

**From Gun to Briefcase: The Rise of the Private Military Firm 1990-
2007**

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Dedication

To Juliet: You inspire me to reach for more.

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Abstract

From Gun to Briefcase: The Rise of the Private Military Firm 1990-2007
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There is an often-quoted statistic stating that in the Gulf War of 1991, seen by some as the last hurrah of the cold war military, the ratio of active military personnel to contractors and civilians was approximately 60 to 1. The Iraq War of 2003 has seen near parity between contractors and the total number of troops deployed. This number signifies a fundamental shift in military doctrine that bears examining. Tasks once seen as the purview of militaries around the world have been outsourced to private interests such as Blackwater USA and DynCorp. These firms all fall under the umbrella designation of the Private Military Firm (PMF).

This thesis seeks to explain how these firms have achieved such critical roles in United States military operations since the Gulf war. In doing so I will argue that militaries in the post cold war vacuum have sought to reduce size and increase efficiency through the outsourcing of core functions to privatized interests. Due to a large industrial military infrastructure being in place since the end of World War II, the move of the military toward privatization of some functions is not unusual. That a whole new industry has sprung up around the military with a minimum of public knowledge, while avoiding the derogatory “mercenary” label *is* unusual.

This thesis will seek to answer three questions. First, to whom do the PMFs answer? For example, in April 2001, a single engine Cessna was shot down by the Peruvian Air force under the guidance of a surveillance plane operated by Aviation Development Corporation as part of American counter-narcotics operations in South America. The plane contained a group of Baptist missionaries, of whom a mother and her daughter were killed.¹ The CIA--for whom the contractors were working--claimed it was a matter for the company. The company claimed it was carrying out its contract with the CIA; therefore, it would fall on the C.I.A.

Second, is there a real cost benefit to using private forces to carry out the tasks once executed by national militaries? In 2004 Tim Spicer, former head of the well known PMF Sandline Security, won a \$293,000,000 contract for the newly minted AEGIS Defense Services Ltd. to provide security for multiple organizations and corporations currently active in the Iraq conflict. This is the largest contract awarded to a non-US firm so far in the Iraq War.

Finally, what is the role of technology in this burgeoning industry? For example the military theories of net-centric and 4th generation warfare incorporate technology as the basis for national strategy in the coming years. These new military strategies will require not only the classic military presence of “boots on the ground”, but an extensive and complex communications and information relay system to fight a wars on not only the strategic front, but political and media fronts as well.

¹ Jason Vest, “Drug War Inc.” *In These Times*, May 28, 2001.
http://www.inthesetimes.com/article/1524/drug_war_inc/ (Accessed July 31, 2007).

To begin I will define the structure of the PMF. In this section I hope to establish a vocabulary by which I can explain how the PMF has created a multi-tiered, multi service business that separates it from the mercenary. The next section will be three case studies examining individual companies and what they have contributed to the debate using the three questions asked above. Finally, I will divide this history into 3 eras; The Gulf War, September 11, 2001, and finally the Afghan and Iraqi wars. These four events have defined the development, explosive rise, and ultimate testing of the privatized military industry.

Introduction

In the course of the past 10 years a significant change has occurred within the military doctrine of the United States. With the end of the cold war, the once significant standing military forces of the United States have been dramatically reduced in parallel with the reduced need for such massive capability. As this capacity has been reduced the military's reliance on outside contracting has increased.

There is an often-quoted statistic stating that in the Gulf War of 1991, seen by some as the last hurrah of the cold war military, the ratio of active military personnel to contractors and civilians was approximately 60 to 1. The Iraq War of 2003 has seen near parity between contractors and the total number of troops deployed. This number signifies a fundamental shift in military doctrine that bears examining. Tasks once seen as the purview of militaries around the world such as intelligence gathering, military advisement and training, and the security surrounding various strategic resources and persons have been outsourced to private interests such as Blackwater USA and DynCorp. These firms all fall under the umbrella designation of the Private Military Firm (PMF).

Security is a globally emerging marketplace. PMFs are now global players operating in every corner of the planet, offering services once

thought to be the purview of the state, namely direct and indirect intervention in regional conflict. PMFs operate at many levels in the international security market in such areas as specialized training, logistical support, design and repair of sophisticated weapons and communications systems, construction of military facilities, and the education of the officer corps across the globe in small and large tactical and strategic operations. This thesis seeks to explain how these firms have achieved such critical roles in United States military operations since the Gulf War. In doing so I will argue that militaries in the post cold war vacuum have sought to reduce size and increase efficiency through the outsourcing of core functions to privatized interests. This outsourcing has been a fairly recent process, the bulk of which followed the end of the Gulf War in 1992. Due to a large industrial military infrastructure being in place since the end of World War II, the move of the military toward privatization of some functions is not unusual. That a whole new industry has sprung up around the military with a minimum of public knowledge while also avoiding the derogatory “mercenary” label *is* unusual.

As we move toward a more globalized system of cultural exchange and trade, we also lose some of the traditional ideas that go with the role of the state. The role that PMFs fulfill in our modern global culture is one that existed for hundreds of years before the Treaty of Westphalia was signed in 1648. Namely they provide military service without the need to have massive state forces. The end of the cold war has also caused regional strife to explode in ethnic and ideological conflict. Therefore the

services of the PMF are more in demand now than ever, and shows no sign of easing in the near future. Cofer Black, the Vice Chairman of Blackwater USA and former coordinator of the State Department's counter-terrorism policy, has claimed that his company could field a brigade size force--approximately 7, 000 to 10,000 soldiers--anywhere in the world with a minimum of time and cost.² Such a claim is not an unreasonable one, as Blackwater's corporate divisions include construction, intelligence, and airlift capabilities with an ever-expanding list of capabilities. Also, the Private Military Contractor's (PMCs) ability to be nimble and move around bureaucratic entanglements give it the ability to be in regions such as South America to aid in non-traditional struggles like the "War on Drugs."

The advantage the PMF has is of not working for a state, but for a "client." This business relationship removes the notion of government interference in another country's affairs and places the yoke of responsibility on the shoulders of the contractors. In looking at this advantage, it would be logical to assume that PMFs have created a solution that would be positive to all interests. However, upon closer examination, several questions remain. First, to whom do the PMFs answer? For example, in April 2001, a single engine Cessna was shot down by the Peruvian Air force under the guidance of a surveillance plane operated by Aviation Development Corporation as part of American counter-narcotics operations in South America. The plane contained a group of Baptist

² Bill Sizemore, "Black water USA Says It Can Supply Forces For Conflict," March 30, 2006. *The Virginian-Pilot*, <http://content.hamptonroads.com/story.cfm?story=102251&ran=202519> (accessed July 31, 2007)

missionaries, of whom a mother and her daughter were killed.³ The CIA--for whom the contractors were working--claimed it was a matter for Aviation Development Corp. ADC claimed it was carrying out its contract with the CIA; therefore, it would fall on them. In such a situation where does blame lie?

Second, is there a real cost benefit --in both the economic and political sense-- to using private forces to carry out the tasks once executed by national militaries? In 2004 Tim Spicer, former head of the well known PMF Sandline Security, won a \$293,000,000 contract for the newly minted AEGIS Defense Services Ltd. to provide security for multiple organizations and corporations currently active in the Iraq conflict. This is the largest contract awarded to a non-US firm so far in the Iraq War. Some say the contract was an appeasement of the British government who have stood by the US through the entire war yet have received minimal contracts for the reconstruction of Iraq.⁴

Finally, what is the role of technology in this burgeoning industry? For example the military theories of net-centric and 4th generation warfare incorporate technology as the basis for national strategy in the coming years. Net-centric warfare theorizes that soldiers will become a node in a larger network. For example, satellites feed information to command and control centers which is then given to the soldiers in the field. Soldiers evaluate the information based on the current situation and respond back

³ Jason Vest, "Drug War Inc." *In These Times*, May 28, 2001.

http://www.inthesetimes.com/article/1524/drug_war_inc/ (Accessed July 31, 2007)

⁴ Pratap Chatterjee. "Controversial Commando Wins Iraq Contract." *Corpwatch*, June 9th, 2004, <http://www.corpwatch.org/article.php?id=11350>. (Accessed Sept. 6, 2006)

to command through same network, creating a near instantaneous battle-space awareness at the tactical level. 4th generation warfare looks more at the strategic aspect of coming wars. It sees the battle-space moving beyond theatrical conflict and into a decentralized form of war, blurring the lines between political and military operations by using psychological as well as military operations. This new military strategy will require not only the classic military presence of “boots on the ground”, but an extensive and complex communications and information relay system to fight a wars on not only the strategic front, but political and media fronts as well. The privatized military industry is already in an excellent position to offer many of these services and in many cases is already providing them to industry on a lesser scale as I will discuss in later a later section of the thesis.

Examining the burgeoning relationship between the state and industry will provide insight as to how international relationships have been altered in the world today. Globalization of markets has included the globalization of security needs. As these needs have grown formerly non-state actors such as mercenaries have shed their image as freebooters and privateers and become acceptable surrogates for state-funded militaries. In this thesis I plan to investigate the range of political, social, and cultural factors that have changed between 1990 and 2006. These changes have led to a rethinking of the ways that the US and many other nations are choosing to engage in conflict around the globe, with the result being the rise of the PMF. At the broadest level, It is my hope that by

examining the issue of Private Military Firms and their meteoric rise to power, generalized trends will begin to present themselves and show how this relationship between the public and private sector is altering many of the norms we have come to accept as fundamental to the workings of statehood through the post cold war notion of reduced size and increased efficiency.

To begin I will define the structure of the PMF. In this section I hope to establish a vocabulary by which I can explain how the PMF has created a multi-tiered, multi service business that separates it from the mercenary. The next section will be three case studies examining individual companies and what they have contributed to the debate using the three questions asked above. Finally, I will divide this history into 3 eras; The Gulf War, September 11, 2001, and finally the Afghan and Iraqi wars. These four events have defined the development, explosive rise, and ultimate testing of the privatized military industry.

Chapter 1, “From Gun to Briefcase: Defining the Modern PMF.”

This chapter will attempt to clarify what the PMF is and where it fits in the modern security business sector. I will do so using the “Tip of the Spear” typology developed by Peter W. Singer.⁵ As they are extensions both of the state and for-profit corporations they do not easily fit into either the role of a public good or the private sector. The typology’s importance lies in its ability to delineate between the PMF and all other militarized non-state actors such as mercenaries, terrorists, or guerillas. Examining the structure of these organizations carries the same value as looking at any other business flowchart that describes a specific sector’s specialization. Specifically, defining terms and showing differences among these firms allows us to see how different business strategies and competencies allow PMF’s to reach multiple clients with their highly specialized products and services. And in doing so, shows how the private military industry has evolved from its roots as shadowy and nefarious to accepted and legitimate.

The Private Military Firm

The use of the designation “Private Military Firm,” or PMF is generally seen as an umbrella term by which the whole of the private security industry can be addressed. I will first examine some of the typologies that have been proposed to classify the various branches of the PMF.

⁵ Peter W. Singer, *Corporate Warriors: The Rise of the Privatized Military*. (Ithaca, NY: Cornell Press, 2003)

First, there is the typology utilized by Thomas Keane describing three classifications of mercenaries:

The first might be called the ‘traditional’ type, consisting of groups and individuals who have military skills directly applicable to combat or immediate combat support....The second type is a late 20th-century phenomenon: high-quality tactical, operational, and strategic advice for the structure, training, equipping, and employment of armed forces....The third type provides highly specialized services with a military application, but these groups are not in themselves notably military or paramilitary in organization or methods.⁶

This was the earliest example of a classification developed to describe industry. It lays out a basic framework for describing this industry but relies heavily on the use of the term “mercenary” in its description. It is important to define what the term mercenary actually means in relation to both the soldier and the PMF. The term mercenary has its origins in Middle English (1350-1400) from the corrupted Latin phrase *mercenarius* meaning “from wages.” The modern definition of mercenary is a “professional soldier hired to serve in a foreign army.”⁷ However when the word is used as an adjective it becomes something more pejorative, as the term is used to describe a person who works or acts simply in the interests of money.⁸ A soldier can be defined as a person

⁶ Thomas Keane, “The New Mercenaries and The Privatization of Conflict,” *Parameters*, Summer 1999, pp.103-16, <http://carlisle-www.army.mil/usawc/Parameters/99summer/adams.htm> (accessed June 29, 2007)

⁷ *Dictionary.com Unabridged (v1.1)*, “Mercenary” Random House Inc. <http://dictionary.reference.com/browse/mercenary> (accessed June 28, 2007)

⁸ *Ibid.*

who serves in a state military organization.⁹ Finally, Peter W. Singer defines the PMF as: "...Private business entities that deliver to consumers a wide spectrum of military and security services, once generally assumed to be exclusively inside the public context."¹⁰

As the PMF industry has grown in the past decade, so too has its legitimacy among states as international organizations (IO). Therefore, in order to shed their previous image as adventurers and criminals bent on war for profit, they have legitimized their businesses by incorporating and creating regulatory organizations such as the International Peace Operations Association (IPOA) in America and the British Association of Private Security Companies (BAPSC) in the United Kingdom. Both have a perceived ability to discipline errant companies.¹¹ This ability to discipline is limited to removal from the organizations, which as has been seen in the case of Blackwater is not a major concern as they left the IPOA and formed the Blackwater Global Peace and Stability Operations Institute in the Fall of 2007 following a major shooting incident that September.¹² Several other organizations exist such as the Terrorism Research Institute, the Private Security Company Association of Iraq (PSCAI), and the International Association of Peace Keeping Training Centers (IAPTC). These organizations create a

⁹ *The American Heritage® Dictionary of the English Language, Fourth Edition.* (2003) "Soldier. (n.d.)" <http://www.thefreedictionary.com/soldier> (accessed July 10, 2007)

¹⁰ Corporate Warriors, Pg 8

¹¹ International Peace Operations Association, "Standards & Laws", <http://tinyurl.com/2ou3jn> (accessed Nov. 17, 2007) ; British Association of Private Security Companies, "Key Documents", http://www.bapsc.org.uk/key_documents.asp (accessed Nov. 16, 2007).

¹² Black water Global Peace and Stability Operations Institute, "About Us", <http://gpsoi.org/page3.html> (accessed Nov. 16, 2007).

web of interlocking interests covering many aspects of privatized security all over the globe. However what they lack is a specific code of ethics. They act more as advocacy groups than as governing organizations like the Securities and Exchange Commission in the U.S. For example, on the IAPTC website's overview, the following statement is made: "The IAPTC offers peacekeeping training centre personnel a forum for discussions relating to training without their having to deal with national interests (and sometimes restrictions)."¹³ This statement says much about the industry. It says that these organizations to a certain extent seek to operate outside of state oversight in order to develop without interference. Why would a lack of national interests be so important to an industry that has claimed a deep desire for oversight?

So what is the hierarchy of military service? The soldier sits at the top of the hierarchy in the modern world as they fight for nationalist reasons. When a soldier is called to battle, they cannot decline because of economic or safety concerns. It is, quite simply, their duty. The PMF falls in between the soldier and the mercenary as it is quite frequently a tool of the state in a way similar to the military, however, it is different in three ways. First, it can also serve private interests such as a corporation without the problems of nationalism, meaning there is no impropriety when they work for industry. Second it can decline to take on operations, as the only consequence will be loss of profit. Third, PMFs are not meant

¹³ International Association of Peacekeeping Training Centers, "Overview", Pearson Peacekeeping Center, <http://www.iaptc.org/about.html> (accessed Nov. 17, 2007).

as exclusively war fighting agents. Their activities are diversified to include such tasks as logistics and training. Finally, the mercenary sits at the bottom of the list. The most widely accepted definition of the mercenary can be found in the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), from 8 June 1977.

Table 1 Singer's PMFs and the Geneva Convention definition of a Mercenary

Singer's PMFs	Mercenary defined by Geneva Convention
Organization: Prior corporate structure	Is specially recruited locally or abroad
Motives: Business profit driven as opposed to individual profit driven	Does, in fact, take a direct part in the hostilities
Open Market: Legal, public entities	Is motivated to take part in the hostilities essentially by the desire for private gain
Services: Wider range, varied clientele	Is neither a national of a party to the conflict nor a resident of territory
Recruitment: Public, specialized	Is not a member of the armed forces of a party to the conflict
Linkages: Ties to corporate holdings and financial markets	Has not been sent by a state which is not a party to the conflict on official duty as a member of its armed forces.

It is within this table that one can find the reason PMFs and mercenaries can be seen as two separate entities. Essentially it is the corporate nature of the PMF that separates it from the mercenary.¹⁴ PMFs operate, for the most part, in open arrangements with states and businesses using financial resources that can be taken from parent companies or borrowed through recognized institutions like banks. Also the stable, long term structuring of the PMF is the antithesis of the standard fly-by-night operation of the mercenary. As their legal status in many conflicts is questionable at best, their options to carry out tasks other than combat are limited by their own gray area of legal existence. Finally, payment can be accepted in a variety of sources such as interests in state owned companies like oil, diamond, or copper concessions. The ability to be able to use concessions as a form of payment can be accomplished because of the corporate structure backing these organizations. The flexibility is similar to a business that allows the use of credit cards to pay for products and services. The more options a company is willing and able to accept as payment the more options a customer can flex to meet their needs while using their own resources.

Deborah Avant, another scholar involved in the study of PMFs uses the term Private Security Company (PSC) to describe the industry as a whole:

¹⁴ Corporate Warriors , Pg. 64

...I label these companies “private security companies” (PSCs) specifically because they provide a range of services, some of which are hard to categorize as military, per se.¹⁵

In her book, *The Market for Force*, Avant looks at PSCs from the perspective of the contracts they carry out as opposed to the firms themselves. This fills in some of the gaps in Singer’s “Tip of the Spear” typology as it looks at the contractors as more than a single function company. Avant’s terminology gives the ability to look at several facets of PMFs’ operations as it does not rely on the company itself to provide a definition, but the activities they carry out as well.¹⁶ In other words, their actions define them just as much as their being does. Avant also makes allowances for paramilitary organizations such as police forces, creating a second category separate from the military to allow for the different functions which is something lacking in Singer’s. A company such as DynCorp, with multiple divisions capable of several distinctly different operations at once, does not fall easily into any one category. Avant’s typology does provide a more inclusive system by having the two separate classifications and using the contract as a method of understanding the role of the PMF, but I feel that Singer’s basic structure is more in tune with the analysis of this thesis. While the use of a separate category for non-

¹⁵ Deborah Avant. “Private Military Companies and the Future of War”, October 7, 2005. (Foreign Policy Research Institute, Philadelphia, PA.) <http://www.fpri.org/enotes/200604.military.avant.privatemilitarycompanies.html> (accessed August 8, 2006).

¹⁶ Deborah Avant, *The Market For Force: The Consequences of Privatizing Security*. (Cambridge: Cambridge University Publishing, 2005) pg. 17.

military security provision is more over arching, the thrust of this thesis is looking at the industry itself as opposed to the methods by which the contracts are carried out. Singer's typology, therefore, allows me to look specifically at the PMFs as a new entity and examine their place in global affairs. There are three main categories within Singer's "Tip of the Spear" typology.¹⁷ They are Military Support Firms (MSF), Military Consultant Firms (MCF), and finally Military Provider Firms (MPF). Singer distinguishes each through the level of force employed and the range of services provided.

Military Support Firms

This is the single largest component in the typology. This group encompasses the logistical aspect of the PMF puzzle. This would seem to be the least "military" like of all the classifications, however this branch holds the majority of the actors in the PMF field with companies such as Kellogg, Brown, and Root (KBR) Bechtel, Science Applications International Corporation (SAIC), Northrop Grumman, and Boeing all falling under this rubric, making it a powerful one indeed. Due to the size of this group further classification is needed to see the depth of the MSF category. First there is the Military Contractor (MC). This category encompasses corporations that develop military equipment and systems, and also repair said systems. This is where the largest actors reside.

¹⁷ Corporate Warriors, pg. 93

According to a World Policy Institute report issued in March 2007 the rankings of Defense contractors' stands as follows:

Figure 1.2 Top 10 Defense contractors FY 2006 (in billions) ¹⁸

Lockheed Martin	\$26.6
Boeing	\$20.3
Northrop Grumman	\$16.6
General Dynamics	\$10.5
Raytheon	\$10.1
Halliburton	\$6.1
L-3 Communications	\$5.2
BAE Systems	\$4.7
United Technologies	\$4.5
Science Applications International Corp.	\$3.2

These numbers show that a staggering \$107.8 *billion* dollars was awarded to these corporations to provide weapons and communications systems in 2006, making them by far the largest sector of the PMF typology. Previous to the drive for privatization in the military, these firms were seen as the traditional third point of the Military Industrial Complex (MIC). Several of them have, however, diversified into other areas of privatized military operations. For example L-3 communications purchased Military Professional Resources Incorporated (MPRI) in July of 2000 for a

¹⁸ Frida Berrigan & William D. Hartung, "Top Pentagon Contractors FY 2006: Major Beneficiaries of the Bush Administrations Military Buildup", March 2007, World Policy Institute Special Report, *World Policy Institute*. http://www.worldpolicy.org/projects/arms/reports/Top_100_Report.3.07.pdf (accessed July 7, 2007).

reported \$40 million dollars.¹⁹ Northrop Grumman then purchased TRW, the parent company of the Vinnell Corporation, in 2002 for \$3,533 million.²⁰

This brings us to the support firm (SF). The SF acts as the infrastructure for the military as caps for the number of soldiers involved in regions across the globe have been set by host nations. Therefore, necessary functions of the military such as construction, transportation, food and laundry services, and mail delivery have been privatized to meet the caps, leaving the military to do what it does best: fight a war. This includes companies such as Bechtel, KBR, and Halliburton. This category also includes de-mining/explosive ordinance disposal (EOD) companies. Companies such as BACTEC International and RONCO provide this desperately needed service. With an estimated 20 million landmines across the world, the business of landmine removal is, unfortunately, a lucrative one, with least 80 countries in the world with landmine “contamination.”²¹ The third and final leg of the triumvirate—and possibly most interesting of the three—is the intelligence provider (IP). This branch of the MSF works in the shadowy market of photoreconnaissance, information warfare, psychological operations, and intelligence analysis. Companies such as Strategic Communications Labs, Stratfor, and Digital Globe all provide services once thought to be the absolute province of the

¹⁹ Ibid.

²⁰ Global Security “TRW”, <http://www.globalsecurity.org/military/industry/trw.htm> (accessed July 7, 2007).

²¹ The International Campaign to Ban Landmines, “Landmine monitor report, 2006” <http://www.icbl.org/lm/> (accessed July 7, 2007).

state.²² For example as part of Aegis' \$293 million dollar contract to act as coordinator for PMFs in Iraq, a daily intelligence meeting is held every morning at the Reconstruction Coordination Center in the Green Zone of Baghdad:

Aegis's intelligence activities include battlefield threat assessments, the electronic tracking of thousands of private contractors on Iraq's dangerous roads, and community projects the company says are designed in part to win over 'hearts and minds.'²³

Aegis has begun to act as central intelligence gathering location in Iraq. Their skills are no different than say the CIA's intelligence network. However congressional concerns over a private (and foreign) corporation handling sensitive and secret information have raised the question of how one can take what is a prima facie function of the state and hand it to a private entity? When does this method of information gathering become a risk to the purchaser of the information?

Another example of this market would be Strategic Communications Labs in London. They operate as a psychological operations (psyops) for-hire company. The company uses what it calls a "persuasion methodology" as opposed to traditional methods such as advertising to influence opinion. SCL has worked with numerous

²² Sharon Wienberger, "You Can't Handle the Truth: PSY-OPS PROPAGANDA GOES MAINSTREAM." *Slate*, Sept. 19, 2005, <http://www.slate.com/id/2126479/> (accessed July 7, 2007). ; Matt Bai, "Spooky" *New York Times Magazine*, April 20, 2003. <http://www.freerepublic.com/focus/f-news/897621/posts> (accessed July 8, 2007).

²³ Steve Fainaru & Alex Klein. "In Iraq, A Private Realm of Intelligence: Firm Extends US Government Reach" *Washington Post*. July 1, 2007. <http://www.washingtonpost.com/wp-dyn/content/article/2007/06/30/AR2007063001075.html> (accessed August 1, 2007).

government agencies across the globe including police agencies and NGOs.

As SCL states on their website:

Broadly speaking, commercial communication is measured by attitudinal results (considering one brand better than another) and strategic communication is measured by results (votes, changes in health behaviour, troop surrenders). Strategic communication is particularly important in politics, military operations and humanitarian programmes, where the outcomes are often the difference between life and death.²⁴

The intelligence world stands outside the privatized military sector in that it carries out its activities outside of public scrutiny. Functions such as propaganda, intelligence gathering, and intelligence assessment were at one point considered part of the national interest. What will happen as this “sovereign service” is privatized and the information is disseminated by private entities? IPs also stand out as a contributor to the technological and scientific aspects of the PMF. They are the beneficiaries of the post cold war technology boom with the ability to provide open-source intelligence gathering through the massive database that is the internet, photo-reconnaissance from the huge number of private imaging satellites in Earth’s orbit, and scientifically developed techniques of persuasion stemming from government-run programs and agencies.²⁵

²⁴ Strategic Communications Labs Ltd. “History” 2005, <http://www.scl.cc/about.php> (accessed August 1, 2007).

²⁵ Commander Randall G. Bowdish USN., “Information Age Psychological Operations”, *Military Review*, December 1998-February 1999. Pgs. 28-36 <http://www.c4i.org/bowdish.pdf> (accessed Nov. 22, 2007).

Military Consulting Firm

These firms provide all the expertise that a burgeoning military would need. Their primary difference with the Military Provider Firm (MPF) is that they do not engage in direct combat. Firms such as the Vinnell Corporation, Military Personnel Resources Inc., Booz, Allen, Hamilton, and ArmorGroup International are providers of strategic and tactical training for large and small militaries, the creation of institutions such as officers schools and training facilities, and aid in the process of creating a military that is subservient to a democratic government. MPRI's website states for example:

MPRI pioneers new ways to serve our customers with products and services that support national security and organizational competence in the US and overseas in training, and education, homeland security, law enforcement, democracy transition, driver simulations, laser marksmanship, emergency management, leader development, organizational design and more.²⁶

It is telling that two of the most recognized MCFs --Vinnell and MPRI-- have been purchased by larger more powerful companies like L-3 and Northrop Grumman. This trend shows that these organizations have become valuable commodities in the higher echelons of the military contracting business due to their incredibly experienced staffs and ability to work within the Pentagon bureaucracy. The argument has been put

²⁶ Military Professional Resource Incorporated, "About Us", <http://www.mpri.com/main/about.html>, (accessed August 1, 2007).

forth that these are just “rolodex” businesses for these corporations due to the connections that a retiring general can bring to the table, commonly referred to as the “revolving door.”²⁷ The most well known example of this being Vice President Cheney’s 1993 move from Secretary of defense to Chairman of the Board and CEO of Halliburton. While it is impossible to say whether Halliburton *directly* benefited from this move, Cheney’s lack of experience in executive management--this was his first and only CEO position--requires asking the question of whether Vice President Cheney’s relationship with Halliburton has been completely severed.²⁸ The argument has also been put forth that these companies are virtual branches of the state department that can be used to carry out US foreign policy without engaging the US in the process. This means that so called “dirty wars” can be carried out with impunity as the soldiers in the conflict are not American soldiers, but company contractors. Companies such as MPRI are in a unique position, as CEO and retired general Harry E. Soyster is famously quoted, saying “We’ve [MPRI] got more generals here per square foot than the Pentagon.”²⁹ It would be hard not to correlate such a vast reserve of experience with a unique relationship to the Pentagon.

²⁷ Open Secrets, “Revolving Door”, <http://www.opensecrets.org/revolving/> (accessed Aug. 19, 2007). This website provides detailed information on numerous government employees and their moves from public to private sector.

²⁸ The Raw Story, “Cheney’s Halliburton stock options rose 3,281% Last Year”, October 11, 2005. http://rawstory.com/news/2005/Cheneys_stock_options_rose_3281_last_1011.html (accessed August 2, 2007); “Senator Frank Lautenberg (D-NJ) asserts that Cheney’s options – worth \$214,498 last year- are now valued at more than \$8,000,000. A former CEO of the gas and oil services juggernaut, Cheney has pledged to give the proceeds to charity” This figure constitutes a 3281% jump in value.

²⁹ Corporate Warriors, pg. 119

Military Provider Firm

The category of MPF is the smallest and most controversial. It is within the MPF classification where one would find what traditionally would be considered “mercenaries.” This group can be divided into two categories: the Private Military Contractor (PMC), and the Private Security Contractor (PSC). Operating at the very tip of the spear, PMCs provided highly skilled soldiers for direct conflict intervention, while PSCs provide the same level of skills for security and bodyguard work. Firms such as Sandline and Executive Outcomes are part of the PMC designation, while Aegis Defence Services and Blackwater USA are members of the PSC designation. Employees of these companies are former police and army special operations soldiers as their skills best match the requirements of the jobs. However as the market has grown so to have the need to recruit from outside (read: non-western) militaries. For example, the war in Iraq has caused a run on ex special operations soldiers, therefore Blackwater USA turned to Chile and its commando units to fill out its needs. This move created controversy as many of the commandos were part the Pinochet government’s military in which thousands of people were jailed, tortured, and disappeared. This issue speaks to the problems facing the militaries of the world today. Special operations forces are the Ph.D.s of soldiering.³⁰ They are the most highly trained of all the military’s forces,

³⁰United States Air Force, “USAF Para rescue”. <http://www.pararescue.com/overview/> (accessed July 8, 2007) USAF Para- rescue trainees for example, attend 8 different schools over a seventeen month period to complete all of the training needed to be a Para-rescue man. While this is considered to be some of the toughest training in the special operations community, it is not considered an unusual amount of time.

taking on average 5 to 6 years of training and schooling to reach full maturity in the United States.³¹ The cost of all of this is borne by the government, therefore the taxpayer.³² As the MPF sector grows and salaries reach the 6 digit mark, the limited pool of these Ph.D. soldiers grows smaller and smaller leading to “brain drain.” As of December 2003, measures have been taken by the military to remedy this situation, as Chris Spearin states:

For approximately 7,000 operators of mid-level rank or higher, the plan increased monthly pay by \$375 and for senior-level grades the monthly increase was \$750. A select number of senior operators—1,500 individuals mostly at the rank of sergeant, petty officer, and warrant officer with a minimum 19 years of service—were entitled to sliding scale bonuses. These ranged from \$18,000 for agreeing to two more years of service to \$150,000 for six years.³³

While many companies function on several levels (for example DynCorp offers services from Air fleet maintenance to private security details [PSD] for people such as Hamid Karzai) the typology allows for the analysis of each piece of the puzzle and its relation to the individual corporations and the industry as a whole. This will be important as the thesis develops in order to analyze different sets of norms within the industry.

³¹ Christopher Spearin. “Special Operations Forces a Strategic Resource: Public and Private Divide” *Parameters*, Winter 2006-7 pg. 58-70 <http://carlisle-www.army.mil/usawc/Parameters/06winter/spearin.htm> (accessed July 13, 2007)

³² Special Operations Forces, pg. 64, the average cost of training a special ops soldier is between \$350,000 and \$500,000.

³³ Ibid.

The use and growth of the privatized military industry has established a post cold war industry of tremendous size and capacity. It has established itself as a viable alternative to state forces and in some cases the only choice that developing nations can realistically make.

The Private Military Firm has moved from its shadowy beginnings as a taboo tool of statecraft into a legitimate form of sovereign transaction. In the era of post cold war hostilities the unbounded nature of globalization has created not only a market for goods and services of an economic nature, but of the provision of security as well. First, the slowly coalescing organizational structure of this industry shows that as it organizes more and more, the easier such an industry will gain acceptance by the state. Second, bodies such as the IPOA or the IAPTC can be seen as advocacy groups for the industry adding further legitimacy. And finally, specific sectors of the industry provide goods and services in a contractual environment dispelling the singular guns-for-hire nature of previous incarnations of the PMF. These three factors are redefining how the privatized military industry is viewed by legitimate governments as a means by which to carry out foreign--and in some cases domestic—policy.

Chapter Two, “Three Case Studies”

In this section of the thesis I plan to take a look at one company in each of the general classifications I have listed in the previous chapter. For Military Service Firm I will be looking at DynCorp International, for Military Consulting Firm I will be examining the Vinnell Corporation, and finally for Military Provider Firm I will be examining Black water USA. By looking at the history of the companies, I hope to reveal answers to some of the questions that have been brought about by their inception and execution of their contracts. By looking at these factors, a framework can be developed that will provide insight into how their operations are affecting global markets for violence and what roles the state is taking in this evolution.

Military Service Firms: DynCorp

The DynCorp website has a corporate profile that is used as shorthand to describe the company:

While we (DynCorp) are a highly successful provider of critical support to military and civilian government institutions, we also have important commercial business in aviation, infrastructure development, security, and logistics, including international projects to build and manage regional air facilities.³⁴

³⁴ DynCorp. “Corporate Profile” <http://ir.dyn-intl.com/phoenix.zhtml?c=194296&p=irol-irhome> (accessed July 8, 2007).

What is stated in the above explanation is that there are very few situations in which DynCorp would not be an essential ally to the hiring entity, be it the state or transnational corporation. DynCorp is a diversified corporation of staggering size and fiscal power. They have divisions that carry out police force training in Iraq, act as the President of Afghanistan's Private Security Detail, destroy poppy fields in the same country, destroy coca plants in South America, provide pilots and aircraft for counter-narco operations, along with a long list of other services. They currently have 14, 600 employees in 33 countries. They are contracted to work for the U.S. Navy, Air Force, and Army, the Department of Defense and State, the State of California, the Kuwaiti Air Force, Drug Enforcement Agency, Department of Justice, Internal Revenue Service, Securities and Exchange Commission, FBI, CIA, and HUD to name a few with reported earnings as of March 30, 2007 of \$2,084,740,000 of which approximately 98% comes from the US Government.³⁵ This puts them at number 16 on the list of the most profitable companies in America.³⁶ As a company, DynCorp is notoriously tight lipped about foreign contracts due to the proprietary nature of its businesses and the sensitivity of its work, however it does mention in its annual report a growing trend towards "outsourcing

³⁴ DynCorp International, "Form 10K, DynCorp International LLC" Filed June 30, 2007(Period March 30, 2007). <http://ir.dyn-intl.com/phoenix.zhtml?c=194296&p=irol-sec> (accessed July 8, 2007).

³⁵ Washington Post.com "Top 125 Companies". <http://projects.washingtonpost.com/post200/2007/categories/top-125/> (accessed July 8, 2007).

³⁶ DynCorp International, "Form 10K, DynCorp International LLC" Filed June 30, 2007(Period March 30, 2007)pg. 31 <http://ir.dyn-intl.com/phoenix.zhtml?c=194296&p=irol-sec> (accessed July 8, 2007).

³⁷ DynCorp, "A Brief History of DynCorp International.", <http://www.dyn-intl.com/subpage.aspx?id=54> (accessed July 8, 2007).

particularly in the United Kingdom and the United Arab Emirates”

(emphasis added) indicating that perhaps they have looked to diversification into foreign markets as well.³⁷

Their history begins in post World War II California when a small group of pilots came back to America with the idea of creating a maintenance company for aircraft. Then in 1951 Land-Air Inc. was awarded its first government contract to provide mission support and depot-level repair to U.S. military aircraft and weapons systems worldwide, a contract that they still maintain today. The year 1951 also saw Land-Air Inc. being purchased by California Eastern airlines. This was followed a name change in 1962 to Dynalectron Corporation, and finally in 1987, Dynalectron changed its name to DynCorp. DynCorp’s real introduction to the public came in 1995 with the awarding of the LOGCAP II contract for \$210 million in Bosnia after having beat out Brown and Root Services (BRS).³⁸ According to Peter W. Singer, “The exact reasons for BRS’s loss is not public, but rumor is that in attempting to add profits, BRS had not provided as competitive a bid as it could and DynCorp was able to underbid through extensive use of subcontractors.”³⁹

It was during the execution of this contract that DynCorp became embroiled in a massive scandal. In April of 2001 Kathy Bolkovac, an American policewoman serving as part of a UN police force contracted by DynCorp Aerospace in Aldershot, Great Britain, was fired for allegedly

falsifying her time sheets after making claims that members of the 2,100 strong international police force were trafficking in underage sex slaves.⁴⁰

In an email to more than 50 people - including Jacques Klein, the UN Secretary-General's special representative in Bosnia - Bolkovac described the plight of trafficked women and noted that UN police, Nato troops and international humanitarian employees were regular customers. It was shortly after this email went out that Bolkovac was reassigned.⁴¹

Ben Johnston, an air mechanic at camp Comanche near Dubrave in Bosnia had also filed a complaint alleging members of his team were purchasing the passports of young women from the Bosnian mafia, in effect owning the women's identity and ability to leave the country. Emails sent by Johnston led to an inquiry whereby 5 men were first flown to a DynCorp office in Germany for interviews, fired, and sent home.⁴² However Johnston pressed the case as numerous incidents with other DynCorp employees went completely unnoticed. Then in June of 2000, Johnston was fired allegedly due to lack of experience in working with Blackhawk helicopters, a helicopter he worked on frequently during his enlistment in the Army.⁴³ Both Johnston and Bolkovac sued DynCorp Aerospace under

⁴⁰Antony Barnett, & Soloman Hughes. "DynCorp's British Subsidiary Sued in the UK British firm accused in UN 'sex scandal': International police in Bosnia face prostitution claims" *The Observer*, 17th August 2001. <http://www.globalresearch.ca/articles/GUA108A.html> (accessed July 8, 2007).

⁴¹ Ibid.

⁴² Robert Capps "Outside the Law" *Salon*, June 26, 2002, <http://dir.salon.com/story/news/feature/2002/06/26/bosnia/index.html?pn=1> (accessed July 8, 2007).

an English law known as the Public Interest Disclosure Act of 1998, a law made it illegal for a company to fire a whistleblower in the United Kingdom.⁴⁴ Both summarily won their cases.

This however was not the end of their problems. The Plan Colombia and Andean Initiative, formally announced by the US government on June 28, 2001, was a program designed to destroy coca crops in Colombia and the surrounding nations.⁴⁵ During that time DynCorp signed a \$600 million contract with the State Department for coca fumigation operations in Colombia, Bolivia and Peru. In 2002 a lawsuit was brought against DynCorp by the International Labor Rights Fund representing some 10,000 people for \$100 million for alleged fumigation of large tracts of Ecuadorian land having nothing to do with drug production. From the complaint:

During the course of implementing this contract, Defendants also sprayed large sections of Ecuador that border with Colombia, and caused severe physical and mental damage to Plaintiffs, their children, and other similarly situated lawful residents of Ecuador who have nothing whatever to do with the production of illegal drugs in Colombia⁴⁶

⁴³ Ibid.

⁴⁴ Venancio Aguasanta Arias and Rosa Tanguila Andi vs. DynCorp., Case Number: 1:01CV01908 (RWR) <http://www.ciponline.org/colombia/irlfdyncorp.htm> (accessed July 8 , 2007).

⁴⁵ Ibid.

⁴⁶ Ibid.

Unfortunately the initial lawsuit itself was filed on September 11, 2001, providing it little if any attention in the media. DynCorp, as part of its contract with the government, was given indemnity in the suit. The claim has been re-filed in 4 separate suits, for unknown amounts. The company is still under indemnity as part of its contract with the Department of State.⁴⁷ In the midst of all of these legal problems, DynCorp was purchased by Computer Science Corporation(CSC) in December of 2002 for \$950 million dollars.⁴⁸ With this merger, CSC placed itself deeper into the top 10 government contractors for 2003, emerging at number 5 with almost \$1.9 billion dollars in federal money, placing it in competition with firms like IBM and EDS for government information technology contracts from the Department of Homeland Security (DHS). However DynCorp's International unit (DynCorp International LLC, the division responsible for providing MSF services) along with several other units, was seen as incongruous with CSCs corporate vision and was sold to Veritas Capital, a private equity investment firm that deals primarily in military and defense, in late 2004 for \$850 million dollars.⁴⁹ In 2005, DynCorp International received on of their largest contracts to date from the Department of State's Bureau of International Narcotics and Law Enforcement Affairs (INL) to provide

⁴⁷ Ibid.

⁴⁸ Erin Joyce . "Computer Sciences Acquires DynCorp" *Internet News*, December 13, 2002. <http://www.internetnews.com/bus-news/article.php/1556731> (accessed August 4, 2007). ; Computer Science Corp. 2005 Washington Post 200. *Washington Post*, 2005. <http://www.washingtonpost.com/wp-srv/business/post200/2005/CSC.html> (accessed August 4, 2007).

⁴⁹ DynCorp, "Veritas Capital acquires DynCorp International" December 12, 2004. <http://www.dyn-intl.com/subpage.aspx?id=60> (accessed August 4, 2007)

training for Afghanistan and Iraq's newly minted police forces.⁵⁰ The contract, known as Task Order 0338, was valued at up to \$290 million dollars for DynCorp, with \$117 million dollars for the first year, and an optional two-year extension worth almost \$188 million cumulatively. This was part of a \$1.8 billion dollar International Narcotics and Law Enforcement Affairs contract to train civilian police forces in both Iraq and Afghanistan, the largest ever such contract issued by the U.S.⁵¹

However, questions about the efficiency and capability to carry out the contract were raised relatively soon into its implementation. In December of 2006, a *New York Times* article entitled "The Reach of War: U.S. Report Finds Dismal Training Of Afghan Police," talked about a joint Department of Defense/Department of State report indicating that DynCorp was unable to account for police vehicles and personnel. The report also indicated that far fewer police were actually trained than were claimed due to conflicts between civilian government and DynCorp in executing the contract. This, according to the report, was to be expected as Afghanistan is classified as a "failed state" due to constant conflict and pervasive corruption through out the past thirty years.⁵² The strength of DynCorp's police mentor program (whereby retired senior police officers

⁵⁰ Defense Industry Daily. "DynCorp Wins Up to \$290M to Train Afghan Police Forces", September 14, 2005. <http://www.defenseindustrydaily.com/dyncorp-wins-up-to-290m-to-train-afghan-police-forces-01186/> (accessed August 4, 2007).

⁵¹ Renee Merle, "Coming Under Fire: DynCorp Defends its Work in Training Foreign Police Forces." *Washington Post*, March 19, 2007, pg D01. <http://www.washingtonpost.com/wp-dyn/content/article/2007/03/18/AR2007031801284.html> (accessed August 4, 2007).

⁵² Department of State/Defense Interagency Office of the Inspector General, *Interagency Assessment of Afghanistan Police Training and Readiness*, Washington D.C., GPO, December 12, 2006. <http://www.dodig.osd.mil/IGInformation/IGInformationReleases/D2006-DIPoE1-0193.pdf> (accessed August 5, 2007).

from the U.S. advise Afghani police recruits throughout the training process) is commended throughout the report, and has been shown to contribute to the readiness of the Afghan National Police (ANP). However, as of 2006 there has been a boom within the country in opium manufacturing in Afghanistan with 92% of the world's supply flowing out from its borders. This is triple its output from the 1980's and skyrocketed production from under 1000 metric tons in 2001 to over 6,000 metric tons in 2006.⁵³ In an article written by Imogen Foulkes for the BBC in July of 2007 the issue of heroin production in Afghanistan is discussed. Foulkes does not point to any specific reasoning for the sudden boost in production, however the lack of any central authority in the failed state of Afghanistan could easily be seen as a contributor to the strong recovery and subsequent robustness of the illicit industry.

⁵³ Imogen Foulkes, "Afghan Opium Production Soars" *BBC*, June 25, 2007. http://news.bbc.co.uk/1/hi/world/south_asia/6239734.stm (accessed August 4, 2007)

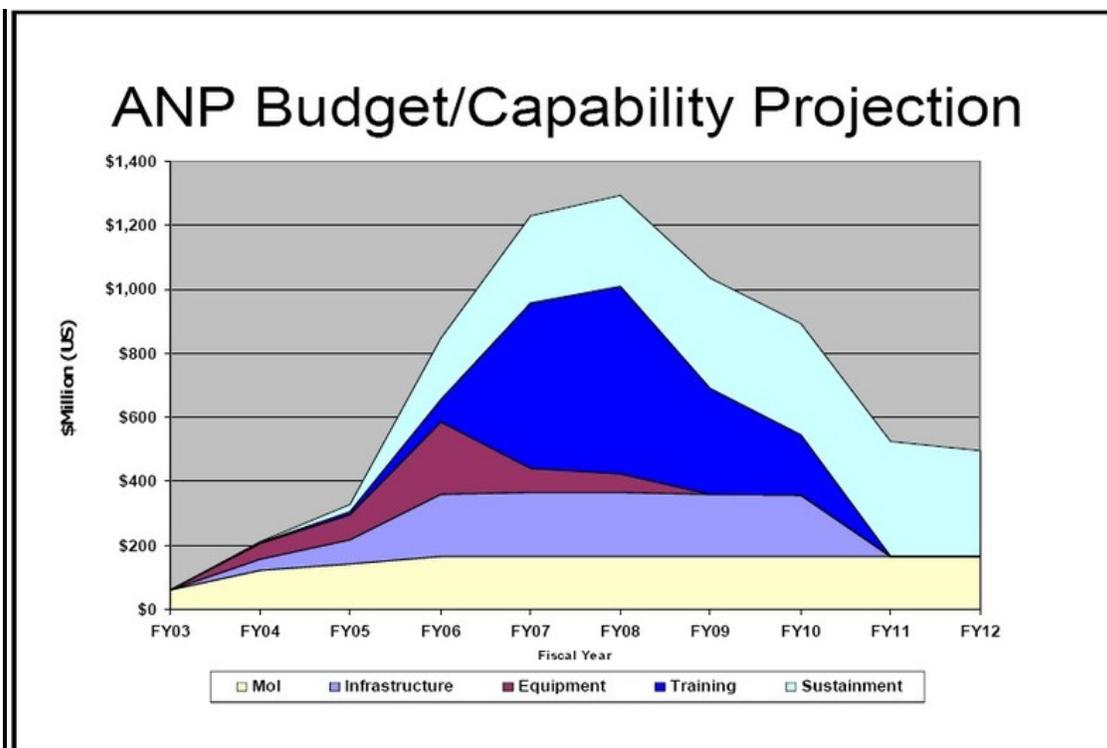


Figure 1. CSTC-A ANP Budget Capability Projection
(Source: CSTC-A)

Figure 2 Afghanistan National Police Budget/Capacity Projection

In a separate and much less congenial report entitled “Review Of DynCorp, LLC, Contract Number S-LMAQM-04-C-0030, Task Order 0338, For the Iraqi Police Training Program Support” issued in January of 2007, the Inspector General of Iraqi Reconstruction looked at the International Narcotics and Law Enforcement Affairs agency’s inability to monitor inventories of equipment and vehicles, the construction of facilities that were never used, and the authorization of \$4.2 million dollars worth of work that was authorized by the Iraqi government but never contractually

authorized by the INL .⁵⁴ The money was to be spent on facilities in which to house the trainers in several cities in Iraq but have yet to be used despite spending upwards to \$43 million dollars to create the temporary camps due to concerns about the location of the main camp at Adnan Palace in Baghdad and 5 other regional camps through out Iraq.⁵⁵

The study of DynCorp demonstrates several key points of my larger argument. First who is accountable? Second is there an economic and political benefit to using PMFs? Third, how does the carrying out of these contracts contribute to the 4th generation/net-centric warfare model proposed by military theorists? As a model for the MSF, DynCorp is substantial. There is much about the organization that is unknown, due to its status as a primary contractor with the government and ability to declare contracts as classified due to security concerns or as proprietary knowledge to avoid letting other companies see the details. Additionally, because DynCorp is a private entity as well as the nature of the services they provide, Freedom of Information Act requests do not apply to their dealings with the government. What role then does DynCorp play in the several incidents described above? As they have been provided indemnity from prosecution, where does the responsibility for the acts committed fall? The size and complexity of DynCorp's operations in combination with its ability to remain silent on much of its classified government work

⁵⁴ The Office of the Inspector General of Iraqi Reconstruction. *Review Of DynCorp, LLC, Contract Number S-LMAQM-04-C-0030, Task Order 0338, For the Iraqi Police Training Program Support* .DoS-OIG-AUD/IQO-07-20. January 30, 2007. pg. i-25, Washington D.C., GPO, <http://www.sigir.mil/reports/pdf/audits/07-016.pdf> (accessed July 13, 2007).

⁵⁵ Ibid.

provokes the need to ask at what point does the legal aspects of corporations such as DynCorp merit the ability to commit such acts without accountability. Violation of citizens rights in host nations or inability to carry out major pieces of contracts due to the size and scope of contracts speaks to an overextension of corporate oversight of operations. The provision of indemnity by the hiring entity--namely the U.S. government--gives a level of unaccountability that can be seen as overtly hostile to the interests of the host nations in that accountability is no longer an obviously answerable question. Highly regulated organizations such as the U.S. military provide recourse in the case of such actions as there is a discernable chain of command to follow from point A to point B. DynCorp is not obligated to provide such an option as it is hired by the state and therefore not of the state. This gap in the legal system has made accountability untraceable back to the top.

Second, the contract was given to DynCorp, which in turn subcontracted it to Corporate Bank Financial Services of Washington DC for the planning and implementation of the contract. Corporate Bank Financial Services then contracted the construction of the facilities to Cogim SpA of Italy, a company known for their construction of pre-fab units.⁵⁶ Why would a contract such as task order 0038 need to be farmed out internationally? Iraq's state owned businesses could easily be put back into the hands of the Iraqis, while under temporary U.S. oversight, and

⁵⁶ Ibid.

contracted out to take care of the tasks described above. They have, however, been left fallow due to de-Ba'athification (Ba'athists being the primary political party in Iraq at the time of the invasion) policies introduced by Paul Bremer in the immediate aftermath of the war in 2003.⁵⁷ In essence Bremer's policies cut the state industries off at the knees as many of them were run by Ba'athist party members. This circumvention of the established infrastructure as the kick starter of industry in Iraq removes the states' function as the primary negotiator for rebuilding the nation. While it is understood that that their was an attempt by Bremer to attack the root issue of corruption by eliminating the former regime's powerbase, this choice to privatize then brings into question the reasoning of the PCA's choice to privatize the rebuilding of Iraq, The outsourcing of tasks seen as central to the reconstruction of Iraq both physically and economically does not provide Iraqis with the tools to develop their nation. It does, however provide great financial incentive to the companies awarded the contracts. Finally, the culture of military contracting is inherently based on conflict. By making a living based in conflict, an aura of warmongering is sure to follow. For example, DynCorp's security forces have been called "thuggish and arrogant" by many including the U. S. State department.⁵⁸ The loss of the moral high ground due to thuggish behavior not only reflects poorly on the company's

⁵⁷Rajiv Chandrasekaren. "On Iraq, US turns To One Time Dissenters." *Washington Post*, January 14, 2007. http://www.washingtonpost.com/wp-dyn/content/article/2007/01/13/AR2007011301372_pf.html (accessed August 5, 2007)

⁵⁸ BBC News. "U.S. Chides Hostile Karzai Guard", *BBC*, October 12, 2004. http://news.bbc.co.uk/1/hi/world/south_asia/3743188.stm (accessed August 4, 2007).

fulfilling the contracts, but places U.S. military personnel as greater risk. Part of the theory of 4th generation warfare is to use the media as another weapon in a conflict. So the acts of personal security details become reflective on the contracting entity, which is the U.S. thus leaving state forces to answer the angry reactions of citizens in the countries where that acts take place.

Military Consulting Firm: Vinnell Corporation

The training of foreign militaries by the U.S. is a long honored tradition within the Pentagon. The use of military advisors by the U.S. in developing countries has been seen in the past as a way to develop relationships between U.S. and foreign militaries and governments for many years. These relationships are meant to foster armies that exist within the frame of a democratic society, meaning that militaries are subservient to the civilian governments that control them. These actions have been carried out in general by U.S. Army Special Forces, known also as the “Green Berets,” due to their exclusive use of the Green Beret as standard headgear within the U.S. Army. These soldiers were specially designated to train both established military forces in places such as South America and the Caribbean and an insurgency and counterinsurgency forces such as in Vietnam and Central America. While this tradition of military diplomacy still stands, Military Consulting Firms (MCF) have begun to move into this market and with the events of September 11th, have begun to replace Special Forces as the primary educators of foreign

militaries. In this section I will focus on the Vinnell Corporation and its history as a Military Consulting Firm. I will examine their founding, the major role they have played in the Middle East, and what the implications are of privatizing such a vital role as military advisement while keeping an eye towards the three main arguments posited in the introduction.

The Vinnell Corporation has its origins in 1930's California. Founded by A.S. Vinnell, the company began in the road paving industry. Because of its ability to handle large domestic contracts such as the Los Angeles freeway system and Dodger Stadium, Vinnell was able to make the transition from civilian to military contracting in the late 1940's. Vinnell's first overseas contract was with the military to provide supplies to Chinese nationalist Chiang Kai-shek's ill fated attempt to halt the spread of communism. This contract opened the door for Vinnell to do construction of military bases and airfields across the globe in Okinawa, Thailand, Turkey, and Vietnam. It was with the Vietnam War that Vinnell truly became the global industrial power that it is today. At one point, Vinnell ran hundreds of construction projects throughout Vietnam as well as repairs on weapons systems and running the military's warehousing. They reached their peak number of employees with 5,000 civilian personnel operating in country.⁵⁹ In an interview with the *Village Voice* in 1975, a Pentagon official described Vinnell as "Our own little Mercenary Army."⁶⁰ The official also indicated in the same interview "...we used them to do

⁵⁹ William Hartung "Mercenaries Inc.: How a US company Props Up the House Of Saud." *The Progressive*. April 1996. <http://www.commondreams.org/views03/0513-06.htm> (accessed June 1, 2007).

⁶⁰ Ibid.

things we either didn't have the manpower to do ourselves, or because of legal problems.”⁶¹ This quote speaks to Vinnell’s unusual relationship with the C.I.A. Rumors abounded of Vinnell’s involvement with the C.I.A. as a front in several countries for C.I.A. operations as well as running several “black” or secret operations during the Vietnam War.⁶² However, with the end of the Vietnam War, Vinnell was on the edge of bankruptcy. It had thrown almost all of its resources behind the conflict and by 1975, was filing reorganization plans with the California Department of Corporations.⁶³ In 1973, however, the US and Saudi Arabia signed an agreement to establish the Office of the Program Manager-Saudi Arabian National Guard Modernization Program [OPM-SANG]. The contract was won by Vinnell in 1975. It was at this point that the firm was offered a \$77 million dollar contract to train the Saudi Arabian National Guard (SANG), bringing it back from the brink of ruin. This contract made Vinnell the first non-military American entity to provide training for a foreign power. Very little exists in the way of literature as to how Vinnell was able to the win the contract or why they were awarded it, but their relationship to the C.I.A. during the Vietnam war cannot be ruled out as a factor. When the facts of this contract were revealed, congressional reaction was fraught with the notion of mercenaries training the Saudis; “Minnesota's Hubert Humphrey found the prospect ‘fraught with danger.’ Henry Jackson

⁶¹ Ibid.

⁶² Ibid.

⁶³ Ibid.

declared that the notion ‘completely baffled’ him and demanded a Senate investigation.”⁶⁴ As is quoted at the end of the Time article:

Said one former U.S. Army officer after signing on: ‘We are not mercenaries because we are not pulling the triggers; we train people to pull triggers.’ Another officer laughed and added: ‘Maybe that makes us executive mercenaries.’⁶⁵

Vinnell helped to modernize the SANG at almost every level with each renewal of its contract. Starting with a complete modernization in 1975, continuing with a renewal contract to develop the medical system for the SANG in 1981 while also developing schools for training, Vinnell has more or less built the SANG from the ground up. These skills were put to the test in January of 1991 at the first battle of the Gulf War, known as Battle of Al Khajfi. During this battle, Iraqi forces crossed the border between the two nations in a surprise maneuver and occupied the town of Al Khajfi. The SANG are credited with the victory at Al Khajfi and with helping to rescue two Marine reconnaissance teams caught in the crossfire. It is interesting to note in regards to the Battle of Khjafi what one Vinnell contractor stated: “Lots of us were Special Forces, and I'd say that's a big reason why the National Guard did so well. . . . In fact, when Iraq overran

⁶⁴ Time, “Executive Mercenaries”, *Time Magazine*, Feb. 24, 1975, <http://tinyurl.com/yupr7b> (accessed Nov. 18th 2007).

⁶⁵ Ibid.

Khafji early in the Gulf War, the SANG's King Abdul Aziz Brigade recaptured the town.”⁶⁶

Upon examining the underlying context of Vinnell and the SANG, it is found that the SANG operate outside of the rest of the Saudi military. The SANG have been called “A sort of Praetorian guard for the House of Saud,” by *Jane's Defence Weekly*.⁶⁷ The structure of the Saudi military is laid out so that no entity within the structure can communicate efficiently with the other. In one example, the regular Saudi Army and the SANG use two completely different communications systems, so that if one commander wants to talk to another, they literally must exchange handsets. This compartmentalizing of different sectors of the Saudi military stems from the Saud family's fervent desire to squash any uprising before it occurs within the military or the civil population as a whole.⁶⁸

In 1992, Vinnell was purchased by the BDM Corporation for an undisclosed amount. BDM was already a part of the Carlyle group as of 1990 with the \$130 million dollar purchase of BDM by the group.⁶⁹ The Carlyle group is a private equity firm representing an interesting group of people with high connections in the current administration. Former CEO Frank Carlucci joined the company in 1989 after serving as Ronald

⁶⁶ Linda Robinson. “America's Secret Armies”. *US News & World Report*. Nov. 4, 2002. <http://www.sandline.com/hotlinks/4contractors.htm> (accessed August 25, 2007).

⁶⁷ From a January 1996 *Jane's Defense* weekly article, William Hartung “Mercenaries Inc.: How a US company Props Up the House Of Saud.” *The Progressive*. April 1996.

<http://www.commondreams.org/views03/0513-06.htm> (accessed June 1, 2007)

⁶⁸ *Ibid.*

⁶⁹ *Ibid.*

Reagan's Secretary of Defense from 1987 to 1989.⁷⁰ Former British Prime Minister John Major joined the group in 1997 after the British Conservative Party took heavy losses to the New Labor Party headed by Tony Blair.⁷¹ Former head of the CIA and the 41st US president, George H.W. Bush joined the group in 1993, after leaving the office of the president and becoming a senior advisor to the group.⁷² Carlyle was initially an investment group that work heavily in the aerospace and defense sector with such purchases as United Defense in 1997 for a reported \$850 million dollars.⁷³ In one key deal for Carlyle, Citicorp, the largest bank in America at the time, was facing financial ruin as the savings and loan scandals had taken a heavy toll on Wall Street. The bank was in desperate need of investment, and was contacted by Prince Alwaleed of royal Saudi family late in 1990 with an offer to buy \$590 million dollars worth of Citicorp's sagging stock. Due to concerns about such a huge foreign investment in the largest bank in America, the Carlyle group was called upon by Faissel Fahad, a San Francisco lawyer and the prince's representative in the country, to negotiate the deal. When the deal finally went through, the prince became one of the largest

⁷⁰ Ibid.

⁷¹Anthony Cordesman, *Saudi Arabia Enters the 21st Century*. (Praeger/CSIS Press; Washington DC. 2003) Pg. 42

⁷² Joshua Tiedelbaum. "A Family Affair: The Civil-Military Relations in the Kingdom of Saudi Arabia." Paper presented at the fourth Social and Political Research meeting, Florence & Montecatini Terme 19-23 March 2003, organized by the Mediterranean Program of the Robert Schuman Center for Advanced Studies at the European University Institute.

<http://www.iue.it/RSCAS/RestrictedPapers/conmed2003free/200303Teitelbaum12.pdf> (accessed August 25, 2007)

⁷³ Ibid.

shareholders in Citigroup, owning almost 9.9% of the common stock. It was after this deal that the Carlyle group and many of its subsidiaries such as BDM, Vinnell, and United Defense, made massive profits due to their collusion with the Saudi family to which Prince Alwaleed was seen as the facilitator of for many in the finance world, netting the Carlyle group and estimated \$1.18 billion dollars between 1990 and 1998 when Carlyle sold BDM to TRW for \$975 million dollars.⁷⁴ It is a unique situation that an entity such as the Carlyle group provide so many services to a particular nation and its people. Carlyle was, at the time of the Citicorp deal, the owner of the company that was providing training for the SANG as well as brokering a deal that bailed out the largest bank in America. In looking at this arrangement, it would be hard to discount the notion of quid pro quo.

On November 13, 1995, tragedy struck the offices of Vinnell/BDM in Riyadh. A bomb was detonated in the parking lot adjacent to the headquarters of OPM-SANG. Six were killed in the blast, five of them Vinnell employees.⁷⁵ An organization named the Islamic Movement for Change took responsibility in the aftermath, espousing a doctrine of the removal of American forces from the holy land of Saudi Arabia.⁷⁶ While this was a brutal crime against humanity, many in the military community saw this unfortunate incident as more of a matter “when” as opposed to

⁷⁴ Craig Unger “Did the Saudis buy a President?” *Slate*, March 12, 2004. http://dir.salon.com/story/books/feature/2004/03/12/unger_2/index.html?pn=2 (accessed August 25, 2007)

⁷⁵ CNN.com “Ambassador: Car Bomb Destroyed Military Building” *CNN.com*, November 12, 1996. http://www.cnn.com/WORLD/9511/saudi_blast/11am/index.html (accessed August 25, 2007)

⁷⁶ *Ibid.*

“if.” As one retired military officers stated: “I don't think it was an accident that it was that office that got bombed. If you wanted to make a political statement about the Saudi regime you'd single out the National Guard, and if you wanted to make a statement about American involvement you'd pick the only American contractor involved in training the guard: Vinnell.”⁷⁷

After September 11, 2001 the relationship between the US and the Saudis took a turn for the worse. After it was made public that 15 of the 19 hijackers were of Saudi descent, relations between the US and Saudi Arabia became strained. Osama Bin Laden's deep financial ties to the Al Qaeda terrorist network and former Saudi citizenship have led many in the press and public to question the Saudis indirect involvement in the terrorist acts of 9/11.⁷⁸ While Bin Laden has expressed his desire to destroy America and the west while being seen as the linchpin in the Al-Qaeda network, an act of terrorism committed on May 12th, 2003 shows Bin Laden's hatred for the Saudi government is equally as venomous. Four separate bombs were detonated at the living quarters in Riyadh killing nine Vinnell employees.⁷⁹ In a report issued by the *Independent* four days after the attack, former Vinnell trainers alleged that the SANG itself was responsible for the attack, claiming that elements of the guard

⁷⁷ Mercenaries Inc.

⁷⁸ NYtimes.com. “US case Against Bin Laden Rests on Ideas”, *New York Times*, April 13, 1999. <http://partners.nytimes.com/library/world/africa/bin-laden-index-pbs-2.html?Partner=PBS&RefId=Eutttt-uFBqv> (accessed August 25, 2007), Osama Bin Laden's passport was revoked by the Saudi authority in 1995.

⁷⁹ Northrop Grumman press release. “Northrop Grumman Confirms 9 Employees Killed in Saudi Arabia Terrorist Attack.” *Northrop Grumman*, May 13, 2003. http://www.irconnect.com/noc/press/pages/news_releases.mhtml?d=40347 (accessed August 27, 2007).

knew about the attack and provided assistance such as detailed maps of the compound to Al-Qaeda.⁸⁰ Lt. Colonel Raphael Maldonado was quoted in the article discussing a mysterious night maneuvers training session had been ordered by one of the upper echelon of the SANG where 50 instructors were taken 40 miles from the compound, leaving only 20 Vinnell trainers behind in a severely compromised defensive position.⁸¹ The former trainers are planning a lawsuit against Vinnell to compensate for the medical costs incurred during the attack and supposed negligence on the part of Vinnell for ignoring warnings being issued about an imminent attack at the compound. Vinnell claims that the facilities were “secure and hardened” but declined to elaborate any further.⁸²

After Vinnell’s decision to decline further elaboration on how the July 1, 2003 attack could have occurred a secured facility, they were awarded a \$48 million dollar one year contract in which they were to train and deploy 27 battalions or 40,000 men by June of 2004⁸³. Vinnell used five subcontractors: Military Professional Resources Incorporated (MPRI), Science Applications International Corporation (SAIC), Eagle Group International Inc., Omega Training Group, and Worldwide Language Resources Inc. to carry out the contract. The goal of the training according to a work statement issued by Vinnell to the US Army was “a total of nine

⁸⁰ Mark Hollingsworth. “Saudi Royal Guards Aided Al-Qa-ida in Riyadh Bombing that left 35 Dead.” *The Independent on Sunday*. May 16, 2004. http://findarticles.com/p/articles/mi_qn4159/is_20040516/ai_n12755922 (accessed on August 26, 2007).

⁸¹ Ibid.

⁸² Ibid.

⁸³ Janis Lamar. “Northrop Grumman Awarded \$48 Million Dollar Contract to Train Iraqi Military.” *Northrop/Grumman*. http://www.irconnect.com/noc/press/pages/news_releases.html?d=42207 (accessed August 26, 2007)

truck-mobile infantry battalions will be trained in the first year with 1,000 recruits trained in each battalion cohort."⁸⁴ They were less than successful in the endeavor. By December 12, 2003, 480 of the first 900 graduates of the program had abandoned their posts.⁸⁵ Several reasons were given for the high drop out rate. First the soldiers were paid \$70 dollars a month as compared to the \$120 dollars a month that Iraqi police forces were being paid, plus the base of training was in Kir Kush, approximately 50 miles out side of Baghdad, requiring trainees to leave their home areas.⁸⁶ Second, the training meted out to the soldiers was in the words of several of the recruits "egalitarian . . . making do without the formalities of "sir" and "ma'am" and saluting."⁸⁷ Major General Paul Eaton, part of the US army units being used to monitor the training of the soldiers put it simply: "Soldiers need to train soldiers. You can't ask a civilian to do a soldier's job."⁸⁸ Third, a forced integration between all of the ethnic divisions in Iraq was created in the planning of the forces. The first battalion was to consist of 60 percent Arab Shiite Muslim, 20 percent Arab Sunni, 10 percent Kurdish Sunni and 10 percent other.⁸⁹ This resulted in language issues as instruction had to be translated from English to Arabic and then Kurdish as well ethnic tensions that had existed in Iraq for decades before the invasion. It was eventually decided that the

⁸⁴ Andre Verloy "The Windfalls of War: Vinnell Corporation." *The Center for Public Integrity*. <http://www.publicintegrity.org/wow/bio.aspx?act=pro&ddlC=64> (accessed August 26, 2007)

⁸⁵ Ariana Eunjung Cha, et. al. "Recruits Abandon Iraqi Army." *Washington Post*, December 13, 2003. Pg. A01. <http://www.washingtonpost.com/ac2/wp-dyn/A60899-2003Dec12?language=printer> (accessed August 26, 2007)

⁸⁶ Ibid.

⁸⁷ Ibid.

⁸⁸ Ibid.

⁸⁹ Ibid.

civilian program should be ended and the US would take over, with the assistance of Jordanian forces.

The Vinnell Corporation has an extensive history with the US government. Since the end of World War II, Vinnell has been involved in every major US conflict from Korea to present day Iraq. It is with this name brand and willingness to go anywhere in the world that the US military will go that has made Vinnell part of the global elite in the privatized military world. After TRW was purchased by Northrop Grumman in 2002 for a reported \$7.8 billion dollars, Vinnell was pushed into the top four military contractors in 2006 behind Lockheed Martin (\$36 billion), Boeing (\$30.8 billion), and BAE(\$25 billion).⁹⁰ While Northrop Grumman settled in at \$23.6 billion dollars, Vinnell contributed substantially to Northrop Grumman's Mission systems division. While an exact figure was not available from Northrop Grumman's 2006 annual report, one top 100 list placed Vinnell at #26 with \$83.3 million dollars in contracts from the Department of Homeland Security.⁹¹

The unusual aspect of this company is its size coupled with its ability to maintain an extremely low profile. Northrop Grumman corporate spokesperson Janis Lamar is quoted as saying "(Vinnell) has not

⁹⁰Global security.org " TRW" <http://www.globalsecurity.org/military/industry/trw.htm> (accessed August 27, 2007); Defensenews.com, "Defense News Top 100". <http://www.defensenews.com/index.php?S=07top100> (accessed August 27, 2007)

⁹¹ Jacob Goodwin. "GSN: Top 100 DHS Contractors." *Government Security News*, December 1, 2006 http://www.gsnmagazine.com/special/top100_07.html (accessed August 27, 2007)

done an interview in 30 years”.⁹² Vinnell has maintained this profile throughout its almost seven decades of existence. They are indeed an enigma. However in looking at news reports issued about the company and events surrounding employees and contracts, several questions surface using my initial 3 arguments.

First, does their early relationship to the C.I.A. and later relationship to the Carlyle group affect their accountability? Rumors of Vinnell’s offices fronting for C.I.A. operations in Africa and Middle East abounded during the 1950s and 60s. As this relationship has expanded, and Vinnell’s involvement with the C.I.A. has given Vinnell access to contracts such as the SANG deal, it would seem that their accountability is a distant second to ability to produce. One need only to look at the scant press that Vinnell has received throughout its existence and the extent of its dealing with the C.I.A. to see that oversight has not been a major consideration in its operations. Second, has Vinnell been effective in promoting U.S. interests and have these interests contributed to the Global War on Terror? It is ironic to consider that as Vinnell took the contract to train the SANG in 1975, echoes of Henry Kissinger’s thoughts on a U.S. invasion of the Middle East made a few weeks before reverberated through the press; "I am not saying that there is no circumstance where we would not use force. But it is one thing to use it in the case of a dispute over price, it's another where there's some actual

⁹² Gopal Ratnam. "Warfare Goes Private." *Defense News*, 2006.
<http://www.defensenews.com/story.php?F=2127930&C=top100> (accessed August 27, 2007)

strangulation of the industrial world."⁹³ In light of how Saudi Arabia has been portrayed as an allied power since the commencement of the contract, and as the two bombings described above were targeted specifically at Vinnell employees and succeeded in killing 14, how much does their being in the Muslim holy land bring to bear the resentment expressed in much of the vitriol of extremist Islam? As of April 2003 US forces, consisting mostly of Air Force detachments, moved from Prince Sultan Air Force base in Riyadh to the Al Udeid Air Base in the neighboring country of Qatar at the request of the Saudi government.⁹⁴ Citing Osama Bin Laden's grievance with U.S. presence in the holy land of Saudi Arabia; "In January 2002, White House Chief of Staff Andrew Card told CNN that Saudi officials had asked the United States to reduce its military presence there. 'I think it's in the long-term interest of both countries,' Card said."⁹⁵ And finally what has Vinnell's contribution been to the technological aspect of the PMF? As notions of war have changed, the use of technology has become as prevalent as to be ubiquitous. Improvised explosive devices—or as they are more commonly known, IEDs—are made with a remote cell phone detonator and a coffee can packed with nails and explosives. 1666 of the 3871 reported as of November 18, 2007 have been the result of these weapons.⁹⁶ Such statistics indicate that as U.S. military technology is introduced, insurgents

⁹³ Time, "The Intervention Issue.", *Time Magazine*, Jan. 20, 1975, <http://tinyurl.com/3e5654> (accessed Nov. 17 2007).

⁹⁴ Barbara Starr. "US to Move Operations From Saudi Base." *CNN.com/World*, April 29, 2003. <http://www.cnn.com/2003/WORLD/meast/04/29/sprj.iq.saudi.us/> (accessed August 27, 2007).

⁹⁵ Ibid.

⁹⁶ Iraq Coalition Casualties, "Military Fatalities: By Time Period", *Iraq Coalition Casualty Count*, <http://icasualties.org/oif/> (accessed Nov. 18, 2007).

respond in kind with a rapidity that coalition troops cannot keep up with. What we do have as an essential part of our arsenal is training. U.S. forces are amongst the most highly trained in the world. Technology is easily reproducible and alterable to suits the needs of the user. Teaching someone how to use the technology as effectively as possible is not as easy. The example of Vinnell's complete flubbing of the training of Iraqi forces shows that the short-term efficient solution of outsourcing of training can have disastrous long term consequences as U.S. soldiers were removed from the front lines to provide the training. Had this been considered in the post-war rebuilding as part of the total force, it may have taken away from fighting capacity in the short term, but would provided Iraqi soldiers to fight the Iraqi war in the long term.

Military Provider Firm: Blackwater

The MPF is the most high profile of all the PMFs because of its use of force as a part of its operating procedure, making it the tip of the spear. Their ranks are filled by the elite units of the world's militaries such as the Special Air Service of Great Britain, Delta Force in the United States, and the Spetsnaz of the Russian Confederation, as well as special weapons and

tactics (SWAT) police units from around the globe. Their primary missions are security and direct intervention. In the United States, the most well recognized of these companies is Blackwater USA. Founded in 1997 by former Navy Seal Erik Prince, Blackwater provides security across a wide range of both government agencies and corporate endeavors. Their involvement in so many sectors has given them a distinct advantage in the MPF field, having snagged some of the earliest contracts in the war and being given the premier task of security for the Coalition Provisional Authority (CPA) and Paul Bremer in the immediate aftermath of the Iraq war. Also included in their rise to predominance in the MPF sector is the hiring of J. Cofer Black, the former head of the CIA's counterterrorism department and rumored prime mover behind the extraordinary rendition program carried out by the United States, of which Presidential Airways, a division of Blackwater USA, provided some of the air services.⁹⁷ With such highly placed, well connected employees and important missions it is little wonder that Blackwater's reported \$320 million dollars in contracts are predicted by analysts to only rise.

In 1996 Erik Prince, the founder of Blackwater, left the Navy SEALS due to the death of his father, Edgar Prince, in 1995 and the worsening health of his wife who had been stricken with cancer. It was in this year that the Prince family sold the Prince Corporation which had been started by Edgar in 1965. What had begun as a small die casting

⁹⁷Jeremy Scahill, "Blackwater: The Rise of the World's Most Powerful Mercenary Army" (Avalon pub. Group. :New York) pg. 269-72

shop for the automotive industry in Holland, Michigan turned into a monolithic organization in the town, employing more than 4,000 people and doing more than \$400 million dollars in sales in 1995.⁹⁸ It was with the sale of the Prince Corporation for approximately half a billion dollars in 1996 that Erik became a wealthy man in his own right.⁹⁹

Much has been made of Prince's association with various political and religious organizations. Prince is a man of deep religious conviction and used the wealth he had generated from the sale of the Prince Corporation to fund many conservative causes, such as the Michigan Family Forum, the Michigan state chapter of Focus on the Family.¹⁰⁰ After the marriage of Erik's sister Betsy to Dick DeVos (the 2006 contender for governor of Michigan) in the 1980's one of the most powerful conservative families in the country was born. The DeVos family fortune came from the creation of Amway, the world's largest multi-level marketing firm with offices in 80 countries. Erik himself served as an intern in the first Bush administration but complained that the administration was not conservative enough, citing meetings with homosexual advocacy groups, the Clean Air Act, and the budget agreement as "not addressing a lot of conservative concerns."¹⁰¹ Prince was also a backer of Pat Buchanan's presidential campaign in 1992, working as a

⁹⁸ Blackwater, pg 10

⁹⁹ Blackwater, pg. 14 The Prince Corporation was sold to Johnson controls in 1996 for \$1.35 billion dollars.

¹⁰⁰ From the Focus on the Family website- "If there's one word that sums up the essence of Focus on the Family, it is commitment." Focus on the Family advocates a system of social values based in biblical interpretation by creating a hybrid of Christian and conservative values. For more information see- <http://www.family.org/>

¹⁰¹ Blackwater, pg. 18, Interview with the Grand Rapids Press in 1992.

campaign coordinator at Hillsdale College, where Erik graduated from after leaving the Naval Academy several years before.

Prince partnered with a former instructor from his Navy SEAL days named Al Clark to form the Blackwater Lodge and Training center. The timing of this incorporation could not have been more fortuitous for Prince and Clark, as the Base Realignment and Closure Act was in full swing in the late 1980's and early 90's and facilities for training elite units such as the Navy SEALs were in great demand.¹⁰² As quoted from the Blackwater website: "Our founder is a former U. S. Navy SEAL. He created Blackwater on the belief that both the military and law enforcement establishments would require additional capacity to train fully our brave men and women in and out of uniform to the standards required to keep our country secure."¹⁰³ While this statement rings a bit jingoistic, it reveals a shrewd model for business with government entities such as the police and military. Prince and his cohorts were aware of a need within the law enforcement and special operations community for high end training facilities as many were either antiquated—some dating back to World War II—or were being closed all together. They fulfilled this need with the purchase of 5,000 acres in North Carolina near the Great Dismal

¹⁰² Taxpayers for Common Sense, "BRAC History", <http://www.taxpayer.net/nationalsecurity/learnmore/BRAC/HTML/history.htm> (accessed July 15, 2007); Defense base Realignment and Closure Act of 1990, as amended. (Pub. L. 101-510) <http://www.acq.osd.mil/installation/reinvest/manual/dbcra90.html> (accessed July 15, 2007) The actual enactment began in 1988 under direction of then Secretary of Defense Frank Carlucci. It was then passed onto Dick Cheney in 1991. Cheney was then able to slash an estimated \$10 billion dollars from the military's budget. Curiously, this coincides with the radical upturn in privatization in the Military.

¹⁰³Blackwater USA, "About us.", <http://www.blackwaterusa.com/about/> (accessed July 15, 2007)

Swamp.¹⁰⁴ It is claimed by Blackwater to be the largest such privately owned facility in America with several shooting ranges, large scale indoor and outdoor live fire “shoot houses”--meaning the buildings and surrounding area have been constructed to allow for live fire training--urban reproductions, a man-made lake, and a driving track.¹⁰⁵ With its professional well laid out facilities and experienced training staff, Blackwater lodge rapidly became a premiere training facility for military and police units from around the world, with police officers from Virginia, North Carolina, and Canada all leasing out Blackwater’s facilities. For example, in September of 1999 Blackwater completed the construction of “R U Ready High School,” a 15 room, 14,746 square foot simulator designed to emulate a typical American high school in anticipation of more “Columbine” style massacres. One article discusses the realistic simulation: “Loudspeakers blare the sounds of automatic gunfire, explosions and fire alarms. Actors playing children scream. Sprinklers shower the halls and classrooms. Smoke clouds the building.”¹⁰⁶ The facility’s size and realism brought SWAT teams from across the country to train. The training site so peaked the interest of the National Tactical Officers Association (NTOA) that they put \$50,000 toward the construction and convinced the NTOA to hold its 16th annual conference at

¹⁰⁴ The community of Currituck County was not pleased with locating such a facility in their community. However, Blackwater simply went down the street to Camden county and found a ready taker. See- Jeffrey S Hampton, “Blackwater Looks Beyond Camden For Expansion” *The Virginian-Pilot*, January 12, 2006 <http://content.hamptonroads.com/story.cfm?story=98003&ran=105540> (accessed July 15, 2007)

¹⁰⁵ Blackwater Worldwide, “Training”, <http://www.blackwaterusa.com/training/> (accessed Nov. 21, 2007)

¹⁰⁶ Melinda Deslatte, “R U Ready High School Trains Police for School Violence”, *Ardmoreite*, March 31, 2000. http://ardmoreite.com/stories/033100/new_violence.shtml (accessed July 15, 2007)

both Virginia Beach and the Blackwater facilities.¹⁰⁷ The event brought police from every state and dozens of countries to the facility putting the Blackwater name at the forefront of the training facility market.

In 2000 Blackwater received its first General Service Administration (GSA) schedule.¹⁰⁸ By receiving this schedule, Blackwater was now open to what are called “long term government wide contracts” meaning that their services and products such as the Blackwater Targeting System were now officially available to government agencies. This led to a first contract worth \$68,000 to provide “armament training devices” such as the targeting system developed by Blackwater.¹⁰⁹ However, the true kickoff to Blackwater’s government contracting would begin with the tragic events on the USS Cole in October of 2000. Osama Bin Laden took credit for the suicide attack that killed 17 sailors and injured 39 others on the morning of October 12th in the port city of Aden, Yemen. The result of this attack was a contract worth \$35.7 million dollars to conduct “force protection” training.¹¹⁰ Traditionally, sailors did not train for combat. However as the threat of terrorist activity loomed larger the navy began work on a plan to provide the training needed for such eventualities. Anti-terrorism/force protection (AT/FP) as it is called is defined as “efforts include training and deployment of AT/FP personnel; Navy contributions

¹⁰⁷ The NTOA is the premiere association for “Providing Training & Resources for SWAT, Patrol, Military, TEMS, CNT, K-9, & Corrections” <http://www.ntoa.org/> (accessed July 15, 2007)

¹⁰⁸ Blackwater, pg. 37

¹⁰⁹ Blackwater, pg. 38 “ As it happened this was the exact amount Erik Prince would donate later that year to the Republican State Elections Committee in an election year that would see George W Bush come take power”.

¹¹⁰ Blackwater, pg. 40

to programs relating to weapons of mass destruction; enhanced shipboard, port, and facilities defenses; and physical security equipment, weapons, and ammunition”¹¹¹

The events of September 11th shook the U.S. government to its core. A recognition of the United States’ vulnerability as a nation came to the forefront of political decision making and as such led to looking at as many sources of security training as possible. Erik Prince appeared on the O’Reilly Factor on September 27, 2001, 16 days after the events of September 11th. He was quoted as saying: “I’ve been operating in the security business for 4 years and was starting to get a little cynical on how seriously people took security . . . The phone is now ringing off the hook.”¹¹² September the 11th was the beginning of a relationship between the U.S. government and Blackwater that has made it one of the most successful of the MPFs involved in the Global War on Terror (GwOT). This success has been based in large part on the creation of one division with the company, Blackwater Security Consulting. With its incorporation in Delaware in January of 2002, Blackwater was able to obtain valuable C.I.A. contracts to provide security at C.I.A. posts throughout the world.¹¹³ Prince had the help of two people in the creation and marketing of this division of the company, by the way of Jamie Smith, a former C.I.A.

¹¹¹ Ronald O’Rourke, *Homeland Security Naval Operations; Background and Issues for Congress*, Congressional Research Service Report for Congress, June 2, 2005, pg. 5, Washington D.C. GPO, http://www.history.navy.mil/library/online/homeland_security.htm (accessed July 16, 2007)

¹¹² Erik Prince on The O’Reilly Factor, The Fox Network, September 27, 2001

¹¹³ Robert Young Pelton. “Licensed to Kill: Hired guns in the War on Terror” (Random House: New York, 2006) pgs. 36-41

operative during Gulf War and Buzzy Krongard, a special advisor to the Director of Central Intelligence, George Tenet. Krongard's relationship to the Prince family extends far beyond this initial relationship due to Krongard's past as an investment banker with the firm Alex. Brown.¹¹⁴ Krongard joined the C.I.A. in 1998 after parlaying his former firm into one of the most successful in the country and selling it to Banker's Trust in 1997.¹¹⁵ It was at this point in the Afghan war that the C.I.A. security division, known as the Global Response Staff, recognized itself as stretched beyond its capacity to provide protection for all of its operations in Afghanistan. The small company owned by Erik Prince was first tapped to provide a 20 man team for security at the Kabul station of the C.I.A. Prince's connections within the C.I.A. helped to secure an initial contract, known as an "urgent and compelling" contract, eliminating the need for a competitive bidding process, worth \$5.4 million dollars for a six-month period. In estimating the costs of the contracts, Jamie Smith, who had become Prince's right hand man, looked at DynCorp's contracts, another company that had provided security at C.I.A. station houses, to create an estimate of \$550.00 dollars a day per contractor. However Blackwater itself would bill the C.I.A. at a rate of \$1,500 dollars per day. As is noted in Robert Young Pelton's book License to Kill, each of the contractors earned \$18,500 a month, while Blackwater itself cleared over \$900,000 a month. This contract led to a windfall of business for Blackwater with Prince

¹¹⁴ Blackwater, pg 43.

¹¹⁵ Princeton University, Class notes 1958, "Golf is too darn slow for Buzzy Krongard '58: Bankers Trust's former vice-chairman joins the CIA", *USA Today*. http://www.princeton.edu/~paw/archive_old/PAW98-99/04-1104/1104cns.html (accessed July 18, 2007)

becoming what is referred to in the C.I.A. as a “blue badger” or contractor for the C.I.A. Along with monthly meetings at Langley, the relationship became even more closely knit as the flow of “black” contracts—or C.I.A. contracts for classified services and products--reached an approximate 15% of Blackwater’s business.¹¹⁶ Prince was so taken with the notion of working with the C.I.A. in secretive operations that both he and Smith joined the 20 man security team at the furthest reaches of U.S. influence in Afghanistan in a firebase located 4 miles from Pakistan in a place called Shkin known to some as “Fort Apache.”¹¹⁷ It was within this base that elements of Task Force 11 resided. This group of Rangers, Special Forces, British SAS, Elements of Air Force special operations, and some members of the ultra- secretive Army Delta Force carried out the task of hunting high valued targets such as Bin Laden from this remote outpost while Blackwater provided security. Young claims the base was “subject to regular attacks from enemies who would strike and flee back across the border into Pakistan” indicating that the contractors were more than likely involved in combat situations.¹¹⁸ Smith stayed at the base for the two month duration of the contract in Shkin while Prince stayed for only a week, needing to go back and make more contracts happen for the company.

On March 20, 2003 after months of debate and posturing, the United States invaded Iraq. The war itself was swift and decisive in favor

¹¹⁶ According to Pelton, this number is only an estimate as by definition CIA “black” contracts are classified.

¹¹⁷ Licensed to Kill, pg. 39

¹¹⁸ Ibid.

of the coalition forces. In the aftermath of the conflict the process of rebuilding the nation fell to Jay Garner for a short time, and was then passed to Paul Bremer who became the Director of the Office for Reconstruction and Humanitarian Assistance for the Coalition Provisional Authority of Iraq. Bremer was a controversial figure with an extreme free market outlook on the nation of Iraq. This outlook did not win him favor amongst the Iraqi people as Bremer essentially stripped the Iraqi nation of control over its industry and placed those industries on the market. Following Bremer's "Order 37"—lowering the corporate tax rate in Iraq from 40% to flat 15%- and "Order 39"—allowing foreign companies to take 100% of the profit out of the country without facing any tax penalty—Iraq had become the most wide open market on the globe.¹¹⁹ The need for security for Bremer and other members of the Coalition Provisional Authority (CPA) led to the need for constant monitoring and safety checks. So as of August 28, 2003 Blackwater was awarded a no bid "sole source" contract to provide the security for Bremer at a cost of \$27.7 million dollars.¹²⁰ This provided Bremer with a team of 36 "protection specialists," two K-9 teams, and Three MD-530 Boeing Helicopters, also known as "Little Birds." With this contract the cost of personal security details (PSD) in Iraq shot up from a standard \$300 a day to over \$600 dollars a day. These wages did not come without a price. On May 7th, 2004 an audiotape with the purported voice of Osama Bin Laden was

¹¹⁹ Naomi Klein, "Baghdad Year Zero", *Harper's*, September 2004, <http://www.harpers.org> (accessed Nov.22, 2007)

¹²⁰ Blackwater, pg. 69

issued; "We in al Qaeda organization will guarantee, God willing, 10,000 grams of gold to whoever kills the occupier Bremer, or the American chief commander or his deputy in Iraq."¹²¹ This report did not include the \$50,000 price tag put on each of the protection specialists assigned to Bremer.¹²²

One major incident has plagued the reputation of Blackwater since their entrance into the Iraq war in force. In this instance, questions as to the culpability of Blackwater (and in turn, the MPF industry as a whole) have become more evident and debated. On March 31, 2004 a situation took place in the city of Fallujah in central Iraq. Four men on a security detail transporting food service equipment across the city were ambushed in a coordinated assault. The convoy encountered a temporary detour sign which led them into the attack. The vehicles were hit with rocket propelled grenades (RPG) then peppered with small arms fire. The bodies were pulled from the still flaming vehicles and beaten with shovels, after which they were dismembered and then dragged behind trucks while the others were hung from a bridge that crosses over the Euphrates River. Pictures and video of the subsequent mob frenzy were shown on news outlets such as CNN and all of the major network news stations. In the U.S. the anger was palpable. People wanted punishment to be dealt out to

¹²¹CBS News. "Osama tape offers Bremer Bounty", May 7, 2004.

<http://www.cbsnews.com/stories/2004/05/06/terror/main616030.shtml> (accessed July 19, 2007) The market value of the gold at that time was approximately \$125,000 dollars. The U.S. had already placed a bounty of \$50,000,000 on Bin Laden's head earlier that year.

¹²² Robert Young Pelton . "Riding shotgun in Baghdad" *Popular Mechanics*, April 2005.

http://www.popularmechanics.com/technology/military_law/1506812.html?page=1 (accessed July 19, 2007)

the perpetrators. In a news conference the day after the ambush in Baghdad, a U. S. Army spokesman stated, "Quite simply, we will respond."¹²³ The aftermath of the incident was that 36 marines and hundreds of civilians killed as U.S. forces committed to a direct assault on Fallujah.

The story behind this tragic event has put Blackwater in a defensive position as they are being sued for the wrongful deaths of the four contractors, Stephen "Scott" Helvenston, Mike Teague, Jerko Zovko and Wesley Batalona by the families of the men slain in Fallujah. The content of the lawsuit contends that Blackwater knowingly let the four men head into a situation without the proper security precautions in place in order to fulfill a hastily negotiated contract that they had taken from a rival PSC, Control Risk Groups of London. The lawsuit claims that Blackwater violated its contracts with Eures Support Services (Known as ESS), a Kuwaiti partner called Regency Hotels and the contractors themselves by not conducting a proper risk assessment, shorting the number of personnel needed for the mission by two people, and not providing the proper equipment such as up-armored vehicles and essential weaponry.¹²⁴

What comes to question in this horrific incident is the responsibility of Blackwater to maintain the safety of its contractors. The appearance of

¹²³ Kevin Flower, et. al. "U.S. Army: 'We Will respond' to Contractor Killings.," *CNN/World*, April 1, 2004. <http://www.cnn.com/2004/WORLD/meast/04/01/iraq.main/> (accessed May 25, 2006).

¹²⁴ Committee on Oversight and Government Reform, "Private Military Contractors in Iraq: An Examination of Blackwater's Action in Fallujah." Prepared for Rep. Henry Waxman, Washington D.C., *GPO*, September 2007, http://www.blackwatervictims.com/pdfs/Oversight_Report.pdf (accessed Oct. 13, 2007).

profit over safety is hard to work around as questions about the above points remain unanswered. Blackwater itself has remained quiet about these allegations choosing to allow its lawyers (including former special prosecutor Kenneth Starr) to speak on its behalf. To take the use of the phrase “armored” in the contract as an example, John Potter--the Blackwater supervisor for the ESS contract--had indicated earlier to management that the omission of the phrase “armored” from the contract would not only violate the terms of the contract, but place the contractors themselves in mortal danger should an attack take place.¹²⁵ He was subsequently fired and replaced by another supervisor. In the ensuing lawsuit, Potter was called to provide deposition for the plaintiffs in the case. The date for the deposition was set for January 28, 2005, however 3 days prior Potter had been rehired by Blackwater and shipped to Jordan for deployment in the Middle East.¹²⁶ Blackwater then attempted to have the deposition dissolved, but a federal court judge said no to the request. Blackwater countered by saying that Potter was no longer in their employ. When lawyers for the family attempted to have Potter again come to the deposition in November of 2006 when it was discovered that he was back in the U.S., Blackwater claimed that Potter’s deposition would reveal classified information. At this point the U.S. attorney’s office stepped in citing the need to review Potters supposed possession of classified information and documents that would be pertinent to the case. ¹²⁷ It is

¹²⁵ Blackwater, pg. 228

¹²⁶ Blackwater, pg. 230

¹²⁷ Blackwater, pg. 231

within the context of this legal maneuvering involving the federal government that deeper concerns arose. As government involvement in the case supersedes the ability of the plaintiffs to gather information about the events of March 31, 2004, the subtle yet undeniable statement is that while Blackwater is not a government agency, the work that they carry out can be treated as such and branded as a matter of national security.

Blackwater argues that they have been recognized by the Pentagon as a part of the “Total Force” of the U.S. military and prosecution of wrongful death suits would undermine the ability of the President to carry out foreign policy.¹²⁸ This duality of being both in the private sector and part of the “Total Force” in Iraq makes Blackwater immune to both civil and criminal charges. As it stands, a Blackwater claim to be a private entity and therefore outside the jurisdiction of the Uniform Code of Military Justice (UCMJ) and working for the government in carrying out what it calls “a classic military function- providing an armed escort for a supply convoy under orders to reach a military base...” puts it in a legal grey area. The question of responsibility is then placed beyond the reach of any legal system giving Blackwater the ability to operate with a level of impunity unknown in the MPF sector.¹²⁹

The MPF has a power that all other actors in the PMF field do not, namely the chance and ability to carry out direct conflict with the enemy. This power is not often engaged; however, an incident that occurred

¹²⁸ Blackwater, pg 234

¹²⁹ Blackwater. pg 233

several days after the Fallujah incident illustrates this ability. On April 4, 2004, in the city of Najaf an incident took place where a group of Blackwater contractors, Salvadorian peacekeepers, and a U.S. Marine corporal were embroiled in a 4 hour gun battle with elements of the insurgent force known as the Mahdi army. This battle was documented on video and later uploaded to Youtube, a social video site. During this battle contractors made numerous attempts to contact the U.S. military to provide intervention. The intervention was limited to a smart bomb dropped by the Marines. In the meantime Blackwater helicopters flew in to pick up wounded and supply the fighters with more ammunition.¹³⁰ As the Blackwater security team was met and engaged in combat, it ceased to be a Private Security Company and took on the role of Private Military Company. While this incident was relatively small, the MPFs engagement in combat is an eventuality that will need to be faced. As more contractors arrive in country-- there are an estimated 20,000 to 30,000 there currently-- the odds of such a conflict occurring again grow exponentially larger.¹³¹ This logic can be expanded to include any area of conflict that will include the presence of MPFs. Executive Outcomes is the prototype of the modern privatized military. The Executive Outcomes model in African conflicts such as Angola and Sierra Leone was to provide not only training for the contracting forces, but direct involvement in the conflicts by leading the soldiers they had trained. Such conflict maybe an anomaly

¹³⁰ Youtube.com .”Blackwater Najaf”. 4min.; Video, uploaded May 25, 2007, <http://www.youtube.com/watch?v=R6jjTcmJfBc> (accessed August 3, 2007)

¹³¹ Steve Fainaru, “Iraq Contractors Face Growing Parallel War” *Washington Post*, June 16, 2007 <http://tinyurl.com/2beqhc> (accessed June 30, 2007)

right now, but as more credence is given to the MPF as a viable training service and force multiplier, where will the privatization of conflict lead? Blackwater itself has recently incorporated another company in the island nation of Barbados known as Greystone Ltd. This new branch of Blackwater has been marketed as “an international supplier of turn-key security solutions. Greystone focuses on providing stability to locations experiencing turmoil whether caused by armed conflict, epidemics, or natural or man-made disasters.”¹³² As Robert Young Pelton points out in Greystone’s corporate brochure one paragraph stands out:

Proactive Engagement Teams:

Greystone elements are prepared to configure capabilities to meet emergent or existing security requirements for client needs overseas. Our teams are ready to conduct stabilization efforts, asset protection and recovery, and emergency personnel withdrawal. ¹³³

Nowhere else in the website does this phrasing appear, but the wording makes clear that Blackwater is planning to venture outside of the security field and into the direct conflict field. This shows that Blackwater figures to be engaged in the MPF field for long into the future and wants to expand its operations even further into direct action role.

¹³² Greystone Ltd., “About Us.”, <http://boardroom.deepblue.com/db/greystone/web/#> (accessed August 15, 2007)

¹²⁸ Brochure from Greystone Ltd. Website. http://www.greystone-ltd.com/docs/greystone_brochure.pdf (accessed August 15, 2007)

The process of examining Military Provider Firms is important for several reasons. First, the companies themselves operate as below the radar as possible while remaining legal entities. With issues such as employee security and to a lesser extent proprietary knowledge such as bidding on contracts to consider, this stealthy operation tends to lead to speculation as to their motive and method. So looking at the question of oversight and accountability is obscured by two things. One, the notion of “fair play” in contract negotiations and two, the level of state secrecy involved in the execution of the contract. Both of these things allow companies to mask contracts and actions taken in the veil of need-to-know information.

The idea of cost effectiveness of the military provider firm can be brought into question with the example of Blackwater’s involvement in Hurricane Katrina. Blackwater laid claim to providing its services pro-bono during the disaster relief effort in New Orleans. This was proven not to be the case as Blackwater was paid nearly \$73 million dollars by June of 2006 to protect FEMA staff during the reconstruction.¹³⁴ A question that comes from such a long term and expensive contract is; why? Why was it necessary to have Blackwater security details in New Orleans with the presence of National Guard troops, state and local law enforcement, as well volunteer police forces from around the country? Several members of Congress including Rep. Jan Schakowsky and Senator Barack Obama

¹³⁴ Joanne Kimberlin & Bill Sizemore, “Blackwater: On American Soil”, *The Virginian Pilot*, July 27, 2007 <http://content.hamptonroads.com/story.cfm?story=108184&ran=230435> (accessed Nov. 23, 2007)

questioned the validity of the use of Blackwater, with Senator Obama commenting: “It strikes me with all the National Guardsmen we’ve got down there, with the local Law enforcement that are back on the job and putting their lives back together again, that that may not be the best use of money”¹³⁵

Finally, looking at Blackwater as a technological phenomenon shows that Blackwater is at the forefront of creating its own brands of military technology. As Blackwater grows in size and capacity, so too does its range of services. Currently the varied interests of the Prince Group—the parent company of Blackwater U.S.A., Greystone Ltd., and the newly founded Total Intelligence Solutions--a company that offers intelligence analysis for both industry and government--moves Blackwater further away from just being a provider of brawn to a provider of brains.¹³⁶ Sophisticated training, experienced personnel from all branches of government, and the ability to provide turnkey solutions have made Blackwater a highly technical organization with the ability to act as a military and security one-stop-shop for corporations and governments. For example, Blackwater has developed the Grizzly Armored Personnel Carrier in house, while the Department of Defense has developed the Mine Resistant Ambush Protected Vehicle (MRAP).¹³⁷ Both vehicles are

¹³⁵ Transcript, “ U.S. Senators Tom Coburn (R-Ok) and Barack Obama (D-Il) Hold a News Conference on Hurricane Katrina efforts”, September 14, 2005

¹³⁶ Dana Hegdpath, “Blackwater’s Owner Has Spies for Sale”, *Washington Post*, Nov. 3, 2007, <http://www.washingtonpost.com/wp-dyn/content/article/2007/11/02/AR2007110202165.html> (accessed Nov. 23, 2007)

¹³⁷United States Department of Defense, “MRAP Vehicles”, <http://www.defenselink.mil/home/features/2007/mrap/> (accessed Nov. 24, 2007); Blackwater USA,

reported to provide elevated protection to the occupants against Improvised Explosive Devices. The cost of the vehicles has become the major separating point. Each of the MRAPs is reported to cost upwards of \$1.5 million dollars—there are several models either in development or already on the ground in Iraq—and are being overproduced to lower costs;¹³⁸

‘We might not need as many as we are buying. Some will be stored for a period of time,’ said John Young, the defense acquisition undersecretary. ‘The service chiefs have indicated that these are heavy, large vehicles that might not fit well with mobile expeditionary missions.’¹³⁹

Blackwater has not revealed the cost of producing the Grizzly, but vehicles of a similar nature cost approximately half a million dollars.¹⁴⁰ Blackwater will initially be producing around 300 a year in a 100,000 square foot facility in Moyock N.C. As Blackwater continues to develop much of their own equipment, their need to rely on outside sources decreases. This also means that they themselves will become producers who can sell their brand to other organizations and move in a much quicker fashion from drawing board to production while utilizing that

“Introducing the Grizzly APC” <http://www.blackwaterusa.com/images/pdf/GRIZZLY%20brochure.pdf> (accessed Nov. 24, 2007)

¹³⁸ Jason Sigger, “Big Armored Vehicles’ Big Surprise”, *Danger Room*, Nov. 13, 2007, <http://blog.wired.com/defense/2007/11/who-could-have-.html> (accessed Nov. 24, 2007)

¹³⁹ Ibid.

¹⁴⁰ Strategy Page, “Blackwater Builds a Better Armored Truck”, <http://www.strategypage.com/htm/htarm/articles/20070327.aspx> , (accessed Nov. 24, 2007)

brand name. While the MRAP is designed as an all-around vehicle meant for multiple tasks—which more than likely added to the massive costs—the Grizzly shows that Military Provider Firms are able to use their own technical knowledge to develop their own equipment. Where this will take them in the future is only limited by questions of legality as opposed to technical know-how.

By looking at the relationship between the contractors and the military through jobs the PMF have completed or failed, we can begin to see how the PMF are playing more of a role as providers of not just technology and advice but of security itself. Each of the companies above has shown that this is an industry that will not be marginalized. Even with the numerous incidents of impropriety reported now almost daily in the media, Private Military Firms have become integral to the structure of the transnational economic system that is in place now. If threats of removal from Iraq were to be followed through with Blackwater, it has created such an elaborate web of contracting jobs throughout the globe that they would simply be able to move onto the next opportunity. Cofer Black's offer of a brigade of Blackwater contractors to work as peace enforcers in Sudan speaks of the industry's ability to function not only as an extension of government policy but as a transnational force independent of national agendas. This ultimately leads to the question of what will happen when MPF meets MPF on the battlefield. A situation such as this took place

during Executive Outcomes time in Angola.¹⁴¹ Soldiers from the former South African Defense Force were known to have been recruited by forces opposing EO.¹⁴² Will such a conflict affect the nature of conflict amongst nations or is this ultimately a logical progression to the incorporation of the growing use of globalized resources in the post modern world?

¹⁴¹ A.J.Venter, *War Dogs: Fighting Other Peoples Wars*, (Casemate; Philadelphia, 2006) pg. 340

¹⁴² Ibid.

Chapter Three, “The Post Gulf War Environment”

Military strategy has altered significantly since the end of the cold war. Nations are using the privatized military option on a more frequent basis to solve foreign policy issues. In turn, the privatized military industry owes much of its success to the main purchasers of their services. Without government, privatized military services would not have been able to reach the heights they have attained in recent years with such rapidity or the level of acceptability they have garnered. In this section I will look at the fetal stage of the PMF against the backdrop of several critical U.S. military operations. It is my hope to show that the rise of the Private Military Firm in U.S. foreign policy is not a new event nor is it specific to one political party. From the PMF’s beginnings under the Clinton administration in the U.S. as a reaction to the tragic events in Mogadishu up to their use by the current Bush administration as a force multiplier in the Iraq war, most Private Military Firms have less to do with political affiliation and more to do with expansion of market share. Due to the nature of globalized commerce and the willingness of governments to use outsourced solutions—such as Executive Outcomes in Angola—Private Military Firms represent a departure from the state-centric nature of conflict—as was seen in previous centuries and reaching its pinnacle with the cold war--towards a decentralized, contract-based form of violence.

I will begin with the early nineties and look at the heady days of post Gulf War Iraq and the use of contractors on the battlefield. This will begin with the first outright use of PMCs in the Angolan conflict of the early nineties. The use of Executive Outcomes by the Angolan state showed how a small unit of highly trained contractors could tip not only the balance of the conflict, but empower the Angolan state enough to bring the rebel UNITA group to the bargaining table. This will be followed by the Battle of Mogadishu and the chilling effect that this engagement had on the U.S. and its foreign policy choices in the early nineties. It is at this point in time when the modern PMF is seen to have its beginning with the initiation of the first Logistics Civil Augmentation Program (LOGCAP) contract. This will be followed by their first major engagement in the Balkans with DynCorp and Brown and Root as the main provider of such services as repairing of equipment, construction of camps, and food service and preparation and Military Personnel Resource Inc. (MPRI) providing controversial services to the Croats. It was during this period of time that the U.S. government started to embrace the PMF as a viable alternative to the use of an extensive military presence in regional conflicts such the Balkans. All of these events led up to what has become the quintessential moment of the industry: the Iraq War. In this war the relationship between government and the industry has evolved into a near symbiotic one, with the cogs of government relying more and more on the PMF grease to move the conflict forward. I will examine some of the

legislation that has been passed in the years leading up to the war and how the altered landscape of conflict has been affected by this relationship.

Executive Outcomes (EO) is amongst the most successful private military organizations. From its inception it has been an organization that has been the model by which other MPFs measure success. With its founding in 1989 by Lt. Colonel Eeben Barlow of the South African Defense Force's elite 32 reconnaissance battalion, EO created a military organization that acted as a de-facto state army including Special Forces training, fixed and rotary wing combat air patrols, and one specific service listed on their website as simply "discretionary warfare."¹⁴³ EO had taken part in combat operations across the globe, however, this section will focus specifically on the events that took place in the West African nation of Angola in the spring of 1993. During this conflict, EO managed to halt a civil war that had been raging in the country since its independence from Portugal in 1975. The two main participants in the conflict, the Popular Movement for the Liberation of Angola - Party of Labour (MPLA) and the National Union for the Total Independence of Angola (UNITA) were each backed in the conflict by the Soviet bloc and the U.S. and South Africa respectively.¹⁴⁴ During the 1980's both sides of the conflict were well funded by these states, with South Africa even providing military advisement and direct combat roles through specialized units within the

¹⁴³ Executive Outcomes. "Mission & Services."

<http://web.archive.org/web/19981212024722/http://www.eo.com/> (accessed September 16, 2007)

¹⁴⁴ Paul Hare, "China in Angola: An Emerging Energy Partnership," *The Jamestown Foundation*, Vol.6, Issue 22, November 8, 2006.

http://jamestown.org/publications_details.php?volume_id=415&issue_id=3918&article_id=2371629 (accessed September 16, 2007) UNITA's original supporters in the conflict were communist China.

South African Defense Force (SADF) including the notorious Koevoet (Afrikaans for crowbar), a police counter-insurgency unit which had been accused of brutal and indiscriminant tactics during the South West African border wars of the 1970's and 80's.¹⁴⁵

However, in the post cold war environment of the nineties, funding for the conflict dried up leaving the MPLA to fight its own war of which the government was unable to continue. This was due to the end of Apartheid as a political system in South Africa. With the end of Apartheid, president Nelson Mandela ordered the disbandment of the SADF special forces units, leaving a substantial number of what are considered to be some of the finest special operations units in the world, literally out of a job.¹⁴⁶ Barlow recruited these men to form Executive Outcomes. In March of 1993, UNITA captured an oil processing plant in the town of Soyo. Branch-Heritage Oil and the Sonogal, the state owned oil company, were unable to extract the equipment from Soyo due to UNITA's refusal to allow the removal. State forces were to be brought in, but concerns about damage to the equipment ruled the option out. It was at this point that EO was brought in to retake the town. With a force of 80 "security guards" as the government initially referred to the unit, EO was able to remove the UNITA soldiers.¹⁴⁷ As soon as EO forces withdrew from Soyo, UNITA forces moved back in and retook the village along with the production

¹⁴⁵ South African Press Association, "Koevoet Killer Confesses to Truth Commission." July 23, 1997. <http://www.doj.gov.za/trc/media/1997/9707/s970723b.htm> (accessed September 16, 2007).

¹⁴⁶ Anthony C. LoBadio, "Executive Outcomes: A New Kind of army for Privatized Global Warfare" *World Net Daily*, Aug. 11, 1998, http://www.worldnetdaily.com/news/article.asp?ARTICLE_ID=16671 (accessed Nov. 24, 2007).

¹⁴⁷ Corporate Warriors, pg. 108

equipment. However, after witnessing the effectiveness of the EO forces President De Santos of Angola personally invited Tony Buckingham of Heritage Oil and Simon Mann of EO to discuss arrangements to have EO train the Angolan Army, known also as the FAA.¹⁴⁸ In September of 1993 a deal was penned for EO to provide training for the FAA for one year at the price of \$40 million dollars.¹⁴⁹ This deal included the retraining of the 16th brigade which had ironically been completely leveled by the civil war in the 80's by the SADF.¹⁵⁰ This provided the FAA with the advantage of learning from their mistakes as EO showed the FAA where it had made its mistakes during their initial engagements. The involvement of EO soldiers--numbering 500--completely turned the tide of the conflict in favor of the government. UNITA forces were bewildered by the use of night assaults, deep air strikes, and special forces raids on command centers. In November of 1994 UNITA, badly beaten and in disarray, agreed to the Lusaka peace accords. As part of the peace accord, UNITA stipulated a "repatriation of all mercenaries" as a nod to the effectiveness of the EO forces.¹⁵¹

During this same period of time, on the opposite side of the African continent, a blow was about to be meted out to the U.S. war machine. The battle of Mogadishu occurred on October 3, 1993 in the city of Mogadishu, Somalia. The operation--known as Gothic Serpent--was mean to capture

¹⁴⁸ Tim Spicer. *An Unorthodox Soldier: Peace and War in the Sandline Affair*. (Mainstream Publishing; Edinburgh. 1999) Pg 143-144.

¹⁴⁹ Corporate Warriors, pg 108

¹⁵⁰ Corporate Warriors, pg. 109

¹⁵¹ Conciliation Resources, "Lusaka Protocol Annex 3: Agenda item ii. 1. Military issues." <http://www.c-r.org/our-work/accord/angola/lusaka-protocol.php> (accessed September 18, 2007).

high-level members of the Somali warlord Mohammed Farah Aidid's clan of fighters. The year previous to the battle in August of 1992, President H.W. Bush answered a call from the UN for member nations to provide security for UN food transportation. Bush ordered 25,000 U.S. troops to lead the UN contingent, known as the Unified Task Force (UNITAF), into Somalia to quell the civil unrest caused by a civil war begun the year before, a war that had left close to half a million Somalis dead due to war and famine.

As the Presidency changed hands in 1993 the newly elected President Clinton reduced the American combat contingent from 25,000 to 1200 combat soldiers and 3000 support troops.¹⁵² With this decline in forces violence in Mogadishu rose. On June 5, 1993, 24 Pakistani peacekeepers were ambushed, killed, and brutalized by General Aidid's forces.¹⁵³ The day after the incident the UN passed resolution 837 which strongly condemned and called for military action against those responsible for the ambush. Evidence mounted in the days after the attack and on June 17 the UN called for the arrest of Aidid. Efforts to capture Aidid proved to be fruitless. It was at this point that a U.S. contingent of Special Operations Forces was activated. Consisting of Army, Navy, and Air force elements, the group known as Task Force Ranger was assigned the job of capturing Aidid. A short series of operations netted information that a meeting was to take place between Aidid and his lieutenants at the

¹⁵² Larry Parker "The Battle of Mogadishu". *Military History Online*, 2006.

<http://www.militaryhistoryonline.com/general/articles/mogadishu.aspx> (accessed August 27, 2007)

¹⁵³ United Nations, Department of Public Information. "United Nations Operation in Somalia II" *UN.org* March 21, 1997. <http://www.un.org/Depts/DPKO/Missions/unosom2b.htm> (accessed August 27, 2007)

Olympic Hotel in Mogadishu on October third. The ensuing melee proved to be disastrous for American forces. In total eighteen Americans were killed, with a particularly gruesome incident where the body of a U.S. soldier was dragged through the streets of Mogadishu in displays not dissimilar from what would happen in Fallujah eleven years later.¹⁵⁴

The effects of this battle were felt immediately around the world as Canadian journalist Paul Watson's photo of the event would later win him the Pulitzer Prize that year for spot news photography.¹⁵⁵ The photo depicts the body of American Staff Sergeant David Cleveland being dragged behind a vehicle while being surrounded by cheering Somalis. The power of the image was such that President Clinton directed the head of the Joint Chiefs of Staff at the time to stop all action against Aidid and his forces excluding self-defense. Clinton also ordered Ambassador Robert Oakley, the key figure in brokering the peace in 1992, back to Somalia to negotiate the release of U.S. Army Ranger Michael Durant, a Ranger who had been captured in the battle.¹⁵⁶ U.S. forces were also to leave Mogadishu by no later than March 31, 1994 with only a small contingent of Marines off the coast in case of a civilian evacuation. The long-term effect on American foreign policy was an extreme reluctance to use any American forces where there was a possibility of casualties. This

¹⁵⁴ Mark Bowden "The Lesson Of Mogadishu." *Opinion Journal of the Wall Street Journal*, April 5, 2004. <http://www.opinionjournal.com/editorial/feature.html?id=110004911> (accessed August 27, 2007)

¹⁵⁵ The Pulitzer Board. "Best Spot News Photography." , *Pulitzer.org*, <http://www.pulitzer.org/index.html> (accessed August 29, 2007)

¹⁵⁶ Frontline. " Ambush in Mogadishu Interview: Ambassador Robert Oakley." , *Frontline.com*, <http://www.pbs.org/wgbh/pages/frontline/shows/ambush/interviews/oakley.html> (accessed August 29, 2007)

for example affected the U.S. response to the Rwandan genocide in 1994 and to the wars in the Balkans in the mid nineties.¹⁵⁷ No American forces were used in Rwanda, with the administration neglecting to even use the word “genocide” to describe the actions in Rwanda. In the Balkans the U.S. limited most of its engagements to air strikes as war atrocities took place throughout the war and did not commit troops until 1996 after the Bosnian war had ended.¹⁵⁸

In 1992, as the post Gulf war cleanup continued in Iraq, then Secretary of Defense Dick Cheney recognized the need to have an infrastructure in place outside of the massive military bureaucracy to handle a future conflict such as the Gulf War. The pentagon then asked private contractors to bid on a \$3.9 million dollar contract outlining a contingency plan in which the private sector would aid in the logistical process of establishing a U.S. military presence. The plan itself is still a classified study; however, it is known that Brown and Root, a subsidiary of Halliburton, came out the winner of the bidding.¹⁵⁹ According to one GAO report:

The original LOGCAP contractor, Brown and Root Services Corporation of Houston, Texas, was competitively awarded a cost-plus-award-fee contract for 1 year with 4 option years on August 3, 1992.¹⁶⁰ According to Army

¹⁵⁷ Ibid.

¹⁵⁸ Frontline. “The triumph of Evil: Interview with James Woods.” , *Frontline.com.*, <http://www.pbs.org/wgbh/pages/frontline/shows/evil/interviews/woods.html> (accessed August 29, 2007)

¹⁵⁹ Brown and Root was not known as KBR (Kellogg, Brown and Root) until Halliburton’s acquisition of Dresser Industries in 1998, of which M. W. Kellogg was a subsidiary. M. W. Kellogg, the engineering arm of Dresser was then transferred to Brown and Root. As of April 5 2007, KBR became an independent entity of Halliburton.

¹⁶⁰ Government Accountability Office, February 1997, “Contingency Operations: Opportunities to Improve the Logistics Civil Operations Program.”, February 1997, GAO/NSIAD-97-63. <http://www.gao.gov/archive/1997/ns97063.pdf>:

documents, a notice regarding the contract in the *Commerce Business Daily* elicited 37 requests for copies of the solicitation. Four companies competed for the contract. The 1992 LOGCAP contract required the contractor to first develop a worldwide management plan and 13 regional plans; second, participate in planning and exercises; and third be prepared to execute the plans upon notification.¹⁶¹

It was an ambitious plan to say the least and marked the first time that a project of such scale would be undertaken by a private entity. Brown and Root was given another \$5 million on top of the \$3.9 million and asked to expand the contract with more detail and several more locations. The contract was the largest and most comprehensive ever awarded under what was known as the Logistics Civil Augmentation Program (LOGCAP).¹⁶² LOGCAP had existed before the contract with the creation of Army field manual AR 700-137 on December 15, 1985.¹⁶³ During the Vietnam War the military had relied heavily on using contractors in the construction of bases and the maintenance of heavy equipment such as the B-52 bomber. LOGCAP was envisioned as a preplanned way of utilizing contractors on the battlefield. The first major use of LOGCAP did not occur until after the Gulf War, due to its primary design as a program for use when bilateral or multilateral agreements did

“A cost-plus-award-fee contract allows the contractor to be reimbursed for all reasonable, allowable, and allocable costs incurred. Under the original contract, the contractor earns a base fee of 1 percent of the estimated contract cost. The contractor also earns an incentive fee of up to 9 percent of the cost estimate based on the contractor’s performance in a number of areas, including cost control.” This policy, in essence, allows the contractor to charge for costs incurred based on the estimate. In other words, the more the contractor spends, the more it makes.

¹⁶¹ GAO/NSIAD-97-63

¹⁶² Also known more humorously as “The mother of all service contracts” by the Contract Services Association of America, a government contractors association in Washington, after Saddam Hussein’s pronouncement that the US would face the “Mother of all Battles” upon invading Iraq in 1991.

¹⁶³ To review the full content of AR 700-137 see: http://www.apd.army.mil/pdf/AR700_137.pdf

not exist and our relationship with the Saudi government as a host nation the use of LOGCAP was seen as unnecessary. During the 1990-91 Persian Gulf War, LOGCAP was not used. Instead, contractors were hired on hundreds of separate contracts to provide logistics support with uneven results. There are numerous examples of contracts awarded with poorly defined or missing Statements of Work and unclear contract requirements. These situations led to inadequate contractor performance and customer dissatisfaction at significant cost. The contractors' payment vouchers still had to be honored, however, because the poorly written contractual requirements contained no basis upon which to reject their claims for payment. In the several operations that occurred after the Persian Gulf War, a revised version of LOGCAP was used and eventually enacted in U.S./NATO operations in the Balkans, also known as LOGCAP II. KBR, the winner of this contract, was to supply the following:

Base camp construction and maintenance; showers; latrines; food service and supply; sewage/solid waste removal; water production, storage, and distribution; shuttle bus service; bulk fuel receipt, storage, and issue; heavy equipment transportation; mail delivery; construction material storage and distribution; railhead operations; and seaport operations.¹⁶⁴

These services were initially estimated to be valued at \$350.2 millions dollars.¹⁶⁵ The contract was for the construction of 14 large bases of operation located on the borders of Bosnia-Herzegovina, Serbia, and

¹⁶⁴ GAO/NSIAD-97-63

¹⁶⁵ The military had estimated \$191.6 million due to the belief amongst military personnel that there would be duplication of services between KBR and the military. This estimate turned out to be unfounded, as the military had no proof of this supposed duplication. Therefore the estimate stood at \$350.2 million.

Croatia with exception of one base located close to the Hungarian city of Kaspovar. This plan, however, changed as concerns about weather and operational viability from the initial 14 large bases to 34 smaller bases.

Our [GAO] discussions with the Commander in Chief of U.S. Army, Europe and his staff revealed that the commander decided to increase the number of camps required because of several factors. Two factors were the size of the U.S. area of responsibility (the United States had to patrol a 1,200-mile zone of separation between the warring factions), and the condition of the soil and limited infrastructure (a very wet and mine-filled terrain and devastated power, water, and communication systems).¹⁶⁶

The actual cost of the operation as of December 7, 1996 had ballooned to \$461.5 million exceeding its initial estimate of \$350.2 million by \$111.3 million, or 32 percent. Decisions made by the U.S. Army affected that final number. Choices such as the construction of 34 smaller bases as opposed to the original 14 large bases went into affect, as well as a value added tax created by the Hungarian government totaling \$18 million dollars for a base on Hungarian soil.¹⁶⁷

While this presence was meant to be on a temporary basis, the U.S. had entrenched its position in the Balkan states deeply despite the UN Security Council Resolution 713 also known as the UN arms embargo.¹⁶⁸

¹⁶⁶ GAO/NSIAD-97-63

¹⁶⁷ Ibid.

¹⁶⁸ United Nations Security Council, 3009th Meeting, Resolution, S/RES/713, Socialist Federal Rep. of Yugoslavia, September 25, 1991, <http://daccessdds.un.org/doc/RESOLUTION/GEN/NRo/596/49/IMG/NRo59649.pdf?OpenElement> (accessed June 23, 2007)

This was seen in several cases as a way to solidify American post cold war victory, as the former USSR was in no position to carry out any aid missions while it dealt with its own internal strife during the post Soviet era.

These goals in order of strategic priority were as follows; consolidate America's political and military presence in Europe, strengthen Croatia's military while bolstering its strategic position in the Balkan region, and lastly, bind them into Washington's web of existing security arrangements.¹⁶⁹

The United States was unable to support any side of the conflict militarily as the UN arms embargo prevented any such advances toward any of the three separate governments in the conflict. The President of Croatia, Franjo Tuđman, was considered an ally of the U.S. in the region and was seen as the U.S. opportunity to gain a valuable foothold in the region. In March of 1994 the then Croatian Defense Minister, Gojko Susak, visited Washington with a request for U.S. military aid in the conflict. Due to the Arms embargo the U.S. was unable to assist the Croats directly. This however did not prevent the Deputy Defense Secretary John Deutch from passing the request along to Military Personnel Resources Incorporated (MPRI) a Military Consulting Firm from Virginia. The U.S., by using its connection to MPRI, had sidestepped the provisions of the Arms embargo, which included strategic planning as well as equipment,

¹⁶⁹ Mirko Dakovic, "How Operation Storm Destabilized the Balkans." August 2007, *Anti -War*, <http://www.antiwar.com/article.php?articleid=1483> (Accessed June 24, 2007)

while remaining within the spirit of the embargo. MPRI was officially awarded the contract in September of 1994 when Susak and Carl Vuono signed the Democracy Transition Assistance Program. The program is described on MPRI's website:

MPRI developed a multi-year program to provide leadership and management skills and a personnel management system to the Croatian Armed Forces...MPRI conducted a pilot program to evaluate the content and conduct of each course, emphasizing the development of qualified Croatian instructors for follow-on presentations and assumption of responsibility for the total programs.¹⁷⁰

It is within this description that one can see there is no mention of any type of strategic training, only of the democratization of the military in order for it to become subservient to the civil government. This program was seen as a step in the right direction for the Croatian government as the first officers graduated in April of 1995. Croatian officers had been educated in the ways of a democratic (read: Western) military.

What comes into question during this time is MPRI's involvement in two military operations carried out the by Croats against the Serbs less than a month after graduating, namely Operation Flash and Operation Storm.¹⁷¹ From May 1-3 1995, Operation Flash was carried out across

¹⁷⁰ MPRI International, Europe. "Humanitarian Assistance to the Newly Independent States (NIS) of the Former Soviet Union", http://www.mpri.com/site/int_europe.html (accessed on June 24, 2007)

¹⁷¹The Center for Peace in the Balkans, "Milosovec draws on Secret Croation Documents" January 23, 2004.. <http://www.balkanpeace.org/index.php?index=article&articleid=9492> (Accessed June 24, 2007) ;According to documents unveiled by Slobodan Milosovec during his trial in January of 2004, the Croatian government

southern Croatia, capturing a substantial amount of territory once held by minority Serb Croats followed by Operation Storm, a major offensive launched in August of the same year causing the largest mass evacuations in Europe since World War II.¹⁷² What was distinctive about each of the battles was the marked use of strategic and tactical planning on the part of the Croat army. The Croat army previous to its “democracy training” by MPRI was disorganized at best. Yet they managed to execute a sophisticated battle plan using infantry, air power, and artillery to rout the Serbian Croats and begin the mass exodus. Allegations of MPRI’s involvement in planning the course of the battle are denied to this day by MPRI officials, as MPRI’s involvement in the planning of the maneuver would constitute U.S. intervention and would therefore be a violation of the Arms embargo. However there was indirect U.S. government involvement in the region through CIA and DIA intelligence reports being handed to the Croats as well a series of secret meetings taking place on an island off the coast of Croatia.

. . . According to one report, MPRI executive director General Carl E. Vuono ‘held a secret top level meeting at Brioni Island, off the coast of Croatia, with Gen. Varimar Cervenko, the architect of the Krajina campaign. In the five days preceding the attack, at least ten meetings were held between General Vuono and officers involved in the campaign. . . ¹⁷³

had arranged for an attack on a Croatian vehicle on the Zagreb-Belgrade highway, to provide a motive for the launching of Flash, while at the same time negotiating a peace deal with the Serbian Croats.

¹⁷² An estimated 200,000 Serbian Croatian refugees left the Krajina region as well 14,000 civilians killed.

¹⁷³ Michel Chossudovsky, “NATO HAS INSTALLED A REIGN OF TERROR IN KOSOVO” July 31, 1999, presented to the Independent Commission of Inquiry to Investigate U.S./NATO War Crimes Against The People of Yugoslavia, *International Action Center*, Montréal, CA.

<http://www.canadianliberty.bc.ca/relatedinfo/kosovo3.html> (accessed June 25, 2007)

Operation Storm went down as one of the greatest human rights violations committed during the Balkan wars, with UN reports of unmarked gravesites and as reported by Canadian UN observers during an impromptu press conference:

Calvin [a Canadian officer] . . . loudly accused the Croats of trying to hide war crimes against the Serb inhabitants. All livestock had been killed and houses torched. French reconnaissance troops and the Canadian command element pushed up the valley and soon began to find bodies of Serb civilians, some already decomposing, others freshly slaughtered . . . ¹⁷⁴

As part of the negotiations that took place in Dayton-Paris Agreement in November 1995, a provision introduced by the Bosnian government was that their own forces be trained by MPRI as well.¹⁷⁵ The method of payment for this training was through donations from moderate Arab states such as Saudi Arabia, Kuwait, Brunei, and the United Arab Emirates (UAE), which would in turn be managed by the United States. MPRI went on after this contract to step in the war in neighboring Kosovo, as a contract was set between MPRI and Macedonia in 1999. This contract created a unique situation. It meant that forces trained by MPRI would be on both sides of the conflict with soldiers from the Kosovo Liberation Army (KLA) having been trained by MPRI at the

¹⁷⁴ Brian Nolan & Scot Taylor . *Tested Mettle: Canada's Peacekeepers at War* , (Esprit De Corps: Toronto, Ontario, CN.1999) pg223.

¹⁷⁵ Interview with a government official in Sarajevo, 1996. *Corporate Warriors*, pg 129

Croatian school and on the opposite side, the recently independent Macedonian state armed forces.

In June of 1999 the U.S. began construction on Camp Bondsteel just outside of the Kosovar town of Uroševac.¹⁷⁶ The initial contract for the construction was held by KBR in cooperation with the 94th Engineer Construction Battalion. The final result was the largest base constructed outside of the U.S. since the Vietnam War.¹⁷⁷ In a recent settlement, KBR agreed to pay the U.S. government \$8 million dollars under the False Claims Act due to double-billing, inflating prices and providing products that did not fit the Army's needs during the construction.¹⁷⁸ The settlement came in November of 2006, nearly 7 years after the completion of the base due to events in Iraq, according to Patrick Burns of Taxpayers against Fraud, a lobbying group based in Washington DC that monitors fraud cases against the government.¹⁷⁹ Looking at KBRs involvement in the construction of this base and other bases throughout the Balkans shows that the government commitment to using contractors extends back previous to the supposed necessities of the Iraq war and brings to question Vice President Cheney's involvement in extensive government contracting.

Concurrently, as Cheney was pioneering more expansive privatization in the military, Paul Wolfowitz, the Undersecretary of

¹⁷⁶ Global Security. "Camp Bondsteel." <http://www.globalsecurity.org/military/facility/camp-bondsteel.htm> (accessed August 30, 2007)

¹⁷⁷ Ibid.

¹⁷⁸ Department of Justice "KBR to Pay \$8 million Dollars to Settle Allegations of Fraud." #06-797, *USDOJ.GOV*. November 29, 2006. http://www.usdoj.gov/opa/pr/2006/November/06_civ_797.html (accessed August 30, 2007)

¹⁷⁹ Griff Witte. "Halliburton Unit to Pay \$8 million fine for Overbilling" *Washington Post*, November 30, 2006, <http://www.washingtonpost.com/wp-dyn/content/article/2006/11/29/AR2006112901305.html> (accessed August 30, 2007)

Defense for Policy at the time, wrote a paper entitled "Defense Planning Guidance" (DPG). Leaked to the *New York Times* in late February of 1992, the essence of the paper states the U.S. should work towards maintaining its superpower status in the world by discouraging both friend and foe from advancing any notions of competing with the U.S. economically or militarily. This paper closely correlates to a letter written 5 years later by the Project for the New American Century (PNAC) in which the strategy laid out by Wolfowitz—one of a long list of self-professed “neo-conservatives” who co-signed the letter—is put in the following terms¹⁸⁰:

We need to increase defense spending significantly if we are to carry out our global responsibilities today and modernize our armed forces for the future; we need to strengthen our ties to democratic allies and to challenge regimes hostile to our interests and values; we need to promote the cause of political and economic freedom abroad; we need to accept responsibility for America's unique role in preserving and extending an international order friendly to our security, our prosperity, and our principles. ¹⁸¹

This letter was later expanded upon in the now famous “Rebuilding America’s Defenses” paper which fleshes out the ideas presented in the DPG. In it, the PNAC spells out what the U.S. military should look like to

¹⁸⁰ The names included on the list are: Elliott Abrams, Gary Bauer, William J. Bennett, Jeb Bush, Dick Cheney, Eliot A. Cohen, Midge Decter, Paula Dobriansky, Steve Forbes, Aaron Friedberg, Francis Fukuyama, Frank Gaffney, Fred C. Ikle, Donald Kagan, Zalmay Khalilzad, I. Lewis Libby, Norman Podhoretz, Dan Quayle, Peter W. Rodman, Stephen P. Rosen, Henry S. Rowen, Donald Rumsfeld, Vin Weber, George Weigel, and Paul Wolfowitz

¹⁸¹ Project for the New American Century, “Statement Of Principles.” June 3, 1997, <http://www.newamericancentury.org/statementofprinciples.htm> (accessed June 29, 2007)

maintain its preeminence in global geopolitical affairs.¹⁸² As the report goes from each branch of the military to the next, the message is clear: increased spending on military infrastructure and research and development should be the priority of the next President.

At the dawn of this militarized foreign policy vision in 1997, the military was experiencing a post cold war entropy. As the Berlin Wall fell and the Soviet Union completed its ultimate deterioration in the early 90's, a shadow fell across the Pentagon with the realization that communism was dead. The largest military budget in the world, with almost 33% of the world military budget being spent in the United States in 1992, had to face its ultimate enemy: the peace dividend.¹⁸³ The massive cold war military buildup had lost its purpose in the world. The next logical step after this buildup was the decommissioning of vast swaths of the armed services. In this plan millions of soldiers and civil servants were decommissioned, followed by the closing of military bases of many nations around the world. This left the creators of the Defense Planner Guidance paper in a quandary: how does a nation which has declared itself "the world's policeman," maintain its level of power without the ability to enforce its agenda? Since the end of the cold war, some 7 million servicepersons have been moved from their respective country's militaries into the private sector. The U.S. military alone has removed well over a million active duty soldiers between 1987 and 2005 with many of these

¹⁸² Ibid.

¹⁸³ Truth and Politics, "U.S. Military Spending- International Comparisons.", 2002 <http://www.truthandpolitics.org/military-US-world.php> (accessed June 29, 2007)

soldiers having been trained, at great expense to the tax payer, in extremely specialized areas including intelligence gathering, special operations warfare, and logistics.¹⁸⁴ With a labor pool of such intense specialization suddenly on the open market, where could they take their skills and apply them in a world without the traditional enemies? Also, with caps being placed on the numbers of soldiers able to be deployed to almost all regions of the world, the concept of privately contracting out such services from laundry to base security became more appealing. The primary mission of military personnel could be carried out by the military, while service based missions could be farmed out to more “efficient” private contracting firms such as Vinnell, Halliburton, and Bechtel with all their subsidiaries and subcontracting connections.

September 11, 2001 and the War in Afghanistan

On September 10, 2001, then Secretary of Defense Donald Rumsfeld gave a speech at the Pentagon entitled “Bureaucracy to Battlefield,” setting forward what later would come to be known as the “Rumsfeld Doctrine.” The basic tenets of this military strategy are cutting edge combat equipment such as the Landwarrior system, heavy reliance on fixed and rotary wing aircraft for support, and small highly trained ground forces

¹⁸⁴ Fred Schreier and Marina Caparini, “Privatizing Security: Law, Practice and Governance of Private Military and Security Companies.”, Occasional Paper number 6, *Geneva Center for the Democratic Control of Armed Forces*, Geneva, SW, March 2005, http://www.smallarmssurvey.org/files/portal/issueareas/security/security_pdf/2005_Schreier_Caparini.pdf, (accessed July 3, 2007)

such as special operations forces.¹⁸⁵ In this speech Rumsfeld stated what his vision for the U.S. military was to be for his tenure in office.¹⁸⁶ He discussed what he considered America's greatest military threat at the time. In this speech he stated:

The topic today is an adversary that poses a threat, a serious threat, to the security of the United States of America. This adversary is one of the world's last bastions of central planning. It governs by dictating five-year plans. From a single capital, it attempts to impose its demands across time zones, continents, oceans and beyond. With brutal consistency, it stifles free thought and crushes new ideas. It disrupts the defense of the United States and places the lives of men and women in uniform at risk.¹⁸⁷

The speech went on to identify the adversary as the bureaucracy at the Pentagon. How is it that the Secretary of Defense could make such a statement in the very headquarters of the entire U.S. military, and in what way does this speak to the increasing viability of PMFs? To give an indication of the context of the speech one may only have to look at the occasion upon which the talk was being given, namely the Department Of Defense Acquisition and Logistics Excellence Week Kickoff. The Department of Defense Acquisition, Technology and Logistics department

¹⁸⁵Federation of American Scientists, "Land Warrior" *FAS.org*, Aug. 7, 1999, <http://www.fas.org/man/dod-101/sys/land/land-warrior.htm> (accessed June 30, 2007) The Land warrior is an integrated communication/armour/information system that will treat each soldier on the battlefield as an informational node. This in turn is suppose to provide a truer picture of the battle field. The secondary potential of such a system is to act as a "black-box" for each soldier recording activity on the battlefield.

¹⁸⁶ Sharjeel Rizwan, "Revolution In Military Affairs" *Defence Notes*, Sept. 2000, <http://www.defencejournal.com/2000/sept/military.htm> (accessed June 30, 2007) The speech in essence has become Rumsfeld's interpretation of what is known in military circles as the "Revolution In Military Affairs"(RMA).

¹⁸⁷ Donald Rumsfeld, "Bureaucracy to Battlefield (Speech, The Pentagon, Washington D.C. Sept. 10 2001) <http://www.defenselink.mil/speeches/speech.aspx?speechid=430> (accessed June 30, 2007)

is responsible for all the PMC contracts the military is currently engaged in. The audience was stocked with figures from the business world as many of the key positions held in the DoD were held by people from Enron (Thomas E. White, Secretary of the Army), General Dynamics and Lockheed Martin (Gordon R. England, Secretary of the Navy), and Northrop Grumman (James G. Roche, Secretary of the Air Force). When the terrorist attacks occurred the next day September 11th, the vision that Rumsfeld had for the transformation of the military was not just a vision anymore. He was at the head of the primary military power in the world and an act of war had just been committed on American soil, in the eyes of the Bush administration. In essence, Rumsfeld had been given carte blanche.

National sentiment was strong for reprisal against whoever had committed the act. Ultimately, Osama Bin Laden, the founder of the militant Muslim fundamentalist organization known as Al-Qaeda took responsibility for the attacks. It was at this point that the U.S. posture changed. Previous to 9/11 the U.S. position was that lethal force was authorized in the capturing of Bin Laden. After 9/11, a secret document known as a “Presidential finding” authorized the assassination of Bin Laden himself.¹⁸⁸ It is within this finding that the first use of paramilitary forces occurs in the Global War on Terror (GWOt) with the war in

¹⁸⁸ For an over view of Presidential Directives, including Presidential findings see: Harold C Relyea, “Order Code 98-611 GOV, CRS Report For Congress, Presidential Directives: Background and Over view”, *Government Printing Office*, Updated April 23, 2007 <http://www.fas.org/irp/crs/98-611.pdf> (accessed July 10, 2007)

Afghanistan, also known as Operation Enduring Freedom, on October 7th, 2001.¹⁸⁹

At the time of 9/11 none of the PSCs in operation had a vested interest in hiring former special operations soldiers as contract employees for such an occasion. Nor did the CIA have the needed amount of operators at the time to fulfill such a mission. An ad-hoc procurement program was created. The procurement was led by Billy Waugh, a long time CIA contractor and former Special Forces sergeant major, involving approximately five dozen ex Special Forces operators whom were either retired or pinched from the military to provide security and train Afghans. The operation was unsuccessful, as relations between the Afghans and the CIA groups were strained at best due to mistrust on both sides.¹⁹⁰ After an initial push with his detachment--known as Special Forces Operation Detachment Alpha 594--involving several successful operations, Waugh lost his lust for the chase.¹⁹¹ He went home having never killed the man he had been given authorization to kill by the President of the United States.¹⁹² Within less than a year, the U.S. and a "Coalition of the Willing" would start the second major conflict in the Gulf region, namely the Iraq

¹⁸⁹ Initially the Afghan war was known as Operation Infinite Justice, however after protests from several sects within the Islamic faith claiming that only Allah was the embodiment of infinite Justice, the name was changed to Enduring Freedom.

¹⁹⁰ Licensed to Kill , pg. 5

¹⁹¹ Much of initial combat in Operation Enduring Freedom was carried out in the vein of the Rumsfeld Doctrine, specifically with the use of numerous Special Forces elements. For a more detailed history of the early efforts in Afghanistan see: US Army Center for Military History "The U.S. Army in Afghanistan Operation ENDURING FREEDOM" *Army.mil.*, March 17, 2006, <http://www.army.mil/cmh/brochures/Afghanistan/Operation%20Enduring%20Freedom.htm> (accessed June30, 2007)

¹⁹² Licensed to Kill, pg. 20; This was not Waugh's first encounter with Bin Laden. Waugh's CIA missions placed him in Sudan in early 1989, home to numerous Islamic radicals, including Bin Laden. "Just one damn ten cent bullet" Waugh is quoted as saying about Bin Laden.

War. It was within the context of this war that PMCs became a presence that reached near equal numbers with the U.S. military and far outsized any other coalition forces.

In examining the presence of PMCs in the Iraq War, one must look to the overwhelming numbers and tasks contracted out; the military was seen as the fighting element. This meant that the Army and Marine Corps would be on the ground in combat, while the Navy and Air force would provide support through air power. This left little if any time for static duties such as security, maintenance, or support roles such as logistics and transportation. Therefore, the role of the PSC in Iraq was seen as a natural progression. The ability of the contractor to work outside of the military's horizontal system of authorization--with one layer of bureaucracy on top of the other--was seen as the prime motivator in bringing efficiency to the business of war. Even before the commencement of the ground war in Iraq however, there was internal strife at the Pentagon over contracting policies. Thomas E. White would resign from his position as the Secretary of the Army on April 25, 2003 over what he cited as the military's inability to manage the massive contractor force that was to provide the bulk of service to the war-fighting component of the armed services. In a memorandum sent to Rumsfeld on March 8, 2002, White states in essence that little oversight has been given to the process of hiring contractors within the Pentagon, causing budget overruns and duplication of

charges.¹⁹³ This memorandum was followed shortly afterwards by a General Accounting Office (GAO) report released in May of 2002 stating:

The Area Support Groups in the Balkans, which have a role in contract oversight, are working to obtain an overview of all contractor activity. Until this task is completed, no one in DOD will know (1) how many contractors are located in the Balkans, (2) what the contractors have been contracted to do, and (3) the government's obligations to the contractors under their contracts. The Area Support Groups' task has been complicated because contractors sometimes decline to provide them with needed information and the Area Support . . . ¹⁹⁴

This report goes into the details of the inability of the military to monitor expenses in several regions that were engaged in the prewar buildup of 2002 at the time such as Army units in the Balkans and several airbases located in Saudi Arabia. By this time, however, plans for the invasion of Iraq were well underway at the White House. While operation Enduring Freedom carried on in Afghanistan, combat operations in the neighboring country of Iraq were being planned by the Bush administration. These plans in no small part included a heavy PMC and PSC presence. While PMFs did not have a major presence during the actual conflict, in post “mission accomplished” Iraq, the rebuilding of the

¹⁹³ Thomas E. White, Memorandum to Undersecretaries of Defense, March 8, 2002 <http://www.publicintegrity.org/docs/ArmyMemo1.pdf> (accessed August 13, 2007)

¹⁹⁴ Government Accountability Office, *Need to Strengthen Guidance and Oversight of Contingency Operations Costs*, Report to the Chairman and Ranking Minority Member, Subcommittee on Defense, Committee on Appropriations, U.S. Senate, GAO-02-450, May 2002, 1. Washington D.C., GPO, <http://www.gao.gov/new.items/do2450.pdf> (accessed June 31, 2007)

country's infrastructure has been carried out by PMFs almost exclusively.

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The Iraq War

The war in Iraq has brought PMFs into the spotlight. In 2004, rumors of prisoner abuse at the notorious Abu Ghraib prison facility began to circulate in the popular press. At one point Saddam Hussein's government was holding over 50,000 Iraqi prisoners in a facility that came to symbolize the tyranny of his brutal government. Torture and weekly executions were the norm during the regime's reign. After the U.S. liberation and subsequent occupation of Iraq, the facility was taken over by coalition authorities and designated a holding facility for detainees. Abu Ghraib was rebuilt in the wake of heavy looting and was considered a model facility for the coalition. However when the CBS "60 Minutes II" report was aired in April of 2004 followed by the publishing of an expose article in the *New Yorker* in May of 2004, the darker nature of the activities at Abu Ghraib became public record.¹⁹⁶ Pictures of a horrifyingly graphic nature soon followed, with the image of a man named Satar Jabar hooded and standing on a box with wires hanging off of his fingers and penis (known derisively amongst Iraqis as the "Statue of

¹⁹⁵ "Mission Accomplished" was a phrase placed on a banner behind President Bush while declaring the end of major combat operations in Iraq aboard the USS Abraham Lincoln on May 1st, 2003. While it was the end of major combat operations, the majority of deaths that have occurred in Iraq amongst both military and civilians has been post May 1st.

¹⁹⁶ 60 Minutes II "Abuse of Iraqi POWs By GIs Probed" *CBS News*, April 28, 2004.

<http://www.cbsnews.com/stories/2004/04/27/60II/main614063.shtml> (accessed August 18, 2007);

Seymour M Hirsh. "Torture At Abu Ghraib" *New Yorker*, May 10, 2004.

http://www.newyorker.com/archive/2004/05/10/040510fa_fact?currentPage=1 (accessed August 18, 2007)

Liberty”)becoming the de facto symbol of the scandal.¹⁹⁷ A total of 17 military personnel, including Brigadier General Janis Karpinski who was demoted to the rank of Colonel, were removed from active duty in the wake of the scandal. ¹⁹⁸ Seven of the soldiers involved were court-martialed, received dishonorable discharges, and were sentenced to federal prison for the abuses. This, however, does not address the role of civilian contractors in the scandal. As the scandal unfolded it was found that contractors employed by Titan and CACI were given great leeway and little in the way of direct supervision. An investigation conducted by Lieutenant General Antonio Taguba resulted in a report called “ARTICLE 15-6 INVESTIGATION OF THE 800th MILITARY POLICE BRIGADE.”¹⁹⁹ The report, ordered by Lt. Gen. Ricardo Sanchez, commander of Joint Task Force-7 and the senior U.S. military official in Iraq, stated that:

(U) In general, U.S. civilian contract personnel (Titan Corporation, CACI, etc...), third country nationals, and local contractors do not appear to be properly supervised within the detention facility at Abu Ghraib. During our on-site inspection, they wandered about with too much unsupervised free access in the detainee area. Having civilians in various outfits (civilian and DCUs) in and about the detainee area causes confusion and may have contributed to the difficulties in the accountability process and with detecting escapes. (ANNEX 51, Multiple Witness Statements, and the Personal Observations of the Investigation Team) ²⁰⁰

¹⁹⁷ Julie Scelfo & Rod Nordland “Beneath the Hood” MSNBC.com. July 19, 2006 , *Newsweek*, <http://www.msnbc.msn.com/id/5412316/site/newsweek/> (accessed August 18, 2007); According to the slide show accompanying the article Jabar was told: “he would be electrocuted if he fell off a [sic] box.” *The New Yorker*, “The Abu Ghraib Pictures”

http://www.newyorker.com/archive/2004/05/03/slideshow_040503 (accessed August 18, 2007)

¹⁹⁸ MG Antonio Taguba “Article 15-6 Investigation of the 800th Military Police Brigade”

¹⁹⁹ MG Antonio Taguba “Article 15-6 Investigation of the 800th Military Police Brigade”

²⁰⁰ Article 15-6, pg. 26

An earlier report issued by Major General Donald Ryder stated that members of the 205th Military Intelligence Brigade (MI) and the private contractors ordered members of the 372nd Military Police company in the 800th Military Police Brigade to “set favorable conditions for subsequent interviews” which could be seen as code for break the prisoners will.²⁰¹ The pictures seem to indicate that this was the direction the MPs took. This is also indicated in the Taguba report with the following statements made by one the suspects in the investigation named SGT Javal S. Davis:

SGT Davis also stated that he had heard MI insinuate to the guards to abuse the inmates. When asked what MI said he stated: *‘Loosen this guy up for us’, ‘Make sure he has a bad night.’, ‘Make sure he gets the treatment.’* (emphasis added)²⁰²

As of April of 2006 no employees of CACI had been indicted on any charges.²⁰³ However, three employees of CACI and three employees of Titan were named in a report issued by Lieutenant General Anthony R. Jones and Major General George R. Fay known as the Jones Fay Report.²⁰⁴ This report focused more specifically on the 205th Military Intelligence Brigade and its activities in collusion with both CACI and Titan. The activities outlined in the report were of an incredibly brutal

²⁰¹ Torture at Abu Ghraib .

²⁰² Article 15-6, pg. 18

²⁰³ CACI website. “CACI in Iraq: Frequently Asked Questions”, http://www.caci.com/iraq_faqs.shtml (accessed August 19, 2007)

²⁰⁴ LTG Anthony R. Jones , MG George R. Fay. *AR 15-6 Investigation Of the Abu Ghraib Prison and the 205th Military Intelligence Brigade. AR 15-6 Investigation of the Abu Ghraib Detention Facility and the 205th Military Intelligence Brigade.* Pg. 130-134

nature. Prisoners were beaten, raped, and tortured both physically and mentally. In an article written by Peter W. Singer for the *Washington Post*, the author claims that CACI hired interrogators with less than stellar qualifications:

They (former CACI employees) asserted that in the rush to fill the billable interrogator jobs, the firm had conducted five-minute phone interviews with applicants and hadn't bothered to check their résumés, fingerprints or criminal records. The firm denied this, but the Army investigators found that 35 percent of the contract interrogators "lacked formal military training as interrogators."²⁰⁵

As CACI was under contract with the Department of the Interior and Titan contracted with the CIA, the Uniform Code of Military Justice does not apply nor does the Military Extraterritorial Judicial Act of 2000.²⁰⁶ MEJA is interpreted as to apply only to military contractors and not those employed by other government agencies such as the Department of the Interior or the CIA. DoD lawyers were quoted in 2000 as saying:

. . . the inability of U.S. authorities to adequately respond to serious misconduct by civilians presents the strong potential for embarrassment in the international community, increases the possibility of hostility in the host nation's local community where our forces are assigned, and threatens relationships with our allies.²⁰⁷

²⁰⁵ Peter W. Singer "The Contract the Military Needs to Break" *Washington Post*, September 13, 2004, http://falcon.arts.cornell.edu/Govt/courses/FO4/CONTRACTORS_in_Iraq.pdf (accessed August 19, 2007)

²⁰⁶ Ellen McCarthy & Renae Merle, "Contractors and the Law; Prison Abuse Cases Renew Debate" ,*The Washington Post*, August 27, 2004, "Some legal experts say it's unclear whether CACI is covered...the Military Extraterritorial Jurisdiction Act, as written, may not technically cover CACI's interrogators," quoting Professor Steven L. Schooner.

²⁰⁷ Jonathon Groner. "Untested Law Key in Iraqi Abuse Scandal".(May 11, 2004). *Law.com* <http://www.law.com/jsp/article.jsp?id=1083979576106> (accessed August 16, 2007)

Not all legal recourse has been refused, however. Lawsuits have been filed against CACI and Titan, in particular *Saleh vs. Titan* was filed in September of 2004 by the New York based Center for Constitutional Rights (CCR) in relation to Abu Ghraib.²⁰⁸ CCR has used the Alien Tort Statute (ATS) (known also as the Alien Tort Claims Act) established in 1789 under the Judiciary Act as well as the Racketeer Influenced and Corrupt Organization (RICO) Act of 1970 to bring suit against CACI and Titan.²⁰⁹ While neither act was originally created to prosecute corporate malfeasance (the ATS was initially used to combat piracy and RICO in the fight against organized crime), the combination of the two acts are being utilized in *Saleh vs. Titan* and *Ibrahim vs. Titan* to show responsibility on the part of Titan and CACI for the acts of the contractors.²¹⁰ The ATS was used to some success in the late 1990's to prosecute the Unocal Corporation for their support of Burmese soldiers' use of conscription of local villagers to work in their plants.²¹¹ However, Titan has claimed that they carry no responsibility as they were acting under the direction of the U.S. government. Valerie C. Charles explains it as such:

²⁰⁸ Saleh v. Titan Corp., No. 04-CV-1143, (D.D.C. Sept. 14, 2004).

²⁰⁹ The Alien Tort Statute, 28 U.S.C. § 1350, was originally part of the Judiciary Act of 1789. It provides: "The district courts shall have original jurisdiction of any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States."

"Racketeer Influenced and Corrupt Organization Act" Title 18, Part 1, Chap. 96. USC http://www.law.cornell.edu/uscode/html/uscode18/usc_sup_01_18_10_I_20_96.html (accessed August 21, 2007)

²¹⁰ Saleh vs. Titan, Case No. 04 CV 1143 R(NLS) Filed June 30, 2004

http://www.sourcewatch.org/images/2/2f/Al-Rawi_v_Titan_et_al_04cv01143_second_amended_complaint_1-62%29.pdf (accessed August 21, 2007); *Ibrahim vs. Titan*. Civil Action File No. 04-01248 (JR) http://www.sourcewatch.org/images/d/d4/Ibrahim_v_Titan_et_al_04cv01248_amended_complaint.pdf (accessed August 21, 2007)

²¹¹ Tara McKelvey. "Torture Inc.", *Legal Affairs* 4, No. 5 S/O 2005

PMCs argue that no claims exist under the ATS against private companies when they are acting under the control of the United States in support, whether direct or indirect, of combat operations during wartime. Essentially, parties contracting with the United States government contend that because they are simply adhering to the specifications of a contractual agreement with the government, they are entitled to immunity that springs out of this contractual relationship.²¹²

As of the summer of 2007 no action has been taken against Titan or CACI nor against any employees named in the suits. It is ironic that the soldiers involved in the scandal at Abu Ghraib have been tried, court-martialed, and sentenced while the perceived “supervisors” of the operations who through benign neglect at best have faced no charges for the monstrous images released from Abu Ghraib. As Charles states, parties contracting with the United States are immune from prosecution because they are simply adhering to the specifics of the contract.

How is it possible that employees of a corporation could commit such acts and not face any legal repercussions? The answer can be in part found in an order issued by L Paul Bremer on June 27, 2004 known as Order #17.²¹³ The order covers the conduct of what is referred to in the order as Multi-National Forces and Personnel. This designation

²¹² Valerie C. Charles. 2005. “HIRED GUNS AND HIGHER LAW: A Tortured Expansion of the Military Contractor Defense”. Pg. 5. , Titan motion to dismiss: Titan Corporation’s Motion to Dismiss, Saleh v. Titan Corp., No. 04-CV-1143, (D.D.C. Sept. 14, 2004).

²¹³ L. Paul Bremer “CPA Order #17 (Revised) “Status of the CPA Multinational force (MNF)- Iraq, Certain Missions and Personnel in Iraq” CPA/ORD/27 June 2004/17 http://www.cpa-iraq.org/regulations/20040627_CPAORD_17_Status_of_Coalition_Rev_with_Annex_A.pdf (accessed August 21, 2007)

covers all UN forces as well as civilian contractors. The order in essence states that these personnel are immune from prosecution:

3) All MNF, CPA and Foreign Liaison Mission Personnel, and International Consultants shall be subject to the exclusive jurisdiction of their Sending States. They shall be immune from any form of arrest or detention other than by persons acting on behalf of their Sending States, except that nothing in this provision shall prohibit MNF Personnel from preventing acts of serious misconduct by the above-mentioned Personnel or Consultants, or otherwise temporarily detaining any such Personnel or consultants who pose a risk of injury to themselves or others, pending expeditious turnover to the appropriate authorities of the Sending State.²¹⁴

While this section of order #17 does not give the PMFs carte blanche, it allows the PMF extremely wide latitude to carry out its task. For example, an accepted part of the personal security detail (PSD) is warning shots. Vehicles that approach too close to a security convoy are first waved off, then warning shots are fired in front of the car, and finally the engine block and possibly the driver are incapacitated. Statistics are not kept by the Pentagon or by the Iraqis, however, in the early part of 2006 the Pentagon released 400 serious incident reports.²¹⁵ This does not include the numerous incidents that were not reported during this period of time. Young Pelton explains about his time riding with PSDs in Iraq: “During my time with contractors in Iraq, I never saw a single report filed,

²¹⁴ CPA Order #17. . Pg. 4 “Section 2 Iraqi Legal Process”

²¹⁵ Licensed to Kill, pg. 340.

even though gunfire against civilians was an everyday occurrence, with an average of three to six warning shots.”²¹⁶

It is understandable that PSDs use this action as a tool to prevent Vehicle Borne Improvised Explosive Devices (VBIEDs) from detonating anywhere near the convoys. However, the lack of accountability allows for incidents to occur that are never reported and have the backing of Order #17 while being carried out. And with little legal recourse within a shattered Iraqi legal system, the call to further violence from anti-occupation groups cannot be too far behind.

The content of Order #17 has recently come under attack by the Iraqi government due to a massive shooting incident on September 16, 2007. Seventeen civilians were killed as well as 24 injured during a shooting that took place in Nisour square in western Baghdad. Multiple reports have been issued on the incident, including ones by the Iraqi government, the State Department, the Department of Defense, and Federal Bureau of Investigation. Each report, with the exception of the State Department report, points to Blackwater as the initiator of the shootings. As the Personal Security Detail were transporting members of the United States Agency for International Development (USAID) An errant vehicle traveling the wrong way down the street was spotted by the escorts and warning shots were fired. After the vehicle did not stop, lethal force was used by the Blackwater team, killing a mother and her son. Details of how the actual event occurred vary from report to report. For

²¹⁶ Ibid.

example, the State Department report indicated that the detail was “engaged with small arms fire from several locations” but was not mentioned in any other report.²¹⁷ In fact, the F.B.I. report indicated that 14 of the 17 killings were unprovoked, while the Department of Defense report stated that all 17 were unjustified and excessive in nature with one DoD official saying, “The civilians that were fired upon, they didn't have any weapons to fire back at them. And none of the IP (Iraqi police) or any of the local security forces fired back at them.”²¹⁸ In the aftermath of the shooting incident, the Iraqi government temporarily suspended the activities of Blackwater. This meant that diplomats were not able to travel outside of the green zone during this suspension. The State Department relies so heavily on Blackwater to provide security to the diplomats, that government business had to be halted for seven days as outrage from the incident settled. The incident illustrates the darker nature of using PSCs as replacements for government agents.

²¹⁷ Brian Bennett & Adam Zagorin, “Iraq Limits Blackwater’s Operations” *Time*, Sep. 17, 2007 <http://www.time.com/time/world/article/0,8599,1662586,00.html> (accessed Nov. 25, 2007)

²¹⁸ Reuters, “Blackwater faulted by U.S. Military Report.” Oct. 5, 2007, <http://www.reuters.com/article/topNews/idUSNo439965120071005> (accessed Nov. 25, 2007)

Conclusion

In examining many aspects of PMFs the unfortunate phrase of “unaccountability” has become most associated with the activities of the PMFs . Their existence within a legal limbo creates a permissive environment where rules are bent to fit the situation. While some rules must be interpreted to fit the new business entity of the PMF into the world market for security, the seemingly purposeful exploitation of gray areas in international treaty and law, combined with flimsy oversight has made the PMF less about the business of Private Military Firms and more about dodgy interpretation of the law and an unneeded reputation as thuggish bullies.

The Private Military Firm stands at the crossroads of a unique point in history. The world is starting to become interconnected not just in an economic and business sense, but a social and political one as well. Hedly Bull first used the phrase “neo-medievalism” in 1977 in his essay entitled “The Anarchial Society: A Study of Order in World Politics.” While Globalization is used in general to reference the economic benefits of interconnected global markets, neo-medievalism is seen as a way to describe the social and political aspects of this process. Philip G. Cerny describes neo-medievalism:

We are increasingly in the presence of a plurality of overlapping, competing, and intersecting power structures- institutions, political processes economic developments and social transformations- above, below, and cutting across states and state systems. ²¹⁹

²¹⁹ Philip G. Cerny. “Terrorism and the New Security Dilemma”. Naval War College Review. Winter 2005 Volume 58, Number 1. Pg. 12

Cerny says that the states have responded to this evolution by developing quasi-public/private regimes that “seek to arbitrate competing claims for rights and privileges.”²²⁰ PMC/PSCs can be seen as a result of these quasi-public private regimes. As globalization places more power into the hands of private interests, the state will further relinquish its monopoly on violence. For example, a Chinese company has signed a contract with Angola to provide 850,000 armed and unarmed PMCs for the use of that country.²²¹ This was followed closely by a 10-year contract in which the Angolan government would be providing oil to China at the fixed rate of \$60 a barrel.²²² Had China given the Angolans that number of state forces, there would be global outrage, as a force that size would most definitely be seen as occupiers. However, this move by the Chinese and Angolan governments has not even entered into the realm of public discourse, due to the use of PMCs.

This is followed by vital knowledge organizations being slowly removed from state forces and placed into privatized units. While Erik Prince rightly claims to be a patriot due to his military service, his establishment of Greystone Ltd. is an expansion in the direction of the private military company as opposed to just the private security company. This new branch of Blackwater has been marketed as “an international supplier of turn-key security solutions. Greystone focuses on providing

²²⁰ Terrorism and the New Security Dilemma . Pg 21

²²¹ T.X. Hammes , Col. “Fourth Generation Warfare Evolves, Fifth Emerges.” *Military Review*. May-June 2007. Pg. 18

²²² Ibid.

stability to locations experiencing turmoil whether caused by armed conflict, epidemics, or natural or man-made disasters.”²²³ The problems the Greystone website is discussing are generally issues dealt with by the state. However, as Greystone evolves, the benefit it provides both the industry and the state will be tempered by the unforeseen hollowing out of an important tool of the state military.

Finally as weak states create more and more situations where the intervention of strong states is needed, and the political will to send soldiers from the strong states wanes, the solutions that the MPF provide will give short-term profit (in an economic, political, and social sense) to the strong states. The Private Military Firm will flourish as perceived insecurity grips society. Without strict regulation and oversight by states and agreed upon international regimes of a higher consequence than self-monitoring, this industry has the means to create not only more instability in the world but to become a force of instability unto itself. One need only look at the Angola/China alliance to see that not all nations have conceived of this instrument as a wholesome one.

The true power of the PMF is being recognized by members of congress in the U.S. with incidents such as Fallujah, Abu Ghraib, and

²²³ Greystone Ltd. Website. <http://boardroom.deepblue.com/db/greystone/web/#> (accessed August 15, 2007)

Nisoor Square revealing a darker aspect to the PMFs that the public—and congress itself—was unaware of. With representatives such as Jan Schakowsky of Illinois and Henry Waxman of California leading the charge, more awareness of the enmeshed nature of the U.S. government and the privatized military industry are occurring through hearings and reports such as Rep. Waxman's Oct 2, 2007 hearings on the activities of Blackwater where Waxman directly questioned Erik Prince on Blackwater's role in the September 16th shootings in Nisoor square. This was preceded by a report issued the day before citing a staggering 195 documented shooting incidents, averaging 1.4 a week since 2005.²²⁴ As such information slowly presents itself over the coming years, states as well as MPFs must come together and understand their somber responsibility in the world and work to establish a common ground for both the state and the citizens within it.

²²⁴ Congress, *Additional Information about Blackwater U.S.A.*, 110th Cong. Pg.1, <http://oversight.house.gov/documents/20071001121609.pdf> (accessed Dec. 11, 2007)

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