

**COMMITTEES:  
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AND HOMELAND SECURITY – RANKING MEMBER

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REFUGEES, BORDER SECURITY,  
AND INTERNATIONAL LAW



**J. Randy Forbes**

**United States Congress**

**4th District, Virginia**

**June 19, 2008**

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President George W. Bush  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

Dear President Bush:

On October 10, 2002, the U.S. House of Representatives passed H. J. Res. 114 by an overwhelming bipartisan vote of 296 – 133 to authorize the use of U.S. military force in Iraq, based primarily on the belief that the Iraqi government either possessed weapons of mass destruction or the capability to produce such weapons in a time frame that could endanger the lives of significant numbers of American citizens. For many of us who voted, this perceived threat justified prompt U.S. military action to defend our homeland.

After military action was underway, no definitive evidence was forthcoming that the Iraqi government had such weapons or capability. It also became obvious that the United States could not allow Al Qaeda to gain a strong foothold in Iraq, jeopardize the lives of our allies who had joined with us in that effort, or degrade stability in the broader Middle East by prematurely pulling forces out of Iraq.

I note with great concern that our legal basis for military forces remaining in Iraq ends on December 31, 2008, when the mandate provided by U.N. Security Council Resolution 1790 expires. Because the Iraqi government has indicated an unwillingness to consider a renewed U.N. mandate, we understand that the Administration has undertaken bilateral negotiations with its Iraqi counterparts on a Status of Forces Agreement to provide the necessary legal protections for U.S. forces to operate in Iraq beyond December, as well as a broader, overarching Strategic Framework Agreement to provide guidelines for other aspects of our bilateral relationship.

Recent reports indicate that many Iraqi officials have significant concerns about key aspects of these necessary agreements and that they will seek strict operational limitations on U.S. forces. They have reportedly demanded reductions in the number of bases from which our military can operate, asked that our soldiers only leave those bases with the permission or concurrence of the Iraqi government, insisted that they will not give our troops nor our contractors civil and criminal liability protections, and balked at the notion of allowing our military the necessary unrestricted overflight to allow for efficient and effective military operations. Taken together, these reported positions by Iraqi officials would unacceptably increase the operational risks for U.S. troops who are making such great strides in securing and stabilizing that nation.

As the Ranking Member on the House Armed Services Readiness Subcommittee, it is also clear to me that the current majority in Congress has played a dangerous game by withholding the supplemental funding legislation so critical to our military until the 11<sup>th</sup> hour. This irresponsible action has impacted our state of readiness and has sent a clear message that such political posturing could become the rule rather than the exception. While it now appears the supplemental will be passed, the delay itself has caused readiness concerns.

We have all made it clear from the outset that U.S. forces are in Iraq to help and support the Iraqis - not to be occupiers against the will of the Iraqi people. I understand the Administration is optimistic that it can conclude a Status of Forces Agreement and a Strategic Framework Agreement, perhaps as soon as next month. I am also encouraged that many in the Iraqi government are now so confident in the successes of that endeavor that they feel the same U.S. presence may no longer be warranted. However, with American lives at risk, we must take reports of Iraqi positions seriously, especially when those positions would create unnecessary, unacceptable, and dangerous restrictions on U.S. forces.

While some of us may disagree with the actions of the Iraqis and the political decisions of the majority in our own Congress, none of us believe that our troops should continue in harm's way unless they have the guarantee that their mission will be fully funded by the United States Congress and unless they have the full legal authority to defend themselves and accomplish their mission.

Accordingly, I hope you will make plans to begin the withdrawal of U.S. forces from Iraq on or before December 31, 2008 unless a Status of Forces Agreement and a Strategic Framework Agreement are adopted and agreed to by the Iraqi government and the U.S. which include the following:

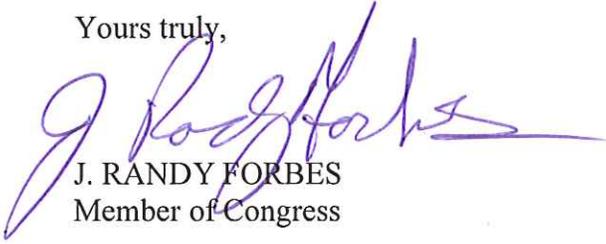
1. U.S. forces must have no unnecessary restrictions, including any bureaucratic process that subjects them to seeking permission from another military or sovereign authority, that would hamper their flexibility to attack and destroy enemies or accomplish their military objectives. It would be especially unacceptable to restrict U.S. forces from taking actions in self-defense.
2. U.S. forces must have unfettered overflight access and other freedoms of movement needed to minimize risk for air and ground forces.
3. U.S. forces and private contractors must have the necessary legal protections to safeguard them from criminal prosecution, arrest, or civil liability from any sovereign or government other than the United States and where applicable, the Uniformed Code of Military Justice.

Unless such an agreement is established quickly, the United States will be placed in the untenable position of either remaining in Iraq illegally after the expiration of the U.N. mandate or being forced to accept a Status of Forces Agreement which limits the ability of our troops to defend themselves or accomplish their mission. I do not believe either of these options would be acceptable to the American people and I can assure you they would not be acceptable to me.

The Administration must continue to consult with the Congress on the status of negotiations on these agreements and at some point, may need to seek congressional approval on any agreement to highlight the new, evolved relationship between the United States and Iraq as two sovereign nations and to indicate congressional commitment supporting this relationship.

It is imperative for the American people and most importantly, for our men and women in uniform, to know that Congress is fully committed to the critical economic, diplomatic, and security efforts that are ongoing in Iraq and that the Iraqi government is fully supportive of their actions. With personal regards, I am

Yours truly,

A handwritten signature in blue ink, appearing to read "J. Randy Forbes", with a long horizontal flourish extending to the right.

J. RANDY FORBES  
Member of Congress