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Commentary on the Commission on Wartime Contracting Hearings (Part 3)

In the final installment of a 3-part series David Isenberg, columnist, analyst, researcher and author of [Shadow Force: Private Security Contractors in Iraq](#) provides analysis and commentary on the transcripts of testimony from the recent hearings by the Commission on Wartime Contracting which took place on the 14th of September in Washington.

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By David Isenberg

Like my previous posts, what I have done below is to copy various excerpts from the hearing. Each excerpt is *italicized* and indented. Each excerpt is usually followed by my comment in **bold**. Sometimes I make observations. Sometimes I ask questions. In some cases I feel the excerpt is so fascinating in its own right that it stands on its own and I make no comment.

PANEL III OF A HEARING OF THE COMMISSION ON WARTIME CONTRACTING;

SUBJECT: THE DEPARTMENT OF STATE AND SECURITY CONTRACTOR MISCONDUCT;

CHAired BY: CHRISTOPHER SHAYS AND MICHAEL THIBAUT;

WITNESSES: DOUG BROOKS, PRESIDENT, INTERNATIONAL PEACE OPERATION ASSOCIATION; WILLIAM BALLHAUS, PRESIDENT AND CEO, DYNACORP INTERNATIONAL; SAM BRINKLEY, VICE PRESIDENT OF HOMELAND SECURITY AND INTERNATIONAL SECURITY SERVICE, WACKENHUT SERVICES INC.;

LOCATION: 2247 RAYBURN HOUSE OFFICE BUILDING, WASHINGTON, D.C.

TIME: 1:15 P.M. EDT DATE: MONDAY, SEPTEMBER 14, 2009

MR. BROOKS:

I'd like to take a moment first to offer condolences to the family of an IPOA member company employee killed in the savage suicide attack on the NATO base at the Kabul airport on the 8th of September — this was mentioned earlier — the attack that took place close to Camp Sullivan, home to the embassy security contractors. Four other contractors were wounded in that attack. This incident serves to remind us of the often unseen and seldom mentioned danger faced by our civilians who are supporting United States policies abroad.

Yes, that is, truly and sincerely, quite tragic. What does it have to do with the issue at hand, the unprofessionalism of ArmorGroup, which joined IPOA in 2003?

Founded in 2001, membership in IPOA is not automatic and requires disclosures and information not typical of trade associations. Companies can be expelled if they violate the association's code of conduct.

In all the years that IPOA has had a code of conduct how many companies have been expelled, as opposed to resigning?

I often point out that Afghanistan and Iraq are the best-supported, best-supplied military operations in U.S. history.

And if it was all being done in-house by the regular military it would STILL be the best-supported, best-supplied military operation in U.S. history. Could we please get back to the issue at hand.

In the big picture, the model of private-sector support for the all-volunteer professional military works remarkably well, but nobody denies there are problems that we do need to address. Indeed, when operating in weak and failed states, it would be astonishing if there were not any problems.

Actually, there have been problems elsewhere. Iraq, for example, was a dictatorship but it was not a failed state.

Our industry employees are civilians who are owed all the privacy, human rights and due processes given to private citizens anywhere. At the same time, we recognize that operations in high-risk environments require a balance between rights and responsibilities.

This seems debatable. When contractors work for a client like the U.S. government they are often required to accept conditions that private citizens would never tolerate. Let's give Mr. Brooks the benefit of a doubt and acknowledge that even the courts have yet to figure this out.

IPOA would welcome a practical review or government-wide conference on how procurement and contract management could be modified for the unique realities of contingency contracting.

There have already been numerous conferences on the subject. IPOA has sponsored many of them. Is he saying they were impractical?

It would be ideal to get the contracting officers, the contracting office representatives, industry executives and country managers in an environment conducive to resolving many of these issues, as partners instead of antagonists.

Are all these parties really antagonistic towards each other? My experience is that they all see each other already as partners.

One issue that perhaps relates to today's topic is that intense competition is beneficial for obtaining a low price (for ?) the government, but focusing only on price when awarding a contract can ultimately degrade the quality of service. The Departments of Defense and State handle these contracts quite differently, and it would be interesting to explore why.

In theory this is true but real life doesn't always simulate theory. Providing embassy security services is not like selling computers. How many companies are truly capable of guarding embassies? The State Department had only a handful of bids for the Kabul embassy contract. So it doesn't seem like there could have been that much competition. But it is good to see he agrees that presumed cost-effectiveness is not the most relevant consideration.

IPOA continues to improve our widely recognized self-regulatory efforts, but it is important to remember that we are not the first responder in contractual and legal issues. We can and do supplement but not replace government oversight and accountability with our own codes and procedures in our focus on ethical concerns.

Widely recognized by whom, IPOA member companies? Is IPOA claiming that when things go well it is, at least in part due to its code of conduct, but when things go wrong it is really the government's fault? Of course, in this case the U.S. government IS largely at fault.

MR. BRINKLEY:

Certain of our personnel behaved very badly. I am personally embarrassed by their misbehavior and I'm embarrassed to be here speaking about their poor judgment and inappropriate actions, which bring discredit to the Department of State, WSI, AGNA, and the hundreds of other professionals protecting the U.S. embassy in Kabul. There are no excuses. We do not tolerate, will never tolerate, such misbehaviors.

And yet, as both the Gordon law suit and previous CWC panel testimony established, AG did exactly that.

We are putting new management team in place. Phil Rudder (sp), my number two, is already in-country and taking charge of operations in Kabul. He has full executive authority to manage the contracts. He will also assist me in further examining the situation in Kabul and determining whether additional personnel actions are appropriate.

Mr. Rudder (sp) will meet with personnel individually and in groups to ensure they have the appropriate commitment to the highest standards of conduct. Soon Mr. Rudder (sp) will be joined in-country by Mr. Cornelius Medley, a manager with AGNA, who has extensive experience in managing embassy security contracts.

Medley was named as a defendant in Gordon's law suit. To cite a few examples the complaint charged:

Mr. Gordon's inquiries revealed that Mr. Du Plessis had authorized Logistics

Manager Sean Garcia to place the order for counterfeit cold weather clothing and boots through Garcia's wife's company, Trends General Trading and Marketing, LLC, which was based in Beirut and thereby banned as a contractor. Mr. Gordon consulted with North Face and Altama Boots, the companies whose goods had supposedly been purchased, and both companies confirmed that the items were counterfeit. Mr. Gordon ordered that a formal investigation be conducted by Defendant Cornelius Medley, then the Guard Force Commander and fill-in Deputy Program Manager in Kabul. He further instructed Mr. Medley to assume all of Mr. Garcia's duties immediately. Unbeknownst to Mr. Gordon, Defendant Medley was a crony of Messrs. Du Plessis and Garcia and actively stonewalled his efforts to investigate this matter.

In addition to stripping Mr. Gordon of his duties, AGNA set out to make Mr.

Gordon's working conditions intolerable. Mr. Medley excluded Mr. Gordon from management meetings, intimidated the rest of the staff by asking them if they supported Mr. Gordon or himself, shunned him, and relegated him to a persona non grata in the office. Mr. Gordon complained to Mr. Hoffman about Mr. Medley's actions. Initially, Mr. Hoffman assured him falsely that these issues would be dealt with. However, no corrective action was taken, despite Mr. Hoffman's knowledge that Mr. Medley's actions had created a humiliating and hostile work environment for Mr. Gordon. In fact, Mr. Hoffman relegated Mr. Gordon to his office with minimal contacts with any other senior management and regularly excluded him from his meetings, all in an effort to force Mr. Gordon's resignation. Mr. Medley made clear to Mr. Gordon by his behavior and to other staff members by his direct boasts that his priority was to force Mr. Gordon to quit.

In or around early March 2008, for example, Defendants Hoffman and Medley instructed Ms. Power to lie to DoS regarding Mr. Garcia's continued employment with AGNA. They instructed her to tell DoS that AGNA had terminated Mr. Garcia from the contract when, in fact, he was still working under the Kabul contract and assisting AGNA in conducting inventories of its ammunition for its reports to DoS.

In fact, after Defendant Medley assumed responsibility for the Kabul Embassy contract, the ammunition inventory count revealed a shortfall of tens of thousands of rounds of ammunition. Mr. Medley directed AGNA employee Misty Maldonado, who was responsible for preparing the inventory report for DoS, to alter the report to remove any reference to the missing ammunition or the disappearance of the inventory. Only when Deputy Director of Operations Gregory Vrentas challenged Mr. Medley's direction to provide false reports to DoS did Mr. Medley back down.

Defendant Medley knew that AGNA guards continued to frequent brothels and took no action to stop this unlawful practice. In a conversation with AGNA Training Manager Hal Simpson in mid-2008 about the fact that former Program Manager Nick Du Plessis and fellow guard members had frequented brothels, Medley remarked that at least AGNA knew what the men were up to when they visited prostitutes and if management took away that outlet, the guards would turn to something else.

How can Brinkley possibly think the appointment of Medley is a step forward?

MR. SHAYS: Why do you refer to it as the Gurkha force? I was waiting to hear why you would do that? They're from Nepal, and they're not Gurkhas, correct?

MR. BRINKLEY: Well, I differ from the previous panel members' view. They have been referenced –

MR. SHAYS: I want to be — I want to be very clear.

MR. BRINKLEY: They've been — they are — (inaudible) –

MR. SHAYS: I want you to just listen to the question. Were these Gurkhas — are you calling them Gurkhas?

MR. BRINKLEY: The force is called the Gurkha guard force.

MR. SHAYS: Why do you call them the Gurkha guard force if they're not Gurkhas?

MR. BRINKLEY: Well, I would like to take that question for the record.

MR. SHAYS: No. No, I'm not going to let you do that. Were these Gurkhas?

MR. BRINKLEY: It's how you might define — your previous panel member had a definition of Gurkhas. We don't use the same definition.

MR. SHAYS: No, but there is a definition. Gurkhas are individuals, I believe, who have gone through the military and have earned that title. And I just want to know, were these Gurkhas, or were they from Nepal and not Gurkhas? That's all I'm asking. And it's a simple answer.

MR. BRINKLEY: Chairman, the Nepalese individuals that are on this force have all served in either the British army, the Indian army, or the Nepalese army, and have met resume approval that is necessary to meet the requirements of this contract.

MR. SHAYS: But they were not Gurkhas, correct?

MR. BRINKLEY: We call them the Gurkha —

MR. SHAYS: I know you call them that. I don't debate it. That's my problem. I don't know why you call them that if they're not Gurkhas.

At Wackenhut they create their own reality. If they call them Ghurkas, then they're Ghurkas.

MR. ERVIN : I want to talk about several whistleblowers, James Gordon and John Gorman, and then two other colleagues. Why were these four people — we don't have the names of the two colleagues of James — of John Gorman. But to your knowledge, why is it that James Gordon was fired? He alleges one thing. What do you understand to be the reason why he was fired by ArmorGroup?

MR. BRINKLEY: First is I only can look at historical record, commissioner. This is before the acquisition. He left in — I — my recollection is February of 2008, and our acquisition was in May of 2008. So in the records that I have — indicate that he voluntarily resigned.

So nobody is saying Gordon's charges are untrue. Gordon left only 3 months before Wackenhut acquired AG. Exactly how does Wackenhut do due diligence? Does it have a sort of don't ask, don't tell policy?

MR. GRANT S. GREEN:

Mr. Brooks, in your testimony in — certainly in your literature you make a lot of — the code of conduct and the mission and so forth, and I certainly commend you for that, and I'll quote a couple of short sentences here in the code of conduct, which is very detailed and all-inclusive, and that is "signatories shall respect the dignity of all human beings," and in the mission statement, I quote, "provide high operational and ethical standards for firms active in the peace and stability operations industry. IPOA is committed to raising the standards of the peace and stability operations industry to ensure sound and ethical professionalism," et cetera, et cetera, et cetera. I assume ArmorGroup is a member.

MR. BROOKS: Yes, they are.

MR. GREEN: Okay. In a sense, at least in my mind, you almost have a conflict of interest. On one hand, you have set some standards of conduct for your members, of which I just mentioned a few, while at the same time you try, I'm sure, to attract new members who may have difficulty meeting those standards, or they may have different standards.

And I think this may be particularly true in the personal security area. What is your incentive for terminating a member, number one, and number two, have you ever terminated a member? I'm not talking about somebody resigning. Have you ever terminated a member, and what is the standard for that?

MR. BROOKS: Great question about — I think five questions, actually — but let's see if I can address those —

MR. GREEN: Well, I'll repeat —

MR. BROOKS: I'll be sure to come back to you if I miss any. But, yes, there's conflicts of interest. The reason I think our association is attractive to companies is because they do see it as one that — they see it as a selling point to be a member of an ethical association. If the association doesn't have standards, if it's not addressing problems within the association, then you lose that selling point. So essentially, getting — losing a company now and then, a member company, is not bad for us necessarily. We're big enough that one company really doesn't make a difference, and we're certainly getting more companies in line to join, so — I mean, we were — we're at 64 companies now. We were about two thirds of that a year ago.

Mr. Green's first question was whether IPOA has ever terminated a member. And he only asked two, not five.

I think, yes, there are different standards, and again, I started this association as an academic, and my idea was to have a very large umbrella, get all the companies in, and then get — make sure their standards are compliant.

Exactly what kind of academic was Mr. Brooks? His bio on the IPOA website says that "Previously, he has been an Adjunct Faculty member at American University and an Academic Fellow and Research Associate with the South African Institute of International Affairs (SAIIA), Johannesburg. That would have been his last 'academic' position before founding IPOA in 2001. If by academic he means he was essentially doing graduate student type work on a fellowship he is correct. But he was not a teacher at a college or university at that time.

Once we started getting members and we set up our membership committee, the first thing they said is, well, there are certain companies we don't want to even allow in. So I had a big umbrella idea. The members had a small umbrella idea that said let's make sure we properly vet these companies when they join, and the creation and the evolution of the Standards Committee, or the Membership Committee, I should say, has been quite interesting. So they are more exclusive. So a number of companies have been excluded.

And I think your third question was actually on — in terms of have — has a company been removed? We hope never to have to actually remove a company. It's the death penalty essentially as far as we're concerned. We have other — I think what our Standards Committee is best at is really the behavioral modification. We'll get a complaint in, or we'll get a general question about how the companies are operating in these areas, and the Standards Committee can do a number of things, either ask the company to provide information, alter its behavior, or do any other number of things. If the company refuses to do that, then through a process — and I'm happy to share that. We have a poster I can pass on to you that shows a process where the Standards Committee would actually recommend to the full Board of Directors that the company may need to be removed, and then that would be up to the board to do that.

If you are reluctant to remove a company from IPOA then what incentive does a company have to moderate its conduct? And given that member companies pay membership fees how would a company's removal impact IPOA?

The process is in place. The companies take this very seriously, and it's quite interesting that when an incident hits the news, the companies often — one of the first things they do is contact our Standards Committee and say here's our perspective or here's our side of that particular story. So they do take this quite seriously.

What does IPOA do after a company gives its side of the story? Does it just take the company's word or does it take any steps to independently verify what the company says? If so, how does it do that?

MR. GREEN: Would the Standards Committee take on the challenge of trying to modify the behavior of ArmorGroup?

MR. BROOKS: If we received a complaint, we would bring the issue up with them, obviously.

Normally, our complaints come in — when they do on these sorts of incidents weeks later, the — obviously, the initial

reaction is always contractual or criminal. And that's not our venue, but if there's an ethical question that is raised — and we do — we have created our complaint system, so anybody can bring a complaint against our members based on that code of conduct, and yes, we will review it, and that would apply to any company within the association.

Exactly what is not IPOA's venue, criminal conduct, contractual conduct, or both? And why wouldn't it be? IPOA had previously initiated an investigation to its former member company Blackwater after the shooting at Nisoor Square, until Blackwater pulled out of IPOA. Is the alleged deliberate shooting of civilians not considered an "ethical" issue?

MR. GREEN: Okay. But it has to be a company within the association that brings that complaint.

MR. BROOKS: No, no, sir. Anybody can bring a complaint, and this includes journalists and includes students. It includes people in the field, non-governmental organizations and so on. And they have brought complaints against our members. And if you want, I can describe the whole process of how it — the complaint goes from there to the Standards Committee, and then how they review it and so on.

Exactly how are complaints handled? Presumably there is a process by which people decide whether the complaint is worth investigating? Assuming it is considered valid what is the timeline for investigating? Who does the investigation? What methodologies are used? What resources are provided? How many non-member company instigated investigations has IPOA conducted over the years? Did any of them result in any kind of negative impact on a member company?

MR. GREEN: Based on what you've heard today and what you know about the performance of ArmorGroup in this case, might that not be a reason to terminate their membership?

MR. BROOKS: Again, it would be a process. There still is a due process, and the question would — you know, as we say, bad things happen to the best companies. Now, how does a company deal with it? And from what we've seen, ArmorGroup has been quite proactive in dealing with this particular issue once they learned of it. Again, I'm not on the Standards Committee. I don't have a vote on the Standards Committee. It would be essentially up to a jury of peers to make that decision. And ArmorGroup would certainly be allowed to defend themselves.

Has IPOA bothered to look at the testimony of John Gorman and James Gordon? If they are correct then ArmorGroup conspired in trying to cover the issue, not deal with it. Has IPOA's Standards Committee even asked ArmorGroup directly about the allegations?

MR. HENKE: Okay. I'm trying to understand if your organization is really — my sense is a Good Housekeeping stamp of approval without the Good Housekeeping. And I'm not being facetious there. I really want to understand what teeth are in your code of conduct. You go to great lengths in your statement to talk about your standards of conduct, committee, and how anyone can file a complaint. That's anyone, right, any member company, any journalist, any NGO?

MR. BROOKS: You can file a complaint based on our code of conduct — yes, you can.

MR. HENKE: Has anyone yet — since September 1st since POGO went public with these — this gross misconduct — has any complaint been filed against ArmorGroup, WSI, or Wackenhut?

MR. BROOKS: At this point we don't reveal those complaints until later in the process, and —

MR. HENKE: You won't tell us here today — (inaudible)?

MR. BROOKS: I'd rather not — yeah.

MR. HENKE: You won't tell us, or you'd rather not?

MR. BROOKS: I would rather not, to be quite frank. (Inaudible) —

MR. HENKE: (Inaudible) —

MR. BROOKS: We try and keep the system –

MR. HENKE: Have you filed a complaint?

MR. BROOKS: I don't file — (inaudible) –

MR. HENKE: Has the organization?

MR. BROOKS: — on behalf of the organization, I won't.

MR. HENKE: Okay. I'm filing a complaint now.

MR. BROOKS: Okay. I will send you information on the filing process.

MR. HENKE: Now I'm in your system and I want to see what happens to this code of conduct in your Standards Committee.

MR. BROOKS: (Inaudible) — complaint moves forward, and –

MR. HENKE: I'm filing the complaint against ArmorGroup for their gross misconduct and the violation of your organization's code of conduct.

MR. : Bob, can I just interject just quickly? I would like you to answer the question for the question. I understand if you want to do it. I'd like you to answer whether there is presently on file –

MR. BROOKS: To be honest –

MR. : — a complaint against either ArmorGroup, WSI, or Wackenhut.

MR. BROOKS: To be honest, I'd have to actually check the policy on that, but I would prefer — (inaudible) –

MR. : Check the policy on whether there is a complaint?

MR. BROOKS: No, on the revealing of the complaint if there is a complaint, because — (inaudible) –

MR. : I would like for you to just take a minute before we end this hearing, check the policy, and get back to us.

MR. BROOKS: No, you know what? I'll tell you right now at the risk of annoying my membership, but there's been no complaint to date on ArmorGroup or Wackenhut — (inaudible).

MR. : No complaints to date at all?

MR. BROOKS: No, not — but these complaints usually take some time before they actually do come in. On our side –

MR. : Yeah.

MR. BROOKS: — it's an ethics complaint rather than a –

MR. : It's been 13 days, and no one, much less a member company, has said there's something wrong here. I want to complain?

MR. BROOKS: That's — (inaudible).

MR. : How many members do you have?

MR. BROOKS: We have 64 members currently.

MR. : Sixty-four member companies. No one's said a word.

MR. BROOKS: Well, they said a word.

(Cross talk.)

MR. BROOKS: Well, I'm sure they're talking about it.

MR. : Nobody's filed a formal complaint.

MR. BROOKS: Yeah.

MR. : Nobody's filed a complaint. I just think that's egregious. It just doesn't — I mean, I — this distinction of —

MR. BROOKS: Keep in mind most of the complaints come from outside the association, and —

MR. : Like mine just did.

MR. BROOKS: Yeah.

Personally I find this whole exchange mindboggling. No other company would file a complaint? I mean this is, to say the least, a very competitive field. It is routine for companies to file lawsuits against each other or to challenge a contract award in order to get business. Yet not a single company, either from within or outside IPOA, either under their own name, or, say, using their grandmother, has done so?

MR. : — get the question, and you can do that in your own time. You go to great lengths in your statement to talk about peacekeeping missions, first, humanitarian missions on a scale from left to right, peacekeeping missions, humanitarian missions, peacekeeping missions. Is what's going on in Afghanistan right now a peace operation? The International Peace Operations Association — (inaudible) —

MR. BROOKS: We didn't keep that name officially. It's just IPOA now. But I would actually — it gets into academic definitions. I would consider it a stability operation, not a peace operation. It seems to me it's more of a military operation rather than an attempt to keep the peace.

When and why did IPOA change its name? Should we take a leaf from Prince and now refer to IPOA as the trade group formerly known as the International peace Operations Association? What is the difference between stability operation and a peace operation?

MR. : I don't disagree with you that it's a very dangerous place, but I would say that in Afghanistan where 40-some, 50-some American troops are killed in a month, it's not close, okay? I'm getting at this issue of where is the line on inherently governmental? Can you comment on that?

MR. BROOKS: Yes, I can. Actually, I think a lot of it comes down to sort of a pragmatic perspective, and again, this is how we got into it. The reality is the government is trying to do some fairly significant policies, and it has a certain limited capability to do that. I like to point out we have probably the most effective, most professional military in history, the United States does, I should say. But to do that, it's outsources a lot of the aspects that, really, you don't want soldiers doing. You know, they may have been cleaning toilets or flipping eggs in the past, but that's something that obviously should be done by contractors. You don't want a limited number of volunteers, the professional soldiers that we have, doing that sort of stuff. They should be focused on the policy aspect.

Policy aspect? Is that newspeak for combat?

Now, there's the issue of security, and that's the one that's sort of the grey area. At what point, you know, can you use private security? I think if they're protecting something, if it's not a state-on-state war and everything — it's really not that difficult of a choice. It's simple security. And this is an issue I think that gets to the whole Mantra (ph)

document. You have illegal combatants. You have issues of— when you're protecting warehouses, do you need to use soldiers to protect humanitarian warehouses and things like that? It's an issue that has to be able to evolve. I think the U.S. government has several definitions of what inherently governmental is, but I think we have to be practical when we make these decisions. And if we make a decision to say that, you know, all security work has to be done by the government, it's essentially going to hamstring our larger policy issues.

No lawyer who has studies this issue thinks it is simple. For over two decades at least there has been a raging debate over how to classify security contractors, determine how they fit into national and international law, define the circumstances in which they can use force et cetera. They have yet to come to a resolution.

MR. SHAYS: I am stunned that your organization did not know about these problems, since everyone else seemed to, and when I say your organization, your organization out of country 'cause your folks in-country knew. They knew. And it says to me there is something so incredible sick about your organization that that would be the case. It says something very sick about a rat that says, "warning, this project is infested with rats. Be cautious of what you say and do around those suspected of being rats. Rats can cost you your job and your family." Quote, "Never rat on your friend, and always keep your mouth shut."

That would explain, Mr. Brinkley, why your management folks don't know much, because there's this kind of sickness, cancer in your organization.

...

MR. SHAYS: Mr. Brinkley, are you surprised that you don't know anything, because you have to be a fool for someone to tell you — because you don't seem to be at all outraged by the fact that this happened. There is a culture within your company that discourages people from speaking out. I would've thought that you, as the person in charge, would've said this is unbelievable. Why wasn't I notified immediately? You're out. I would've called State and said I have just been notified a few minutes ago, this is the case, and so on. I didn't see that. I don't feel it. I've been listening to this panel thinking ho hum, ho hum, ho hum. You don't seem to get it, honestly. I mean no disrespect, but you do not seem to get it. What you have done by your conduct today is a strong indication that you know you better not try to expose — I'd like to ask —

MR. BRINKLEY: Commissioner, if I might —

MR. SHAYS: Yeah.

MR. BRINKLEY: — Mr. Chairman, I can assure that I am outraged. I met with the commission last week. Unfortunately, the chair was not there. I am outraged. I am embarrassed. I am humiliated.

MR. SHAYS: That is —

MR. BRINKLEY: We take this very, very seriously, so the idea that we don't —

MR. SHAYS: If you take it seriously, then tell me what action you've taken to say to Alyssa Bowell (ph) we appreciate you more than the scum who did this? Give me one indication. MR. BRINKLEY: First —

MR. SHAYS: Did you ever say to your subcontractor that maybe you need to hire Terry Pearson back because he's the one good guy in this group who spoke out? Have you done anything like that?

MR. BRINKLEY: I have not taken that action yet because that is — his actions are under investigation. He belongs to another company. I would — (inaudible) —

MR. SHAYS: No, not another company. He's your subcontractor. Let me tell you — and this is the thing that bugs me more than anything. Seventy percent of our contractors are subcontractors, and somehow we hide and we put a curtain in front of them and say, you know, we can't look at them. We can't deal with them. We only deal with the project. That has got to stop. Why do you think that Terry was fired? Because he spoke out and because the sub was concerned that you would take action against the sub.

MR. BRINKLEY: I categorically deny that.

MR. SHAYS: Okay, tell me why.

MR. BRINKLEY: Because that is not our policy. We would not do that.

And we all know that nobody at AG or Wackenhut would dare to do anything against policy.

MR. SHAYS:

Mr. Brinkley, just to follow up on that last exchange, I hadn't planned to, but I'll do so now.

I just want to go over this one more time. You're saying, you said earlier in the earlier round, that it is possible that the State Department, somebody in the State Department may well have approved of this surveillance mission, this operation snack pack. I just wanted to give you another opportunity to clarify that.

MR. BRINKLEY: When I read the allegation, we made an inquiry. I was led to believe that it was planned. And I was informed that, from the person that indicated that, it was approved by the department. Now, that is under investigation, commissioner. I do not know the final determination.

Did State really authorize that? If someone did let's find out who.

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