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PRIVATE MILITARY COMPANIES: AN ASSESSMENT

by

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September 2008

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PRIVATE MILITARY COMPANIES: AN ASSESSMENT

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Submitted in partial fulfillment of the
requirements for the degree of

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ABSTRACT

This thesis examines controversies regarding the use of private military companies (PMCs) as defense contractors. The history of privatized security, consideration of ethical and legal issues, and examination of three case studies allows assessment of PMCs in accordance with five criteria for success: competence, cost efficiency analysis, control, flexibility and impact on state armed forces. After examining three case studies representing a variety of types of PMCs (Executive Outcomes in Angola and Sierra Leone, MPRI in Croatia, and Blackwater in Afghanistan and Iraq), the thesis finds that although PMCs can be used legitimately and to good effect, expanded use of PMCs may pose serious risks to U.S. forces, national security objectives, and U.S. political legitimacy.

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I. INTRODUCTION

[King George III of England] is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation, and tyranny, already begun with circumstances of Cruelty & Perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.¹ — Declaration of Independence (1776)

A. BACKGROUND

Since the attacks of September 11, 2001, the U.S. military has deployed for offensive operations against the global jihad terror network and supporters of international terrorism. The primary theaters of operation are Afghanistan and Iraq. Special Operations Forces (SOF) are limited in number, and given the high demand for SOF in the Global War on Terror (GWOT), U.S. military general purpose forces are performing Special Operations-type missions. For example, they have assumed a large share of the responsibility for training Iraqi army and police units. While they perform admirably, general purpose forces cannot be everywhere and do everything necessary to establish security and transition control to the Iraqi forces.

To supplement the U.S. military, approximately 20,000 armed, and uncounted more unarmed, security personnel from private military companies (PMCs) serve in Iraq, with annual contracts estimated at over \$1 billion.² The PMCs thrive in Iraq because of the gap between the Iraqi government's ambitions and its capabilities. The role of PMCs overall appears to be growing in importance and scope, as their contracts are lucrative and the U.S. military is unwilling or unable to conduct the myriad of tasks the PMCs currently perform for the government.

Private military companies perform specialized tasks ranging from Stability, Security, Transition, and Reconstruction (SSTR) to limited Special Operations (SO) like Foreign Internal Defense. The success of Executive Outcomes' (EO) work in West Africa

¹ "The Declaration of Independence," 1776, available online at <http://www.ushistory.org/Declaration/document/index.htm> (accessed April 28, 2008).

² *Shadow Company*, DVD, directed by Nick Bicanic and Jason Bourque (A Purpose Built Film, 2006).

in 1994-1995, discussed in Chapter IV, is a blueprint for privatizing security functions and PMC operations. Companies like Blackwater Worldwide and Military Professional Resources, Inc. (MPRI) have government contracts to provide security and train indigenous forces. Many of the tasks PMCs perform are not exclusively SO missions, but the individual skills and training needed to accomplish these tasks necessitate SO-type capabilities. Currently, only the DoS employs PMCs directly for security operations.³ Blackwater, Triple Canopy, and DynCorp protect U.S. diplomats, while Vinnell Corporation and Armor Group train Iraqi Ministry of Justice guards, standard police units, and basic site security companies.⁴

As the GWOT continues and the U.S. engages in more irregular warfare, a rise in private armies would be consistent with predictions by Van Creveld.⁵ The persistent terrorist threat and increasing American military and political involvement increases opportunities for PMCs. Blackwater employees state unofficially that that Blackwater Worldwide proposes manning a brigade-sized force for targeting operations and other direct action missions to support Multinational Division-Iraq (MND-I).⁶ While the DoD has not addressed Blackwater's proposal and it is unlikely that PMCs will assume a combat role, the option of outsourcing combat action to PMCs must be assessed objectively, with a realistic understanding of the consequences of privatizing combat operations.

The recent influx of PMCs in the GWOT affects the traditional force structure in combat zones by introducing a legitimate, non-state actor authorized to use deadly force. This thesis examines the role of PMCs in achieving U.S. national security objectives.

³ Bob Andrews, Deputy Undersecretary of Defense for Counterintelligence and Security, personal interviews with author, August and September 2007.

⁴ The author conducted an OIF deployment to Hillah, Iraq between March to October 2005. During that time period, he came across many PMCs operating in and around the battlespace and conducted coordinations with them. They discussed their charters and scope of operations at the tactical and operational levels in the shared battlespace and within the framework of the Iraqi situation.

⁵ Martin van Creveld, *The Transformation of War* (New York: The Free Press, 1991), 216-217.

⁶ Elaine McKewon, "Blackwater Sued for Mercenary Contract Injuries," www.bayoubuzz.com, October 12, 2007, http://www.bayoubuzz.com/News/World/Iraq/US/Blackwater_Sued_For_Mercenary_Contract_Injuries_4884.asp (accessed May 10, 2008).

B. TYPES OF PMCS

Defining the range of privatized security operations allows the thesis to focus on those most relevant for U.S. government use. Private companies can be divided into two main categories: combat support/sustainment-related, and combat-related. Combat support/sustainment companies specialize in logistics. Examples of sustainment companies include Kellogg, Brown, and Root (KBR), Titan Corporation and Bechtel Group, Inc., specializing, respectively, in logistics, radio and computer maintenance and networking, and barrier construction.

This thesis focuses on combat-related companies that either participate in combat in a direct or indirect role or perform a direct security function and are authorized the use of violence. The combat-related companies tend to be security oriented and directed at the enemy threat. They can be subdivided into four categories: private combat companies (PCC), private military companies (PMC), commercial security companies (CSC), and freelance operators. Private military companies can be further divided into proxy military companies and private security companies (PSC) (see Figure 1 and the Appendix). Proxy military companies are private companies that act in accordance with their parent nation's national objectives. Proxy companies may or may not use direct force, but always seek the explicit permission of their parent nation to accept a contract of an application of force nature. This thesis examines companies in the categories of PCC and PMC, as these best illustrate the capabilities and repercussions of privatization in combat zones. This thesis will not examine private military companies performing combat support or combat service support type functions.

monopoly on the legitimate use of violence in the interest of public order.⁸ The state cannot abandon its responsibilities, and its legitimacy may be questioned when government responsibilities are outsourced to private companies. The unclear distinction between military and corporate forces in any combat zone, and especially in a dynamic and violent environment like Iraq, can lead to confusion over the legitimate use of force. When the U.S. government outsources its responsibilities, it seeks to control PMCs through specific contractual requirements that include parameters for the use of force.

In practice, PMCs are an extension of a sovereign government. Backlash against the PMCs (for example, public disapproval of the disproportionate use of force) can affect how the world views that nation's forces. The U.S. currently employs a large number of PMCs to The U.S. government needs the flexibility to leverage PMCs but at the same time must consider the effects of using PMCs on the overall mission. If PMCs are perceived as errant children, then national credibility and legitimacy are eroded. However, if PMCs can positively support and augment DoD forces, then deploying them is beneficial to the U.S. government. This thesis assesses the utility of PMCs for meeting U.S. policy objectives, with special attention to potential problems of using PMCs in combat zones and questions of accountability and oversight.

D. METHODOLOGY

The purpose of this thesis is to determine if PMCs are value-added to U.S. foreign policy objectives in combat zones, and under what conditions they should be employed. The methodology used to address these questions is primarily qualitative. To analyze the performance of PMCs, this study considers five evaluation measurements, described in this introductory chapter. The five evaluation criteria are applied to three case studies.

The thesis relies on published reports and news articles, as well as interviews with policy makers and PMC operators. Additionally, it draws heavily from the author's experiences as a U.S. military officer deployed throughout the globe. The author became familiar with Blackwater Worldwide, Triple Canopy, Armor Group and other PMCs on a

⁸ Max Weber, *The Theory of Social and Economic Organization* (New York: Oxford University Press, 1964), 154.

recent deployment in support of Operation Iraqi Freedom (OIF) in al-Hillah, Iraq, in 2005. He also interacted with PMCs supporting Operation Enduring Freedom (OEF) in Afghanistan, and on missions to Colombia, Peru, and the Balkans.⁹

The U.S. government is the largest employer of PMCs.¹⁰ A brief history of privatized security is given as background to the current PMC situation. The thesis presents three case studies: Executive Outcome's actions in Angola (1994) and Sierra Leone (1995), MPRI's actions in Bosnia-Herzegovina (1994), and Blackwater Worldwide's actions in the GWOT (2003 - present). The case studies illustrate the use and transformation of privatized security companies to support military aims. The thesis concludes with an overall assessment of PMC usage and proposed guidelines for PMC employment to maximize their effectiveness for the strategic implementation of foreign policy.

E. EVALUATION CRITERIA

The determination of PMCs' utility requires considering several factors. While the PMCs operate within two distinct worlds, the military and the corporate, in conflict zones, PMCs operate in a military fashion and ultimately answer to their employer, the government. This thesis uses five objective criteria to assess PMCs as military contractors: competence, cost efficiency, control, flexibility, and impact on government military forces.

1. Competence

The key metric is competence, defined as the capability of the PMC to fulfill its contract with the necessary personnel, equipment, training, technical and tactical capabilities. Field experience, the access to mission appropriate equipment, and the ability to integrate battlefield intelligence into operations all factor in to measuring

⁹ Interactions with PMCs have led the author to conclude that the face of war is changing, becoming simultaneously more compartmentalized, more distributed, and more violent.

¹⁰ Jeremy Scahill, "The Mercenary Revolution: Flush with Profits from the Iraq War, Military Contractors See a World of Business Opportunities," *The Independent*, August 15, 2007, <http://www.independent.org/2007/08/10/the-mercenary-revolution-flush-with-profits-from-the-iraq-war-military-contractors-see-a-world-of-business-opportunities> (accessed May 24, 2008).

competence. It is important to delineate the independent metric of competence against the dependent variable of effectiveness. Competence measures the military ability of the PMC to accomplish the mission, not the degree of overall effectiveness. A PMC could be less competent militarily but still highly successful in fulfilling the contract. The PMC must deliver the contracted services to be considered effective. This metric evaluates the PMC's actions and how well they accomplish the mission. Failure to accomplish the tasks specified in the contract may lead termination of services and possible federal prosecution. Competence is an important measurement because it affects the outcome of the mission, as well as the financial future of the PMC.

2. Cost Efficiency Analysis

The cost efficiency analysis focuses on determining which is more efficient: military manpower or a defense contractor. The financial cost of raising, training, employing, sustaining, and redeploying a military force is significant. Does the practical nature of a commercial turnkey solution override the legitimizing factor of sending the military as the nation's official representatives? If so, then the decision to employ a PMC is sound. Ultimately, the government must determine if it is more advantageous to use its national military force or a private entity.

3. Control

Control is defined as the level of accountability and influence the employing state can exert on the PMC. This criterion is measured by examining the internal and external influences on PMCs that drive the companies in executing their contracts. Control is important because it directly influences the legitimacy of both the PMC and their state sponsor.

4. Flexibility

Flexibility is the ability of a PMC to rapidly adjust to a change in mission requirements; it is a measure of agility and versatility. Flexibility implies multifunctional capabilities when faced with diverging mission sets. It can be measured by examining

the variety of mission profiles a PMC is willing to undertake, as well as its ability to move from one mission to another during the course of a contract. There is a limit to flexibility for both contractors and military units, in that contracts must be consistent with the organization's existing skill sets. Inherent in the concept of flexibility is the capacity for transportation and self-sufficient logistical support. Flexibility is an important evaluation criterion because it indicates the PMC's ability to offer a true turn-key solution.

5. Impact on the State's Military Forces

The criterion of impact on state military forces describes PMC contributions, positive or negative, to the larger military force they assist. Rarely do PMCs work independently, and when they do, they often employ indigenous forces to augment their own. Private military companies impact the larger force by their presence in the operational environment and by conducting operations alongside other military and paramilitary forces. For example, private military companies may lack the logistical or operational support needed for their mission, such as dining and sustainment facilities, or a Quick Reaction Force (QRF) to respond to trouble.¹¹ Overly aggressive PMCs affect the attitudes of indigenous populations towards the state. Additionally, PMC recruiting efforts entice qualified soldiers to leave the military with promises of higher wages. The impact of PMCs on government military forces can be measured through perceptions, credibility, duplication of effort, and overall coordination of operations.

F. ORGANIZATION OF THE THESIS

The thesis contains six chapters, including this introduction. Chapter II presents a brief history of privatized warfare in Western history, focusing on the free companies in the Thirty Years War, the Swiss Guard, the Hessians in the American Revolution, and the

¹¹ In the author's personal experience in Iraq, PMC representatives would stop at the Tactical Operations Center (TOC) and coordinate with the Special Forces Operational Detachment – Alpha (SFOD-A), requesting that SFOD-A serve as their Quick Reaction Force should they have enemy contact and be unable to control the situation. This presented numerous problems, including communications and cryptologic incompatibility, coordination and fire control measures, and authorities. The author's unit always accommodated PMC employees as fellow Americans but never jeopardized their own mission or forces beyond operational limits.

British East India Company. Chapter III explores the concept of the social contract in regard to state and private militaries and presents a variety of ethical and legal considerations relevant to the use of private militaries, including a brief description of the contracting process. Three case studies, chosen to reflect a range of PMCs, are presented in Chapter IV. Chapter V presents the analysis of PMCs using the evaluation criteria discussed in this introductory chapter. Concluding comments appear in Chapter VI. Discussion of the types of PMCs presented in this introduction is elaborated in the Appendix.

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II. A BRIEF HISTORY OF PRIVATIZED WARFARE

A. EARLY MERCENARY FORCES

Mercenary forces have contributed to the industry of warfare at least since Pharaoh Ramses II ruled Egypt (1279-1213 B.C.). He employed Shardana mercenaries from Iona as his personal guards, as well as 11,000 warriors as foreign auxiliaries.¹² The practice of selling personal military knowledge and skills extended into Persia. In 484 B.C., the Greek mercenary Demaratus warned Xerxes I not to underestimate the Spartans at Thermopylae.¹³ Persian employment of Greek mercenaries continued through 401 B.C., when Darius III hired Memnon of Rhodes and 10,000 Greek soldiers to fight against Alexander the Great at the Battle of Granicus River.¹⁴

The Roman and Byzantine Empires both used the Varangian Guard as personal guards and mid-scale maneuver elements. These Viking people were quintessential barbarian mercenaries who would sell any military service to the highest bidder. Byzantine employment was a rite of passage for Varangian warriors: Harold III, Norway's future king, was a Varangian Guard.¹⁵

The ancient and medieval worlds utilized small groups of fiercely competent soldiers-for-hire as personal guards and for large maneuver elements. The surplus of skilled warriors and a growing need for military might, coupled with the impartial mercenary loyalty to neither crown nor blood line, provided an attractive and effective force controlled by the purse. It was often easier to purchase an army than to raise, train, equip and employ the indigenous population as a fighting force, which entailed removing

¹² G. Maspero, *History of Egypt, Chaldea, Syria, Babylonia, and Assyria*, Vol. 5, http://www.archive.org/stream/egypt05maspuoft/egypt05maspuoft_djvu.txt (accessed May 24, 2008).

¹³ A. D. Godley, ed., *Herodotus*, Book VII (Cambridge: Harvard University Press, 1920), 102.

¹⁴ W. J. McCoy, "Memnon of Rhodes at the Granicus," *The American Journal of Philology* 110, no. 3 (Autumn, 1989): 413.

¹⁵ Snorri Sturluson, *King Harald's Saga: Harald Hardradi of Norway*, trans. Magnus Magnusson and Hermann Palsson (New York: Penguin Classics, 1966).

them from their agricultural and sustainment roles.¹⁶ The problem with mercenaries was the threat that someone else would pay more, a difficulty mitigated by keeping the mercenary guard force large enough to react to a threat, but small enough to be controlled and properly funded. The control of unleashed mercenary forces was not a priority, as these early empires did not fear public reactions of the sort that emerge only with mass communications.¹⁷

B. THE THIRTY YEARS WAR

The Thirty Years War ravaged Europe between 1618 and 1648. The battle was over new-found nationalism, and the primary military forces were free companies.¹⁸ The conflict was the culmination of smaller wars over the position of the Church. It was the first large scale nation-state war, fought by the German Protestants, the Catholic Hapsburgs ruling Spain, Germany and Austria, and the French Catholics. Because the number of foot soldiers on both sides diminished rapidly, eventually mercenary companies were paid to serve as proxy forces.

The original mercenaries in this war came from the British military, idle since the end of the Crusades. The task organization of the British forces resembled today's building block military structure. Men organized into companies were contracted out to fight for both sides.¹⁹ These companies expanded during the war and added to the destruction by foraging for sustenance. Without accountability or a governing authority to discipline them, privateers roamed the land, and mass looting, pillaging and murder were widespread.²⁰ Europe suffered through the bloody war and identified the destruction of the countryside with mercenaries. This is the origin of the deep-seated suspicion within Western culture of the concept of a "mercenary" and the issues associated with

¹⁶ Barbara Tuchman, *A Distant Mirror: The Calamitous 14th Century* (New York: Ballantine Books, 1978), 164.

¹⁷ *Ibid.*, 163-167.

¹⁸ *Ibid.*, 163.

¹⁹ *Shadow Company*.

²⁰ Tuchman, *A Distant Mirror*, 222.

outsourcing wars.²¹ The 1648 Peace of Westphalia established national boundaries, and large-scale destructive mercenary forces were largely replaced by well-disciplined state armies.²²

C. SWISS GUARD

The Swiss Guard originated with a 14th century mercenary force that served the highest bidder. Swiss mercenaries gained a reputation in the Hundred Years War as a force multiplier. Officially founded in 1497, the Swiss Guard was hired by Francis I for personal security and site protection. He chose them to capitalize on their reputation and add legitimacy to the French monarchy. Their relationship with crown continued until the French Revolution in 1789, when many Swiss Guards were executed alongside their principals, thus terminating the contract.²³

The Vatican chose the Swiss Guard for site security in 1506 under Pope Julius II.²⁴ The relationship between the papacy and the Swiss Guard continues today. The Guard represents loyalty, professionalism, and steadfast dedication to a sacred duty, a reputation based on protection and defensive reliability rather than a proactive and offensive capability.²⁵ Routine operations, public scrutiny and visibility mean few surprises.²⁶ Its Swiss officer corps and international enlisted ranks present a cooperative image. Eschewing political and temporal maneuvering, the Guard preserves its image as protector of Catholicism, symbolizing high moral and ethical expectations for Catholics

²¹ Tuchman, *A Distant Mirror*, 222. 225.

²² *Ibid.*, 593.

²³ “Swiss Guard: History,” The Roman Curia, http://www.vatican.va/roman_curia/swiss_guard/swissguard/storia_en.htm#The%20Swiss%20Mercenaries (accessed May 13, 2008).

²⁴ “Inside the Vatican: The Swiss Guards,” *National Geographic*, November 18, 2001, http://news.nationalgeographic.com/news/2001/11/1118_vaticanswiss.html (accessed May 21, 2008).

²⁵ “Swiss Guard: History.”

²⁶ “Inside the Vatican: The Swiss Guards.”

²⁶ “Swiss Guard: Uniform of the Swiss Guard,” The Roman Curia, http://www.vatican.va/roman_curia/swiss_guard/swissguard/divisa_en.htm (accessed May 13, 2008).

and non-Catholics alike.²⁷ They answer directly to a higher authority, the Pope, and portray themselves as stalwart defenders of “right.” The Swiss Guard maintains public trust as private military entity committed to a set of ideals and principles.²⁸

D. HESSIANS IN THE AMERICAN REVOLUTION

In 1775, the Continental army of 19,000 was outnumbered by British forces of 25,000.²⁹ In traditional European military fashion, the British had employed Hessian forces to augment their standing army.³⁰ The Hessians were German soldiers impressed into service to fight against Washington's troops.³¹ The Hessians were not soldiers of fortune, as they served their respective German princes. These German princes functioned as the comparative Chief Executive Officer (CEO) of the Hessians at the time. However, despite Hessian military professionalism, many Americans viewed them as mercenaries and attached a negative connotation.³² Many of America's founders also disapproved of mercenaries, associating the outsourcing of military functions with political repression.³³ This early perception may help explain modern American skepticism of privatized security.

E. BRITISH EAST INDIA COMPANY

The British East India Company, or simply known as the “Company,” was originally a capitalist venture of importing South Asian spices to England by a few

²⁷ “Swiss Guard Strikes; Has Served Pope 400 Years,” *New York Times*, July 27, 1913, http://query.nytimes.com/mem/archive-free/pdf?_r=1&res=980CEFD8153FE633A25754C2A9619C946296D6CF&oref=slogin (accessed May 21, 2008).

²⁸ Carol Glatz, “Swiss Guard: Keeping the Peace and Protecting the People for Over 500 Years,” Catholic News Service, May 7, 2004, <http://www.catholicnews.com/data/stories/cns/swiss.htm> (accessed May 13, 2008).

²⁹ John Keegan, *Fields of Battle: The Wars for North America* (New York: Knopf, 1995), 162.

³⁰ *Ibid.*

³¹ Richard Patterson, “What Was A 'Hessian'?” Pennsylvania Historic Park Commission, <http://www.ushistory.org/WashingtonCrossing/history/hessian.htm> (accessed May 13, 2008).

³² *Ibid.*

³³ “The Declaration of Independence,” 1776, available online at <http://www.ushistory.org/Declaration/document/index.htm> (accessed April 28, 2008).

London businessmen.³⁴ They were granted an English Royal Charter by Queen Elizabeth I in 1600 and slowly transformed from a commercial venture to a legitimate ruling authority over India and other Asian colonies. After the Battle of Plassey in 1757, the Company served as a British proxy government and established trade routes from South Asia to the West until 1873.³⁵ The Company built up their military and administrative capabilities prior to Plassey in order to compete with other foreign trading companies, namely the French East India Company.

The independent and self-sufficient British merchants continued to man the Company and established a crown approved Governor-General who could collect revenue in India, as well as raise an Army and Police force to maintain control of the expanding colonies.³⁶ The Company strengthened their military force by sub-contracting Rajputs and Brahmans to form 80% of the Indian Army since the Sepoys were suspect following the Battle of Plassey.³⁷ The Company became the *de facto* ruling authority in South Asia and governed a geographic area larger than the United Kingdom itself, but maintained close ties with the British crown and acted in accordance with the Crown's strategic policies until the Crown assumed control of the colonies in 1858. Their aggressive infrastructure and administrative developments in India, supported by their military capabilities, benefited the Crown by expanding the Crown's influence as well as befitting the average Englishman by providing Asian spices. The Company was a well-established and respected private company acting as a proxy government, with full legal authority to use violence, in the service of the United Kingdom.

³⁴ George Landow, "The Company that Owned a Nation (or Two)," The Victorian Web, <http://www.scholars.nus.edu.sg/landow/victorian/history/empire/eic.html> (accessed 31 July 2008).

³⁵ Sugata Bose and Ayesha Jalal, *Modern South Asia: History, Culture, Political Economy* (London and New York: Routledge, 2003), 76.

³⁶ Barbara Metcalf and Thomas R. Metcalf, *A Concise History of Modern India (Cambridge Concise Histories)*, (Cambridge and New York: Cambridge University Press, 2006), 56.

³⁷ C.A. Bayly, *Indian Society and the Making of the British Empire (The New Cambridge History of India)*, (Cambridge and London: Cambridge University Press, 1990), 84-86.

F. SUMMARY

This brief examination of the history of privatized warfare in the context of Western cultures suggests that negative public attitudes toward the practice of using private contractors in warfare may originate with experiences of the uncontrolled and unprofessional mercenaries who contributed to European misery during the Thirty Years War. The more recent colonial American disdain for the Hessians fought for the British during the American Revolution, while perhaps undeserved, reinforces the bias against the use of private warriors. On the other hand, high public regard for the Swiss Guard and the British East India Company suggests that the negative attitude toward private militaries is neither universal nor inevitable. In the case of the Swiss Guard, the positive reputation depends on several factors, including the Guard's loyalty to a strong, responsible controlling authority and its long-term commitment to a consistent code of ethics and set of overarching moral principles for service. The British East India Company's success can be viewed as a self-sufficient and legitimate British proxy authority, in line with the Crown's objectives and supporting the British economy. Their actions were perceived to be in accordance with contemporary British values and ethics that propelled them to political and military legitimacy within the British population.

III. THE USE OF PMCS: ETHICAL AND LEGAL CONSIDERATIONS

Man is the only animal that deals in that atrocity of atrocities, War. He is the only one that gathers his brethren about him and goes forth in cold blood and calm pulse to exterminate his kind. He is the only animal that for sordid wages will march out... and help to slaughter strangers of his own species who have done him no harm and with whom he has no quarrel.... And in the intervals between campaigns he washes the blood off his hands and works for “the universal brotherhood of man” - with his mouth.³⁸

— Mark Twain

Secretary of State Casper Weinberger laid out general rules for using military force in a speech to the National Press Club in 1984. This framework, the Weinberger Doctrine, although it is not always followed, is still considered the litmus test for deploying the military. The Weinberger Doctrine includes the following prescriptions.

- a) ...the United States should not commit forces to combat overseas unless the particular engagement or occasion is deemed vital to our national interests or that of our allies.
- b) ...if we decide it is necessary to put combat troops into a given situation, we should do so wholeheartedly, and with the clear intention of winning.
- c) ...if we do decide to commit forces to combat overseas, we should have clearly defined political and military objectives. And we should know precisely how our forces can accomplish those clearly defined objectives. And we should have and send the forces needed to do just that.
- d) ...the relationship between our objectives and the forces we have committed – their size, composition and disposition – must be continually reassessed and adjusted if necessary.
- e) ...before the U.S. commits combat forces abroad, there must be some reasonable assurance we will have the support of the American People and their elected representatives in Congress.
- f) ...the commitment of U.S. forces to combat should be a last resort.³⁹

³⁸ Mark Twain, from *What Is Man?*, available from <http://www.twainquotes.com/War.html> (accessed April 7, 2008).

³⁹ Casper Weinberger, *Fighting for Peace: Seven Critical Years in the Pentagon* (New York, NY: Warner Books, 1990), 441-442.

These imperatives provide a foundation for U.S. political leaders' decisions about the use of military force. Most important is the first requirement that an issue vital to the U.S. or its allies be at stake. It implies that the U.S. military should be jealously guarded; the lives of soldiers should not be squandered. The Weinberger Doctrine also suggests that using the military implies confidence that the military can accomplish its assigned objectives.

Weinberger's discussion of the mutual expectations of the American people and the military reflects the idea of a social contract between the people and the government. This chapter first discusses the idea of a social contract as it applies to the military and to PMCs, and then describes some specific ethical and legal considerations relevant to the employment of PMCs.

A. THE SOCIAL CONTRACT

The idea that the people have a social contract with government, which implies that the people and the government are responsible to one another, is embedded in the Declaration of Independence. The social contract is a cornerstone of the American democratic system and a basic American value. A social contract—both implied and explicit—between the military and the citizenry involves public expectations of the military and vice versa. At the most general level, the public expects the military to win the nation's wars, while the military expects public support.⁴⁰

However, the U.S. military not only defends the Constitution against foreign and domestic enemies—it also, ideally, represents what is right and good with the country, personifying selfless service and dedicated commitment to democratic values. These values spring from the desire to protect individual liberties of "life, liberty and the pursuit of happiness" as described in the Declaration of Independence. In other words, the U.S. military has both a practical and symbolic role in the social contract.

⁴⁰ Shannon French, "Warrior Transitions: From Combat to Social Contract," *JSCOPE*, United States Naval Academy, January 2005.

1. The Social Contract between the People and the Military

The explicit social contract between the United States and its military is specified in the U.S. Code Title 10, where the military's responsibilities are spelled out. The U.S. military is expected to behave in an ethical and legal manner at all times and to represent America's democratic ideals when stationed abroad. The subordination of the state's armed forces to civilian control and the internal policing mechanisms described in the Uniform Code of Military Justice (UCMJ) are designed for accountability and to insure that the military does a credible job representing the nation.⁴¹ Breaches of standards are prosecuted under the UCMJ.

Americans also expect the military to do its job, to “close with the enemy by means of fire and maneuver to defeat or capture him, or to repel his assault by fire, close combat and counterattack.”⁴² The current strength of the U.S. military is approximately 2.2 million personnel, including National Guard and Reserve units.⁴³ This represents less than one percent of the U.S. population.⁴⁴ The force cap on the U.S. military limits the number of service members, regardless of the missions they are required to conduct, which raises problems for the military's ability to fulfill its end of the social contract. This is true only if the military is unwilling to concede the possibility that smaller forces can achieve large tasks. The U.S. military's conventional approach to warfare still downplays the accomplishments of small units, such as when 11 Special Forces A-Teams overthrew the Taliban in the initial invasion of Afghanistan in October 2001.

One solution for the low troop-to-task ratio is to use PMCs for tasks like site security, VIP protection, security force training and intelligence gathering. The presence

⁴¹ *Uniform Code of Military Justice (UCMJ)*, United States Code Title 10, Subtitle A, Part II, Chapter 47 (1951).

⁴² *Field Manual (FM) 7-8: Infantry Rifle Platoon and Squad* (Headquarters, Department of the Army, Washington, D.C., April 22, 1992), 1-1.

⁴³ U.S. Department of Defense, *Appropriations Bill, 2007, Report to the Committee on Appropriations to Accompany H.R.5631, June 16, 2006*, 109th Cong., 2d sess., House of Representatives, <http://books.google.com/books?id=wDAvUIh7TLAC&pg=PA15&lpg=PA15&dq=dod+personnel+end+strength+2006&source=web&ots=n0vYQonESS&sig=6zsd7HoNRoRbANNRPGbXECYhSD8&hl=en#PPA15,M1> (accessed May 24, 2008).

⁴⁴ U.S. Census Bureau, “The 2008 Statistical Abstract,” <http://www.census.gov/population/www/index.html> (accessed May 24, 2008).

of PMCs is becoming more integrated as a standard element in operations.⁴⁵ The American public understands that outsourcing some functions to private corporations supports the military, and probably first visualizes the use of private companies for logistical support of overseas deployments. With U.S. engagement in Iraq and Afghanistan, however, PMCs have become increasingly visible in a wider variety of roles, raising questions of the relationships among the private sector, the military, and the citizenry.

2. The Social Contract with PMCs

Governments traditionally have the monopoly on the legitimate use of violence.⁴⁶ Changes to the accepted, legitimate relationship between citizens and the state, through the inappropriate use of force or the use of force by an illegitimate actor, challenge the status quo and open the door to exploitation. The PMCs operate in a grey area between governments and private corporations. Worldwide, some PMCs are becoming more like proxy forces, committed to the national goals and objectives of whatever country they serve. Blackwater Worldwide, a PMC that dovetails its mission profile set and performs ancillary duties with the U.S. effort in Iraq, is the best example of a company moving toward the proxy force model. Others, like the British company Armor Group, have an international presence with satellite offices in multiple countries, but the crux of their decision to accept a contract is whether it is permissible with respect to their parent country.⁴⁷

Outsourcing core combat service (CS) and combat service support (CSS) mission sets that once were basic military tasks has proven cost-effective. The American public implicitly trusts the government to correctly and judiciously outsource security on an “as needed” basis. The U.S. military echoes this sentiment, preferring to utilize U.S. soldiers,

⁴⁵ On his most recent deployment in support of OIF, the author found that mission planning and daily briefs included the whereabouts and actions of various PMCs in the area, and his unit coordinated with the PMCs and exchanged information with their employees.

⁴⁶ Van Creveld, *The Transformation of War*, 216-217.

⁴⁷ Information based on author's discussion of the business model of Armor Group and U.S.-based PMCs like Blackwater with representatives of Armor Group in Iraq.

but recognizing that private companies can be force multipliers and allow for greater operational flexibility. However, in outsourcing core functions, the government relinquishes some control over those missions.⁴⁸

The general position on the use of PMCs in support of the U.S. military seems to be that as long as the mission is accomplished, and barring any international incident, the use of PMCs is acceptable. It is when the public witnesses privately owned businesses conducting military operations that the question of corporate transparency arises. In other words, public attention is drawn to PMC operations when they perceive a breach of the social contract.

Whatever the circumstances, the military must meet logistical and support requirements to fulfill its mission. Private corporations fill the gaps. For example, in Bosnia and Kosovo in the 1990's, KBR assisted the Stabilization Forces (SFOR) and the Kosovo Forces (KFOR) and remains active in the area.⁴⁹ Over time, private companies experience mission creep when the military's ability or desire to tackle every problem begins to wane. Free from the need to divert forces to CS and CSS operations, the military has more personnel to focus at the decisive points of a campaign. In short, sometimes it makes sense to outsource a set of tasks to a contractor—but not all the time.

The question becomes a matter of determining when, within the constraints of legitimacy established by the social contract, the government should employ PMCs. Three elements are relevant to determining if use of PMCs by the U.S. government is appropriate: ethical standards and expectations, legal constraints and financial considerations. The remainder of this chapter focuses on these elements, with emphasis on the first two. Discussion of ethical standards and expectations relevant to state militaries and private companies and their employees is followed by a presentation of international and domestic legal considerations. The chapter concludes with a brief

⁴⁸ Deborah D. Avant, *The Market for Force: The Consequences of Privatizing Security* (Cambridge: Cambridge University Press, 2005), 108.

⁴⁹ The author deployed to Bosnia with SFOR and to Kosovo with KFOR from 1997-1999; KBR was active in both theaters.

overview of the contracting process (financial considerations are considered more extensively in later discussions of cost-benefit analysis).

B. ETHICAL STANDARDS AND EXPECTATIONS

The U.S. government's decision to employ PMCs is a byproduct of the decision to employ military forces. Ideally, a government employs its military arm, with the supporting military-industrial complex, to further political goals and protect national interests. When state forces cannot complete the necessary tasks, the corporate world may provide a solution.

The biggest difference between the U.S. military and corporate solution sets is the level of accountability of each to the employer, i.e., the state. Accountability involves transparency to the public as well as the ability of the state to respond to infractions of the contract or breaches of the social contract by punishment or withholding benefits. The line blurs when a private corporation is hired to conduct quasi-military operations traditionally performed by uniformed servicemen. Theoretically, PMCs are bound by the same ethical constraints on conduct as the military and their employees should act as if they are in the military. However, PMCs are also expected to behave in an efficient manner to maximize corporate profits while reducing costs in accordance with corporate practices.

The UCMJ governs the judicial punishment system for military personnel, and this set of rules and regulations extends to all personnel within the DoD: servicemen, civilian contractors, everyone on the official payroll.⁵⁰ Private military contractors, however, are currently employed only by the DoS and thus are outside the DoD span of control.⁵¹ The U.S. placed all PMCs under the UCMJ as of October 2007, but this

⁵⁰ *John Warner National Defense Authorization Act for Fiscal Year 2007*, H.R.5122, <http://thomas.loc.gov/cgi-bin/query/F?c109:6:./temp/~c109cLL4aT:e310300> (accessed April 24, 2008). Paragraph (10) of section 802(a) of title 10, United States Code (article 2(a) of the Uniform Code of Military Justice), is amended by striking 'war' and inserting 'declared war or a contingency operation.'

⁵¹ Andrews, interview.

provision has yet to be tested.⁵² To avoid prosecution, Blackwater deals with infractions by PMC personnel by immediately removing individuals from the operational area and terminating the individual's contract. To date, no U.S. PMC contractor in the GWOT has been held accountable for unethical or illegal conduct that might result in incarceration if committed by a service member.

Such differences in approaches to ethical violations make some sense in the context of the social contract. There is a difference between being an employee of the state and an employee of a private corporation, a difference that has much to do with the varying expectations of private vs. public employees.

The volunteered military service member most likely enters the service out of a sense of duty and patriotism.⁵³ Breaches of conduct are dealt with in a transparent way through judicial and non-judicial punishment. This requires that the military police its own ranks in order to maintain the trust and credibility it has with the American public, to whom they must answer.

In contrast, a private military employee most likely signs his contract primarily for economic reasons: for similar work, he receives better pay than a military counterpart.⁵⁴ The actions of PMCs are contract based, meaning that individuals are financially compensated for their services over a finite period of time. The employees of PMCs sell their services without the requirement that an “ethical tag-line” be attached to their operations. And as private businesses, PMCs are not in the express business of killing, although it is understood that they have the right to self-defense.⁵⁵

⁵² C.J. Chivers, “Supplier Under Scrutiny on Arms for Afghans,” *New York Times*, March 27, 2008, <http://www.nytimes.com/2008/03/27/world/asia/27ammo.html?pagewanted=1&ref=asia%3Cbr%20%3E> (accessed March 30, 2008). Government contractors are held to criminal litigation when defrauding the government, as currently seen in AEY Inc.’s falsification of ammunition standards, but have not been prosecuted for actions committed in declared combat zones.

⁵³ Dave Grossman, *On Killing: The Psychological Cost of Learning to Kill in War and Society* (Boston: Bay Back Books, 1996), 89-90.

⁵⁴ For example, current PMC employees in OIF earn, on average, \$600 per day, while an E-5 with six years' active duty earns approximately \$115 per day. This is considered in more depth in the discussion of Cost Benefit Analysis in Chapter V.

⁵⁵ U.S. Department of Defense, “Memorandum of Agreement (MOA) between the Department of Defense and the Department of State on Using USG Private Security Companies,” December 5, 2007, <http://www.defense.gov/pubs/pdfs/Signed%20MOA%20Dec%205%202007.pdf> (accessed May 24, 2008).

The U.S. government deploys the military recognizing that it represents the official flagpole of the country. The government and the public expect service members to represent national ideals, values, and ethical standards. While the practical matter of accomplishing the ends is ultimately important, the symbolic matter of how the military conducts itself to accomplish those ends is equally important.

In contrast, the American public's social contract with the PMCs is more focused on mission accomplishment. When outsourcing a PMC, the end product takes priority over the means. Ethical concerns about employing a PMC are often addressed with a limited examination of the company's track record in conducting itself ethically, its ability to complete the specified task, and the personal reputation of the CEO.

This approach is increasingly subject to scrutiny. The blurry distinctions among military, paramilitary and civilian personnel make PMCs ethical environment increasingly unstable. Ethical challenges to PMCs are the result of military ethics rubbing up against business ethics in compressed and volatile environments.

C. LEGAL STANDARDS FOR THE USE OF FORCE

Current legal standards for employing the military rest on the theory of just war, *jus ad bellum*, and *jus in bello*. Domestic and international legitimacy in the decision to use force entails that a military response must be against an enemy with the motive, the ability, and an immanent threat to harm America or her allies.⁵⁶ The U.S. government in reality employs the military to protect national assets or vital allies' assets for a spectrum of reasons that ranges from self-defense to anticipatory self-defense to preventative self-defense. The Weinberger Doctrine, discussed above, clarifies the appropriate conditions for using force, specifying that force should be the last option for resolving conflict. George W. Bush's controversial strategy of strategic preventative war under the 2006

⁵⁶ Dan Webster, "The Caroline Case," <http://www.yale.edu/lawweb/avalon/diplomacy/britain/br-1842d.htm> (accessed May 3, 2008). The Caroline Case established the precedent that only a direct threat to the interests of the United States or her allies justifies deploying the military.

National Security Strategy of the United States justifies using force to “defend liberty and justice,” claiming “these principles are right and true for all people everywhere.”⁵⁷

As its standard of international legitimacy, the U.S. abides by the Charter of the United Nations (UN), Chapter VII, Articles 42 and 43, respecting the United Nations Security Council and its resolutions determining what kind of force can be used to maintain or restore international peace.⁵⁸

Congress has the authority to declare war, thereby legitimizing the domestic mobilization of the services for the national defense, but the President as Commander in Chief has authority to deploy the military under immanent threat through provisions of the War Powers Act of 1973.⁵⁹ The War Powers Act allows rapid military deployment to undeclared conflict zones, but requires accounting to Congress through occasional reporting on the progress of hostilities. Strict scrutiny of legal justifications is intended to prevent illegal, sub-rosa conflicts and provide a high level of public accountability.

The current legal paradigm for employing PMCs reflects unclear boundaries between government and private military forces. The international community officially banned mercenary forces through the Geneva Conventions of 1949 and updates in 1977 and 2005. The international community nonetheless uses PMCs for policy implementation due to the lack of international military forces and as a response to political complications in the United Nations.

To send troops in response to international crisis, the normal procedure is for the members of the UN Security Council to vote on a UN Security Council Resolution (UNSCR). However, any one of the five standing members of the Security Council can veto such a measure. For example, China, protecting its economic interests in Sudan, in

⁵⁷ The White House, “The National Security Strategy,” Chapter II.A., March 2006, <http://www.whitehouse.gov/nsc/nss/2006/sectionII.html> (accessed May 3, 2008).

⁵⁸ United Nations, “Charter of the United Nations,” Chapter 7, Articles 42-43, <http://www.un.org/aboutun/charter/chapter7.htm> (accessed May 3, 2008).

⁵⁹ *Constitution of the United States*, Article I, Section 8, in *The Declaration of Independence and The Constitution of the United States* (New York: Bantam Books, 1998), 65; *War Powers Resolution, Public Law 93-148, Joint Resolution Concerning the War Powers of Congress and the President*, 93rd Cong., H. J. Res. 542, November 7, 1973, <http://www.yale.edu/lawweb/avalon/warpower.htm> (accessed May 3, 2008).

2006 vetoed the proposal that UNSCR send international troops to relieve the Darfur crisis.⁶⁰ Using PMCs is a way for the international community to work around veto or other time-consuming political processes.

The legal justification for using PMCs comes through Article 47 of Additional Protocol I (1977) to the 1949 Third Geneva Convention (GCIII). This article outlaws mercenaries but specifies that “supply contractors” are lawful, and does not differentiate between defense contractors and PMCs.⁶¹ The Article 47 definition of a mercenary has enough loopholes that one can effectively operate as a mercenary without risk of being charged in a court of law. This effectively makes the UN’s legal authority impotent when attempting to prosecute mercenaries.

The United States is not a signatory to Article 47 of Additional Protocol I, but the U.S. does have domestic laws prohibiting independent individual contributions for foreign aid. Historically, the Neutrality Act of 1794 was supposed to forbid U.S. citizens from engaging in foreign wars or interfering with sovereign countries, but did not dissuade intervention completely,⁶² as evidenced by the nineteenth century profiteering of William Walker in Nicaragua, Nathan Algren in Japan, and other independent operators who sought to enrich themselves selling military services. The contemporary American attitude saw individual mercenaries as quintessential frontiersman expanding America’s influence, their actions condoned so long as they were not subversive and did not conflict with national diplomatic, economic or military objectives.⁶³

⁶⁰ “China-Sudan Trade Relations Complicate Darfur Crisis,” *PBS Online News Hour*, April 25, 2006, http://www.pbs.org/newshour/updates/china-darfur_04-25-06.html (accessed May 3, 2008).

⁶¹ Office of the High Commissioner for Human Rights, *Article 47 of Additional Protocol I (1977) to the 1949 Third Geneva Convention (GCIII)*, <http://www.unhchr.ch/html/menu3/b/93.htm> (accessed May 24, 2008).

⁶² *The Free Dictionary*, s.v. “Neutrality,” <http://legal-dictionary.thefreedictionary.com/Neutrality> (accessed May 3, 2008).

⁶³ “Death for ‘War Dogs,’” *Time*, July 12, 1976, <http://www.time.com/time/magazine/article/0,9171,914277-1,00.html> (accessed May 3, 2008). Daniel Gearhart was tried and executed in 1976 in Angola for advertising to hire mercenaries in an American newspaper and then conducting mercenary operations in Angola. Dana Drenkowski had to repay the U.S. government all the money he earned as a mercenary in Qaddafi’s service against Chad in 1978. See also Al J. Venter, *War Dogs: Fighting Other People’s Wars* (Philadelphia: Casemate, 2006), 217-222.

D. RECENT REGULATIONS GOVERNING PMCS

The Military Extraterritorial Jurisdiction Act (MEJA) of 2000 set a standard for civilians employed under DoD contracts, allowing the U.S. to prosecute DoD civilian employees for crimes committed overseas if they would normally receive more than one year of incarceration if prosecuted.⁶⁴ However, the act only applies to DoD personnel. Currently, PMCs are authorized to operate in MNF-I, as well as in other international venues, but they face increasing legal restrictions on their behavior in theater. These legal boundaries frame the PMC's actions.

The FY2007 Defense Budget imposes increased accountability on all PMCs with a provision stating that anyone accompanying U.S. military forces into a conflict zone falls under the UCMJ.⁶⁵ This blanket provision covers all civilians, including journalists and foreign contracted employees. The legality of provisions holding PMC personnel accountable for actions in a combat zone are as yet untested. This legal standard conflicts with and overrides the policy in Iraq since June 2004, as specified in Coalition Provisional Authority Order 17, which exempts civilian agencies that are

(a) assigned to or under the command of the Force Commander or MNF contingent commanders, (b) subject to other command authority to aid, protect, complement or sustain the Force Commander, or (c) employed by a Sending State in support of or accompanying the MNF.⁶⁶

However, the extent to which the U.S. government is willing to prosecute PMC transgressions is unclear.

⁶⁴ *Military Extraterritorial Jurisdiction Act*, Public Law 106-523, Chapter 212, § 3261.a.1, 106th Cong., November 12, 2000, <http://www.pubklaw.com/hi/pl106-523.pdf> (accessed May 14, 2008).

⁶⁵ *John Warner National Defense Authorization Act for Fiscal Year 2007*.

⁶⁶ The Coalition Provisional Authority, Order 17, June 27, 2004, http://www.cpa-iraq.org/regulations/20040627_CPAORD_17_Status_of_Coalition_Rev_with_Annex_A.pdf (accessed May 14, 2008).

E. A BRIEF OVERVIEW OF THE CONTRACTING PROCESS

The current process for contracting PMCs falls under the Federal Acquisition Regulation.⁶⁷ A U.S. government agency determines a need and decides whether or not the agency can fulfill that need itself. If not, the then agency submits a Request for Proposal in the form of a Statement of Work. The contract is up for open bidding, but if there are pressing time constraints or other requirements, the government can grant the contract to a single bidder. Contracts are awarded to the company that offers “the best value solution to the customer, not necessarily the lowest price.”⁶⁸ A Contracting Officer then grants the contract to the company and appoints a Contracting Officer’s Representative to serve as the U.S. government’s representative.⁶⁹

F. SUMMARY

The American military is a subset of the American population as a whole. As an institution, the military is subordinate to the U.S. government, which reflects the will of the people as expressed by elected officials. Therefore, American standards of behavior influence the military's approach to waging the nation’s wars, which in turn influences the government's decisions on outsourcing military activities to private corporations. In other words, decisions about whether outsourcing to PMCs is appropriate must be seen in a larger context, which includes American political values and ethics, as well as domestic and international legal constraints. The ethical expectations and legal status of PMCs are undergoing transition as these companies' increased visibility raises questions for the public and the military alike. The current issue regarding PMCs is how to best utilize them in support of national policy.

⁶⁷ *Federal Acquisition Regulation*, March 2005, <http://www.arnet.gov/far/reissue/FARvol1ForPaperOnly.pdf> (accessed May 14, 2008).

⁶⁸ For a succinct explanation of how a contractor bids and wins a contract, see Brent Jorgensen, “Outsourcing Small Wars: Expanding the Role of Private Military Companies in U.S. Operations,” (master’s thesis, Naval Postgraduate School, Monterey, CA, September 2005), 46.

⁶⁹ Joe Yakovac, LTG (Ret.), Assistant Deputy for Systems Management and Horizontal Technology Integration, Office of the Secretary of the Army (Acquisitions, Logistics and Technology), personal correspondence with author.

IV. CASE STUDIES

[The Executive Outcomes company] gave us this stability. In a perfect world of course, we wouldn't need an organization like EO, but I'd be loath to say that they'd have to go just because they're mercenaries.⁷⁰

General Ian Douglas, negotiator for the UN in Angola, 1994

A. EXECUTIVE OUTCOMES

To provide a highly professional and confidential military advisory service to legitimate governments.

To provide sound military and strategic advice.

To provide the most professional military training packages currently available to armed forces, covering aspects related to sea, air, and land warfare.

To provide peace keeping (persuasion) services.

To provide advice to state armed forces on weapon and weapon platform selection.

To provide para-military services.

To provide a total apolitical service based on confidentiality, professionalism, and dedication.⁷¹

This is the mission statement of Executive Outcomes (EO). The first of three case studies presented in this chapter, EO represents the category of private combat company, falling at the far end of the spectrum of private military companies.

Executive Outcomes was formed in 1989 as a holding company for South African-based Strategic Resources Corporation under the direction of Eeben Barlow. A retired lieutenant colonel, Barlow had served in the South African Defense Force's (SADF) reconnaissance 32 Battalion Recce Wing and in the secretive Civil Co-operation

⁷⁰ Douglas, of the Canadian Army, stated that EO was crucial in establishing a level of control in Angola and without their work, the UN mission could not have entered the country to enforce the Lusaka Protocol.

⁷¹ Executive Outcomes, "Mission and Services," <http://web.archive.org/web/19980703122319/www.eo.com/miserv/miserv2.html> (accessed May 15, 2008).

Bureau (CCB). The SADF, CCB, and South African Special Forces were intensely involved in paramilitary counterinsurgency operations in Namibia, Angola, Rhodesia, and throughout southern Africa.⁷²

When South African apartheid began to unravel in the late 1980's, the SADF, the parent organization of 32 Battalion, CCB, and Koevoet, came under government directives to disband.⁷³ Barlow recognized the potential value of highly trained operators and recruited directly from the SADF into Executive Outcomes.⁷⁴ In 1993, with the help of Tony Buckingham and Simon Man, Barlow registered EO as an official business in the United Kingdom. It became the prototypical private combat company.⁷⁵

At the company's highpoint, Barlow said he could provide 500 military advisors and over 3,000 Special Forces soldiers. Executive Outcomes had assets for African deployments that included Mi-24 Hind-Ds, Mi-8 Hips, BMP-2s, field artillery, a Boeing 707 MEDEVAC plane, two Boeing 727s and armored personnel carriers.⁷⁶ Their operations in Angola and Sierra Leone propelled them into the international spotlight; contracts with Texaco, DeBeers, and other private companies directly funded their operations.⁷⁷

Executive Outcomes is in some ways similar to the Hessians, with well-trained and equipped specialists bound by group loyalty to high professional standards. Executive Outcomes claim to have only accepted contracts for legal and ethical activities. The company declined a \$100 million, one-time payment to help overthrow the Nigerian government in 1998 because of legal and ethical concerns.⁷⁸ Executive Outcomes

⁷² P. W. Singer, *Corporate Warriors: The Rise of the Privatized Military Industry* (London: Cornell University Press, 2003), 101.

⁷³ Executive Outcomes, "What is Executive Outcomes?" <http://web.archive.org/web/19981206004309/www.eo.com/about/p1.html> (accessed May 15, 2008).

⁷⁴ Singer, *Corporate Warriors*, 116.

⁷⁵ *Ibid.*, 101.

⁷⁶ *Ibid.*

⁷⁷ Christopher Wrigley, "The Privatisation of Violence: New Mercenaries and the State," March 1999, <http://www.caat.org.uk/publications/government/mercenaries-1999.php> (accessed May 15, 2008).

⁷⁸ Fred Rosen, *Contract Warriors: How Mercenaries Changed History and the War on Terrorism* (London: Alpha Books, 2005), 164.

officially disbanded when South Africa passed the Regulation of Foreign National Military Assistance Act in 1998, but in the wake of the breakup, similar companies were established, including Sandline, Lifeguard and Saracen.⁷⁹

1. Angola

In 1993, a civil war in Angola pitted the rebel National Union for the Total Independence of Angola (UNITA) against the government's Angolan Armed Forces (FAA). Chinese-sponsored UNITA intended to gain political power by seizing oil refineries at Soyo and expanding to other international businesses in Angola.⁸⁰ The FAA failed to repel the assault on the refineries, and the government contracted with EO in September 1993 to reclaim Soyo and train FAA troops in security operations.⁸¹ The link between the FAA and EO was through Buckingham, who also owned one of the oil companies.⁸² Buckingham asked Barlow how much it would cost to reclaim Soyo, to which Barlow cavalierly answered \$10 million. Much to Barlow's surprise, Buckingham agreed.⁸³ Executive Outcomes entered Angola with 80 men and quickly secured Soyo and the industrial sites without casualties, demonstrating their competence to the government and international investors.⁸⁴

The Angolan government offered a second contract to train the FAA and conduct front-line operations, which they paid for with \$40 million in money and oil concessions.⁸⁵ A 500-man EO force reestablished the FAA's 16th BDE, trained 5,000 soldiers and 30 pilots and conducted operations to drive UNITA from the capital and to

⁷⁹ Republic of South Africa, "Regulation of Foreign National Military Assistance Act," October 19, 1998, <http://www.info.gov.za/gazette/acts/1998/a15-98.pdf> (accessed May 15, 2008).

⁸⁰ Paul Hare, "China in Angola: An Emerging Energy Partnership," *China Brief* 6, no. 22 (November 8, 2006), http://jamestown.org/publications_details.php?volume_id=415&issue_id=3918&article_id=2371629 (accessed May 15, 2008).

⁸¹ Singer, *Corporate Warriors*, 108.

⁸² *Ibid.*

⁸³ Robert Young Pelton, *License to Kill: Hired Guns in the War on Terror* (New York: Crown Publishers, 2006), 256.

⁸⁴ Singer, *Corporate Warriors*, 108.

⁸⁵ *Ibid.*, 109.

the negotiating table.⁸⁶ A campaign plan of deep-penetration, air-ground assaults and night attacks targeting UNITA leadership and force concentrations crippled the rebels and forced them to accept the Lusaka Protocol in October, 1994.⁸⁷ The Lusaka Protocol fell apart three years later, but in bolstering the FAA, expelling UNITA from the capital, and introducing relative tranquility, EO successfully completed the terms of their contract. The Angolan state appeared stable, with a trained army capable of controlling UNITA remnants. When EO redeployed from Angola in January 1995, an advance party travelled from Angola to Sierra Leone for a contract with the newly established Sierra Leone military junta.⁸⁸

2. Sierra Leone

In August 1992, military coup plotters in Sierra Leone assumed control of the government from President Joseph Saidu Momoh. The newly formed government, called the National Provisional Ruling Council (NPRC), had ousted Momoh for corruption, making Captain Valentine Strasser the head of state.⁸⁹ The NPRC was as ineffective as Momoh's administration, which fueled domestic opposition.⁹⁰ The Revolutionary United Front (RUF), under Sankoh, received direct aid from Liberian President Charles Taylor; the purpose was to seize Freetown, overthrow the NPRC, and gain control of the diamond mines.⁹¹ The UN refused to intervene because France threatened to veto any resolution to send forces. The French position has been attributed to post-colonial resentment of the formerly British Sierra Leone in what had been mostly French West Africa.⁹² The UN

⁸⁶ Kevin O'Brien, "Military-Advisor Groups and African Security: Privatised Peacekeeping," *International Peacekeeping* 5, no. 3 (Autumn, 1998): 98.

⁸⁷ Singer, *Corporate Warriors*, 109.

⁸⁸ Jim Hooper, *Bloodsong: First Hand Accounts of a Modern Private Army in Action*: (London: Collins Press, 2002), 219.

⁸⁹ Ibrahim Abdullah and Patrick Muana, "The Revolutionary United Front of Sierra Leone," in *African Guerrillas*, ed. Christopher Clapham (Indianapolis: Indiana University Press, 1998), 181.

⁹⁰ U.S. Department of State, "Sierra Leone (03/08)," <http://www.state.gov/outofdate/bgn/s/102298.htm> (accessed May 26, 2008).

⁹¹ The Special Court for Sierra Leone, Case No. SCSL - 2004-15-PT, February 5, 2004, <http://www.sc-sl.org/indictment-RUF.html> (accessed May 15, 2008).

⁹² Stephen Ellis, "Liberia's Warlord Insurgency," in *African Guerrillas*, ed. Christopher Clapham, (Indianapolis: Indiana University Press, 1998), 156.

Mission to Sierra Leone (UNAMSIL) was ineffective and lacked teeth, so Strasser's administration hired EO in April 1995. The initial contract for \$15 million stated that EO must complete four tasks:

1. Secure Freetown
2. Regain control of the country's diamond fields and Rutile mine, thereby allowing the government to generate revenue and help guarantee EO payment
3. Destroy the RUF's headquarters
4. Clear remaining areas of RUF occupation⁹³

The final price for EO was somewhere between \$35 and \$60 million, considerably less than UNAMSIL's cost of \$607 million per year.⁹⁴

Poor infrastructure in Sierra Leone led EO to focus on air movement with their subsidiary company, Ibis Air.⁹⁵ They brought in 160 employees to fight 15,000 RUF "sobels."⁹⁶ When EO arrived, the government gave them uniforms and small arms equivalent to the Royal Sierra Leone Military Force (RSLMF).⁹⁷ Executive Outcomes quickly pushed the RUF away from Freetown with a combined arms approach of indirect fire, air support and aggressive tactical maneuverings. The EO soldiers, with their SADF backgrounds, were experts in counter guerrilla operations. They overwhelmed the inexperienced, and often marijuana-inebriated, RUF forces and drove them out of Freetown.⁹⁸

In August 1995 the government offered EO a second contract to completely destroy the RUF for \$35 million payable in cash and diamond mine concessions. This

⁹³ Kinsey, *Corporate Soldiers*, 63.

⁹⁴ Stuart McGhie, "Private Military Companies: Soldiers, Inc.," *Jane's Defense Weekly*, May 22, 2002, <http://www.sandline.com/hotlinks/20020518-janes/default.html> (accessed May 24, 2008).

⁹⁵ Hooper, *Bloodsong*, 221.

⁹⁶ Singer, *Corporate Warriors*, 112, 114. The term "sobel" is a Sierra Leonean term referring to the RUF forces who were soldiers by day and rebels by night, hence the combination of the two words into "sobel."

⁹⁷ Singer, *Corporate Warriors*, 112.

⁹⁸ *Ibid.*, 116; Hooper, *Bloodsong*, 228.

amounted to a third of the annual RSLMF budget.⁹⁹ The contract specified that EO would bear the brunt of operational planning and mission accomplishment with helicopters, and would instruct the RSLMF in basic fire-and-maneuver tactics.¹⁰⁰ The RSLMF outnumbered the RUF by three to one, but they were operationally ineffective and lacked basic soldier skills.¹⁰¹ The original campaign plan estimated a three month operation, but it took only nine days to drive the RUF 126 kilometers into the jungle and into Liberia.¹⁰² Executive Outcomes used an extensive intelligence network supported by international connections for strategic situational awareness, as well as accurate aerial reconnaissance and local Kamajors reports for operational and tactical planning.¹⁰³ Helicopters allowed EO to transverse the dense jungle quickly to conduct deep strikes against the underprepared RUF.¹⁰⁴ The RUF's defeat forced them to a negotiated settlement with the NPRC for a multiparty civilian presidential election in February, 1996. Sierra Leonean citizens cheered EO for bringing peace to the country, although the respite was short-lived.¹⁰⁵ Executive Outcomes departed and stability operations were transitioned to the UN force, Economic Community of West African States Monitoring Group (ECOMOG). After the transition, the RUF repudiated the peace treaty and resumed the conflict, a development that EO had predicted.¹⁰⁶ Sierra Leone devolved into chaos, with the RUF making extensive use of conscripted child soldiers to reclaim power. Eventually, the RUF shared political power with the government.

⁹⁹ Pelton, *License to Kill*, 313.

¹⁰⁰ Singer, *Corporate Warriors*, 114.

¹⁰¹ Hooper, *Bloodsong*, 218.

¹⁰² Singer, *Corporate Warriors*, 113.

¹⁰³ The documentary film *Shadow Company* explores the history and current situation of PMCs worldwide with a focus on Iraq. In the film, EO is heralded as the archetype PMC for successfully fulfilling its contractual obligations without negative public reaction.

¹⁰⁴ Singer, *Corporate Warriors*, 116.

¹⁰⁵ Hooper, *Bloodsong*, 223.

¹⁰⁶ Singer, *Corporate Warriors*, 114.

B. MPRI

MPRI's mission is to focus the experience, expertise and values of our workforce to develop and implement comprehensive, imaginative programs that build security, justice and well being within the United States and around the world. We serve the national security needs of the U.S. government, selected foreign governments, international organizations and the private sector with programs of the highest standards and methodologies of proven effectiveness.¹⁰⁷

Military Professional Resources Incorporated (MPRI), whose mission statement is quoted here, was formed in 1987 when eight retired general officers formed a military advising company as that Cold War waned and the DoD began to downsize.¹⁰⁸ In this thesis, MPRI represents a proxy military company, closely aligned and with strong allegiance to the U.S.

All but a few of MPRI's employees are ex-U.S. Army personnel.¹⁰⁹ The company maintains a database of over 9,000 retired officers and non-commissioned officers available for contracts.¹¹⁰ Retired General Carl Vuono, Chief of Staff of the Army during Operation Desert Storm, became the MPRI chairman in 1992, and claims former senior level commanders and sergeants major as board members and employees.¹¹¹ Close personal ties to the Pentagon and the Clinton administrations increased MPRI's credibility. Retired General Colin Powell calls Vuono a close personal friend, and senior MPRI members maintain connections with the Pentagon and their former superiors and subordinates.¹¹²

¹⁰⁷ Military Professional Resources, Inc. (MPRI), "Mission Statement," <http://www.mpri.com/main/pdfs/TrainingPriceListGS02F0209R.pdf> (accessed May 16, 2008).

¹⁰⁸ Sourcewatch, "Military Professional Resources, Inc.," <http://www.sourcewatch.org/index.php?title=MPRI> (accessed May 15, 2008).

¹⁰⁹ Singer, *Corporate Warriors*, 120.

¹¹⁰ McGhie, "Private Military Companies."

¹¹¹ Singer, *Corporate Warriors*, 120.

¹¹² *Ibid.*, 120.

Like the Swiss Guard, and consistent with its "proxy" nature, MPRI has assumed a supporting role to the military.¹¹³ The U.S. government has contracts with MPRI to recruit for ROTC and to develop and publish field manuals on contracting support and contractors on the battlefield.¹¹⁴ The company states that its main focus is on a strong national defense and public security, although its employees are not permitted to bear arms.¹¹⁵ MPRI claims to have at least 3,000 employees in 40 countries with over \$2 billion in company revenues in 2005.¹¹⁶

1. Croatia

As the Former Republic of Yugoslavia began to disintegrate, Serbian military forces entered Croatia and Bosnia in 1991 to reclaim what they considered Serbian land. The Serbian paramilitary and military forces began a campaign of ethnic cleansing to ensure Serbian blood purity.¹¹⁷ The international community demanded action against the mass displacement of Croatian and Bosnian refugees but failed to galvanize much support until 1994. The "Black Hawk Down" incident in Somalia in October 1993 significantly decreased U.S. willingness to engage problems with military options, according Wesley Clark, Supreme Allied Commander Europe.¹¹⁸ The Clinton administration's foreign policy shifted to favor political resolutions over military solutions.¹¹⁹

¹¹³ Kinsey, *Corporate Soldiers*, 24.

¹¹⁴ Singer, *Corporate Warriors*, 123.

¹¹⁵ Ibid.

¹¹⁶ MPRI, "Company Profile," <http://www.mpri.com/main/profile.html> (accessed May 16, 2008).

¹¹⁷ Interview with a former White Tiger commander, Serbian paramilitary forces. From August 1999 to April 2000, when the author was deployed to Cernica, Kosovo, he served as the acting mayor of the town. The author spoke at great length with a commander of the White Tigers about the initial invasion and ethnic cleansing of Croatia, Bosnia and Kosovo. The White Tiger commander expressed no remorse for his actions, only regret that he could not finish his mission. He said that the standard operating procedure would be to enter a town, give the residents 24 hours to leave, and kill anyone who remained. He saw this as an effective way to displace non-Serbians without full-scale military action.

¹¹⁸ Wesley Clark, *Waging Modern War* (New York: Public Affairs, 2001), 65.

¹¹⁹ Brit Hume, "The Making of a Quagmire – Bill Clinton's Foreign Policy Concerning Somalia," *National Review*, November 1, 1993, http://findarticles.com/p/articles/mi_m1282/is_n21_v45/ai_14688123/pg_1 (accessed May 21, 2008).

Croatian Defense Minister Susak requested U.S. military assistance from Secretary of Defense William Perry, but Perry's hands were tied by UN Security Council Resolution 713, commonly referred to as the UN Arms Embargo, which prohibited direct U.S. military assistance.¹²⁰ Perry, a close personal friend of Vuono, recommended MPRI to Susak, who offered the Drina Mission contract paying \$140 million for 45 military advisors to assist against Serbian incursions into Croatia, \$40 million for MPRI-led training and \$100 million for a surplus arms transfer program.¹²¹ Even today, MPRI categorically denies holding this contract, leading to continued confusion about the source of the surplus arms.

The 1994 Drina River Mission with Croatia sought to block Bosnian and Krajina Serbs from entering Croatia and to push them back into Serbia. The contract effectively bypassed UNSCR 713, and gave the U.S. government limited access into Croatia through MPRI's reports and updates. The contract also required that Croatia to give NATO forces safe passage to Bosnia once the political situation allowed.¹²²

The Drina Mission Contract required 45 MPRI advisory personnel to do two things: 1) provide long-range management training to restructure the Croatian Defense Department and 2) provide military training and education to democratize the Croatian armed forces, Hrvatska Vojska (HV).¹²³ The advisors program began in April 1995 and culminated in August, when the HV launched an offensive into to reclaim Serb controlled Krajina. The HV forces recouped all but four percent of the previously controlled area and up to 20 percent of Bosnian lands.¹²⁴

The previously ineffective HV's OPERATION STORM resembled the U.S. new doctrine, AirLand Battle 2000, with carefully synchronized armored, mechanized and air assets. The Bosnian Serbs were driven east and locked outside of established Croatian

¹²⁰ Avant, *The Market for Force*, 102-104.

¹²¹ Singer, *Corporate Warriors*, 128.

¹²² Avant, *The Market for Force*, 152-154.

¹²³ *Ibid.*, 102.

¹²⁴ *Ibid.*, 103.

borders while the HV linked up with Bosnian Muslims.¹²⁵ The Serbian forces withdrew from Krajina after four days of fighting, and Serbian President Milosevic agreed to negotiate with the UN coalition governments in the Dayton Peace Accords in November 1995.¹²⁶ The Croatian proficiency level increased, as indicated by withdrawal of Serbian forces and decreased Serbian attacks. The Serbian forces encountered more effective resistance under the MPRI-advised forces and reconsidered plans for a large-scale offensive push into Croatia to regain lost ground. According to UN opinion, MPRI was decisive in professionalizing the HV and their subsequent success in ejecting the Serbian forces from Krajina.¹²⁷

Although MPRI continues to deny involvement with the HV, the change in Croatian capabilities and their use of NATO-adopted doctrine after the Drina Mission Contract imply heavy U.S. influence. MPRI spokesman and retired Lt. General Soyster claims that the U.S. government is "using us to carry out American foreign policy. We certainly don't determine foreign policy, but we can be part of the U.S. government executing foreign policy."¹²⁸ General Clark cited the Croatian action as "a turning point" that forced Serbia to the peace talks and let UN forces to enter Bosnia through Croatia to establish the NATO-led Implementation Force (IFOR) to halt the Serbian ethnic cleansing of Bosnia.¹²⁹ The Dayton Peace Accords led to the War Crimes Tribunal for Serbian leaders and the transition of IFOR to the current Stabilization Force (SFOR) in the Balkans. MPRI maintains offices in Sarajevo and a small presence throughout the Balkans.¹³⁰

¹²⁵ Singer, *Corporate Warriors*, 126.

¹²⁶ Ibid.

¹²⁷ Fabian Mathieu and Nick Dearden, "Corporate Mercenaries: The Threat of Private Military and Security Companies," *War on Want*, November 2006, 5, www.waronwant.org (accessed May 26, 2008).

¹²⁸ Interview with LTG (Ret.) Soyster in Paul de la Garza and David Adams, "Military Aid...from the Private Sector series: The War in Colombia," *The Special Report, St. Petersburg Times*, December 3, 2000, <http://pqasb.pqarchiver.com/sptimes/access/64917810.html?dids=64917810:64917810&FMT=FT&FMTS=ABS:FT&type=current&date=Dec+3%2C+2000&author=PAUL+DE+LA+GARZA%3BDAVID+ADAMS&pub=St.+Petersburg+Times&edition=&startpage=7.A&desc=Military+know-how+finds+niche+-+and+some+critics+Series%3A+THE+WAR+IN+COLOMBIA> (accessed May 19, 2008).

¹²⁹ Clark, *Waging Modern War*, 52-53, 58.

¹³⁰ MPRI, "Company Profile."

C. BLACKWATER

Blackwater Worldwide efficiently and effectively integrates a wide range of resources and core competencies to provide unique and timely solutions that exceed our customers stated need and expectations. Guided by integrity, innovation, and a desire for a safer world, Blackwater Worldwide professionals leverage state-of-the-art training facilities, professional program management teams, and innovative manufacturing/production capabilities to deliver world- class customer driven solutions.¹³¹

In 1997 former Navy SEALs Erik Prince and Al Clark formed Blackwater under the umbrella of the Prince Group. Now a group of nine companies, Blackwater epitomizes the all-purpose private military company.

Blackwater was originally established to provide advanced training to U.S. military forces.¹³² (Blackwater Worldwide's mission statement is cited above.) Employees at the Blackwater compound in Moynock, NC, soon began training employees of other federal agencies and law enforcement units, including the Federal Bureau of Investigation (FBI) and Department of Homeland Security (DHS). Blackwater offers law enforcement units realistic and adaptable training.¹³³ Reactions to incidents like the Columbine shooting, 9/11, and Hurricane Katrina propelled Blackwater to the forefront in domestic training. The company mission morphed in 2000, when ex-CIA agent Jamie Smith proposed forming Blackwater Security Company (BSC). Although initially skeptical, Prince supported the idea after recognizing market needs, and modeled BSC after EO.¹³⁴ Blackwater Security Company became the “face” of Blackwater Worldwide.

The size of BSC, only one of the nine Blackwater companies, is unpublished, but estimates claim it employs about a thousand “shooters” and has a database of 21,000

¹³¹ Blackwater, “Company Mission,” http://www.blackwaterusa.com/company_profile/mission_vission.html (accessed May 24, 2008).

¹³² Jeremy Scahill, *Blackwater: The Rise of the World's Most Powerful Mercenary Army* (New York: Nation Books, 2007), 27.

¹³³ *Ibid.*, 37.

¹³⁴ Pelton, *License to Kill*, 36.

personnel.¹³⁵ Shooters are the employees on the ground executing the assigned tasks. The Blackwater Academy at Moynock qualifies approximately 30,000 shooters each year in personal security and military operations. Conservative estimates assign three support and logistic personnel for every shooter.¹³⁶ Blackwater Worldwide vice-chair Cofer Black claims that BSC can provide a brigade-size force for security and peace operations at any time.¹³⁷

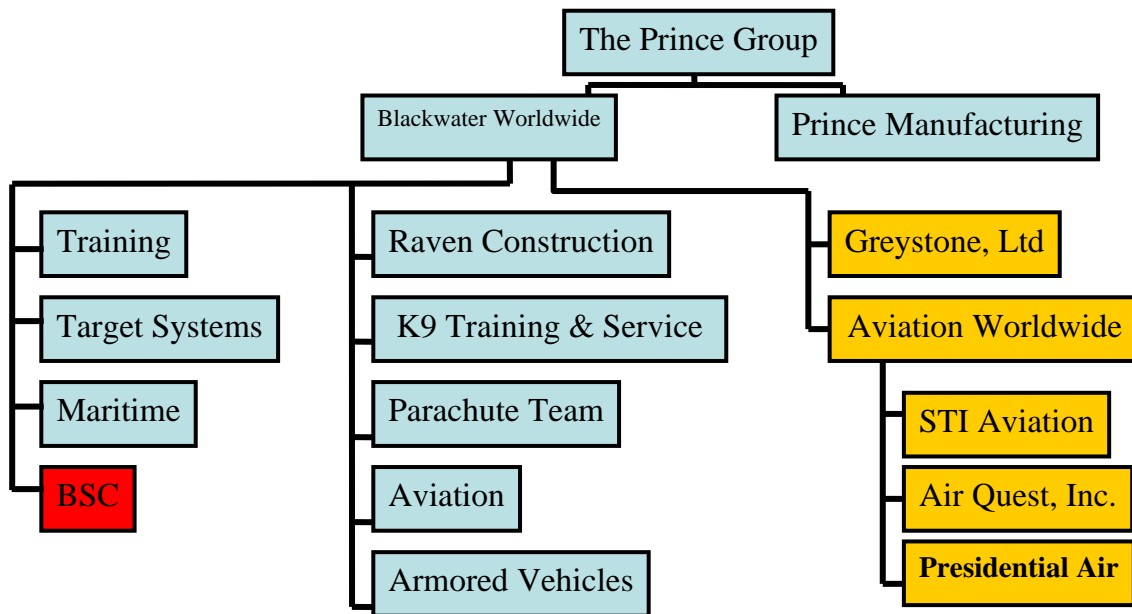


Figure 2. Blackwater Organization Chart¹³⁸

1. Afghanistan: Operation Enduring Freedom

Blackwater Security Company was awarded the first PMC contract of Operation Enduring Freedom in Afghanistan. The contract, to provide 20 armed guards at the Kabul

¹³⁵ Scahill, *Blackwater*, 342.

¹³⁶ Estimates are based on personal correspondence between the author and two National Guard soldiers who requested anonymity. One, "Sergeant A" is a part-time Blackwater employee; the other, "Sergeant B" contracts with Blackwater for security operations.

¹³⁷ Kelly Kennedy, "Private Firm Pitches Army-for-Hire Plan," *Air Force Times*, April 10, 2006, <http://www.airforcetimes.com/legacy/new/0-AIRPAPER-1654550.php> (accessed May 26, 2008).

¹³⁸ This organizational chart is derived from a combination of sources, and was structured by the author using Blackwater's web page, www.blackwaterusa.com, as well as personal interviews with Blackwater employees.

CIA station for six months, was worth \$5.4 million.¹³⁹ Shooters were paid \$550 per day, but Blackwater billed the U.S. government \$1500 per shooter per day to cover overhead and establish a profit margin.¹⁴⁰ According to Blackwater, there were no breaches of security while they guarded the CIA outstation.¹⁴¹ However, the DoS did not renew the contract; the official statement was that Blackwater could not to fully staff all requirements. Blackwater claims there was a conflict with the Executive Director of the CIA, “Buzzy” Krongard. Krongard would work for Blackwater once he retired from federal service.¹⁴² Krongard’s addition to Blackwater’s ranks tightened the connections between the company and the federal executive branch.

2. Iraq: Operation Iraqi Freedom

Paul Bremer became the Director of Reconstruction and Humanitarian Assistance to Iraq in May 2003. As head of the Coalition Provisional Authority (CPA), Ambassador Bremer reported to the Secretary of Defense, but the DoS was responsible for personal security. After a survey, the U.S. Secret Service determined that the mission was too dangerous and turned it down, allowing Blackwater to accept a “sole source” no-bid contract in August.¹⁴³ The \$27.7 million contract required a personal security detachment (PSD) for Bremer with two helicopters; it was expanded to include armored vehicles, K-9 teams, and a CASA-212 airplane.¹⁴⁴ Given Bremer’s status and the \$45 million bounty on his head, Blackwater adopted an aggressive posture in protecting him, driving Iraqis

¹³⁹ Pelton, *License to Kill*, 37.

¹⁴⁰ *Ibid.*, 38.

¹⁴¹ Personal correspondence, "Sergeant A," anonymous to protect identity.

¹⁴² Pelton, *License to Kill*, 40.

¹⁴³ Scahill, *Blackwater*, 69.

¹⁴⁴ Special Inspector General for Iraq Reconstruction, “Appendix J Update, July 2004 Report,” http://www.sigir.mil/reports/QuarterlyReports/Jul04/table_j_1_verified_contracts_updated.pdf (accessed May 24, 2008); Pelton, *License to Kill*, 111. Blackwater’s PSD for Ambassador Bremer consisted of 36 armed guards, five uparmored SUVs, two K-9 team of four personnel and two dogs, three MD-530 “Little Bird” helicopters, four pilots, four door gunners, three armored MAMBA trucks, one Saracen Armored Carrier, and one CASA 212 Short Take Off and Landing (STOL) airplane.

off the road and forcibly establishing a defensive perimeter at all times.¹⁴⁵ Their tactics kept threats from closing in on Bremer, but also turned Iraqi public opinion against PSD elements.¹⁴⁶

All of the PSD contracts for OIF eventually fell under a contract with Worldwide Personal Protective Services (WPPS) that includes Blackwater, Triple Canopy, Inc., and DynCorp.¹⁴⁷ The contract states that Blackwater must provide “protection of U.S. and/or certain foreign government high-level officials when the need arises” for an indefinite period of time.¹⁴⁸ The contract was initially for \$332 million for each of the three PMCs. It expanded to \$488 million by July 2006 and paid for 482 personnel to staff Blackwater’s mission.¹⁴⁹ The DoS extended the contract (WPPS II) in May 2006, increasing the authorized personnel to 1,020 and the contract value to \$1.2 billion per contracting company.¹⁵⁰

The killing of four Blackwater employees on 30 March 2004 by Sunni insurgents in Fallujah impacted the company, MNF-I, and the entire PMC community, largely because it was videotaped and aired by Al Jazeera television.¹⁵¹ Four Blackwater employees were subcontracted for Eures Support Services (ESS) through KBR and

¹⁴⁵ CNN.com, “Purported bin Laden Tape Offers Gold For Bremer,” May 7, 2004, <http://www.cnn.com/2004/WORLD/asiapcf/05/06/bin.laden.message/> (accessed May 24, 2008). Bin Laden’s bounty on Ambassador Bremer was 22 pounds of gold. Additional bounties of \$50,000 were offered for his Blackwater guards. See also Scahill, *Blackwater*, 71.

¹⁴⁶ The author had many conversations with Iraqi officials and civilians regarding their attitudes and impressions of Blackwater personnel and other U.S. PSD companies. The prevailing attitude was that U.S. PMCs conducting PSD duties were overbearing and unnecessarily forceful. For this reason, if required to deal with PMCs, Iraqis would rather interact with UK or other non-U.S. contractors.

¹⁴⁷ House Committee on Oversight and Government Reform, *Memorandum Re: Additional Information About Blackwater*, 110th Congress, October 1, 2007, <http://oversight.house.gov/documents/20071001121609.pdf> (accessed May 26, 2008), 4, citing: U.S. Department of State, *Blackwater Contracts-AQMPD-04-D-0061, Iraq, June 11, 2005*.

¹⁴⁸ *Ibid.* Blackwater has task orders to work in Baghdad and Al Hillah, DynCorp has task orders to work in Kirkuk and Erbil, and Triple Canopy has task orders to work in Basrah and Tallil.

¹⁴⁹ *Ibid.*

¹⁵⁰ *Ibid.*

¹⁵¹ Personal correspondence, "Sergeant A," anonymous to protect identity. A lot of personnel in SOCOM were upset as well because of the four personnel killed in Fallujah, three had served in the 75th Ranger Regiment, while the fourth was an ex-Navy SEAL.

assigned route reconnaissance through Fallujah.¹⁵² The Sunni insurgents mistakenly identified the heavily armored Western civilians as CIA agents and ambushed them, filming the event. The gruesome pictures of burned Americans hanging from the Fallujah River bridge increased Western diplomats' fears and PMC rates skyrocketed. Blackwater's PSD billing rate rose, to as much as \$2,000 per day per shooter.¹⁵³ The event also introduced the term "private contractor" into the American vernacular.¹⁵⁴

The DoS contracts continued requiring Blackwater to protect the Coalition Provisional Authority's hard structures, virtual mini-embassies scattered throughout Iraq. Blackwater defended the CPA in Najaf during the Shi'a uprising under Moqtada al Sadr in August 2004. Eight Blackwater guards fought alongside four Marines against the insurgents for a day, successfully defending the CPA.¹⁵⁵ The U.S. military could not reach the CPA to assist in the evacuation so Blackwater's MD-530 Little Bird helicopters MEDEVACed the wounded Marines to safety.¹⁵⁶ Blackwater personnel's actions in battle increased their credibility and the perception that the company would meet its security contracts regardless of physical dangers.

Blackwater's forceful tactics have produced a perfect track record for protective services. To date, Blackwater Worldwide has conducted over 16,000 PSD operations, losing ten employees in Iraq and three in Afghanistan, but without losing a protected principal in either theater.¹⁵⁷ Blackwater has a record of contract accomplishment, but

¹⁵² Pelton, *License to Kill*, 120.

¹⁵³ Michael Duffy, "When Private Armies Take to the Front Lines," *Time*, April 12, 2004, <http://www.time.com/time/magazine/article/0,9171,993787,00.html?iid=chix-sphere> (accessed May 24, 2008).

¹⁵⁴ Scahill, *Blackwater*, 145-146.

¹⁵⁵ Pelton, *License to Kill*, 149.

¹⁵⁶ James Ashcroft, *Making A Killing: The Explosive Story of a Hired Gun in Iraq* (London: Virgin Books, Ltd., 2006), 175.

¹⁵⁷ Erik Prince, Blackwater CEO, interview by Lara Logan, *60 Minutes*, CBS, October 17, 2007. The interview focuses on recent allegations of egregious and aggressive actions by Blackwater employees during September 2007, when the Iraqi government claims Blackwater personnel killed 17 unarmed Iraqi civilians. Prince responds that any loss of innocent life is a tragedy, but Blackwater's PSD operations often take place in venues where terrorists frequently attack. Because of this, Blackwater has gained the reputation as an overly aggressive PSC. Blackwater's record demonstrates successful protection of U.S. diplomats.

their public relations suffer from widespread dismay over their use of aggressive techniques, tactics, and procedures that have resulted in Iraqi civilian deaths. Blackwater's strong-arm tactics essentially mean that they accept Iraqi civilian deaths as a price of insuring their principals' security.¹⁵⁸ Consider only two of many cases in which Blackwater stands accused of inappropriate, reckless or unethical behavior. In June 2005, Blackwater guards killed an unarmed Iraqi man on the side of the road in al-Hillah. The company paid his family \$5,000 in restitution.¹⁵⁹ In September 2007, 17 Iraqis were killed in Baghdad's Nisoor Square.¹⁶⁰ Blackwater claims that they were under direct fire and evasively withdrew. Iraqis state that company operators fired indiscriminately on innocent civilians.¹⁶¹

No private security personnel have ever been held legally accountable for wrongful deaths. Bremer's Order 17 removed any responsibility for PMC actions between 2003 and the FY2007 Defense Authorization Act's inclusion of PMCs under the UCMJ. Since then, Blackwater removed accused individuals from the theatre as soon as an incident occurs and terminates the individual's contract to avert prosecution.¹⁶² U.S. troops can be recalled to active duty for courts martial proceedings, but Order 17, combined with the termination of individual contracts, removes any culpability for PMC employees.

¹⁵⁸ Tom Jackson, "U.S. Contractor Fired on Iraqi Vehicles for Sport, Suit Alleges," *The Washington Post*, November 17, 2006.

¹⁵⁹ Personal correspondence with the author from the al-Hillah CPA and Blackwater PSD. The incident happened while the author was deployed to al-Hillah.

¹⁶⁰ Laura Jakes Jordan, "Report: Blackwater Killings Unjustified," ABC News, <http://abcnews.go.com/Politics/wireStory?id=3862287> (accessed April 24, 2008).

¹⁶¹ *Shadow Company*.

¹⁶² Curan, a part-time employee with Blackwater, phone conversation with the author concerning the internal actions Blackwater took towards their employees after the September 16, 2007 incident was aired on multiple cable news networks. He stated that the company removed the personnel from the Iraqi theatre to avoid both U.S. and Iraqi legal prosecution and his individual contract terminated. Since the current Iraqi government is so weak, there is no way that the Blackwater employees can be extradited from the U.S. to Iraq for any trial, phone call was on April 25, 2008.

Private military companies like Blackwater have published contracts with non-DoD agencies like DoS and DHS.¹⁶³ The DoD does not outsource operational security contracts to PMCs, but it does use some PMCs domestically for training purposes.¹⁶⁴ Cooperation between DoD and PMCs continues to increase.¹⁶⁵ Meanwhile, BSC and Blackwater Worldwide are expanding into research and development on how to provide better protection to their assigned principals and secure future contracts.¹⁶⁶

D. SUMMARY

The February 2006 Quadrennial Defense Review recognizes contractors as an integral part of the modern battlefield and includes them in operational planning by explicitly stating they are part of the total force.¹⁶⁷ This cooperation is further codified for operations in Iraq in a 5 December 2007 Memorandum of Agreement (MOA) between the Secretary of Defense and Secretary of State.¹⁶⁸ U.S. Ambassador to Iraq, Ryan Crocker, testified to the Senate, "There is simply no way at all that the State Department's Bureau of Diplomatic Security could ever have enough full-time personnel to staff the security function in Iraq. There is no alternative except through contracts."¹⁶⁹ Current legislative proposals seek to further legitimize PMCs like Blackwater abroad and

¹⁶³ Jennifer Elsea and Nina Serafino, "Private Security Contractors in Iraq: Background, Legal Status, and Other Issues," *Congressional Research Service Report for Congress* (CRS Order Code RL32419, July 11, 2007), p. 6, <http://www.fas.org/sgp/crs/natsec/RL32419.pdf> (accessed May 26, 2008).

¹⁶⁴ Andrews, interview.

¹⁶⁵ Scahill, *Blackwater*, 279.

¹⁶⁶ Blackwater, "Research & Development," http://www.blackwaterusa.com/tech_inno/TI_resear_devel.html (accessed May 26, 2006).

¹⁶⁷ "Quadrennial Defense Review," [www.globalsecurity.org](http://www.globalsecurity.org/military/library/policy/dod/qdr-2006-report.pdf), February 6, 2006, <http://www.globalsecurity.org/military/library/policy/dod/qdr-2006-report.pdf> (accessed May 24, 2008).

¹⁶⁸ U.S. Department of Defense, "Memorandum of Agreement," 5 December 2007.

¹⁶⁹ Adam Zagorin and Brian Bennett, "Iraq Limits Blackwater's Operations," *Time*, September 17, 2007, <http://www.time.com/time/world/article/0,8599,1662586,00.html> (accessed May 26, 2008).

will be submitted with the FY2008 Defense Authorization Act.¹⁷⁰ The DoD continues to discourage the use of contractors in roles that could involve combat.¹⁷¹

¹⁷⁰ Elsea and Serafino, "Private Security Contractors in Iraq," 33-35.

¹⁷¹ Brian H. Brady (MAJ), "Notice Provisions for United States Citizen Contractor Employees Serving With the Armed Forces of the United States in the Field: Time to Reflect Their Assimilated Status in Government Contracts?" 147 MIL. L. REV. 1, 62 (1995) (citing Department of the Army, AR 700-137, Army's Logistics Civil Augmentation Program (LOGCAP) ¶ 3-2d(5)(1985): "Contractors can be used only in selected combat support and combat service support activities. They may not be used in any role that would jeopardize their role as noncombatants").

V. ANALYSIS

In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.¹⁷² —President Eisenhower

Executive Outcomes, MPRI and Blackwater are all PMCs that operate to support a state's efforts to accomplish national objectives. Their actions affect the immediate situation and shape the operational battlefield. Executive Outcomes is classified as a private combat company insofar as it conducted offensive operations alongside government armed forces, targeting and engaging enemies of the state. In the Balkans, MPRI was as a proxy military company because it acted directly on behalf of the U.S. government when the U.S. government could not act itself. MPRI did not directly engage the Serbian forces and fulfilled its contract as if it represented the U.S. government. Blackwater can be classified as a general-purpose PMC in Iraq, performing as a proxy military company as well as a private security company, while maintaining the option of “aggressive” defensive operations. In this chapter, all three are examined in light of the evaluation criteria identified in Chapter I: competence, cost-benefit analysis, control, flexibility, and impact on state military forces.

A. COMPETENCE

All three case studies involve PMCs that accomplished the terms of their contracts and were competent. The only questionable case involves a dispute over whether Blackwater fulfilled part of the contract to guard the CIA-Kabul outstation in 2002. The overall competence level displayed by EO, MPRI, and Blackwater is exceedingly high. Although not all PMCs are so competent, the case studies indicate that PMCs can operate at high performance levels in challenging situations. All three companies recruited

¹⁷² Dwight Eisenhower, “Military-Industrial Complex Speech, 1961,” *Public Papers of the Presidents, Dwight D. Eisenhower, 1960*, 1035- 1040, <http://coursesa.matrix.msu.edu/~hst306/documents/indust.html> (accessed May 26, 2008).

qualified and experienced personnel from their military forces, developed the capability to project forces and military strength, and maintained the resolve to complete their assigned tasks.

In the case of EO, the dissolution of the SADF gave Barlow unprecedented access to soldiers experienced in counter guerrilla warfare with already-established trust and confidence in one other. Through their subsidiary Ibis Air, EO also had ample aircraft support that let them bypass the substandard roads and produce lightning-fast attacks on UNITA and RUF forces. The professionalism of the EO soldiers who trained indigenous forces, coupled with their all-around military competence, helped EO quickly and efficiently eliminate the threats in Angola and Sierra Leone. Executive Outcomes' operational and tactical capabilities were particularly obvious in contrast with the unprofessionalism and incompetence of their opposition, and especially the RUF. Its performance gave EO international recognition and heralded the arrival of the modern PMC.

As with EO, MPRI emerged from a reduction in military force, in this case when the U.S. DoD began to downsize in 1987. The senior military retirees who founded the company made their experience and judgment available to the U.S. government. The competence of MPRI was demonstrated when they received contracts to define DoD-contractor relations in two field manuals. With an extensive network and database, MPRI can capitalize on the pool of trained military professionals, choosing appropriate personnel to fit their contracts, as in the Drina River contract. The company transformed the Soviet-style HV military into a NATO-style force incorporating the U.S. combined arms AirLand 2000 doctrine. The result was an overwhelming victory over the Krajina Serbs and the Serbian military that, when combined with NATO's and other international efforts, paved the way for the Dayton Peace Accords. MPRI's official denial of any involvement only raises more doubts about how the HV, without Western assistance, could have possibly accomplished such a dramatic turnaround so quickly. Numerous unofficial MPRI sources and reports point to the effectiveness of MPRI's work with the HV staff and soldier-level training plans.

Blackwater's subsidiary company, BSC, has proven competent despite recent allegations of human rights violations and overly aggressive tactics. Recent cases of BSC misusing authorized violence illustrates that they are highly competent in military affairs but their actions can detract from the overall effectiveness of the mission. They have protected the personal security of their designated principals, thereby increasing their value as a security provider. Blackwater maintains an active database similar to MPRI's and can select personnel by matching individual skills to mission requirements. They have also been very successful in recruiting SOF soldiers through personal connections. The U.S. Special Operations Command identifies loss of qualified personnel to security companies as a problem in maintaining its strength.¹⁷³ Blackwater's personnel screening, training regimen, and small unit structure produce effective and competent security for individuals, infrastructure and transportation convoys.¹⁷⁴ Fixed and rotary wing aircraft, as well as armored vehicles, insure that Blackwater will be at the cutting edge of PMCs conducting privatized security, regardless of public relations failures.

To successfully fulfill contract requirements, PMCs combine research and development, personnel selection and comprehensive training. Private military company competence will increase as a result of their experience. Market forces also play a role. The more competent PMCs will secure more and better contracts and attract more candidates with SOF-type backgrounds through personal networks and financial incentives.¹⁷⁵

B. COST EFFICIENCY ANALYSIS

In assessing PMCs, the relevant cost efficiency analysis focuses on cost effectiveness. This metric considers on the cost of operations, as well as the costs of recruiting, training, employing, sustaining and redeploying forces. A state should calculate the financial costs of using a PMC in comparison to the cost of using state armed forces for the same task.

¹⁷³ Elsea and Serafino, "Private Security Contractors in Iraq," 26.

¹⁷⁴ Ibid., 2.

¹⁷⁵ Scahill, *Blackwater*, 83-84.

In the case studies, EO's employment in both Angola and Sierra Leone was very cost efficient for the African governments. The Angolan contracts cost the country \$50 million over the course of one year. Regaining the diamond mines generated over \$100 million annually for Angola.¹⁷⁶ The Angolan army, the FAA, was in no shape to repel UNITA attacks, and the international business community demanded a quick solution regardless of whether the international political community offered cooperation. Executive Outcomes reduced the UNITA threat and also trained the FAA in Western-style tactics and basic aviation competencies. The Sierra Leone contracts were also extremely cost efficient for the government. At \$35 million, EO's contract was only one-third of the RSMLF's annual budget.¹⁷⁷ The NPRC government could not rely on its armed forces, despite their numerical superiority, and UNAMSIL's comparative cost was 17 times more expensive at \$607 million. Executive Outcomes had the most cost-effective solution for the NPRC. Criticized for practicing "predatory capitalism" on failing states, EO provided cost-effective service to both Angola and Sierra Leone.¹⁷⁸

In Croatia, MPRI's cost for the Drina River Mission totaled \$140 million for weapons and equipment. The UN restrictions on direct NATO involvement limited the Croatian Minister of Defense's military options. Bypassing the Croatian parliament, he established a direct relationship with the U.S. Secretary of Defense who, in turn, recommended MPRI. Their training and equipment allowed transformation of the HV, which then soundly defeated the Serbian forces. The liberation of Krajina and subsequent NATO-led IFOR and SFOR missions made MPRI's contract very cost efficient. The Bosnian Prime Minister stated that MPRI was "the next best thing" to U.S. assistance.¹⁷⁹

¹⁷⁶ Singer, *Corporate Warriors*, 108.

¹⁷⁷ Ibid., 110. Sierra Leone produces approximately 200,000 carats per year, or \$1 billion in diamonds annually.

¹⁷⁸ Robert Bunker and Steven Marin, "Executive Outcomes: Mercenary Corporations OSINT Guide," July 1999, <http://fmso.leavenworth.army.mil/documents/merc.htm> (accessed 27 May 2008).

¹⁷⁹ Singer, *Corporate Warriors*, 122.

In a six-year period, between FY2000 and the third quarter of FY2007, Blackwater Worldwide secured \$1.02 billion dollars in U.S. government contracts.¹⁸⁰ The company earned \$593 million in FY2006, including \$335 million from security contracts.¹⁸¹ In the same year, BSC was awarded \$146.5 million.¹⁸² The DoD's budget was that year was \$470.2 billion.¹⁸³ In 2006, the U.S. government spent \$212,000 per soldier.¹⁸⁴ In contrast, it spent \$1.2 million per Blackwater security contractor based on 365 days of service in a combat zone.¹⁸⁵

These calculations do not include the significant start-up costs of soldier training. Such costs are not born by Blackwater, which employs already-trained former service members. But at the individual level, a soldier observes the contractor getting paid four to nine times as much as the soldier for performing the same duty, in the same location, and under the same conditions.¹⁸⁶ Secretary of Defense Robert M. Gates recently testified,

¹⁸⁰ "Contracts to Blackwater, USA, (FY2007)," fedspending.org, http://www.fedspending.org/fpds/fpds.php?parent_id=38113&sortby=u&detail=-1&datatype=T&reptype=r&database=fpds&fiscal_year=2007&submit=GO (accessed May 24, 2008).

¹⁸¹ "Contracts to Blackwater Security Consulting, LLC, (FY2007)," usaspending.gov, http://www.usaspending.gov/fpds/fpds.php?parent_id=118641&sortby=u&detail=-1&datatype=T&reptype=r&database=fpds&fiscal_year=2007&submit=GO (accessed May 24, 2008).

¹⁸² "Contracts to Blackwater Security Consulting, LLC, (FY2006)," usaspending.gov, http://www.usaspending.gov/fpds/fpds.php?parent_id=118641&sortby=u&detail=-1&datatype=T&reptype=r&database=fpds&fiscal_year=2007&submit=GO (accessed May 24, 2008).

¹⁸³ U.S. Department of Defense, "Defense Budget Materials, FY2007," Office of the Undersecretary for Defense (Comptroller), http://www.defenselink.mil/comptroller/defbudget/fy2007/fy2007_greenbook.pdf (accessed May 24, 2008).

¹⁸⁴ U.S. Department of Defense, *Appropriations Bill, 2007*.

¹⁸⁵ The amounts per individual are based on figures from FY2006. The DoD's military strength, including Active, National Guard and Reserve components, numbered 2,216,000 soldiers, sailors, airmen, and marines, with a FY2006 budget of \$470,241,000,000. BSC's personnel strength in 2006 is estimated at 4000 personnel. The company received \$46,489,022 in U.S. government contracts for FY2006. Figures are for both organizations as a whole, not limited to forces in Iraq.

¹⁸⁶ House Committee on Oversight and Government Reform, *Memorandum Re: Additional Information about Blackwater*. An army sergeant with equivalent time in service will earn between \$190 and \$220 per day deployed to Iraq, making \$69,350-\$80,300 per year. This is approximately four to six times less than a comparable Blackwater employee who can make \$216,000 to \$328,000 in contracts over 12 months.

"[M]y personal concern about some of these security contracts is that I worry that sometimes the salaries that they are able to pay in fact lure some of our soldiers out of the service to go to work for them."¹⁸⁷

The contracts of EO and MPRI were cost effective in that they offered a military solution at a reasonable price. Blackwater's current contract inflates the market, and every other PMC, citing the market trends, can raise their price. The cost effectiveness of PMCs is currently lower when compared to DoD forces. Post 9/11 threats against high-level government officials and the inflated price of privatized security have increased the cost of employing PMCs. The \$3.6 billion WPPS I and II contracts, with \$1.2 billion going to each of three companies, is staggering compared with Blackwater's FY2006 bill of \$335 million for the same job. Assuming that government-employed soldiers and private security contractors have equal training and competence, PMCs like Blackwater are not more cost effective than DoD for security operations.

C. FLEXIBILITY

The criterion of flexibility is the PMC's ability to change rapidly to meet mission circumstances and their overall agility and versatility in contract selection. PMCs offer governments a ready solution to a military problem. Their contracts must fall within the domain of what the company is designed to do, but may also need to be adapted to fit the employer's specific needs.

In executing their African contracts, EO was extremely flexible. In Angola, EO incorporated deep penetration strikes, aerial reconnaissance and fire support, for the first time conducting night strikes with night vision devices.¹⁸⁸ They had a flexible response to a changing threat. Their ability to deploy an advance party to Sierra Leone even as

¹⁸⁷ House Committee on Oversight and Government Reform, *Memorandum Re: Additional Information about Blackwater*. An army sergeant with equivalent time in service will earn between \$190 and \$220 per day deployed to Iraq, making \$69,350-\$80,300 per year. This is approximately four to six times less than a comparable Blackwater employee who can make \$216,000 to \$328,000 in contracts over 12 months. Testimony of Secretary of Defense Robert M. Gates, Hearing of the Senate Committee on Appropriations: The President's FY 2008 Supplemental Request for the Wars in Iraq and Afghanistan (September 26, 2007).

¹⁸⁸ Singer, *Corporate Warriors*, 116.

they withdrew from Angola required great organizational flexibility. The Angola and Sierra Leone missions were quite different. The advance party in Sierra Leone quickly recognized that the lack of roads dictated aerial movements, and the manning requirement for Sierra Leone was reduced from 500 to 160. In matters such as training the Kamajors and RSLMF, utilizing radio intercepts and signal intelligence, and maximizing their aerial platforms, EO demonstrated their tactical and operational flexibility.

In Croatia, MPRI's performance demonstrates neither flexibility nor inflexibility. They completed their contract as identified by the Croatian Minister of Defense. MPRI's completion of two U.S. field manuals and their role advising and instructing the HV force illustrates the breadth of their expertise, but it is not relevant to tactical or operational flexibility.

Blackwater's record exemplifies PMC flexibility insofar as the organization is adept at recognizing market needs and providing workable solutions. Often, Blackwater will accept a contract and then structure a solution set to fulfill the contract, as in the example of Bremer's PSD. Blackwater's use of aerial support and its focus on research and development further distinguishes them from other PMCs; these elements allow Blackwater to accept a larger number and greater diversity of contracts. In conducting PSD duties, Blackwater maintains multiple options for transporting and securing their principals. Blackwater is extremely effective when it comes to providing contracting authorities with a solutions and delivering on their contracts.

D. CONTROL

Control refers to the amount of direct influence the government exerts over PMCs, as well as the state's ability to hold a PMC legally liable for its actions. State armed forces are directly accountable to the government. The U.S. military is subordinate to the U.S. government under UCMJ and the U.S. Code through an established chain of command. In contrast, PMCs are private companies and, apart from the ordinary expectations of lawful behavior that apply to any private company, are not obligated to take orders from government officials.

Control of EO by both the Angolan and Sierra Leonean governments was marginal, and EO's level of accountability to the South African government was non-existent. No one had the ability to control EO or effectively monitor their operations. They had complete freedom of maneuver, both politically and operationally, and were trusted to use force judiciously. Their SADF core and their internal social network allowed the force to regulate itself to a large degree, but they were not subject to an external governing body that might impose judicial punishments. There are many accusations that EO allowed human rights violations because responding to human rights abuses was not part of their contract.¹⁸⁹ In fulfilling their contract, EO's conduct was not subject to legal control by any government.

The MPRI company maintains strict internal accountability through close personal relationships. Board members maintain strong DoD ties so the company can operate as an extension of U.S. policy; it is important that MPRI control itself and its members as if they were active duty military. Like EO, MPRI regulates itself, and this is often good enough. However, during their Drina River Mission, MPRI had no external oversight of how they trained and advised the HV forces. The HV displaced between 150,000 and 200,000 ethnic Serbs in reclaiming Krajina and the surrounding area, committing the largest ethnic cleansing of the Yugoslavian War.¹⁹⁰ Although denying involvement, MPRI advisors would have seen or at least been aware of Croats killing noncombatant Serbs. The company did not control the HV and their own actions have not been questioned, although they may have tacitly condoned human rights violations by HV forces.

Blackwater has come under increased scrutiny; their aggressive tactics and growing prices raise questions. BSC performs like a military unit. Like EO and MPRI, Blackwater relies on the military values and professionalism of its employees. Employees' continued adherence to military ethics and values is assumed, but cannot be mandated. The Blackwater Academy trains prospective contractors as a control measure.

¹⁸⁹ Hooper, *Bloodsong*, 229. He states that many EO personnel witnessed RUF sobels using machetes on innocent civilians, as well as the consequences for the population, especially in Sierra Leone.

¹⁹⁰ Avant, *The Market for Force*, 106.

However, not all Blackwater employees share the same moral, legal and ethical understandings. Human rights violations and wrongful death suits create negative publicity for the company.

The FY2007 and FY2008 Defense Authorization Acts seek to reign in all PMCs and make them more accountable for actions. The U.S. government is making an effort, through dialogue and legislation, to manage PMCs and hold them directly accountable, searching for ways to control PMCs without limiting their effectiveness.

Private military companies operate in the gap between military capabilities and private business regulations. Their military potential is high; how well they can be controlled depends on legislation. The U.S. government, like any state employer, must have a high degree of trust and confidence in the PMC. Trust and confidence is usually expressed by close personal relationships among members of the organizations. Unfortunately, the lack of control and oversight allows PMCs to be linked to human rights violations by their actions or their failures to act. Human rights concerns affect the PMCs' reputations and future contracts. As noted in Chapter III, the state's legitimacy also comes into question when PMCs behave contrary to core national values. In the future, to protect their own legitimacy, states may seek to grant contracts only to companies that, in performing the practical tasks called for by the contract, also represent and exemplify the positive values of the state, consistent with national ideals.

E. IMPACT ON STATE ARMED FORCES

The impact of PMCs on state armed forces is the most political and strategic criterion for assessment. The impact on state forces has long term residual effects and can shape a nation-state's foreign policy. The state's legitimacy in executing its foreign policy is influenced by all parties acting in its name. Therefore, it is critical to evaluate how PMCs impact the larger picture when deployed to support or augment the state's armed forces.

Executive Outcomes' deployments in Angola and Sierra Leone augmented both states' capabilities, but EO also detracted from state credibility insofar as they made it

obvious that neither state could provide its own security. Executive Outcomes also used the Kamajors for human intelligence and as guides. In so doing, they essentially trained and armed another group in Sierra Leone.

The impact on the Angolan government was positive. The government kept political control, reduced the UNITA threat, insured international investments by liberating Soyo and secured training for the FAA. Under the Lusaka Protocol, the country enjoyed a period of peace. The same assessment applies to the situation in Sierra Leone. In using EO, NPRC regained Freetown and the diamond mines, defeated the RUF, trained the FAA, and allowed President Kabbah to stay in power with help from ECOMOG. The Angolan and Sierra Leonean governments, from weak political and military starting points, capitalized on EO's rapid operational successes. The limited contracts ensured that EO would depart once the missions were complete, and not remain in-country indefinitely. The work of EO had an overall positive impact on both West African governments.

In Croatia, MPRI's assistance to the HV had major impacts. The MPRI advisors modernized the HV by training U.S. doctrine and with \$100 million worth of surplus arms and equipment. HV's new capabilities let them to eject the Serb troops and reclaim the Krajina area. The impact on the U.S. was positive as well. Because of UN restrictions, the U.S. and NATO could not act. The HV success propelled the Serbs to the bargaining table for the Dayton Peace Accords, opening the political situation so NATO could send IFOR through Croatia and into Bosnia. With MPRI as a proxy military company, the U.S. government exerted indirect influence in the region to achieve the national objective of stabilizing the Balkans.

The dramatic increase in the use of private contractors can be conveyed by two simple figures. In the Gulf War, the ratio of contractors to U.S. soldiers was 1:60. Now, in the global war on terror, there is one contractor for every three soldiers.¹⁹¹ Blackwater employees secure high-level U.S. government officials in both Afghanistan and Iraq. In Afghanistan, Blackwater's their role was limited. Its impact on the U.S. government was

¹⁹¹ Bill Sizemore and Joanne Kimberlin, "Blackwater: On the Front Lines," *The Virginia Pilot*, July 25, 2006.

minimal but positive, because Blackwater ensured the security of the Afghan station, thus facilitating CIA operations without impeding DoD efforts.

In Iraq, in a monumental policy shift, mission critical tasks have been transferred to armed PMCs.¹⁹² There, Blackwater has assumed a more active role with extensive PSD operations. Blackwater's aggressive TTPs have alienated the Iraqi population, eroding public support for the U.S. presence and inflaming tension over the U.S. military's general security operations.

Although public opinion and political perceptions represent abstract costs, they can have an enduring impact on state armed forces, as illustrated by the long-term impact on public perceptions of mercenaries and the military in Europe in the wake of the thoughtless looting and pillaging by free companies in the Thirty Years War. In performing contract obligations in Iraq, too often Blackwater PSDs, to facilitate the movement of their principals, have engaged civilians and sped away, leaving behind damaged property and maimed or dead civilians. The U.S. military is stuck with the job of responding to these controversial incidents and trying settle disputes involving Blackwater employees. Furthermore, without its own intelligence resources and quick reaction forces, Blackwater must rely on DoD's generosity to provide both.¹⁹³ Blackwater's operations in OIF give security to high-level officials, but at the same time use DoD resources, complicate relations between DoD and the Iraqi public, damage trust in DoD through guilt by association, and erode DoD's legitimacy.

F. SUMMARY

Figure 3 illustrates the relative effectiveness of the three PMCs described in the case studies in terms of the five criteria described in Chapter I and discussed at length in this chapter.

¹⁹² Scahill, *Blackwater*, 70.

¹⁹³ These observations are based on the author's personal experiences in OIF. The Blackwater team at al-Hillah, Iraq would check in with the TOC for situational awareness, to coordinate a quick reaction force, and to barter for ammunition. Their force structure only allows for shooters on PSD, so they must rely on others, primarily DoD, for intelligence reports. In summarizing the results of a SFOD-A investigation of a Blackwater claim that attacks were imminent for a Situation Report in July 2005, the author characterizes their intelligence as "shoddy and unreliable."

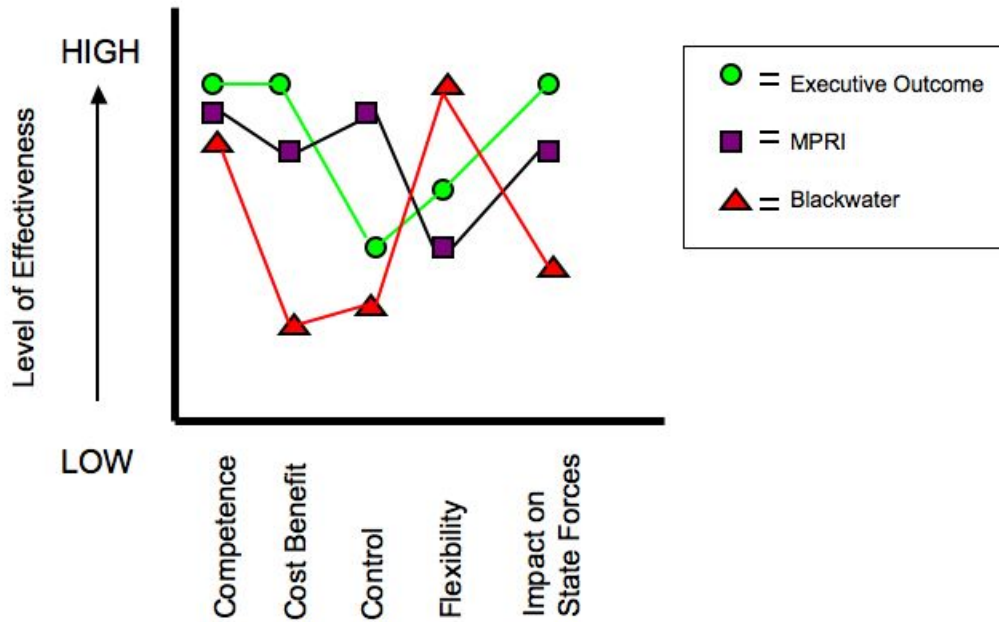


Figure 3. PMC Assessment Summary

To summarize: Using the criteria of competence, cost effectiveness, control, flexibility, and impact on state forces, EO ranks high on competence and cost effectiveness, with a positive effect on its contracting governments while having a favorable flexibility rating. MPRI ranks high in all criteria except flexibility, as their operational employment has been limited to advisory roles and is therefore ranked at a neutral position. Blackwater, which unlike EO and MPRI is operating in a more security-conscious post-9/11 environment, rates high in competence and flexibility, but low on all other measurements.

VI. CONCLUSION

Not since the 17th century has there been such a reliance on private military actors to accomplish tasks directly affecting the success of military engagements. Private contractors are now so firmly embedded in intervention, peacekeeping, and occupation that this trend has arguably reached the point of no return.¹⁹⁴

The case studies of EO, MPRI, and Blackwater illustrate the range and capabilities of modern PMCs. Emerging just as state armed forces lost strength and taking advantage of increased demands in the market for security, all three companies impacted the tactical and operational battlefields and the strategic situation. Close personal connections to decision makers, well-trained and experienced contractors, modern equipment, and strong professional ethics combine to make the modern PMC a significant actor in conflict zones.

As noted in earlier chapters, outsourcing security operations to private firms raises legal and ethical questions because PMCs occupy a gray area between two types of institutions—state militaries and entrepreneurial corporations—with different standards of operations. In principle, the use of PMCs by states is not unethical. If an outsourcing requirement is both ethical and legal (for example, personal security for diplomats), the state is justified in contracting out for services. The author believes that the use of PMCs for defensive security of individuals, static sites and convoy operations is ethically acceptable, but PMC engagement in offensive operations where they can use violence according to their judgment and free of the constraints on government soldiers is not ethically sound.

Of course, the initial decision to contract a PMC does not automatically justify subsequent PMC actions. In just war theory, the decision to employ force (*jus ad bellum*) and decisions about how to employ force once war is engaged (*jus in bello*) require separate analyses. So, too, state decisions to contract with PMCs for specific tasks must

¹⁹⁴ Fred Schreier and Marina Caparini, *Privatising Security: Law, Practice and Governance of Private Military and Security Companies* (Geneva, Switzerland: Geneva Centre for the Democratic Control of Armed Forces, 2005), 1.

be separated from subsequent assessment of how the tasks are performed. The U.S. government employs Blackwater legally, but the ethics of how Blackwater executes their contract in Iraq is open to question, and the company draws a fine line when it quickly transfers and fires employees accused of wrongdoing in order to avoid corporate prosecution. New efforts to regulate PMCs and other civilian contractors by placing them under the UCMJ in conflict zones have yet to take effect, so their effectiveness cannot be gauged.

As previous chapters demonstrate, PMCs have proven value in force augmentation. Executive Outcomes, considered the most successful PMC venture in modern history, operated as a pure PCC in the days before political debate on the use of PMCs.¹⁹⁵ It is unlikely that a company could function in the same way today, but in no way is it an impossibility. The effectiveness of MPRI's indirect role in the Balkans is unquestionable, while Blackwater's utility depends on one's point of view. The DoS places a high value on Blackwater's security for government officials, but DoD believes that their aggressive tactics disrupt civil-military relations, and that battlefields include too many armed civilians who drain valuable resources and are not accountable for their actions.

In terms of competence, the PMCs examined in this thesis perform well; they rely on former SOF soldiers at the operator level and on influential, well-connected government and military retirees at the corporate level. It is safe to assume that PMCs will maintain current competency levels in order to compete for contracts. However, their cost effectiveness is a thing of the past in the inflated market for privatized security, and it is more cost effective to use DoD forces for security operations.¹⁹⁶

The companies described in this thesis are extremely flexible in adjusting to the market requirements and providing acceptable solution sets. Real problems arise with the matter of control, as PMCs have traditionally operated without effective state

¹⁹⁵ *Shadow Company*. This documentary film explores the history and current situation of PMCs employed worldwide, focusing on Iraq. In the film, EO is heralded as model for modern day PMCs in successfully completing all contractual obligations without negative public reaction.

¹⁹⁶ Under the 2008 WPPS II, the cost of contracting 1020 Blackwater employees for 365 days is \$335.1 million; using soldiers would cost a quarter of that, \$81 million.

supervision. Personal trust, shared values, and PMC performance records are not strong enough controls. As noted in Chapter II, most European national armies were formed after the Peace of Westphalia to re-establish national legitimacy and provide accountability in the wake of the devastation caused by the free companies. All three companies examined in this thesis have reputations marred by accusations of disregard for human rights abuses, including wrongful deaths.

Outsourcing security functions implies that the PMCs, because they are working to help the state fulfill its social contract with the people, thereby represent the state. The outsourcing of governing entire colonies, as seen with the East India Company, elevates the role of a PMC to an unofficial, but supported subordinate governmental entity. But mistrust of private military forces—even highly disciplined forces like the Hessians—is deeply engrained in American consciousness. Furthermore, use of deadly force by PMCs in offensively oriented defensive operations interferes with the state monopoly on controlled violence and erodes state legitimacy. The U.S. government cannot afford threats to its legitimacy from state-sponsored actors operating contrary to established American ideals.

What does the future hold? Private military companies are not the ultimate answer to national security objectives. As the case studies show, PMCs cannot fulfill all the roles and responsibilities of a state's armed forces, the British East India Company notwithstanding. Outsourcing vital security functions to private companies may cause a state to lose credibility and legitimacy, while simultaneously complicating the security situation. Properly controlled, with clear guidelines for behavior and a specified mission set, PMCs can have a value-added effect to the security situation. They can perform tasks that state armed forces cannot perform or free government forces to focus on more critical missions.

PMCs can possibly achieve the political acceptance as a proxy authority needed to act unilaterally where nation-states either cannot or will not, similar to EO's actions in Sierra Leone and Angola or the East India Trading Company in India. An example would be to act in response to ethnic atrocities or a similar type of crisis requiring armed humanitarian intervention where time is critical and inaction would condone future

atrocities, as currently seen in the Darfur region of Sudan. Defining the mission, establishing the ROE, and providing the necessary oversight and control are all critical in such a situation. The political ramifications of sending a PMC over national forces in a humanitarian crisis are significant, but not outside examination.

Employing a PMC to conduct armed humanitarian intervention could halt any genocide and reduce the potential for infectious disease outbreaks. Covert support is preferable, as it does not directly lessen the USG's legitimacy and credibility abroad as exemplified by MPRI in Croatia. The PMC must be organically self-sufficient and be prepared to operate alongside indigenous national armed forces for legitimacy in operations and intelligence support. The financial costs of employing a PMC and encouraging an African state to sponsor them is widely considered to be less than controlling the effects of a widespread infectious disease outbreak in the U.S. A Non-Governmental Organization (NGO) such as the Red Cross, or even Amnesty International, is not barred from outsourcing security and the remote and lawless areas of the world that facilitates atrocities like genocide would be far removed from public awareness. This example assumes a host of conditions, but it is not outside the realm of possibilities.

PMCs are a reality on today's battlefield and are integrated into the U.S.' strategy in the GWOT, specifically in Iraq and Afghanistan. The interoperability between DoD and PMCs will continue to increase as the GWOT continues, thereby increasing PMC's reputation as a legitimate actor alongside DoD. PMCs like Blackwater, Triple Canopy, and DynCorp will continue to transition to a more established role supporting the USG and vital allies. Integrating PMCs into DoD operations not only poses strategic risks as enumerated in previous chapters, but also operational and strategic risks. The sharing of classified information, access to restricted areas, and providing sensitive communications platforms would facilitate interoperability, but also would also put DoD military forces at a greater risk of compromise if the PMCs are not adequately vetted. The footprint PMCs have in relation to DoD will increase as well. They will continue to tap into the existing infrastructure in order to access medical and service support facilities, as well as potentially tax operational services such as QRFs and military staffs as they must monitor

PMCs' presence on the battlefield. The benefits of using PMCs provide for an economy of force for DoD and post-military career opportunities must be weighed carefully. The longer the supply and demand relationship of outsourcing security lasts, especially in Iraq, the more the U.S. population will accept the existence of PMCs. PMCs' reputation and perception will evolve from a mercenary status to a legitimate proxy authority.

PMCs in the GWOT offer DoD a competent, economy of force solution to providing security for DoS and high value coalition members, but at a great cost to national legitimacy, the economic resources previously spread across other USG Departments, and their organic assets designed to sustain the force during combat. Close supervision to ensure coordination and compliance with established rules and ordinances will facilitate the interaction between DoD and PMCs, but not eliminate the friction between the two.

As the GWOT continues and legal considerations are further defined, PMCs will continue to adapt. More extensive study of the integration of PMCs and state armed forces is required to understand private-government military dynamics in combat zones and to determine how private military companies can best support U.S. armed forces in achieving national objectives.

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APPENDIX. TYPES OF PRIVATIZED SECURITY

Private Combat Companies (PCC): The PCC represents the extreme of the professional mercenary company. PCCs are private companies authorized to use deadly force and legally allowed to engage in proactive, offensive operations to kill or capture the threat. The classic PCC is often self-sustainable with all necessary weapons, equipment, and personnel integral to the organization. The PCC members are not residents of the employing country, but are granted visas to under a legitimate contract with the government.¹⁹⁷ Executive Outcomes epitomizes the PCC as a foreign corporate entity hired to fight another country's fight, although EO might dispute this, claiming to serve the greater good. Neither the cause nor the enemy of the employing country is necessarily shared by the PCC. Although the U.S. government does not employ PCCs, it is useful to treat such organizations as one end of the spectrum of outsourced security.

Private Military Companies (PMC): PMCs is a broad term generally applied to any private corporation operating in a combat zone or conflicted area that does not engage in pro-active, offensive operations but with authorization to use deadly force when necessary.¹⁹⁸ PMCs' legal authorization for operations comes from the hiring government. Their charter is usually limited to mobile defensive operations designed to protect a person, place or thing.¹⁹⁹ The classic PMC engages in multiple operations ranging from security to training to military advising. Blackwater is the prototypical PMC, serving as a catch-all organizational solution to quasi-military requirements the U.S. military is unwilling or unable to accomplish.

Proxy Military Companies: Proxy military companies are PMCs with a strong allegiance to their native country; they accept contracts that dovetail with their national strategic objectives. Proxy forces augment the existing military force and, in so doing, gain a degree of legitimacy, as the mercenary image does not completely define their

¹⁹⁷ Kinsey, *Corporate Soldiers*, 13.

¹⁹⁸ *Ibid.*, 14.

¹⁹⁹ *Shadow Company*.

existence. Proxy military companies are private companies that act in accordance with their parent nation's national objectives. Proxy companies may or may not use direct force, but always seek the explicit permission of their parent nation to accept a contract of an application of force nature.

The most prolific proxy company is MPRI, whose senior staff is comprised almost exclusively of retired generals with close ties inside and outside the Washington beltway.²⁰⁰ Their actions have been closely aligned with U.S. foreign policy and the company makes great efforts to work only within the approved frameworks of the DoD and DoS. Proxy forces are a type of PMC that seek to supplement legitimate government forces through complementary missions and a supportive role.²⁰¹

Blackwater, at the forefront of PMCs, is desperately trying to recover from their public relations problems by rebranding themselves as a proxy force to the U.S. government.²⁰² In essence, it is better to be seen as a U.S. version of the Swiss Guard, disciplined and bound by honor and loyalty to the government they serve, than as a free company like those that ravaged the European countryside during the Thirty Years War.

Private Security Companies (PSC): PSCs are PMCs that focus on site and personnel security. PSCs are authorized to use deadly force in protecting people, facilities and government property, but do not engage in mobile defensive operations.²⁰³ Their charter is usually limited to training indigenous personnel to conduct security operations or to personal site security for nominated principals. PSCs' training charters involve integrating their operations with the local population, only slightly differentiating them from Proxy Military Company operations. Armor Group is an active PSC in Iraq; they train Iraqi Ministry of Justice security forces and also provide limited personal security at fixed sites with a combination of western and Iraqi personnel.²⁰⁴

²⁰⁰ Singer, *Corporate Warriors*, 75.

²⁰¹ Kinsey, *Corporate Soldiers*, 15-16.

²⁰² Jordan, "Report: Blackwater Killings Unjustified."

²⁰³ *Ibid.*, 16-17.

²⁰⁴ Personal interaction with Armor Group in al-Hillah, Iraq.

Commercial Security Companies (CSC): CSCs are private companies that focus on industrial security at sites that require an armed guard such as ports, logistical hubs or outstations and airports. CSC operations can overlap with PSC, but the biggest difference is that the CSC is employed by the company on a full time, not contractual, basis. Their operations are strictly static, with a stationary defensive posture. They are allowed to arm and train indigenous personnel, but only to bolster perimeter security for a site. Their operations can include rescue operations, immigration, and fire services as well.²⁰⁵

Freelance Operators: Under the combat directed differentiation of privatized forces, freelance operators are individual mercenaries with no formal allegiance or legitimate connection to the nation hiring their services. Freelance operators are the opposite end of the spectrum from PCCs. They are illegitimate, without authority to conduct military operations. They are usually individuals lacking a corporate structure.²⁰⁶ In essence, the term "freelance operators" is a euphemism for modern mercenaries. The UN's requirements for labeling someone a "mercenary" are ambiguous, but at least the UN provides a starting place for separating lone operators from legitimate private security businesses. Additional Protocol I to Article 47 of the Geneva Convention (1977) defines a mercenary as someone who

- a. is specially recruited locally or abroad to fight in an armed conflict;
- b. does, in fact, take part in activities;
- c. is motivated to take part in hostilities essentially by the desire for private gain;
- d. is neither a national of a party to the conflict nor a resident of a territory controlled by a party to the conflict;

²⁰⁵ Kinsey, *Corporate Soldiers*, 18.

²⁰⁶ Jack Idema exemplifies a freelance operator who conducted his own operations in support of a cause. His methods of operation contrast with generally accepted Laws of Land Warfare. He was arrested for running an illegal prison and other unauthorized actions. Although he claims to have been aligned with the CIA, both the CIA and Pentagon deny any formal or informal relationship. He was in Afghanistan trying to claim the \$50 million bounty by capturing or killing Usama bin Laden. Idema was released by Afghani President Karzai in 2007, having served three of his ten-year prison sentence.

- e. is not a member of the armed forces of a party to the conflict;
- f. has not been sent by state, which is not a party to the conflict on official duty as a member of its armed forces.²⁰⁷

²⁰⁷ *Article 47(2), Protocol I, Additional to the Geneva Convention 1949.*

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