

2014

Public Wars, Private Warriors: An Analysis of Private Military Contractors in American Foreign and Domestic Policy

Phillip Andrew Roughton


Eastern Illinois University

This research is a product of the graduate program in [Political Science](#) at Eastern Illinois University. [Find out more](#) about the program.

Recommended Citation

Roughton, Phillip Andrew, "Public Wars, Private Warriors: An Analysis of Private Military Contractors in American Foreign and Domestic Policy" (2014). *Masters Theses*. 1364.
<https://thekeep.eiu.edu/theses/1364>

This is brought to you for free and open access by the Student Theses & Publications at The Keep. It has been accepted for inclusion in Masters Theses by an authorized administrator of The Keep. For more information, please contact tabruns@eiu.edu.


The Graduate School
EASTERN ILLINOIS UNIVERSITY
Thesis Maintenance and Reproduction Certificate

FOR: Graduate Candidates Completing Theses in Partial Fulfillment of the Degree
Graduate Faculty Advisors Directing the Theses

RE: Preservation, Reproduction, and Distribution of Thesis Research

Preserving, reproducing, and distributing thesis research is an important part of Booth Library's responsibility to provide access to scholarship. In order to further this goal, Booth Library makes all graduate theses completed as part of a degree program at Eastern Illinois University available for personal study, research, and other not-for-profit educational purposes. Under 17 U.S.C. § 108, the library may reproduce and distribute a copy without infringing on copyright; however, professional courtesy dictates that permission be requested from the author before doing so.

Your signatures affirm the following:

- The graduate candidate is the author of this thesis.
- The graduate candidate retains the copyright and intellectual property rights associated with the original research, creative activity, and intellectual or artistic content of the thesis.
- The graduate candidate certifies her/his compliance with federal copyright law (Title 17 of the U. S. Code) and her/his right to authorize reproduction and distribution of all copyrighted materials included in this thesis.
- The graduate candidate in consultation with the faculty advisor grants Booth Library the non-exclusive, perpetual right to make copies of the thesis freely and publicly available without restriction, by means of any current or successive technology, including by not limited to photocopying, microfilm, digitization, or internet.
- The graduate candidate acknowledges that by depositing her/his thesis with Booth Library, her/his work is available for viewing by the public and may be borrowed through the library's circulation and interlibrary loan departments, or accessed electronically.
- The graduate candidate waives the confidentiality provisions of the Family Educational Rights and Privacy Act (FERPA) (20 U. S. C. § 1232g; 34 CFR Part 99) with respect to the contents of the thesis and with respect to information concerning authorship of the thesis, including name and status as a student at Eastern Illinois University.

I have conferred with my graduate faculty advisor. My signature below indicates that I have read and agree with the above statements, and hereby give my permission to allow Booth Library to reproduce and distribute my thesis. My adviser's signature indicates concurrence to reproduce and distribute the thesis.

Political Science
Graduate Degree Program

12.17.14
Date

Please submit in duplicate.

Public Wars, Private Warriors:

An Analysis of Private Military Contractors in American Foreign and Domestic Policy

(TITLE)

BY

Phillip Andrew Roughton

THESIS

SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR THE DEGREE OF

Master of Arts in Political Science

IN THE GRADUATE SCHOOL, EASTERN ILLINOIS UNIVERSITY
CHARLESTON, ILLINOIS

Fall 2014

YEAR

I HEREBY RECOMMEND THAT THIS THESIS BE ACCEPTED AS FULFILLING
THIS PART OF THE GRADUATE DEGREE CITED ABOVE

12-17-14

DATE

12/17/14

DATE

12/17/14

DATE

THESIS COMMITTEE MEMBER

DATE

12/17/14

DATE

THESIS COMMITTEE MEMBER

DATE

ABSTRACT: At the end of the Cold War, the global political arena was forever altered. One of the major changes was the introduction of private military contractors as legitimate actors of foreign policy. Despite this assertion made by scholars, private military contractors are an under studied political actor. This paper traces the historical, economic, and legal legacy of private military contractors in American history.

I dedicate this work to my mother and father.

Acknowledgments

I wish to acknowledge and thank the entirety of the political science department at Eastern Illinois University. I would also like to send a very sincere “thank you” to my thesis advisor, Dr. Melinda Mueller for her invaluable insight and quick response time, for making this project possible, and above all for being a friend during the whole process. Thanks are also due to Dr. Ryan Burge and Dr. Ryan Hendrickson for their contributions to this research and for also being genuinely good people.

Table of Contents

Introduction

p.6

Methodology

p.8

Literature Review

p.10

Historical Analysis of PMCs

p.26

Economic Analysis of PMCs

p.47

Legal Analysis of PMCs

p. 56

Conclusion

p.61

Sources Cited

p.66

List of Tables and Graphs

Table 1: What makes PMCs unique?

p. 12

Table 2: Examples of services provided by PMCs

p. 14

Table 3: Results of Lexis-Nexis Search for PMC Search Terms in the New York Times
from 1984-2014

p. 21

Graph 1: Department of Defense Bi-Annual Contract Spending, 2000-2010

p. 53

Graph 2: Department of State Bi-Annual Contract Spending, 2000-2010

p.54

Chapter One: Introduction

At the end of the Cold War, the global political environment was significantly impacted. The Soviet Union ceased to be, America was entrenched as the lone superpower, and many scholars and pundits lauded the end of the threat of global, large scale nuclear devastation and warfare. Additionally, many expected the US to utilize its new status as superpower to ensure peace through international organizations and multilateral political action (Hajjar 2013; Uessler 2008, p.113-115). No longer would citizens in Washington and Moscow concern themselves with the imminent threat of obliteration, instead the Eastern Bloc was freed, and the hope of economic development and political rehabilitation reigned supreme. However, the post-Cold War global political and military landscape would present its own number of challenges, trends, and threats that would test the new world order. Large scale warfare was a thing of the past in the eyes of Washington, Moscow, and their respective (and in some cases, former) allies, and many of these countries embraced demobilization and the reduction of their military forces as a way of diverting funds to other investments that were urgently needed following the demise of Soviet support (Avant 2005, p. 32; Heineken 2014, 627-628; Singer 2003, p. 55) Instead of large scale wars, the globe was soon gripped with a rash of small wars and conflicts, often in places where the Cold War powers used to hold significant influence (Heineken 2014, p. 627-628; Singer 2003, p.9, 49-66). As a result of this demobilization and reduction of armed forces, nations had to find an economical, yet politically safe, way of asserting influence and control over these varied and localized conflicts. It was this military niche that private military contractors (PMCs) filled, and the one that led to their prevalence on the global stage.

Despite their relative infancy, PMCs have had a profound impact on the post-Cold War world and the way in which countries fight modern wars. PMCs have served alongside American forces in Iraq and Afghanistan, protected numerous international diplomats, and ultimately have had an immeasurable impact on how the post-Cold War world looks. In a theoretical sense, the existence of PMCs calls into question central tenets of how a liberal democracy is supposed to function in regards to the use of force, and how force is provisioned by liberal democracies such as the United States. Additionally, PMCs have played a consistent role in American foreign and domestic policy throughout the history of the United States. Yet, PMCs are often overlooked in political discussions and academic research.. Perhaps even more alarming is how little the American public knows about PMCs. For example, no polling data exists on the issue and very few mentions of PMCs in newspapers exist. To address this latter point, the focus of this work will be to chart the role that PMCs have played in American foreign and domestic policy. While we understand that PMCs (and mercenaries) are historical figures in global politics, what is less understood is the role that these actors have played in American history, and how that role has changed. Much of the research on PMCs has been focused on how PMCs behave across the world, including legal challenges and their impact on military missions. However, I feel that these considerations do not provide a complete picture of PMC behavior and their prevalence. The direction of this piece will be to analyze the broadness of PMCs in American history, and thus further inform our understanding of PMCs as a political actor.

In order to demonstrate the prevalence of PMCs, I will analyze a number of factors. First, the rest of this current chapter will be to provide a baseline understanding

of PMCs as a political actor. While the end of the Cold War brought about their rise, the wars in Iraq and Afghanistan increased their visibility to not only the American public, but also to many policy makers in Washington, scholars, and pundits. A consideration of their current status is a logically important starting point. This analysis will consider the roles played by PMCs, their general scope, and other basic considerations of what PMCs are and what they do. Following this baseline analysis, I will also investigate the number of moral and normative arguments pertaining to PMCs in this chapter. Finally, this section will conclude with the research direction and questions that will guide the analysis that is at the heart of this manuscript, as well as a section on the salience of PMCs. Following this chapter, will be analyses of the historical, economic, and legal legacies of PMCs in American foreign and domestic policy, before I conclude and consider the findings.

Methodology

With the establishment of the research direction, I will now turn to the methodology of this analysis. This manuscript will rely on an in-depth case study analysis of privatization in the American military. In more specific terms, I will be considering how privatization in the American military, as embodied by the use of PMCs, has changed over time and impacted American foreign and domestic policy. I will not be using comparisons to other countries or advanced statistical methods, but instead will rely on considerations of a number of sources to establish a qualitative case. This case study will rely on primary sources such as Department of Defense and Department of State documents and findings, as well as a number of peer-reviewed secondary sources such as journal articles and books. The introduction will rely heavily on secondary sources as the

introduction's role is to establish a baseline for understanding PMCs and privatization in military. I believe a focused case study is valuable and appropriate for this analysis.

PMCs have been a underserved area of study in academia, and an in-depth and focused case study provides a framework for comparative analyses between policy areas and nation states, while also establishing a baseline for understanding the number of factors surrounding PMCs and how they operate.

The analysis related to the case study will be three pronged in its approach. First, the historical consideration will rely heavily on secondary sources in the realm of military history and political science. The historical chapter will consider the role played by private actors in American military history, how the roles have changed, and the impact of these private actors on the war making apparatus. The second chapter of analysis is economic in its focus. The economic chapter will utilize secondary sources in its first section to establish a number of economic arguments related to PMCs, before transitioning to a second section in which primary data from government sources will be used to demonstrate a financial legacy of PMCs. The final analysis chapter will be on the legal legacy of PMCs and will rely on court rulings and Congressional action to illustrate its point, in addition to peer-reviewed academic journals.

Additionally, since this is a focused and in-depth case study a consideration of validity is needed. In regards to internal validity, I believe that findings and implications that would result from the three analysis chapters would be demonstrative of internal validity. I also believe that internal validity is supported by the number, variety, and quality of the sources utilized in the analysis. However the issue of external validity remains. Based on the literature, there are possibilities for external validity, particularly

in countries similar to the United States in terms of military investment, political pressure, and ideology. I will address the presence of internal and external validity throughout the manuscript where necessary.

“Long Live War, Long Live Death, Long Live the Cursed Mercenary”

The mercenary has often been a romanticized character throughout history. You can look to many real and fictional entities as testament to this. Han Solo from Star Wars was a smuggler and mercenary, as well as the “greatest bounty hunter in the galaxy” Boba Fett. Additionally, Rambo has worked with seemingly reliable and morally righteous mercenaries to save people from terrorists, and Denzel Washington and Leonardo DiCaprio have portrayed “respectable” mercenaries in *Man on Fire* and *Blood Diamond* respectively. These are specific examples of the fictionalized character of the mercenary that leads a life of intrigue, mystery, and danger, similar to the historical American obsession with gangsters, pirates, and cowboys. Yet, we must acknowledge that mercenaries are not simply actors of fiction, but are living, breathing humans that can profoundly impact how foreign and domestic policy is enacted. History has many testimonies to the impact of mercenaries whether it be the utilization of mercenaries by the Romans to protect their shores in the First Punic War, the British use of Hessians in the Revolutionary War, or the countless mercenary groups that have done their part in African civil wars (Lanning 2005).

Yet, is it fair to label PMCs as mercenaries? That answer requires consideration of the definition of the word mercenary, as well as the goal and actions of PMCs. According to the Merriam Webster dictionary, the definition of a mercenary is: “A soldier who is

paid by a foreign country to fight in its army: a soldier who will fight for any country or group that hires him”

Interestingly enough, most of America’s modern PMCs meet this definition, while also completely working around it and exhibiting unique characteristics. For example, while PMCs are certainly paid for their work, it is inaccurate to claim that they are being paid by a foreign country, or that they would fight for any entity that would pay them due to the fact that many of America’s PMCs consist of American citizens who have either worked in police work or in the armed forces, and therefore exhibit some semblance of patriotism and commitment to an ideal (Franke and Boemcken 2011, p. 726 and 737; Hajjar 2013, p.128). This loyalty is exhibited most obviously in the words of Erik Prince, founder of the largest, and perhaps most infamous PMC, Blackwater. In his book on the exploits of Blackwater, regarding Operation Enduring Freedom, Prince (2013, p.56) writes:

“Blackwater’s contribution to Operation Enduring Freedom wasn’t ever conceived as a business decision. We certainly received no money for it. The team in Moyock wanted to help the United States strike back at the men who attacked it, and opening our Rolodex and acting as facilitators was one way we could do so”

Based on these examples, America’s PMCs are not simply “new mercenaries,” but are instead a new political actor that has some similarities to the mercenaries of old. Singer (2003, p. 47) presents a more thorough and clear definition and framework of the definitional basis of the modern American PMCs that are the

focus of this manuscript. Singer (2003, p.45) argues that while PMCs and mercenaries are both paid by nation-states to assist in military operations, PMCs are inherently different because they undertake a “corporatization” of military service. Going further, Table 1 highlights how Singer (2003, p. 47) presents a number of other attributes of the modern PMC that makes them unique:

Table 1: What makes PMCs unique?

Organization	Prior Corporate Structure
Motives	Business, not individual, profit driven motives
Open Market	Legal and publicly traded entities
Services	Variety of clientele and range of services
Recruitment	Public and specialized
Linkages	Ties to corporations and financial markets

Source: Singer 2003, p.47.

The historical and fictional mercenaries were often a loosely structured gang of morally questionable men and women who would fight for any side. As demonstrated here, PMCs differ from the old mercenaries in their values, motives, structure, and also in a number of other ways. It is therefore unfair to label PMCs as simply a new variety of mercenary; one must understand and study them as what they are: a unique political actor.

The Multifaceted Actor

PMCs as they currently stand are a thriving, relevant, and long standing force in global and domestic political life. Due to a number of related caveats, PMCs have traditionally been a luxury for only the most advanced, prosperous,

and usually, Western countries. This trend is true due to a number of advantages that include material wealth, military “know-how,” and above all: a need for security (Uessler 2008, p.31). Other scholars have argued that a liberal political culture is riper for PMC use than say “countries founded on the republican theory of the social contract such as Germany” (Cusumano and Kinsey 2014, p. 3; Krahmann 2010). As a result of these variables, PMCs have had the greatest presence in Western countries such as the United States and the United Kingdom. For example, several European countries contributing forces to the War in Afghanistan used a PMC out of Ukraine for transportation (Singer 2005, p.122). However, despite the Western bend that seems apparent, PMCs are truly a global actor. For example, PMCs have fought on every continent of the world except for Antarctica, and some major PMC groups call South Africa and Israel home (Shearer 1998, p.71; Singer 2005, p.121-122). PMC forces are often made up of persons from countless countries throughout the world including Nepal, Israel, and parts of Africa and most of these persons are ex-military or police, often from special operations groups such as the SAS (Singer 2003, p. 76; Uessler 2008, p.40).

As discussed earlier, some see PMCs as modern day mercenaries (justly or not), yet PMCs offer a plethora of services unique to themselves. Singer (2003, p.73) argues that all PMCs offer services that have traditionally fallen “with the domain of national militaries.” However, this does not mean that all PMCs are fighting alongside traditional armed forces; instead that capacity is just one of the many services offered. For example, Percy (2006, p.11) asserts that PMCs

provide four types of service: logistical support, operational or tactical support, military advice and training, and policing and security. Examples of each type of service can be found in Table 2 (Percy 2006, p.11-13; Terry 2010, p. 661; Uessler 2008, p.21-26):

Table 2: Examples of the services provided by PMCs

Logistical Support	The preparation and delivery of food and/or laundry to military bases/construction and maintenance of military bases/refueling and storage capabilities/operation and maintenance of telephone and radio bases/recreational accommodations
Operational and Tactical Support	The planning and implementation of combat missions/gathering intelligence and data using electronic and digital means, as well as traditional means and the consolidation of this information for military use
Military Training	Training domestic and foreign police and security forces in basic weapon usage, as well as more advanced military skills such as piloting an aircraft or driving a tank
Policing and Security	Protecting and escorting diplomats and other high ranking officials/ escorting of convoys/ protection of vital institutions/ use as security forces in international peacekeeping arrangements/ protection of third parties in conflicts such as refugees and displaced persons

Sources: Percy 2006, p.11-13; Terry 2010, p.661;Uessler 2008, p.21-26.

As a way of streamlining their services, PMCs often “package” their services together in a manner similar to the packaging of home, TV, and internet together

by cable companies. One example of this bundling of services can be found in the advertising of the PMC Trojan Security Services. Trojan argues that it offers “maritime security” to those entities that hire them, and this can entail security consulting, counter-terrorism efforts, vessel escort and recovery, and a litany of other related services (Uessler 2008, p. 22). While PMCs provide a number of services that appear to support or advance the missions they are involved in, there still exist a number of theoretical challenges to the act of privatizing military services.

PMCs as Problem, and Problem Solver?

The theory of collective action is rooted in the work of Olson’s (1965) seminal piece *The Logic of Collective Action: Public Goods and the Theory of Groups*. In political science and related fields, collective action is often used to examine how public goods are provisioned by any number of actors and the impact of externalities. Olson (1965) argues that groups that participate in collective action often have to contend with “free riders” attempting to benefit from the good, without contributing to it. Due to the non-excludable nature of public goods, this is almost impossible to stop. National defense is the epitome of a collective good, yet the problem lies in the fact that it is incredibly difficult to attain cooperation from the multitudes to engage in this public good, and also that the associated cost is too high for individuals or small groups to solve it. PMCs may be a solution to the collective action problem of national defense as the decision making to use force would be driven by economic and market demands, and less by the public sphere.

While the analysis has shown that PMCs are global actors that undertake a variety of missions and tasks and can solve problems, several criticisms exist regarding PMCs. One concern that many scholars have is that utilizing PMCs directly violates or challenges the historical monopoly that the state has had on the use of force in a theoretical and practical sense (Chesterman and Lehnardt 2007; Heinecken 2014; Pattison 2010; Percy 2006; Singer 2003; Uessler 2008). This concern has multiple viewpoints and approaches, and it would be useful and insightful to analyze the multitude of ways in which this concern is viewed. In the broadest sense, scholars are concerned about PMC interruption of this relationship between state and military forces because democratic control over the use of force is an invaluable resource for self-governance and individual autonomy (Pattison 2008, p.153) In nation-states, such as the US, where democracy is a guiding tenet of civic life, it is important for Americans to have some say in when force is used. Additionally, democratic control, it is argued, leads to more peaceful relations and behavior when interacting with other democracies (Owen 1994, p.97-125) As we have seen, PMCs are primarily based in richer, more industrialized, and liberal Western countries. It is therefore concerning that some theorists believe that the use of PMCs could impact the relationships between countries of this ilk.

According to Deborah Avant (2005, p. 5-6), PMCs can impact “control of force” because, as mentioned earlier, PMC presence *could* impact who can control violence. Continuing, Avant (2005, p. 5-6) asserts that “control” can be measured in three ways: Functional, political, and social. Functional control measures the effectiveness of the military itself, political control impacts those political actors that control force, and social control relates to how force is used in concert with societal viewpoints such as social

justice, democracy, and human rights (Avant 2005 p.5-6; Percy 2006, p. 15-16).Percy (2006, p.16) also makes the argument that in addition to affecting how each of these types of control function, PMCs can also impact how the three types work together.

However, many argue that just because PMCs *could* impact the control of force, that does not mean that they have or will, nor does it mean that some private control is inherently bad. Lindsay Cohn (2011, p.382) makes the argument that there is no reason to expect the civil sphere to have less control over a PMC than over a traditional military force as they both are under a contract, and seek to continue to receive contracts, promotions, and accolades. Additionally, Cohn (2011, p.382) makes the case that the use of PMCs could actually provide *more* control for the civil government when compared to traditional armed forces. For example, utilizing PMCs could eliminate what is referred to as the “bored soldier” dilemma, that is states are perpetually debating whether to keep a large army, or demobilize, and possible impact domestic policies, and PMCs could provide long-standing services such as air forces that are far too expensive and specialized otherwise (Cohn 2011, p. 382). Overall though, both Cohn (2011) and Avant (2005) believe that the granting PMCs some control in regards to the use of force can be helpful if utilized in the correct way and with the extensive regulations and a competent state system.

Despite the arguments presented, many scholars are still skeptical of, if not hostile towards, the way “control of force” will be affected by PMCs. Uessler (2008, p.173) argues “governments’ duty to their citizens is to maintain security, which includes democratic control over the use of force” and that this necessary balance “cannot be reconciled” as long as PMCs are driven by profits instead of national interests.

Additionally, Ken Silverstein (2000, p.143) believes that the state embrace of PMCs is dangerous and that PMCs are the “footsoldiers of privatization, by which the responsibilities of government are transferred to corporate hands.” Silverstein (2000, p. xvii) also contends that the US should abandon the use of PMCs in order to “construct a defense policy based on real issues and threats” and not one that is driven by profit margins and “small groups of hardliners.” Another scholar skeptical of the loss of control is Lindy Heinecken. In her piece “Outsourcing Public Security: The Unforeseen Consequences for the Military Profession”, Heinecken (2014, p.630) argues that the use of PMCs means that “the armed forces no longer held the exclusive monopoly over the management and application of violence.” Additionally, Heinecken (2014, p. 631-638) believes that the introduction of private fighters may have some benefits, but their impact on military autonomy, skills, sense of “corporateness,” and service ethic makes her especially critical and skeptical of their wide use and application.

Pattison, a political theorist, finds contention with some aforementioned scholars such as Avant and Cohn, in that Pattison believes that the privatization of force is fundamentally and inherently unethical and wrong, and that no level of regulation can reverse this (Pattison 2010, p. 427). Much of Pattison’s argument centers around questions and concerns that he has about the motives, and not so much the intentions, of those people whom make up PMCs. Motives, as Pattison argues, consist of underlying reasons for doing something, while intentions are objectives or purposes (Pattison 2010, p. 433). While a private contractor may have noble intentions such as protecting innocents or protecting important politicians and diplomats, the motivation behind these intentions are inherently immoral because they are based entirely on the idea of making money. As

Pattison (2010, p.433-434) writes “the issue of motives...presents a potentially deeper objection” for three reasons:

1. Motives matter in moral judgment.
2. It is problematic if individuals are motivated by financial gain in the context of military force, given that military force harms others.
3. Private contractors are more likely to be motivated by financial gain than regular soldiers

Pattison makes the argument that because of the presence of these three variables, and the fact that they are uncontroversial and generally agreed to, American policy makers should be strongly dissuaded from using PMCs as they provide no benefits, yet come with some significant moral challenges (Pattison 2010, p. 435). Unlike traditional armed forces who are motivated by duty, sense of self, and commitment to national ideals or missions, the self-interested motives of PMCs present significant moral challenges for American foreign policy makers and the way our country justifies military action.

Utilizing the theoretical framework of corporate social responsibility (CSR), some scholars have found legitimate concerns regarding the responsible nature of PMCs. To start, CSR calculates the responsibility of a firm in four areas: economic legal, ethical, and philanthropic (Carroll 1979). Using this framework, many have not even attempted to analyze PMCs as they are seen as ethically questionable at the outset, and violate CSR by their very nature. For example, E. F. Byrne (2007, p.210-217), argues that PMCs would fail CSR tests because they harm the environment, violate human rights, cull profits unethically, and abuse political power. Despite Byrne’s insistence on the unethical nature

of PMCs, others believe that his complaints are questionable at best. In their piece “Products That Kill and Corporate Social Responsibility: The Case of U.S. Defense Firms,” Halpern and Snider (2012) find that PMCs can exhibit traits of CSR and are not inherently immoral, assuming they participate in philanthropy and contribute to national interests in some capacity.

PMC Salience with the American Public

The purpose of this research is to chart the prevalence of PMCs in American foreign and domestic policy, and one way to do that is to track the salience of the issue in the eyes of the American public. A brief consideration of how prevalent PMCs are to the public, as understood through salience, will provide a comparative lens in which to consider the findings in the forthcoming analysis chapters and is an integral part of charting the depth of PMC presence in American history. The issue of salience is important for a number of reasons. First, we understand that citizens base their opinions of the president on how he/she acts regarding issues that are salient to the public (Edwards et.al. 1995, p.121-122). Following from this understanding, one could reason that how a president acts on non-salient issues has little impact on his electoral viability, and that the president has wide latitude in dealing with low salient issues. However, the way in which salience has been measured has fluctuated over time. Yet, for this manuscript, we will be relying on Epstein and Segal’s (2000) model for measuring salience. While we understand that elite political actors are judged by the public on how they deal with salient issues, Epstein and Segal (2000) provide a model for determining how these elite actors determine issue salience, and therefore what issues to be concerned with. Epstein and Segal (2000, p.72) argue that the most consistent and effective way of

measuring issue salience is to measure how often and prominently an issue is featured in major media outlets, and for their case, specifically how often an issue is featured on the front page of, or in a headline in, *The New York Times*. Utilizing this model, I will use the Lexis-Nexis database and research tool to do a search of four terms: Private military contractor, private security contractor, mercenary/mercenaries and Blackwater. The first three terms present most commonly used acronyms and titles for the actor that is being considered, and the final is the most notorious and infamous PMC group, as they were the focus of Congressional investigations in the mid-2000s. I will be searching for mentions of these terms in headlines only, and with no date restrictions. The results of this analysis are presented in Table 3:

Table 3: Results of Lexis-Nexis Search for PMC Search Terms in the New York Times from 1984-2014

Term Searched in Lexis-Nexis Database from The New York Times from 1984-2014	Number of matches
Private Military Contractor (PMC)	0
Private Security Contractor (PSC)	0
Mercenary (Mercenaries)	21
Blackwater	15

Source: Lexis-Nexis

As you can see from this brief snapshot of salience, PMCs are not covered frequently or in great numbers by *The New York Times*. While PMC and PSC received zero matches in the entirety of *The New York Times* publication history, Blackwater and mercenary received some matches. It should be noted that almost all of the mentions of Blackwater

are from the mid-2000s, which is logical due to the Nisour Square Massacre and the subsequent Congressional investigation, while the mercenary tag resulted in some matches that dealt with issues other than PMCs. Overall, the salience measure presented by Epstein and Segal (2000) indicates that PMCs are not a well known or salient issue to the American public or policy elites.

To provide even more support to this consideration of salience, I consider polling data related to the privatization of force and private military contractors. While mentions in a large and notable newspaper presents one angle of understanding PMC salience, the consideration of people being asked directly about PMCs provides perhaps a more insightful understanding of the issue. If we can see, from polling data, that citizens are concerned about, or have opinions of, PMCs, we can provide a greater contextual understanding of their salience to the American public. I chart this by using three of the largest and most often used polling data sources: American National Election Studies, Gallup, and PollingReport.com. Additionally, I utilize the same search terms mentioned above to provide continuity. Interestingly enough, a search of the same terms mentioned above garnered zero results from ANES data, Gallup, and PollingReport.com. While no data appears to present a challenge to the research design, I would argue the opposite. If these prominent and well respected public opinion sources have not even attempted to gauge where the public stands on the issue of the privatization of military force, what does that say about its salience and importance to the American public? It is again clear from this consideration that PMCs are not a well known issue to the American public, or one that many political elites consider when developing policy.

While we see that PMCs are not particularly salient to the American public, one of the reasons for this may be related to what economists call the “casualty sensitivity” effect. This effect argues that public support for wars is noticeably impacted by the number and visibility of casualties (Larson and Savych 2005). This argument is supported by Eichenberg (2005) as his work shows that the mere inclusion of the casualty phrasing in questions greatly lowers support, and that public support is impacted by the perception of casualties, particularly in post-Saddam Iraq. However, due to a number of factors including incomplete data and legal hurdles, contractor deaths are rarely reported or included in the death tolls of recent wars, despite the fact that contractor deaths have ranged anywhere from 20-30% of all US deaths in Iraq and Afghanistan (Schooner and Swan 2012). This leads to the public being unaware of these deaths, or in some cases not sensitive to or interested in the number of contractor deaths, therefore affecting how salient the issue truly is to the public (Schooner and Swan 2012). As Jon D. Michaels (2010, p754-755) writes:

“Private contractors are politically valuable insofar as they neither enter into official head or body counts – nor, it appears, into our hearts. That is to say, the nation identifies with its troops, to a far greater extent than its contractors: “Americans are accustomed to hearing the military death toll. But largely absent from the public consciousness are the thousands of civilians putting their lives on the line as contractors in Iraq.” Combining US military personnel and contractors in combat zones thus allows for contractors to lighten the troops’ share of long tours, injuries, and other emotional and physical hardships. But even more importantly,

the aggregate loss of life is discounted by the fact that we neither hear as much about nor, evidently, care as much about homesick or fallen contractors.”

Unfortunately, it appears that the low salience of PMCs is not without its cost. While the American public does not know (or does not care) about PMCs, they are still fighting and dying alongside traditional armed forces. Overall, the consideration of salience provides an additional reason for the prevalence of PMCs in American foreign and domestic policy.

Research Direction and Focus

So far the research has focused on addressing what PMCs are, what they do, a number of challenges related to them, and what the public knows (or does not know) about them. The rest of the research will be focused on establishing the long standing prevalence and presence of PMCs as a political actor in American foreign and domestic policy. As mentioned earlier, this analysis will manifest itself in a variety of ways including both qualitative and quantitative methods, and will cover the political and military, economic, and legal existence of PMCs as a way of demonstrating their heavily entrenched and historic existence in the American political lexicon. All of the research is attempting to answer two central questions: what role have PMCs played in American history? And how has this role changed over time? The forthcoming chapters address these central questions by narrowing their focus even further. In Chapter 2, the focus will be on analyzing the role PMCs have played in American political and military history

and how they have impacted our foreign and domestic policy goals. In Chapter 3 the main question will be: how prevalent are PMCs in an economic sense? And in Chapter 4 the research will consider if there are any legal regulations or baselines for PMCs, and analyze the legal standing and history of PMCs in American foreign and domestic policy. In answering these questions and addressing these concerns, a more clear and thorough understanding of the prevalence of PMCs in American political life will present itself and this will help us to understand how this aspect of the provision of military force has maintained some of its basic structure, while also radically changing, and the various roles PMCs have played in American history.

Chapter Two: Historical Analysis of PMCs

Mercenaries and Early America

Mercenaries are as old as war itself. While the Romans, Chinese, and other long standing empires utilized mercenaries to varying degrees, the focus of this analysis will be on the role played by mercenaries in American history. While I make the case that PMCs (and actors like them) have had a long standing involvement in American foreign and domestic policy, the first interaction between American forces and mercenaries was not befitting of this relationship. Breaking a longstanding peace, American colonists struck out against their British rulers on April 19th, 1775 at Lexington and Concord. While King George and his military advisers expected a quick routing of the peasant revolt, the American colonists killed over 200 British forces at Lexington and Concord as well as 800 troops at Bunker Hill a few months later (Lanning 2005, p. 79-80). In response to this slaughter, the British quickly employed the use of German mercenaries, whom the American Colonists referred to as Hessians due to their area of origin, to fight their war. This employment of mercenaries would play a significant role in American independence as American Colonists viewed the war as a “internal, family affair” and that the introduction of mercenaries was barbarous and tyrannical (Lanning 2005, p.82) This feeling manifested itself as one of the complaints registered by the colonists in *The Declaration of Independence*, as the Founders wrote “He (King George) is at the moment transporting large armies of foreign mercenaries to complete the works of death, desolations and tyranny.”

Despite the angered reaction to the British use of mercenaries, the early American military also employed contractors and mercenaries to some extent.

Following a period of ineffectual logistical support, Congress centralized logistical operations under Robert Morris, a Philadelphia merchant and Superintendent of Finance (Kidwell 2005, p.10). Morris' new system of logistical support to the Continental Army relied heavily on private individuals to deliver goods and services, as large numbers of cooks, laborers, medics, and laundresses accompanied the army on its journey (Kidwell 2005, p.10). This early logistical body would lay the groundwork for the more nuanced and specialized model that would be utilized in modern wars. In addition to the use of private entities and laborers to support the war effort, the Continental Army employed mercenaries in other ways. For example, Baron Van Steuben, a German mercenary was instrumental in molding the Continental Army into a coherent fighting force through his extensive military training at Valley Forge (Singer 2003, p. 33). As illustrated here, the Continental Army not only battled mercenaries, but also utilized them and other privatized forces to better improve their logistical and military capabilities. The presence of mercenaries was prevalent in American society from the start.

Following the triumph of the Continental Army and the establishment of a new Republic, American lawmakers sought to build upon the work done by Robert Morris in streamlining logistical support for military forces in an effort to strengthen the struggling, and generally weak, American military. While The Constitution granted the President control over the military, spending related to

the military, including procurement and logistics rests with Congress. Initially, the President sought and exercised control over the procurement of military support resources, leading to waste and abuse in a number of instances. In response, in 1798 Congress passed legislation forcing contracts to be the subject of a competitive bidding process with a number of regulations and caveats including no advanced payments or Congressional profiteering from contracts (Kidwell 2005, p. 11). Congress also attempted to further simplify the process by placing the process of bidding and purchasing under the auspices of military agencies such as the Corps of Engineers, but scholars argue that this bevy of legislative activity did very little to simplify or streamline the process of contracting (Kidwell 2005, p.10-12).

Overall, this inefficient system of contracting out for a number of essential goods and services existed until the end of the 19th century. Starting with the Mexican War of 1846, the US military began to professionalize and make substantial strides in reforming and standardizing internal logistical operations, as well as to establish safeguards to protect against fraud and waste from outside contractors (Kidwell 2005, p. 12). Playing into this evolution was the nation's improving infrastructure and new modes of transportation, as well as significant investments from the War Department (Huston 1966). However, one alarming trend of the mid-19th century contracting process was the cozy relationship between some Union officers and contractors, one that often resulted in sweetheart deals for both sides, while impacting quality and military preparedness (Kidwell 2005, p.12) Despite an investigation by the House of Representatives,

these practices continued for the duration of the Civil War, mostly due to the difficulty of passing legislation in wartime. While the logistical situation improved somewhat during the mid-19th century, a major problem still existed: No decision had been made whether to create an internal logistical operation to supply forces by any major political or military actor, and the 19th century US army would continue to take competing paths on the issue, often resulting in continued contractor waste and abuse, as well as impacted army efficiency (Kidwell 2005, p.12).

At the dawn of the 20th century, most political and military leaders acknowledged and understood that a professionalization of the US Armed Forces was urgently needed. Following the Spanish-American War of 1898, and the newly found understanding of the need to project force globally, the flaws in the logistical system were obvious and numerous (Shrader 1999, p.5). To correct these shortcomings and to better prepare for the challenges of the new century, Congress enacted sweeping and important legislation to improve military contracting and logistics. In 1912, Congress combined a number of smaller departments into the Quartermaster Corps to improve efficiency and eliminate waste (Huston 1966, p.294). This led to a centralized and consistent body of enlisted men that were solely responsible for the logistical aspect of warfare, thus ending some of the aforementioned abuses and flaws in the system that plagued earlier military endeavors.

When America entered World War 1 in 1917, the US Expeditionary Forces were supported by a private-public partnership not seen in American

history at the time. This partnership was defined by the founding of the War Industries Board, an entity populated with government and business leaders whose sole purpose was to ensure that the whole the American industrial strength was adequately and accurately utilized in the war effort (Kidwell 2005, p. 13). Additionally, Congress ensured that abuses and waste were minimized, a practice in stark contrast to the process that plagued 18th and 19th century military campaigns, by banning advanced payments, closing loopholes, and through a number of other contract protections (Kidwell 2005, p.13; Smith 1985, p.220). Overall, the private-public cooperation of World War 1 was in sharp contrast to the waste and abuse of earlier wars, and would be indicative of the future of the relationship in the 20th century.

The Beginning of Modern PMCs

Up until the mid-20th century, the role of contractors in the American military was strictly ad-hoc and localized. However, the changing nature of warfare and growth in technology would alter their contributions significantly. When World War 2 broke out in 1939, American political and military leaders were happy to stay home, yet they also began to mobilize and enact policies to ensure preparedness. Before 1941, the American government awarded contracts to a number of domestic firms to provide logistical support and training to American allies in the Middle East and North Africa as a part of the Lend-Lease program (Kidwell 2005, p.13). Following American entry into the war, many of these contracts were converted into military roles, yet the civilian impact on how the war would be fought would be immense. Instead of being solely domestic

entities that provided logistics and some training, contractors during World War 2 were often at as much risk as regular armed forces due to their presence in military situations in North Africa, Europe, and other theaters of the Second World War.

Technological innovations brought about vehicles and implements of war that were often far too complicated to be repaired by regular soldiers. In response to this reality, Allied forces required the construction of facilities in the field to repair ordnance and vehicles. This task fell to private contractors, and more specifically, the J.G White Engineering Corporation before eventually falling to military actors when enlistment numbers increased (Shrader 1999, p. 6). For the first time in American history, forces that were not solely military were accompanying armed forces into hostile zones to achieve military goals. Historian Lida Mayo writes that some leaders at the time saw “inherent dangers in assigning to a civilian contractor tasks that were essentially military” (Kidwell 2005, p.13). This viewpoint echoes the sentiments of some normative challenges presented earlier, as well as the arguments put forth by scholars during the Iraq and Afghanistan Wars. Overall, while military actors eventually took over the responsibilities of contractors during World War 2, the mere presence of civilians on the battlefield in military roles would prove the first indication of what was to come.

The precedent established regarding private contractors during World War 2 would continue during the Korean War of 1950, albeit with some notable differences. For starters, enlistment for US armed forces was significantly smaller

than in World War 2, and this led to greater reliance on contractors to undertake essential operations on the battlefield alongside military actors (Kidwell 2005, p. 15; Shrader 1999, p.7-8). However, many of these contractors were Korean and Japanese, and this lessened the domestic human and economic cost, much to the benefit of policy makers, a fact that would negatively impact future wars and the way policy makers viewed contractors (Kidwell 2005, p.15). Overall, many historians believe that without the commitment of these Korean, Japanese, and American contractors, the mission would have suffered as traditional forces would have had to undertake significant support roles (Huston 1966; Kidwell 2005; Shrader 1999) Overall, the Korean War was a continuation of the trend established by the Second World War of having contractors in battlefields acting in military roles. While the Korean War and Second World War showed the ever inclusive role of contractors in warfare, a prevalence that was startling when compared to earlier wars, private inclusion would continue to evolve and grow in the American military operations of the Cold War.

PMCs in the Cold War

Early American wars featured contractors in supply and logistic roles primarily, yet this role changed significantly during the Cold War.¹As touched upon earlier, contractors can undertake a variety of roles and responsibilities. For example, much of the work done by earlier contractors (particularly pre-World

¹ It is also important to note before I continue that I do understand and accept that the Korean War technically occurred during the period most historians refer to as the "Cold War," but the way contractors behaved in the Korean War were more similar to the contractor behavior in World War 2 than in wars that would follow it. I therefore made the decision to separate the wars based on contractor behavior instead of chronological order

War 2 contractors) was in the realm of logistical support. However, the nature of the Cold War led to a greater reliance on contractors that acted in different ways. One such case was the Pentagon's commitment to FFRDCs or federally funded research and development centers. These FFRDCs served as analysts and "think tanks" for much of the 1950s and especially during the 1960s and Robert McNamara's tenure as Defense Secretary (Chambers II 1999, p.185). These FFRDCs served an operational and tactical support role to US Armed Forces, The Joint Chiefs, and the Defense Department, and were solely funded by annually approved federal contracts (Chambers II 1999, p.185-186). These FFRDCs were just one example of contracting during the Cold War however.

While FFRDCs introduced a new type of contractor to the Cold War, the American effort in Vietnam still relied on contractors for significant logistical support. Since the Vietnam War was relatively unpopular domestically, leading to low enlistment and concerns over political viability, policy makers employed large numbers of contractors for absolutely essential roles that were traditionally military including construction, base operations, and transportation (Shrader 1999, p.8). Due to this increased demand for logistical support, a number of companies including Brown and Root, J.A. Jones, and KBR reorganized themselves in order to take advantage of the opportunities presented by this new war (Kidwell 2005, p.16). While World War 2 and the Korean War were responsible for the contractor presence on the battlefield, the economic opportunities presented by the Vietnam War and the related political environment led to another central tenet of modern PMCs: corporate structure. Overall, due to the scope and duration of

the war, the Vietnam War featured the largest contractor presence in American history, a presence that was calculated at 52,000 contractors at the height of the war in 1969 (Shrader 1999, p.8).

While we have seen that logistical support from contractors has been a long standing staple of American foreign and domestic policy, the Cold War was also the breeding ground for the type of contractor that would run rampant in the post-Cold War global arena: the contractor that was involved in policing, security, and the use of force. At the height of the Vietnam War, the US government was responsible for funding and equipping Korean, Thai, and Filipino soldiers to fight the Vietcong (Lanning 2005, p.143). While not exactly the domestic contractors that are the focus of this paper, this example is still important as it is one of the earliest instances of the American government hiring non-traditional armed forces to use force. Similar to the employment of these Asian mercenaries, the Reagan Administration utilized a number of former British Special Operations soldiers to participate in military action against the Marxist government of Nicaragua (Geragthy 2009, p. 142-147). Additionally, throughout the Cold War, the CIA and National Security Council utilized private individuals and actors to achieve a number of military objectives in Latin America, the Soviet Bloc, and the Middle East (Geragthy 2009; Kidwell 2005; Silverstein 2000).

Overall, the role of the private contractor evolved more in the roughly 40 year span of the Cold War than in the 150 some years of American existence that preceded it. Instead of a roughly assembled network of logistical support actors, corporate structures began to form to efficiently provide support, while sucking

up considerable government contracts. While logistics improved and changed during the Cold War, the true last impact was the introduction of objective support contractors that aided in analysis and targeting, as well as in actually utilizing force to achieve military ends. The contractor that had always been around had started to change in considerable ways, and the end of the Cold War would alter private contractors and the roles they played in numerous and significant ways.

The End of the Cold War and LOGCAP

As we have seen up to this point, private contractors have played a notable role in American military and political history. However, while this relationship has existed for a significant amount of time, it was not until the end of the Cold War that the relationship changed significantly, and we saw the arrival of the multifaceted and controversial actors that were established earlier on in this research. As previously mentioned there were a number of factors related to the end of the Cold War that were instrumental in the development and rise of these modern PMCs including the changing nature of warfare, domestic commitment to privatization, and military demobilization. In the early 1990s, contractors played a central role in the First Gulf War, a role very similar to the role played by contractors in Vietnam, one of logistical support in terms of supply and construction (Kidwell 2005, p.19; Shrader 1999, p.10) However, this seemingly routine role would be a driving force behind a major development in the realm of security contracting.

After seeing the benefits of contractors in Vietnam and the First Gulf War, civilian lawmakers issued the first contract under (the program was established before the end of the Cold War) the Logistics Civil Augmentation Program (LOGCAP) with the expressed purpose of normalizing military relations with security contractors and so that the US military “could fulfill missions without always having to use military assets directly” (Kidwell 2005, p.19; Shrader 1999, p.10). This arrangement was a significant jump forward for integration of contractors into normal military routine. While historically contractors had served a support role to traditional armed forces, the LOGCAP arrangement entrenched this relationship even further, to the point where the military was often completely reliant on contractors for a number of resources that would ensure military success.

One considerable test of the new LOGCAP system was during Operation Joint Endeavor, the NATO peacekeeping mission in Bosnia in 1995. The main LOGCAP contract recipient was Brown and Root (BRSC), an energy company from Houston, Texas with ties to former Defense Secretary Richard Cheney (Shrader 1999, p. 10). During Operation Joint Endeavor, BRSC established a number of bases, provided food and water to military forces, removed trash, and even provided some instances of police support at certain areas (Kidwell 2005, Palmer 1999). Overall, the LOGCAP experience in Bosnia was a glowing success in terms of the cooperation and efficiency of contractors in supporting military forces. For example, observers cite the experience at Mount Zep as illustrative of this success, as contractors arrived approximately 30 minutes after the military

captured the hill, and established a formidable operating base on the mountain within weeks (Palmer 1999). One scholar referred to the Bosnian experience as exemplifying “the successes the Army experienced with contractors as a force multiplier” (Palmer 1999). In addition to the Bosnia case, the LOGCAP framework would prove vital in a number of additional post-Cold War engagements including Somalia, Rwanda, Haiti, and Southwest Asia (Kidwell 2005).

Overall, the post-Cold War environment was the breeding ground the modern PMCs that are the focus of this analysis. As mentioned earlier, the changing nature of warfare and political restraints fostered much of the evolution in the private military sphere. One scholar put it succinctly enough “During the 1990s, Western governments increasingly shied away from sending national troops into conflicts in the Third World” (Uessler 2008, p. 117). Many of these developing world conflicts were religious or ethnic in nature, and as a result, not particularly popular domestically. For these reasons, contractors found willing consumers of their products, and filled a need for American policy makers. In addition to this (or in response to) this changing environment, LOGCAP established a legal framework for the complete integration of contractors into the American military machine. Contractors had been support roles in a domestic sense for most of the course of American military history. The 1990s and LOGCAP changed this relationship in a drastic manner. Forthcoming events would alter the relationship even further.

The Global War on Terrorism and PMCs

When 19 individuals associated with Al-Qaeda hijacked four American planes on the morning of September 11th, 2001, the world was forever changed. President George W. Bush declared a Global War on Terrorism in the following months, and plans were drawn up to attack terrorists in the Middle East, Africa, and any other location that harbored anti-American Islamic Fundamentalism. Following the decade of growth under LOGCAP and the changing global dynamics, PMCs were eager and available to lend a hand. Journalist Jeremy Scahill even makes the argument that the “attacks almost instantly accelerated an agenda of privatization” and that those in power oversaw the “explosion of a \$100 billion global for-profit military industry” (Scahill 2007, p.105).

Starting in September 2001, large contracts were beginning to be awarded. For example, Blackwater was awarded a \$35.7 million dollar contract for military training for the Navy, a \$610,000 dollar contract for consulting and training work with the FBI, and a number of other considerable contracts with numerous federal agencies and bureaus (Scahill 2007, p.105-106). KBR, a long standing contracting partner for the US Army was also employed, along with 58 other organizations (Kidwell 2005, p.30) As alluded to earlier, most of these contracts were for training purposes only, but once the American armed forces started operations, this role would change significantly.

In October 2001, America and allies began bombing operations in Afghanistan under the directive of Operation Enduring Freedom. By May of 2002,

contractors were hitting the ground in Afghanistan in considerable numbers. Blackwater was awarded a contract for 20 men to protect a clandestine CIA facility in Afghanistan, with expressed orders to kill anyone who posed a threat or that they deemed a threat (Pelton 2006, p. 37-38). While on paper these Blackwater contractors were nothing more than the contractors of the past, providing logistical support, in practice they were an entirely different animal. Former Blackwater executive Jamie Smith described the operation as essentially being the “CIA’s paramilitary wing” (Pelton 2006, p. 38). For the first time in American history, contractors were given the go-ahead to use force, and as a result, the line between contractors and the military was blurred, if not entirely removed.

Contractors continued to provide essential support, training, and security roles throughout the early years of Operation Enduring Freedom in Afghanistan. For example, contractors from the Dyncorp Corporation were given a contract to protect Afghan President Hamid Karzai in early 2003, while KBR and others constructed and staffed the number of American, and in some cases NATO, bases in country in Afghanistan (Kidwell 2005, p.29-31). In the same way that LOGCAP was an indicator of things to come, the new security role that some PMCs were given in the early stages of Operation Enduring Freedom were indicative of an alarming trend to come.

By early 2003, American policy makers, including President George W. Bush were looking forward to the next course of the Global War on Terror. On March 20, 2003, American forces invaded Iraq with the expressed purpose of

toppling Saddam Hussein's Baath Party regime and establishing a constitutional democracy in its place. As is true of all preceding wars in American history, American forces were accompanied by private contractors. However, the contractors that accompanied Operation Iraqi Freedom were a new breed of contractors, ones that were numerous, fearless, and given the ability to use force.

As mentioned earlier, one of the contractors that the Bush Administration had employed early on was Blackwater. Blackwater, a firm that started off training police officers to respond to school shootings, was an ideological entity that sought to support the US mission in any way possible (Scahill 2007, p.106-107). Blackwater's founder, Erik Prince, argued that Blackwater's goal was to do for "the national security apparatus what FedEx did for the Post Office" (TheWeek 2014). In reality, what Blackwater, and other contractors, did was completely reinvent the relationship between contractors and the American military through their actions during the Iraq War and subsequent occupation.

In the beginning of Operation Iraqi Freedom, it looked like business as usual however. ABT Associates was awarded a contract for medical training and supplies for the Iraqi Health Ministry, and DynCorp received a contract to provide supplies and training for the Iraqi Police (Kidwell 2005, p. 31-32). However, at this time other, more nefarious, contracts were being awarded. For example, Erinys International was given a contract to protect Iraqi oil pipelines, while CusterBattles was granted a contract to protect the Iraqi airport from both domestic and incoming threats and risks (Kidwell 2005, p.31). These latter jobs granted contractors wide latitude when it came to the use of force, as these

contractors were assuming roles that had traditionally fallen on military entities. This intermingling of private actors participating in traditional military roles would continue to define and haunt the Iraq War and occupation.

By June 2003, the Invasion of Iraq was over, Saddam had been toppled, and it appeared US Coalition forces, including its contractor partners that numbered in the thousands, were victorious. However, only half of the war had been won. Next came the occupation and reconstruction of Iraq in order to mold the Iraq that the White House had envisioned. The man tasked with overseeing the reconstruction of Iraq was one L. Paul Bremer III. Bremer, a longtime Republican aide with ties to the White House, began his work by firing thousands of Iraqi civil servants and dissolving the Iraqi military in an effort to “de-Baathify” the Iraqi populace. Many argued that this would only serve to anger the population as one analyst put it “if you starve a man, he’s ready to shoot the occupier” (Scahill 2007, p.129). Unfortunately, Bremer’s action led to distrust towards the Provisional government which only served to fuel and support the already present guerilla resistance. In response to the growing threat, Bremer required security. The White House hired Blackwater on a sole source bid to protect their lead man in the reconstruction of Iraq.

For the first time in American history, private contractors were solely responsible for the well-being and survival of a top American diplomat and administrator. Blackwater’s contract with the US Government called for “personal security detail and two helicopters” for Bremer, which included a heavily armed and armored convoy (Scahill 2007, p.133). In his own words, Blackwater founder

Erik Prince argues that “Blackwater’s men helped protect the ambassador from ambush attempts on the roads, rocket attacks in the Green Zone, and increasingly hostile Iraqis in general” (Prince 2013, p.77) In the same way that the Secret Service protects the President during his travels, Blackwater protected Paul Bremer. Overall, by most accounts, Blackwater was successful in its mission. Despite their success though, this example further illustrates how much military contractors had changed over the course of American history, and how prevalent they had become as a foreign policy tool. Private military contractors were now frontline actors who were responsible for protecting high ranking civilian leaders and were given leeway in their use of force. Unfortunately, significant events would test the limits of the relationship, and present considerable questions for American policy makers.

Blackwater in Fallujah and Nisour Square

After roughly a year of Bremer’s presence in Iraq, the situation all throughout the country was tumultuous to say the least. Baghdad was infested with looting and pillaging, and the countryside was fraught with extremists and militia groups. The situation was similar in Fallujah. While the citizens of Fallujah had established a patchwork administrative body that respected the occupation, while also flexing some authority over daily Iraqi life, insurgents still threatened the safety of the occupying forces (Scahill 2007, p.155-156). Following several high visibility attacks from Saddam loyalists and other insurgents, the First Marine Expeditionary Force took control of the city with the expressed goal of cleansing the city of insurgents and engaged in a number of

conflicts and skirmishes throughout Fallujah (Scahill 2007, p.157-164). It was into this maelstrom that Blackwater and the whole private military contractor industry was entering, and the results would be disastrous.

On March 31st, 2004, four Blackwater contractors, tasked with transporting supplies across Fallujah were murdered by insurgents, and their bodies hanged and defiled for the cameras and the world (Hills 2006; Scahill 2007, p.164-168). While contractors had served a variety of roles throughout American history, this marked a turning point for contractor-military relations. As journalist Jeremy Scahill wrote, “it was the Mogadishu moment of the Iraq War,” the only difference being that these men were not military forces, but contractors employed by the United States Government. For the first time, Americans were made aware of the extent of private military contractors fighting their wars when they saw the charred and mutilated bodies in March 2004. As Erik Prince wrote “people who previously hadn’t known a thing about PMCs now had but one horrible scene—and one name—to associate with the industry” (Prince 2013, p.122). Another issue was made apparent in the media coverage of the war. In the US, many outlets referred to those that were killed as “civilians,” which is technically and legally correct, however, Iraqi sources and others found contention with the fact that these “civilians” were highly armed and had engaged in raids and assaults (Uessler 2008, p.160). The presence of contractors was made apparent to the world for the first time. Unfortunately, the turmoil surrounding Blackwater, and by extension all contractors, would again swirl in magnificent fashion only a few years later.

Throughout 2007, Blackwater convoys and contractors were under attack on regular occasion. For example, militants had shot down a Blackwater helicopter, ambushed several convoys, and laid improvised explosive devices (IEDs) in the path of their vehicles (Prince 2013, p.208). On September 16th, 2007, a Blackwater convoy entered a heavily congested part of Baghdad known as Nisour Square. What happened next varies from source to source however. According to journalists and the Iraqi witnesses, Blackwater opened fire in response to a nearby car bomb and confusion, but used “excessive force” that ended the lives of 9 Iraqi civilians (Scahill 2007, p.2-9; The Washington Post 2007). In contrast, Erik Prince argues that the scenario did not represent a crime as the men were well trained and vetted, and that they only began firing out of necessity due to time constraints and the pressure of the moment (Prince 2013, p. 211). Despite Prince’s objections, the four Blackwater contractors were found guilty on October 22nd, 2014 of killing the Iraqi civilians (The New York Times 2014). Also in response to these attacks, the US Congress investigated Blackwater and its founders in 2007 for charges of excessive force and abuse of contracting practices. Private contracting had gone from a logistical support, to a political and military hazard.

Conclusion

When combat operations ended in Iraq and Afghanistan, the world had witnessed the largest mercenary army in history support the most powerful military in the world. In 2003, the contractor count had reached 20,000 personnel, while Scahill claims that the US occupation utilized the largest concentration of

contractors since World War 2 (Kidwell 2005, p.29; Scahill 2007). Additionally, Wise (2012, p.2) shows that by early 2008, there were 190,000 contractors in Iraq, compared to 200,000 military personnel, a ratio of almost 1 to 1. As written in the introduction, my effort was to illustrate the prevalence, and changing nature, of PMCs in American military history. A consideration of the numbers, in combination with the variety of historical examples, serves that end.

It is without question that the tragedy at Fallujah, and the shootings at Nisour Square greatly impacted the relationship between contractors and the US government. However, it is worth noting that throughout the US invasion and occupation of Iraq that other contractors including KBR, Dyncorp, and Triple Canopy provided the traditional logistic role that had defined the role of contractors throughout US military history. However, the importance of the Blackwater case is that it illustrates the extreme end of contracting that has resulted from their prevalence in US policy, particularly in the post-Cold War world. Contractors have long served an important and vital role supporting American military missions by assuming non-combat roles to ease the burden on the US military. From the support roles of early wars to the frontline security roles of Iraq and Afghanistan, PMCs have been instrumental in American foreign and domestic policy. While the role has changed, one should also consider how the actor themselves have changed. For example, the literature shows that mercenaries and PMCs are different entities that serve nearly identical functions, that is PMCs are mercenaries in a sense, while also being an entirely new actor. The analysis also provides evidence to this end. Instead of being a haphazard

collection of non-military men arranged by individual commanders for varying reasons, the modern PMC is a conglomerate of massive size that is coordinated and functions like a business through its reliance on government contracts.

Additionally, the historical analysis chapter addresses other concerns regarding PMCs, namely the moral concerns. As we have seen in the case of Blackwater, PMCs can and have posed serious normative and moral challenges to the American government. If unchecked, the privatization of force can breed corruption and abuse. However, what this chapter most clearly illustrates is that private actors have had an important role in the way the country wages war, and that this relationship is unlikely to end any time soon.

Chapter Three: Economic Analysis of PMCs

This analysis focuses entirely on the economic trends and realities related to private military contractors and American foreign and domestic policy. This chapter will consist of two separate sections that both inform and work off of each other, while also demonstrating individual facets of the economic impact of the privatization of military force through PMCs. The first section will focus on the arguments for and against PMCs from an economic perspective, focused on the theory of economic privatization that has been touched on earlier. The second section will be a quantitative consideration of how contract spending from the Department of Defense and the Department of State has changed over time, and how this informs what we already, and will, know about the prevalence and impact of PMCs.

Privatization and PMCs

As previously mentioned, the thrust of the first section of this chapter will be to consider the economic arguments in favor of, and that led to, PMCs being a prevalent actor in American foreign and domestic policy. As mentioned throughout this text, the end of the Cold War brought about the climate and environment that would give rise to the modern PMC. However, a more thorough consideration of this era, particularly regarding the economic climate of this time, would be beneficial to this analysis. Singer (2005, p.49-50) argues that two nuanced factors that resulted from the end of the Cold War personify the change in environment circumstances and predicated the evolution of PMCs: change in

the nature of warfare and the “privatization revolution.” In regards to the change in the nature of warfare, Singer (2005, p.49-50) argues that warfare became more varied, globalized, and dangerous which were exacerbated by the demobilization of forces in the West and the Soviet Union. These factors combined to present challenges on both sides of warfare, at a time when the largest and most powerful armies were either shrinking or directing their attention elsewhere. However, the changing nature of warfare is only half of the equation.

Singer (2005) makes a two part argument regarding the post-Cold War climate. While I have demonstrated the changing nature of warfare, a consideration of privatization is still in order. To address this assertion, one requires an answer to the question: what exactly is the “privatization revolution?” Singer (2005, p.66-68) argues that Reagan and Thatcher’s reintroduction of conservatism to the West and successes of privatization of governmental activity in America and Latin America, coupled with the failure of the centralized command economies of the former Soviet Union brought privatization to the attention of policy makers. Following the global realignment of the end of the Cold War, many countries viewed privatization as a way of revitalizing economies and entrenching democracy, thus the proliferation of privatization in the post-Cold War world and the “privatization revolution.” Overall, the revolution in privatization was a global response to the centralized command economies of the Soviet bloc and the stalled Keynesian economies of parts of the Western World, and gave rise to the economy and environment in which military contractors could thrive.

While Singer and others make convincing political arguments regarding the rise of privatization, I feel a brief consideration of the economic arguments related to privatization are in order as well. In the most general sense, many economists find that privatization does indeed reduce costs for governments at all levels by reducing waste, inefficiencies, and by lowering labor costs (Afriff, Cabanda, and Sathye 2009; Lundvist 1988; Megginson 2000). Additionally, other economists have found that privatization in recent years has become doubly effective because of the breakdown of the state monopoly on the use of force, and the integration of privatization into traditionally state-centric enterprises (Apgar IV and Keane 2004). As illustrated here, privatization in the abstract sense can lead to greater savings in government according to economists, but there still exists a debate over whether or not the employment of PMCs offers much savings at all.

In their book *The Three Trillion Dollar War*, Stiglitz and Bilmes (2008) attempt to calculate the true cost of the Iraq War. The central argument of their piece is that the Iraq feature considerable instances of waste and fraud, and that one of the main factors driving the bloated cost and financial liabilities in the war was the use of private contractors (Stiglitz and Bilmes 2008). Additionally, a 2008 Congressional Research Service Report found that “the total direct cost to the U.S. Government for acquiring security services in Iraq is not known” but that some CBO estimates place the number near \$4 billion dollars since 2003 (Elsea 2008, p.4). During a House Oversight and Government Reform Hearing, Chairman Henry Waxman articulate that \$4 billion had been sent to contractors for the

reconstruction phase alone, but that this number does not include funding for other contractor services such as training or security services (Elsea 2008, p.4).

In addition to these raw numbers, some scholars believe that contractors imposed costs in other ways. For example, Stiglitz and Bilmes (2008) are critical of contractor presence forcing the United States military to pay higher bonuses to attract talent away from contractors. Other concerns raised include instances of fraud and waste, including payment for work that was never completed, sole source and cost-plus contracts, and just overall incompetence and corruption (Kopecki 2006; Stiglitz and Bilmes 2008). While these scholars certainly make intriguing and compelling arguments regarding the ill-advised financial decision to use PMCs, others contend that privatization, even when done in the form of PMCs, does indeed provide considerable savings for governmental entities.

In his piece “Outsourcing Wars,” Wise (2012) contends that despite considerable investments in PMCs during the Iraq and Afghanistan wars that the use of contractors actually provides considerable savings for the United States government. For example, in regards to death benefits Wise (2012, p.46) highlights that while families of contractors that are killed in the field receive death benefits, these benefits are capped, unlike military benefits, which can have a very pronounced and noticeable impact on long term federal spending projections. Thus, since all PMCs are considered the same entity under US law, those that provide security such as Blackwater are presented with similar benefits to a cook, while engaging in much more dangerous work. Similar caps exist in regards to injury as well. If a contractor is injured in the exact same manner as a

traditional soldier is, both actors would receive benefits until healed, but the presence of a cap would lead to contractors receiving less benefits overall than a military member (Wise 2012, p. 56).

The impact of the caps and other regulations on contractors is not readily apparent until one considers the numbers behind the disparity. I will use the example of an Army Corporal and contractor that both suffer a severe leg injury using numbers provide by Stiglitz and Bilmes (2008) and Wise (2012). The contractor would receive 66.67% percent of their weekly pay for the duration of the injury, while the Army Corporal would receive 75% of his or her monthly pay. However, these benefits would continue for the remainder of the Army Corporal's life, while the contractor would only receive temporary benefits (Wise 2012). Overall, while the contractor would receive a larger sum in the short term, the Army Corporal would receive moderate benefits but for a longer expanse of time. Assuming the contractor made \$1000 a week and the Army Corporal made \$565 a week, the contractor would receive \$162,748 for one year, while the Army Corporal would receive \$70,344.56 a year for the rest of his life. (Stiglitz and Bilmes 2008, Wise 2012) As you can see, the long term cost commitments are considerably smaller for contractors than for traditional military actors.

Overall, Wise (2012) points out that when considering long term spending in regards to health insurance and injury and death benefits, the cases of Iraq and Afghanistan indicate that it is actually cheaper to utilize PMCs in dangerous role as their death and injury benefits are subjected to limitations that can amount to considerable savings for the federal government. However, relying too heavily on

contractors could have an inverse effect in the future if those who are contracted to fight believe that the limited benefits are insufficient compensation for the level of work they are engaged in.

As illustrated here, there are compelling cases to be made on both sides of the PMC debate. While it is hard to dismiss the argument that the financial commitments to PMCs in the short term are substantial, the long term impacts of PMCs provide greater understanding of their value in regards to using force. However, both sides of the debate illustrate the central thrust of this chapter: PMCs account for a considerable share of Defense and State department spending despite their relative obscurity.

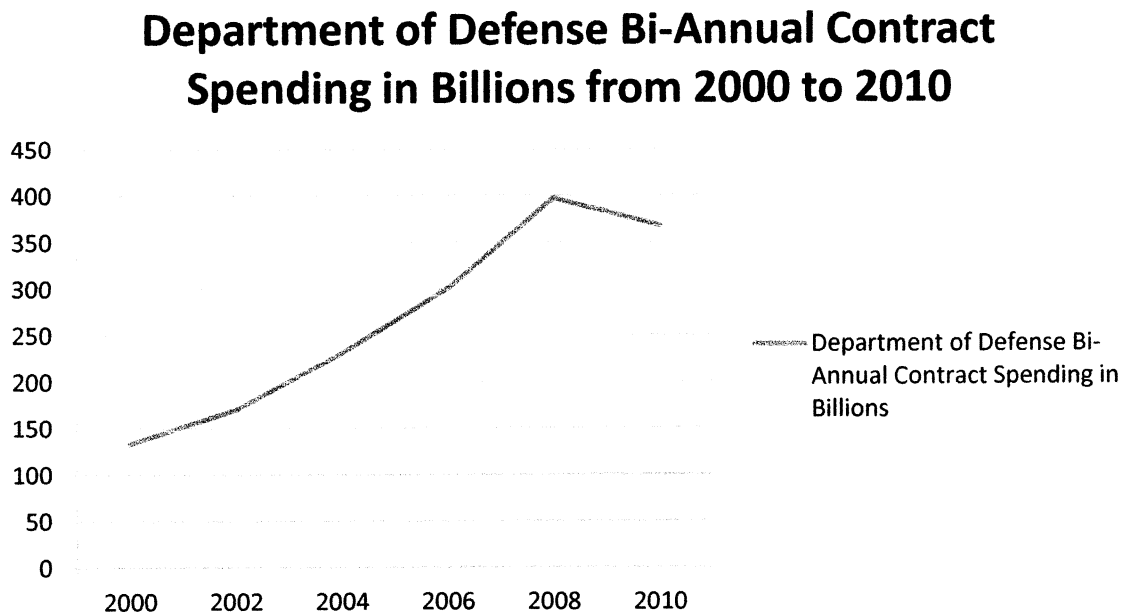
Considering the Numbers behind the Explosion in Contracting

The first section of this chapter dealt with the debates surrounding the economic value of using contractors as a tool of foreign and domestic policy. However, that only accounts for half of the picture. I believe a consideration of how substantial PMCs are in a quantitative sense provides additional support for establishing the prevalence of PMCs as a political actor.

As established throughout this piece, the explosion of PMCs on the global arena occurred after the collapse of the Soviet Union. Also demonstrated throughout this piece is that the United States embraced PMCs wholeheartedly during the Wars in Iraq and Afghanistan. As a result of these two truths, I will be considering only modern data from 2000 onward. Using USASpending.Gov (2014), I chart the growth in contractors from bi-annually from 2000 to 2010 and

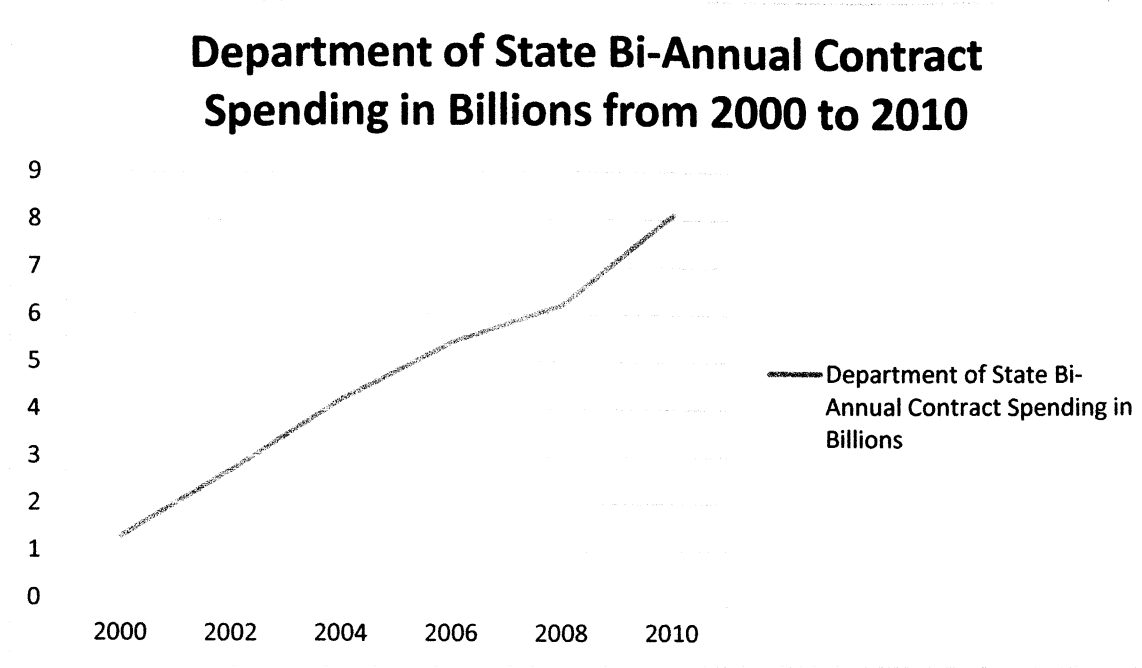
comment on the findings and trends following the associated graphs. The search parameters will include only contracts and not grants, loans, or other associated terms. I chose to only search contracts as the literature shows that PMCs are most often tendered contracts instead of other federal funding types. I chose to only use the Department of Defense and the Department of State as cases because these departments are usually those that employ PMCs for security and construction purposes. The findings for the Department of Defense are presented in Graph 1 and the findings for the Department of State are found in Graph 2:

Graph 1: Department of Defense Bi-Annual Contract Spending, 2000-2010



Source: USASpending.Gov 2014.

Graph 2: Department of State Bi-Annual Contract Spending, 2000-2010



Source: USASpending.Gov 2014

As you can see from the graphs, the general spending trends that were predicted in the literature review and throughout this paper are indeed supported by the numbers. Overall, the wars in Iraq and Afghanistan featured significant contract investments from the Departments of Defense and State. For example, from 2000 to 2008, contractor spending increased considerably for both Departments, from \$150 billion to nearly \$400 billion for the Defense Department and from \$1.5 billion to nearly \$8 billion for the State Department. Overall, while the salience of PMCs to the average voter is very low, this small portion of data illustrates that it should be much higher. PMCs accounted for over half of the budget for the Department of Defense from 2004 to 2010. This demonstrates the presence of significant public investment into a portion of the economy that not

many know, or seem to care, about and helps to support the overarching argument that PMCs are a prevalent actor in American foreign and domestic policy. To conclude, while at face value this analysis appears limited in scope, the chart presents a very simple truth: the United States government in recent years has relied heavily on PMCs, and the budget allocations prove this.

Chapter Four: Legal Analysis of PMCs

The final analysis will focus on the legal presence of PMCs. Throughout American history, we have relied on the various court systems throughout the country to protect our constitutional rights and to enact justice when necessary. Court rulings can greatly impact the political and social climate, and can set the legal and statutory precedent for issues ranging from gun rights to reproductive and civil rights. Through the basic act of ruling on issues or actors, courts have an instant legitimizing or delegitimizing impact on whatever the subject is. Additionally, when legislation is passed, and upheld, it provides a legitimizing effect on issues. From this logic, I will again prove the long standing and prevalent nature of PMCs through their presence in the American legal system.

The first major legal precedent established regarding PMCs was in 1941. In 1941, Congress passed the Defense Base Act. This act requires companies that receive federal contracts and have personnel who perform contractual duties outside of the United States to obtain worker's compensation insurance in case of injury or death (Wise 2012, p. 35). As mentioned earlier, World War 2 was the setting for a considerable contractor presence, and in response to this, the United States Congress acted. While not substantial by any measure, the Defense Base Act presents the one of the first indications of the legal entrenchment of PMCs.

While not civilian law, the introduction of the Uniform Code of Military Justice (UCMJ) had immeasurable impact on how PMCs were treated under the law for much of the 20th century. In 1950, when the UCMJ was enacted, it ruled

that “those serving with or accompanying an armed force in the field” were subject to the exact same rules and specifications as traditional armed forces (Lindemann 2007, p.86). That is to say that contractors were on equal footing with traditional armed forces when it came to being under the purview of military law. For example, under the UCMJ, contractors could be court martialed for any violation or atrocity as a traditional soldier. However, changes in the UCMJ from civilian courts would greatly impact the relationship between the UCMJ and contractors.

In 1957, the Supreme Court ruled that the military could not court martial civilian contractors in the same way as military forces as the Court ruled that that applying military law to civilians in this instance was unconstitutional (Lindemann 2007, p.86). This ruling created a gap in the legal lexicon which granted contractors greater freedom in war zones in regards to their behavior when compared to other armed forces. It was not only civilian courts that began to carve out niches for contractors though. In 1970, a contractor convicted of a war crime was acquitted by a military court because their interpretation of war was different than the one presented in the UCMJ (Lindemann 2007, p.86). The UCMJ definition of “war” rested on the actual act of declaring war from Congress, and not the unilateral action that was Vietnam (Lindemann 2007, p.86). Despite initially strong regulations on PMCs and their actions, courts both military and civilian carved out a legal void where PMCs were able to act unilaterally in most instances with little legal regulation or ramification.

This near-immunity status of contractors would only be reinforced in 1987. In their ruling on *Boyle v. United Technologies Corporation*, the Supreme Court established the legal precedent known to legal scholars as the “government contractor defense” (Christensen and Battista 2009, p.12). This ruling created a legal grounds for defense in response to product liability concerns and lawsuits. According to Christensen and Battista (2009, p.13) the “government contractor defense existed under federal common law” and in effect “barred the plaintiff’s state law design defect claim.” In other words, it is almost impossible to sue to find liable contractors that supply goods for the military for wrong doing if their provided goods should injure or kill someone, as was the case with this hearing. Again, a civilian court ruled in favor of PMCs and established a legal precedent to protect them from lawsuits for wrongdoing. Not only could PMCs no longer be tried as a military entity, the *Boyle v. United Technologies Corporation* ruling created a precedent for defense from liability lawsuits.

Following these rulings, contractors were basically self-regulating entities. The military and civilian courts had few, if any, ways to rein in the actions of PMCs. However, in 2000, Congress attempted to provide some level of regulation to PMCs through the passage of the Military Extraterritorial Jurisdiction Act (MEJA). MEJA made it possible for contractors employed under the Department of Defense to be brought back to American to be tried for “any crime that would be a felony under US law” (Lindemann 2007, p.86). On paper, MEJA represented the first serious effort to rein in contractors since the UCMJ. However, Lindemann (2007, p.86) argues that MEJA has had “little visible effect” on the

behavior of PMCs and how they are tried by the United States legal system.

Unfortunately, much like the UCMJ, legal interpretation and language has greatly impacted the potential impact of the bill. For instance, the MEJA protects only contractors employed by the Department of Defense, not those employed by other branches of the federal government. This provides a large exemption because the State Department and the Department of the Interior employ contractors that behave similar to those in the Department of Defense, yet the MEJA does not apply to these contractors.

Unfortunately, the shortcomings of MEJA would be highlighted in the *Saleh v. Titan Corp* ruling. In 2009, Iraqi citizen Haidar Muhsin Saleh brought a state law-based tort action against Titan Corporation over the treatment he received while at Abu Ghraib prison in Iraq. Mr. Saleh claimed that both American soldiers and PMC forces physically injured and berated him, including such vile acts as forced sodomy, electric shock, and beatings and dragging. When Saleh's case was heard in the U.S. District Court for the District of Columbia, the court created a rule where PMCs were immune from state tort liability only when the "contractor's employees were acting under the direct command and exclusive operation control of the military" (Perry 2013, p.608). However, when an appeal was heard by the U.S. Court of Appeals for the District of Columbia Circuit, the court ruled that PMCs could not be sued for a state law tort "where the PMC is integrated into military combatant activities during wartime" (Perry 2013, p.608). Instead of providing some protections for those abused by PMCs, the Saleh V. Titan ruling ended up protecting PMCs even further. Unfortunately, the apparent

legal trend regarding PMCs is one of immense protection and varying levels of legal immunity.

As illustrated here, the legal legacy of PMCs is long and varied. While attempts have been made to rein in PMCs and their abuses, the legal system seems to side with PMCs most of the time. Despite some instances to the contrary, the previously mentioned recent conviction of those Blackwater contractors present at Nisour Square for example, PMCs appear to pose a legitimate legal dilemma for American policy makers. However, the purpose of this chapter was not to form a legal opinion of PMCs. Instead, this chapter was to illuminate even further the prevalence of PMCs in American foreign and domestic policy. While the legal focus is brief and focused, the purpose is not affected. In the end, the legal considerations surrounding PMCs presents even more evidence of their prevalence in American life.

Chapter Five: Conclusions

The end of the Cold War brought about monumental changes in the global political climate. One of those changes is the marked rise in the use of private military contractors to enact political and military ends. While scholars accept that PMCs are a modern phenomena, the American public appears to be neglectful of this truth, and maybe even of their existence at all. Additionally, scholars have looked at PMCs in a broad sense while neglecting focused case studies. It is this gap that this research hopes to plug. Following a brief consideration of PMCs and a number of factors surrounding them, I established that PMCs were not a salient issue to the American electorate according to the framework established by Epstein and Segal (2000). I then demonstrated that while the American electorate pays little attention to PMCs, they are pervasive, prevalent, and an important phenomena in American foreign and domestic policy. Through a consideration of their political, historical, and military contributions, I was able to illustrate that PMCs have existed in some capacity even back to the days of the Revolutionary War, while also demonstrating that modern PMCs are unique in and of themselves, and that they are shaping American foreign and domestic policy in many impactful ways.

The historical consideration played a number of roles in the analysis. First, the analysis effectively illustrated the long-standing nature of private actors in American military endeavors. This qualitative consideration provided the most essential and telling evidence of PMC infiltration in American foreign and domestic policy. By considering how military actors interacted with, and relied on,

these actors, their prevalence was established and also **illustrated the closeness** of this historical bond. Secondly, while establishing their **sheer presence was vital**, the historical analysis also addressed the number of factors that **contributed to** marked growth and change in the realm of private military contractors. From the early patchwork systems of the Revolutionary War to the corporate bodies of the PMCs in Iraq, the historical section supported the literature while also providing other insights into PMC behavior. Overall, the historical section provided an in-depth demonstration of the depth and breadth of the relationship between American military actors and private actors.

However, the political and military consideration was only part of the picture. I then relied on narrow, but focused, examinations of the economic and legal legacy of PMCs as a way of further illustrating my point. Overall, the considerable contract investments of the past decade, combined with the legal legacy left by congressional acts and court rulings, filled in even more of the picture. The ramifications of the economic analysis deserve some special attention. As illustrated by the graphs, the contractual obligations to PMCs rose dramatically in the early to mid-2000s, a point in line with the literature on the topic. What the economic analysis illustrated above all is that PMCs are not some abstract actors working near the fringes, but are entities that consume considerable portions of the Department of Defense budget. This presents reasons for salience, while providing comparative concerns regarding the low salience.

The legal analysis shows that not only do PMCs exist in the military realm, but that they are also phenomena that have required government and judicial

regulation and rulings. One truth of American public discourse is that the discussion is often shaped by how Congress and the Supreme Court rules or interprets certain issues, and in the case of PMCs, this is no different. The legal analysis had a legitimizing impact on PMCs. One of the true values of the legal analysis is that it demonstrated that PMCs do not exist in the fringes of black ops, but are an issue that have been judged by the major political institutions of the country. One facet unexplored in this piece is the impact Supreme Court rulings and pieces of legislation have on salience, and perhaps an analysis of these factors in regards to PMC-centered rulings and legislation would be fruitful.

Yet I must also acknowledge that there are some limitations regarding pieces of this work. To begin, the approach utilized to measure salience has some shortcomings. While I utilized only one specific publication, perhaps greater insight would be provided by a greater examination of salience through the inclusion of additional newspapers. Additionally, one could focus the search beyond simply headlines, and perhaps cull different results. Continuing, there deserves some elaboration on the Defense and State Department data. While I narrowed the search parameters on USASpending.Gov to only include contracts, there is the very real possibility that the numbers are inflated. While PMCs are funded through contracts, other non-PMC entities, particularly in the State Department, are also funded through contracts, and as a result this could inflate the numbers. However, I anticipate that this does not impact the level to which we invest in PMCs, but instead only provides some limitations on the accuracy of the given data. Additionally, little time is spent considering American political culture

and civil-military relations and the vast body of literature in those fields, and the influence these fields could have on our understanding of PMCs. Overall, while these limitations exist, I do not believe that they directly contradict or severely impact the results of the analyses, but instead provide potential for future research.

It is also important to discuss how valid the research and findings are internally and externally. For starters, it is apparent that the evidence does indicate that PMCs are a long-standing and prevalent force in American history, thus leading to internal validity. While I do not seek to undermine this truth, external validity should be considered as well. I see no reason why this research could not be replicated for other Western countries such as Great Britain, Australia, and Germany. One factor that the literature focused on was that PMCs are usually employed by wealthier countries. These countries are wealthier, and have had long military histories, much like the United States, and would provide comparable baselines. However, even if one was not to do a comparative style paper, I believe it would be easy to demonstrate the long standing nature of private warriors in some capacity throughout history of any country or people.

The research and findings also have considerable implications for policy and political theory. While it was touched on briefly, a consideration of PMCs as a solution to the collective action problem of national defense would be fruitful and informative, and would help to inform our understanding of why PMCs are employed even more. A more thorough investigation of the economic savings of PMCs vs. traditional armed forces would help to settle the brewing debate over the cost-savings of employing PMCs. Wise's (2012) piece only considered a

narrow window of time, and perhaps an expansion of his research focus would provide additional details or compelling caveats in the actual financial savings associated with PMCs. Finally, while this research does indeed illuminate the long entrenched nature of private warriors in American history, the findings also present numerous opportunities for future research.

While scholars agree that the end of the Cold War brought about the rise of PMCs, actors of their ilk appear to have a long vested interest in serving a war time role. However, the findings illustrate that overall, Americans are unaware of these actors and many of the costs and implications of their use. While we certainly understand some facets of the current PMCs, one can only speculate on how the next considerable global political event can change their prerogative and objectives.

Sources Cited

- Afriff, M, E. Cabanda, and M. Sathye. 2009. "Privatization and Performance: Evidence from Telecommunications Sector." *The Journal of the Operational Research Society* 60(10): 1315-1321.
- Apgar IV, Mahlon and John M. Keane. 2004. "New Business with the New Military." *Harvard Business Review* September: 45-56.
- Avant, Deborah D. 2005. *The Market for Force: The Consequences of Privatizing Security*. Cambridge: Cambridge University Press.
- Byrne, E.F. 2007. "Assessing Arms Makers' Corporate Social Responsibility." *Journal of Business Ethics* 74(3): 201-217.
- Carroll, A.B. 1979. "A Three Dimensional Conceptual Model of Corporate Performance." *Journal of Business Ethics* 15(4): 497-505.
- Chambers II, John Whiteclay. 1999. *The Oxford Companion to American Military History*. Oxford: Oxford University Press.
- Chesterman, Simon and Chia Lehnardt, eds. 2007. *From Mercenaries to Market: The Rise and Regulation of Private Military Companies*. New York: Oxford University Press.
- Christensen, Christopher R. and Anthony Battista. 2009. "Framing the Government Contractor Defense: Origin, Extension, and Potential." *Brief* 38(2):12-23.
- Cohn, Lindsay P. 2011. "It Wasn't in My Contract: Security Privatization and Civilian Control." *Armed Forces and Society* 37(3): 381-398.
- Cusumano, Eugenio and Christopher Kinsey. 2014. "Bureaucratic Interests and the Outsourcing of Security: The Privatization of Diplomatic Protection in the United States and the United Kingdom." *Armed Forces and Society*.

- Edwards III, George C., Mitchell, William, and Reed Welch. 1995. "Explaining Presidential Approval: The Significance of Issue Salience." *American Journal of Political Science* 39(1): 108-134.
- Eichenberg, Richard C. 2005. "Victory Has Many Friends: U.S. Public Opinion and the Use of Military Force, 1981-2005." *International Security* 30(1): 140-177.
- Elsea, Jennifer K, Moshe Schwartz, and Kennon H. Nakamura. 2008. "Private Security Contractors in Iraq: Background, Legal Status, and Other Issues." *Congressional Research Service*. August 25.
- Epstein, Lee and Jeffrey A. Segal. 2000. "Measuring Issue Salience." *American Journal of Political Science* 44(1): 66-83.
- Franke, Volker and Marc von Boemcken. 2011. "Guns for Hire: Motivations and Attitudes of Private Security Contractors." *Armed Forces and Society* 37(4): 725-742.
- Geraghty, Tony. 2009. *Soldiers of Fortune: A History of the Mercenary in Modern Warfare*. New York: Pegasus Books.
- Halpern, Barton H. and Keith F. Snider. 2012. "Products That Kill and Corporate Social Responsibility: The Case of U.S. Defense Firms." *Armed Forces and Society* 38(4): 604-624.
- Hajjar, Remi M. 2013. "Emergent Postmodern US Military Culture." *Armed Forces and Society* 40(1):118-145.
- Heinecken, Lindy. 2014. "Outsourcing Public Security: The Unforeseen Consequences for the Military Profession." *Armed Forces and Society* 40(4): 625-646.
- Hills, Alice. 2006. "Fear and Loathing in Fallujah." *Armed Forces and Society* 32(4):623-629.

- Huston, James A. 1966. *The Sinews of War: Army Logistics 1775-1953*. Washington D.C.: Office of the Chief of Military History.
- Kidwell, Deborah C. 2005. "Public War, Private Fight?: The United States and Private Military Companies." Global War on Terrorism Occasional Paper 12. Combat Studies Institute Press Fort Leavenworth Kansas.
- Kopecki, Dawn. 2006. "When Outsourcing Turns Outrageous." *Business Week* July 31.
- Krahmann, Elke. 2010. *States, Citizens, and the Privatization of Security*. Cambridge: Cambridge University Press.
- Lanning, Michael Lee. 2005. *Mercenaries: Soldiers of Fortune, From Ancient Greece to Today's Private Military Companies*. New York: Ballantine Books.
- Larson, Eric V. and Bogdan Savych. 2005. "American Public Support for Military Operations from Mogadishu to Iraq." *RAND Corporation*.
<http://www.rand.org/pubs/monographs/MG231.html>.
- Lindemann, Marc. 2007. "Civilian Contractors Under Military Law." *Parameters*. Autumn.
- Lundqvist, Lennart J. 1988. "Privatization: Towards a Concept for Comparative Policy Analysis." *Journal of Public Policy* 8(1): 1-19.
- Meggison, William. 2000. "Privatization." *Foreign Policy* 118:14-27.
- Michaels, Jon D. 2010. "Privatization's Pretensions." *The University of Chicago Law Review* 77: 717-780.
- Olson, Mancur. 1965. *The Logic of Collective Action: Public Goods and the Theory of Groups*. Cambridge: Harvard University Press.
- Owen, John M. 1994. "How Liberalism Produces Democratic Peace." *International Security* 19(2): 87-125.

Palmer, Herman T. 1999. "More Tooth, Less Tail: Contractors in Bosnia." *Army Logistician* 31(5).

Pattison, James. 2010. "Deeper Objections to the Privatization of Military Force." *The Journal of Political Philosophy* 18(4): 425-447.

Pattison, James. 2008. "Just War Theory and the Privatization of Military Force." *Ethics and International Affairs* 22(2): 143-162.

Pelton, Robert Young. 2006. *Licensed to Kill: Hired Guns in the War on Terror*. New York: Crown.

Percy, Sarah. 2006. *Adelphi Paper 384: Regulating the Private Security Industry*. London: The International Institute for Strategic Studies.

Perry, Rodney M. 2013. "Fixing the Faults: An Argument Against the Saleh V. Titan Corp. Rule for Private Military Contractor Immunity." *Public Contract Law Journal* 42(3): 607-627.

Prince, Erik. 2013. *Civilian Warriors: The Inside Story of Blackwater and the Unsung Heroes of the War on Terror*. New York: Penguin.

Scahill, Jeremy. 2007. *Blackwater: The Rise of The World's Most Powerful Mercenary Group*. New York: MJF Books.

Schooner, Steven L. and Collin D. Swan. 2012. "Dead Contractors: The Un-Examined Effect of Surrogates on the Public's Casualty Sensitivity." *Journal of National Security Law and Policy*. Forthcoming.

Shearer, David. 1998. *Adelphi Paper 316: Private Armies and Military Intervention*. Oxford: Oxford University Press.

Shrader, Charles R. 1999. "Contractors on the Battlefield." *Landpower Essay Series* 99(6): 1-17.

- Silverstein, Ken. 2000. *Private Warriors*. New York: Verso.
- Singer, P.W. 2003. *Corporate Warriors: The Rise of the Privatized Military Industry*. Ithaca: Cornell University Press.
- Singer, P.W. 2005. "Outsourcing War." *Foreign Affairs* 84(2):119-132.
- Smith, R. Elberton. 1985. *US Army in World War 2: The Army and Economic Mobilization*. Washington D.C.: Center of Military History.
- Stiglitz, Joseph E. and Linda J. Bilmes. 2008. *The Three Trillion Dollar War*. New York:W.W. Norton and Company LTD.
- Terry, James P. 2010. "Privatizing Defense Support Operations: The Need to Improve DoD's Oversight and Management." *Armed Forces and Society* 36(4): 660-670.
- The New York Times. 2014. "Blackwater Guards Found Guilty in 2007 Iraq Killings." October 22nd. <http://www.nytimes.com/2014/10/23/us/blackwater-verdict.html> (Accessed on November 5th, 2014).
- The Washington Post. 2007. "State Dept. Convoy Attacked in Baghdad, Sparking a Shootout." September 17th. <http://www.washingtonpost.com/wp-dyn/content/article/2007/09/16/AR2007091601062.html> (Accessed on November 5th, 2014)
- TheWeek.com. 2014. "America's Private Sector Army." February 7th. <http://theweek.com/article/index/255924/americas-private-sector-army> (Accessed on November 2nd, 2014)
- Uessler, Rolf. 2008. *Servants of War: Private Military Corporations and the Profit of Conflict*. New York: Soft Skull Press.

USASpending.Gov. 2014. "Prime Award Spending Data: By Agency."

http://www.usaspending.gov/index.php?q=node%2F3&fiscal_year=all&tab=By+Agency

(Accessed on November 17th, 2014)

Wise, Jimmie I. 2012. "Outsourcing Wars: Comparing Risks, Benefits, and Motivations of Contractors and Military Personnel in Iraq and Afghanistan (2009-2011)." MBA Professional Report. Naval Postgraduate School.