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46th District, California

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Congress of the United States
House of Representatives

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The Honorable Zalmay Khalilzad
President, Gryphon Partners
2121 K St. NW
Washington, DC 20037

Dear Ambassador Khalilzad:

In your letter of May 25th, you claimed that neither you nor any other “foreigners” had any role in drafting the Afghan Constitution. You asserted that I erred in saying that you played a role in establishing the current government in Kabul. Yet, your case seems a distinction without a difference given your own words. You stated in the letter that “numerous legal experts hired by the UN did assist the Afghan drafting commission” and that “in my capacity as a US diplomat, I worked closely with my counterpart from the UN...to help Afghan leaders forge compromises that led to the ultimate ratification of the constitution.” How can you claim credit for the outcome while at the same time claim you were not involved? You served as US ambassador to Afghanistan while the constitution was being completed and ratified (2003 to 2005); and as US Special Presidential Envoy to Afghanistan before that (2001 to 2003). Of course you were involved!

The UN was a “foreign” player in the process, as were the “numerous legal experts hired” and the US government. America was paying the bills and providing security for the entire process with the deployment of combat units to that country. No one can read the Afghan Constitution without the influence of Western ideas and values leaping out from the document. Indeed, it is often amusing to see the interplay of disjointed Afghan and Western ideas from one passage to the next. One of those “hired” expert consultants, Donald L. “Larry” Sampler, Jr., currently the Deputy Director of the Office of Afghanistan & Pakistan Affairs at USAID, appeared on June 6th as a witness before my House Foreign Affairs Subcommittee. There are scores of similar stories beyond those of you and Mr. Sampler in the creation of today’s Afghanistan. And well there should be, given the costly US military intervention and the need to keep the country out of the hands of the terrorists and their allies who had struck us such a murderous blow on 9/11.

My complaint is not that Americans and other members of the NATO alliance helped to set up a new government in Kabul; a process that included writing a constitution. It was our duty to do so after helping liberate the country from the fanatic grip of the Taliban whose brutal rule victimized the Afghan people, even as it provided a base for terrorist attacks in other countries.

With our support, Afghans, mainly from the northern tiers of the country, defeated the Taliban dictatorship and drove them out of their country. It was a historic success, yet as events have evolved over the years since, we have failed in ushering in a new era of peace for the

suffering people of Afghanistan. This failure can be traced directly to the structure of government, and the leaders of that structure, foisted upon the Afghan people after the liberation. The government we helped install was not compatible with the Afghans way of life.

A more decentralized federal system would have fit both our tradition and that of Afghanistan. Instead, we placed all our eggs in one basket; the highly centralized administration of Hamid Karzai. He was chosen, or better described as installed, at the Bonn conference in December, 2001 as Chairman of the Interim Commission, then served for two years as Interim President and is now in his second five year term as elected President, but he was not the leader who would have emerged if it had been an Afghan dominated process. Your support, and thus the US Government support, for Mr. Karzai began with Bonn and made the difference. You seem to conveniently forget that when the former King, Zahir Shah, gave the right to select the head of an interim government to his preeminent advisors, they selected Sattar Sirat, with 11 votes to Mr. Karzai's two votes, one of which was his brother. You and Mr. Brahimi aggressively interfered, insisting to Mr. Sirat that only a Pashtun could be President, forcing him out in favor of Mr. Karzai. At the first Loya Jirga in July 2002, you intervened again in favor of Mr. Karzai when it appeared that the Northern Alliance leaders were about to support the former King as leader of the transitional Government for 18 months. You were so zealous in your commitment to bringing Mr. Karzai to power that you actually held a press conference claiming you had convinced Zahir Shah not to run, clearly Karzai would have lost to the former King. Short term power plays have long term consequences, and by undermining the King's coalition back then it has been nearly impossible since to establish broad and deep Afghan institutions that can undergird all of Afghan society. With political power overly centralized and centered on one man in Kabul the situation has degenerated.

Karzai was your own man and he has failed miserably. It was Karzai who appointed the first nine member Constitutional Drafting Commission and then the 35-member Constitutional Commission. In the debate over a presidential system versus a parliamentary system, Karzai naturally favored a presidential system that would give him unchallenged power. The Northern Alliance, representing mostly the Uzbek, Tajik, Hazara and Turkmen communities favored a parliamentary system that would have diversified the power of the central government, and would have protected Afghan rights. They did not fight to replace the Taliban's radical Islamic dictatorship, with a repressive secular kleptocracy. They fought for the right to directly elect their provincial governors and district mayors. You Zal, and Mr. Brahimi thwarted efforts by the leaders who actually fought the Taliban. The Northern Alliance delegates argued desperately for the inclusion of their languages, not you--a point of which you are well aware. Your role was not a facilitator of compromise as you described in your letter to me but as many of the delegates have told me, a constant supporter of the most centralized, pro-Karzai system possible. You and Mr. Brahimi actually built the Constitution around a personality and an ethnic community. Worst of all, it appears to be derived with the purpose of pleasing Pakistan. The first Loya Jirga almost collapsed over this core legendary disagreement. Karzai prevailed because he had the support of the "international community" meaning us... meaning you. Even though it had been the Northern Alliance that had fought the Taliban for every mile of Afghanistan, and with whom we turned to respond to 9/11, we backed (and continue to back) Karzai, the Pashtun who has spent the years of the Taliban invasion in exile in Pakistan and was even prepared to accept the role of Taliban Ambassador to the UN if the Taliban Government was recognized. Thankfully it was not.

Zal, the current constitutional dictatorship that rules Afghanistan took shape when you were a major player and even ambassador. You have since done well for yourself, as has your friend, Mr. Karzai. I expect he will be discovered to be fabulously wealthy as he exits Afghanistan immediately after he is no longer protected by US military power.

In contrast, the Northern Alliance is rooted to that part of Afghanistan with a solid record of resisting the Taliban. The survival of their communities depends on keeping the Taliban at bay. They cannot pack up and flee to their foreign bank accounts and Dubai investments as can those in Kabul (and elsewhere) who have profited from this inconclusive, decade-long war.

If the blood and treasure America has spent in Afghanistan is not to be wasted, we need to strengthen those who have a reason to stand and fight. We both want a good outcome for the Afghan people and the defeat of jihadist terrorism. In your recent writings, you seem to also fear Pakistan's ambitions in a post-NATO Afghanistan. It is understandable that you would want to distance yourself from the nearly dictatorial system of power you helped create for Afghanistan. That system is now failing. You actually considered, at one time, running for the powerful presidency that you created. It is strange that you have forgotten much of what you have done. It is this confusion of role and responsibility and identity that is extraordinary. It is now apparent that the US won't be so lucky to leave Afghanistan with a peaceful future. You may have forgotten the details of what brought us to this point, but the truth should not and will not be forgotten.

Sincerely,



Dana Rohrabacher
Chairman
Oversight and Investigations Subcommittee
House Committee on Foreign Affairs

cc: Speaker John Boehner
Secretary Hillary Clinton
Secretary Leon Panetta
Congresswomen Michele Bachmann
Congressman Louie Gohmert
Senator Lindsey Graham
Senator John Kerry
Congressman Steve King
Senator Joseph Lieberman
Congressman Collin Peterson
Congressman Ted Poe
RNC Chairman Reince Priebus