

The Private Military Industrial Complex

Extending Conflict Duration and Quantity: The Cost of Using Private Military Contractors

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ABSTRACT

The American military and Executive Branch have transitioned the way that the US engages in war strategy to rely more and more on private military contractors. This paper sought to examine the consequences that this dependence will cause. It was found that two main issues arise with the use of private military contractors and private security contractors. First their use lessens the political accountability that is necessary in preventing or ending war through the reduction of audience costs. Second the indiscriminate brutality that private security contractors are infamous for leads to the radicalization of the population and the potential for violent mobilization against the offender. Those issues compound to one conclusion: the use of private military contractors will lead to an increase in the number of conflicts entered into and the duration of those conflicts.

“It was the Americans who were to blame,’ the woman said,
 ‘because they are supporting them.’
 (Fainaru, 185)

Introduction

The mobilization of an adaptable and efficient military system has become the top priority in strategic defense and foreign policy. This push for more efficiency and lower costs has driven formerly public sector projects into the private sector as a strategy to achieve those goals. This is reflected in the increase of \$331 billion in private Government contracts between 2000 and 2011 (“Total Spending By Year”). These contracts totaled \$537 billion by 2011 (“Total Spending By Year”). Corporations are being hired to fulfill military purposes such as, building bases, consulting, cooking meals, gathering covert intelligence, and providing security detail. In looking at the question: how does the US engage in war, it can be seen that US war strategy has become dependent on the use of private military contractors or PMCs who have been contracted in the name of efficiency, mobility, and political attractiveness. This leads into the primary questions of this paper: How does the US government use PMCs to lower the costs of war, and what will the consequences of this be?

Using Fearon’s assessment of audience costs within democracies it will be seen why government officials would want to transition to PMCs in war efforts. Audience costs are defined as the public backlash that a leader faces when he escalates the conflict and then backs down or when he makes perceived poor decisions, like entering into a war that cannot be won (Fearon, 1994: 577). If the public is not affected nor educated on the subject, then it is much less likely for them to rise against the war effort and the policy makers will have much more control over what happens.

The goals of this paper are to explain the consequences of using PMCs in modern day warfare. Section 1 consists of term definitions that are used throughout the rest of the paper. Section 2 lays out existing literature that explains why the use of private security companies (all support, security, and production companies geared to helping and working with the military) is so attractive to political leaders. In short private military contractors (PMCs) and private security contractors (PSCs), limit the public’s knowledge and ability to check government actions with regard to foreign policy, decisions about conflict interventions, and war. Section 3 transitions to the issue of private security contractors and their link to civilian brutality. Using primarily Campbell’s research on counterterrorism’s legal framework it is concluded that indiscriminate brutality against civilians and prisoners by a state is an ineffective strategy against terrorism, and may increase war duration and cause needless escalation. Then through Humphreys and Weinstein’s assessment of loosely associated government groups and rebel groups, it is shown that the way private security firms are set up will lead to instances of misconduct and violent brutality, especially against civilians.

The evidence portion of the paper is broken up between section 4 and section 5. Section 4 focuses on the lowering of audience costs; limited efficiency and lack of transparency that results from the use of PMCs and PSCs. Section 5 transitions to individual case studies to show the trends of PSCs using indiscriminate brutality against civilians and the radicalization of the Iraqi people. This indiscriminate brutality weakens the war effort and trust between Iraqis and Coalition forces, it will radicalize the local people and it will lead to an increase in violent recruitment and mobilization against those committing the brutality. All of these issues, from

low audience costs to the radical mobilization of a host country's people, compound to one conclusion: growing dependence on private military contractors and private security contractors will lead to an increase in the number of conflicts entered into as well as an increase in the duration of those conflicts.

Section 1. Definitions

Private service contractors can be broken up into three main groups: military combatant companies, military consulting firms and military support firms (Isenberg, 2009: 11). Military combatant companies provide forces capable of combat, but they are the smallest group. (Isenberg, 2009: 11). Military consulting firms, provide training and advisory services, although they have increasingly expanded into traditional security services (Isenberg, 2009: 11). Military support firms provide nonviolent services, like construction, food service and intelligence gathering (Isenberg, 2009: 11). These are different from private manufacturing contractors who build the weapons, ships, planes and general equipment (Isenberg, 2009: 12). For the purposes of this paper all private contractors, service, consulting, security, and manufactures, will be considered private military contractors or PMCs. Private security contractors (PSCs) will include military combatant companies, and those military consulting and training firms that have expanded their reach into security and bodyguard contracts. Private service contractors will include military consulting firms and military support firms.

Private security contracts can then be broken down into three types as well. The first is static security contracts, which are for protecting buildings or places (Fainaru, 2008: 131). The second is private security detail, which is for protecting people, and the third is for convoy protection (Fainaru, 2008: 131).

Audience costs are defined as the backlash that a leader faces when escalating a conflict and then later backing down (Fearon, 1994: 577). They also show whether the public feels like their leader is succeeding or failing in foreign policy decisions (Fearon, 1994: 577). If there are mounting audience costs on a leader it adds to the costs of the war. The higher the potential for audience costs is, the more resolved a country would be in a conflict because they are a public check on foreign policy making the costs of war higher in cases that the chance for victory is lower. Audience Costs can be both domestic and international with both working in relatively the same way. Domestic audience costs sometimes play into how the countries involved perceive resolve. When a state is able to generate high audience costs and they begin to use public signals, it shows a high resolve to the other countries in the conflict.

Section 2. Lower Costs and Executive Expansion

Private military companies have many different effects on democracy. Security companies for example, affect strategy and organization overseas while PMCs in general lower audience costs by harming transparency. Research has shown that war is not only more likely to occur if the attacker perceives the costs of the war to be low, but also that a low-cost war is more likely to continue (Filson and Werner, 2002: 820). These findings become more significant if the aggressor in a conflict is confident about the resolve and military capabilities of their opponent (Filson and Werner, 2002: 820). This finding is also true for the defender in a conflict. If the attacker or defender is more likely to win battles or has lower costs associated with engaging in conflict then the bargaining range, or the amount each side is willing to compromise on, gets

smaller because the demands for a successful termination of war for those with low costs increase (Filson and Werner, 2002: 832). Wars will last until the private information concerning each actor's capabilities is realized, therefore even if negotiations failed to prevent war they can be used to end the war (Filson and Werner, 2002: 832). Using this model it can be seen why the US would want to use PMC's: they not only reduce the audience costs associated with war, but they hide the capabilities of the US military to both the international and domestic populations.

The use of private military companies means that transparency both with the international body and the domestic body is lost because costly and public signals are no longer a states' only option when expressing resolve. The US can now choose when to publicly signal resolve and when to privately respond to certain events. This means that in many cases the certainty in resolve that audience costs once gave the opponent is no longer available which will increase the likelihood of incorrect or incomplete information. Fearon argues that incomplete information alone is not a rational reason for war, but rather the incentive to misrepresent information to the other actor is rational and that incomplete or wrong information does lead to war (Fearon, 1995: 391). The US has an incentive to misrepresent the cost versus the gain to its domestic population, while at the same time expressing resolve to its opponent. This allows US leaders to ensure their domestic political survival and also gain the benefits associated with the conflict. Because the use of PMCs have made engaging in war less domestically costly the bargaining range becomes significantly smaller. This means that if the issue is important enough the US does not have to compromise because the cost is small but the potential benefit is large, such as creating a stable Iraq. It does mean that if the US is the attacker in the conflict, then it must maintain a credible threat to attack or else the defender will be less likely to concede (Filson and Werner, 2002: 832). This model then suggests that in order to perpetuate a credible threat of attack, previous or future attacks are necessary. It also suggests that the leadership will be more likely to attack when there is the ability to misrepresent information to the domestic audience, because there would be limited political consequences for losing (Fearon 1994: 585).

Understanding audience costs is key to understanding the public's role in the foreign policy process. Fearon argues that the resolve of democracies once they are in a conflict will be very high because traditionally they have high audience costs and if a democracy loses the war its leaders could be voted out of office. Fearon makes the argument that those states that are less able to generate large audience costs are more likely to escalate and then back down from a conflict (Fearon, 1994: 585). However, when factoring international audience costs it can be seen that backing down is not more plausible for the US in a conflict even if they cannot gain domestic audience costs. Too much hinges upon the strength of US leadership and legitimacy throughout the world for it to back down after escalating a conflict. The use of private security firms alone will lower domestic audience costs significantly because fewer active troops will be coming back home in body bags and contractor deaths are not reported in the news with the same frequency. Therefore, when taking into account the growing dependence on PMC's the US has fewer domestic costs for starting a war or intervention and just as many international costs for backing out of one, which could lead to more conflicts that are harder to get out of.

Avant and Sigelman argue that, "the private military industry grew quite strong in the 1990s as it was used to meet humanitarian and peace enforcement goals that the Clinton administration worried the public would not support," (Avant and Sigelman, 2008: 41-42). This means that during the 1990's when Clinton was making large military cuts he was also strengthening the private military contractors as a way to get around public opinion, which he valued very highly. This also means that the use of PMCs and hypothesis of this paper, which is

that using private military contractors will lead to more and longer conflicts, is not contingent upon the political party of the president meaning that both Democrats and Republicans have continued to use them. It is not a partisan issue but rather a strategy for survival.

There is a moral story in America that needs to be addressed as well. It is largely believed by the domestic public that the US fights for morality and Democracy; therefore anyone that the US goes to war against has to be the enemy. A large part of any war effort is getting the American people to believe that whomever we are attacking is a credible threat or is morally wrong. If the support of the people in that regard is no longer needed and their ability to understand and find out what is going on is blocked by a corporate shield then democracy is lessened. The time and energy that it takes for leaders to sway a populous will be dramatically cut allowing leaders to choose where and more importantly when to engage conflict or interventions without bringing all the information to the public or even including them. This way there is not only the ability for immediate action instead of a slow buildup, but because of the increased likelihood of political survival even in the face of failure the use of armed interventions becomes more likely. Slowed action has the ability to change the power relationship in the conflict, which may result in the conflict not being as necessary or desired at a later date. If this process is sped up then that check also disappears.

2.a. Argument for Efficiency

The argument that capitalism creates an equal partnership between two consenting parties is unlikely when the private sector is dealing with the US Government due to the fact that the defense sector is dealing in matters of national security. The State Department and the Department of Defense are tasked with the job of protecting the citizens and diplomats of the United States therefore; can they reasonably place a price on security or necessary services like food service, if there is a contractor willing to do the required job?

William Perry was the first Secretary of Defense for the Clinton Administration. He was one of the voices advocating for a smaller military and increased contracting to private firms in the interest of saving money (“William J. Perry”). During this time there was a major push to downsize the military due to the end of the Cold War. The result was hundreds of bases being closed and troops being retired. It was believed that savings would come from the military cuts, the contracting out for military support needs, and the reformation of the military (“William J. Perry”). However, there is another factor to consider.

According to a 2009 report issued by the International Peace Research Institute, Oslo or PRIO “the low visibility and presumed low cost of private contractors appeals to those who favor a global U.S. military presence, but fear that such a strategy cannot command public support,” (Isenberg, 2009: 5). This implies that the motivation surrounding outsourcing to private firms are not only that they are thought to be more cost effective, but also because transparency is not required for private companies the way it is with the US Government. The lack of transparency pertains not only to methods of war but also methods of payment, contracting bids, and moral questions, all of which can arguably be hidden to allow for positive public support. “For all the focus on contractors as a private market solution, the costs that they hope to save were political in nature,” (Singer, 2007: 4). PMCs efficiency comes from the lowering of audience costs, not the lowering of financial costs, and their use is not isolated to Iraq and Afghanistan, nor is it isolated to this century.

Private military contractors have been used since the 1700's so they are not a new phenomenon. "They were used in Desert Storm in 1991, then in the Balkans in the mid-1990s, and now in Iraq and Afghanistan," (Isenberg, 2009: 12). This meant that when Vice President Al Gore promised that cutting spending on the defense sector, and shifting it to private contractors, would reduce the DoD budget, it could be taken as a serious option. To support his confidence a 1995 Defense Science Board report suggested that the Pentagon could save up to \$12 billion annually if it contracted out all support functions except actual "war fighting," (Isenberg, 2009: 19). At this time the US State Department was actively hiring DynCorp for security services in the Balkans therefore the term "war fighting" means offensive combat, not security or training services. (O'Meara, 2002) Standing troops who required a constant salary, medical care, retirement as well as many other benefits, were thought to be a drain when you could hire a defense contractor for a limited amount of time for a premium rate (Isenberg, 2009: 19). Combine this understanding with the downsizing of the military after the Cold War, which capped the number of troops who could re-enlist, and there is an atmosphere ripe for contracting firms to use ex-military to better compete for government contracts. The implications are that there was a privatization of military troops and not a reduction of them in the 1990's.

2.b. If Not Efficiency Then What?

For the merit of efficiency to be realized, and the above benefits to make a difference to the cost of the military, there has to be a transparent and competitive market with similar bidding (Isenberg, 2009: 20). This was found to not be the case, as less than half of new contracts or existing contracts are seen to be competitive. "A separate study found that only 40 per cent of all contracts of U.S. government agencies (between 1998 and 2003) were subject to bidding," (Isenberg, 2009: 23). Another study found that between 2000 and 2011 only about 43% of contracts were subject to fair and open bidding while 26% of contracts were not competed for at all ("Federal Contract Awards by Extent of Competition").

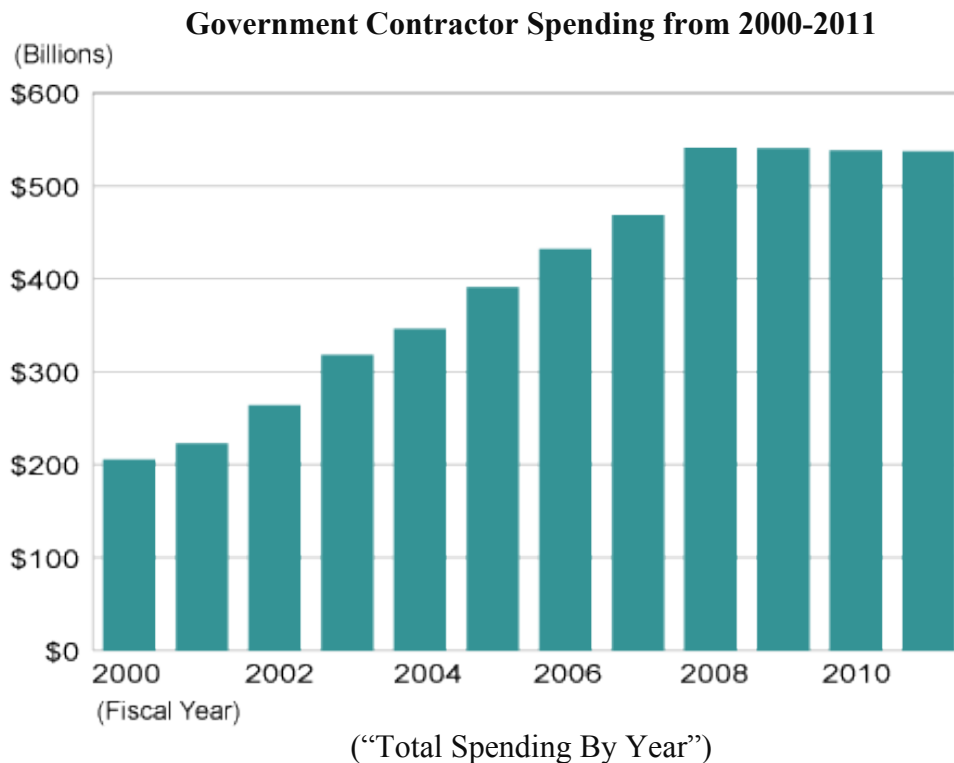
The fact that many government-contracting bids are not competitive calls into question the merit of the argument of efficiency and cost effectiveness on a purely economic model. As does the clear requirements and expectations of contracts. "Where requirements are not clear or are evolving, the Pentagon will tend to favor suppliers with a track record rather than accept the lowest bid or more promising but untested ideas," (Markusen, 2001: 17). This means that the DoD will stick to those that they know, such as Blackwater, even if they are more costly and more reckless. Last the Pentagon faces the problem of monitoring the, "cost, quality and performance," of those it is contracting out to (Markusen, 2001: 18). The lack of available DS agents and soldiers to do this will create less accountability and more individual discretion on the part of the contractors. This finding implies that if it is not efficiency that is driving PSC use, than political attractiveness and military dependence are. This may seem repetitive but it is very important because this would mean that political and military leaders are using PSCs as a way to get around public condemnation of war efforts, and not as a way to save money.

When your biggest client is the US government and their needs are of national security, the concept of supply and demand gets skewed into immediate need and reciprocity. This is the downfall of outsourcing government positions to private actors. The assumption is that the US Government can act like any other non-biased company when in reality it has responsibilities that do not permit basic laws of economics to be realized. The key is to sell PMCs as cost effective and efficient so that people believe that steps are being taken to curb the financial

burden of war. It also allows people and decision makers to feel that there is a necessary and legitimate purpose for hiring PMCs so that they condone the use of them without exploring the consequences of doing so.

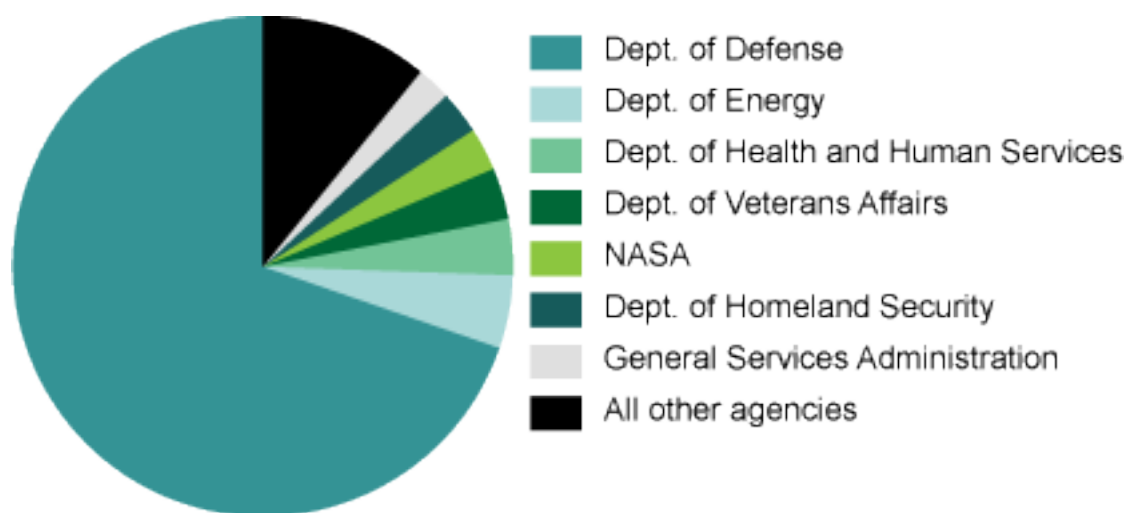
2.c. Growing Reliance on Contractors

In the year 2000 before the bombing of the Twin Towers or the occupation of Iraq, private contractors hired by the US Government amounted to about \$206 billion. By 2006 that amount had doubled to about \$432 billion. In 2011 when the US was getting ready to exit Iraq that number had jumped to \$537 billion (“Total Spending By Year”).



From 2000 to 2012 the Department of Defense was the number one buyer of contracted support (“Total Spending By Year”). 64.48% of all government contracts were awarded by the Department of Defense during the same period, and in 2011 alone the DoD was just shy of 70% of the total government contracts, or \$373,951,297,037, with the next highest agency, the Department of Energy, coming in at 4.68% (“Total Spending By Year”). The Department of State, which is not listed on the graph below, contracts out about \$9,157,951,692 with \$1,253,783,393 going to guard services alone (“Contracts from Dept. of State”).

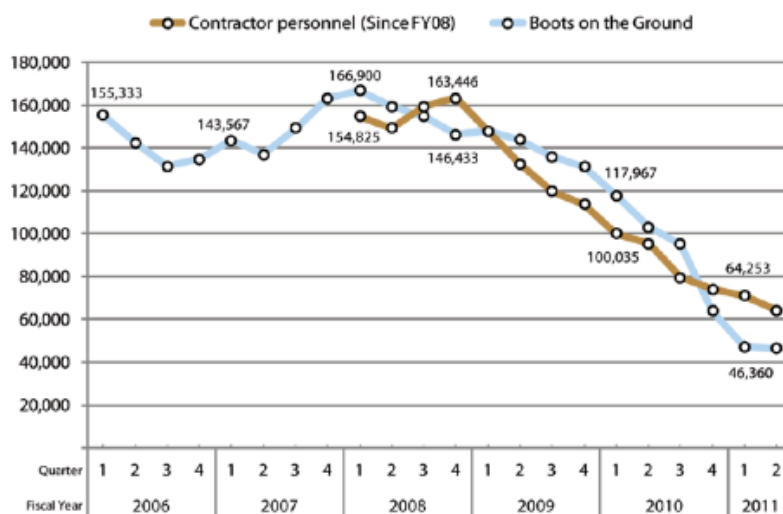
Contractor Spending in Each Department



“Federal Contract Awards By Major Funding Agency (FY 2011)”

In 2011 Triple Canopy was one of the largest state department contractors with \$418,727,897 in contracts (“Contracts from Dept. of State (FY 2011)”). US training centers Inc., a holding of Blackwater, makes about \$121,507,796 the same year while Cerberus Capital Management L.P. who holds DynCorp made \$73,547,943 (“Contracts from Dept. of State (FY 2011)”).

Research has highlighted a conundrum that in order for the US to go to war successfully it needs PMCs because of the sheer amount of outsourcing that has been done in the military world (Singer, 2007: 17). The same research shows that PMCs are increasingly harming counterinsurgency measures and their lack of regulation is proving to minimize the efficiency that was the main argument for using them (Singer, 2007: 17). Their presence inside of Iraq is contributing to the local people feeling occupied, which harms any successful military operation because occupiers are something to be fought against, not for (Singer, 2007: 17). Contractors have become more of a political convenience than a strategic asset because they minimize the audience costs that democracies face, and the costs of war overall, in a way that allows for military mobilization without the potential outcry from the public (Singer, 2007: 4). The public does not see how many people have died in Iraq due to the fact that news agencies tend to only report on active military deaths, not contractor deaths. This keeps Americans, if not on board with the intervention, at least indifferent to it. P. W. Singer argues that when looking at the start of the Iraq war contractors were used as a way to not engage in a full call up of the national guard or reserve, which would have caused a disruption that would have been felt nationally (Singer, 2007: 3). The below table illustrates the amount of contractors versus the amount of actual troops and it is seen that the two groups are very similar which means that for people to understand the actual numbers of personnel in Iraq the traditional numbers should be almost doubled.

Figure E-1. Boots on the Ground vs. contractor personnel in Iraq²

Source: Military Boots on the Ground—Congressional Research Service Request for Boots-on-the-Ground (BOG) for Iraq/OND and Afghanistan/OEF, prepared by Office of the Chairman, Joint Chiefs of Staff (JCS). Final two BOG data points are for January 10, 2011 and May 11, 2011 as reported by Defense, Joint Staff, Summary and Monthly Boots on the Ground Reports to Congress; Defense Contractor employees—Contractor Support of U.S. Operations in the USCENTCOM area of responsibility, Iraq and Afghanistan, prepared by DASD (Program Support) quarterly February 2009 to present, prepared by Under Secretary of Defense for Acquisition, Technology and Logistics (AT&L) prior to February 2009.

(“Transforming Wartime Contracting”)

With regard to the actual number of contractors, “In 2007, an internal Department of Defense census on the industry found almost 180,000 private contractors were under employment in Iraq (compared to 160,000 total U.S. troops at the time, even after the Iraq surge) (Singer, 2007: 2). Probably the most shocking statistic in Singers entire report was: “The private military industry has suffered more losses in Iraq than the rest of the coalition of allied nations combined,” (Singer, 2007: 4). Between 2003-2012 L-3, a private intelligence and service contractor, lost 370 employees and reported 1,789 severely wounded employees (Nordland, 2012). If they had been a country they would have been the third largest force to lose that many men, as only Great Britain and the US would have had more fatalities (Nordland, 2012). The implications of this are huge when paired with findings that Americans react the same way to any battlefield death, regardless if they are soldiers or contractors (Avant and Sigelman, 2008: 31-32). If this information was aired in the nightly news along with active soldier deaths, it is probable that more people would be vocally against the war. Also, according to CENTCOM, which is the command head of Middle Eastern military policy for the DoD, there were 137,407 contractors only under their branch in 2013 (“Quarterly Contractor Census Reports: CENTCOM”). In Afghanistan alone there are 109,564 contractors (“Quarterly Contractor Census Reports: CENTCOM”). In both countries contractors are split between US citizens, third country nationals, and local/ host country nationals (“Quarterly Contractor Census Reports: CENTCOM”). The lack of homogeneity in private security contractors will be key to understanding the implications of Humphrey and Weinstein’s argument on civilian brutality.

The January 2013 data on the ratio between active military personnel and contractor personnel in Afghanistan is 1 to 1.3, meaning that for every 1 active military personnel there are roughly 1.3 contractor personnel (“Quarterly Contractor Census Reports: CENTCOM”). By using private service contractors, and security contractors there was no need to call up as many

additional forces, nor was there the need for a draft which contributed to the harsh stance that the US population took against the Vietnam War (Singer, 2007: 3). The use of PMCs also made sure that no leader lost any “political capital,” (Singer, 2007: 3). A sharp critique to this method of engaging in war is seen in the Abrams Doctrine, “The underlying premise of the Abrams Doctrine was that, if a military operation could not garner public support of the level needed to involve the full nation, then maybe it shouldn’t happen in the first place,” (Singer, 2007: 4). The use of PSCs allow for the worst tendencies to be carried out in war, and this paper shows just how far these tendencies have the potential to go, and why it is that they go in that direction (Singer, 2007: 4).

Traditionally, private security contractors allow the US government to maintain its role as the global policeman, while at the same time minimizing the costs associated with poor public opinion of a conflict, and shifting the blame and responsibility from itself (Isenberg, 2009: 5). In Isenberg’s piece on the use of military contractors in accordance with US grand strategy, he makes the argument that “A nation that cannot summon public support for its policies, strategies and goals, needs to rethink those policies” (Isenberg, 2009: 8). People need transparency and knowledge to make an informed decision about the merit of going to and staying in a war. Eisenhower warned the American people early on that the only way to combat a growing reliance of the Government on the military and on the industry surrounding it was an informed public.

We must never let the weight of this combination endanger our liberties or democratic processes. We should take nothing for granted. Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together (“Military-Industrial Complex Speech, Dwight D. Eisenhower, 1961”).

As the brutal consequences and financial costs of war are increasingly hidden from the general public the potential for more and longer wars becomes more of a reality. There is no longer the responsibility or the ability for the people to monitor the US Government. There are so many national security issues and corporate shields that the people largely have no idea that there is a choice to be made about military involvement because they have only biased information with which to make it. Isenberg argues that private security contractors should have more regulation and that there should be greater transparency so that the public can make an educated assessment on the costs of the war (Isenberg, 2009: 47-49). However, that itself might not be enough because American families are not experiencing the Iraq war in the same way that they have experienced other wars. There is no draft or large-scale mobilization campaigns; there is only a volunteer military, willing contractors and increasingly third party nationals who compose more than half of the contractors in the Middle East. This lowers the numbers of Americans affected by the war even more.

2.d. Congressional Input and Public Views of PSCs

Research has argued that the use of private security contracts and a market-based method of recruitment has lowered constitutionalism, which is the, “established processes for ensuring that a range of institutional actors have input into policy,” (Avant and Sigelman, 2008: 3, 14). This system has also limited transparency in the US, which impedes the ability for the public to

willingly consent to conflict (Avant and Sigelman, 2008: 3, 14). There are three main types of military recruitment: mandatory conscription, which would garner the most notice, an all-volunteer military, which would be in the middle, and a market based system, which would garner the least amount of public concern thus limiting how active the people are in the foreign policy process (Avant and Sigelman, 2008: 13). This implies that the use of PSCs gives the executive branch the ability to evade the system of checks and balances (Avant and Sigelman, 2008: 14). Although Congress holds authority over the power of the purse in matters of foreign policy by approving the defense budget, its oversight into where and who is getting the money is limited (Avant and Sigelman, 2008: 15-16).

A way for Congress to gain more oversight is by setting a cap for the number of troops allowed in a conflict by writing it into acts such as the Foreign Assistance Act of 1974 and The Lebanon Emergency Assistance Act of 1983 ("Congressional Limitations and Requirements for Military Deployments and Funding"). Congress can also restrict funding if certain criteria are not fulfilled, for example the Defense Authorization Act of 1998 stipulated two conditions, the first is that US troops should not be inside of Bosnia unless they are maintaining US national security interests and the second is that US troops cannot be used as a police force inside the country after 1998. ("Congressional Limitations and Requirements for Military Deployments and Funding.") The executive can get around this oversight by hiring more PSCs, which they did in Bosnia (Avant and Sigelman, 2008: 17). In 1999 DynCorp, a private service contractor who specializes in security detail and training, was involved in a major sex scandal in Bosnia selling women and under aged girls as young as 12 (Isenberg, 2010). They were there as a UN police force actively performing police duties and as a US aircraft maintenance provider to the US Army (Isenberg, 2010). Congress will sometimes respond to this by capping the number of PSCs, but the PSCs can get around this restriction by hiring more locals or third party nationals (Avant and Sigelman, 2008: 17). Singer argues, "Congress has been funding an entire pattern of private military outsourcing that it never explicitly voted on," (Singer, 2007: 16). Not only are the American people losing their own ability to check the executive branch but so are their congressional representatives.

Using PMCs conceals the effects of conflicts so that they do not affect the US population in the same manner that they use to. Audience costs are lowered so that 'how' and 'when' the US engages in conflict are buried under limited transparency, which gives more discretion to the executive branch than was ever intentioned. Transparency surrounding what is actually occurring in the war and who is fighting in it is reduced when using PSCs because the media cannot access PSC reports like they can troop figures, so causality rates are reported inaccurately (Avant and Sigelman, 2008: 20). Avant and Sigelman find that reporting in the New York Times and the Saint Louis Post-Dispatch had far fewer articles mentioning PSCs than active troops from the period of 2003-2007 (Avant and Sigelman, 2008: 25, 27). It could be argued that there were more active troops and that is why they have a disproportionate amount of coverage, however in 2006 the Pentagon released its first census of Private Military Contractors in Iraq and found that there were about 100,000 paid contractors and 133,000 active US troops (Avant and Sigelman, 2008: 4). "In 2008, an estimated 30,000 contractors provided security services in Iraq," (Schaub and Franke, 2008: 89). In the summer of 2007 estimates top 1,000 PSC deaths and about 3,724 military deaths (Avant and Sigelman, 2008: 29).

It needs to be understood that these PSC deaths are not just Americans, but they are also foreign nationals that were contracted because they are cheaper and even less visible than their American counterparts. Avant and Sigelman go on to hypothesize that people will care more

about active troop deaths than paid contractor deaths and this is why the news is not covering their deaths with the same detail. However it is found that while respondents were more likely to see troops as motivated by patriotism and contractors as motivated by material gain, their emotional responses to their deaths were identical (Avant and Sigelman, 2008: 31-32). This means that people believe that a death is a death and that their belief about how high the cost of war is, is being swayed by causality reports in the media. This lack of transparency does not allow for the public to make an educated decision about the merit of the war and that combined with limited Congressional oversight means that conflicts will not be easily critiqued or questioned. Without that oversight conflicts can start easier and last longer.

Section 3. Limited Regulation and Institutionalized Violence

3.a. Regulation of PSCs

It is argued that the use of armed contractors in battle areas is diminishing the corporate community that the military has due to its common training, common identity and common goals (Schaub and Franke, 2009: 102). “There is a prima facie case to be made that employees of the security industry do not and likely cannot share a corporate culture given the diversity of firms, clients, and the eligible labor pool,” (Schaub and Franke, 2009: 93). This implies that there is a lack of unity and homogeneity within an entire military operation, consisting of both contractors and coalition forces, as well as within PSCs themselves. Not only are contractors following a different set of rules, but they are answering to a different authority. This diversity and lack of a cohesive regulation is a very dangerous combination that Humphrey and Weinstein have shown to lead to an increase in civilian brutality.

The general guidelines for private security contractors outlined by the DoD comes primarily in the form of many fragmentary orders and other authoritative guidance such as specific contract stipulations, agency stipulations and one specific rule for the Use of Force (“Quarterly Contractor Census Reports: CENTCOM”).

Private security contractor personnel are not authorized to participate in offensive operations and must comply with specific USCENTCOM Rules of the Use of Force (RUF). Under these RUF, private security contractor personnel are authorized to use deadly force only when necessary in: self-defense, defense of facilities/ persons as specified in their contracts; prevention of life-threatening acts directed against civilians; or defense of Coalition approved property specified within their contract (“Quarterly Contractor Census Reports: CENTCOM”).

PSCs in both Iraq and Afghanistan have to be licensed by both the USCENTCOM/ Coalition forces and the host nation and they also have to report any use of force, even just firing their weapon (“Quarterly Contractor Census Reports: CENTCOM”).

The two main regulations/ agreements with regard to contractors in Iraq are the CPA Order number 17 and the Withdrawal Agreement (“Private Security Monitor: Laws and Regulations”). The CPA Order Number 17 was created in 2003 right before the US turned over control of Iraq back to the Iraqis. It gave contractors immunity within Iraq and gave full disciplinary powers to those who hold the contract.

Coalition contractors and their sub-contractors as well as their employees not normally resident in Iraq, shall be immune from Iraqi Legal Process with respect to acts performed by them within their official activities pursuant to the terms and conditions of a contract between a contractor and Coalition Forces or the CPA and any sub-contract thereto (CPA No 17: Section 3).

This agreement was supposed to last until the US forces pulled out or until the Iraqi government overturned it (Fainaru, 2008: 68). This means that the only way for Iraqis to be able to prosecute PSCs would be to request a waiver of the immunity granted by CPA 17 from the parent state that the perpetrator contracted from (CPA No 17: Section 5). This turns into a very complicated issue quickly when looking at how third party nationals would be tried: Would the US wave immunity so that they are tried in Iraq? What would that contractors state of origin have to say about that? Does the US try them itself? Even that option is limited because US law shields the US Government from crimes committed in times of war (Yost, 2013). This problem begs the question of whether private contractors fall under military regulation, civilian regulation, host country regulation or if their primary guidelines stem from their individual contracts. There is still no answer to this question because most contractors pay settlements when they go to court and therefore there has not been a decision that could be used to deal with similar issues in the future (Yost, 2013).

The second major agreement with the US and Iraq about the use of private contractors is the Withdrawal Agreement forged in 2008 to get Iraq ready for the US to leave ("Private Security Monitor"). The biggest change from the former agreement to this one was in Article 12, which stipulated, "Iraq shall have the primary right to exercise jurisdiction over United States contractors and United States contractor employees," (Withdrawal Agreement: Article 12). The US did retain the right to keep jurisdiction over its civilian personnel and the US forces in the Iraq Theater (Withdrawal Agreement: Article 12).

In 2007 General Petraeus took command of the coalition and he stressed a need for a unity of effort between PSCs, regular army, and Iraq and in doing so he imposed the strictest regulatory framework for PSCs since the beginning of the war (Fainaru, 2008: 160-162). To do this he suspended all weapons not licensed by the Iraqi Ministry of Interior, which the vast majority of PSCs in Iraq had failed to apply for (Fainaru, 2008: 160). He then stipulated that to become a credible company and be eligible for hire in Iraq, PSCs had to register with the Ministry of Interior and Ministry of Trade (Fainaru, 2008: 162). Blackwater, who was hired by the US State Department, had not applied for an operating license from Iraq since 2005 (Fainaru, 2008: 162).

Since 2007 there has been a debate about the amount of regulation that is needed to keep PSCs in check. Limited funds and personnel make this difficult to remedy. The ability for private security contractors, like Blackwater, to continually violate Iraqi law without repercussions creates resentment and arguably a radicalization of the population. The indiscriminate killing of civilians coupled with heavy-handed tactics against wartime prisoners and suspects has been shown to be followed by a violent uprising or a pool of recruits for terrorists already operating within the country (Campbell, 2011: 50). When a state continues these tactics after the conflict has started it becomes harder to negotiate in a manner that would allow for peace, thus extending the duration of war (Campbell, 2011: 50). A major component of indiscriminate brutality against civilians is a lack of regulation (Humphrey and Weinstein, 2006: 444).

3.b. Effective Counterterrorism vs Indiscriminate Brutality, Weak Rule of Law and Prisoner Abuse

Not only has the use of PSCs been increasingly debated but so has their credibility and effectiveness. Peter Singer argues that the US Government cannot go to war without private security contractors because of the way that the US has transitioned its war strategy. (Singer, 2007: 2). He also argues that that the US cannot win the war by using PMCs and/ or PSCs because they delegitimize the war effort, brutalize the local population and create the impression of an occupation on Iraqi land (Singer, 2007: 2). There is another debate in academia whether a state's heavy-handed response to terrorism specifically against civilians or prisoners contributes to an increase in the radicalization of a civilian population. Professor Colm Campbell published a study in the Transitional Justice Institute arguing that shocking examples of indiscriminate violence by a state contributes to the violent mobilization of terrorist groups, assistance in the recruitment of terrorist or insurgent recruits and a local acceptance or even support of terrorist goals (Campbell, 2011: 43). Those who support the goals of insurgents and those on the fence about them can be swayed toward insurgents by a states indiscriminate violence because it creates an 'enemy state' identity (Campbell, 2011: 43). Mass mobilization of civilians for a cause and violent mobilization for a cause comes in cycles and as violent mobilization continues popular support would naturally decline if there was not some catalyst, such as state brutality, to keep the people motivated in supporting it (Campbell, 2011: 46).

Furthermore when a state institutionalizes or normalizes the torture of citizens or suspects by going against current laws it not only leads to the radicalization of many, but it also institutionalizes torture to all, creating a spiral effect in the war effort (Campbell, 2011: 5). Triple Canopy made a point of reassuring their employees that if the Iraqi government ever tried to prosecute them that they would be snuck out of the country. (Fainaru, 2008: 18) The spiral effect of normalizing state methods of torture and violence turns into a self-perpetuating cycle that works to radicalize future cells and allows for a pool for terrorist mobilization (Campbell, 2011: 5). "Repression appears least effective when it is indiscriminate and egregious, and when it is employed when mass mobilization (largely peaceful) has already occurred," (Campbell, 2011: 43).

While it can be argued that PSCs in Iraq are not there to repress the potential terrorist pool, but rather protect state officials, convoys or buildings from the insurgents themselves, two points show that the distinction is not necessarily relevant. First, PSCs in Iraq frequently treated all the Iraqi people as if they were suspects. "Inside the Green Zone, Blackwater routinely ran vehicles off the road, or pointed their rifles at bystanders, regardless of their nationality," (Fainaru, 2008: 138). They did this in the name of deterrence to scare the Iraqis so that they would not join or aid the insurgents. Ann Starr was a Coalition Provisional Authority advisor who was first guarded by active military personnel but later was guarded by Blackwater and DynCorp (Fainaru, 2008: 138). She stated that the difference between the two groups was huge; where the soldiers would converse with Iraqis trying to cultivate a relationship with them, Blackwater would move so aggressively that they would sometimes push people around (Fainaru, 2008: 138). "What they told me was, 'our mission is to protect the principle at all costs. If that means pissing off the Iraqis, too bad,'" (Fainaru, 2008: 138). PSCs would also drive

‘counterflow’ meaning they would illegally drive down the wrong side of the road and would shoot warning shots at any car that would get too close.

The second reason was that there were no legal ramifications for misbehavior because PSCs were working for the US government. With no legal ramifications for instances such as shootings, property damage or broken laws, Iraqis could easily feel like second-class citizens in their own country. Standard operating procedure for most PSCs during the Iraq War when transporting a convoy or a person was keep cars and pedestrians a certain distance back, usually 100 meters, if Iraqis breach that distance or behave erratically the contractor would fire into the air, if that did not get the targets attention then the contractor would fire rounds into the grill of the car, if the car kept coming then the contractor would shoot to kill (Bicanic and Bourque, 2006) (Fainaru, 2008: 173). There is no judicial oversight or innocent until proven guilty, PSCs becomes the judge and their actions were seldom formally monitored or critiqued. PSC crimes in Iraq have traditionally gone unnoticed and unprosecuted in America, which has added to general Iraqi mistrust of US intentions, both at the state level and the ground level. They felt expendable.

In general, strategies that maximize rule of law adherence seem to pose the least risk of escalating conflict in the early stages. They also seem to offer the greatest possibility (a) for avoiding circumstances leading to further rounds of mass mobilization; and (b) of containing conflict pending peace negotiations (Campbell, 2011: 48).

Regulation of PSCs in Iraq at the early stages of the war was very limited. Iraq could not try them without US approval, which was never given, and the Iraqis saw them as a force inside of Iraq that could not be managed. Largely this was due to CPA Order 17. Campbell finds that the rule of law degradation, where states break or go outside the law, has a direct link with the radicalization of a population (Campbell, 2011: 35).

What happens when the legal system is normalized to allow for violence in prisons or indiscriminate violence against civilians is what is called the backlash (Campbell, 2011: 24). The backlash is the rise in violence after a state employs heinous acts of violence (Campbell, 2011: 24). There is not only a correlation between state brutality and a violent response but that there is direct link (Campbell, 2011: 24-32). The normalization of, and resulting brutalization by state actors, creates and strengthens a sense of identity in the oppressed population, which is closely related with radicalization in that country. “An attrition-based strategy risks driving members of the population towards the insurgency inadvertently, playing to the population’s hearts and minds may avoid the negative externalities associated with targeting insurgents,” (Findley and Young, 2007: 396). Keeping the focus in Iraq away from harsh counterinsurgency methods will deter potential recruits from joining an insurgency (Findley and Young, 2007: 396). Winning the hearts and minds of the Iraqi people is very difficult when indiscriminate violence by PSCs leads to a radicalization against Americans. By 2006 the US had moved to the idea that to win the War in Iraq America had to win the hearts and the minds of its people. The brutality and objectification of the Iraqi people that some PSCs engaged in harmed that transition and it implied that nothing had changed.

While a radical population is itself important, especially when trying to win a war, there is also a link between two events that has shown to trigger specifically violent mobilization (Campbell, 2011: 36). The first is the killing of protesters and the second is prison brutality and prisoner deaths (Campbell, 2011: 36). In the early stages of a conflict there are usually many groups fighting against the state, but after state brutality against civilians begins, one group

benefits the most from the increasing recruitment and mobilization (Campbell, 2011: 39). Using a strategy of indiscriminate violence in Iraq would perpetuate the violence inside of the country and not decrease it (Downes, 2007: 441). “The Sunni population is probably too numerous for indiscriminate violence to do anything but backfire and produce further anger,” (Downes, 2007: 441). Likewise for a strategy of indiscriminate violence to work effectively there needs to be credible intelligence and larger troop levels than are seen in Iraq (Downes, 2007: 441).

The Nisoor Square massacre, which resulted in the death of 17 Iraqis, started because a car was not slowing at an intersection quickly enough, and it was claimed that Blackwater employees mistakenly thought that they were under attack (“Firm Formerly Known as Blackwater Fined \$7.5 million”). About a week after the shootings President Bush was scheduled to meet with the Iraqi President. “The top of the President’s agenda no longer included how to get the Iraqi government to act to stem sectarian violence, so that U.S. military forces could return home. Instead, it was now Blackwater,” (Singer, 2007: 15). A US court dropped the lawsuit against Blackwater for this shooting in 2010 and no one was charged (Risen, 2010). This prompted widespread Iraqi outrage and protest especially in the Iraqi Government who vowed to pursue the matter itself (Adams, 2010).

Iraq and Afghanistan government officials have both called for the removal of private contractors. Iraq specifically wanted Blackwater and its 1,000 employees out of the country, while Afghanistan demanded that all security contractors leave (“Iraq Orders Blackwater USA Contractors Out”) (Vogt, 2012). Currently Afghanistan is extending the period of time that contractors are allowed to stay in the country (Vogt, 2012). Blackwater did not leave Iraq until the State Department refused to extend its protective services contract to them for the next year; however other contracts were still extended until other firms could be transitioned in (Radia, 2009).

If the Iraqi people did not know Blackwater as an American company all of this would be inconsequential however they do, and more importantly they largely cannot separate Blackwater from active US military. Fainaru interviewed an Iraqi security official, who said “people don’t know them as Blackwater, they know them only as Americans,” (Fainaru, 2008: 139). A congressional testimony stated that, “Iraqis do not differentiate between armed security contractors and US soldiers,” (Singer, 2007: 9). An Iraqi who lost his father when Blackwater killed a panicked taxi driver who did not get out of the way in time, said that “now, every time I hear that someone targeted Americans and killed them, I feel happy,” (Fainaru, 2008: 139). After the shooting of the taxi driver hundreds of Iraqi people protested in front of the US consulate, and some even wanted to burn it to the ground, (Fainaru, 2008: 138). “It is for this reason that many military experts have grown worried about the backlash that contractors cause unintentionally and how it is hurting the cause,” (Singer, 2007: 7) That is not the type of support that is necessary to unify or strengthen a war effort, especially when so much is dependent on having an open relationship with populations that could be used as a tool by Al-Qaeda and other insurgents. “A central paradox therefore emerges: a major resource provider for insurgent or terrorist groups may be the practices of the security forces charged with combating them,” (Campbell, 2011: 40). Violence is a part of war, but unchecked violence that has no consequences will make locals feel that they are expendable, it will radicalize them and continue their support against the ‘enemy’ where if there were no indiscriminate acts research has shown popular support for insurgents, and their goals, declines over time.

3.c. Systematic Consequences of PSC Structure

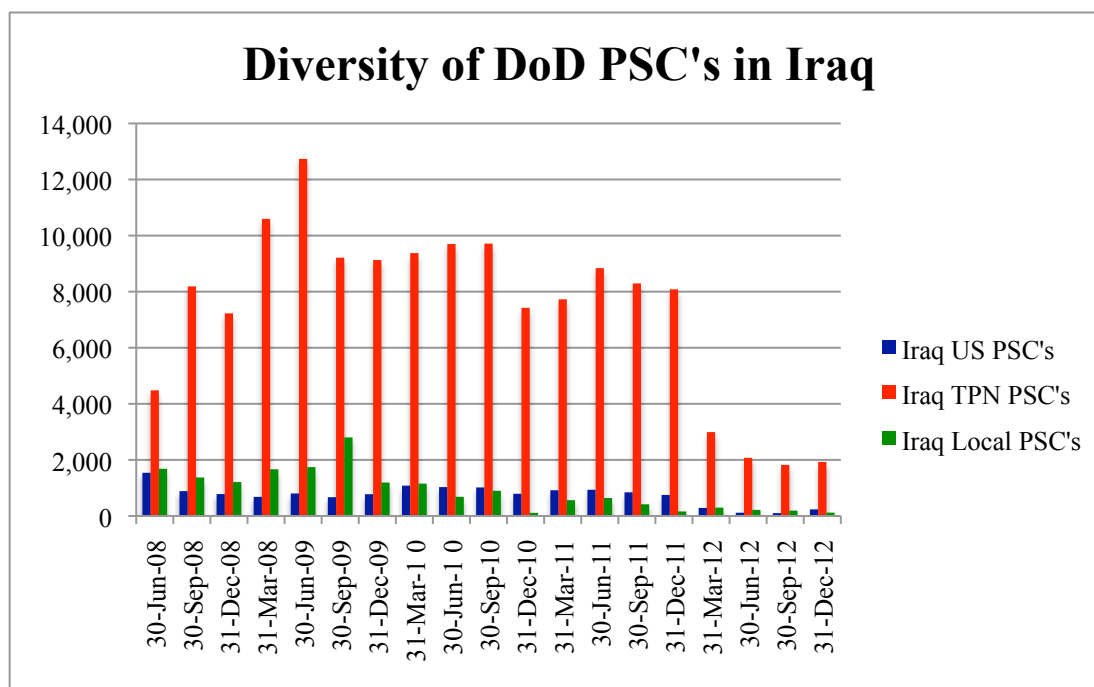
Using the above argument it can be seen that civilian brutality and prisoner abuse are ineffective means for combating a terrorist operation because it radicalizes the population and mobilizes violent resistance. The question then becomes are PSCs likely to be brutal in times of conflict? Humphrey and Weinstein published a series of studies looking into the reasons that rebel groups in Sierra Leone are so violent with civilians (Humphrey and Weinstein, 2006) (Weinstein, 2007) (Humphrey and Weinstein 2008). The conclusions that they reach show that the people themselves are not intrinsically brutal, nor are ethnic cleavages driving this violence; rather it is a systemic problem within the group itself. Therefore their findings will be generalized to the use of PSCs in Iraq. This distinction is necessary because it shows that PSCs, in their current state, will be brutal in any conflict that they are a part of, which will harm US long-term goals and trust within the region. Iraq is not an isolated event that occurred because of poor regulation and oversight, but rather the consequence of civilian brutality inside of Iraq illustrated by PSCs is standard that will be repeated in future US conflicts. By taking this a step further it can be seen that brutality by itself is a major consequence of the US using PSCs in conflicts, which was the central question asked in this paper. Humphrey and Weinstein show that three main systematic factors contribute to the level of brutality that civilians face. The first factor is the level of diversity that is present within a group (Humphrey and Weinstein, 2006: 444). The second factor is the amount of discipline or oversight that is enforced in the group (Humphrey and Weinstein, 2006: 444). The third factor is the method of recruitment and the number of incentives that the individual members of a group are promised before they join (Humphrey and Weinstein, 2006: 445). The major trends of these findings are: "Fighting units composed of individuals motivated by private goals, with high levels of ethnic diversity, and weak mechanisms to maintain internal discipline commit the highest levels of abuse," (Humphrey and Weinstein, 2006: 444).

The lack of regulation has already been discussed in length as being a problem of PSCs. Connecting this to the lack of accountability or disciplinary action and the likelihood of civilian brutality occurring is very straightforward, therefore the focus will be on the other two related findings: diversity in the combat group and the recruitment style.

The method of recruitment for any combat unit either attracts opportunistic people who are in the conflict for their own ends, or activist people who are fighting for a cause (Humphrey and Weinstein, 2006: 445). Opportunistic people can be mobilized very quickly which is why private incentives are used so often. PSCs receive a far higher wage than active troops, so that a security force can be created very quickly. PSCs also promise a certain lifestyle that many former military men are searching for. For example Blackwater employees were boasting of making \$15,000 a month at the height of the war, and some ex-vets in Iraq could make \$1,000 a day at the start of the war (Fainaru, 2008: 98) (Traynor, 2003). These rates however were reserved for the Western world, which was not the only demographic hired by PSCs, nor was it the largest.

The use of third party nationals is important not only because of its potential to increase civilian brutality, but also because it is another layer to audience costs. Americans people barely know about the American contractors who have died in Iraq, how then can they monitor the deaths of people from other countries? There is also the possibility that Americans will not feel the same sort of loss for a third party national death as they would for an American death. Avant and Sigelman found that American contractor deaths lead to the same emotional reactions as soldier deaths, but how Americans would react to the news that hundreds of people have died in

Iraq fighting for America who were not American or Iraqi is unclear. Arguably it would be hard for an American to relate to such findings or know what to do with them if they did. It is likely that because third party nationals chose to go to Iraq to make money, many Americans would not feel the same sense of cost.



(“Quarterly Contractor Census Reports: CENTCOM”)

The largest demographic in private security contractors hired by CENTCOM is by far Third Party Nationals (TPN) or people who are brought to Iraq from countries other than coalition forces or the host country (“Quarterly Contractor Census Reports: CENTCOM”). In 2009 their numbers peaked at 12,735 while US security contractors totaled only 802 (“Quarterly Contractor Census Reports: CENTCOM”). The numbers that are reflected in the table above are also mirrored in the demographics of private military contractors (“Quarterly Contractor Census Reports: CENTCOM”). US capitalism is being taken to the extremes when the US Government outsources to private military companies who then contract out to other private companies who hire third party nationals (Fainaru, 2008: 34). In 2004 DynCorp largely began the trend by looking outside of America to get the required numbers to satisfy its contracts, however at the time the DoD was worried that foreign trainers might increase the hostility that Iraqis felt toward the War (Moss and Rohde, 2006). In 2005 Blackwater hired over 200 Chileans and Columbians to serve in Iraq (Efron, 2005). Many of those Columbians were trained by US troops to fight in the Drug Wars (Efron, 2005). The Colombians make more than they would in Columbia and the US contractors can pay less than they would to an American (Efron, 2005).

Peruvians in Lima were offered \$35 a day plus benefits from Triple Canopy, which for that market is far above most wage positions (Paez, 2005). Peru is also a good place to recruit contractors because after years of fighting the Shining Path, an insurgent group who fought for the control of Peru, there will be plenty of ex-soldiers to pull from. An interesting dynamic is that some Peruvians believe that not only were ex-Peruvian soldiers fighting in Iraq, but that

members of the Shining Path were fighting as well (Fainaru, 2008: 23). Triple Canopy also recruits contractors from El Salvador, Fiji, Columbia and Chile (Paez, 2005). Triple Canopy had a consistent problem of getting the required number of staff that was stipulated in its contracts so it frequently turned to the third world to get more recruits (US Department of State Triple Canopy: 2010). While many African sub-Saharan nationals were recruited to PSCs Uganda was highlighted because the war in the Great Lakes region was over and there was a pool of accessible former fighters (Vicky, 2012). At the start of the Iraq War a Ugandan could make \$1,300 a month from US PSCs like Triple Canopy or DynCorp, but as the war continued and other African markets such as contractors from Kenya and Sierra Leone joined the pool, the price fell to below \$700 (Vicky, 2012). In 2012, the US Government sued Triple Canopy because their Ugandan employees did not meet the minimum requirement levels for shooting performance ("Triple Canopy Inc., Reston Based Company, Sued by Federal Government"). Many took the jobs just because it was a way to make a living while others felt that they had no choice (Vicky, 2012). More importantly when PSCs feel that costs have to be cut these third party nationals are usually the first targets. Because of a high supply of people around the world who are willing to do the work for just a few months training and a steady check, the amount that is given is cut, while the contracts between the PSC and whoever contracted out to them rarely change the amount given per person (Vicky, 2012). The Commission on Wartime Contracting found that,

U.S. contingency contractors, opportunistic labor brokers, and international criminal organizations have taken advantage of the easy flow of people, money, goods, and services to capitalize on this source of revenue and profit. Their actions bring discredit to the United States and act as a barrier to building good diplomatic relations ("Transforming Wartime Contracting").

It is not just that the recruitment style, lack of training and diversity among third party nationals creates an atmosphere ripe for abuses to occur, but it also reflects badly on the US when US contractors treat TPNs poorly. Not only that but the entire image that a war is bringing people from all over the world to Iraq in the name of making a profit and not to help the people is demoralizing to all the civilians involved. It harms any cohesive goal or image that may be present in Coalition Forces and makes the war seem like an economic end rather than a means to stabilize the country. That big picture understanding could harden the Iraqi people against the effort alone, but then combined it with the indiscriminate brutality that results with the use of PSCs and there is a situation ripe for civilians to discredit the mission entirely.

The more alike members of a group are the less indiscriminate violence there will be because people who are more alike or better unified will check each other's behavior, or better relate with each other (Humphrey and Weinstein, 2006: 441, 444). "Unlike the military, there is no enforced conformity in all aspects of life for civilian contractors over an extended period of time that could forge a common identity," (Schaub and Franke, 2009: 93). Other problems include lack of screening to see who is being hired and issues such as broken English which delays communication, and a lack of cultural understanding between locals and between individual contractors which hampers communication and cultural awareness. One report from a Fijian hired by Triple Canopy who witnessed an American committing a heinous act stated that he did not report it because he was afraid of his lesser status and of being fired himself (Fainaru, 2008: 31).

Schaub and Franke look into individual motivations of American contractors and their findings are very interesting. 74.9% of security contractors surveyed reported that their primary motivation was to “face and meet new challenges,” while 64.6% said that their main motivation was “to help others,” (Schaub and Franke, 2009: 96). Only 25.2% of respondents said that it was “very important” “to make more money than their previous job” but 44.1% did say that it was “important,” (Schaub and Franke, 2009: 96). David Fainaru, the author of *Big Boys Rules*, sums up a common saying among security contractors, “Come for the money, stay for the life,” (Fainaru, 2008: Introduction). He interviewed numerous contractors throughout Iraq and many of them commented that before they became a contractor they wanted to come back to Iraq but the amount of money cemented the deal, and most every contractor had their price (Fainaru, 2008: Introduction). This is interesting because the bulk of media reporting that has been done on PSCs suggests that these men are joining security contractors for the monetary gain and they have not looked into the fact that these men want the lifestyle as well (Schaub and Franke, 2009: 97). This mentality should be seen as another private personal gain that is then combined with the financial gains because, while money may not be the main reason that they were recruited, they probably would not be in Iraq without it.

Looking at Humphrey and Weinstein’s theory more closely, they theorize that homogeneity will make combat troops feel peer pressure to not engage in violence because they came from a common society. More diversity could then make units feel like they have to prove to the others in the group that they are of a higher status, which in that setting can only be done through the violence that they engage in (Humphrey and Weinstein, 2006: 444). A popular hangout spot in the Baghdad Green Zone was The Gem, a Triple Canopy owned bar, where contractors and other US civilians would drink (Fainaru, 2008: 18). Some regulars would talk and romanticize the idea of killing as almost a rite of passage (Fainaru, 2008: 18). “There was a certain group of guys who were always trying to measure their wieners based on how many times they fired,” said another Gem regular,” (Fainaru, 2008: 18). Individual security contractors are primarily composed of opportunistic recruits, who are ethnically diverse and barely regulated. The question is not, do PSCs engage in indiscriminate violence, but rather it is how much.

3.d. Volatility and Mixed Loyalties Within PSCs

Understanding why PSCs are likely to be brutal against civilians is crucial because it shows that not only does discipline or regulation play a part in this trend, but so does the makeup of the group, the needs of the group, and the recruitment style of the group. This means that the use of PSCs in the manner that they have been set up will lead to violence that can then be hidden from the US population.

When hiring Western employees PSCs use a database. This database works like an advertisement for those who are not full time but are willing to do specific jobs in accordance with their skill set (Avant and Sigelman, 2008: 6). This means that one contractor could be working for various PSCs at different times because contractors are hired to satisfy the number needed to fulfill a contract, not as a full time hire for a specific company (Avant and Sigelman, 2008: 6). This level of instability creates an even more fractured foundation for PSCs in Iraq. Unlike active military personnel who are forced to develop a common identity because it is known that they will be working together for an extended period of time PSCs have people coming and going at different times, from different countries, for different reasons, so no

common identity is allowed to build. Contractors working for PMCs do not see themselves as part of a professional and common group even though they feel that they should be (Schaub and Franke, 2009: 101). Monetary gain allows for the recruitment of short term/ low commitment consumers who are in the battle for the short-term gain, which does not allow for consideration of long-term goals (Weinstein, 2007: 9). The irony is that the competition that is a necessary part for the illusion of efficiency will actually perpetuate the spiral of violence. The single mindedness to achieve a job with the intent to secure future jobs will lead to less emphasis on civilian safety, overall objectives in the mission, the new focus on winning the hearts and minds, or the war strategy as a whole.

The focus on short term goals creates a tunnel vision in each job that the contractors are hired for which will pull them further away from their active military partners and from the overall war effort because the contractors will be willing to do whatever it takes to achieve their goal regardless of what that means for civilians or themselves. Civilians are key in any conflict because they can provide supplies, intelligence and support, but how necessary they are depends on how well funded combat groups are (Weinstein, 2007: 4). Resource rich groups, who are funded from the outside, do not have to appeal to the population to gain support such as supplies, which makes the civilians expendable. It also makes looting more likely because resource rich groups attract members who only want material gains and because there is no interaction or trust with local groups it becomes hard to see which civilians are a threat (Weinstein, 2007: 10).

Because private security firms need not answer directly to the polity for their performance, only their shareholders and management, there are few guarantees that they will utilize violence only for the purposes and in the ways that would be socially sanctioned by the citizenry (Schaub and Franke, 2009: 92).

The PSC does not have to worry about public opinion or support for the cause, they are paid for a purpose, and are bound by their loyalty to their boss, meaning that if they do not do the job quickly and efficiently enough, they may be fired.

Weinstein states that having outside funding along with resources cuts groups off from the people who are then expendable or more terrifyingly, they are a source of amusement or relative gain (Weinstein, 2007). One Iraqi, who worked for the Iraqi Ministry of Interior, believed that Backwater met the definition of terrorism within his country, “I think they have more respect for animals. When they’re not shooting, they’re throwing water bottles at people and calling them names,” (Fainaru, 2008: 140). PSCs are not dependent on the local populations for support nor do they interact with them enough to know who is a threat and who is caught in the crossfire.

This paper is not trying to compare PSC brutality with US Troop war crimes or make the case that these groups will be more brutal in war. This paper is trying to show that PSCs have been set up in a way that allows for brutality against civilians to go unregulated, and also in a way that has been shown by previous works to contribute to instances of misconduct and brutality. More regulation alone will not stop these instances from happening since there is extreme diversity with an emphasis on opportunistic recruitment styles. This idea runs contrary to many recommendations in current literature that just focus on more regulation without looking at the consequences of the internal makeup of PSCs.

Research Design

By using the above framework this paper gives specific examples and evidence about how and why the use of PMCs will lead to more and longer wars. Section four looks at evidence surrounding limited transparency and efficiency contributing to lower audience costs. This is done through a brief overview on government contractor numbers, and contractor deaths to understand the full scale of lowering audience costs. Using the USCENCOM survey of private contractors and the Department of Labor's contractor health audit it is shown how politicians are getting around the issue of audience costs and public accountability; for example there are still PMCs and PSCs in Iraq today. Last section 4 on audience costs is concluded by looking at the impact that Vietnam may have had in Iraq, the numbers of Iraqis who have died, troop instances of misconduct, to show both sides of the argument, and how the Sons of Iraq plays into US domestic accountability. This is not to say that the lowering of audience costs with regard to the Sons of Iraq, an Iraqi militia, was intentional or that the push to win the hearts and minds of the Iraqi people was any less of a goal; this is only to say that a consequence of using the Sons of Iraq in battle was that they hid the costs of war from the American people. The Sons of Iraq were included in this paper because after combining the funding with the amount of people under the Sons of Iraq umbrella, this program was one of the largest contracts that the DoD has for static security (SIGIR, 2011: 3).

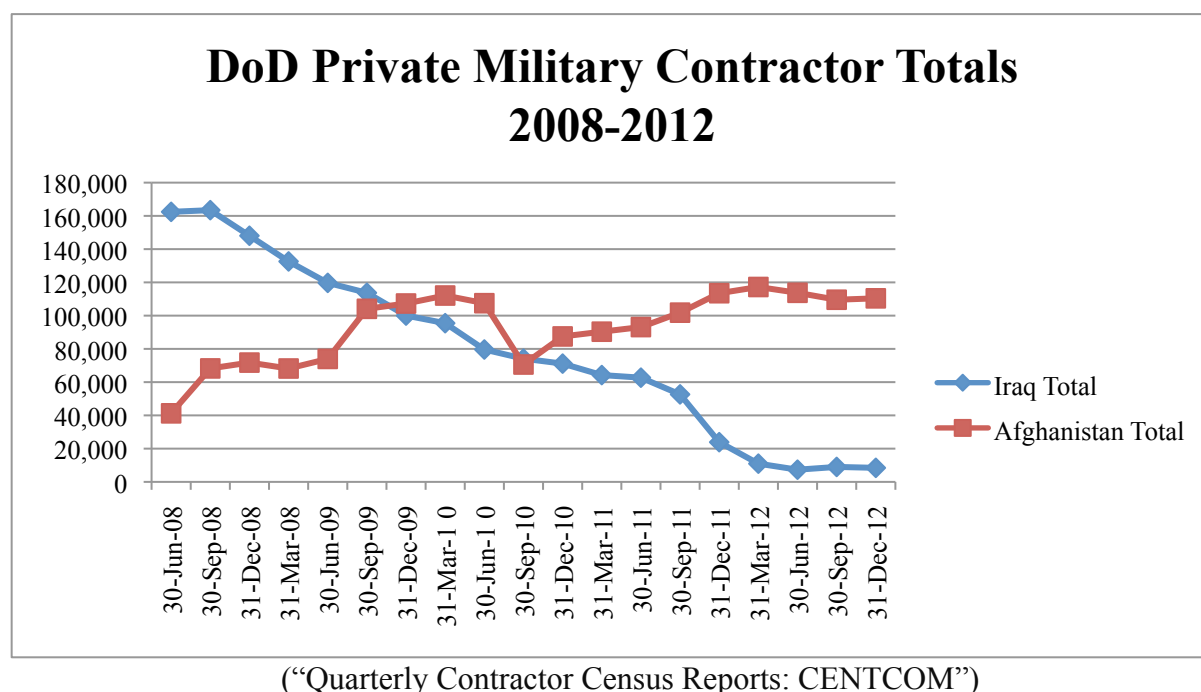
Section 5 will transition into individual case studies, providing evidence of the brutality by contractors and the resulting reactions in Iraq. The Iraqi Awakening Movement or the Sons of Iraq is again highlighted because of reports of civilian brutality, child soldiers and their fractured loyalty as well as their discontinuity. The next study looks at the scandal of Abu Ghraib, and the resulting settlement of L-3, a private service contractor tried for participation the Abu Ghraib scandal. This case is used to show the problems and mistreatment of targets associated with the rapid growth of private contractors in the intelligence industry. Last specific examples of private security contractors, their contracts and their instances of misconduct are shown through the lens of Humphrey and Weinstein, focusing on DynCorp, Triple Canopy and Blackwater because these three PSCs are the three largest contractors that the US Government uses.

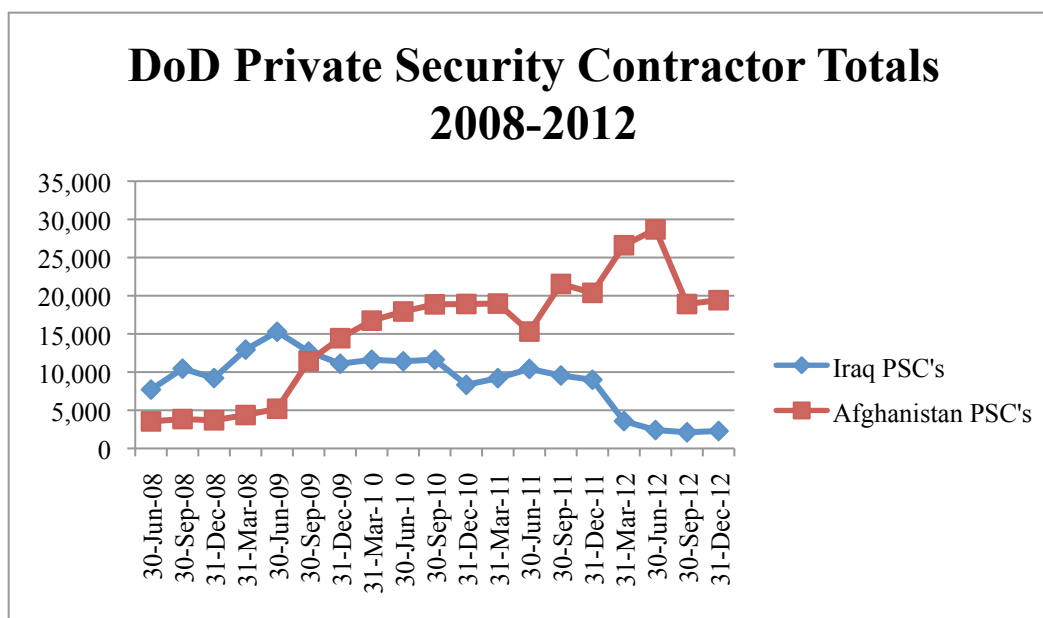
Section 4. Audience Costs and Efficiency

4.a. Lowering Audience Costs

Americans did not see the real costs of the Iraq War. One of the primary checks to the Executive Branch in foreign matters is public opinion and that check has been drowned out by private contractors, and redirected risk in the form of the Iraqi militias, Iraqi Police, TPNs, drones, and omissions. On July 22, 2008, right at the end of the big surge, CENTCOM released one of its first official reports on the number of contractors operating within its jurisdiction ("Quarterly Contractor Census Reports: CENTCOM"). This was done to satisfy the requirements of the FY2007 National Defense Authorization Act, which focused on bringing a centralized policy of management to PMCs operating in war zones ("Quarterly Contractor Census Reports: CENTCOM"). For this period there were a total of 242,500 private military contractors operating within CENTCOM's theater of operation ("Quarterly Contractor Census Reports: CENTCOM"). In Iraq alone there were 162,428 total contractors and 7,704 private security contractors, 7,121 of whom were armed ("Quarterly Contractor Census Reports: CENTCOM"). These numbers only reflect the DoD and its hires. Neither the State Department nor the Department of Interior's

contracts are counted among these numbers. Likewise private military contractors who hire private security companies are also not accounted for in the early stages of the survey and even then it is limited to just DoD subcontracts. In January of 2013 there were still 12,100 private military contractors in Iraq that are providing services for the DoD and the Department of State (“Quarterly Contractor Census Reports: CENTCOM”). Of that 12,100 there are 2,281 private security companies who only work for the DoD (“Quarterly Contractor Census Reports: CENTCOM”). In total there are 136,204 PMCs still in CENTCOM’s theatre of operation and 110,404 of them are in Afghanistan, with 19,414 security contractors (“Quarterly Contractor Census Reports: CENTCOM”).

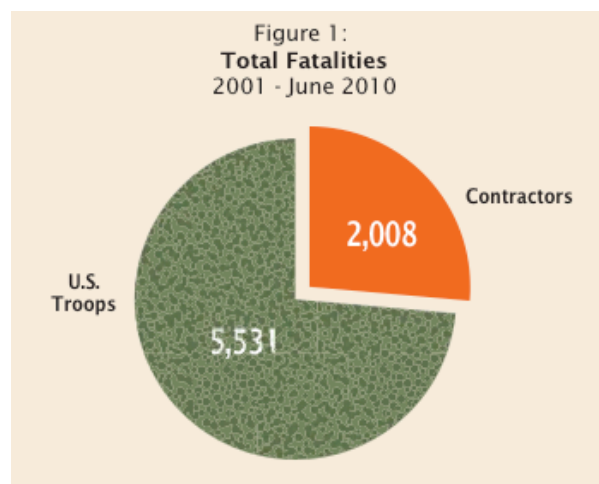




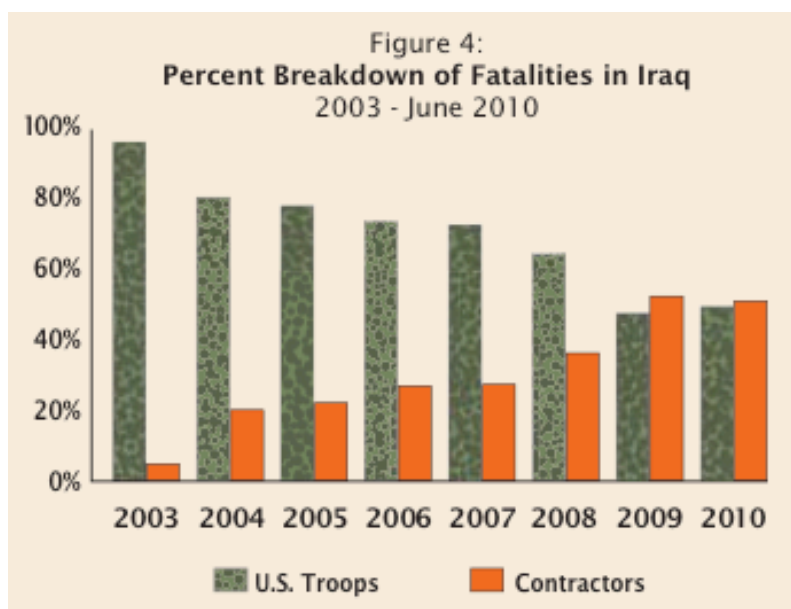
(“Quarterly Contractor Census Reports: CENTCOM”)

According to the United States Department of Labor between September 1st, 2001 and December 31st, 2012 there have been 1,595 reported deaths of contractors in Iraq alone (“Defense Base Act Case Summary By Nation”). In Afghanistan during the same time there were 1,316 reported deaths (“Defense Base Act Case Summary By Nation”). There have been 66,605 cases of wounded ranging from ‘no lost time’ to ‘lost four days or more’ in Iraq and Afghanistan (“Defense Base Act Case Summary By Nation”). In 2009 there were 176 civilian contractor deaths in Iraq and 104 in Afghanistan (“Defense Base Act Case Summary By Nation”). In 2012 there were 247 reported contractor deaths in Afghanistan (“Defense Base Act Case Summary By Nation”).

In 2009-2010 contractor deaths surpassed active military deaths in both Iraq and Afghanistan with 250 civilian contractors dying and 235 soldiers dying (Miller, 2010).



(Schooner, Swan, 2010: 2)



(Schooner, Swan, 2010: 2)

According to a study done by Steven Schooner, a Professor at the George Washington Law School, over 25% of US deaths in Iraq and Afghanistan are civilian contractors with 2,008 civilian contractor deaths in the period of 2001-June of 2010 and 5,531 US troop deaths (Schooner, Swan, 2010:1). Schooner and Swan found a trend that suggests that contractors are increasingly being subjected to higher death rates (Schooner, Swan, 2010: 2). For example in 2003 contractor deaths were roughly 4% of the overall fatalities in Iraq and Afghanistan but from 2004-2007 contractors began to make up about 27% of the death rates (Schooner, Swan, 2010: 2). From 2008 to the end of 2010 this rate has increased so that contractors comprised 40% of the total fatalities until, in the first two quarters of 2010, contractor deaths actually surpassed troop deaths 53% to 47% (Schooner, Swan, 2010: 2). This study also estimates that private security contractors are 1.8 to 4.5 times more likely to be killed than active US troops (Schooner, Swan, 2010: 2). The important thing to note here is that the lack of transparency is harmful not only to democracy and the people's ability to make an educated decision on the matter of warfare, but also it is harmful to the contractors that are being hired for these types of jobs. This harm is not just felt in matters such as level of danger but also in matters of jurisdiction and host state laws concerning these men, like the US Government's response to their deaths, wounded, or even if they are taken hostage which will be talked about later.

It is believed that the number of contractor deaths is severely underreported and that the actual number of wounded and dead is much higher (Schooner, Swan, 2010: 2). For example, Debra Avant has reason to believe that private security deaths alone may have been about 1,000 by the summer of 2007. This inability to know for sure the death total is largely to do with the fact that the most reliable source of civilian contractor casualties comes from the Labor Department's Division of Longshore and Harbor Worker Compensation, which is a Government insurance program. It allows the Department of Labor to give compensation to civilians who are under contract with the US government, overseas or on a US base, hired for issues of national defense or public works ("Defense Base Act Case Summary By Nation"). This means that if the

families or the company that the injured works for does not report the incident then it will not be reported (Schooner, Swan, 2010: 2). There is no incentive for exact oversight when the majority of the American population is largely ignorant of the presence of private contractors. "There is no running count of private security deaths posted on the network news or the DoD website. Photos of private security personnel who have died in Iraq are not part of the "honor roll" flashed across the screen," (Avant and Sigelman, 2008: 29). Active US troops are meant to be seen, private contractors both military contractors and security contractors are meant to be hidden.

What all State Department reports, DoD reports, and Department of Labor reports say when addressing incident/ field reports, death records or contractor totals, is that the information that is given cannot be confirmed, that the actual numbers are probably higher and that the information does not reflect other agencies. There is little to no communication between those who hire these companies for their services, which is no more apparent than when regulation is spoken of, when incidents do happen, or if contractors go missing. Steve Fainaru reported extensively on Crescent Security Group a small private security contractor that operated out of Kuwait (Fainaru, 2008: 48). They boasted of having both Western guards and Iraqi guards, and ironically that boast is probably what caused them their downfall (Fainaru, 2008: 48). Disgruntled former Iraqi Crescent guards kidnapped five Crescent contractors, four Americans and one Austrian, as they were transporting a convoy in Iraq (Fainaru, 2007). What makes this important is the difference in response between US soldiers being kidnapped and US contractors being kidnapped. When the five Crescent contractors were taken from a convoy that they were transporting the State Department warned the families not to go public both because it might cause the Iraqis to kill the contractors and because it would fulfill the Iraqi desire for publicity (Fainaru, 2008: 147). The FBI was the leading agency in the investigation (Fainaru, 2008: 145). Agents would spend a total of 90 days in Iraq, 350 miles from where the event took place, and would then be relieved by another FBI team (Fainaru, 2008: 145). The CIA, members of the UK, the US military, and the Austrian government were all reported to be on the case but they were territorial and were faulted for their lack of communication with each other (Fainaru, 2008: 145).

Six months afterward a US Army patrol was attacked and three US soldiers were taken hostage (Fainaru, 2008: 147). The response was swift and immediate. The army sent in 4,000 Americans and 2,000 Iraqis to search for the kidnapped soldiers (Fainaru, 2008: 147). The Army searched over 1,000 people and paid bribes to the locals for information (Fainaru, 2008: 147). Right after the kidnapping of the Crescent contractors were taken the governor of Basra rounded up about 200 'suspects' and allowed the media to show footage of them (Fainaru, 2008: 110). After a month the British military lured former Crescent Iraqis who had been fired after the incident to a compound to receive their severance checks (Fainaru, 2008: 114). A couple dozen British soldiers and some Crescent employees captured all who had shown up, blindfolded them, placed earmuffs over their ears and hoods over their heads and transported them away (Fainaru, 2008: 114).

The other main take away with this comparison is understanding what it means for these private security contractors to be invisible. It is a double edge sword that many forget when critiquing these men. They have all the legal shielding that they could hope for but in terms of being protected by their company with proper funding and adequate gear, or being protected by the US government if things go horribly wrong, is less certain. "Some contracts explicitly prohibit employees from speaking publicly; violations can result in dismissal and/ or large fines," (Fainaru, 2008: 216). When Fainaru was interviewing State Department employees about how the State Department ran its investigation and PSC regulation most of them wished to remain

anonymous because of Government policy or security fears (Fainaru, 2008: 216). This in itself implies that PSCs are not supposed to be seen. The State Department's review of Triple Canopy made it a point to praise Triple Canopy on its ability to maintain its trademark of 'quiet professionals' ("US Department of State," 2010). In this situation the American people did not see what was going on until the families of the contractors came out to the public almost a year later in the summer of 2007 (Fainaru, 2008: 146). This was before the Blackwater Massacre in September when PSCs were just beginning to be recognized as an issue. "It was if by not counting them- in their life or death- no one had to acknowledge that America had been reduced to relying on a private army to prosecute a war that had entered its fifth bloody year," (Fainaru, 2008: 146).

While it is questionable how much domestic opinion changes, guides and introduces foreign policy, America is still a democracy and representatives will bow to the demands of a majority. The key is to not let one form so that accountability and transparency can be things to be strived toward yet not obtained. This drive to silence the horrors of the war and lower the troop deaths will keep the American people from rising up over the atrocities in the same way that they did in Vietnam.

4.b. Lessons From Vietnam

The Vietnam War was arguably the first war that the US had failed to reach its goals, largely because domestic opposition did not allow it to continue its efforts. That opposition could not be allowed to happen again, for the international audience costs and consequences for backing out are just as powerful as the domestic audience costs. At the height of the Vietnam War in 1968-1969 there were over 500,000 American troops on the ground (Kane, 2006). Before the war became a large problem, the US government quietly kept information from the American people about what was going on in Vietnam (Miller, 2002). In 1964 LBJ ran his campaign on the idea that no more men would go into Vietnam to replace Asian fighters on the battlefields (Miller, 2002). This did not happen. From 1969 to 1972 there was a lottery draft in place, which affected about 850,000 American men ("Lottery Facts"). The resistance to this was immediate and overpowering until in 1972 there were more resisters to the draft than there were draftees (Kindig, 2008). The entire war effort affected roughly 2,700,000 soldiers, workers, medics and their families ("Vietnam War"). This combined with the high casualty rate of US troops, about 58,000 US troops died in the war and about 300,000 were wounded, and the mounting taxes to pay for the war, made the public very aware of Vietnam and in the end very against it ("Vietnam War"). By the time Nixon took office TV reports of the actual fighting and body counts as well as incidents like Kent State where US protesters were getting fired on led Congress and the President to move quickly to end the war that was still not being won ("Vietnam War"). The massacre of My Lai, the dropping of Agent Orange, carpet bombings in both Vietnam and Cambodia further deepened US public distrust and in 1971 when the Pentagon Papers were published the people were done ("Vietnam War"). On January 27, 1973 there was a peace agreement signed by the US and North Vietnam stating that the US had to leave the country within 60 days ("Vietnam War"). In mid-1973 fighting between the North and the South broke out again but Congress refused further action and cut aid to the country ("Vietnam War").

Policy makers were divided into hawks and doves in terms of foreign policy and it was learned that the US people did not respond to dove tactics no matter how party line they may be. Another lesson is that implementing a draft that would affect thousands of non-military

personnel would cause great resistance, which was seen in Vietnam, from people moving to Canada to others flooding the prisons with their burnt draft cards (Kindig, 2008). The last lesson is that the TV brings the war to life for people and troop deaths have to be minimized. In short the US government had to figure out a way to wage a war without losing US troops, without deploying a lot of US troops, and without allowing what was occurring in the country to be brought to the attention of the US public that way if the war goes wrong, or if the effort needs more time, domestic resistance and protests will not pull the operation out. Here is the genius of the private military contractor.

4.c. Iraqi Civilian Deaths and Troop Brutality

A key thing to keep in mind when criticizing PSCs in any war is that they are not the only armed actors in a conflict, and in the case of Iraq, they were not even the most deadly to civilians. “US forces killed far more Iraqi civilians than any other members of the US-led coalition, including various Iraqi military forces acting with or independently of them,” (“Iraqi Deaths From Violence 2003-2011”). There are many reports on Iraq War Logs that show US troops being just as indiscriminate as the private security contractors, the only difference is that after Vietnam blaming troops for wartime atrocities was a social taboo. “The lessons of Vietnam were such that no one was about to criticize the troops for the disaster that the government had perpetuated in Iraq. But the marcs were fair game,” (Fainaru, 2008: 22). Contractors have many problems and regulation and oversight has been very lax, however their use will be politically attractive as long as when instances of brutality do become public, the US government can blame contractors for choices that would seem unfavorable or morally questionable to the American people. This allows active troops as a whole to seem more justified and moral and in those cases that they are not; they at least get tried and punished. In a BBC article describing the US massacre of Haditha it was admitted that the US public opinion for the war would drop if the murder of 24 Iraqis was found out (“Ethics Lessons For US Iraq Troops”). This incident was in 2006, two years after the Abu Ghraib scandal where nine US Army soldiers were court martialed (Clark-Flory, Follman, 2006).

From 2003-2011 the number of Iraqi civilians who have died violent deaths has exceeded 114,000, or about 79% of the total deaths since the start of the war (“Iraqi Deaths From Violence 2003-2011”). 14,887 civilian deaths, or about 13% of total Iraqi deaths, resulted from US-led coalition forces. The US-led coalition in its entirety were killing on average three civilians per day from 2005-2007 (“Iraqi Deaths From Violence 2003-2011”). The bloodiest period for US-led forces against civilians was in 2003 during the “Shock and Awe” campaign, which averaged 319 deaths per day with 6,716 deaths by the 9th of April (“Iraqi Deaths From Violence 2003-2011”).

According to the Iraq War Logs there were 13,963 reports of escalation of force incidents (EOFs) during convoy transportation or checkpoints across Iraq during the period of 2004-2009 (Ball and Slater, 2010). 681 of those killed in these incidents were civilians while only 120 were confirmed insurgents, 30 of the deaths were children (Ball and Slater, 2010). “According to an official manual issued by the US military, an EOF begins with audible warnings such as horns and flash/bang devices, and visual aids such as lights and flares. If these fail, warning shots can be fired into the air or in the vicinity of the threat. The next step is to fire at the tires and engine. As a last resort, soldiers are allowed to aim at the driver” (Ball and Slater, 2010). This should sound very familiar to the standard operating procedure of most PCSs. This report does not

separate contractor EOFs and Military EOF but it did report that many of the checkpoints in the early stages of the war were manned by US troops which implies that this death toll was caused by both parties (Ball and Slater, 2010). In 2005 alone EOFs resulted in almost 300 civilian deaths (Ball and Slater, 2010). When General Petraeus became coalition Commander and Chief in Iraq he focused on the training of leaders and the minimization of ‘tough calls’ to lower the Iraqi fatalities so that the public would once again trust the coalition (Ball and Slater, 2010).

Between 2005-2007 there were 600 reports of escalation of force incidents by PSCs resulting in a weapons discharge that the State Department wrote a report on (Stray, 2012). Most of these incidents were warning shots fired at the car and were not aimed to kill (Stray, 2012). The State Department does report 14 injuries and 8 deaths resulting from private contractors from 2005-2007 (Stray, 2012). The State Department withheld some of the cases that were still under investigation therefore the actual numbers of State Department records alone are likely much higher than this rough estimate. For example, Blackwater, in the Nisoor Massacre, killed 17 civilians in 2007. PSCs have suffered a lot of media scrutiny and they have been given a bad reputation however actual charges against them are still scarce and most of the time the company will fire the accused and settle the case for a fine.

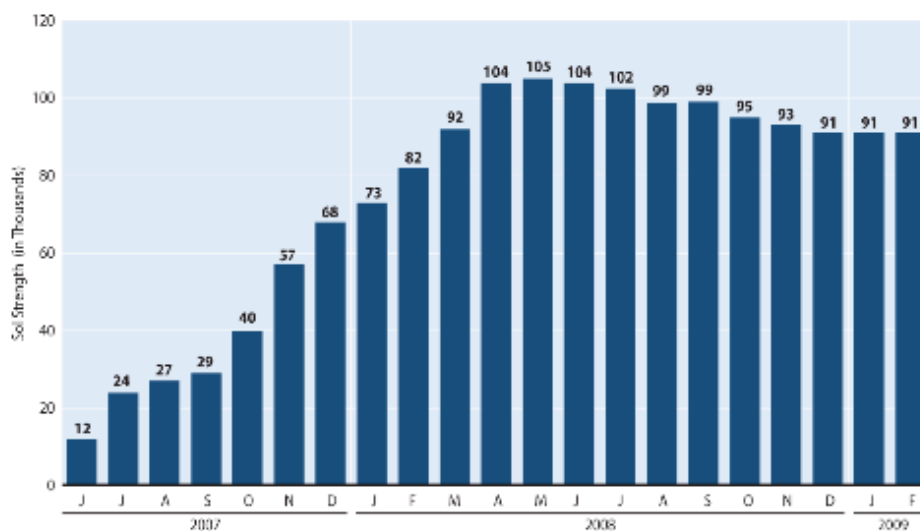
This paper does not intend to claim that PSCs are the only actors inside of Iraq committing crimes or engaging in violence against civilians. However, there are major differences between PSCs and active troops that need to be addressed. One difference was that there was no accountability in the early stages of the Iraq War for PSCs. “By 2007, the military had brought charges against dozens of soldiers and marines in Iraq, including sixty-four servicemen linked to murders. Not a single case had been brought against a security contractor,” (Fainaru, 2008: 135). The second major difference was the numbers and the objectives of each. US military personnel can wage offensive operations to target suspects, neutralize threats and fight enemy combatants. PSCs are charged with defensive operations to protect a person, place or convoy. While it is true that both groups displayed moments of imprudent judgment, instances of misconduct and indiscriminate violence, there has to be some consideration into the above objectives as well as the size of the groups. In 2006, one of the most turbulent and bloody years in Iraq, there were about 141,100 US troops on the ground (Belasco, 2009: 35)(“Iraqi Deaths From Violence 2003-2011”). In the same year there were about 100,000 private military contractors working in Iraq with about 25,000 private security contractors (Merle, 2006). Statistically speaking there should have been far more incidents of active soldiers engaging in immoral behavior than contractors simply based on their numbers and their purpose within the country. The last major difference is that Government goals are different than contractor goals; contractors are in the battle for the monetary gains and the completion of a specific job, while the government is in it for the long term with expansive dilemmas that it has to take into consideration (Singer, 2007: 6).

4.d. Sons of Iraq: Lower Audience Costs

The US began funding the Sons of Iraq in June 2007 (“Sons of Iraq Program,” 2011: 1; hereafter SIGIR). The local leaders and sheiks who handled the money and distribution were contracted to, “provide security at key locations such as guard checkpoints, buildings, and key parts of neighborhoods,” (SIGIR, 2011: 2,3). It was set up to increase the number of capable fighting units in a way that would facilitate the strategy transition to that hearts and minds approach at a time of mounting violence in the country. The consequences of this program

however were that Americans back home knew almost nothing about who was fighting in Iraq, how many were dying or what the war situation in Iraq actually was. There was hardly any oversight for the Sons of Iraq in terms of how many were dying, where the money was going, or even who was joining the group.

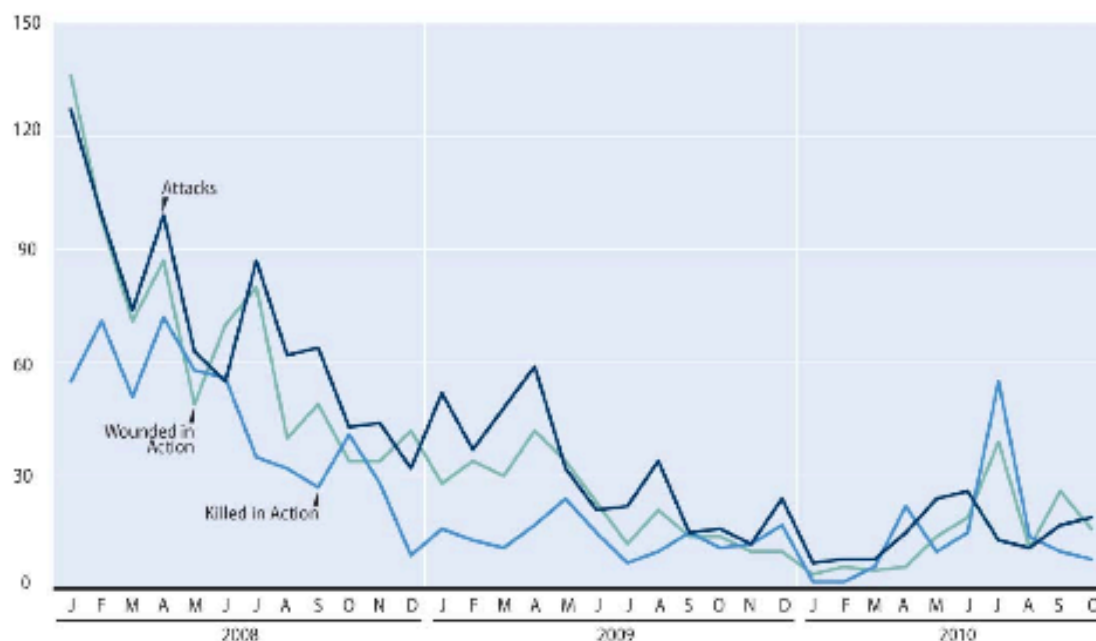
Figure 1—SOI Numbers from June 2007 to February 2009



Source: USF-I presentation of monthly SOI numbers.

(SIGIR 11-010: 4)

Figure 2—Attacks, Wounded in Action, and Killed in Action SOI from January 2008 to October 2010



Source: USF-I.

(SIGIR 11-010: 4)

By 2008, just a year after the Sons of Iraq were officially being recruited there were between 73,000 and 100,000 individuals under the umbrella of US funding with about 43,000 of them in Baghdad (Katulis, Juul and Moss, 2008: 5) (SIGIR, 2011: 4). By 2011 that number was believed to be more than 100,000 (“Louder Than Words,” 2012: 32). It is still unclear how many Sons of Iraq have died while under US contracts because no formal system was set up to monitor them. This is especially true for 2007 and earlier when the program was beginning (Bruno, 2008). In 2008, General Petraeus stated at a congressional committee hearing that the Sons of Iraq are sustaining two and a half to three times as many losses as US coalition forces (“Petraeus, Crocker Testify”). There was no reliable oversight in the field and the people that were being hired were primarily former Sunni insurgents. This observation was what prompted Congressman Mccaskill to ask General Petraeus, “how long are we going to be paying them in order to keep them from fighting us?” (“Petraeus, Crocker Testify”). By 2007 members of the Sons of Iraq were paid about \$300 a day (Cave and Rubin, 2007) (Katulis, Juul and Moss, 2008: 5). From 2007-2009 the US spent about \$370 million on the program (SIGIR, 2011: 1). The Awakening tribes and the CLCs motives are freedom and resource extraction and their loyalties to their tribe are at times stronger than the Iraqi laws (Katulis, Juul and Moss, 2008: 5).

What is agreed upon is that the Sons of Iraq turned the war around. “Al Qaida also recognizes the significance of the Sons of Iraq, and AQI elements have targeted them repeatedly,” (“Petraeus, Crocker Testify”). The Sons of Iraq were considered traitors by Al-Qaeda, which fueled them to specifically target the Sons of Iraq. Telling the American people that the Sons of Iraq helped push out Al-Qaeda is a gross oversimplification that ignores the

complexity of Iraq after the US invaded. Many of the Insurgents who were being hired were no more loyal to the US than they were to Al-Qaeda or the Iraqi Government; they saw all of these parties as a threat. The separating factor of the US was that it paid better and would be the only actor willing to leave Iraq in the future.

The current fear is that the Sons of Iraq, after being trained by the US, are defecting back to Al-Qaeda because the Iraqi Government refuses to incorporate the group into its security apparatus (Chulov, 2010). Al-Qaeda is also promising to pay more than what the US was paying them and opportunistic individuals will fight for the cause that benefits them the most (Chulov, 2010). The program started largely because tribal Sheiks were scared of losing their economic sovereignty within Iraq, and those who worked for the Sheiks simply wanted to be paid. This system is not setup to stabilize Iraq in a long-term constructive manner. The Shiite led Iraqi Government is skeptical about the Sons of Iraq because they see them as a future threat (Katulis, Juul and Moss, 2008: 9). Before the US signed over control of the militias to the Iraqi Government a deal was arranged that promised to integrate 95,120 Sons of Iraq into Iraqi security forces but by 2011 they had only offered jobs to 39,224 of them and no job had been offered since the end of 2009 (Katulis, Juul and Moss, 2008: Introduction). Right now Iraq is going through large scale, mostly Sunni, protests against the Iraqi Government, and almost daily armed attacks by Al-Qaeda and its affiliates, who are targeting Awakening Members and civilians (Adnan, 2013) (“Protests in Iraq Continue Amid New Killings”).

Section 5. Individual Case Studies

Brutality against civilians is heinous and the direct indiscriminate targeting of them is even more so. These acts harm the legitimacy of the operation and radicalize the local population against the US. The following assessments act as a proof to those two statements. What should also be considered when looking at this section is there is a trend that the reports of violence waged by PSCs come primarily from wrongful termination lawsuits against the company filed by its employees, not because the events made the news themselves. That begs the question, how many of these events go unreported entirely because no lawsuit is made? What don't the American people know about the levels of indiscriminate brutality against civilians? And finally, does the lack of visibility on civilian brutality act as another layer to the reduction of American audience costs?

5.a. The Anbar Awakening and the Sons of Iraq

The Anbar Awakening started in 2005 after the unstable alliance between Al-Qaeda in Iraq and Sunni tribal leaders and Sheiks started to unravel because Al-Qaeda began threatening tribal autonomy, economic stability and displaying increased brutality (Katulis, Juul and Moss, 2008: 3) (McCary 2009: 43). Pressure from Al-Qaeda combined with a change in US strategy allowed for tribes to come under this new umbrella called the Sons of Iraq, funded by the US Government. This proved very successful. “Attacks dropped from 25 a day in the summer of 2006 to four a day by spring 2007,” (Katulis, Juul and Moss, 2008: 4).

This success led the US to adopt similar measures in other regions, specifically inside of Baghdad, which military officials separated from other local ‘Awakening’ groups by calling them ‘Concerned Local Citizens’ (CLC) who are not tribally oriented but rather regionally oriented (Katulis, Juul and Moss, 2008: 4). The CLC and the Awakening movements came to be

called the Sons of Iraq. Both the CLC and the Awakening Movements are based on former Iraqi insurgent groups, such as the 1920 Revolution Brigade, who were formally fighting against two different forces: Al-Qaeda in Iraq on one hand and the Iraqi state and US troops on the other (Katulis, Juul and Moss, 2008: 6). These groups are fractured and have very little connecting them, which is leading to disputes and rivalries (Katulis, Juul and Moss, 2008: 6). In December of 2007 a boy who was a member of an Awakening group in Dora was beaten by a different Awakening group because of those emerging rivalries (Cave and Rubin, 2007). There is little loyalty between Awakening groups or between these groups and the Iraqi Government (Cave and Rubin, 2007).

Abdul-Sattar Abu Risha who was the leader of the Awakening Salvation Council and united many of the groups together, was known for oil smuggling, and robbing and kidnapping travelers coming in and out of Anbar (Katulis, Juul and Moss, 2008: 3). Both because of the fractured nature of these groups and the outside funding creating an incentive to fight, these militias should have many cases of indiscriminate civilian brutality. The downward spiral of violence is seen in the fact that the Sons of Iraq were fighting Al-Qaeda, who is known for indiscriminate violence, and were tentatively working with the Iraqi government, who is also linked to multiple cases of civilian brutality. The Coalition to Stop the Use of Child Soldiers released a report in 2010 citing the Awakening Council of using children in combat orientated roles ("Louder Than Words," 2012: 32). Reports of children being used by these groups go back to 2008, during a period where the group was still funded by the US (UNHCR, 2010: 5). The UN Security Council listed this as a major concern with the Sons of Iraq in 2011 ("Conclusions on Children and Armed Conflict in Iraq," 2011: 2).

In 2009 the US Refugee Agency issued a report about the asylum needs of the people in Iraq. It found that many armed groups inside of Iraq were committing horrible acts against Iraqis, including the Awakening Councils; "Abductions, torture, extra-judicial killings and extortion of civilians by members of the Awakening Councils," (UNHCR, 2009: 31). It needs to be understood that there is very limited information on these groups. The most information that can be found is about them is that they were able to turn the War in Iraq around, however the strategies that were used and just how these groups did this has been left largely to the imagination. A summary of UNHCR reports by the Austrian Red Cross found that in 2008 Shi'ites were protesting the Sons of Iraq because they would not let the Shi'ites return to their homes in a Sunni dominated neighborhood (UNHCR, 2010: 5). The arrest of Adil al-Mashhadani, a Sunni Awakening leader, led to members of the Awakening movement swarming the streets and firing on US and Iraqi Government forces in protest (UNHCR, 2010: 5) (Raghavan and Shadid, 2009). This arrest was linked to the shooting of four Awakening Council members who were allegedly planting an IED on the side of the road (UNHCR, 2010: 5). Mashhadani was the Awakening leader of the Fadhil district inside of Baghdad and he was accused of kidnapping, links to bomb making cells, extortion and Al-Qaeda (Cocks, 2009). The warrant for his arrest was issued in 2008 for crimes committed while he was being paid by the US; it was not an attack on his insurgent past (Cocks, 2009).

This type of fractured loyalty and inability to communicate will not help a war in the long run and it is suspected that the empowerment of the Sunni militias by the US could lead to a prolonged civil war in Iraq (Katulis, Juul and Moss, 2008: 3). The inability to adequately communicate leads to instances such as US forces shooting or targeting Sons of Iraq because they were mistakenly thought to be enemy insurgents (Bruno, 2008).

The Special Inspector General for Iraq Reconstruction or SIGIR did a study in 2011 looking at the Sons of Iraq to see how effective they really were in the war effort (SIGIR, 2011: 1). They concluded that although there were plenty of testimonies stating that the Sons of Iraq turned the Iraq War around there was no data, reports or physical proof that the Sons of Iraq did what has been said (SIGIR, 2011: 20). The lack of clear guidance on the program combined with the poor management and oversight of the Sons of Iraq and the arbitrary way that Iraqis were being paid also led to SIGIR's conclusions that the money was not getting to whom it was supposed to and that the Sons of Iraq have no quantitative data to back up their contribution (SIGIR, 2011: 20).

5.b. Abu Ghraib

In 2004 the world was reintroduced to the horrors of war with the unfolding of the scandal of Abu Ghraib, a US run Iraqi detention site located in Iraq ("Introduction: The Abu Ghraib Files"). The intelligence industry had been steadily growing since 9/11 and with it came once again, the blurring of the line between intelligence gathering and moral accountability. Agencies such as the CIA contracted out to private contractors, for intelligence purposes, in such a way that some of them are untraceable; they disappear just as the ghost detainees disappeared in Abu Ghraib. How does one regulate an entity that is not known to exist or work in a certain job? Take the extreme mindset that contractors have because of their need to complete the contract in an efficient way and the lack of accountability or oversight and there is an atmosphere ripe for abuses like Abu Ghraib to not only keep happening, but also happen more often. The consequences of this are that when these atrocities get exposed, there is the potential for a new round of recruits to the insurgency, driven by distrust and anger at the perpetrator. The downward spiral of institutionalized violence and terrorist reciprocation is very possible especially after understanding that prisoner abuse is one of the main catalysts for it (Campbell, 2011: 36).

The Taguba report, written by Antonio M. Taguba who was appointed to be Deputy Commanding General Support and tasked with conducting an informal investigation about Abu Ghraib, found that military police, civilian contractors, Iraqi police, and even military intelligence personnel all had some responsibility in what happened (Article 15-6 Investigation of the 800th Military Police Brigade). The two main private contractors who were at the prison were CACI international, who provided interrogators to the prison, and Titan, who provided linguists (Merle, 2004). In 2004 The Center for Constitutional Rights sued CACI and Titan on behalf of some of the Iraqi prisoners who were abused (Merle, 2004). The lawsuit focused on 2 CACI interrogators who were said to have encouraged the abuse and lied about being aware that it was going on (Merle, 2004). One Titan employee has been identified and was accused of watching the abuse take place (Merle, 2004). This settlement is important to this paper because the brutality that the prisoners experienced was not only done at this facility but it was done at others as well, and the possibility for the radicalization of the Iraqi people because of it is huge. "Reports of abuse of detainees in Guantánamo Bay, Abu Ghraib and in Basra seem especially likely to stimulate challenger mobilization, particularly in populations radicalized by indiscriminate use of exceptional powers," (Campbell and Ita, 2006: 956). This means that after reports of Abu Ghraib were released people all over the world condemned it, but it also means that when the private contractors were not tried or convicted as the soldiers were, Iraqis felt that their liberties were not being protected. That understanding taken with Campbell's other study on

the brutality against civilians and a disregard for the rule of law; it is very likely that terrorism within the host country will increase.

The Taguba Report found that Steven Stephanowicz one of the CACI interrogators, “Allowed and/or instructed MPs, who were not trained in interrogation techniques, to facilitate interrogations by “setting conditions” which were neither authorized and in accordance with applicable regulations/policy. He clearly knew his instructions equated to physical abuse,” (Article 15-6 Investigation of the 800th Military Police Brigade, 48). Personal observations of the investigating team found that, “In general, US civilian contract personnel (Titan Corporation, CACI, etc...), third country nationals, and local contractors do not appear to be properly supervised within the detention facility at Abu Ghraib,” (Article 15-6 Investigation of the 800th Military Police Brigade, 26). Later findings showed that six civilians contractors participated in or failed to report abuses (McCarthy and Merle, 2004).

The CACI interrogators used dogs to scare the detainees and used unauthorized stress positions while also telling the guards to abuse the prisoners so that they would be easier to interrogate (McCarthy and Merle, 2004). It was also found that almost half of the CACI interrogators did not have the required training and that the military officer in charge did not screen them in a manner that would catch this misconduct (McCarthy and Merle, 2004). “In some cases, CACI interrogators supervised military personnel, which the company has said they were not authorized to do,” (McCarthy and Merle, 2004). There were many instances of abuse and misconduct committed by Titan and CACI employees which range from excessive drinking to the rape of a 15-18 year old boy (McCarthy and Merle, 2004).

Three different generals who conducted an investigation referred six contractors found to be involved to the Justice Department, however exactly how to prosecute them was unclear because these contractors were working with the Department of Interior (McCarthy and Merle, 2004). “Contracts not issued by the Defense Department may not be subject to the Military Extraterritorial Jurisdiction Act, which says military contractors are subject to criminal prosecution when operating outside the country if they are accompanying the armed forces,” (McCarthy and Merle, 2004).

In September of 2009 a federal appeals court rejected a lawsuit against CACI about Abu Ghraib on the grounds that CACI was under military authority and was therefore immune from prosecution (Musgrove, 2009). In September of 2011 the lawsuit *Al Shimari v. CACI et al.* filed by the Center for Constitutional Rights was dismissed under the same grounds (“*Al Shimari v. CACI et al.*”). “The U.S. government is immune from suits stemming from combatant activities of the military in times of war,” (Yost, 2013). This claim is argued to then null the Alien Tort Statute, which gives non-citizens the right to file a case with the Supreme Court for cases of human rights abuses (“Alien Tort Statute”). The CCR responded by filing a petition for rehearing en banc and the case is currently in discovery (“*Al Shimari v. CACI et al.*”). L-3 argues that if the case is allowed to go to trial it would open a new door for the judiciary to look into wartime military operations against a local population (Yost, 2013).

Titan, the contractor who provided linguists to Abu Ghraib and had an employee who was accused of raping a 15-18 year old boy, settled one of the lawsuits brought against them in January of 2013 (McCarthy and Merle, 2004) (Yost, 2013). Titan was bought by L-3 Communications in 2005 and renamed L-3 services Inc. before becoming a part of Engility Holdings, a spinoff of L-3 Communications who is still one of the largest contractors with the US Government (“Titan Corp Was Purchased”) (Hubler, 2012). Engility agreed to settle a 2008 case against them for \$5.28 million to 71 former inmates who were tortured at Abu Ghraib and

other detention facilities run from 2003 to 2007 (Yost, 2013). This was the first successful case brought against any contractor in the Abu Ghraib abuses (Yost, 2013). It is still unclear if contractors can be tried for actions that were done while working with the US military.

Abu Ghraib was not the only facility that the torture of suspects by contractors was occurring, if it was then the argument could be made that in that circumstance there may have just been a bad group of people who came together. This is not the case and this finding needs to be explored much more, especially in light of the fact that L-3 or Engility is no longer just translating, but they are actively engaging in the interrogation of targets even as CACI shied away from the opportunity after Abu Ghraib. (“Outsourcing Intelligence in Iraq,” 2008: 7) The limited oversight and the unclear prosecution rules gave these contractors the comfort of having a shield to hide behind. None of the contractors have faced jail time. At worst they were fired from the company. It is hard to say if the 2004 exposure of Abu Ghraib had anything to do with the resulting sectarian violence and insurgents that rose against the US in 2005 to 2008, but it is a correlation that needs to be studied further because previous works have indicated that it could be a possibility (Campbell, 2011).

5.c. DynCorp and the Three SoD Worldwide Personal Protective Service Contracts

DynCorp is one of the oldest private military companies and has been actively working with the US Department of State since the late 1990’s in security and police work. They have been in numerous countries that the US is not actively at war with. For example the State Department responded to DynCorp’s mercenary label in Columbia by saying that mercenaries are used in war and what is happening in Columbia is counter narcotics (Bigwood, 2001). Limited public awareness allowed PSCs in Columbia to engage in previously military functions arguably, so that attention would not be drawn to Columbia and the War on Drugs (Bigwood, 2001).

DynCorp was the 12th largest contractor for the US government from 2010-2011 (“Washington Technology Top 100”). Total contracts amounted to \$2,398,874,000 with their total revenue being \$3,047,513,000 in 2011 (“Washington Technology Top 100”). 79% of their total revenue is dedicated to the US Government.

The US Government needs DynCorp who, like all PSCs, are supposed to be invisible, as illustrated by Fainaru. There is very limited oversight and high diversity. It is a situation that is set up in a way to perpetuate instances of violence against civilians and misconduct. In 1997 DynCorp became the largest PSC in Latin America, with their largest presence in Columbia (Bigwood, 2001). Throughout Latin America there have been rumors of DynCorp being involved in drug trading and unnecessary killings (Bigwood, 2001). DynCorp’s death totals are also not public so the real cost of the War on Drugs, just like the War in Iraq, is not seen which allows the US to stay there indefinitely.

In Bosnia DynCorp employees were accused of trafficking sex slaves as well as paying for prostitutes (“CSC/ DynCorp”). No one was charged because of contractor immunity in Bosnia but many were fired from the company (“CSC/ DynCorp”). Another suit filed by a different DynCorp employee stated that DynCorp employees were buying illegal weapons, women, forged passports, and actively engaged in immoral and inhuman behavior (“CSC/ DynCorp”). These issues were not even in times of war.

Contractors have frequently been used to bring security and training to regions of conflict and narcotics issues. The same issues that were seen in Iraq such as issues of accountability, trust

in US intentions and lower audience costs have been seen in other parts of the world. While this paper focuses mainly on PSC presence in Iraq there needs to be some diversity of regions so that the premise that there will be more conflicts can be illuminated further.

The first Worldwide Personal Protective Services contract, given by the State Department, was to DynCorp in 2000 for protective services in the former Yugoslavia and was later expanded to include services to Palestine in July of 2002, and in September of 2002 it included personal security to Afghan President Karzai (Office of Inspector General, 2010: 7; hereafter OIG). A State Department review of DynCorp found that the Diplomatic Security (DS) personnel who were supposed to be monitoring contractors hired by the state were not doing so properly ("US Department of State: DynCorp," 2010: 7-8). The DS were not properly monitoring DynCorp in both operational performance and financial billings ("US Department of State: DynCorp," 2010: 8). "DynCorp, appeared to act almost independently of its contracting officers at the Department of State at times," (Glanz, 2007). It was found that this led to DynCorp billing the DoD for jobs that were never authorized or requested (Glanz, 2007).

The DoD later awarded DynCorp other major contracts to actively help US troops train Iraqi Officials in 2004 (Moss and Rohde, 2006). Their job was to take care of the field training for Iraqi Police, arguably the most important area of training, and in 2004, when it was seen that the understaffed contractor was failing, the military took over the project (Moss and Rohde, 2006). DynCorp couldn't facilitate the necessary amount of trainers for the amount of Iraqi police, and the police, being trained by civilian trainers and the military, were receiving less and less training making them a liability as well (Moss and Rohde, 2006). Keep in mind that this training was more like a mass production of armed bodies that could help douse the ethnic fires that had ignited during this time (Moss and Rohde, 2006). Even though the US military had to step in with training the Iraqi Police Force in 2004 the contract with DynCorp has been extended every year (Isenberg, 2010: DynCorp).

After the successful ousting of Saddam, the DoD was trying to cover its bases by hiring contractors to fix the void that logical planning and troop shortages created in light of the occupation. At the end of 2003 the training for Iraqi police was dire and the fact that the US could not curb the rampant corruption and crime throughout Iraq was a sign to all Iraqis that the operation was falling through. The original number of trainers that was requested to do the job well was 6,600 (Moss and Rohde, 2006). The end result was about 500 trainers which sometimes left 40 men to train 20,000 Iraqis (Moss and Rohde, 2006).

One DynCorp official stated, "We are not judged on the success or failure of the program as they established it...we are judged on our ability to provide qualified personnel," (Moss and Rohde, 2006). Employees of DynCorp report their management staff putting them in harm's way either because they were forced to complete missions without weapons or with poor equipment like unarmored vehicles (Isenberg, 2010: DynCorp). This led a US General to temporarily halt DynCorp's operations in 2006 because there were too many people being killed (Isenberg, 2010: DynCorp). In the same year a US audit revealed that there was no way to monitor or track the capabilities of the police that were said to have gone through DynCorp and US Army training (Isenberg, 2010: DynCorp). This means that there were thousands of Iraqi Police who were being sent out into the field to help stop the crime and militias that had formed during the 2003 operation, and their capabilities were questionable at best. In 2004 when the US military had to take over training for DynCorp, troops were still spread very thin so the US military relied on heavily armed commando units that had been established by the Iraqis to provide security and within a year there were reports that Shiite militias had infiltrated the units and were torturing

and killing Sunni Muslim (Isenberg, 2010: DynCorp). In the pursuit of privatizing to fill shortcomings the US had started to work with and hire the very militias that it was fighting against.

In June of 2005 a second WPPS by the State Department was awarded to Blackwater, DynCorp and Triple Canopy for protective services in Iraq for about \$2.2 billion. (Ackerman, 2010) (OIG, 2010: 7) It was originally desired that one contractor would be responsible for security throughout all of Iraq but that idea fell through when it was discovered that neither DynCorp nor Triple Canopy possessed the resources for such an operation. (OIG, 2010: 7) The contract broke Iraq up into three different sections. DynCorp was responsible for Northern Iraq, which included the major cities of Kirkuk and Erbil. (OIG, 2010: 7) Triple Canopy was responsible for Southern Iraq including Basra and Blackwater was responsible for Baghdad and Central Iraq. (OIG, 2010: 7) Their main focus was on the US Embassy in Baghdad and regional Embassies as well as reconstruction teams. (OIG, 2010: 7)

In Afghanistan in 2009 DynCorp was accused of buying drugs and an Afghan dancing boy for the entertainment of the Afghanistan police that they were supposed to be training (Isenberg, 2010: Déjà Vu). While the buying of drugs is questionable in itself, the purchasing of any services of a child in Afghanistan is illegal under Sharia Law and the Afghan Civil Code ("US Embassy Cables, 2010). Reports from a leaked cable showed that there were fears that the Afghan Government would overreact and that the release of the story would put lives at risk ("US Embassy Cables, 2010). This cable also provided a solution of more oversight where a military officer would be present at DynCorp's regional training centers however under the contract that the US Government has with DynCorp that would be illegal ("US Embassy Cables, 2010). The other aspect to this is that the Dancing Boys of Afghanistan have their own history in that their services do not usually stop at dressing up like a woman and dancing for a group of men (Isenberg, 2010: Déjà Vu). Not only were the acts illegal but their very mention could cost people their lives, which will further add to the distrust that host countries have especially since this scandal came on the heels of Blackwater mistakenly killing several Afghan civilians ("US Embassy Cables: 2010). The hostility that the Afghan locals feel toward America was seen very clearly when DynCorp caused the death of four Afghans after getting into a car accident ("Afghan Leader to Ban Security Contractors"). In response many locals were seen chanting, "Death to America!" ("Afghan Leader to Ban Security Contractors").

These incidents probably added to President Hamid Karzai resolve to get all private security companies out of Afghanistan by the end of 2010 ("Afghan Leader to Ban Security Contractors"). A spokesman for the president stated that the US military supported the move and was tightening controls over all of its contractors ("Afghan Leader to Ban Security Contractors"). This is not President Karzai's first time speaking out against both local and foreign PSCs saying that they undermine government security forces ("Afghan Leader to Ban Security Contractors"). Brig. Gen. Margaret Boor said that getting PSCs out is the end result but that it is not possible right now ("Afghan Leader to Ban Security Contractors"). "Karzai's decision to shut down unregistered private security companies centers on accusations that some of the companies have been involved in criminality, alienating the Afghan people, undermining the credibility of the state and creating a parallel economy," (Dougherty and Starr, 2010). At least 2/3 of the PSCs working inside of Afghanistan are unregistered and they have remained so for at least five years (Dougherty and Starr, 2010). DynCorp's use of heavy handed tactics has led entire Afghan neighborhoods to become angry with them because their use of sandbag barriers, security checks and door to door searches in a residential area where DynCorp's

residential command is set (Ghafour, 2004). PSCs are acting above the law and the Afghan Government can do very little to stop them, which means that the people will be more likely to try to fix the problem themselves, however they can.

Afghanistan is not Iraq; it has limited government oversight for most of the country due to the rural nature of Afghanistan. Tribal leaders and divides comprise most of the country and feuding tribes allowed the country to erupt even more viciously than Iraq. This said the above findings of DynCorp and PSCs as a whole is relevant for the sole reason that those findings would be deemed hazardous in any situation, not just the volatile mountains of Afghanistan. If a leader of a country is saying that PSCs are harming the war effort and the US response is not to deny that, but to express that the war cannot progress without them, then there is a clear problem. There is now a great potential for any conflict to continue because of a self-fulfilling problem: the war cannot go on without PSCs but their use undermines the war effort because of their carelessness and indiscriminate brutality, which radicalized the entire population.

In 2010 the State Department reviewed DynCorp and found that the company was not fulfilling its core roles under the WPPS II contract and it had poor oversight of its own employees as well as over those it was subcontracting out to (“US Department of State: DynCorp,” 2010: 2, 3). The recommendation from Paul Isaac who was the DS/OPO/HTP Division Chief and COR was that DynCorp should not be used again, “Continued use of DynCorp would represent an unjustifiable risk to the Government” (“US Department of State: DynCorp,” 2010: 5). A month later the State Department released the eight names of the contractors who won the third Worldwide Personal Protective Services contract, which had a \$10,000,000,000 maximum value, and DynCorp was one of them (“The Worldwide Protective Services”). The others were Triple Canopy, EOD Technology, SOC, Aegis Defense Services, Global Strategies Group, Torres International Services and International Development Solutions LLC. (Ackerman, 2010 October) (“The Worldwide Protective Services”).

Two things need to be noted after this brief review of DynCorp and the WPPS contracts. First there is a clear trend that, as the War in Iraq progressed, the State Department needed more and more contractors to fulfill the security, intelligence and logistics planning that was needed. Secondly, even after repeated offences and recommendations that DynCorp should not be hired again, the State Department continues to do so.

5.d. Academi

Blackwater’s history inside Iraq has been infamous therefore one cannot adequately explain contractor behavior in Iraq without mentioning them. It is important to note their extensive name changes to cover their many indiscretions before moving onto actual events. In 2009 Blackwater changed its name to Xe and a subsidiary of Xe called Blackwater Lodge and Training Center, who does most of the company’s international operations and domestic training, was renamed U.S. Training Center Inc (“Blackwater Changes Its Name to Xe”). According to fedspending.org the US training Center Inc. has been getting contracts from the US State Department for years and in 2011 alone held \$121,507,796 in contracts from them (“Contracts from Dept. of State). In 2009 the State Department did not offer Blackwater an extension of the 2005 WPPS II contract protecting US embassies and their inhabitants in Iraq, partly to satisfy domestic outrage of the 2007 Nisoor shooting that killed 17 Iraqis and partly because the Iraqi government did not re-approve Blackwater’s operating license within the country (Keyes, 2009). Triple Canopy took over the contract in Iraq (Keyes, 2009).

In 2011 The U.S. Training Center Inc. changed its name to Academi Training Center Inc. in response to Xe formally changing its name to Academi in December of 2011 (“Company Overview of Academi Training Center Inc”) (Hodge, 2011) (“Leading Training and Security”). In December 2010 Xe was bought by HSTC Holdings LLC who named Ted Wright, a former KBR President, the new CEO (“Xe Services Names Ted Wright as New CEO”). He admitted to wanting Blackwater to be “more boring” but also expressing a desire to get back into Iraq (Hodge, 2011). To do this Wright hired an outside company to get another operating license in Iraq (Hodge, 2011). The name of the company is not listed in the WSJ article but it is likely that the company in question was International Development Solutions, which Xe owned 49% of before Academi fully acquired it in May of 2012 (Freedberg, 2012). Just to recap, International Development Solutions was one of the eight contractors to be awarded the third Worldwide Personal Protective Services contract in 2010.

In 2011 International Development Solutions was awarded \$47,479,989 for guard services for the State Department (“U.S. Training Center Inc.”). US Training Center Inc. was awarded \$121,507,796 in 2011 with \$112,787,660 going specifically to guard services (“U.S. Training Center Inc.”). Blackwater is still very much a part of the State Department, and this loyalty is nothing new. In his book Fainaru describes many conversations with Jack Holly, the head of logistics for the US Army Corps of Engineers in Iraq, “Blackwater is arrogant...their secretive, and their secretive because that’s the way the State Department wants it,” (Fainaru, 2008: 137). While many PSCs have a tarnished history such as Aegis and DynCorp, who have both been accused of being a part of different sex trafficking rings and Triple Canopy who has forever coined the term, “I want to kill someone today,” Blackwater truly is the most infamous in terms of civilian abuses and scandals, from indiscriminate killing like the Nisoor Square Massacre to dealings inside of Sudan while the country was under US sanctions (Ackerman, 2010 October) (Strobel, 2010).

This is all relevant for two main reasons. The first is accountability, Blackwater was banned from Iraq because of its many indiscriminate killings and instances of hostility to the Iraqi people, yet the State Department still chooses to hire them and allow them to buy their way into billion dollar contracts. The second reason is because the lack of discipline or accountability with the added bonus of additional State Department contracts leads contractors to feel like there will be no repercussions for their actions. Contractors are turned loose in an area the size of California, “Without rules, without laws, with little to guide them except their conscience,” (Fainaru, 2008: Prologue). This is not a step toward harsher measures against these companies. It is a way of saying that Blackwater and their employees are above the host country’s laws, and at times above US law. The radicalization of the Iraqi people against Blackwater was extreme and it further delegitimized US goals in the region.

5.e. Blackwater’s Indiscriminate Brutality

It should be known that Blackwater was in far more instances of indiscriminate killings, property damage, and fear campaigns than can be listed here therefore only a handful of situation that can illustrate general working practices, as well as the major incidents are described. In November 2005 a Blackwater convoy “collided with eighteen different vehicles... the Blackwater team leader ‘admitted giving clear direction to the primary driver to conduct these acts of random negligence for no apparent reason,” (Fainaru, 2008: 164). On Christmas Eve of 2006 a drunk Blackwater employee shot an employee of Vice President Adel Abdul Mahdi

(Fainaru, 2008: 164). Mahdi demanded the employee to be turned over to Iraqi authorities, but instead Blackwater, with the help of the US embassy, sent the employee back to the US (Fainaru, 2008: 164). A couple months later that same employee received a job with another PSC under the DoD (Fainaru, 2008: 165). Six weeks later Blackwater was involved with the Al-Iraqiya shootings, which left three dead (Fainaru, 2008: 170). Al-Iraqiya is an Iraqi media network and they reported that there was no provocation and the Iraqi police report detailed the event as an act of terrorism (Fainaru, 2008: 171-172). None of Blackwater employees were tried.

Then there is the Nisoor Square Massacre. It is one of the most prevalent and most public events in the Iraq War and it led to Blackwater being banned from the country. It started when a Blackwater convoy was escorting a USAID worker to a meeting about two miles outside of the Green Zone (Fainaru, 2008: 177). Once inside the building a car bomb went off a couple hundred yards outside the entrance prompting Blackwater to call for backup (Fainaru, 2008: 177). Two Blackwater teams came, one to help with protecting the USAID worker and one, comprising about four armored cars and twenty shooters, for support (Fainaru, 2008: 177). As the convoy was returning to the Green Zone Iraqi Police had trouble halting traffic as Blackwater was driving down the wrong side of the street (Fainaru, 2008: 177). One driver arrived at Nisoor Square at the same time as the convoy and was shot at, not the standard warning shot into the air but rather the driver was targeted and killed (Fainaru, 2008: 177). The car however did not stop, and seemingly ignorant of the locals who were trying to get the hysterical mother out of the car, Blackwater proceeded to keep shooting and ended up killing the mother and 15 others (Fainaru, 2008: 177). Reports from the witnesses claimed that Blackwater fired at anyone who left their car, and there were even reports that a Blackwater helicopter was firing from above (Fainaru, 2008: 177). The official US report which was approved by the Diplomatic Security Service, who handles logistical security for the State Department, and the State Department itself claimed that Blackwater came under fire and was therefore not at fault for the incident (Fainaru, 2008: 177). This claim could not be backed up by the US Army's First Cavalry Division who could find no trace of AK-47 shell casings, which was the weapon of choice for insurgents and Iraqi Police (Fainaru, 2008: 177). The Iraqi government responded by revoking Blackwater's operating license and banning them from Iraq as well as intending to prosecute those who were involved (Fainaru, 2008: 178). None of these measures came to fruition because Blackwater had not had a license with the Iraqi government since 2005 and those involved could not be prosecuted because of CPA Order 17 (Fainaru, 2008: 178). Blackwater resumed operations a few days later because the only entity who could stop Blackwater from operating was the State Department, and they relied on Blackwater's security to do almost anything in Iraq (Fainaru, 2008: 178).

Why then after all of this would the State Department keep hiring Blackwater? Part of the answer lies in the fact that no one in the country seemed to have any idea how many incidents there were because Blackwater, among other PSCs, chose not to report them (Fainaru, 2008: 138). Another "part of it, certainly, was Blackwater's success rate: not a single State Department employee had been killed under the companies protection," (Fainaru, 2008: 138).

With Academi's new name at the end of 2011 there came a new board of directors, a new CEO, a new senior leadership team and their first chief regulatory and compliance officer ("Leading Training and Security"). It seemed as if the one time rouge company might have gotten the regulation and oversight necessary for armed conflict. That hope may have been short lived. On July 12, 2012 two former employees of Academi Training Center Inc., Robert Winston and Allen Wheeler, filed a complaint about the company claiming that they were fired, "for reporting that Academi was submitting false claims and regulations to the United States

Department of State,” (Robert Winston v. Academi Training Center Inc). According to them the State Department contracted Academi to pay other qualified contractors to train and protect personnel in Afghanistan (Robert Winston v. Academi Training Center Inc). These paid contractors then had to pass a firearm’s proficiency test, which would be given to the State Department every three months (Robert Winston v. Academi Training Center Inc). The plaintiff’s claim that in March of 2012 their lead firearms instructor told them to falsify or even to make up scores (Robert Winston v. Academi Training Center Inc). Winston and Wheeler reported the mishap to their superiors later in the month and a few days later Academi terminated their contracts and requested the State Department to place them on a “do not use” list (Robert Winston v. Academi Training Center Inc). They sued Academi two months later.

Blackwater is infamous in Iraq. From falsifying reports to killing without cause the Iraqi people and government are rightfully angry. Blackwater has men in countries that are not certified in proper arms training, covered by a corporate shield and a contract that requires silence. Civilian brutality is just a piece of this problem. Audience costs come into play again as the American people do not see what is going on. Real life Iraq is a sound bite on the news, which Avent and Sigelman showed to barely air news on PSCs. Americans do not have the information that they need to check the executive branch and PSC have the freedom to violate and unintentionally radicalize a people. While Americans view leaked contractor’s actions as horrible, they still see them as contractors while the Iraqi people see contractors as Americans. The perpetuation of a conflict seems almost unavoidable when it is shown in this light.

5.f. Triple Canopy

Triple Canopy is the last main security contractor to be hired by US Government. In 2011 they were awarded \$430,204,141 in contracts with about \$427,585,833 of that going to guard services (“Contracts to Triple Canopy Inc.”). The State Department is the largest employer of them contracting out \$418,727,897 in 2011, but the DoD also paid out roughly \$11 million in contracts (“Contracts to Triple Canopy Inc.”). About 80% of their contracts are no bid contracts (“Contracts to Triple Canopy Inc.”). In 2009 when the State Department did not resume their contracts with Blackwater, Triple Canopy had their largest year with \$449,734,842 in contracts, because they took over the work for the US embassy in Baghdad (“Contracts to Triple Canopy Inc.”).

Triple Canopy is largely considered to be a very professional organization hiring from all nationalities, usually with special ops experience (Fainaru, 2008: 17). However, their hiring pool is very diverse which is a major factor contributing to a breakdown in communication and quality of service. This can be a problem when number one, it is not known who is being recruited and number two many of their international recruits speak poor English (Martin, 2005). (Paez, 2005). There have been reports of fighting among Peruvians and Chilean guards inside the Green Zone because of past conflicts, which hinders the team to work as a unit (Martin, 2005).

One of the most visible and condemned events in Iraq was committed by a Triple Canopy employee, and it should be noted that its attention came out of a wrongful termination lawsuit, not a trial charging the contractor or those responsible for murder. At the time Triple Canopy was under contract with KBR, which provides services, construction and transportation of goods for the US military, who was in turn under contract with Laguna Construction who was under contract to the DoD (Fainaru, 2008: 17). It should be relatively apparent how accountability under this path of contracts under the umbrella called the Milwaukee Project is hard to maintain.

The security detail in this case that Triple Canopy provided was composed of Americans, Australians and Fijians. Five weeks before the famous words, “I want to kill somebody today,” Washbourne, the team leader who uttered that statement, was reported to have shot a truck coming up to a team of contractors, who had just wreaked their SUV (Fainaru, 2008: 14). He injured the driver that one of the Fijian contractors had not even deemed a threat (Fainaru, 2008: 14). The SUV, which had been damaged after being erratically driven at about 100 mph, was then burned so that the costs of buying another one would fall to the US Government (Fainaru, 2008: 20).

Five weeks later Jake Washbourne was due for vacation, and after the other debacle was covered by a lie he concluded that discipline and accountability were clearly not being enforced. The story of this next incident comes from three different perspectives. Sheppard and Schmidt who were both Americans had their stories almost matching while Isi, a Fijian, told a slightly different account. What is agreed on is that the first run of the day resulted in Schmidt firing a round into the grille of an Iraqi car and Washbourne at the start of their second run exclaiming, “I want to kill somebody today,” as well as expressing jealousy over Schmidt’s ‘accomplishment,’ (Fainaru, 2008: 25-27). As the convoy was waiting at a checkpoint during their second run, a truck came upon them about 150 yards back, 50 yards further than was usually enforced (Fainaru, 2008: 27). Schmidt and Sheppard reported that Jake Washbourne got out of the SUV and fired at the windshield of the truck with a M-4 with the intent to kill (Fainaru, 2008: 27).

That was just the trip to the airport to pick up a KBR executive (Fainaru, 2008: 29). On the trip back Schmidt and Schooner claim that Washbourne said that he had never shot anyone with a pistol before and he preceded to push open his door and fire 7-8 rounds into a Taxi’s windshield that the convoy had just passed (Fainaru, 2008: 29). Isi, the Fijian, reported a different account stating that Sheppard helped Washbourne get a better shot by swerving in front of the taxi and that Washbourne fired at the 60-70 year old taxi driver with his M-4 not his Glock (Fainaru, 2008: 29). Isi then reports that the three Americans were celebrating and laughing as they sped off (Fainaru, 2008: 29). Isi was a third party national who spoke broken English. (Fainaru, 2008: 30). He did not know his status with the US company Triple Canopy and his immediate superior, who was another Fijian, felt the same so they delayed turning in the report of the incident until later (Fainaru, 2008: 30). Schmidt and Schooner waited until Washbourne went on vacation before making a formal complaint which was why Triple Canopy claimed to have fired the two employees and why this event had such publicity (Fainaru, 2008: 29-30) (Jackman, 2006). What is undeniably clear is that one Triple Canopy team had been involved in three shootings in a single day, none of which had been reported (Fainaru, 2008: 30). All three American employees were fired, but no lawsuit or charges have been filed against Washbourne or the others.

Cutting costs and overbilling the Government is relatively common in bureaucracy, however when those same men are supposed to go out and provide security to foreign and domestic officials and they do not meet the required arms training, only have 15 days of basic training or do not speak passable English, it becomes a security threat, not just a bureaucratic nightmare, and that threat could cost lives. The diversity, motivation and lack of regulation of Triple Canopy allows a system that is set up in a way for civilian brutality to occur.

Conclusion

The War in Iraq lasted eight years. The War in Afghanistan is in its twelfth year. Only the Vietnam War can boast a longer duration and that is only if one counts sending military advisors as being the start (“Timeline of U.S. Wars”). The consequences of perpetually hiding the realities of war from the American people are real, and the implications are self-perpetuating. What is important to keep in mind when thinking about private military contractors is that they are simply a tool of the American Government. Their power comes from the fact that they are needed for the US to continue doing war the way that it has been. PMCs are very dependent on the contracts that the US government awards them, however the DoD and State Department in particular are equally dependent on them for reconstruction and security, which is why the argument for efficiency will never work in the way that has been argued. The use of private military contractors is first and foremost due to the political attractiveness of using them, and the lower costs that they allow when engaging in war. Even if the executive branch, contrary to all the evidence, did not use PSCs because of their political attractiveness, the three major consequences of using these companies would still be the same. First conflicts are becoming publically less costly and could be used to solve issues more quickly as well as continue longer. Second, the sovereignty of the host nation will be jeopardized when the accountability and regulation of private security firms is not a priority. Last, because of the lack of central regulation and the recruitment style of PSC’s, their use will result in more civilian brutality, instances of misconduct and the radicalization of the Iraqi people. This will undermine the war effort as well as increase the potential for violent mobilization against the US.

The lack of transparency and audience costs in US wars create a space where military leaders, State Department officials and members of the executive branch can focus on the short-term gains of winning a war, and not the long term ends of what that country will look like once the US leaves it. Knowing that transparency is ebbing the US can hire previous insurgents such as the Sunni groups inside of Anbar, without looking into the implications of sectarian violence. Yes, the hiring of these groups led to the eventual control of previous Al-Qaeda strongholds, but that came with a price because today those trained, armed and restless men have nowhere to go and no funding.

Consequently, the less the people know about the real cost of war, the less likely they are to cry out against it, which means that a war can start easier and last longer. The other side of this realization is that PSC brutality inside of Iraq was not only institutionalized inside their very makeup but has also been shown to radicalize the population and perpetuate violent mobilization. Sparking the mobilization of violent groups and creating a steady pool for recruits perpetuates conflict needlessly. The potential for the worst abuses to a population come in the intelligence sector where limited regulation and visibility is coupled with the task of gaining national security intelligence. This creates a single-minded drive that is separate from the rest of the war effort. Therefore future research should focus on the intelligence sector specifically and what the consequences of privatizing large portions of it will be.

The main fear of this finding is that even when this phenomenon is realized, the inertia that has been allowed to progress and the influence that the private defense sector now has over Washington, might stop anyone from being able to change it. As Eisenhower said, “In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military industrial complex.” Without further checks to US foreign policy, we might find ourselves deep within that complex which truly cannot be stopped. The consequences of this are immense and will affect not only this generation, but also the next. The future ramifications of this analysis are that the United States will continue to be in countless

wars of infinite duration perpetuated by the ignorance of the American people and the lawlessness of PSCs.

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