious freedom that has grown as a result of the war and the new status of the country has created a whole group of religious groups: the Shiites, the Kurds and what have you. So I suppose the short answer is that it would probably end up being a religious decision.

Mr. SHIMKUS. I was told in theater that even the Ba'athists still have money squirreled away, they are still organized and you really risk a return of the Ba'athist regime. I think that really makes sense.

I also want to turn to one of the other people who will make comments on the second panel, Beate Sirota Gordon, who has this line in her testimony, "When General Whitney, General MacArthur's favorite advisor, called in about 20 members of the staff and said, you are now a constitutional assembly and, by order of General

MacArthur, you will draft the new constitution of Japan in 7 days." This kind of goes to the point of where are we in Iraq. We have to move and get a constitution drafted and then we have to move to free and fair elections; that will take time.

The question is, we don't want to push the Iraqis too fast and push our own constitutional positions on them, although that is what happened in Japan. We want them to have ownership but we don't want to wait too long. How do we balance that, because the key to success here will be a constitution followed by free and fair elections and then letting the Iraqi people make their decisions?

Mr. KOROLOGOS. Ambassador Bremer has testified and said that the Iraqi constitution will be written by Iraqis. The Governing Council has appointed the Constitutional Preparatory Committee that is going around getting advice and counsel from these advisory committees throughout the country on what they may want in the constitution. That process is now underway. We don't want to put a timetable on it. Will it happen in 3 months? I doubt it. Will it happen in 3 years? No. Somewhere in the middle of that. Secretary Powell said, and all of us hope, that it happens sooner rather than later. The sooner the Iraqi constitution occurs, the sooner you have an election which means when we turn over the reins of the government to the Iraqis. That process is underway and I say again, it would be written by and for Iraqis.

Mr. SHIMKUS. Thank you.

Mr. Chairman, thank you very much for your diligence in allowing me to join you here today.

Chairman TOM DAVIS. Thank you very much.

Mr. Davis.

Mr. DAVIS OF ILLINOIS. Thank you very much, Mr. Chairman, and let me thank you for calling this hearing. I also want to thank the witnesses for coming to testify and share with us this morning.

Let me also express my appreciation to our soldiers and all of those who are on the ground in Iraq given the highest order of their service as well as the indefinite situation of what may very well take place and happen to them while they are there. So I appreciate all of the efforts being made to try and reconstitute and rebuild this country.

I want to get back to the line of questioning that has been started by Delegate Norton relative to contracting which seems to be very complex, very difficult, hard to understand, and hard to get at. I can certainly understand the fact that we need to be on a fast track—that is, things need to move with some rapidity—and also the complexity of what is needed in many instances to rebuild what has been torn down or what did not exist in the first place. Iraqis have expressed concern about not really understanding how they can get cut in or if there is an opportunity to do so. I am concerned as to whether or not, as we deal with this complexity, there is any room for small businesses? We have developed a concept in this country that small businesses, women-owned businesses, minority-owned businesses, ought to have an opportunity to participate in economic development activity. Although that is not the main reason for the redevelopment, there ought to be those opportunities. My question is, what kind of opportunities exist for small busi-

nesses, for minority and for women-owned businesses to participate in the rebuilding of Iraq?

Mr. KOROLOGOS. Congressman, there is in the plan that we have submitted to Congress a request for a good deal of money for something called essential services and infrastructure. The objective is to restore to acceptable standards and try to create a civil society to provide the foundation from which Iraqis can rebuild Iraq. In that piece, I guess a month now, the Central Bank has opened, has already started making small business loans. They are starting, I think on October 15th, to distribute the new currency.

This was an economy flat on its back. They had 50–60 percent unemployment before the war. We have made every effort to start-up small businesses. It is our feeling that small businesses are going to be the basis for the restoration of this country. From the small businesses, you are going to get political input and political extensions so they can start governing themselves. There is a big effort; small business is a big piece of what we are doing. Today in Iraq, you can walk or drive down the streets and see, as those Members who have been there have seen, huge marketplaces that are selling, as I said in my statement, satellite dishes, shoes, refrigerators, air conditioners, commodities that had not been available to the Iraqi people, all of it run by small businesses.

Mr. DAVIS OF ILLINOIS. Let us talk about American companies that might want to try to get a piece of the action that Bechtel and Halliburton are getting. We have these big umbrella contracts and they are indefinite in terms of delivery or indefinite relative to quantity of what they are to provide and to deliver. Are there any ways to ensure that American small businesses can interact with the Halliburtons and the Bechtels of the world and get a piece of these large umbrella contracts?

Mr. KOROLOGOS. The answer to that is that Bechtel and the big umbrella companies have held seminars both in the United States and in Europe. At one I recall there were 2,500 subcontractors who showed up to get in on the process of how to do this. Understand something else here: all the contractors that have come through Iraq and by hopeful guidance from the Coalition Provisional Authority have been asked to make sure that Iraqis are put to work on these projects. There was one contractor, I understand, who wanted to bring in some Pakistanis to do some labor tasks. That contractor was turned down and said, no, you must go out and hire Iraqis, even to the extent that we are paying Iraqis to go dig irrigation ditches, to go clean up streets, restoring pension plans and what have you. So the whole effort is aimed at getting people to work. I understand and you understand that when you build a bridge or restore something, that project is over and we have to find something else for them to do after that, but small business has an input. I will let General Strock comment on the bidding process that has been made through these contract service seminars held throughout the United States and Europe in order to spread the subcontracts around.

General STROCK. I can't add much more to that, sir, except to say it is just standard practice in the Federal acquisition regulations that we include a component of small business opportunity. Again, we can provide the specifics of that for the record of how we are

doing that, but I know it is certainly encouraged. As Mr. Korologos has said, that is a fundamental aspect of the economic stimulus package that is being discussed in CPA, how to encourage small business entrepreneurs.

Mr. DAVIS OF ILLINOIS. Thank you very much, Mr. Chairman.

I appreciate your answers and we know that standard practices do not really work for small businesses and minority-owned businesses, so I appreciate your answer.

Secretary BROWNLEE. May I add one thing, sir.

Chairman TOM DAVIS. Sure.

Secretary BROWNLEE. There are also efforts within the Army's divisions to demonstrate innovativeness and ingenuity and a desire to help. There are efforts within these divisions to go out and assist in standing up small businesses so they are capable of bidding for some of these contracts. That is being done by the Army within their respective areas of operation.

Mr. SHAYS [presiding]. The Chair would recognize Mr. Murphy.

Mr. MURPHY. Thank you, Mr. Chairman.

I want to thank all of you for your important testimony. You have helped remind us that there is another point of view, a reality of what is going on in Iraq, and helped us understand that economic and social instability breeds vulnerability. Of course, that is the root of terrorism and how the Taliban and Al-Qaeda were able to lay such a strong foundation in Afghanistan after the Soviet Union played cut and run; or how an effort more focused on punishment than rebuilding after World War I led us into World War II and gave birth to the likes of Hitler and Mussolini and others that ended up killing millions. So we have a lot of work to do.

I want to focus primarily on some of the health issues, if I may. We have heard that prior to the war, many medical supplies and humanitarian assistance that was sent to Iraq was diverted by Saddam Hussein for personal use or some other uses. We had some testimony that the number of clinics is growing and improving as well as vaccinations. I wonder if you could give me a little more detail on pre-and post-war conditions of hospitals and clinics in Iraq in terms of were they filling needs before and what is happening now? I am not sure who would answer that. Perhaps Mr. Korologos.

Mr. KOROLOGOS. When the war ended, we fully expected several things to happen. We expected a food crisis, refugees, health crisis, the oil fields to be burning, flooding, and none of those happened. The health crisis was a creation of Saddam not funding any health projects. Before the war, as I said, he budgeted $13 million for health care in 2002 which came to about 50 cents per person. We have struggled and have sent in more than 9 million tons of health equipment, oxygen, beds, and what have you. When Ambassador Bremer and I first got there, we visited hospitals that were horrible. It was open windows, flies, the sanitary conditions were as grim as you can imagine. We still take congressional delegations to those same hospitals and they come back aghast at how bad they are. I hate to say you should have seen it before we fixed it. They are still way below any standard that we have all come to know. We are doing our best to rebuild the hospital structure. They had an excellent medical operation that existed in Iraq.

One other interesting thing, is Saddam forbade anybody from attending international conferences so the entire science community, including doctors, was forbidden from leaving the country to attend any seminars to find upgrades in medical treatment. One of the first things Ambassador Bremer did was open the doors to let this very brilliant medical operation running this thing under those circumstances to go find out what is new.

Health care is a big priority and has been. We have opened all the hospitals, we have opened clinics. The budget we have requested shows a huge increase in requests for health facilities. We have asked for clinics, hospitals and what have you all over the country and I hope we can get them.

Mr. MURPHY. Is there an adequate number of positions for nurses and medical staff in Iraq or is there also a need for people?

Mr. KOROLOGOS. I didn't hear you.

Mr. MURPHY. I was wondering if there are adequate numbers of medical staff and physicians in Iraq? Is there also a need for people?

Mr. KOROLOGOS. I don't know how to answer that. Probably not, given the conditions I have seen in the hospitals. They could always use more. There are a lot of NGO's that have come in to provide assistance. I can't give you a precise answer but just in observing when you are at these hospitals, the crowds that are outside, the lack of wheelchairs, the deterioration of the hospitals, is a horrible thing to observe. One of the first things we have to do is start building the facilities in which these doctors can start functioning.

Mr. MURPHY. Mr. Chairman, I would like to request that if we could get more information on such things, I would appreciate it. I know there have been programs for more inoculations and vaccines provided, information on some of the disease risks that continue there and other medical needs. I certainly think we need to know for future budget reasons but I also have to think the American people would like to know because that is something with which we can all identify and our hearts go out to folks who have been subjected for so many decades to a medical disaster.

Thank you very much.

Mr. SHAYS. I thank the gentleman.

Mr. Tierney.

Mr. TIERNEY. I thank the chairman and thank all of you gentlemen for your testimony and for the work you are doing.

I think the recent edition of Time pretty much says a lot about what the American people are thinking. The mission is not accomplished and how Bush misjudged the risk of fixing Iraq. I don't think anybody raises issue with the performance of our troops or the military aspects of winning the battle. The fact is, there was total misjudgment apparently of what it was going to take to go in and put this thing on solid footing. On May 1, 2003, clearly the mission was not accomplished. We have had 170 deaths of U.S. soldiers since that date and we have many, many wounded. To my knowledge, I am not aware that the President has visited any of these returning wounded soldiers to this country. We have had two potential Iraqi leaders assassinated. Sergio deMello of the United Nations has been killed. The oil flow which this administration told the American people would be used to fund reconstruction is some

days doing less than one-half of what it was producing pre-war and all the administration says is that there are challenges greater than we anticipated. That probably should not be the case and I don't, Mr. Korologos, do you want to tell us, was there too much reliance by this administration on Mr. Chalabi or people like him? How was it that with the intelligence they claimed to have had and all the information they claimed they knew about this country pre-entry, that we now hear stories of things that weren't anticipated?

Mr. KOROLOGOS. First of all, Congressman, the President has visited the troops, the wounded troops here in the hospitals, so I want to set the record straight on that.

There are problems. The war, quite frankly, and I say this with careful thought, ended too soon. What I mean by that is, as we got closer to Baghdad, the Ba'athists and the fedayeen disappeared and melted into the population. They took their AK–47s with them and still harbor hope of trying to come back. Our soldiers are out there on dangerous missions trying to root them out.

I also must say very quickly that it is in what we call the Sunni Triangle, which is an area between Tikrit and Baghdad and over to Ramadi, where most of these problems occurred. That is about 1 or 2 percent of the country. It is about 1 or 2 or 3 percent of the population that has hope they might return to their old glory days. The poll the New York Times and the Zogby people had 10 days ago, 2 weeks ago, showed that there is support for what we are doing. Those of you who have been there have seen the population and the children on the streets waving at our soldiers and waving at us as we go by. Yes, there are problems. Security issues have arisen. First of all, those people who are Ba'athists and fedayeen who disappeared into the population. Second, the 100,000 prisoners that Saddam released 10 days or 2 weeks before we got into Baghdad are all murderers and thugs; we are trying our darnedest to get them back. There are no records, no computers, no files on who these people are. Yes, there were some political prisoners, but most were criminals and if you can imagine a criminal being put in jail in Iraq, he must really have been bad. So those guys are out there doing damage to us. The third element, as the military will tell you, is the outsiders who seem to be wanting to come in from Iran and Syria and disrupt and throw oil on troubled waters. So the security issue is one that has taken a lot of emphasis and a lot of support from General Sanchez and our soldiers over there and it is a problem with the Coalition and it is a problem with the U.N.

Mr. TIERNEY. I don't think anyone disputes that we have problems. I think the issue is the failure to plan ahead of time to do this. I think now, in the face of this $87 billion request that confronts the American people, apparently we didn't have a plan going in. What is the plan now, what happened to the almost $400 billion that we have budgeted in our regular Department of Defense budget, and the first $69 billion supplemental appropriation? Why do we still hear stories of people being over there without kevlar vest protection, some of our equipment still needing repair not from normal wear and tear that should have not been anticipated but from things that should have been anticipated in an effort when you go in on this basis? I think that is what people are having a hard time getting their arms around. Why should we be looking at passing an

entire $87 billion at this point in time when there is some evidence that we have existing funding to take us into next year that clearly we want to know more about what is happening with internationalizing this effort. Perhaps, Mr. Dibble, you can tell us. Today's newspapers don't seem very encouraging, but what is happening on the diplomatic front? Do we have anybody else that is going to be coming in to help us out here? What is going on with the international conference in Madrid that is planned for October? Are any other countries stepping forward to give us something more than the $1 billion small amount we hear about?

Mr. SHAYS. Candice Miller.

Mr. TIERNEY. My apologies. I would have thought the Chairman would let you answer.

Mr. SHAYS. Do you care to answer? I thought it was a statement. I am sorry.

Mr. DIBBLE. I can speak in general terms. The conference in Madrid is scheduled for October 23–24. There has been a meeting of the core group which is the lead donors for this effort earlier this week. There is a systematic campaign underway, diplomatic as well as personal, to ensure that we get as much as we can as soon as we can, if possible before Madrid to ensure the burden is adequately spread across boundaries.

Mr. SHAYS. Ms. Miller.

Ms. MILLER. Thank you, Mr. Chairman, I appreciate the opportunity to ask a question. I certainly appreciate the panel for coming today. I have listened to your testimony. It is fascinating to hear what is happening in Iraq.

I think we are at such a pivotal moment in world history, quite frankly. We have the ability, I think, to either get the job done or not, to really have a positive impact on what is happening in the Middle East positively or not, and I think the question for us is whether or not we actually have the political will to finish the job, to reconstruct as necessary and to do what needs to be done there.

I also believe that Al-Qaeda certainly has underestimated the resolve of the United States. It certainly underestimated the resolve of George W. Bush. I think they thought that after September 11, a couple of cruise missiles, we would go back to our football games or something. They never thought about Afghanistan, they certainly never considered the possibility of what has happened in Iraq. As I listened to some of you gentlemen talk about the Iranians being a little nervous, I am glad to hear those kinds of things. I think we are having the desired impact on some of these rogue regimes.

I think it is also important, and it was very interesting to hear all of you, to continue to point out that the kinds of problems that are occurring in Iraq, that we are encountering in Iraq, are not because of collateral damage, because of the theater there. If you have inadequate underground, inadequate transmission lines, problems with the water supply, that would have been there whether we went in or not. It is because of the Saddam Hussein regime and what happened there.

My question is probably to Mr. Kerik. I listened to you talk about how you were vetting the various individuals that you are putting into the Iraqi police force there. I think that is making certain the

ability to police themselves, such a critical component for any society. But it is also my understanding that there were several, perhaps two, Republican Guard units that were not engaged during the war. As you mentioned, some of these have sort of faded into the country and a free Iraq to them is a dangerous thing. They are apparently the ones, certainly some of them, who are causing a lot of the terrorist problems in their own country, among their own people. Can we be certain, do you feel comfortable, that these individuals who have to be quite intelligent individuals are not infiltrating the police force and that they don't appear at a later date and manifest themselves with further problems?

Mr. KERIK. The vetting process we have gone through in Iraq from the beginning was ordered by Ambassador Bremer. Within the police force, the police services, customs, immigration and border services, we took the top three levels of the Ba'ath Party and eliminated them from the agencies. From that point on, we tried to identify leaders within the agencies, within the different departments, that we felt confident were trustworthy, loyal and had integrity and honor.

Today, the Senior Deputy Minister of Interior is a man by the name of Ahmed Ibrahim, who before he was appointed by me as the Senior Deputy Minister, was the chief of operations for Baghdad and before that, he was the Commandant of the Academy. In all of those positions, over about a 4–5 month period, we gained an enormous amount of trust in him beginning with the fact that he had been arrested by Saddam, been imprisoned for more than a year, been tortured on a weekly basis, had been electrocuted, and was adamant about his opposition to the regime, to Saddam and Saddam's loyalists.

In the time that we have been in Iraq and Ibrahim has been in charge of the police service, he has put together special operations units and special enforcement units to go out and hunt down the Fedayeen Saddam which are Saddam's trained assassins and killers, to hunt down the former Ba'athists out there committing attacks against the Coalition. We have found that if you pick the right Iraqi leaders, they will find the people they need to get the job done. I will give you one example before I close.

I told Mr. Ibrahim when he had the Academy that I didn't want anybody affiliated with the Ba'ath Party or with former ties to Saddam involved in the Baghdad Police Department. The next day I came back to the academy where he had his office and there were about 1,000 Iraqis outside the gates. He was on the inside with a small staff of people. When I finally got through the crowd and pushed through the gates and got inside, I said to him, "what is going on, what are you doing?" He said, "you said no Ba'ath affiliations; they are outside, I will pick one by one who is going to work for the new Iraqi police service." I think that is the key to our success. Let the Iraqis do their job. They know who the fedayeen are, they know who the Ba'athists are, they know who the loyalists are. Pick the right ones at the top and let them do their job and that is what we are doing.

Ms. MILLER. Thank you, Mr. Chairman.

Mr. SHAYS. I thank the gentleman and the lady.

Mrs. Maloney.

Mrs. MALONEY. Thank you.

First, I would like to welcome Bernard Kerik, the former police chief from the city of New York who led us so brilliantly after September 11. Welcome.

I would like to know how the members of the Governing Council are being protected? I was deeply concerned when the woman member was murdered. I have read reports where women cannot even go out on the streets.

Second, I would like to thank the chairman for including Mrs. Beate Gordon who I think is one of the world's most extraordinary women. She single-handedly created civil rights for Japanese women; she is on the next panel. I personally believe it would be a disaster beyond words if the women of Iraq are not included in the constitution with the right to vote, the right to health care, the right to education. It would be a tragedy if women's rights were rolled back because of American invasion.

My most troubling question deals with two articles that were in the paper today and I ask permission to put them in the record. It talks about Secretary Rumsfeld not even knowing about the reorganization of the Iraq reconstruction. He is supposed to be in charge of the reconstruction. I deeply believe, Mr. Chairman, that he should come before this committee before we vote on the $87 billion and the reconstruction to give us an update.

Mr. SHAYS. Without objection the articles will be inserted in the record.

Mrs. MALONEY. There has been a lot of talk about contracts. I have a positive story on contracts. When I was in Iraq, I met with General Petraeus from the 101st Airborne. He is doing a remarkable job. He told us this story: he had a contract—he needed cement to rebuild the houses in the area—and a $15 million contract was given to an American company. He kept prodding them, prodding them, prodding them to act. They never acted so he put on a bulletin board the fact that he needed to build a cement factory, could anyone help him. An Iraqi businessman came forward, used $80,000 from the confiscated money from Saddam Hussein and the cement factory is up and running. So the story shows, I think, brilliant management. He saved taxpayers money and he employed the Iraqi people so they are on our side, not fighting us. Another moral of this story is that you don't have to build the cement factory to American standards, build it to Iraqi standards; it is working. Let the Iraqi businessman follow the American model of investing his profits into making the business bigger and stronger. I am disturbed by the fact that one sole-source contract to an American contractor of $900 million, only $50 million is contracted to the Iraqi people, employing them and saving taxpayers' dollars.

I want to come back specifically with an issue that I feel so strongly about that I place the question in writing to the panel. It concerns the request for rebuilding the oil fields. According to the supplemental request and the Army Corps of Engineers, it would cost $1.1 billion to restore the oil production to prewar levels of 3 million barrels per day. Then the supplemental asks for twice that and then you include the $1.4 billion we have already spent. That means we are paying three times what the final work plan pro-

posed by the Army Corps of Engineers projected. This shows, I would say, mismanagement, but I will wait for your answers.

Second, I would like to place in the record page 28 of the Rehab and Reconstruction for Iraq Coalition Provisional Authority, and that says, and I question this with great sincerity, "The funding will also initiate the development of new oil and gas fields." I believe many Americans would like to help with reconstruction but I don't think they feel they need to build new fields in another country when we have so many problems at home.

Mr. SHAYS. If the gentlelady would suspend for a second, we just have 20 seconds left. You have to give him a chance to answer some questions.

Mrs. MALONEY. Very quickly. It said that, "Funding will allow commencement of the planned new refinery that will increase domestic capacity." I am for rehabbing but are we going to invest in new structures, particularly when the Army Corps of Engineers said it would only cost $1.1 billion and we are now up to $3.3 billion? I for one would like to go back to the Petraeus model of doing things cost effectively, saving the taxpayers money and employing the Iraqi people.

Otherwise, congratulations to the Army for your brilliant bravery and the fine job you are doing. I met many wonderful members of the military from the district I represent who are really putting their lives in harms way every day. The American people are very proud of them and I am particularly proud of the work that General Odinaro and General Petraeus are doing.

Mr. SHAYS. Mr. Janklow, you have the floor.

Mrs. MALONEY. Can I say one thing because we don't have much time. Chris, this is very important. Some of the generals told me that in creating the domestic centers in Iraq, they are putting women on those centers. I think that is incredibly important. I would like a listing from the CPA of all the women who have been put in positions. I think this is tremendously important. And second, the point that Senators and Members of this Congress cannot get the information on the contracts. In all sincerity, I want to be supportive but we have to have this information before we vote. We have to know where is the money, where was it spent. Petraeus gave us the information, the CPA should be able to give us the information.

[The prepared statement of Hon. Carolyn B. Maloney follows:]

Statement by Congresswoman Carolyn B. Maloney
Committee on Government Reform "Winning the Peace: Coalition Efforts to Restore Iraq"
October 8, 2003

Mr. Chairman and Ranking Member, I'd like to thank you for holding this important hearing today.

I had the privilege of traveling to Iraq in August with my colleagues and am very interested in hearing how things have progressed since that visit. It is my hope that things are steadily improving, but my fear is that they are not.

That 3-day visit was an extraordinary experience where I was able to understand the strength and resolve of the Iraqi people despite the tragic conditions they were forced to endure. We visited one of Saddam's palaces that was adorned with beautiful, ornate moldings and lovely marble floors, this was in contrast with our visit to a hospital that couldn't even afford linoleum tile to line the hallways.

I look forward to the testimony of our witnesses today so that we can get a better grasp of what the CPA (Coalition Provisional Authority) is doing and where it is headed. I would like to specifically mention one witness, Ms. Beata Sirota Gordon, a wonderful addition to the panel who was instrumental in including women in the Japanese Constitution after World War II.

I hope to hear from our witnesses on a number of issues, including contracting for reconstruction efforts, the efforts to include women in civic and government life, and Iraqi debt relief.

Before I begin, I must state that our troops have done an excellent job in Operation Iraqi Freedom and we should all be proud of their dedication and commitment to freedom and democracy around the world. They have been assigned a significant task and have performed it in an efficient and capable manner. For this, we are all enormously thankful.

First, I am very concerned with the awarding of contracts for the reconstruction efforts, particularly with respect to Halliburton and Bechtel. To date, these two companies have contracts worth $3.14 billion for work in Iraq, many of these no bid contracts, costing the American taxpayer exponentially more than necessary. One example came from Major General David Petraeus who was told by U.S. engineers that to bring back a cement plant in northern Iraq to Western standards would cost $15 million. The General gave the project to local Iraqis and the plant was up and running for $80,000 – a small fraction of the price quoted by the Americans. I hope to hear what is being done to significantly reduce or eliminate sole source contracting and to enhance the negotiating power of the Generals in the field. It makes sense to me that we would use Iraqis for reconstruction so that we employ Iraqis and allow them to become invested in the reconstruction of their homeland and so that we save money for U.S. taxpayers. In the meantime, it seems as if these two contractors are profiting at the expense of both American taxpayers as well as Iraqi citizens.

Second, I would like to make it eminently clear that we must ensure that women are given the tools and rights to participate in civic and governmental life. The key to this is including women in the constitution. In fact, some might be surprised that Iraq, with its recently deposed secular government – a dictatorship – had nevertheless been one of the few Arab countries that supported women. It would be tragic irony if, instead of becoming empowered, women actually lose ground in the turbulent aftermath of the invasion of Iraq. It's important that, in Iraq's new constitution, women are granted basic rights to education, health care and employment and that there is permanent equality between men and women. There must be full participation and equal treatment under the law for women in Iraq. I am concerned that, in the new Iraq, some women are being treated horribly. I've read a number of news reports about brazen assaults on women, and just last month, Ms. Akila Al Hashimi of the Iraqi Governing Council, was tragically assassinated. I'm also concerned that a radical religious government – one that fundamentally treats women as second-class citizens – could arise in Iraq. I want to know, how is the drafting of the new constitution, particularly with respect to the equal treatment of women, progressing? And how can we ensure that, once the generals leave, women still have power in Iraq?

Finally, I was happy to learn that a discussion of my bill, HR 2482, the "Iraqi Freedom From Debt Act" would be included in the discussion today. This legislation requires the U.S. Treasury to push with voice and vote for the IMF and the World Bank to cancel or radically reduce downward their debts owed by Iraq.

Without reducing Iraq's debt, our investment of aid and loans in Iraq will simply be recycled into debt service payment to other creditors.

On my visit to Iraq, I saw tens of palaces that Saddam Hussein built for his own pleasure. These palaces are buildings the people of Iraq cannot live in – they provide no shelter for the majority of the population – a population abused for decades by irresponsible leadership.

Despite the fact that the global community has been aware for decades that Saddam Hussein ran an oppressive regime that demanded resources to fund the brutality, countries and institutions loaned Iraq money.

Saddam has long spent the funds and has left the Iraqi people to foot the bill for their own oppression.

The doctrine of odious debt describes debts that should not be paid as debts that were accrued by a regime without a mandate from the population.

Odious debts funded oppression of the population or for the personal benefit of corrupt leaders.

Clearly many of the loans accrued by Saddam fall into this definition. Most of the debt was run up in the 1980s after Saddam Hussein came into power and was lent by Arab states as a show of geopolitical support during the Iran Iraq war.

Much of the rest was lent by other countries, including Russia and France to fuel military equipment purchases. Who owes who in this scenario?

Iraq owes a total of $200 billion in external debt according to Coalition Provisional Authority Director Paul Bremer who has made it clear that Iraq could not possibly pay their current debt, much less responsibly accept new loans for reconstruction.

Reconstruction loans will be an additional burden on the people of Iraq especially considering that reconstruction loans are non-productive.

How can we be assured that Iraq will profit off the reconstruction programs enough to pay both the principle and interest on a loan when rebuilding schools and infrastructure are not income generating projects?

I would like to hear from our witnesses, working for the CPA, what is being done to try and fix the problem of odious debt and how the United States is working with other countries, the IMF and World Bank to relieve the Iraqi citizens of this impossible debt.

I look forward to your testimony as we try to figure out the best approach to winning the peace in Iraq.

Thank you.

Mr. SHAYS. Mrs. Maloney, hold on for a second. You had 6½ minutes and I just wanted to say to you we will have a second round if you have specific questions, but there was so much to be said. I am going to go to Mr. Janklow and we can come back if you have specific questions you want to ask and we will make sure he answers.

Mr. WAXMAN. Mr. Chairman, before Mr. Janklow. Mrs. Maloney asked a couple of questions. Maybe we can see if anybody wants to respond to her.

Mr. SHAYS. Just wait a second, please. The way we are going to do it is, we are going to Mr. Janklow. We will come back to Mrs. Maloney and she can ask her specific questions and we will take them up. She will have her time. She had 6½ minutes to make a statement.

Mr. WAXMAN. Mr. Chairman, if I might just——

Mr. SHAYS. Mr. Waxman, please don't.

Mr. WAXMAN. Mr. Chairman, I know you like to do what you like to do, but we do have rules and the rules are that Members can take 5 minutes to ask questions. They can, within that 5 minutes, ask for responses to the questions. Mrs. Maloney did ask some questions. I think we ought to give the panel, if they want to say something in response to some of the questions she asked, give them an opportunity. If they choose not to, they don't have to. Mrs. Maloney did ask for things for the record.

Mr. SHAYS. Thank you. This is what I would prefer and I think Mrs. Maloney knows me to be a very fair person. She had 6½ minutes and I would like Mr. Janklow to ask questions. We will come back to her, she can ask specific questions and we will take each one. I will be happy to yield her my time in the second round.

Mr. Janklow.

Mr. JANKLOW. Thank you very much, Mr. Chairman.

As you folks can see, we try and put tight timeliness on you in getting stuff done in Iraq and you have to meet it by the deadline but we have a very difficult time ourselves meeting our own speech deadlines when it comes to working within the framework that we have allocated to us.

Back a long time ago when I was a Marine in the 1950's, we used to say we dealt with scuttlebutt, we dealt with rumor in ascending order, we dealt with gossip, we dealt with speculation and if it was really rank, we called it grapevine. That is what is going on and I am picking up from what Mr. Sherwood said about the issues vis-a-vis the National Guard and Reserve versus the full-time military. All of us are getting a huge amount of correspondence from our constituents who were called to active duty who feel they may not be getting equal treatment in terms of rotations and other things. It may not be the case, but as my mother used to say to me when she sent me to my room, "you are going up there not for what you said to your sister but for the way you said it to your sister." I am wondering is there a better way, Mr. Ambassador, that you can communicate to those troops as to what the policies and procedures are? By the time it gets to their families at home and then gets to us, it is third, fourth or fifth-hand and it is pretty rank. I guess I am making a statement is what I am making but do you think there is a better way the military can pursue the information to

their troops in the field so at least they get the feeling of the reality, that they are being treated equally because I don't think there is anyone who really believes you are treating the active forces differently than the Reserves or National Guard you called up but people feel they are being treated differently. Do you understand what I am saying?

Secretary BROWNLEE. Sir, we have been frustrated by this too because it seems there would be a discussion of something and the next thing you know, it is on the Internet and in the papers.

Mr. JANKLOW. Let me give you an example, and I am interrupting you and being rude, but I wrote on behalf of constituents of mine a letter to the Department of the Army. I got back June 25 the most sterile generic letter you could possibly get dealing with rotations, to the point I didn't send this back to my constituent. I felt all they would do was become offended by what they felt would probably be bureaucratic runaround. I will leave a copy of this with you but the point is, you need to be a little more hands-on in terms of how you treat people given the fact that they have been called up a lot over the last 8 or 10 years. It used to be we called them weekend warriors and if there was a big war, they would be called up. Now they are called up for Panama, for Grenada and to work with the Norwegian Air Force on a mission, they are called over to Bosnia, they are being called up all the time. They are having to drop the plow, drop the pen, shut down the cash register and go off to war or a mission and come home. That is all well and good. It was the Minutemen who saved us at Concord Ridge but the point I am making is, it is the way people feel they are being treated as opposed to the way they are being treated. Can you go to work on a better plan? That is all I am suggesting.

Secretary BROWNLEE. I assure you that we are and in fact, one of the reasons we put down the policy we did of up to 12 months on the ground was because we wanted to establish clearly what the policy was and try to stop just what you are discussing, the rumors and those things floating around.

Mr. JANKLOW. I am switching subjects now but we hear the tragedy virtually every day or every couple days of more American troops being wounded or killed in the theater of operations. I think it would be important for the American people to know and I wish you would place in the record in the first 12 months after the peace accord was assigned on the battleship Missouri, how many American soldiers were killed in the Pacific? It would be important to know how many American soldiers were killed or injured in Europe after the Germans surrendered in World War II. It would be important to know how many Americans were injured in other theaters of operations. As a Marine in the 1950's, I can remember Japanese still surrendering in islands in the Pacific where they held out for great periods of time. I think it is important that we put history into perspective, that this is not a friendly place. We had to go over there and invade it and trying to bring the peace is incredibly important.

My time has expired, Mr. Chairman. Thank you.

Secretary BROWNLEE. Thank you, sir, for your interest.

Chairman TOM DAVIS [presiding]. Mr. Waxman.

Mr. WAXMAN. Thank you very much, Mr. Chairman. I do want the chance to ask some questions. I let others go ahead out of courtesy to them.

As I indicated earlier in my opening statement, based on the information I have received from many different sources, I am concerned that taxpayer money is being wasted in Iraq. Billion-dollar contracts are going to well-connected companies like Halliburton and Bechtel when the work could be done much more cheaply by local Iraqi companies. I want to go through some examples.

I mentioned earlier, and Mrs. Maloney mentioned, the general in charge of northern Iraq, General David Petraeus, told a congressional delegation that included my staff that it would cost $15 million to bring a cement plant up to working order. He ended up giving that to local Iraqis to do and it cost only $80,000. Another example, according to Judge Wael Abdul Latif, a member of the Iraq Governing Council from Basra, western contractors charged approximately $25 million to refurbish 20 police stations in Basra by providing new doors, windows, paint, and furniture. Latif contends that a qualified Iraqi company could have done the work for just $5 million. Ms. Sondul Chapouk, another member of the Iraqi Governing Council and a civil engineer, described an instance in which the Coalition Provisional Authority renovated 10 houses in Baghdad for Council members at a cost of $700,000. Ms. Chapouk believes an Iraqi firm could have built 10 houses from scratch at that price and employed more Iraqis in the process. The estimates from the CPA confirm this point. According to the CPA, when the work is done by Iraqis, "cost of construction is one-tenth the U.S. standard per square foot in general construction."

Despite the fact that we are overpaying U.S. contractors like Halliburton and Bechtel, there seems to be almost no attention being given to restructuring how we are awarding contracts to take advantage of low-cost Iraqi contractors. The CPA's justification for the $20 billion supplemental, for example, contains no discussion about how to restructure these contracts. General Strock or Mr. Korologos, why aren't you doing more to reduce costs to the U.S. taxpayers by using local Iraqi companies?

Mr. KOROLOGOS. I am going to yield to General Strock who does the contracting. The short answer, Mr. Waxman, is that when we first got in there and found this devastation and found the economy flat on its back, we had to get started. We had a security problem, we had to get this country off the ground quickly and contracting was done as quickly as possible. For these individual anecdotal events, I don't have any answers except to say there is a lot of misinformation coming out of these Iraqi companies. I am not sure they could have done it for $80,000; I am not a contractor.

Mr. WAXMAN. This is what they maintain. So your position is, and it is understandable, that faced with all the chaos, you turned to the companies with which the Army had contracts, Bechtel and Halliburton, and asked them to jump in immediately and do the work. Is that what happened, General Strock?

General STROCK. Sir, I think that is essentially correct, yes. We went into a nation that had no power, no communications, no water, nothing, and we did not have the ability to even inform people of opportunities, much less that they would have the oppor-

tunity to mobilize their forces and come to work. It has been very, very difficult.

Mr. WAXMAN. I would submit that part of the problem is a structural one. As long as we are hiring big government contracts on a "cost plus" basis, these contractors have little incentive to reduce their costs. The more elaborate the project, the bigger they get paid, the more money they make. One example of that is, the administration offered points to Bechtel as an example of a contractor that is using local Iraqis as subcontractors. Although Bechtel's capital construction prime contract is currently at $920 million, Bechtel has said that as of October 1, only $54 million in subcontracts have been awarded to Iraqi firms. That is 6 percent of this work that is going to Iraqi firms.

I think what we are doing, and I would be interested in your response, is we are over-relying on large umbrella contracts with no opportunity for competition on task orders. We give a contract to Halliburton and it is broad—IDIQ or indefinite delivery, indefinite quantity contract. That means once the contract is awarded, the Government can award task orders worth tens or hundreds of millions of dollars without any competition. Isn't that the way it is done, General Strock?

General STROCK. In essence, I think that is correct, sir. The reason we go to those kinds of contracts is due to the great uncertainty. We were not able to definitize the requirements and do incremental competition for each of those task orders. In a situation like this, we typically operate in an indefinite delivery and indefinite quantity mode.

Mr. WAXMAN. In the case of oil infrastructure work in Iraq, the Army gave Halliburton a sole source contract with no competition whatsoever. There is no other company that is allowed to compete even though there are other corporations on the ground in Iraq that could do some of the work for less. The Government task orders to Halliburton are not subject to any competition and together they are now worth $1.39 billion.

I would submit to you that there are a lot of jobs that either Halliburton or Bechtel could do but, the way the situation is set up, they never submit competing bids. Instead, Halliburton has a monopoly on the oil work, Bechtel has a monopoly on the reconstruction work. It seems to me if we either issued smaller contracts with competition or we could award larger, multiple award contracts, that would mean that more than one company would be awarded large umbrella contracts and could compete for individual task orders. That is the approach favored by OMB because it imposes greater price competition and results in savings for the taxpayers. Now that we are moving away from the crisis of war contracting to a more orderly and predictable process of reconstruction, shouldn't we think about moving away from these anti-competitive IDIQ contracts?

General STROCK. Sir, in fact, when we determined that the most practical and appropriate way to fix the oil infrastructure was to go sole source, at that very moment we embarked on a competitive process to provide a follow-on contract. Within this month we should see that competitive contract for the oil industry being

awarded. We recognize that it is much better to go in an open and competitive way.

Mr. WAXMAN. Isn't that going to give one contract to the north and one to the south without competition?

General STROCK. It's competed.

Mr. WAXMAN. But one for the north will be awarded?

General STROCK. As I understand, it is one for the north and one for the south. I haven't been personally involved but I think that is correct. I think the plan for the supplemental is that it will be full and open and we will go to multiple contractors so we can mobilize a much greater portion of our capability. Certainly the performance measure on that will be their plans and records for employing local Iraqi companies.

Mr. WAXMAN. Thank you.

Chairman TOM DAVIS. As I understand it, Halliburton's role in Iraq is based on its Brown & Root subsidiary. Brown & Root holds a very competitive award, one for which they had to compete with other companies, the LOGCAP Contract, which provides a wide variety of logistics services to DOD overseas; I think that came out of Bosnia. They were awarded that, it was competitively bid. You come into a new country, there is no economy out there working, it is in shambles, and it sounds like some Members would like to have gone to a competitive bid and waited 6 months before we could have capped the oil fields and done those things. Obviously we couldn't do that, so we went with a pre-competitively bid contract that in fact was a legal scheme to do this and now, as soon as we are up and running, we are going to go out and competitively bid this area again. Is that basically it?

Secretary BROWNLEE. Yes, sir. The LOGCAP Contract to which you referred was competitively bid and awarded to Brown & Root in December 2001. This is a contract the Army keeps in place so when there is a contingency, the contractor can respond to provide logistics, dining facilities and all the things we need these days when we go on these contingencies.

Chairman TOM DAVIS. And other companies bid on that at the time?

Secretary BROWNLEE. Yes, sir, they did. In fact, another company had it prior to Brown & Root getting the contract in December 2001. These are kept in place for the kind of contingencies you mentioned; that is what we took to war.

Chairman TOM DAVIS. Let me make one point. When we start to talk about fees and costs, let us remember that we are working under rules and regulations. Only costs that are allocable, specifically allocable under the FAR, the Federal Acquisition Regulations, are allowable. Other costs and fees, and this is scrutinized by the Defense Contract Audit Agency, have to be allowable and reasonable, and only those are reimbursed. It is not uncommon in these situations that they withhold final payment to go through the audits to confirm that they are allowable costs; that is standard procedure. Also, the fees in this area are not big fees compared to what you get in the private sector; that is my recollection, and I was a government contracts attorney for close to 20 years before I came here. Is that fair?

Secretary BROWNLEE. Sir, I think that is fair although you have to understand also, when you are in a combat zone and the contractor has to be indemnified and all those things, sometimes the costs go higher than they would if you were just on normal basis.

Chairman TOM DAVIS. Of course.

I would be happy to yield, Mr. Waxman.

Mr. WAXMAN. Thank you.

I thought what you pointed out in this questioning was helpful to understand how it operates. The point I am trying to make is, if you have one big contract without specified tasks, sometimes you can't specify them but sometimes you can, there is no real competition for the task. So you give a contract to do north and south, and one competitive contractor will compete for the monopoly. I would like to see, and I think OMB is recommending this, if you can settle on some of the tasks and have price competition for those tasks. That can help us hold down the price on it rather than give a monopoly to Bechtel for one purpose and a monopoly for Halliburton for the other or divide the country north and south and let them compete for a monopoly for the north.

Chairman TOM DAVIS. Let me recall my experience. I don't know what the right vehicle is. I am not close enough to this, and what Mr. Waxman says may in fact be true, but it may also be true that we are dealing with a foreign country where people there have their lives at risk and you are not going to have a lot of companies move people over there on a contingency that they might get something. In that case, by that doing large contracts you have the infrastructure up and operating; it is competitively bid originally but if you compete each task you may not get the same kind of commitment and economies of scale you could get. I don't know the answer, and I think what we are saying is let us look at this very carefully because obviously the more competition we get, the more we are able to involve Iraqis in doing their own work. It is not only a nation building exercise, it helps their economy as well. I think that is the point. I don't know what the answer is. Obviously we need to look at this in some detail.

Mr. WAXMAN. Just one last point because I think we all want the same objective. My concern is Halliburton has a sole source contract to deal with the oil industry and Bechtel has an exclusive contract to deal with reconstruction. They are just sitting there with monopolies. That isn't going to produce the cost savings. We have to figure out some way, if you will forgive me as a Democrat for lecturing the Republicans, on some way to get competition and market force where it is possible. There are times when it is not, that is why we have these ongoing contracts. But right now we have put ourselves in a position where we have an ongoing, contractual monopoly with two major corporations. I don't think it is serving the taxpayers' interest or the Iraqi reconstruction.

Chairman TOM DAVIS. Aren't there over a dozen contractors? There are dozens of contractors over there in Iraq, am I right?

General STROCK. There are, but in these particular sectors, it is Bechtel on the infrastructure and Halliburton in KBR on the oil. It is our job as the government agency with the technical capacity to monitor how these funds are spentto not simply turn the contractor loose with a bag of money. He has to come in, we write the

statements of work, we ensure that cost, quality and schedule are met, and we demand that only the necessary things are done. That is the responsibility of our agency. So the competition occurs up front, ideally. Not so in the case of the KBR contract, and I think there are good reasons for not being competitive in that situation, but it is our responsibility to make sure we get best value for the taxpayers' dollar.

Chairman TOM DAVIS. Well, let us get to the nub of this thing. There are some people who don't like the contractors you chose because they have had affiliations with people in office. A senior Senator's husband's company also received a large contract for work over there, just to make this a bipartisan bashing, if you will. We haven't been complaining about that. Factually, we have people making these decisions that aren't in the political loop at all. These are professional contracting agents and procurement officials who are doing their job.

You need to understand that there is a lot of scrutiny on this and there are political ramifications and there are financial ramifications and I think we need to be aware of that. So to the extent we can get competition, even on the small tasks, to the extent we can involve Iraqis, we think that is a good thing. Is that a fair statement?

General STROCK. Absolutely.

Mr. WAXMAN. No, it is not a fair statement and I take some exception to it because I thought it was rather personal. I don't think you ought to question my motivation, Mr. Chairman.

Chairman TOM DAVIS. I didn't.

Mr. WAXMAN. I am not questioning the contract to Halliburton.

Chairman TOM DAVIS. You only mentioned it 20 times.

Mr. WAXMAN. Or the administration and Vice President Cheney. I am questioning Halliburton's contract because it was a sole source, no competition for it.

Chairman TOM DAVIS. That is not accurate.

Mr. WAXMAN. Just a minute.

Chairman TOM DAVIS. They won it. It is my time, Mr. Waxman and they won this competitively in Bosnia, they beat out other companies for this, you had an emergency situation and now it is being competed again.

Mr. WAXMAN. No, they got a sole source contract to do the work in Iraq.

Chairman TOM DAVIS. That was KBR.

Mr. WAXMAN. Mr. Chairman, may I make a sentence? I know it is your time and your committee but when you say that I am motivated because of people being close to the administration, I want to make it clear that I am motivated because I think the taxpayers are getting ripped off. If we have a contract where there was no competition for it, on a cost plus basis, to a company that has a record of over-charging the taxpayers of this country. And I will be glad to put into the record of this committee the background for that statement.

I would rather see, if we are going to have reconstruction in Iraq, that we try to get competition and not close out the Iraqi people, not close out other companies, from competing for some of these tasks. I don't think my motivation ought to be questioned. As I

said, I think we all want the same goal. I am afraid we are not achieving that goal. I have gone through instances where I believe we are over-paying and these contracts end up being goldplated.

I must say, General, the Army does not have a good record, when you look at Halliburton's history of scrutinizing the contracts where we have overpaid in the past. We want to work with you to do better, but by its nature, I think we end up hurting the taxpayers' best interest in some of these contracts.

Chairman TOM DAVIS. Let me say this. I didn't pull this out of the air. There have been numerous statements by my friend and others in point of fact linking Halliburton to administration officials in the same sentences, in the same press releases, although maybe not today. Let us understand that there are political ramifications and it is important that they understand this, Mr. Waxman, because as they make decisions at the administration level, they should be more sensitive to those kinds of things and ask for more competition. That is something we both agree on.

Mr. WAXMAN. That is one of the reasons why I thought this administration would have been more sensitive, because of the connection of the vice president, not to give Halliburton a sole source contract, with no competition.

Chairman TOM DAVIS. Mr. Waxman, reclaiming my time, the fact of the matter is, that is not what happened. The fact of the matter is, and let me just restate this because I think it is important everyone understands it: Halliburton's role was based on its Brown & Root subsidiary, and they won a competitively awarded contract under the previous administration in Bosnia called LOGCAP to provide a wide variety of logistical services to DOD overseas. A task order under that contracting vehicle was used to perform the contingency planning for extinguishing oil fires and to assess the damage to the oil fields. Through LOGCAP, Brown & Root prepositioned people and equipment to be able to provide emergency response relating to the Iraqi oil system as well as other needs and services outlined under this contract. As we have heard today, we are now going forward and are going to recompete once we have this up and stabilized but there was nothing there otherwise. We had to move in quickly.

Mr. Waxman, you have had your time.

Mr. Brownlee.

Secretary BROWNLEE. If I could quickly make three points, sir. One, the LOGCAP contract was, as you stated, competed. Two, there was a subsequent contract awarded to restore Iraqi oil. That is being recompeted, as General Strock said, as we speak.

Chairman TOM DAVIS. Correct.

Secretary BROWNLEE. The third point I would make is, what normally drives us toward these different kinds of contracts is the degrees of certainty and uncertainty and the degree of urgency; sometimes that costs more.

Chairman TOM DAVIS. Thank you very much.

I think we have another panel waiting and we have a couple of other questions. If we could be very quick, let us try to do maybe a question and we will start on your side, Mr. Waxman.

Mr. WAXMAN. Thank you very much, Mr. Chairman.

On another subject, Mr. Dibble, I recently received a letter from the Department of State regarding Iraq that I found confusing. I believe the subject is relevant to the work of your bureau and I am hoping you may be able to provide some clarity on the matter. The letter was dated September 25 in response to a letter of July 21 I sent to the State Department regarding its December 19, 2002 fact sheet entitled, "Illustrative Examples of Omissions from the Iraqi Declaration to the United States Security Council." This fact sheet listed eight key areas where the Bush administration found fault with Iraq's December 7, 2002 weapons declaration. Under the heading "Nuclear Weapons," the fact sheet stated, "The Declaration ignores efforts to purchase uranium from Niger, why is the Iraqi regime hiding their uranium procurement?"

Since the issuance of that fact sheet, it has become known that by the time of the December 19 fact sheet itself, intelligence analysts at the State Department's Bureau of Intelligence and Research, and at the CIA, had already rejected evidence that Iraq was attempting to procure uranium from Niger. I asked the State Department to explain how this statement could have ended up in the December 19 fact sheet and who was responsible for creating the fact sheet. The State Department responded to me that, "The Public Affairs Bureau prepared the fact sheet based on information obtained from other bureaus of the State Department." The letter didn't specify which bureaus provided the information.

My first question to you is about the creation of this December 19 fact sheet. You are the Deputy Assistant Secretary of State in the Department's Bureau of Near Eastern Affairs. Did the Bureau of Near Eastern Affairs participate in the creation or review of the fact sheet?

Mr. DIBBLE. Mr. Waxman, I was not there but I will assert for the record that I am sure we were, yes.

Mr. WAXMAN. What would have been the nature of the Bureau's participation?

Mr. DIBBLE. I would assume it would have had some sort of coordinating role.

Mr. WAXMAN. Would the Bureau have provided information or recommendations regarding the language about Iraq seeking uranium in Niger, and if so, could you describe the information and recommendations?

Mr. DIBBLE. Probably not.

Mr. WAXMAN. Probably not. Why not?

Mr. DIBBLE. I don't know the source of the information, how the information found its way into the report or the fact sheet was sourced. I would expect, however, that it would have come either from the intelligence community or from another bureau in the State Department, for example, the Non-Proliferation Bureau.

Mr. WAXMAN. Can you describe what else you know about who would have participated in the creation of that December 19 fact sheet?

Mr. DIBBLE. I know very little. I would speculate that it was a broad, department-wide effort, led perhaps by the Bureau of Public Affairs but with input from many other bureaus in the Department.

Mr. WAXMAN. The State Department's September 25, 2003 response also asserted that, "Both the NSC staff and the CIA were consulted on the fact sheet" but we know from CIA Director Tenet's statement that the CIA had discredited the Niger evidence before the issuance of the December 19 fact sheet. Further, according to a June 13, 2003 Washington Post article, CIA officials denied a role in creating the fact sheet, stating that the CIA raised an objection to the Niger claim but it came too late to prevent its publication.

I am wondering, Mr. Dibble, whether you can shed any light on this issue? Could you describe what you know about whether the CIA was consulted about the fact sheet, when such consultation occurred and the input the CIA provided with respect to the Niger statement?

Mr. DIBBLE. Again, I cannot speak from personal knowledge, so I cannot say when or exactly what input was provided. I can only speculate on the basis of experience that when such products are put together, the CIA and others who may have relevant information are consulted.

Mr. WAXMAN. What is a mystery to me is that you said it might have been the Bureau of Nuclear Non-Proliferation, which would have been Secretary Bolton. They deny they had any role in this. Then you indicated it might have been INR but you say INR wouldn't have had anything to do with it. I am trying to figure out who had something to do with this?

Mr. DIBBLE. It is a fair question. I can certainly take it back. I am speculating myself at this point.

Mr. WAXMAN. Perhaps you could help us and get some answers for the record from your colleagues at the State Department?

Mr. DIBBLE. Certainly.

Mr. WAXMAN. Thank you very much.

Thank you, Mr. Chairman.

Chairman TOM DAVIS. I think that is really outside your scope.

Ms. Norton, you have been sitting there patiently. I think we can wrap up with you and let the panel go.

Ms. NORTON. Thank you, Mr. Chairman. I am overdue to give a presentation so I particularly appreciate your consideration.

I have two questions. One involved the dilemma I am sure you face. Again this comes from reports that we don't want to do policy with contracting with former members of the Ba'ath Party. According to some reports in the press, some of the Iraqis say they didn't know about that and when informed about that, this is a quote and I wonder what is your reaction and how you deal with the dilemma, "I can't believe that. Saddam was here for 35 years and to work you had to have contracts with the government. It was a government-run country. Otherwise, it was impossible, so why should we be punished." How do you deal with the fact that almost anybody who did business had to do business with this government? That may have meant like people who join the Communist Party, OK I have my card and these may be among the most experienced contractors and yet we don't want to have anything to do with real rogues from the Ba'ath Party. What is your policy and how do you ferret out that?

Chairman TOM DAVIS. That is a good question.

General STROCK. It certainly is a dilemma and so many of the Iraqi people were members of the Ba'ath Party, many for simple survival as you pointed out, because you have access to education and other benefits. The de-Ba'athification order that Ambassador Bremer issued really looked at the upper levels of the Ba'ath Party, those committed members of the Ba'ath Party that competed for increased position in the Party. So we try to make a distinction between those. The de-Ba'athification order was very rigid in its application but it does leave room for reconsideration of those people who can clearly demonstrate they were members of the party strictly for convenience and for survival. You will find that particularly true in the academic world where you could not hold a professorship if you were not a party member; it is a dilemma.

Ms. NORTON. With contracting, could you have a contract with the government without being a member of the Ba'ath Party?

General STROCK. I don't know the answer to that.

Ms. NORTON. That is what we need to find out. Mr. Secretary, do you know that?

Secretary BROWNLEE. No, ma'am, I don't but it is a good question and I will be happy to take it for the record.

Ms. NORTON. Thank you very much and I wish you would get back to the chairman on that.

One more question. Again, there are reports that are coming up that we know corruption is rampant, we have done lots in our country because we have corruption here too. We have all kinds of rules and regulations and disqualification if we find out what you have been doing. Again, there are reports that companies demand kickbacks. Here is a quote I would like clarified, the claim that, "when American companies hire Iraqi firms as major contractors, the Iraqi companies then demand a kickback called the 'commission' from smaller firms in exchange for a piece of the job." What do you know about commissions? What can you tell us about commissions? It may have been the practice for doing business before. Are commissions part of the way in which Iraqi firms and subcontractors believe they have to do business today and what are you doing about it if it is?

General STROCK. Ma'am, I heard some peripheral discussions about a process used under the Saddam regime of a 10-percent commission that was paid to a government official for issuance of a contract. That money sort of disappeared and went into accounts. There is a name for it and I don't recall the name but it was a common practice apparently under the old regime.

Ms. NORTON. So what do you do about it now? Now you are faced with a culture that said you had to pay a kickback called a commission what does the Provisional Authority do about it, what does the provisional government in place do about it? Is it possible to issue regulations? How do you change the culture if you just accept that was the way business was done under Saddam?

General STROCK. I think we don't work that way and we make that clear to the Iraqis.

Ms. NORTON. But these are subcontractors. You don't work that way of course but we are saying, what are you doing about the fact that it was a part of the culture to demand a commission from a subcontractor? What are you doing about that practice?

General STROCK. As I said, I am not sure the practice currently exists.

Ms. NORTON. That is part of the problem.

Mr. Secretary, I can't expect the General to know everything. This is a policy matter.

Secretary BROWNLEE. I understand.

Ms. NORTON. Obviously you have a provisional government in place that is trying to deal with these pre-Saddam or Saddam practices. Very serious practice if we are allowing this to be built into the way we do business too because we see no evil and do no evil. What can you tell us you can do about the apparent culture of kickbacks that was a part of the way subcontractors had to do business with Iraqi contractors under Saddam?

Secretary BROWNLEE. Well, I can tell you, as General Strock was going to tell you, that is not a part of our process, and if we were aware of it, then we would do what we could to eliminate it. I will look into it. I was not aware of it. The kind of kickbacks that you talk about would be considered a crime in this country and I hope would be considered a crime in their country under their new democracy.

Ms. NORTON. Could I ask that you look into it.

Secretary BROWNLEE. I will. I would be happy to.

Ms. NORTON. And two, because this is very difficult to deal with. We find it difficult to deal with in this country and in this country when we are giving contracts to other countries who have such corrupt practices, it even gets worse, but this is different. We are remaking this country, we are helping them to do it the way we think it ought to be done, and the way I think most of them would believe it ought to be done. I would like to know from you what it is that you think you can do to halt this practice, if you find there is such a practice. I wish you would give that information to the Chair of the committee.

Mr. SHAYS [presiding]. Did you want to make a response?

Secretary BROWNLEE. Just a quick point. We are in the process now, as Mr. Korologos can tell you, of standing up a government, standing up a legal system, standing up a justice system, and what you are describing, as I indicated to you, would be considered criminal in our country. It still happens on occasion and we prosecute it. So we will do everything we can to eliminate it from the system as we know it, as we are administering it now and also insist that it be a part of their legal system and they will have to deal with it also.

Ms. NORTON. Thank you.

Secretary BROWNLEE. As far as we are doing now, I will do what I can to look into it and see if that kind of practice is existing now as it used to.

Mr. SHAYS. Mr. Frelinghuysen and then we will go to Mrs. Maloney and close with me and get to the next panel.

Mr. FRELINGHUYSEN. Thank you, Mr. Chairman.

Good afternoon. I am Rodney Frelinghuysen. I sit on the Defense Subcommittee on Appropriations and was part of a group of 17 Members of Congress who recently returned from Iraq and had, I think, a very positive experience.

Let me say, Mr. Chairman, I am most impressed by Ambassador Bremer and his team working in some very difficult circumstances. He has put together a first class team and they are doing so much to support the Iraqi people to be free; they are free but with 100,000 criminals let out by Saddam Hussein just before he hid himself, those people as well as Ba'athists and Saddam supporters and terrorists coming in over the border from Syria, Iran and probably from Saudi Arabia, it is remarkable what the Bremer team has done to establish security and provide the Iraqi people with the means to develop themselves into a first rate economic, freedom-loving powerhouse in the Middle East.

Let me pay tribute. It is truly an inspiration to see, have met and all politics is local with some of my New Jersey Army men and women on the ground. It is a damned shame that a lot of the good work they are doing there is not being reported. As it was described to me, after the 1,000 embedded reporters left, they sort of left the third string of the press corps there. Most of those people file their report from the Al Rashid Hotel and they are not reporting on what the Coalition and Provisional Authority are doing and what a lot of brave Iraqi leaders are doing, men and women, in provincial capitals and cities throughout Iraq.

Yes, the Sunni Triangle is a dangerous place for any soldier or civilian that is helping the country to operate, but I was most impressed by General Odinero, who actually is a New Jersey native, and he is on the ground leading in a major way reconstructing the lives of the Iraqi people who have lived under incredible oppression for 35 years.

It was said to me, and I think it is an interesting fact, Mr. Chairman, that 70 percent of the population in Iraq today has known no other leader than Saddam Hussein. So we have a long way to go to tell them and show them the road to democracy. With your permission, I would like to enter into the record some more formal, perhaps less strong comments, but certainly cogent comments, with your permission.

Thank you, Mr. Chairman.

[The prepared statement of Hon. Rodney P. Frelinghuysen follows:]

Statement of
Rep. Rodney P. Frelinghuysen
To
House Committee on Government Reform
October 8, 2003

Mr. Chairman –

I ask unanimous consent to insert my statement in its entirety into the record.

At the outset, let me thank you for the opportunity to be here this afternoon. I serve on the House Subcommittee on Defense of the Appropriations Committee and recently returned from Iraq with sixteen of our Colleagues. I am keenly aware of the stark contrast between the reality of the success of our military and civilian stabilization missions in Iraq and the stubborn public perception that we are "failing" there – that there is chaos.

It's not true. 80-percent of the countryside is quiet. But the American people – forced to view events though the prism of the commercial media – believe it is true. Basically, reports from a very small press corps – described to me a third-string – is in vast contrast to the 1,00 embedded reports who reported on the "war" this spring.

Because the Department of Defense maintains operational control over the security and reconstruction efforts, DOD bears some responsibility for the "message" coming out of Iraq. I have spoken to Secretary Rumsfeld about my frustration. In this context, I urge every agency of the Executive Branch and every Member of Congress to maximize the exposure of the American people to the tangible progress our military and civilian personnel are making in Iraq and Afghanistan, and the hope the Iraqis feel themselves. .

That's why this hearing is so important today.

Our Codel was in and out of Iraq for several days in late September. From the air, we saw more than 50 palaces that once belonged to Saddam Hussein. To no one's surprise, we confirmed that despite being rich in natural resources -- especially oil -- thirty percent of the nation's income Saddam spent on himself, his palaces, his quest for arms and ways to impress his Arab neighbors and the world.

Yet as we flew further over Baghdad and into several other regions throughout Iraq, it became apparent that this country was desperately trying to rebuild itself. Despite having been badly neglected by Hussein and his regime for nearly two decades, there were numerous signs that the lives of all Iraqis are improving.

The reports are encouraging –

- 240 hospitals are now operating and 90 percent of the medical clinics are open.
- 1,000 primary schools and 22 universities have also been rehabilitated and reopened.
- More than 55,000 Iraqi police officers are back to work, and they are being trained by the Coalition Provisional Authority (CPA) in professional policing, including border security.
- Over 4,000 Iraqis are working side-by-side with coalition soldiers as part of the Civil Defense Corps and the CPA is working to field 27 battalions of the new Iraqi Army.
- Among the most hopeful of signs -- almost 90 percent of the cities, towns and villages in Iraq are now governed by elected or appointed local councils – representing diverse ethnicities and religious groups from across the country. This is the key to establishing the foundation of freedom for generations to come.

Not excluding the remarkable road and bridge systems that were fully intact, well constructed concrete riverbanks and canal systems, substantial housing and Mosques, I was proud to see TV satellites dishes (all of which were made legal after Hussein fell from power more than 5 months ago) perched upon the roof tops of hundreds of homes. The air waves of freedom were finally beginning to reach the Iraqi people.

Clearly, there is hope growing in Iraq.

Thankfully, the Coalition Provincial Authority working with our military and others quality care servants, especially the United States Agency for International Development and the United Nations has been working hard to improve the quality of life and deliver needed assistance.

In Baghdad, we were also briefed by Lieutenant General Ricardo Sanchez, the commander of American and coalition ground forces in Iraq as well as by the U.S. and British Ambassadors representing the Coalition Provisional Authority.

General Sanchez indicated that ninety percent of the country is safe. It was not surprising, however, that "free Iraq" is not entirely "safe Iraq" quite yet. Within the remaining 10 percent, General Sanchez and the CPA Authority leaders indicated that they are continuing to deal with over 100,000 hardcore criminals who let out of prison by Saddam, the continued attacks of former regime loyalists, and yes, the growing threat of terrorists from Saudi Arabia, Syria and Iran.

As we continue to improve security by aggressively hunting down terrorists and criminals and accelerating efforts to transfer power and authority to the Iraqi people, the real story is that Iraq, for the first time in 35 years, is finally free.

Tomorrow, the House Appropriations Committee begins our debate on the Supplemental for Iraq and Afghanistan. As we know, more than 60 percent will go it to support the efforts of our young men and women in uniform including extra pay, stronger physical protection, better-quality housing and enhanced intelligence gathering and the equipment that includes the latest technology to win the war on terrorism.

The remaining funding will go toward creating conditions on the ground in Iraq that will enable our troops to succeed in their mission – by providing the basic services and humanitarian relief that will make a big difference in stabilizing the country.

Mr. Chairman, those of us who have recently traveled to Iraq were eyewitnesses to the fact that the safety of our soldiers – and the length of their stay in Iraq – is inextricably linked to the mission of reconstruction.

As CENTCOM Commander General John Abizaid told our Committee on September 24, "There is no strictly military solutions to the problems we face…It requires that we move together on the political front, the economic front, the reconstruction front in a manner that is synchronized and coordinated. If we do that, I do not believe we can be successful. So you can pay the military to stay there, but you are only paying us to stay forever…."

Mr. Chairman, we will pay the military. We will pass the supplemental. But if we're wise we will do more and we will learn the lesson of history and finish our mission to return Iraq to the community of nations – stable, productive and self-sufficient.

Thank you for holding this hearing.

Mr. SHAYS. We will note for the record that you said different reporters are now there. We also thank the gentleman for being here and thank him for going to Iraq.

At this time, the Chair will recognize Mrs. Maloney. She has the floor for 5 minutes.

Mrs. MALONEY. Thank you very much, Mr. Chairman.

I too had the opportunity to go to Iraq. Progress is being made. There are still some security problems, challenges, but as one New York soldier said to me, "We are fighting for the greatest gift of all, freedom," and I am hopeful we will be able to achieve it.

I respectfully request that my five prior questions be responded to in writing and I will get them to you this afternoon. I would like to build on the questioning of others. There has been a lot of talk about transparency and contracts. I think certainly before we vote on the $87 billion, we should have that transparency, not only in rhetoric but in the reality of numbers and information.

I was impressed in Iraq how the generals in great detail could show you how they are spending their money, what they are doing and where they are going. Yet, when we ask for information on taxpayer dollars going there, we are not getting the answers. I think Members of Congress should be able to get detailed information on the process by which contracts are being awarded, the scope of specific contract terms, the details of task orders, and the payments being made to prime contractors. They have said in the press, they have said in this panel they are not getting that information. That is not fair to the people they represent, that they face a vote on $87 billion without having received that information.

Likewise, I would like to request an accounting of all the confiscated money that our people retrieved from Saddam Hussein. I truly believe it would be a positive story if other generals are following the Petraeus model of creatively hiring Iraqi people to rebuild their own country. I request that. I have asked for it several times. Again, we should have that information before we face a vote.

Again, I am concerned about how decisions are made in the supplemental budget request. I have a document from the CPA or the Army Corps of Engineers and the Iraqi Oil Ministry that says it would take $1.1 billion to restore oil to the pre-war levels of 3 million barrels a day; the supplemental asks for twice that, and when you combine it with what we have already spent, then it is three times what the Army Corps of Engineers in their plan, the agency that was tasked to come forward with what it would cost and I am concerned about this. How did you come up with your numbers? If you are not even listening to the agency tasked to come up with the numbers, then I am concerned.

I know General Strock that you are with the Army Corps of Engineers and possibly you were consulted but as I said, my staff met earlier with the Central Army Corps of Engineers here in Washington and they said they were never consulted or talked to. Why is the number now three times what they projected?

General STROCK. I could perhaps quickly respond and will provide a more thorough response in writing.

A big part of the additional supplemental was $900 million for the import of fuels that we did not anticipate we would need but

we have not been able to get the refinery system to provide those fuels for the internal consumption in Iraq. That is a big portion of that.

The other part, about $575 million of the supplemental, is for requirements outside of the Corps of Engineers and Ministry of Oil work plan that was submitted in July. So those are longer range and yet very important elements. It is the development of the oil fields you mentioned and it is also building the new refinery, things we know we need to get started on now to put the infrastructure in a position where it can truly support the needs of the nation.

The rest, about $500 million of the supplemental, really has to deal with elements of the work plan that require more investment. Much of that has to do with security, the creation of rapid response teams to go in once the infrastructure is hit to reduce the impact of the sabotage by rapidly returning it to service.

I think there is a fairly detailed accounting of that in the CPA request that shows those elements which do aggregate to a good sum of money but there is a good reason for each of those. In fact, we were consulted throughout the development of this budget request.

Mrs. MALONEY. The Army Corps of Engineers Central said they were not. As I said, there were several items that appeared not to be involved in reconstruction. I mentioned them earlier, I will place them in writing.

My final question is, will we get transparency before the vote? Will we get an accounting of the contracts? Senators and members of this panel and others have said they request the information and it is not given to them. I feel transparency means facts and figures and documents, not a statement, we are transparent.

You have a tremendous challenge ahead of you. I would say peace in the whole region if we are successful in bringing a democracy there, but it has to be well-managed or you don't have the faith of the American people and you don't have the faith of the Iraqi people. It begins with documentation and management and so far we haven't gotten that.

Mr. SHAYS. I thank the gentlelady.

I am going to recognize myself and then we will let this panel get on its way.

First, I want to say that I think you realize we could almost just ask one of you the questions. We have such a fine group of individuals that I apologize if we haven't utilized all your expertise. I think, Mr. Kerik, I could spend a day trying to understand what you encountered. I would like to have you give me a perspective because I believe you found yourself interacting with a lot of Iraqis. I want to know if you feel the comment made to me way back in April by Mohammed Abdul Hassan Inemkassa was still a problem today and that was, "you don't know us and we don't know you."

One, do you think they are getting to know us? Do you think they are getting to know us in a right way, the Iraqis? Two, are we getting to know them? Is there interaction or are we finding ourselves in the palaces having to do our work not able to interact in a way that would be helpful? Maybe you could respond to that?

Mr. KERIK. I can speak from the perspective of dealing with the police, dealing with customs and borders and a lot dealing in the local communities in and throughout Baghdad. I travel throughout Baghdad on a daily basis and when you listen to the press and they talk about lawlessness and looting and chaos in the streets, I am proud to say from my last probably 30 days, I just about ate dinner out every night in Baghdad at a restaurant or a hotel. The shops are open, the markets are open and it is not really what I have read about and what I have seen since I have been back.

Do we know them and do they know us? We are getting to know them better, they are getting to know us much better. In dealing with the police, I think initially they were skeptical. I think history between us, they thought initially we were going to come in and would leave. I think as time has gone on, they have begun to trust us, they have learned to trust us and I have seen that with the police but I have also seen it a lot with the Iraqi people.

That has helped us when it comes to information to fight the fedayeen and the Ba'ath Party. Initially, no one would come forward with information concerning terrorism, concerning attacks, concerning weapons. As time has gone on and we saw a major surge in information flow after the two sons of Saddam were killed. For every day that Saddam doesn't pop his head out of the ground and take over the country, that information flow is growing and is growing by the people in Iraq and it is growing internally in the police.

The police today overwhelmingly want to bring back a new country. They are working extremely hard. The police in Baghdad are working on retraining their own people. They are extremely happy with their new equipment, with their new weapons. As you know, we had a difficult time initially getting uniforms, getting weapons. When we talk about contracts and contractors, we used as many Iraqis as possible but initially, we just couldn't get a lot of this stuff in Iraq with the local vendors, so we had to go where we had to go to get it done and get it done quick. It is moving along and it is moving along much better at a much faster rate than anyone would have imagined. As I said earlier, think this way; in 4 months we went from zero precincts or zero stations in Baghdad to 35. There is no way you could have done that anywhere in this entire country in 4 months. It just couldn't happen. We stood up 35 police stations, 400 cars, 3,000 radios and I can go on and on but that is a result of this relationship.

I will share with you one last thing. It is rather frustrating to sit here and listen to a lot of the criticism based on press and media reports. I will share with you a comment that was made to me by the Senior Deputy Minister of Interior just a few days ago. I told him I was going to see the President on Friday and he said, "please tell the President to stop the complaining. The people in the United States have to stop complaining, the politicians have to stop complaining. You are making friends of our enemies." I said, "what do you mean by that? He said, "the fedayeen and the Ba'athists, today they can watch television, they have satellite dishes, they can see things today they have never seen before. They see that criticism, they hear it. In their minds, they are winning. In their minds, them attacking our people, them attacking the po-

lice, them attacking the Coalition, they are winning, they are doing a good job. That criticism is hurting us."

Mr. SHAYS. I just want to say you said they are winning, that is what they think.

Mr. KERIK. That is what they think.

Mr. SHAYS. Based on what they see?

Mr. KERIK. Based on what they see and I think it is hurting us.

Mr. SHAYS. I would like to ask you, General, if you feel that our troops are getting the opportunity to interact with Iraqis or are they having to be very distant? I want to also ask you, I had so many Iraqis tell me that they did not like seeing Americans killed and it hurt them, but they said, why can't we stand guard over a hospital? Why does it have to be an American? What skill would prevent them from having that opportunity? If you could speak to both issues, the interaction of our troops and the guarding of places like hospitals.

General STROCK. Sir, perhaps the Secretary could talk more about the interaction of troops. Most of my attention was as a member of CPA and I was not out on the streets with the troops a lot but as I did have occasion, I thought it was a developing relationship and one that I think our troops are forming a bond with the Iraqi people. They know why they are there and they are serving the Iraqi people just like they are serving our people.

We are in fact trying to transfer the responsibility for security of places like hospitals to the Iraqis by facility protection services by the police forces. That is an ongoing effort of ours to relieve our troops from that responsibility. That is very much happening.

Mr. Secretary, perhaps you would like to comment?

Secretary BROWNLEE. My experience is based on my visits there on two occasions and talking to all the soldiers I could and their commanders. Some of the frustrations they mention are that they do have contact with the Iraqi people and there may be an incident and they are out there with the Iraqi people and there may be 35 or 40 Iraqis coming to try to help them and pointing out areas where something might have happened or might happen but the press reports will go find one disgruntled Iraqi and that turns out to be the story. Our soldiers are even frustrated by that. They do have contact with them, they are out in the streets on a daily basis running patrols and doing the security things they do. Hopefully it will continue to grow and get even better.

Mr. SHAYS. Before we end this panel, is there any comment any of you wants to put on the record before we get to our next panel? May I say parenthetically, the chairman of this committee is on the floor of the House now and wanted me to let you know that is why he is not here right now.

Secretary BROWNLEE. You talked about turning things over to the Iraqis and of course all of our division commanders are busy and I think all of us see that as a way to replace troop strength there is to replace it with Iraqis.

Mr. SHAYS. Thank you.

I would conclude by saying to you that I have known Ambassador Bremer the entire time I have been in Congress and I am very proud of the work that he and his people are doing, very proud of what our military is doing and very grateful, Tom, that

you are there to help. He is blessed to have you help him. You have a difficult job, we thank you. I am absolutely certain that Republicans and Democrats alike share that sense of gratitude to all of you. Thank you.

We are going to get to our next panel. We have Mr. Alaa H. Haidari, an Iraqi-American from the chairman's district; Dr. Lamya Alarif, an Iraqi-American from the chairman's district as well; and Ms. Beate Sirota Gordon from the great district in Manhattan of Congresswoman Maloney; she is our Constitutional scholar.

[Witnesses sworn.]

Mr. SHAYS. It is an honor to have you here. I have been looking forward to this panel and we will start with Mr. Alaa Haidari. You will start with your testimony, sir.

STATEMENTS OF ALAA H. HAIDARI, IRAQI-AMERICAN; BEATE SIROTA GORDON, CONSTITUTIONAL SCHOLAR; AND LAMYA ALARIF, IRAQI-AMERICAN

Mr. HAIDARI. I would like to thank all of you for giving me the opportunity to speak to you about the situation in Iraq. First of all, I would like to say that ridding Iraq of Saddam Hussein and his regime was the best thing the United States could do for the Iraqi people, regardless of any controversies about how Saddam was removed from power. Second, this administration is putting forth a tremendous effort in rebuilding Iraq and establishing a normal life for the Iraqi people. In spite of this huge effort, we still have a difficult road ahead of us because we don't have a clear and comprehensive plan. Allow me to put out a few issues which will help us and can be accomplished in a 6-month period.

First, the current governing council does not reflect the Iraqi population. Also, it does not have a representative for many Iraqi provinces which have more than 1 million people in each of them. So, we need to revise and enhance this current council structure.

The second issue is the disbanding of the Iraqi Army. We must accept the fact that disbanding the Iraqi Army and police forces was a huge mistake. Police forces played a vital part in keeping law and order. Most of the soldiers and policemen were against Saddam Hussein. Bringing them back will allow the U.S. military to move the bases outside of the cities and this will keep U.S. soldiers out of harm's way.

The third issue is the economic situation. The Iraqi economic situation today is horrendous. Power, drinking water, health care, education and infrastructure, almost everything has been destroyed and there are millions of unemployed Iraqis. Reconstruction and economic revival must be top priorities. I think it is necessary for the United States to initiate a Marshall Plan-style program with funds of $100 billion over the next 4 years. Much of this money should be financed by neighboring oil producer states such as Saudi Arabia, Kuwait, Qatar, and the Emirates. I am surprised that this has not happened yet. Also, we must encourage investment by American business with cooperation with OPEC and the Import/Export Bank.

The fourth issue is ministry employees. Qualified Iraqi people are capable of managing their own affairs and we should let them

do so. They are more knowledgeable than anyone else in the affairs of their own country. Ex-employees of Iraqi ministries should definitely be rehired and the U.S. administration can oversee their work.

The fifth issue is the local governments. Each of the 18 provinces must choose a Governor and a governing council. This will build confidence and a better relationship between the U.S. administration and different groups in Iraq. It will also relieve some of the burden of the U.S. administration in Baghdad.

In summary, there are five things that must be done in Iraq. One, revise and enhance the Governing Council; two, rehire the Iraqi soldiers and policemen who were not a part of the Saddam regime; three, bring back Iraqi employees of the ministries except those who were loyal to Saddam Hussein; four, organize the administration of all 18 Iraqi provinces; and fifth, revive the Iraqi economy with a Marshall-style plan by using money from neighboring oil producing states for Iraq. These countries have the money and it is for their well being and for the stability of the region. Thank you very much for the time. I would be happy to answer any of your questions.

[The prepared statement of Mr. Haidari follows:]

Winning the Peace:
Coalition Efforts to Restore Iraq

TESTIMONY OF:
Mr. Alaa H. Haidari
October 8, 2003

RESPECTFULLY SUBMITTED TO:

ONE HUNDRED EIGHTH CONGRESS
Congress of the United States
House of Representatives
Committee on Government Reform
2157 Rayburn Building
Washington, DC 20515

Mr. Chairman, Members of Congress, Ladies and Gentlemen . . .

I would like to thank all of you for giving me the opportunity to speak to you about the situation in Iraq. First of all, I would like to say that the United States greatly helped the Iraqi people by ridding them of Saddam Hussein and his regime, regardless of any controversies over the manner in which it was accomplished. Secondly, the United States is putting forth a tremendous effort in rebuilding Iraq and establishing a normal life for the Iraqi people.

However, the solution to the entire conflict in Iraq and establishment of normal life for Iraqis is not a very complicated issue. This can be achieved in a six-month period if we redefine our goals, review the situation on the ground, and analyze it carefully. We can then determine the proper steps to take to ensure that we achieve our goals. The crisis in Iraq continues now because of the lack of a clear, comprehensive plan that deals with the situation in post-Saddam Iraq.

It is important to note that some of the steps that have been taken in Iraq to date have left a negative impact on U.S. relations with the Iraqi people. Furthermore, some other important steps, which could have produced a positive impact on the U.S. relations with the Iraqi people, were taken very late.

Ladies and gentlemen, allow me to point out to you the issues and related steps that, from my point of view, are very important in resolving the situation in Iraq and which, consequently, will enable the United States to establish strong strategic ties with the Iraq people.

I) The Governing Council

The establishment of a truly representative governing council would have been an effective major step toward the goal of stability and democracy. As things now stand, however,

the current council makeup simply does not reflect Iraqi reality. Therefore, it will have a negative impact on relations between the authority and the average Iraqi.

Any representative council must include the Arab Muslims, both Sunni and Shiite, the Kurds, and Iraqi Turks and Christians, with representatives who will have a clear mandate from the people of these groups. Sadly, most of the members of the current council have neither the support nor the approval of people in their respective groups. This situation will not help build confidence between the Iraqis and the United States – it will have the opposite effect.

Nor does the current council provide any representation for many Iraqi provinces, although each province has a population of more than one million people. There should be immediate action to revise or override the current council makeup – it is almost the same as the outside "exile leadership" that was established with U.S. sponsorship in London before the defeat of Saddam. Most of the Iraqi people reject this leadership, but the U.S. is ignoring the reality of political power within Iraq. To let this continue will lead to serious and increasing political opposition and possibly even to military opposition on a wide scale.

II) Disbanding of the Iraqi Army

The Iraqi people generally understand the importance of the U.S. military presence in Iraq to achieve stability and build a lasting democratic system. But neither the Iraqis nor the U.S. authority will accept the notion of a long-term policy in which the U.S. army polices the country and enforces order in the cities. Iraqi police forces must take over as soon as possible. The U.S. army should then leave the cities and move to bases outside them.

The U.S. administration must accept the fact that disbanding the Iraqi army and police force was a huge mistake. These forces played a vital role in keeping law and order. Now, many of them have lined up in opposition to the American presence.

The United States administration should have fired only the general officers or those who held high positions in the Ba'ath Party. Most of the men in the army and police suffered under the rule of Saddam Hussein and his regime; only those at the top supported him. The forces can be restructured and put to work again using only officers who held the rank of colonel or below - from all the people of Iraq and not just one group - with the exception of men who served in the Republican Army, the special forces, or intelligence; in other words, those who were responsible for crimes under Saddam. There should be a revised formula to pay soldiers and policemen salaries of not less than $80 per month, with a maximum salary not to exceed $300 per month. These steps would help the U.S. administration improve relations with Iraqi civilians, as well as with the army and police.

At the same time, there should be offices throughout the country to hear people's grievances concerning the crimes committed against the Iraqi people by Saddam's regime. That way, the United States can help rid Iraqi society of those responsible for these crimes by using Iraqi citizens to cleanse their own country. There are many Iraqis with the education and background to run such offices.

III) The Economic Situation

The Iraqi economic situation today is horrendous. Power is constantly interrupted, there is a shortage of drinking water, and a lack of health care and education. The infrastructure has been destroyed, and there are millions of unemployed Iraqis. Reconstruction and economic

revival must be top priorities. In addition, the United States and its allies should cancel international debts incurred by Saddam's regime. It is not fair for the Iraqi people to suffer because of debts brought on by Saddam and his criminal groups.

IV) Ministry Employees

The Iraqi people are capable of managing their own affairs, and it would be in the best interest of the U.S. authority for them to be doing so. Qualified Iraqis are more knowledgeable than anyone else in the affairs of their country, and can quickly determine the steps needed to rebuild the economy. Except for the top echelons of the Ba'athist leadership, it is essential that employees of the Iraqi ministries be rehired, especially in the areas of health, education, justice, electricity, municipal government, and drinking water.

The return of these employees will signal the beginning of the return of life to Iraqi society, and they will immediately begin the badly needed maintenance work to determine the type and quantity of equipment needed to provide modern services to the population. These are qualified people, and the U.S. can oversee the work. All this should promote a prompt return to normal life in the country. The United States should not allow the use of foreign work forces in Iraq except in cases in which Iraqis cannot do the work themselves. That would protect the Iraqi interests from certain countries and would serve the interests of the Iraqi economy.

It will cost tens or even hundreds of billion of dollars to do all this. The United States could initiate a Marshall-Plan-styled program, with a fund of perhaps $100 billion, much of which should be financed by the neighboring oil-producing nations. Such monies could be expected to come from Saudi Arabia, Kuwait, and other oil-producing states, given their recent declarations in full support of achieving a free Iraq – and in recognition of their past support of

Saddam Hussein and the ensuing harm to the Iraqi people. It is also very important to encourage investments by American businesses through cooperation with OPIC and the Import-Export Bank.

V) Local Governments

In order for the Iraqi people to achieve autonomy, each of the 18 provinces must choose a governor and a governing council representing all administrative areas – education, health, municipality, water, electricity, agriculture and irrigation, land planning, industry, and local police – for the efficient management of the individual provinces. This will help relieve some of the burden on the U.S. administration in Baghdad, while at the same time helping boost the confidence of the Shiites, Sunnis, Kurds, and Turks in running their provinces on their own. This will in turn bring them closer to the U.S.

The chosen governors should be permitted to serve only two- or three-year terms. This should also help the U.S. administration establish a legislative authority in Iraq that will represent the reality of the Iraqi people. That would improve relations between the U.S. and the Iraqis and would help introduce a unique model of a democratic system in the Middle East. But that can't happen without a new interim council that fully represents the Iraqi people from inside Iraq, not only from exile.

Summing up, the dangerous situation in Iraq requires an almost immediate change in direction:

- an acknowledgement of the need for all the political parties and religious movements in Iraq to be part of the strategic alliance with the U.S.;

- the rehiring of those in the armed forces who were not part of the Saddam regime;
- the vitalization of Iraqi ministries by Iraqis whose return to their ministries will lead more quickly to the realization of needed services; and
- the administrative organization of all 18 provinces, where local control and security is most needed.

Without such change, the future will be more complex and dangerous, and it will thus be much harder to achieve our mutual goals.

In closing, I would like to point out once again that the immense problem of monies for reconstructing Iraq's infrastructure can be alleviated in large measure by contributions from the neighboring oil-producing states. These countries have sufficient resources and it is for their well being as well to provide these monies. The blood of Americans and coalition partners given to the cause of Iraqi freedom and democracy demands such support.

Thank you for your time.

Mr. SHAYS. Thank you very much.

Our next witness will be introduced by her Representative.

Mrs. MALONEY. Thank you so much and I want to thank Chairman Davis and you, Acting Chairman Shays, for including in our panel one of the most extraordinary women I would say in the world although she is often non-recognized, Beate Gordon. Her story is groundbreaking and important because she single-handedly created civil rights for Japanese women. I hope we will be able to create civil rights for the Iraqi women and the Afghani women.

She was born in Vienna, grew up in Tokyo and became fluent in the Japanese language. Just before World War II she came to America to attend Mills College. Because of her fluency in Japanese, she was hired by the Foreign Broadcast Intelligence Service during the war to listen to and interpret radio broadcasts from Japan. At that time, she was 1 of 66 Caucasians who could speak Japanese. This is a thing you raised, Mr. Chairman, many times in Iraq that we need more people who speak Arabic, not only here in the United States but in Iraq working with the Iraqi people and with our people there. She became the American counterpart to the notorious Tokyo Rose, writing radio scripts each day.

Following the war she returned to Japan and worked for the Supreme Commander, General MacArthur. She became one of the drafters of the 1947 Japanese Constitution, the only woman at the table, and she wrote a book about her experiences. She was assigned to draft the section of the constitution relating to women's rights. At the time, Japanese women had no say in marriage, divorce, education, property, or inheritance rights. The provisions she drafted gave Japanese women fundamental constitutional rights that literally changed their lives and the society. She ultimately worked for the Japan Society and the Asian Society in New York and I believe in her presence today she will have very important insights because of her experience in Japan. She originally drafted 25 provisions guaranteeing civil and social welfare rights for women. Only one of these provisions made it into the constitution. She was told the rest would be adopted by the government, the bureaucrats. Fifty years later, not one of her other provisions made it into law. Her experience shows that if women's rights are not expressly spelled out in the constitution now, the civil authority in Iraq cannot be counted on to adopt these rights later in legislation.

I thank her for the role she played in guaranteeing rights for women in Japan and I earnestly hope that the drafters will be as successful as she was as they draft the new constitution for human rights for all people in Iraq. Thank you for your life service, Ms. Gordon.

Mr. SHAYS. That was a lovely introduction. My only regret is that the chairman is not here to introduce our other two witnesses. It is wonderful to have you here. You have the floor.

Ms. GORDON. Thank you so much, Representative Maloney, for your wonderful words. I am honored to have been invited by you to talk about my work as a drafter of the women's rights of the Japanese Constitution, and how that might apply to Iraq. In the last 4 years, I have testified about these rights in both Houses of the Japanese Diet.

Since Japanese women had no rights at all under the constitution before World War II, I drafted 25 separate provisions. Only one survived, as Representative Maloney said, and I will read that to you now. "Marriage shall be based only on the mutual consent of both sexes and it shall be maintained through mutual cooperation with equal rights of husband and wife as a basis. With regard to choice of spouse, property rights, inheritance, choice of domicile, divorce, and other matters pertaining to marriage and the family, laws shall be created from the standpoint of individual dignity and the essential equality of the sexes." I also collaborated on Article XIV which in part reads, "All the people are equal under the law and there shall be no discrimination in political, economic or social relations because of race, creed, sex, social status or family origin."

In 1946, I was working for the Government Section of General Headquarters in Tokyo. On February 4, 1946, General Whitney, called in about 20 of his staff members for a top secret meeting. He said, "You are now a constitutional assembly and by order of General MacArthur you will draft the new constitution of Japan." He also said the task had to be accomplished in 7 days.

I was in the Political Affairs Division which was ordered to write the chapter on civil rights. My division chief assigned the article of Women's Rights to me because I was a woman. I immediately researched many of the world's then existing constitutions and compiled detailed women's rights articles including specific social welfare rights for women and children. When I presented my draft to the Chief of the Steering Committee, Colonel Kades, he said, "Beate, you have given the women more rights than are in the U.S. Constitution." I replied, "That is not difficult since the U.S. Constitution does not even mention the word woman." Eventually, the social welfare rights in my draft were eliminated because the Steering Committee felt they were not appropriate for a constitution but belonged in the civil code. I argued that the Japanese bureaucrats would never write such laws into the civil code. Colonel Kades said, "Don't worry, we will be here for a long time and we will see to it that they get in." Unfortunately, this did not turn out to be so. Fifty-six years after the constitution was promulgated, social welfare rights for women have not entered the Japanese civil code.

When I lecture in Japan, I am always told, "If only your social welfare rights had been in the constitution, how much struggling we would have avoided." It took 1½ years between the drafting of the constitution and its adoption. Now, Japanese women are exercising the constitutional rights they received as a result of American participation in preparing the post-war constitution. Japanese women participate in central and local governments, as legislative representatives, mayors and Governors. Women have held positions as Speaker of the House, chairman of a political party and Supreme Court justice. Women are also prominent in the media as reporters, talk show hosts, documentary filmmakers and editors. Women practice law. One woman is even the CEO of the largest publishing firm in Japan. The one field where Japanese women have not made enough progress is in the corporate world but they are trying very hard.

Although conditions in Iraq are quite different from the conditions in Japan in 1946, certain lessons can be learned. Women who have been suppressed all over the world for many centuries must be made equal with men in any real democracy. Women everywhere are peace loving, interested in social issues, in education for their children and in living a useful life. Women all over the world are demanding equality. I think that Japanese women who have gone through the miseries of war, the deprivation of housing and food, the reconstruction of devastated cities and the institution of a new constitution are in a unique position to serve as models and advisors to the women in Iraq. I am sure they will urge the women of Iraq to make sure their new constitution includes not only fundamental rights but also social welfare rights. May the United States help them in this noble cause as it did so successfully in Japan.

Thank you very much.

[The prepared statement of Ms. Gordon follows:]

Testimony of Beate Sirota Gordon,
Drafter of the Article on Women's Rights in the New Japanese Constitution, 1947

Before the House Committee on Government Reform

Hearing on Coalition Efforts to Restore Iraq

October 8, 2003

Ladies and Gentlemen of the House of Representatives' Committee on Government Reform,

I am honored to have been invited by you to talk about my work as a drafter of the women's rights of the Japanese Constitution, and how that might apply to other constitutions. I have testified about this matter in both the House of Representatives and the House of Councillors in Japan. It will be very interesting for me to see the reaction here as compared to Japan.

In 1946, I was lucky to be at the right place at the right time. I was working for the Government Section of General Headquarters, Supreme Commander Allied Powers, in Tokyo. On February 4, l946, General Whitney, General MacArthur's favorite advisor called in about 20 members of his staff and said:" You are now a constitutional assembly, and by order of General MacArthur you will draft the new Constitution of Japan.... in seven days". I am sure you can imagine how stunned we were! But an order in the Army is an order and you do not question it. When we filed out of the General's conference room, Colonel Charles Kades, deputy Chief of Section, assigned the various sections of the draft to the various divisions in the Government Section. I was in The Political Affairs Division which was ordered to write the chapter on the Rights and Duties of the People. There were three of us: Colonel Pieter K. Roest, chief of the division, Professor Harry Wildes, and I. The two men looked at me, and Col. Roest said: "Beate, there is no time to write this as a committee; you are a woman, why don't you write the Women's Rights." I was, of course, thrilled, but being only 22 years old; I had the nerve to say:" But I also want to write about academic freedom". Both men smiled, nodded and told me to go ahead.

Realizing that although I had grown up in Japan, had been integrated into Japanese Society, spoke fluent Japanese, and had seen with my own eyes how Japanese women suffered under male domination, I didn't know much about constitutions, except for the U.S. constitution, that I did not know formal constitutional language , and needed to research that , as well as learn about provisions regarding women in other constitutions of the world which could help me write the Japanese draft. Having been well trained by Time Magazine when I was an editorial researcher there, I immediately got into a jeep, and asked the Japanese driver to drive me to any libraries still standing in devastated Tokyo. I found three libraries and about 10 constitutions

which I studied night and day to find what would suit the Japanese Constitution. To this I would add my own memories of the plight of Japanese women which would have to be ameliorated. I came up with 25 Articles which included fundamental human rights and social welfare rights. Colonel Roest and Professor Wildes approved of my draft. Colonel Roest, because he had married a WAC (Women's Army Corps)which was unusual in l945, and Doctor Wildes because he loved women, so anything I wrote to help them was fine with him. The Steering Committee, made up of three high Army and Navy officials, were all lawyers. Col. Kades said: "Beate, you have given the women more rights than are in the U.S. Constitution!" I said: "That's not difficult, since the U.S. Constitution does not even mention the word woman." The Steering Committee approved of the basic human rights I had written, but disapproved of all the Social Welfare rights, saying that they were not appropriate for a constitution, but belonged in the Civil Code which the Japanese would write later. I argued that the Japanese bureaucrats who would write the Civil Code would never write such laws unless they were specifically mentioned in the Constitution. Col. Kades said: "Don't worry. We will be here for a long time and we will see to it that they get in." I am sorry to say that to this day, 56 years after the constitution was promulgated, the social welfare rights for women have not entered the Civil Code. Only one provision, after l0 years of litigation in the Japanese courts, has been approved, and Japanese women hope it will get into the Code soon. When I give lectures in Japan which I have done frequently since l995 (I have spoken to about 80,000 women), I am always told "If only your social welfare rights had been in the Constitution, how much struggling we would have been saved!"

After the Government Section's draft was presented to the Japanese government officials, a top- secret meeting was held at headquarters. The draft constitution included SWINC (State War Navy Coordinating Committee) instructions sent from Washington, instructions from General MacArthur, suggestions from Japan's Constitutional Research Committee (the Nippon Kempo Kenkyukai), and suggestions from various Japanese political parties. After one and a half days of non-stop debate, the Americans and the Japanese came to a compromise. The draft was then taken to the Prime-minister, the Japanese Cabinet, to the Diet, etc. The new constitution was adopted in l947

Claims that Japan's new Constitution was imposed on the Japanese people by the Americans are not true. It was imposed on the then-Japanese government because it had been unable to prepare a democratic constitution for General MacArthur, who had asked them several times to do so in l945 and early l946. All he got were rehashes of the old un-democratic Meiji Constitution, forcing him finally to have his staff draft a model. The Constitution drafted by the Americans expressed the suppressed desires of the Japanese people and especially the women who had fought for human rights since l885 unsuccessfully.

For 56 years, this new constitution has not been amended--the first time in history that a constitution was not amended within 40 years of proclamation. Obviously, it suits the Japanese people.

Although the conditions in Iraq now are quite different from the conditions in Japan in l946, certain lessons can be learned. Women, who have been suppressed all over the world for many centuries, must be made equal with men. Women everywhere are peace-loving, hard-working, interested in social issues, in education for their children, and in participating in achieving a useful life. Women, all over the world are demanding these rights The Japanese women having been given fundamental rights in their new Constitution have used these rights to the fullest. It may be at this point that I should read Article 24 of the Constitution which proclaims women's rights

"Marriage shall be based only on the mutual consent of both sexes and it shall be maintained through mutual cooperation with the equal rights of husband and wife as a basis. With regard to choice of spouse, property rights, inheritance, choice of domicile, divorce and other matters pertaining to marriage and the family, laws shall be enacted from the stand point of individual dignity and the essential equality of the sexes." I will also read Article l4 on which I collaborated with Col Roest and Dr. Wildes, and which in part says the following:: "All of the people are equal under the law and there shall be no discrimination in political, economic or social relations because of race, creed, sex, social status or family origin....".

Japanese women now participate in the central and local governments. They are prominent in the media as reporters, as talk show hosts, as documentary film makers, as editors,

and so on. One woman is the CEO of the largest publishing firm in Japan. Another became Speaker of the House and is currently the chairman of a political party. One woman became a justice of the Supreme Court, and there are mayors and governors who are women. The one field where they have not made much progress is in the corporate world, but they are trying. I think that Japanese women, who have gone through the miseries of war, the deprivations in terms of housing and food during the early Occupation, the reconstruction and the institution of a new Constitution are in a very good position to advise the women in Iraq and Afghanistan what they must strive for. They have had the experience, and they know what still is missing to make them really equal with men. I am sure they will urge these women to make sure that their new constitutions include not only fundamental rights but also social welfare rights.

May the United States help them in this noble cause, as it did so successfully in Japan

Mr. SHAYS. Thank you very much, Ms. Gordon. As I look at you, I think you must be an imposter to tell me that somehow you were involved in legislation in the 1940's.

Dr. Alarif.

Ms. ALARIF. Thank you. I will read my summary in the interest of brevity.

I wish to thank the office of Congressman Davis for giving me the opportunity to appear before this distinguished committee to share some observations and reflections on the events of post-war Iraq from the perspective of an American who was born in Iraq. The mere fact that I am appearing before you in this public forum is a sign of significant accomplishment directly resulting from the fall of Saddam Hussein. Prior to this time, I would have had serious concerns for the safety of my family had I taken such a public position on any matter relating to Iraq.

Many questions were posed by Congressman Maloney and by Congressman Shays on some things that are happening in Iraq. I hope some of them might be answered during my testimony. I hope you will forgive me for diverting the conversation into a little bit more of a historical perspective of the social and forces that have shaped the political destiny of Iraq and they continue to do so. These are contradictory, religious, ethnic and social factors which can be grouped into four groups.

One we are all very familiar with, the religious and ethnic diversities. The second is the traditional tribal conservative value system. This has played and continues to play a very divisive influence on Iraqi politics. The third is the ever growing middle class which was the unifying factor among all these political factions and finally, there is the working classes. A combination of the various wars that were initiated by Saddam and the crippling effects of the embargo effectively gave Saddam Hussein a free hand in eliminating any and all opposition to his party and his politics. Therefore, the Iraqi people could not overthrow him and needed the help of outside power like the United States and its allies.

My humble observations as to the situation in Iraq in winning the hearts and minds of the Iraqi people are as follows. I agree with my esteemed colleague and several of the members of the administration that the reconstitution of the Iraqi army should reduce the need for more American troops. The use of a reconstituted Iraqi military can serve multiple purposes. One is to relieve the CPA troops from various security details; two is to have additional military support without having to ask other countries for it; three is to put an Iraqi face on the various operations among the civilian population; and fourth is to provide some gainful employment for those soldiers who have been laid off. I would say it would be anyone below the rank of major, a lower ranking officer.

We are talking about winning the hearts and minds. Wherever possible, alternative methods should be sought to reduce the direct contact between the Coalition military forces and the Iraqi civilian population. Since this is a long term association, it is better to set a pattern of peaceful coexistence such as removing some of the intimidating hardware, and that can happen over time, slowly, so as to restore normal civilian life.

In traditional tribal areas, much of the violence, I feel, is caused by cultural misunderstanding of the conservative norms. I would put a special effort into friendly persuasion and cultural understanding and dialog.

The final point of my presentation touches upon what my colleague said earlier and that is, there has been an undue emphasis on quotas and ethnic and sectarian differences in Iraq. We all know that Saddam used those differences effectively. Therefore, we should try to avoid that. Most Iraqi families I wish to emphasize are ethnically and religiously mixed. There are millions of Sunnis who have never supported Saddam; they are the silent majority. I don't like to mention Mr. Hussein's name too much but he feared the Sunni leaders because they posed the most direct threat to his rule. Other than his immediate tribe, 90 percent I would say of the Sunnis were oppressed like every other sector in that country. They did not support his regime. This group included or happened to include the middle class technocrats, the bureaucrats and those who have been the engine driving the country for years. Therefore, we need to be more inclusive of that group and open dialog with them.

At this juncture, I will add a few factors that might shed some light on your questions, Congresswoman Maloney. A law was promulgated and established in 1959 after the first Iraqi Republic giving women equal rights, social and political rights with men. That law was promptly abolished by the Ba'athist regime. During that period, women enjoyed equal inheritance, rights in divorce and so forth. That law was enjoyed for 3½ years. After the Ba'athist regime, it was abolished. You can imagine what an uproar that created among the religious clerics but this was a secular government, the first Iraqi Republic.

There was an unsuccessful attempt by the first Iraqi Republic to establish democracy, so a constitution, a secular permanent constitution was written. It took a year to write it, by the minds of the Justice Department at that time. It was finished after about a year by 1963 but unfortunately was abolished and not adopted when the Ba'athist coup came, so that was out too. Also just something everyone should know or perhaps you are aware that Iraqis have always had free access to education, medical care and have no income tax, although all of them do pay social security.

In conclusion, I have tried to condense a lot of information with a historical perspective. However, I have provided a bit more detail in my written testimony. I believe that Iraq has a good chance of being helped through its rebuilding process. I am optimistic for the future because all the ingredients are now in place for success.

Thank you for your time.

[The prepared statement of Ms. Alarif follows:]

Hearing Testimony of Dr. Lamya AlArif on the redevelopment of Iraq before the Committee on Government Reform entitled, "Winning the Peace: Coalition to Restore Iraq" October 8, 2003.

INTRODUCTION

First, I wish to thank the office of Congressman Davis for giving me the opportunity to appear before this distinguished committee to share some observations, thoughts, and reflections on the events in post-war Iraq from the perspective of an American who was born in Iraq.

I am rather amazed that I can now appear in public and speak to this distinguished audience without fear of repercussions against my immediate and extended family members. This act alone is a sign of a major accomplishment directly resulting from the fall of Sadam Hussein. I have been silent, avoided any and all personal, or public forums, even social affairs, for fear that any quote from me will adversely affect my family (here I have personal experience that landed my late father in jail for a quote wrongly attributed to me in a party).

Iraq is perhaps the most complex heterogeneous country in the Arab world, it is no doubt the most difficult to govern. At the same time, it has the highest potential in advancing the cause of freedom and democracy in the region because of its natural, as well as human, resources. I restate the obvious because of the need to emphasize the rich history of a country that longs to enter the twenty-first century but was held back by a merciless dictator who was like a malignancy that kept growing until the United States decided to perform surgical excision and begin to cure Iraq from that disease.

It is often quoted that Saddam governed for three decades. I say he has been in power on and off since February 8, 1963, after the fall of the first Iraqi republic. He worked as the party assassin, then as the secretary, then as the president in 1979 until his fall on April 9, 2003. During this period, Saddam managed to erase any social or political gain that resulted from the fall of the monarchy and the establishment of the first Iraqi republic. He managed to physically liquidate all possible leaders and opposition members. He got the country embroiled in two or three major wars, which resulted in squandering not only the country's resources but also wiped out several generations of youth, which will take a long time to replace. In Iraq's history only Haulage, the grandson of Genghis Khan, managed to sack Baghdad and systematically destroy the infrastructure of the most sophisticated scientific, academic, and artistic achievements that Baghdad possessed as the center of Islamic civilization. The Mongol conquest caused one of the greatest setbacks in human civilization and plunged Iraq into bloody wars until the Ottomans occupation in1636. Their rule ended in 1918 when the British invaded and occupied Iraq.

HISTORICAL PERSPECTIVE

The term Iraq was coined after WWI to describe Mesopotamia or "the land between the two rivers." The country is known as the cradle of civilization. Complex government, registered codes of law, mathematics, metallurgy, architechture, and complex organized irrigation systems all originated in that region. Iraq was embroiled in East –West conflicts between the Persians and the Greeks and the Romans, until Islam swept the country in the decisive Qadisia battle with the Persians.

DISCUSSION

Social and Ethnic Forces in pre-Saddam Iraq

This rich history affected the ethnic and religious makeup of the country. Therefore, the political destiny of the country was shaped based on several factors that were often contradictory and caused extreme political instability.

These factors can be grouped into four categories. First, are the religious and ethnic forcesThe majority of Iraqis are Muslim, with two sects: the Sunni and the Shia. The lines are blurred here because there are few pure sects; intermarriage is common place and most families in Iraq have members of both sects. Then there are Christian communities of several denominations: Catholic, Syrian Orthodox, Armenian Orthodox, some Protestants converted by English and American missionaries, and Assyrians who settled in Iraq after WWI (mostly Anglicans). There are also the Sabeans who are the followers of John the Baptist. The three major ethnic groups are the Arabic, the Kurds, and the Turkoman.

The Second group is composed of the feudal and tribal forces. There are still tribal chiefs with large ownership and influence over their respective followers. This is one of the most divisive forces in the Iraqi body politic and was used effectively by Saddam.

The third group is the middle class, composed of salaried government employees, for example, teachers, doctors, lawyers, and includes the army officers. This class played a unifying role both politically and economically, as it was the great equalizer in ethnic and religious terms.

Finally there are the workers and the peasants. The basic but major part of the population, that performed manual work, became the newly emerging social force behind most of the recent political movements.

In the current situation there is no need to state the obvious, that is for whatever geopolitical reason the Iraqi people could not overthrow the stagnant regime of Saddam Hussein. It became painfully clear that 23 million people have become helpless and isolated from the world community with no one monitoring their human tragedy. Historically the Iraqi Army would and should have come to the rescue of the helpless

population, but Hussein systematically liquidated potential rivals or would-be leaders. His security apparatus was impenetrable because his personal recruits were mostly from his hometown tribe of Tikrit.

IRAQI ARMY

Established in January 6, 1921, under the British mandate as a voluntary service, a conscription law was enacted in 1935 that mandated all adult males (18 years) must serve 18 months in the military. The army provided both an education and an introduction to modern life. The military academy and staff college brought young officers closer to the intelligentsia, and upper classes. The army was the instrument of integration between the various social classes and ethnic and religious groups. No one was exempt and no discrimination occurred in the army. The Iraqis feel special respect for their army because the army was their savior from various oppressive regimes of the monarchy. Iraqis do not have the same respect and admiration for their police force because it was always used by the monarchy or Saddam to imprison, torture, and spy on the population. It will take a long time for the Iraqis to develop trust in the newly developed police force.

Observations and recommendations:

- I strongly agree with the recommendation of Congressman Davis that the reconstitution of the Iraqi military will negate the need for more foreign troops. The American military can easily retrain junior officers (major and below) and rank-and-file soldiers. This will restore dignity and jobs to the army and enable them to do much of the work currently done by the U.S. Coalition Provisional Authority (CPA).

- I also agree that no additonal troops are necessary if the Iraqis can used to fulfill many of the basic security duties. It is noteworthy that throughout Iraq's modern history, the army served as an instrument of social integration between the various religious, ethnic, and social groups. In 1958 the Iraqi army succeeded in establishing the first republic. The majority of the officers came from the lower middle class, while higher ranking officers came from the upper classes and are loyal to the regime. Therefore, the reconstitution of the army will serve multiple purposes. One would be to have the Iraqis guard their own borders; a second would be to provide gainful employment; a third would be not to have to ask other countries to contribute military troops. The evidence from the media indicates that the Iraqi army was not loyal to Saddam. The army melted into the population. I know that there was enormous resentment among retired officers when Saddam wore the army uniform because he was never an army officer.

- It would be very helpful and culturally sensitive to reduce the presence of the CPA forces in the streets among the civilian population and to remove some of the tanks and military hardware. This will alleviate some of the daily direct contact. Since this is a long-term association, it is better to start setting a pattern of peaceful co-exsistence. The CPA will see a lot more cooperation when more Iraqi faces are seen patrolling the streets and securing installations.

- It is also important to note that there are pockets of tribal areas that are not governed by civil law. Tradition still rules. Some of the current resistance can be attributed directly to conservative tradition that requires sensitive handling of the population without breaking their laws. If incidents do happen, there is a way to come to a satisfactory settlement and to avoid cycles of violence. I'm sure the consultants advising the CPA could help prevent these incidents. There is really very little support for Saddam Hussein. The few loyalists belong to his tribe. Therefore, it would be better to win the confidence of the natives by dialogue and persuasion. The Iraqis are very easy to manage once they are shown respect and kindness. We need to bridge the cultural gap.

- Another important issue that can be addressed by the CPA is the sectarian labeling of the different groups. Iraq has been ruled for eight centuries as a secular state. All successive governments have followed that tradition except for Saddam. He polarized the population along sectarian and ethnic lines. During the1980's and 1990's, Saddam oppressed every ethnic and religious group in the country except his tribe in Tikrit. The Kurds and Shia were able to galvanize world opinion against Saddam and found many human rights groups who took up their causes. However, there is a huge silent majority of the Sunnis who suffered mercilessly, particularly those middle class technocrats and educated class that posed a great threat to his leadership. He embarked on a program of physical elimination by assassination, torture, and execution of any Sunni who dared to appear on the stage. He feared the Sunnis more than any other ethnic group because they posed a credible threat to him inside Iraq. He thought that such potential rivals could not be allowed to exist. He continued purging the Sunni leadership to the end. The historic and traditional body politic in Iraq was so constructed that before Saddam each government had an unspoken tacit agreement to include two or three Kurdish ministers, one Turkoman, one Christian, and there was no delineation of Shia or Sunnis except their political affiliations. I am rather surprised to notice the emphasis on sectarian quotas. Saddam exploited the sectarian difference because he thrived on conflict. The point I am trying to make is that there are millions of Sunnies, probably 90% of whom are not Saddam supporters and are very grateful that the CPA took care of him; however, they have been labeled as Sunni and disenfranchised and given little consideration in the running of their country. This group happens to constitute a large number of the technocrats, bureaucrats, and the cadre that had run the country for all these years. We need to open a dialogue with that segment of the population so as to be more inclusive in the rebuilding and running of the country.

- At this juncture I need to add the following factoids: all Iraqis received free medical care, free education, and no income taxes (except the social security tax, which was enacted in the 1950's).

- In 1962, the leaders of the first Iraqi republic asked the Iraqi Ministry of Justice to draft a permanent constitution that would address all the issues then facing Iraq. To the best of my knowledge, it was due to be ratified by the cabinet and the executive branch in February 1963; however, the Baathists toppled the regime

before the final signatures could be completed. I am sure there are copies somewhere in Iraq that would help as a guiding principle in the writing of the new constitution.

- It should be noted that in 1959 a law was issued to guarantee the equality between men and women regarding inheritance, divorce, marriage, etc. Women were able to claim their equal rights for three and a half years. This law was abolished by the Baathists and caused serious attacks from the religious circles, which used it as a pretext for the opposition.

CONCLUSION

In conclusion, I have given you a historical and a more current perspective on the Iraq that my father helped build, only to have Saddam cannibalize and reverse all the achievements. Now, Iraq has the chance of being helped through its rebuilding process. I feel optimistic for Iraq's future because all the ingredients are now in place for success.

Chairman TOM DAVIS. Thank you very much. Thank you all.

I apologize for missing the first three speakers, I was on the floor managing a bill that came out of the committee—the chairman had to do that.

I am going to start the questioning with Ms. Blackburn. Thank you very much.

Ms. BLACKBURN. Thank you, Mr. Chairman. I want to say thank you to each of you for taking your time to come and to talk with us and be before us today, looking at Iraq and the reconstruction efforts and your moving forward and having a healthy, productive, viable country is so very, very important to us.

Dr. Alarif, I enjoyed your comments very much and appreciate those. I have a constituent who is an Iraqi-American physician and he is currently back in Iraq and working with the Coalition partners in rebuilding the medical training facilities and the programs that will train nurses and doctors. Some of the correspondence that I have had with him is that if anyone doubts that we have made an impression, they need to be here. If anyone doubts that Saddam Hussein had or used or exposed his people to chemical weapons, they need to be here and see some of the children that are suffering from leukemia and other diseases. I think he holds the position that many of us do that Saddam Hussein himself may have been the biggest weapon of mass destruction. I would like you to talk just another brief moment if you will about the medical care delivery systems and how quickly you see all of that coming back up to what you would consider to be par.

Ms. ALARIF. Please forgive me if I keep looking at the historical perspective because I think there was much achieved in Iraq in the 1960's in the pre-Saddam era. Therefore, I don't know how bad it is right now but I can tell you how good it was before. Iraq was considered the most advanced Middle Eastern country in terms of medical care. It had the best medical schools, had the best doctors, had enough doctors and Ph.D.s per capita than some of the western countries who had more per capita. Of course all of that I imagine, thank God I had not seen the mess he had created. So I think the basis is there. The Iraqi people are highly sophisticated and educated. I just don't see those ones on the street. I just see some young rabble rousers but most of the Iraqi people are easier to work with than any other country in the Middle East. You have an excellent cadre of people, of scientists, of medical professionals but they just haven't had the support they should have had from Saddam.

As far as the leukemia, I have heard that. I have not seen it but I have heard that from our relatives and it is frightening. I don't know what he was doing there. Nobody knows what he was doing there and what he did to the population but we do know there is an increased frequency of susceptibility to leukemia and other malignancies that were not there, especially among children.

Ms. BLACKBURN. Thank you.

I certainly appreciated the work this constituent has relayed he is doing. As I said, he is Iraqi by birth, an Iraqi-trained physician, left there in 1991, came to the United States, received his citizenship, has worked and lived in my district, has a wonderful family and now he is back there to help his people and to share the excite-

ment that I know all of you share and have with the opportunities for freedom.

That leads to my next question. Ms. Gordon, I have been so intrigued with what I see as a fabulous opportunity for the Iraqi people as they move forward with writing their constitution. I appreciated your comments on that. To me it is a little bit miraculous to look at the fact that we are 160 days into this process and it seems they are moving forward really rather quickly, with a governing council in place, with the 25 heads of different ministries in place. I would like to see if you could speak for just a moment as to what you think the timeframe will be for completing a constitution and then moving that to ratification by the people and moving from that to election of their officers. Do you think we are looking at a 5-year period, a 3-year period or what would be your thoughts on that?

Ms. GORDON. In Japan, it took a year and a half from the beginning to the end but I think it was a much easier task. I have a feeling that in Iraq it will probably take longer.

Ms. BLACKBURN. Dr. Alarif, do you have some comment you would like to share with me?

Ms. ALARIF. I agree with her in the fact that, academically speaking, that is appropriate. But in reality, as I said, we have had maybe two constitutions. One was the monarchy constitution and then it was redone as I said earlier by the first Iraqi Republic, and this was done by professionals, the Justice Department, Court of Appeals, all the judges. This was a functioning government with highly educated people. They wrote a secular constitution that could serve as a base for perhaps the new constitution. I don't know where that constitution is, I am sure there are some copies somewhere that the Ba'athists have hidden in Iraq, but that addressed a lot of the questions at that time. It could be updated to the present because it was highly secular and it was opposed by the clerics and the religious groups, so it must have contained something quite good for women.

Ms. BLACKBURN. Thank you, Dr. Alarif.

Thank you, Mr. Chairman.

Chairman TOM DAVIS. Thank you very much.

Mrs. Maloney.

Mrs. MALONEY. Thank you so much and I thank all of the panelists. I want to publicly thank you, Mr. Chairman, for including Ms. Beate Gordon at my request to testify. She has brought important insights. Dr. Alarif, your historical perspective is tremendously helpful and I would really like to organize a meeting with the Women's Caucus for you to come and share your insights. I think it would really be very, very important.

I can't underscore, particularly after reading Ms. Gordon's book, how important it is to get these rights in the constitution because even in America you can't get rights into the Constitution; it is very hard. The document is tremendously important and I was very concerned about a news report, and I am going to find that article and send it to you, about a Gallup poll that was taken in Iraq which I found disturbing. It said that the Iraqis didn't want the women to have as much freedom as they had under Saddam Hussein. I found that hard to believe but I am very concerned

about the constitution because it would be a tremendous travesty if the women do not, at the very least, hold on to the rights they had in the constitutions that were written in 1963 and whatever you said, 1958. When I was there, I met many educated doctors, teachers—women—who were very involved in rebuilding their country and actually very much a part of the fabric of it.

I just want to know, do you think there will be difficulty in drafting the constitution? I understand there will be a number of women on the constitutional committee, getting these rights in the constitution—the right to vote, the right for medical care, the right for education, the rights that Ms. Gordon outlined in her testimony? Do you think there will be any problem?

Ms. ALARIF. It is a little different. We are addressing two different things. I will explain myself in 1 second very briefly. In Iraq, in that culture, especially in Iraq, women have always had rights guaranteed under whatever things but they were not all specifically equal. They had the right of inheritance. A woman my age—I am not young, but my mother is in her late 80's and was a teacher—her classmates were doctors, judges. Show me what country that at 85, has these people. So they had that right but they did not have social rights such as the divorce. These have to do with religious sharia—divorce, inheritance, we have one for women, two for men, it is guaranteed. You get an inheritance but it is not equal. Therefore, I see only a problem if the religious clerics start objecting to the fact that this is against this and so forth. It has to be a completely secular, social welfare for women.

As far as rights are concerned, I am appalled to be honest with you as to the condition of women under his regime. I don't want to mention his name continuously, under the old regime of Saddam Hussein versus the first Iraqi Republic, even the second Iraqi Republic. By the way, we are going to be on the fifth Iraqi Republic now. In the 1960's and 1970's, women had a lot more rights and even in the 1950's, we began to have these rights only to be reversed by Saddam by adopting this so-called phoney religious overtone which he never believed in anyway but it served its political purpose. So he abolished that.

Mrs. MALONEY. I have a few seconds left. In this book by John Dower, "Embracing Defeat," which really goes through the Japanese experience in writing their constitution and building their country, Ms. Gordon you are treated very positively in this book with your role in the constitution. They talk about a peace clause that they placed in the constitution and this was about the defense of the country. I would like Ms. Gordon to respond to it and also Dr. Alarif, you were saying we need to employ and build the army, you said to protect the people, to protect the streets and so forth. In our structure, that would be the police. The police protect the government building, the police protect the people. Why would you want the army instead of the police to have this function because the army sometimes has a vision of invading others or whatever. Ms. Gordon, could you briefly talk about the peace clause and its importance?

Ms. GORDON. It is a very short paragraph in chapter two of the constitution of Japan. It is called "Renunciation of War": "Aspiring sincerely to an international peace based on justice and order, the

Japanese people forever renounce war as a sovereign right of the Nation and the threat or use of force as means of settling international disputes. In order to accomplish the aim of the preceding paragraph, land, sea and air forces as well as other war potential will never be maintained. The right of the belligerence of the state will not be recognized."

It is true that the Japanese have built a defense force because it doesn't say here that you can't defend yourself. It doesn't specifically say you can defend yourself but it doesn't say that you can't. So they have built a defense force. However, in these 56 years since the constitution has been active, no Japanese soldier has been sent outside of Japan, no Japanese soldier has killed another soldier, neither has any Japanese soldier been killed. Not many countries can say that. Costa Rica also has a constitution in which an army is not permitted. They don't have an aggressive army. They also don't have a defensive army. I think that is one of the great things about this constitution, that it leads to peace if other countries in the world would also have such clauses that are against war. The interesting thing is that it was the women in Japan who mostly supported this clause of peace and they have kept on being behind it even though the government right now is trying to change the constitution, especially this Article IX. They want to participate in peacekeeping forces for the U.N. and they want to be "a normal nation." It is very sad to think that the ability to make war is normal. I don't know what will happen but in the meantime, I think 65 percent of the women have come out against any amendments to the constitution, especially not to the renunciation of war. I think very few people know about this. I am so glad Representative Maloney asked about it because very few people in general in the United States know about this clause. I think it is something to think about.

Ms. ALARIF. Do you want me to address your question?

Chairman TOM DAVIS. Sure, go ahead.

Ms. ALARIF. The reason I have given in my written testimony a brief history of the Iraqi Army is it never belonged to Saddam. He did not organize the Iraqi Army. The Iraqi Army was organized in 1921 by a British mandate. It became the most highly respected and educated group of people that came in there; its history is very rich. I don't know what Saddam did to the army but I don't think most of them, the rank and file, were loyal to him.

Mrs. MALONEY. My specific question was why the army and not the police force for protection of people which in our structure. As you know, the police protect our people, protect our buildings. The army is the army.

Ms. ALARIF. Well, because of the historical role that the army played versus the police. Police in Iraq—psychologically, the Iraqis don't like their police because they were always used as spies, as intelligence agents and it is a psychological turnoff. So when they see a policeman, there is no respect. But the army has always been on the side of the people, so they always liked to see an army man. They trust them more.

Mrs. MALONEY. Thank you.

Chairman TOM DAVIS. Thank you very much.

Mr. Haidari, can you tell us how we can get the Shias to help us with the old Ba'athist regime, turning in these people and breaking their underground network?

Mr. HAIDARI. I think to fix the situation in Iraq we need to talk about Iraqi total people, not one group. If we talk about one group, that will be very dangerous for us in the future in Iraq. As I see it, the Governing Council, we need to extend it to enhance it, put people who have mandates from their groups to make a big influence. I will give you a simple example. In the Sunni Triangle, we have five new members in the Iraqi Sunni, a five-member Sunni in the Iraq Council. Where is there a role in the Sunni Triangle? There is no role. We didn't find it. How to convince the area. I can't see anything. You can't see anything. We need people who make influence in their roles not only Shiite or only Sunni, no, that is not enough. We have five Sunni now in the Council. There is no influence in the Sunni area. We have 13 Shiite, some of them have some influence but also there are a lot of Shiite who have good influence outside the Council. These people are not against the United States. The people who are not in that Council, are not against the United States but we need to open nice dialog with them.

About the Army, Shiite and Kurd in general against the army because they believed Army is Sunni organization. From 1921 until 1963, you can't find high rank in the Iraqi Army from Kurd, from Iraqi Turk, from Arabic Sunni but it is very, very few people Shiite with high rank. From 1963 until 2003, the most of the high ranks in the Iraqi military, the Iraqi Army are Arabic Sunni. So now when we want to rebuild the Iraqi Army to help United States, we need at last 300,000 Iraqi soldiers, soldiers, all of them, against Saddam Hussein. I will not say most, I say all of them. That means it is not right to disband the army, all the soldiers against Saddam Hussein. High ranks avoided them but lower ranks keep them to help us. In Iraq there was school and high school, high college for officers and high officers. This school started in 1930's, so we need to depend also on the army.

Chairman TOM DAVIS. Let me ask everybody, what can we do to try to get more Iraqis maybe to go back and help us with translations and intelligence gathering? We actually have a shortage of people that can do that kind of communication right now. We would have to have proper screening. Is there anything we can do, any signals we can send to American Iraqis that may want to help us in that? Let me start with Dr. Alarif.

Ms. ALARIF. I will comment on one thing he said because I basically agree with Mr. Haidari, except I will just correct you once and that is that General Qasim was a Shiite.

We basically are in agreement about the Iraqi Army and I did suggest earlier that we do use the lower ranking officers, so that is an agreement. To galvanize the Iraqi-Americans, what you need are some basically on the ground going with the soldiers, translating. So you can't have Ph.D.s doing that for you. You perhaps need to look at where the Iraqis are concentrated, maybe around the Detroit area, I don't know where they are, northern Virginia, put out some kind of a feeler that we would like them to participate in this for "x" amount of time and you may be surprised. But they do have

to go through the screening mechanism and all that. I am sure in your district, for example, in northern Virginia, there are a lot of Arabs and Iraqis, but mostly we need Iraqis.

Chairman TOM DAVIS. The Governor of one of the provinces over there who was just elected had been in the PTA with me at Belvedere Elementary School. He had gone back to Iraq and was elected Governor of his province. Mrs. Maloney was there with me when we had a reunion. We are seeing some of that, but I think more of that would be helpful. When we talked to military leaders, they thought that would be helpful as well.

Ms. ALARIF. Absolutely.

Chairman TOM DAVIS. A lot of people came here because of Saddam and the fact that they were being oppressed. We could use their help. So we need to figure a way to do our best recruitment on that. I think that can help our cause.

Ms. ALARIF. Absolutely.

Chairman TOM DAVIS. Ms. Gordon.

Ms. GORDON. May I comment on what Mr. Haidari said?

Chairman TOM DAVIS. Of course. Please.

Ms. GORDON. Because in Japan, I think General MacArthur had very much the same idea of using the Japanese in various phases of the society and what we had was a political purge. We also had an economic purge. It was a little bit like the "denazification" program in Germany. As you said, the higher-ups in the army maybe should not be used but the people lower down. That is exactly what we did in general; we had lists of who had been in what kind of militaristic group, who had been an ultra, ultra conservative, etc., and the Japanese Government provided that for us. If anybody was going to be elected to parliament or a high official in the army or whatever, they would have to be scrutinized according to that list that we and the Japanese Government together had formed. So there were many people later on who were brought back into government or brought into the army who had not been on the correct side but they were on a lower level. They did not have the power of the higher level and it worked very well in Japan.

Chairman TOM DAVIS. Let me ask, it seems that much of the Ba'ath Party, instead of fighting us in the north, took off their uniforms and went back into the population. Their strategy seems to be to become terrorists, take out as many Americans or whoever else they can to get publicity and hopefully Americans will dissipate, America will give up, go home and they can come back into power. It seems to me that is their strategy. They are not winning strategic victories by what they are doing but they are hopeful they can have an effect back here and discourage us from pulling out early and they have a shot to come back into power. What is your analysis? When I say that, is that a fair analysis?

Ms. ALARIF. You know, the Ba'athists have now had two shots at Iraq and they've messed it up both times. This last time was a total disaster for the people. After what the Iraqis have seen right now, I think we are making too much of an issue of these people; I think they are just going to die a natural death.

Chairman TOM DAVIS. But the problem is that is where the disturbances are. If you didn't have that, it would be a much different situation.

Ms. ALARIF. I understand, but if you look at Iraq's history, there have been several revolutions. Whenever there is a new revolution, and let us assume this was like a revolution but from the outside, it takes time to purge the old regime. So La Regime Marcienne has to be gone but you can't kill everybody, so eventually, once the leaders are gone and for me, for all intents and purposes right now, I see just discontented people who are without work and losing power. There are not that many of them. They should be rounded up at some point and isolated. I think with the passage of time, I don't think really they're lethal. They are lethal to the persons who get killed but they are not that lethal in terms of numbers, let us put it this way. During revolutions, as I said in the past, there have been more killings.

Chairman TOM DAVIS. I understand, but from an American perspective, it is lethal. If you remember what one sniper did to the Washington area last year, here you have literally 1,000 snipers sitting around and it is having a very chilly effect on Americans' perception of this war. We have to take them out as quickly as we can, and we can't do it without cooperation from the Iraqi people.

Ms. ALARIF. I basically stated here how you can get the cooperation of the Iraqis—by including them all, by getting cultural understanding. They come around, they really do come around. I think they are so tired of those wars and Saddam and his problems and they need to live a normal life. I think by inclusiveness and making life more normal for the civilian population, you may be seeing it now, I think. I don't know. I haven't been to Iraq but I think things are a lot better now than they were before, aren't they?

Chairman TOM DAVIS. Right.

Ms. ALARIF. So perhaps.

Chairman TOM DAVIS. Mr. Haidari.

Mr. HAIDARI. I believe there are two ways to eliminate Saddam's party. First, we need to open investigation. We will not know Saddam's loyal followers, about 10,000, not more. We need to depend on the Iraqi people to know them. How? By investigation. Let the Iraqi people come to this kind of office and give us their names, give us their history and then we can find them or Iraqi people will help us to find them; this is one way.

Another way, we want to build a good relationship with the Iraqi people. Iraqi people should be our eyes in all areas. If we can build a good relationship, we can eliminate Saddam and his party. Until now we didn't build that well. I give you the best example. Shiite suffered from Saddam a lot, massacres the best example, and until now they don't help us well. They are watching the situation. We need to deal with them to attract them to our side. If we do that, we eliminate Ba'ath. Ba'ath is not a problem, Ba'ath is a small group, I know them. I don't read about them in book, I know them. We can eliminate them very easily but we need to depend on Iraqi people. When? How? This is the question.

Chairman TOM DAVIS. Thank you very much.

Mr. Janklow.

Mr. JANKLOW. Thank you, Mr. Chairman.

Ms. Gordon, if I could ask, when did the occupation by the Allies end in Japan? Do you remember?

Ms. GORDON. When did it?

Mr. JANKLOW. When did the occupation by the Allies end in Japan?

Ms. GORDON. As you know it started in 1945 and it ended in 1952.

Mr. JANKLOW. So it was really 7 years after the surrender of the Japanese regime that finally our soldiers left Japan as an occupying force?

Ms. GORDON. Right.

Mr. JANKLOW. I lived in Germany in 1948, 1949 and 1950 and my father was part of the army of occupation in Germany. The point I am making is, we become pretty frustrated in America when we haven't solved all these problems in 6 months after the invasion of Iraq when in reality, it takes a while to write a constitution, assemble a provisional government, unless we are going to write it for them. We can write a constitution for people but if they are going to write a constitution, it takes a while. Then they have to go through a process of debate—it isn't like ours gets changed very often after an awful lot of debate and discussion—and then they get around to elections. The point I am trying to make is, these things take time; Iraq wasn't just waiting there to throw off the yoke and rise up and do all of these functions.

Mr. Haidari, let me ask you, as I read your resume, you were a member of the Ba'athist Party. As a matter of fact, you were part of the regional command wing at one time. So when you speak about the Ba'ath Party, you obviously speak from very personal knowledge, am I correct?

Mr. HAIDARI. Yes.

Mr. JANKLOW. When did you decide you weren't a member of the Ba'ath Party, that you no longer believed in their ideals or goals? While you are thinking, go ahead, Ms. Alarif. Do you have a response to that?

Ms. ALARIF. I have never been a member of the Ba'ath Party.

Mr. JANKLOW. I was talking to Mr. Haidari.

Mr. HAIDARI. I was a friend for Ba'ath in 1958.

Mr. JANKLOW. It says in your resume, "In 1962, I became a member of the Regional Command Wing of the Ba'ath Party."

Mr. HAIDARI. Yes. In 1959, we left Ba'ath Party as original member but in 1962, I was in the top of the responsibility.

Mr. JANKLOW. If I could ask you two gentlemen and also the lady, the three of you of Iraqi heritage, are we doing anything right in Iraq? Is our country doing anything right, in your opinion? Yes?

Ms. ALARIF. Yes, many things right.

Mr. JANKLOW. Could you elaborate a little, please?

Ms. ALARIF. First of all, as I said earlier, the fact that Iraq is actually for the first time in its life—and they have been trying for 50 years now to be free—they are free. The Iraqis are free. As I said earlier, I am a testament when I am talking. I have never done this in my entire life. I have been in the States since 1957 and I have never done this, my family would have been shot.

Second, Iraq has longed to be a modern Iraq. It is the cradle of civilization but it has remained in the dark ages. It has not come into the industrial age. It has longed to belong to the 21st century and America is bringing it to the 21st century.

Mr. JANKLOW. Mr. Haidari.

Mr. HAIDARI. The most important thing we did in Iraq, we have rid Iraq of Saddam Hussein.

Mr. JANKLOW. Are we doing anything else?

Mr. HAIDARI. This is the most important thing. How can we invest this truth? We have good balance in Iraq.

Mr. JANKLOW. If I can personalize this for a moment, have you gone back to Iraq since the war has been over?

Mr. HAIDARI. Yes. I went in June. I stayed there 3 nights, 4 nights and came back.

Mr. JANKLOW. Do you consult with our Government on what they should be doing?

Mr. HAIDARI. I have a long talk with our Government people. I talk with them about many things but now I have been talking for 2 years.

Mr. JANKLOW. How long do you think it should take to write a new constitution for Iraq?

Mr. HAIDARI. A new constitution? First, how will we do the constitution? Not only the constitution, now I think we are not in correct way to put this constitution. We appoint people for that and Iraqi people are not support this direction. Some of them support, others don't support.

Mr. JANKLOW. My time is up but I notice from your testimony that you do say the Iraqi people don't support the provisional council that has been appointed. How should we select one and how long should it take to select the appropriate council to help draft the constitution for Iraq? I understand you suggest who should be included but how should they be selected and how long should that take?

Mr. HAIDARI. It doesn't need more than 6 months, I believe, enough to make everything stable in Iraq, 6 months, not more. I don't want to say to cancel it, extend it, enhance it. We can choose a lot of people to make this council stronger, make good influence on Iraqi people.

Mr. JANKLOW. In other words, the basic council is OK, it needs to be enlarged?

Mr. HAIDARI. I would not say OK, I said some of the members are OK, some of them are not OK from point of view of Iraqi people. Some of them are OK, some of them are not OK.

Mr. JANKLOW. Isn't that the way democracy works, some are OK, some are not OK?

Mr. HAIDARI. When you want to choose, especially in these days, the people choose this guy or that guy, they are free to do what they want, but we want to appoint some people to help us in our plan in Iraq, I think we have to look for the good people who can help us and be a good influence on the Iraqi people. Now we need to understand this concept.

Mr. JANKLOW. All of you emphasize that we must do something about the former police and the former military. Clearly the history in most countries, be it Japan, Germany or Panama, it doesn't make any difference, there is a long history of bringing the protecting forces back into play after some of the leadership and the troublemakers are eliminated or removed, not eliminated in the physical sense but removed from the possibility of being involved in control. My question is, the former police commissioner from New York

testified today that they have 40,000 policemen employed back in Iraq. Is that a good start?

Mr. HAIDARI. In Iraq, we need policemen and soldiers, at least 300,000.

Mr. JANKLOW. You need 300,000 for a nation of 26 million?

Mr. HAIDARI. We need them to help our administration and Iraqi people to reach the peace inside Iraq. I prefer in my opinion if we let our army be outside of the Iraqi cities. We don't want to see our army to have any conflict with the Iraqi people. We have army in Iraq, not policemen, so we want to depend on Iraqi police, not American soldiers. That is much better to us. Also, it is much better to us than asking Turkey and we have some differences now in Iraq about asking Turkey army to come to Iraq. Let us depend on Iraqi army.

Mr. JANKLOW. Dr. Alarif, you say the Iraqi people don't like the police, so have the army do it. He says, they don't like the army, have the police do it.

Ms. ALARIF. No, no, he didn't say that, his English——

Mr. JANKLOW. He said the Army should not be in the cities.

Mr. HAIDARI. The American Army.

Ms. ALARIF. The American Army.

Mr. JANKLOW. I apologize. I thought you meant the Iraqi army.

Mr. HAIDARI. The American Army should not be in the cities.

Ms. ALARIF. We are in agreement.

Mr. HAIDARI. Also, we don't need to invite Turkey army to come to Iraq. We want to depend on Iraqi army.

Mr. JANKLOW. We agree with that.

Chairman TOM DAVIS. I think we agree with that. Thank you very much. This has been very, very helpful to the committee as we move forward.

I want to ask unanimous consent to put into the record a letter from Gary Sinise, a Tony and Emmy Award-winner and Academy Award nominee; he wrote the committee. Also, an article from Vanity Fair by Mr. Hitchens on the situation that I think will be helpful for the record. Without objection, these will be put into the record.

[The information referred to follows:]

Letter to

Chairman Tom Davis

from

Tony and Emmy Award Winner and Academy Award Nominee

Gary Sinise

October 6, 2003

Dear Mr. Davis,

Thank you for your invitation to speak before the Committee on Government Reform on Wednesday October 8th. I am flattered that you have asked me. Unfortunately, at this late date, I am unable to move things around as I will be in Chicago at that time.

I am very aware however of the importance of the work you are doing and if there is anything I can do in the future please do not hesitate to track me down. My trip to Iraq in support of our troops was one of the great things that I have done and I will continue to support our brave men and women wherever they may be. I have been involved with veterans groups over the years and shortly after 9/11 volunteered for the USO to go where I am needed to help make sure that these folks know how much they are appreciated. I believe one of the many lessons learned from our experiences during the Viet Nam conflict is that the soldier who fights for the USA should never again feel ashamed of his service or of wearing the uniform. They should never feel that their service was in vain or that their sacrifices were unappreciated by his/her fellow Americans. The work that they are doing in Iraq is not over. Our work as a nation is not over. It grieves me to know that there are many positive things are coming from our having saved Iraq, and the world, from this horrible tyrant and the media is basically ignoring it all. In recent weeks I *have* seen a slight effort on the part of a few congressmen to get the word out that there is much good coming from the efforts of our troops but there is still more to be done. I don't know how much the media will change however. What do they say? The house that is not burning is not news I guess.

My experience in Iraq was brief. The service members that I visited while on my tour at the end of June were in good spirits and only occasionally did I here any complaints about their having to be there. Most of the troops I talked with were proud of the job they were doing and they were feeling strong. I will say that while we were there they were happy to see us and we did not have a lot of time to spend having long conversations. They kept us moving pretty quickly so that we could see as many troops as possible. So, if they were feeling badly and their morale was down I did not see it. They were very happy that we came to see them.

Sir, if I had my way I would get them the money they need to get all the objectives of our president accomplished. Give them the resources they need to give the people of Iraq a chance to have the freedom and democracy that they have never known. As we did in

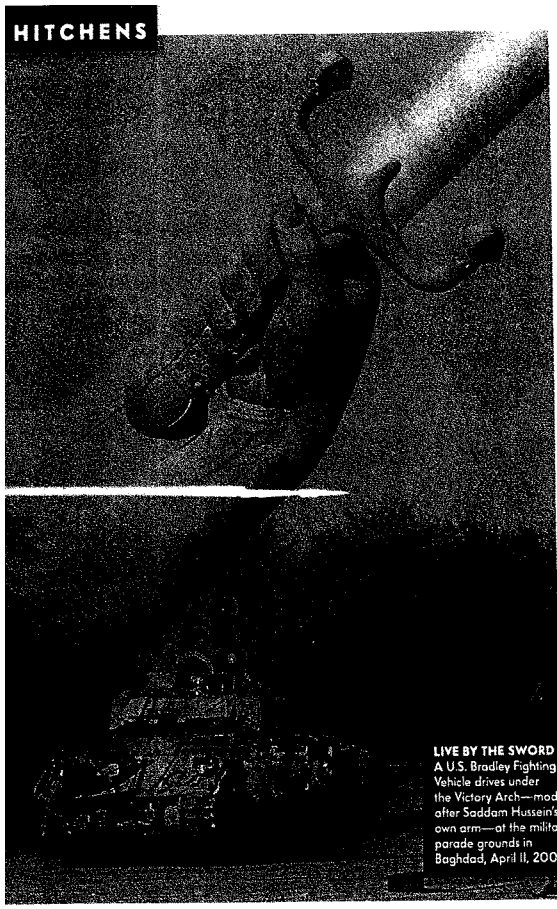
1945 in Germany and Japan, we can turn an enemy into a friend if we commit to it. What nation on the face of the earth has ever come up with something like the Marshall plan? My facts could be a little off but didn't we even give the Russians billions after the fall of Communism as they moved toward a free and democratic society?

Our troops are working so hard. We know that they are going to have to be there for a while. Let's give them the means to win the hearts and minds of the Iraqi people and turn that country around. Let's show them that we are in support of their efforts by providing the necessary funding to maintain security and reconstruct, not only the country, but our relationship with a people who have for decades been brainwashed into thinking that America is an enemy. We lead the way to making democracy possible by removing this Stalinist oppressor. Now we must lead the way to freedom and prosperity for this deprived country.

Sincerely,

Gary Sinise

HITCHENS



LIVE BY THE SWORD
A U.S. Bradley Fighting Vehicle drives under the Victory Arch—modeled after Saddam Hussein's own arm—at the military parade grounds in Baghdad, April 11, 2003.

JOHN MOORE

A LIBERATING EXPERIENCE

The press has contained little except bad news from Iraq and warnings of quagmire. Despite continuing violence, the author, on his own reconnaissance mission, finds reason to hope: even as mass graves are exhumed, so are the spirit and talent of a nation that benefits daily from U.S. intervention

"And what about the Communists?" I ask Ambassador L. Paul Bremer, the United States administrator of the occupation of Iraq. He sits in an office that is not so much absurdly colonial as positively and ridiculously colonial, in a gargantuan marble palace still surmounted by four great sculpted heads of Saddam Hussein. Efforts to humanize or downsize this context—such as Mr. Bremer's combat boots, which don't match his monogrammed "LPB" shirt, or the folksy desk plaque that reads, SUCCESS HAS A THOUSAND FATHERS—succeed only in emphasizing it. But a few days prior to our meeting, he had announced a 25-person Governing Council for the country, one of the named persons being Hamid Majid Musa, secretary of the Iraqi Communist Party. Well, says Bremer, the party has a long record of brave opposition to Saddam Hussein and represents a good slice of the population, and Mr. Musa has shown signs of learning from history and understanding the importance of market reforms. Mr. Bremer spent many years working at the office of Kissinger Associates, and he must be the first alumnus of that outfit to have used American power to install a Communist leader in a Third World provisional government.

Don't bother visiting Baghdad today if you are too easily upset by contradictions. Irony and negation are the everyday currencies. For example, Iraq as a place, and Iraq as a country, is the special territory of archaeologists. Turn over a spade in the sand near Babylon, or Ur, or Nineveh, and you may come upon a pottery shard from the dawn of antiquity. People have been digging up Mesopotamia for generations. And the modern state of Iraq is partly the creation of British archaeology buffs: its borders were drawn in 1920 with advice from that romantic-lady explorer Gertrude Bell, and many of its greatest sites were carefully classified by Sir Max Mallowan, husband of Agatha Christie. (With this pair of seasoned eccentrics I once took a highly bizarre punting trip in Oxford.)

Of late, though, unearthing in Iraq has given way to something more like exhumation. The Saddam Hussein regime had a morbid mania for burying things, and people. The task of the most current Western occupation has not been the relatively jolly if intricate one of analyzing and classifying the different layers of civilization. It has been one of disinterring the evidence of modern barbarism. Here are just some of the objects, and subjects, dug up before and during my most recent visit to the country:

• On June 25 it was disclosed that an Iraqi scientist named Mahdi Obeidi, the former chief of Iraq's uranium-enrichment

program, had led American investigators to a spot in his backyard where they dug up several components of a gas centrifuge, used for uranium enrichment, along with a two-foot stack of blueprints for operating a centrifuge, which he had buried in 1991. The burial had been personally ordered by Saddam's younger son, Qusay, and the trove had survived several waves of inspections.

• On June 29, upon the arrest of Abid Hamid Mahmud al-Tikriti, Saddam Hussein's former personal secretary, $8 million in cash, a million dollars' worth of jewelry belonging to Saddam's wife, up to 400 million Iraqi dinars, and uncounted euros and British pounds were retrieved. Within a few weeks, Mr. al-Tikriti himself was given the disagreeable task of helping to identify the bodies of Uday and Qusay, the gruesome twosome of the old regime, before they in their turn could be interred.

• In early July, coalition forces searching for W.M.D. came across more than 30 Iraqi warplanes buried in the sand near an airfield west of Baghdad. (Telltale fins were spotted protruding from the dunes.) A disinterred MiG-25 is never going to fly again. What else does the mania for burial conceal?

• On May 13, American forces arrived at a place near the town of al-Hilla, in southern Iraq, where local people had begun frenziedly searching through a mass grave. The remains of at least 3,000 individuals were brought to the surface, and a thousand or so of them were fairly swiftly identified by relatives. But it is estimated that there could be as many as 15,000 Iraqis buried at this place alone: eyewitnesses from the horrific repression of 1991 report having seen three truckloads of prisoners three times a day, *for a month,* being unloaded there. A pre-dug pit awaited them, and they were marched into it before being shot and then buried—or, in many instances, buried alive. There are 62 such sites already identified in southern Iraq alone. While I was in northern Iraq, the Kurdish and American authorities uncovered several more, including one that seemed to be reserved—in some deranged gesture of selectivity, perhaps—for the corpses of women and babies only. Digging is going to be an occupation in Iraq for some time to come.

I actually went to the al-Hilla site myself. A calm and dignified Iraqi physician named Dr. Rafed Fakher Husain was being assisted by Major Al Schmidt, a Marine reservist who is an F.B.I. agent in civilian life. Rows and rows of plastic bags were lying on the ground, beside personal items and identifying papers left open to help grieving families reclaim their loved ones. It was feared that the shallow water table in the area had decomposed or washed away many of the bodies, but the search was still persisting. Where unearthing had been completed, the ground had been blessed and was now considered holy. All cultures have a natural horror of desecration, which is why *Antigone* is the most powerful of the plays of Sophocles.

The Saddam Hussein regime had a morbid mania for burying things, and people.

But the tyrant Creon had ordered only the single body of Antigone's brother to lie profanely unburied: Saddam Hussein consigned hundreds of thousands of his people to being gnawed by wild beasts or to rotting without mourning or ceremony. "We lived without rights," said the doctor. "And without ideas." The latter formulation seemed even more potent for its quiet understatement.

In Iraq in July the heat easily touches 120 degrees at midday, and a sour, gritty wind was blowing across the scene. This breath-catching temperature, plus the sunscreen lotion that one must continually apply, plus the drenching perspiration, means that a sort of crust or carapace forms on the skin. I'd become relatively used to this nasty paste on my person, and to the idea that showers in a country with a shattered water supply are few and far between. But as the dirt clung and caked in my hair and inside my shirt, I began to cringe at the idea that I was being glutinously coated in the dust of a mass grave. It wasn't the time or the place to make a point of my private revulsion, but if you can imagine feeling tainted in that way and unable to get clean, you have an inkling of the Iraq that Saddam has left to us. The whole society is clawing its way out of a shallow grave.

For the past year, most of the debate about American-sponsored "regime change" was intently focused on the question, "What if it fails?" What if Saddam's elite troops fight to the last? What if there are myriad civilian casualties? What if—a mantra of the *anti*-war forces, by the way—hideous weapons of mass destruction are unleashed? What if, in the fog and chaos of war, the Turks invade the north of Iraq, the Israelis seize the chance to expel all the Palestinians, the Arab "street" rises as one, all pro-Western regimes are overthrown, and al-Qaeda gets the boost of a lifetime? What about the potential million and a half refugees and the impending humanitarian disaster? I am sure that some critics will have the grace to recognize their own former arguments in this list. But now there is a new surly note being struck: does a fresh "quagmire" loom as a "guerrilla resistance" exacts a regular toll of American lives?

That still leaves another question, which is equally pressing and dramatic, if not indeed more so. "*What if it works?*" What if the intervention is a success? What if the Iraqi and Kurdish peoples, released from their surreal imprisonment and humiliation at the hands of a psychopathic crime family, can draw themselves up to their full height? And what if the United States and its allies can be tough and smart enough to help this process, yet clever enough to know when it's complete?

I didn't really understand what the two familiar words "military superiority" can mean until I made my second visit this year to Iraq. There isn't anything within a thousand miles of Baghdad that can even consider taking on the United States armed forces, far from home as they may be. Command of the air is absolute, both from high up in the sky and at helicopter level lower down. So is command of the adjacent waters, and of the river system within the country, and of the huge nexus of bases in neighboring countries. Control of the oil fields was established in the first days of the war—in the case of Kurdistan with the help of a strong and well-disciplined indigenous army, which is far more gung ho, and much more pitilessly anti-Saddam, than any outsider can be.

Against this are ranged the absolute scum of the earth. First, one finds the remnant of the so-called Fedayeen Saddam: a cruel militia which used to be employed filling in those mass graves and performing other lowly tasks, and which has never lost a battle against civilians. Before the war its ranks had already been augmented by imported "jihad" fighters from other countries, who have assisted the Baath Party in its mutation from pseudo-secularist Fascism into full-fledged Islamic dogmatism. The fanatics of the sole party meet the fanatics of the sole deity: a recent Saddamist "resistance" leaflet in Baghdad spoke of "One Leader / One Nation / One God," and the rhetoric generally is the drone of "martyrdom" and "the infidels." It was to keep this gang going that the treasury of the beggared country was looted just before its

tormentors went "underground" themselves. Almost every week, caches of gold ingots or U.S. dollars are recovered by American soldiers using sophisticated sensors and ever more eager informants, but the going rate for an "operation" against these same American soldiers can go as high as a thousand bucks in cash. (An "operation" is a shot in the back with a throwaway weapon, or perhaps a hastily rolled grenade, and it is offered to lumpen or criminal elements who can really use the money. Thus, Baathism meets jihad meets Mafia. They may employ superficially guerrilla tactics, but they are really comparable to the contras: the scabs of the *ancien régime*.)

Yet the political point of regime change in the first place was to put these regional forces off-balance and out of temper, and this time—for a change—the violence is taking place on what they consider "their" turf. How right are they to believe that Iraq is, or can be, theirs? I flew over Baghdad several times, at night, in a Blackhawk helicopter. The lights were coming back on, and you can see why people compare the vivid sprawl to that of Los Angeles. Every now and then, an arc of red tracer fire could be seen, or the flash of an explosion. The chopper crews joked on the intercom at the sight of this negligible stuff. Only once since the occupation began has there been a real barrage, and that was the extraordinary fusillade of celebratory tracer and rifle fire that greeted the news of the deaths of Uday and Qusay. More rounds were fired that night than on all the other nights combined and doubled. Bear that in mind.

I don't want to sound like Clint Eastwood here, though actually General John Abizaid and I have Clint in common. The new commander of American forces, a Lebanese-American who speaks fluent Arabic and has an M.A. in Middle East studies from Harvard, was used by Eastwood as a role model for an exploit in *Heartbreak Ridge*. (It's the moment when he commandeers a bulldozer in Grenada to ram through the enemy.) And my apartment in Washington was used as a location by Clint for the shooting of *Absolute Power*. I hesitate to mention this tenuous celluloid bond when I meet the general for lunch at the Al-Rashid Hotel in Baghdad, but when I do bring it up he moves swiftly to downplay it. "Yeah, I was as tall as Clint Eastwood," says this rather compactly shaped officer, "until I came out here." This is actually his second tour in Iraq. As a battalion commander, he helped supervise the protection of the Kurdish zone at the end of the first Gulf War, in 1991, and used to go and talk to the Iraqi officers along the cease-fire line. Everything was negotiable, he recalls, until you brought up the name of Saddam Hussein and saw their faces go rigid with fear.

It takes the press a long time to catch up to this idea, but when you meet a battlefield officer in Iraq you are not encountering a grizzled, twitchy veteran of Cambodia or El Salvador who talks out of the side of his mouth and loves the smell of napalm in the morning. As often as not, you are dealing with someone who cut his or her teeth in political-humanitarian rescue in Bosnia, Haiti, Kosovo, or Afghanistan. Their operational skills are reconstruction, liaison with civilian forces, the cultivation of intelligence, and the study of religion and ethnicity. They like to talk about human rights and civil society, not body counts or "interdiction." I think of Colonel Bill Mayville, brigade commander of the 173rd Airborne in Kirkuk, who recently pulled the job of arbitrating a tense turf war between local Arabs and Kurds after last April's victory, in a district where Kurds had historically been "cleansed" and where they were inclined to take informal revenge by grabbing Arab property. He went and found some local Arab and Kurdish attorneys, convened a meeting between the two sides, roughed out some common ground, and established a truce that is still holding.

I didn't really understand what the two words "military superiority" can mean until my second visit this year to Iraq.

FLIGHT GROUNDED
An Iraqi Air Force MiG-25 Foxbat-B fighter jet buried in the sands of the al-Taqqadum airfield, west of Baghdad, on July 6, 2003.

MASTER SERGEANT T. COLLINS

In the Mosul-Nineveh district, American forces had overseen an election for a local council and produced a governing body made up of Arabs, Kurds, and Turkomans, with representation from the Christian and Yezidi religious minorities. I sat in on a meeting of this group, which was made up chiefly of educators and civil servants. The mayor of Mosul, Ghanim al-Basso, was a former Baath Party member and senior army officer who had made the cut, however, because his brother had been executed for thinking about plotting to assassinate Saddam Hussein. The discussion positively fizzed with regional pride: Mosul is famous for its old university, and its inhabitants cherish the renown they enjoy for their outspokenness. Smartly uniformed new Iraqi police were on the streets, right under the balcony where Saddam was once filmed discharging his infamous shotgun into the air. The university was back in business, and the 101st Airborne was showing it how to connect to the World Wide Web, a privilege it had long been denied. Down the road toward Nineveh, biblical destination of Jonah, American soldiers had taken over Saddam's luxurious local palace and were splashing in its pool and cooking fried chicken with the help of a friendly Iraqi staff. The palace had been built on land stolen from the university, and the plan was to return this property, with the palace as a bonus, to the academy.

In fact, what is happening in today's Iraq is something more like a social and political revolution than a military occupation. It's a revolution from above, but in some ways no less radical for that. I haven't seen anything like it since the Portuguese Army overthrew the Fascist dictatorship in Lisbon in April 1974 and sent what it called "dynamization" teams out into the countryside to try to dislodge the torpor and backwardness of decades. Local people are getting used to the sight of professional young American women, white and black and Hispanic, efficiently on patrol. Police cadets are receiving instruction in civil and human rights. Satel-

lite dishes are proliferating, and the newsstands are full of fresh publications, many of them lurid and sensational. The Baghdad and Basra International Airports are being spruced up to resume international civilian traffic for the first time in years. A new currency is being printed, without the ubiquitous face of the despot. In the course of a few hours spent loitering in the bustling courtyards of Bremer's palace, I ran into civilian advisers who were rebuilding the electrical generators that now run at close to melting point, reopening the Iraqi National Museum, and irrigating the parched and drained habitat of the southern freshwater marshes, dried out and burned by Saddam in an ecocidal attempt to punish the stubborn resistance to his awful will. (By the way, driving through Baghdad one day I was amazed to come upon a demonstration by the local Green Party. Perhaps Iraq will ratify the Kyoto Protocol before the United States does.)

Back in March and April, a lot of ink was wasted on the question of hearts and flowers. Would coalition forces be greeted with joy, or not? I myself wrote for this magazine ("Saddam's Long Good-Bye," June 2003) from the grimy southern frontier town of Safwan, where the inhabitants barely had a pulse and didn't know which way things were going. Well, if you want to see a truly joyous welcome, you should have flown with me on a Chinook helicopter in July to witness the reception of Deputy Defense Secretary Paul Wolfowitz and the British human-rights crusader Baroness Nicholson when they flew to the desolate town of Al Turaba, east of the Tigris and about 20 miles from the Iranian border. In this region, an area the size of New Jersey had been turned into desert by Saddam's vengeance on the Marsh Arabs, but the inhabitants still made beautiful ark-like houses out of woven reeds and anchored them on the land. Two out of seven marshes were being irrigated again, and the ecstatic display from the population could not possibly have been faked.

Want to know how to create an "incident" in today's Iraq? Here's how I managed it. I accompanied Paul Wolfowitz to a meeting of the new city council in Najaf. The interim governor of the region, Haydar Mahdi Mattar al Mayali, greeted him by saying, "You have done tremendous things for Iraq. You still have a heavy responsibility for our country. You have commitments that must be fulfilled. We are grateful that you have opened the door to democracy and freedom." The gathering proceeded in this vein (I thought it was going to be all male until the door opened and a willowy form, draped head to toe in black, swept in carrying a smart leather briefcase and took her seat. A security nightmare, of course, but I suppose people get to know her by her walk.) After the discussion was over, our convoy got ready to head for the airport. I remarked that it would seem a shame if we didn't find time to pause at the shrine to Imam Ali, which is the holiest site in Shia Islam. So we made a stop, still greeted by friendly locals, outside the golden dome in the center of the city and exchanged a few *salaam aleikums* with the passersby. No weapons were flourished by Americans in the vicinity, and nobody tried to enter the mosque: respects were paid and we moved on. But hours later a furious crowd gathered, incited by a man named Muqtada al-Sadr, who claimed that a plot was afoot to surround his office and arrest him. Mr. al-Sadr is a local Shia demagogue who hasn't been picked to serve on the predominantly Shia Governing Council, and he might be downcast if he knew how little intention there was of taking him so seriously. His brand of Khomeini-style theocracy has its fans in the region, but too many people have relatives or friends in Iran, or have been there to study, for there to be much enthusiasm for a mullah-type regime on the Teheran model. Indeed, Khomeini's own turbaned grandson Sayyid, recently arrived in Baghdad, describes the American intervention as a "liberation" and hopes the example spreads to Iran . . .

And so to the North. One of the greatest pleasures in life is that of visiting liberated territory. Twelve years ago in Iraqi Kurdistan, I received a great deal of kindness and hospitality from the local population, who cheerfully shared the nothing that they had and put me up in the charred ruins that they then inhabited. This time was different. To move up into the Kurdish hills is not just to escape the baking heat and misery and dislocation of the plains. It is to travel years forward into a possible Iraqi future. The roads are smooth, the landscape cultivated, and—slowly but surely—the oil wells are pumping. There are three female High Court judges. Gas stations, clogged by long lines elsewhere, look as if they were in Holland or Connecticut. Well-dressed Kurdish police and militia stand guard at intersections, and Americans hardly bother to wear their flak jackets. It was easy to connect to the Internet and, finally, to have a long shower, before being offered a serious cocktail and a meal featuring five different kinds of lamb. At the reception given by President Massoud Barzani, in a manicured villa and garden, as opposed to the shell-pocked ruin in which I had last seen him, I met my old friend Dr. Barham Sa-

lih, who is prime minister of the adjacent Kurdish region. Once highly clannish and even fratricidal, the Kurds have shown that they can transcend their differences once they have an autonomy worth defending. Barham was in tip-top form, wondering why the Americans didn't ask for a few companies of Kurdish fighters to take part in the hunt for Saddam. "No shortage of motivation," he remarks. But even here the conversation is overlaid by talk about interment and disinterment: not only has a new mass grave been opened at Hatra, near Mosul (this is the one apparently reserved for mothers and children), but a huge mound of cadavers has been unearthed in the far south of the country, near the Saudi border, and apparently the remains include many fragments of Kurdish dress. This could be the long-sought clue to the whereabouts of the thousands of male villagers of Barzan, taken away on trucks in 1983. There seemed little point in driving them so far just to shoot them: there are persistent rumors that they were used as live subjects for weapons experiments. There's no celebration in today's Iraq that doesn't take place under a shadow like this.

Don't bother visiting Baghdad today if you are too easily upset by contradictions.

Even better than visiting liberated territory is visiting liberated friends. In Washington last year I had lunch with Muhi al-Khatib, a fine Iraqi gentleman of the old school who had resigned from his country's diplomatic service the moment he heard that Saddam Hussein had become president. He was then just beginning to think that, after a quarter-century of exile, he might get home again. With slight embarrassment, he told me that what he missed most was the particular scent of the orange groves along the Tigris. These, he shyly maintained, smelled better than orange blossoms anywhere else. I lost touch with him during the war. Entering the newly reopened Foreign Ministry in Baghdad one flaming-hot day in July, I heard a voice: "Have you forgotten me so soon, Christopher?" "Muhi! How are the orange groves?" He has become secretary to the Governing Council. Oddly satisfying.

Kanan Makiya once had to publish *Republic of Fear,* his pathbreaking anatomy of the Baath regime, under a pseudonym. He had to do the same with *The Monument,* a haunting study of the public architecture—part Nuremberg, part Las Vegas—of Saddam's Baghdad. The "monument" of the title is one of the most offensive things, visually and aesthetically, that I have ever seen. It consists of an arch, about the height of the Arc de Triomphe, formed by two massive forearms that, wielding matching swords, emerge from the ground. These limbs are based on plaster casts of Saddam's own arms. From near each wrist protrudes a giant bronze peanut bag, torn open to spill out a cornucopia of military helmets. These helmets, each with a shrapnel or bullet hole, were gathered from dead Iranians in the calamitous Iran-Iraq War, and they form something like a carpet of skulls. The same arch, and the same filthy skull effect, is repeated about a half-mile away so as to form two ends of a triumphal procession route. When Saddam was in power, this was used for spectacularly intimidating parades. Now it looks merely tawdry and nasty. In 1993, Kanan wrote in his marvelous book *Cruelty and Silence* that there should be a memorial to Baathism's victims. "I relish the completely hypothetical thought that the new monument ... be situated in the immediate vicinity of Saddam Hussein's victory arch, which should not be torn down, and that it be built in the spirit of Maya Lin's great work [Vietnam Veterans Memorial] in Washington, D.C." Ten years later, I meet Makiya for a reunion in Baghdad, and he's working on this very project, at that very site! To see this brave, modest, honest intellectual, back in his hometown at last, was another moment of quiet confirmation. There are perhaps four million Iraqis who have been condemned to live in exile. They have acquired a host of skills and qualifications, and have been living for the most part in democratic societies. If they exercise their right of return, Iraq may well rise again.

Think of the talent and quality that have been buried under the rubble. At a dinner given by the Governing Council, I had the honor of being placed next to Judge Dara Nor al Din, a man of unthinkable courage who, as a member of the Iraqi Court of Appeals, had had the nerve to hold one of Saddam's edicts unconstitutional. He was promptly flung into Abu Ghraib prison, a horror jail in the desert outside Baghdad. He didn't make too much of his experiences, but a few days later I visited Abu Ghraib for myself. I badly wanted to leave after 10 minutes: the mind refuses to imagine what it would be like to be there indefinitely. Stinking little cells into which prisoners were packed like vermin in the stifling heat, with a steady and brutish execution rate to keep the numbers under control. I was shown a huge shed with a long bar over a deep pit: there was room for several nooses to be in use at the same time. The lowest estimate of deaths in this one jail is 30,000. More spadework, more hellish disinterment ...

I don't doubt that, with more excavation and more analysis of captured blueprints, it will emerge that Saddam always intended to reconstitute his W.M.D. program. He never complied with pressing U.N. resolutions, even at the end, and it seems distinctly improbable that he expelled the U.N. inspectors in 1997 in order to embark on a crash program of unilateral disarmament. I have no patience with those who grant this madman the presumption of innocence, or with those who granted it earlier. The Baath regime was often *under*estimated, in its dangerous capacity for aggression, by Western intelligence. (The C.I.A. refused to believe that Saddam was going to invade Kuwait in 1990, and nobody came near to guessing how close he then was to the acquisition of a nuclear bomb.) Still, the fact remains that the Bush and Blair administrations decided that it was easier to scare the voters than to try to persuade them, and simpler to stress the language of "threat" than the discourse of human rights or the complexities of the Genocide Convention. Greatly to their shame, neither Bush nor Blair ever readied a bill of indictment, for war crimes and crimes against humanity, that could have been used as a warrant for intervention. They probably did not want to reopen the wretched file on their countries' past collaboration with Saddam. This deceitful condescension has tainted a noble cause, I hope not irretrievably.

There's a term of art that is employed by all coalition spokesmen in Iraq, whether civil or military. When they refer to any new development, whether it is an Iraqi police department or a new court system or a soon-to-be-formed local militia, they always say that it's been "stood up." (Thus, we've "stood up" a council in such and such a town.) Once or twice, I thought I detected a faint note of bluffing here, as if scenery were being erected and nobody dared to sneeze. But consider the options. Iraq cannot go back to Baathism. It is incredibly unlikely to opt for an Islamic theocracy, given a state where no faith or faction has absolute predominance. It is too rich, actually and potentially, to collapse into penury. And it is emerging from a period of nightmarish rule to which anything would be preferable. So dare to repeat, in spite of everything, the breathless question: What if it works? □

Chairman TOM DAVIS. Any other questions from committee members?

[No response.]

Chairman TOM DAVIS. Let me thank this panel. It has been very helpful to us in our deliberations. We appreciate your staying with us through the afternoon and being here to answer our questions. Your total testimony will be made a part of the record.

Thank you all very much.

The meeting is adjourned.

[Whereupon, at 2:37 p.m., the committee was adjourned, to reconvene at the call of the Chair.]

[The prepared statements of Hon. Chris Chocola, Hon. Michael C. Burgess, Hon. Mike Rogers, Hon. Bill Shuster, and additional information submitted for the hearing record follow:]

Statement of the Honorable Chris Chocola
Member of Congress
Before the House Government Reform Committee
Iraq Restoration
October 8, 2003

Thank you, Mr. Chairman, for inviting me to speak today on coalition efforts to renew Iraq. I believe it is imperative that we understand the real story of Iraq at this critical time, and I want to thank you for engaging the Committee on this matter. As the United States and its allies continue making progress in the war on terror, I hope this hearing helps us move beyond the rhetoric and the politics over reconstruction spending and focus on facts, because this issue is too important and has too many implications for future generations.

Roughly six weeks ago, Mr. Chairman, I was pleased to join you in visiting Iraq to examine firsthand the Iraqi reconstruction efforts, to gauge troop morale, and to find out what progress we can expect in the near and long term. Initially, I went with apprehension because I was concerned that I would find hopelessness and pessimism based on the news coverage. But, by the time I returned home, I realized that much of the criticism of U.S. reconstruction efforts in Iraq is unwarranted and short-sided. What we see on TV and what we read in the papers is not the real story of Iraq and is not representative of what is actually happening on a day-to-day basis in that country. Unfortunately, good news is not news.

Today, I believe that success in Iraq is not only possible, it is almost certain. Iraq has every ingredient for success. It has massive oil reserves, almost unlimited water, and extensive agriculture potential. The Iraqi people have an entrepreneurial spirit that I observed daily during my visit. But the question remains, how much time will it take and how much will it cost, both in terms of money and human lives.

The answer, I believe, was put into perspective by a young Army Private First Class that I met in Tikrit. I asked her what she wanted me to tell people at home about her service in Iraq. She said she wanted people to know that she was serving in harms way to protect her family and country. If we succeed, she continued, Iraq will become a free and democratic nation that serves as a model for the Middle East, resulting in stability that will have ripple effects across the region and the globe. If we fail, Iraq will be a home for terrorists and radicals that export murder, violence and hate, putting her family and country at much greater risk.

I was impressed by the insight of this young solider on the front lines of the war on terrorism. We should all learn a lesson from her wisdom and realize that our investment in Iraq will pay dividends for many generations to come. And although 87 billion dollars is a lot of money, it is a reasonable investment when we consider that September 11 cost our country as much as 2 trillion dollars.

Since returning home from Iraq, I have been criticized by some for my optimism. I have been scolded for not sharing the same pessimism we see nightly on TV or read about in the newspapers.

I will say I left home with grave concern, but I returned with immeasurable hope. I have faith in the power of freedom and democracy and the capabilities of our men and women in uniform. I only wish every American could witness what I have in Iraq. I am confident they would share in my optimism and my support for our efforts to renew Iraq.

Mr. Chairman, again, I appreciate the opportunity to share my remarks today and I thank you for your leadership on this matter.

Congressman Michael C. Burgess, M.D.
Government Reform Hearing – "Winning the Peace: Coalition Efforts to Restore Iraq"
Wednesday, October 8, 2003

Mr. Chairman, thank you for holding today's hearing to discuss the United States winning the peace in Iraq. I was honored to be apart of the Chairman Davis' CODEL mission to Iraq where I witnessed the amazing progress we have made in a short duration of time since expelling Saddam Hussein's regime.

Upon my return from Iraq, I was saddened to see that the media attention was not showing all of the positive momentum and changes that have taken place in Iraq since coalition forces arrived. For this reason, I wrote the following op-ed, which was published on Sunday, September 21, 2003, and would like to submit it for the committee record.

As part of a government reform team on a recent official visit to Iraq, I witnessed that nation's true ``shock and awe" story. I saw the progress of a fledging, free nation. I came away knowing we have every reason to be optimistic. My disappointment is that, watching the evening news since my return to the United States, I can scarcely recognize the country and situation I have just left.

In Iraq, I met General James T. Conway of the 1st Marine Expeditionary Force. He described our effort there as ``a vivid success story," both during the major combat phase of the military operation and since its conclusion. Perhaps most important, he said that most Iraqis were concerned not that we would stay too long, but that we would leave too soon. As with any rebuilding effort, patience, time, dedication, loyalty and commitment are necessary.

The Iraqi people are beginning to enjoy a normal, everyday life. The markets are bustling, there are traffic jams in the cities, and satellite dishes dot the rooftops of Baghdad. School children were preparing for a new year of classes to begin. Electrical lines bring power to light up rural areas, and fields of wheat are being harvested.

After years of oppression by Saddam Hussein, Iraq's people are beginning to trust not only outsiders, but also each other. Ninety percent of the towns and cities have created governing councils. The new National Governing Council has been drawn from all regions of the country and is planning for a convention that will pave the road for a constitutional convention. After an Iraq constitution has been established, there will be elections. The birth of Iraqi democracy is a pivotal moment in world history, and it is only made possible by Coalition forces remaining to help stabilize the country.

More than 37,000 Iraqis are contributing to their own security. Many are enlisting in local police divisions and are being trained by former New York City Police Commissioner Bernard Kerik. Kerik has started police training academies that have been given the arduous task of transforming the Iraqi police force from one based on brutality and corruption to stressing police procedure, criminal investigations and human rights.

Law enforcement is also now backed by a functioning judicial system. Prisons, which were emptied by Saddam at the beginning of the war, are being reopened. Law and order in a free society is taking root.

As a doctor, I particularly wanted to assess the Iraqi health care system. I knew the difficulties that this system had suffered under Saddam's rule, but I was still startled to see the decrepit hospitals, most of which had no nursing staff at all.

A member of the public health team of the 385th Civil Affairs Brigade, Lt. Col. Michael Keller, told me that in the library at the medical school, no text had a copyright date later than 1984. Pharmaceuticals manufactured in Iraq were of such questionable quality that doctors would not dispense them. Coalition forces have had to rely heavily upon donations of medicine from Kuwait.

On average, Saddam's government spent 50 cents per person on health care. Coalition forces have increased that to $45 per person, but more is needed to restore quality health care to the long-suffering Iraqi people. Still, hope is rising. More than 4.2 million children have been immunized since May.

I have not seen any of these accomplishments reported by the news media here in the United States. Their reports seem to focus on military dangers and claims that American forces should leave. Iraq has been liberated from a brutal regime with a minimum of military and civilian casualties. There is still danger, but there is no remaining strategic threat.

Stabilization is the current goal. We seek to root out those who would harm our troops or innocent Iraqi citizens. Eighty percent of recent hostile engagements have been within the so-called Sunni Triangle of northern Iraq. The majority of the country is moving toward a free society.

We should remain a strong force in Iraq, proving our determination to help the country become a stable, free nation.

Again, thank you, Mr. Chairman, for allowing me the opportunity to express my thoughts about the ongoing successes in Iraq.

STATEMENT OF THE HONORABLE MIKE ROGERS (MI)
BEFORE THE FULL COMMITTEE ON GOVERNMENT REFORM
AT THE OVERSIGHT HEARING ON COALITION EFFORTS TO RESTORE IRAQ

October 8, 2003

Mr. Chairman, thank you for holding this important hearing as we discuss the ongoing restoration efforts in Iraq. I appreciate the opportunity to address the Committee on this issue.

I have had the privilege of traveling to Iraq twice since the onset of Operation Iraqi Freedom, and have seen firsthand the remarkable efforts of American soldiers, the Iraqi people, and the Coalition Provisional Authority (CPA).

I have been disappointed by much of the media coverage out of Iraq, as reports focus not on all the good work being done in the country, but instead, on the occasional setbacks. Certainly, there remains a lot to be done as the international community works to rebuild a country that suffered under decades of oppression and neglect. Iraq cannot be reconstructed overnight, and encountering challenges along the way is inevitable.

There are so many important stories which are not being told. Hospitals, schools, markets, and highways have been rebuilt and reopened. Families are visiting the symphony, museums and the zoo in Baghdad. Health care facilities are up-and-running, having been restocked with medical supplies and essential equipment, and thousands of Iraqi children are being vaccinated each month.

Over fifty-five thousand Iraqi police officers have been recruited and trained. On my most recent trip to the region, an Iraqi man training new police officers thanked me repeatedly for what Americans are doing in his country. At one point I overheard him ask his new recruits: "An American has given your life to you, now what are you going to do with it?" The heartfelt appreciation of that individual was echoed by Iraqi citizens throughout the country.

Finally, I wish to extend my gratitude and pride to the hardworking men and women from around the world for their sacrifice, courage, and dedication in helping Iraq transition into a free and prosperous state.

Mr. Chairman, thank you again for convening this hearing. I look forward to working with you as we continue to fulfill our responsibility to Iraq and its people, as they transition to freedom and democracy.

Mr. Chairman,

Thank you for giving me the opportunity to take part in today's hearing. The United States Government has resolved itself to protect the citizens of this county from danger and from attack. It is understood that we must do everything possible to win the war on terror and keep Americans safe. Failure is not an option. Our efforts in Iraq go a long way towards doing this. We have taken strong steps in Iraq, but we also realize that these steps are among the first in our war since the loss of life and security that this nation felt after September 11th.

We all realize the tremendous investment that we have taken in a country far away that many know only by its location on a map. But everyday the United States is taking huge steps to confront tyranny and terrorism on its doorstep instead of our doorstep. We refuse to give those who want only to destroy America, the opportunity to do so, and instead of allowing them to hide in the shadows to gather and gain strength we will have declared war on them and will continue the chase until they are caught.

Our efforts in Iraq and abroad are not a once and done answer to the attacks of September 11th or any number of other cowardly assaults upon innocent life around the world. We have declared war on terrorism and will not rest in extinguishing its shadowy network.

Our efforts in Iraq are on track. America's beacon of freedom is shining brightly. We are helping this country which has known only brutality and tyranny to become an example of true democracy. Each day this country takes positive steps towards improving its situation. To name just a few, we have assisted in the Iraqi's organizing a Central Bank, a police force and the preparation of a new and better Iraqi military. As Secretary Rumsfeld has said, "this was a war against a regime, not a people."

I continue to be immensely proud of our soldiers who are fighting this war on terror and liberating a country manipulated by a dictator. They have left homes, families and jobs to help a people they don't know in an effort to improve living conditions and create a new future.

These soldiers are living in a tough environment. They have little of the comforts of home, little communication with their families and little relief from the job at hand. I know, I saw it firsthand in a visit to Iraq. These troops brave temperatures in the 140's and the dangers of pockets of terrorists and regime remnants that are making a desperate stand. The news media does not give a true idea of how high morale is and how committed our soldiers are in their endeavor.

I look forward to the opinions and observations of all participants in this hearing.

Iraqi American Forum

Iraq: Renewal, Rebuilding, heritage and Humanity

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October 6, 2003

Hon. Rep. Tom Davis
Chairman
Committee on Government reform
U.S. House of Representatives

On behalf of the Iraqi American Forum, I would like to thank you for the invitation to be part of this hearing panel entitled "winning the peace: coalition efforts to restore Iraq".

At the outset, the Iraqi American forum and its members support the United States Government action to liberate Iraq and the goal of a free and democratic Iraq is the one that the community at large embrace and support.

The coalition provisional authority headed by Mr. J. Paul Bremer III as well as the American Military forces in Iraq are undertaking a tremendous task of rebuilding and stabilizing Iraq in spite of the difficulties that they are facing daily.

The creation by the White House of the new Iraqi stabilizing group headed by Dr. Rice will enhance this task.

To the Iraqis the destruction and the chaos that followed the fall of Hussein's Regime with the burning and looting of governmental and personal properties, lack of electricity, water and the basic human needs and worse of all, the lack of security, where kidnapping and killing has become a norm at present time and made Iraq in general and Baghdad in particular a very dangerous place in the world to live, this has created a negative feeling and attitude and questioned the policy of the United States administration in Iraq, this attitude will change with stabilization of Iraq, increase the security for its citizens and the improvement in the basic needs of life such as electricity, water, health, and jobs.

The success or failure of the American Administration policies in Iraq will have far reaching consequence for decades to come not only for Iraq but also for the Arab and Muslim world.

The American Administration has made Iraq the centerpiece for its war against local, and international terrorism. A free and democratic Iraq will be a catalyst to liberate the Middle East from dictatorship, religious violence and radicalism and for these reason there should be every effort made to reconstruct and rebuild Iraq and win the peace.

These are some of the opinion, suggestions and recommendations from the Iraqi American Forum to this committee:

1. Develop a public relation programs that shows the positive progress that the coalition provisional authority is achieving daily or weekly, and this occupation of Iraq is genuinely is for the benefits of the Iraq and United States.

2. Re-employ all the military and police of the old regime up to a certain level of seniority while gradually eliminating the elements that are destructive or unable to re-adopt the new environment and at the same time creating a new class of army and police and gradually integrate the two.

3. Utilize the old civil servant administration officials in Iraq up to a certain level of seniority to assist in the administration and running day-to-day affairs.

4. Develop a time table for the Iraqi administration to run day-to-day civil administration of Iraq and it has to be shown that it is independent in its thinking.

5. Develop a continuous dialogue with the Iraqi American community for ways and means to help the American administration to achieve its goal contrary to the previous methods of selecting of individuals who were close to some members of the American Administration that has little knowledge of Iraq due to their absence for decades from Iraq on Iraqi affairs.

We know that such radical changes in Iraq will have direct or indirect opposition from some neighboring countries, some elements in the Arab world and non Arab world for multiple reasons and for the Iraqi American Forum what matters at present time is that Iraq and Iraqi people have to move forward towards freedom, democracy and peace.

The Iraqi American Forum with its Arabs, Kurds, Chaldeans, Assyrians, Turkmen, Armenians, and other minorities thank you for holding this hearing.

Ramsay F. Dass, M.D.

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