



U.S. Department of Justice

Office of Legislative Affairs

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Office of the Assistant Attorney General

Washington, D.C. 20530

December 18, 2007

The Honorable John Conyers, Jr.  
Chairman  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

This responds to your letters, dated December 11, 2007, which requested information about the Department's jurisdiction to investigate and prosecute criminal misconduct involving U.S. persons who are contract employees in Iraq, and December 13 and 17, 2007, which invited the Department to testify before the Subcommittee on Crime, Terrorism, and Homeland Security at a hearing, entitled Enforcement of Federal Criminal Law to Protect Americans Working for U.S. contractors in Iraq, on December 19, 2007. We also understand that the hearing will examine, *inter alia*, allegations by Ms. Jamie Leigh Jones that several of her coworkers raped her while she was working in Baghdad, Iraq, as a contract employee for KBR. As we have advised Committee staff, in light of the Department's pending investigation of these allegations, we must respectfully decline the Committee's request for a witness at the hearing and, for the same reason, we are not in a position to respond to the specific questions raised in your letter of December 11, 2007, about the investigation.

We would, however, like to respond to your concerns about the protections in U.S. criminal law afforded Americans who become victims of crimes by U.S. contract personnel in Iraq. As a preliminary matter, we want to advise you that the Department of Justice is committed to the investigation and prosecution of criminal misconduct by U.S. contract personnel overseas. These cases can be very challenging, particularly in the context of a war zone such as Iraq, but the Department has and will continue to pursue them. For example, in 2006 the Department of Justice convicted a Department of Defense contract employee stationed in Iraq of abusive sexual contact with a female American soldier.

The Honorable John Conyers, Jr.  
Page Two

While the government's ability to apply U.S. criminal law overseas is, in certain circumstances, more limited than it is within the United States, many provisions in existing U.S. law do permit the government to prosecute U.S. contractors who commit crimes overseas. Examples of these provisions include the following:

- The Military Extraterritorial Jurisdiction Act (MEJA). MEJA, which is codified at 18 U.S.C. §§ 3261 *et seq.*, provides extraterritorial federal jurisdiction over U.S. military contractors working overseas. MEJA also covers other U.S. government contractors working overseas, provided their employment relates to supporting the mission of the Department of Defense overseas.
- Extraterritorial Jurisdiction over Trafficking and Prostitution Offenses. 18 U.S.C. § 3271 extends federal jurisdiction over sex trafficking and prostitution offenses committed by U.S. government contractors regardless of their relationship to the Department of Defense.
- Special Maritime and Territorial Jurisdiction of the United States (SMTJ). The SMTJ, defined at 18 U.S.C. § 7, extends federal jurisdiction over a number of serious federal offenses committed by or against a national of the United States at a U.S. government facility overseas. Included within these offenses are murder and sexual abuses.
- Direct Extraterritorial Application. Many federal offenses have direct extraterritorial application without regard to MEJA, 18 U.S.C. § 3271, or the SMTJ.

We appreciate your interest in this matter and hope that this information is helpful. Please do not hesitate to contact this office if you would like additional assistance regarding this or any other matter. We are sending a similar letter to Congressman Poe, who joined in your letter, dated December 11, 2007.

Sincerely,



Brian A. Benczkowski  
Principal Deputy Assistant Attorney General

cc: The Honorable Lamar Smith  
The Honorable Robert Scott  
The Honorable Louie Gohmert