

EXHIBIT 5

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Rep. Henry A. Waxman Holds A Hearing On Iraq Private Contractor Oversight

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TRANSCRIPT February 07, 2007 COMMITTEE HEARING
REP. HENRY A. WAXMAN CHAIRMAN HOUSE OVERSIGHT AND GOVERNMENT REFORM
COMMITTEE

WASHINGTON, D.C. REP. HENRY A. WAXMAN HOLDS A HEARING ON IRAQ PRIVATE
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HOUSE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM HOLDS A HEARING
ON IRAQ PRIVATE CONTRACTOR OVERSIGHT

FEBRUARY 7, 2007

SPEAKERS: REP. HENRY A. WAXMAN, D-CALIF. CHAIRMAN REP. TOM LANTOS, D-CALIF.
REP. EDOLPHUS TOWNS, D-N.Y. REP. PAUL E. KANJORSKI, D-PA. REP. CAROLYN B.
MALONEY, D-N.Y. REP. ELIJAH E. CUMMINGS, D-MD. REP. DENNIS J. KUCINICH, D-OHIO
REP. DANNY K. DAVIS, D-ILL. REP. WILLIAM LACY CLAY, D-MO. REP. DIANE WATSON, D-
CALIF.

REP. STEPHEN F. LYNCH, D-MASS. REP. CHRIS VAN HOLLEN, D-MD. REP. BRIAN HIGGINS,
D-N.Y. DEL. ELEANOR HOLMES NORTON, D-D.C. REP. PAUL W. HODES, D-N.H. REP.
CHRISTOPHER S. MURPHY, D-CONN. REP. BRUCE BRALEY, D-IOWA REP. PETER WELCH,
D-VT. REP. JOHN YARMUTH, D-KY. REP. BETTY MCCOLLUM, D-MINN. REP. JIM COOPER,
D-TENN. REP. JOHN SARBANES, D-MD. REP. JOHN F. TIERNEY, D-MASS.

REP. THOMAS M. DAVIS III, R-VA. RANKING MEMBER REP. DAN BURTON, R-IND. REP.
CHRISTOPHER SHAYS, R-CONN. REP. JOHN M. MCHUGH, R-N.Y. REP. JOHN L. MICA, R-
FLA.

REP. MARK SOUDER, R-IND. REP. TODD R. PLATTS, R-PA. REP. CHRIS CANNON, R-UTAH
REP. JOHN J. JIMMY DUNCAN JR., R-TENN. REP. MICHAEL R. TURNER, R-OHIO REP.
DARRELL ISSA, R-CALIF. REP. KENNY MARCHANT, R-TEXAS REP. LYNN

HOWELL: First, let me say that, once again, we extend our deepest condolences to the family, that their loss is almost unimaginable.

KUCINICH: Was the lawsuit part of those condolences?

HOWELL: The lawsuit was not against the families. We seek nothing from the families. We have sought to support them. The lawsuit was against a North Carolina attorney who established hollow estates that did not contain any assets of the fallen men, their homes, their cars. They were just shall estates established for the purpose of personal injury litigation and the claim against that attorney was for violation of our agreements with the men.

KUCINICH: So you're saying that attorney violated your agreement. What did they do? Did they make a misstatement? How did they violate your agreement? HOWELL: Our agreement with the men provided that any dispute that involved Blackwater would be resolved via arbitration, and that's where we are seeking to have this matter addressed.

KUCINICH: Did you have a contract with the men who fought for your company there? Did they have a contract with you that they had no right to sue, couldn't seek publicity, had to protect certain information and that they would have to assume all risks of being shot, killed with a firearm, terrorist activity, hand to hand combat? Did you have a contract with them to that effect?

HOWELL: The terms of their contract included a waiver regarding certain injuries or death in certain circumstances, and it also contained provisions regarding confidentiality.

KUCINICH: But aren't you, in effect, suing the estates of the decedents? Isn't that what you're doing?

HOWELL: None of the property that is in the actual estates of the decedents is involved in what we're seeking to do.

KUCINICH: There's no connection whatsoever with the action you're taking and the decedents' property, their estates?

HOWELL: The estates that are at issue in the Norton (ph) litigation, as I understand it, have no assets at all. They were established solely for the purpose of personal injury litigation.

KUCINICH: And could you tell me then, is it your position that this attorney you're talking about has violated an agreement and that's why you're suing?

HOWELL: As the shortest possible answer, that's a summary of the gist of the argument, yes, sir.

KUCINICH: I'd like to raise an issue regarding Blackwater's prior testimony in front of Congress.

Mr. Waxman, Blackwater testified before a National Security Subcommittee, on 6/13/06, and I had asked questions about their contracts. Blackwater's vice president testified that Blackwater charge \$815 per day for the services of an independent security contractor working in Iraq. And he certified that the \$815 was fully burdened.