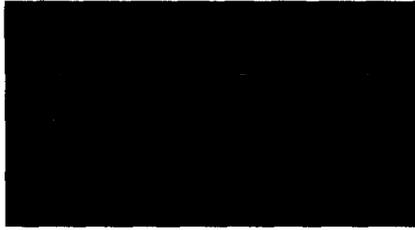


RELEASE IN FULL



Exploring Solutions  
**Government Oversight**

September 1, 2009

The Honorable Hillary Clinton  
 Secretary, Department of State  
 2201 C Street, NW  
 Washington, DC 20520

Dear Secretary Clinton:

As you know, last month eight rockets were fired into Kabul, two landing near the U.S. Embassy.<sup>1</sup> Not long after, at least seven people were killed and 91 wounded, including children, when a suicide bomber struck close to the Embassy. Following the second attack, a Taliban spokesman declared that the target had been the U.S. Embassy itself.<sup>2</sup> In response to these and other incidents, Chairman of the Joint Chiefs of Staff Admiral Michael Mullen conceded that the situation in Afghanistan is "serious and it is deteriorating."<sup>3</sup>

In light of this increasingly violent and uncertain environment, effective security of the U.S. Embassy in Kabul and the nearly one thousand U.S. diplomats, staff, and Afghan nationals who work there<sup>4</sup> is paramount. Security for the Embassy is provided under a Department of State contract with ArmorGroup, North America (AGNA), which is now owned by Wackenhut Services, Inc. (Wackenhut).<sup>5</sup> Some 450 guards and their supervisors protect the Embassy and are quartered at Camp Sullivan, a few miles from the Embassy.

<sup>1</sup> Sanghar Rahimi and Carlotta Gall, "Rockets Hit Afghan Capital, 2 Near the U.S. Embassy," *The New York Times*, August 4, 2009. <http://www.nytimes.com/2009/08/05/world/asia/05afghan.html> (Downloaded August 27, 2009)

<sup>2</sup> Rahim Faiez and Jason Straziuso, "7 die, 91 wounded in blast near NATO HQ in Kabul," *Associated Press*, August 15, 2009. <http://www.google.com/hostednews/ap/article/ALeqM5gg-RyMNMz48unFN82sY6f08oQkdQD9A36R6G0> (Downloaded August 27, 2009)

<sup>3</sup> Justin Blum, "Mullen Says Afghan Security Situation 'Serious,' Getting Worse," August 24, 2009. <http://www.bloomberg.com/apps/news?pid=20601103&sid=aJAjcvV8kgWI> (Downloaded August 24, 2009)

<sup>4</sup> E-mail from Caitlin M. Hayden, Senior Advisor for the Department of State, August 26, 2009.

<sup>5</sup> Senate Committee on Homeland Security and Governmental Affairs, Subcommittee on Contracting Oversight, *New Information about the Guard Force Contract at the U.S. Embassy in Kabul*, June 2009. p. 1. <http://mccaskill.senate.gov/pdf/061009/StaffAnalysis.pdf> (Downloaded August 20, 2009) (hereinafter *New Information about the Guard Force Contract at the U.S. Embassy in Kabul*). In May 2008, Wackenhut informed the Department of State that it had assumed responsibility for the AGNA U.S. Embassy Kabul contract.

The Project On Government Oversight (POGO) initiated an investigation after nearly one-tenth of the U.S./ex-pat<sup>6</sup> guards individually contacted us to express concerns about and provide evidence of a pattern of blatant, longstanding violations of the security contract, and of a pervasive breakdown in the chain of command and guard force discipline and morale. This environment has resulted in chronic turnover by U.S./ex-pat guards. According to the State Department, “nearly 90% of the incumbent US/Expats left within the first six months of contract performance.”<sup>7</sup> According to POGO sources, the U.S./ex-pat guard turnover may be as high as 100 percent annually. This untenable turnover prevents the guard force from developing team cohesion, and requires constant training for new replacement recruits. The guards have come to POGO because they say they believe strongly in the mission, but are concerned that many good guards are quitting out of frustration or being fired for refusing to participate in the misconduct, and that those responsible for the misconduct are not being held accountable.

After extensive interviews with eyewitnesses, and examination of documents, photographs, videos, and emails, POGO believes that the management of the contract to protect the U.S. Embassy Kabul is grossly deficient, posing a significant threat to the security of the Embassy and its personnel—and thereby to the diplomatic mission in Afghanistan.

### **Ineffectual Oversight by the Department of State**

Failed management of security contractors by the Department of State is not new, and since the 2007 Iraqi Mansour Square massacre involving five Blackwater personnel, the State Department has promised repeatedly to strengthen its oversight.<sup>8</sup> Yet, as in Iraq, the Department of State has utterly failed to properly manage another contractor, this time at the U.S. Embassy Kabul, Afghanistan. State has repeatedly warned AGNA about its performance on this security contract, but its threats have been empty. As a result, violations of the contract continue.

In June 2009, an investigation by the Senate Subcommittee on Contracting Oversight revealed a pattern of ineffectual Department of State oversight of the AGNA contract.<sup>9</sup> The Senate found, for instance, that in July 2007, State issued a “cure notice,” a formal advisory that AGNA’s deficiencies were endangering the performance of the contract. In the cure notice, State identified 14 performance deficiencies, including the failure of AGNA to provide an adequate number of guards, relief personnel, and armored vehicles. The contracting official stated “I consider the contract deficiencies addressed below to endanger performance of the contract to such a degree that the security of the US Embassy in Kabul is in jeopardy....”<sup>10</sup>

<sup>6</sup> Ex-pat is short for expatriot, a blanket designation native-English-speaking guards use to describe themselves. The term, as used by the guards, includes U.S. citizens as well as citizens from other English-speaking countries such as Australia, Canada, Ireland, New Zealand, South Africa, and the United Kingdom.

<sup>7</sup> *New Information about the Guard Force Contract at the U.S. Embassy in Kabul*, p. 5.

<sup>8</sup> Government Accountability Office, *Rebuilding Iraq: DOD And State Department Have Improved Oversight and Coordination of Private Security Contractors in Iraq, but Further Actions Are Needed to Sustain Improvements*, p. 32. <http://www.gao.gov/new.items/d08966.pdf> (Downloaded August 31, 2009) and Testimony of Ambassador David M. Satterfield, Senior Advisor to the Secretary and Coordinator for Iraq, October 2, 2007, p. 2. <http://oversight.house.gov/documents/20071002142635.pdf> (Downloaded August 31, 2009)

<sup>9</sup> *New Information about the Guard Force Contract at the U.S. Embassy in Kabul*.

<sup>10</sup> Letter from James S. Rogers, Contracting Officer, Department of State, to Karl Semancik, President of ArmorGroup North America Incorporated, June 19, 2007, p. 1. <http://mccaskill.senate.gov/pdf/061009/071907.pdf> (Downloaded August 20, 2009)

In April 2008, the Department of State sent another cure notice notifying AGNA of numerous other serious problems with its performance, including a lack of English proficiency in a large portion of the guard force. State also cited AGNA for failing to correct many of the deficiencies identified in the July 2007 cure notice, including those related to staffing and training of the guard force. State further informed AGNA that, due to the contractor's continued weaknesses and deficiencies, the Department was considering not extending the contract for another year.<sup>11</sup>

In July 2008, despite AGNA's continuing problems, State decided to extend the contract for an additional year, noting that based on satisfactory meetings with the incoming Wackenhut managers, it was "reasonable" to expect that all performance problems would be corrected by October of that year.<sup>12</sup> Just a month later, however, the Department of State reiterated to AGNA that it questioned the contractor's ability to provide security for the U.S. Embassy in the hostile environment of Afghanistan. Citing ongoing staffing concerns, State concluded that "AGNA needs to come quickly to terms with contract requirements especially in light of the current incidents occurring in and around Kabul and the corresponding threat environment they pose."<sup>13</sup>

By September 2008, AGNA's performance problems had grown so severe that Department of State issued a "Show Cause" letter<sup>14</sup> and advised that it was considering terminating the contract because the failure to provide an adequate number of guards "has negatively impacted the security posture of the Local Guard Program for the U.S. Mission to Kabul....[T]he staffing situation has further deteriorated to a level that...gravely endangers performance of guard services in a high-threat environment such as Afghanistan."<sup>15</sup>

In March 2009, the Department of State again informed AGNA that it had "grave concerns" relating to AGNA's continuing failure to provide sufficient numbers of guards. In inspections of the guard force operations, the Department of State observed that 18 guards were absent from their posts at the U.S. Embassy Kabul. In response, AGNA stated that the guards' absences were due to "supervisory personnel negligence."<sup>16</sup>

Despite these and other past problems, senior representatives from the State Department and Wackenhut Services, Inc. offered sworn testimony at a June 2009 Senate hearing that security at the Embassy is effective, and that previously identified problems had been fully

<sup>11</sup> *New Information about the Guard Force Contract at the U.S. Embassy in Kabul*, p. 2.

<sup>12</sup> *New Information about the Guard Force Contract at the U.S. Embassy in Kabul*, p. 2.

<sup>13</sup> *New Information about the Guard Force Contract at the U.S. Embassy in Kabul*, pp. 2-3.

<sup>14</sup> A show cause letter is presented to a contractor before initiating a suspension or debarment action: "The show cause letter usually provides the general nature of the suspected misconduct...and provides the contractor with an opportunity to submit whatever it wishes to demonstrate it is a presently responsible contractor. A show cause letter does not make a contractor ineligible to do business...but it is an advance notice that such an action may be forthcoming." Department of the Air Force General Counsel, "Air Force General Counsel—FAQ Topic," <http://www.safgc.hq.af.mil/questions/topic.asp?id=1643> (Downloaded August 31, 2009)

<sup>15</sup> Letter from Sharon D. James, United States Department of State, to Mark Carruthers, ArmorGroup North America Incorporated, September 28, 2008, p. 1. <http://mccaskill.senate.gov/pdf/061009/092108.pdf> (Downloaded August 20, 2009)

<sup>16</sup> *New Information about the Guard Force Contract at the U.S. Embassy in Kabul*, pp. 6-7.

remedied.<sup>17</sup> The State Department renewed the contract again through July 2010, with the option to extend it until 2012.<sup>18</sup> Yet the extensive evidence provided to POGO of continued security problems at the U.S. Embassy Kabul counters those sworn statements; calls into question AGNA and Wackenhut's ability to provide effective security of the Embassy; and makes a clear case that the State Department has failed in its oversight of its security contractor.

## Serious Security Vulnerabilities

### *Was Congress Misled?*

Despite Wackenhut Vice President Sam Brinkley's sworn Senate testimony that "...the Kabul contract has been fully-staffed since January 2009..." the truth is that chronic understaffing of the guard force continues to be a major problem.<sup>19</sup> And evidence suggests Mr. Brinkley knew that. Around March, according to numerous participants, he was confronted by some 50 guards at Camp Sullivan who complained to him directly about a severe, ongoing guard shortage. Then, in an April 2009 memo to a State Department official, U.S. Embassy Kabul guard force Commander Werner Ilic reported that guard shortages had caused chronic sleep deprivation among his men. He described a situation in which guards habitually face 14-hour-day work cycles extending for as many as eight weeks in a row, frequently alternating between day and night shifts. He concluded that "this ultimately diminishes the LGF's [Local Guard Force's] ability to provide security." (Attachment 1) The contract with the State Department specifies that guards may not be on duty for longer than 12 consecutive hours.<sup>20</sup> Interviewees and documents reveal that short-staffing frequently results in the denial of contractually guaranteed leave and vacation, and that those who do not comply are threatened with termination or actually fired.

In further contradiction of Mr. Brinkley's assurances, the *Knoxville News* reported on August 22 that Wackenhut has moved or is planning to deploy up to 18 guards from the nuclear weapons facilities in Tennessee to cover guard shortages in Kabul, quoting a Wackenhut spokesperson as confirming the use of the guards "to deal with personnel shortages at the embassy...."<sup>21</sup>

<sup>17</sup> Their statements are available at the Senate Committee on Homeland Security and Governmental Affairs website: [http://hsgac.senate.gov/public/index.cfm?FuseAction=Hearings.Hearing&Hearing\\_ID=39448b8f-4f71-4ae3-b090-3bac4e854f9a](http://hsgac.senate.gov/public/index.cfm?FuseAction=Hearings.Hearing&Hearing_ID=39448b8f-4f71-4ae3-b090-3bac4e854f9a) (Downloaded August 27, 2009)

<sup>18</sup> Local Guard Services Kabul, Afghanistan, Contract No. S-AQMPD-07-C0054, Section B.3 and B.4, pp. 5-19 and USASpending.gov, "Federal Contracts for Contract ID Number (PIID) : SAQMPD07C0054, Federal Fiscal Year : 2009."

[http://www.usaspending.gov/fpds/fpds.php?agencyID=STATE%20Department%20of&modNumber=M019&transactionNumber=0&IDVAgencyID=&IDVPIID=&PIID=SAQMPD07C0054&fiscal\\_year=2009&fromITSearch=true](http://www.usaspending.gov/fpds/fpds.php?agencyID=STATE%20Department%20of&modNumber=M019&transactionNumber=0&IDVAgencyID=&IDVPIID=&PIID=SAQMPD07C0054&fiscal_year=2009&fromITSearch=true) (Downloaded August 27, 2009)

<sup>19</sup> Testimony of Samuel Brinkley, Vice President, Homeland and International Security Services, Wackenhut Services, Incorporated, June 10, 2009, p. 1.

<sup>20</sup> Local Guard Services Kabul, Afghanistan, Contract No. S-AQMPD-07-C0054, Section C, C.3.1.1 (Guard Duty Hour Limits), p. 35.

<sup>21</sup> Frank Munger, "OR guards agree to help in Afghanistan: New posts to alleviate shortages in personnel," *Knoxnews.com*, August 22, 2009. <http://www.knoxnews.com/news/2009/aug/22/or-guards-agree-to-help-in-afghanistan/> (Downloaded August 20, 2009)

*Communication Breakdown?*

There is a significant problem with the guards' ability to communicate with each other: most of the Gurkhas<sup>22</sup>—nearly two-thirds of the guard force—cannot adequately speak English. Although most of the Gurkha guards are serious about their jobs and perform their duties in a professional manner, the inability to speak English adequately has impaired the guard force's ability to secure the Embassy. According to a Pentagon counter-terrorism expert, tactical communications are critical to success in either preventing a gunfight or the successful execution of one should it occur, and are part of the fabric of a good military or security unit. If different languages are used, the fog of battle is significantly increased, small tactical formations do not adjust as required, and close tactical formations are likely to fail in their mission. Further, any soldier or security officer who does not know of changes in mission orders as the fight continues is more likely to respond incorrectly, unnecessarily placing them in harm's way and increasing the chances of unit fratricide. Poor tactical communications make mission failure highly probable.

This is a real risk at U.S. Embassy Kabul. The language barrier between the non-English-speakers and English-speakers has forced both sides to use pantomime in order to convey orders or instructions and interpreters to convey facilitate radio communications. One guard described the situation as so dire that if he were to say to many of the Gurkhas, "There is a terrorist standing behind you," those Gurkhas would answer "Thank you sir, and good morning." Clearly this is an unacceptable situation, especially given that security emergencies require immediate response.

The State Department has acknowledged the issue as a problem, but has not fixed it. In June 2009, State officials briefed the Senate Homeland Security and Governmental Affairs Subcommittee on Contracting Oversight, admitting that "inadequate English language proficiency among the guard force" remains a contract deficiency.<sup>23</sup>

*Supervisors Engaging in Deviant Hazing and Humiliation*

Guards have come to POGO with allegations and photographic evidence that some supervisors and guards are engaging in near-weekly deviant hazing and humiliation of subordinates. Witnesses report that the highest levels of AGNA management in Kabul are aware of and have personally observed—or even engaged in—these activities, but have done nothing to stop them. Indeed, management has condoned this misconduct, declining to take disciplinary action against those responsible and allowing two of the worst offending supervisors to resign and allegedly move on to work on other U.S. contracts. The lewd and deviant behavior of approximately 30 supervisors and guards has resulted in complete distrust of leadership and a breakdown of the chain of command, compromising security.

<sup>22</sup> Gurkhas are people from Nepal and Northern India who are best known for their history of bravery and strength in the Indian Army's Gurkha regiments and the British Army's Brigade of Gurkhas. The term "Gurkha" may also be used generically to describe guards from the region who are employed by private security contractors. There is a high degree of variability in the skills and training.

<sup>23</sup> *New Information about the Guard Force Contract at the U.S. Embassy in Kabul*, p. 3.

Numerous emails, photographs, and videos portray a Lord of the Flies environment. One email from a current guard describes scenes in which guards and supervisors are “peeing on people, eating potato chips out of [buttock] cracks, vodka shots out of [buttock] cracks (there is video of that one), broken doors after drunken [sic] brawls, threats and intimidation from those leaders participating in this activity....” (Attachment 2) Photograph after photograph shows guards—including supervisors—at parties in various stages of nudity, sometimes fondling each other. These parties take place just a few yards from the housing of other supervisors.

Multiple guards say this deviant hazing has created a climate of fear and coercion, with those who declined to participate often ridiculed, humiliated, demoted, or even fired. The result is an environment that is dangerous and volatile. Some guards have reported barricading themselves in their rooms for fear that those carrying out the hazing will harm them physically. Others have reported that AGNA management has begun to conduct a witch hunt to identify employees who have provided information about this atmosphere to POGO.

Beyond basic decency standards, the situation at Camp Sullivan is clearly in violation of AGNA’s contract with the State Department, which specifies, “Each contractor employee or subcontractor employee is expected to adhere to standards of conduct that reflect credit on themselves, their employer, and the United States Government.”<sup>24</sup> More broadly, the behavior is evidence of a complete breakdown of discipline and the chain of command among guards and their leadership, itself a significant security issue.

In fact, an email from a current guard expressed concern about the impact of the supervisors’ behavior on the chain of command. “I am convinced the greatest threat to the security of the Embassy is the erosion of the guard forces trust in its leadership and ultimately the [Department of State]. The failure of [the supervisors] to protect those they have been tasked to lead is unacceptable, and if not held accountable will further compromise our mission. The chain of command’s failure to curtail [one supervisor’s] deviant actions and to not hold him accountable for countless infractions involving alcohol has made them ineffective. This has led to threats and intimidation as the only means to accomplish the day to day operations here [at Camp Sullivan] and at the Embassy. This is ‘not’ a onetime incident that went unnoticed by [his] direct chain of command. These are events [that] took place over the past year and a half and were ignored by the leadership at the cost of the well being of countless guard force members. If these individuals are not held accountable for their actions it will only embolden those who remain to make the same offenses against this guard force.” (Attachment 3)

#### *Alleged Victimization of Afghan Nationals*

An Afghan national employed as a food service worker at the guard corps’ base at Camp Sullivan submitted a signed statement dated August 16, 2009, attesting that a guard force supervisor and four others entered a dining facility on August 1, 2009, wearing only short underwear and brandishing bottles of alcohol. Upon leaving the facility, the guard force supervisor allegedly grabbed the Afghan national by the face and began abusing him with foul language, saying, “You are very good for fXXXing.” The Afghan national reported that he “was too afraid of them I could not tell them any thing.” (Attachment 4)

<sup>24</sup> Local Guard Services Kabul, Afghanistan, Contract No. S-AQMPD-07-C0054, Section H, H.4.1 (General), p. 52.

There is also evidence that members of the guard force and their supervisors have drawn Afghan nationals into behavior forbidden for Muslims. For example, photographs show guards posing with Afghan nationals at the U.S. facility at Camp Sullivan as both the guards and nationals consume alcoholic beverages in scenes that suggest drunkenness, and one photo shows a near-naked U.S. guard who appears to have urinated on himself and splashed an Afghan national. Afghanistan is a conservative Muslim country where alcohol consumption and public nudity are considered offensive and, in some instances, prohibited by law.<sup>25</sup>

### *Supervisors Compromising Security?*

Numerous guards raised concerns to POGO about a Spring 2009 extended reconnaissance mission outside the Embassy perimeter for which guard force supervisors took weapons, night vision goggles, and other equipment from Embassy stores. Photographs posted on the internet show Embassy guards hiding in abandoned buildings in Kabul, armed, dressed as Afghans (despite contractual requirements that they be in uniform when on duty), engaged in a mission for which they had never trained. AGNA guards train for their mission of static security of the Embassy, not for reconnaissance exercises away from the Embassy. This incident created the danger that guards could have been drawn into a military incident with or taken hostage by Taliban or Afghan locals, and created a vulnerability at the Embassy by removing military equipment, leaving the Embassy largely night-blind. AGNA management awarded a commendation to 18 participants trumpeting their "Intrepidity" in a document improperly bearing the seal of the Department of State. (Attachment 5)

According to many guards, another situation in which Embassy security may have been compromised is when, on at least one occasion, supervisors brought prostitutes in to Camp Sullivan. This is a breach of security and discipline made worse because the prostitutes were escorted to the facility by some guard force supervisors themselves. Some interviewees recalled that two AGNA guard force supervisors made no secret that, to celebrate a birthday, they brought prostitutes into Camp Sullivan, which maintains a sign-in log. Women believed to be prostitutes were observed attending the birthday party.

### *Is Protecting a U.S. Embassy in a Combat Zone an Inherently Governmental Function?*

Because the diplomatic mission in Afghanistan is so critical, and because that mission is in a combat zone, the need for effective Embassy security is particularly acute. Just this year at the U.S. Naval Academy 2009 McCain Conference, there was a seminar on "Ethics and Military Contractors: Examining the Public-Private Partnership" which looked at the question of whether security in a combat zone is an inherently governmental function. According to the Executive Summary of the conference, "contractors should not be deployed as security guards, sentries, or even prison guards within combat areas. [Armed Private Security Contractors] should be restricted to appropriate support functions and those geographic areas where the rule of law prevails. In irregular warfare...environments, where civilian cooperation is crucial, this

<sup>25</sup> Rhoda Margesson, "Afghan Refugees: Current Status and Future Prospects," January 26, 2007, p. 7. <http://fpc.state.gov/documents/organization/80250.pdf> (Downloaded August 27, 2009) and Islamic.World.Net, "5 Pillars of Islam." [http://www.islamic-world.net/children/muslim\\_facts/5pillars.htm](http://www.islamic-world.net/children/muslim_facts/5pillars.htm) (Downloaded September 1, 2009)

restriction is both ethically and strategically necessary.”<sup>26</sup> Furthermore, Congress itself passed a Sense of Congress that “private security contractors are not authorized to perform inherently governmental functions in an area of combat operations.”<sup>27</sup> This language was watered down from legislation that had passed the Senate actively prohibiting private security forces from performing inherently governmental functions.<sup>28</sup> In neither case, however, did the legislative language recognize protecting a diplomatic mission in a combat zone as an inherently governmental function. At the very least, this is a question that needs to be examined regarding the protection of the U.S. Embassy Kabul and other embassies in combat zones.

The use of private contractors for security in a combat zone poses several dilemmas. One is the inherent tension between the effective performance of a mission and the financial interests of the contractor. Cutting costs is good for the bottom line, but can put security at risk. A legal case against AGNA brought by two former U.S. Embassy Kabul guard force supervisors, James Sauer and Peter Martino, illustrates this problem. According to the complaint, AGNA officials “acknowledged that AGNA had underbid the contract in order to secure it,” and told Sauer and Martino “to ‘make do’ and put a ‘good face’ on the situation to ensure that a profit would be made on the contract and that shareholders would be satisfied....Defendants implemented plans requiring more hours per individual and fewer shifts of staff in order to cut costs and maximize Defendants’ profit margin.”<sup>29</sup> This is a clear example of the contractor endangering the U.S. diplomatic mission in order to advance its bottom line.

Another dilemma is the threat of work-stoppages—which, according to witnesses, has happened at least twice with the U.S. Embassy Kabul guard force. On two separate occasions, the Gurkhas (who make up two-thirds of the guard force) threatened to walk off the job. In fact, in one instance, buses had arrived in order to take the Gurkhas to the airport to return to Nepal. According to POGO sources, the time it took to resolve just one of those incidents resulted in the on-duty guard shift pulling an 18-hour day.

Yet another dilemma is that the laws in place do not adequately hold accountable contractors who violate rules and endanger security in combat zones. Unlike the military, which once had the responsibility of guarding embassies and which is bound by the Uniform Code of Military Justice, private employers such as security firms cannot ensure a binding chain of command that provides adequate discipline and professionalism in the guard force.

<sup>26</sup> United States Naval Academy, Stockdale Center for Ethical Leadership, “Symposiums & Seminars: McCain Conference.” <http://www.usna.edu/Ethics/Seminars/mccain.htm> (Downloaded August 27, 2009)

<sup>27</sup> Public Law 110-417, Sec. 832, “Sense of Congress on Performance by Private Security Contractors of Certain Functions in an Area of Combat Operations.” [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110\\_cong\\_public\\_laws&docid=f:publ417.110.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_cong_public_laws&docid=f:publ417.110.pdf) (Downloaded August 27, 2009)

<sup>28</sup> 110<sup>th</sup> Congress, Senate Bill S. 3001, “National Defense Authorization Act for Fiscal Year 2009.” [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110\\_cong\\_bills&docid=f:s3001pcs.txt.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_cong_bills&docid=f:s3001pcs.txt.pdf) (Downloaded August 31, 2009)

<sup>29</sup> *Sauer v. ArmorGroup North America, Incorporated*, COMPLAINT FOR DECLARATORY, INJUNCTIVE, AND MONETARY RELIEF AND JURY DEMAND, CASE # 1:08-cv-00698-RCL, Complaint, Filed April 24, 2008, pp. 3 and 11.

### *Contractor in Need of Oversight*

POGO is concerned that the security of the U.S. Embassy Kabul is in the hands of a contractor that has knowingly and repeatedly provided substandard equipment and services. For example, to cut costs, AGNA “downgrade[d] the quality of the vehicles to be purchased....”<sup>30</sup> AGNA sought to maximize its profit by sacrificing the quality of protective vehicles it bought to secure the Embassy. In addition, as mentioned earlier, the State Department has repeatedly chastised AGNA for the contractor’s repeated failures to fulfill staffing, language, and other contract provisions. AGNA has also failed to properly manage Camp Sullivan, as has been detailed above.

The problems with AGNA’s U.S. Embassy Kabul security contract do not appear to be unique for this contractor. Recently, an ArmorGroup security guard in Baghdad’s Green Zone allegedly shot and killed two fellow guards and wounded at least one Iraqi. Extraordinarily, that guard had a criminal record and was described by one security guard who worked with him as “a walking time-bomb,” yet was hired by ArmorGroup anyway.<sup>31</sup> This particular incident raises serious concerns about ArmorGroup’s vetting process, and adds to the bigger picture of a contractor in serious need of strict oversight.

### **Recommendations**

1. After two years of failed attempts by the Department of State to upgrade the performance of its private security contractors in both Afghanistan and Iraq, the Department should enter into an arrangement with Defense Secretary Gates to provide immediate military supervision of the private security force at the U.S. embassies in Kabul and Baghdad.
2. The State Department should promptly initiate a thorough and independent investigation of the U.S. Embassy Kabul security contract in order to hold corporations as well as individuals accountable for the above noted misconduct and contract violations. Simply removing a few people from contract management at AGNA or Wackenhut, or creating a new corporate ethics compliance officer, is not going to ensure serious accountability. Allowing those responsible to quietly resign and seek work with other U.S. contractors, as guard force whistleblowers report is happening now, will only perpetuate this problem.
3. State Department representatives either knew or should have known about this longstanding and dangerous situation regarding U.S. Embassy Kabul security. The State Department’s repeated warnings to AGNA were of no consequence, and Department officials responsible for oversight of this contract themselves should be held accountable.

<sup>30</sup> *Sauer v. ArmorGroup North America, Incorporated*, COMPLAINT FOR DECLARATORY, INJUNCTIVE, AND MONETARY RELIEF AND JURY DEMAND, CASE # 1:08-cv-00698-RCL, Complaint, Filed April 24, 2008, p. 19.

<sup>31</sup> “Briton held in Iraq over shooting,” *BBC News*, August 10, 2009. [http://news.bbc.co.uk/2/hi/uk\\_news/8192709.stm](http://news.bbc.co.uk/2/hi/uk_news/8192709.stm) (Downloaded August 31, 2009); and Deborah Haynes and Richard Ford, “Briton Facing Iraq Murder Trial on Probation for Gun Offence,” August 13, 2009. <http://www.timesonline.co.uk/tol/news/world/iraq/article6794077.ece> (Downloaded August 31, 2009)

4. Those whistleblowers who have come forward to disclose the mismanagement of this State Department contract should be protected from retaliation for doing so.

5. The State Department should consider whether the security of an embassy in a combat zone is an inherently governmental function, and therefore not subject to contracting out. The language in the 2009 National Defense Authorization Act could be strengthened to prohibit the reliance on private security contractors for inherently governmental functions, and to include protection of the diplomatic mission in a combat zone as being inherently governmental. If embassy security in combat zones is determined not to be an inherently governmental function, the State Department should consider requiring military supervision of its private security contractors guarding U.S. embassies in combat zones.

6. The State Department should consider initiating suspension and debarment proceedings against the companies ArmorGroup North America, Inc. (AGNA) and Wackenhut Services, Inc., as well as against any individual employees of these companies who were responsible for contract-related improprieties or abuses, to prevent these entities from entering into future contracts with the federal government.

Please contact me at (202) 347-1122 if you have any questions or need further information or evidence to aid your efforts. Thank you for your consideration of this very important matter.

Sincerely,

Danielle Brian  
Executive Director

Attachments: 5 documents  
12 photographs

cc: Senator Susan Collins  
Senator Claire McCaskill  
State Department Inspector General Harold W. Geisel  
Commission on Wartime Contracting in Iraq and Afghanistan