Introduction

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1. Developments in US Expeditionary Operations

This book concerns the role of contractors in support of American expeditionary operations. Whether training a receiving state's workforce, providing armed security for US and other nationals, or delivering logistics and technical services, contractors support the full spectrum of US operations. Today these may extend from conventional armed conflict to counterinsurgency; from reconstruction and stabilization deployments to American aid delivered in uncontested circumstances. In Afghanistan, South America, the Middle East, Africa, and elsewhere, the US military focuses on policy objectives while the marketplace supplies much of the support. This is why contractors are now part of the military structure and integral to the point where they have become essential strategic assets. In their absence, most expeditionary operations could not be deployed nor sustained.

This is very different from the Cold War model, in which the military functioned with a far higher high degree of self-sufficiency. Nor is the United States likely to return to even a modest degree of military self-reliance. Such a step is improbable for reasons of entrenched neoliberal economic philosophy,[1] legal obligations arising from statutory requirements,[2] executive policy direction,[3] growing financial constraints as the US economy struggles with prodigious debt,[4] and the momentum of foreign policies predicated on recruitment of personnel by means other than civil and/or military conscription.[5]

Unsurprisingly, self-sufficiency was discarded partly for reasons advanced by contractors. Arguments based on cost, reliability, speed of deployment, and the availability of specialist skills and equipment have proved persuasive. Should stability and reconstruction operations (SROs) become more prominent in US foreign engagement—as seems probable in the present climate—the scope for contractor involvement will grow. A major reason for this is that where America intervenes in this fashion, the utility of military force tends to be limited. Subduing threats to the United States and its interests will necessitate the deployment of personnel in addition to combat troops. And regardless of contractor weaknesses, the federal government is unlikely to abruptly recruit and train sufficient numbers of uniformed and civilian personnel to satisfy future needs. Cost aside, an unpopular conflict may attract few volunteers from a less than receptive populace. Nor should one expect every state plagued by conflict or civil disaster to be stabilized through American intervention. Whether benign or otherwise, current and future US deployments may be dogged by costly and indeterminate outcomes. In that event, deployment of a non-uniformed and mostly non-US presence may reduce political risk.

In one sense, there is little that is new in contract support of American forces on deployed operations. Today's suppliers of goods and services have antecedents that extend back to the sutlers who equipped American revolutionaries in their war against the British.[6] Another formative development of the eighteenth century was the enduring and widely accepted belief that states may be defined in part by their claim to a monopoly on legitimate violence.[7] The precise form of this monopoly has never been static and today a spectrum of private contractors work in and around US deployments across the world. Yet changes over the last twenty years or so have been qualitatively and quantitatively different from the earlier evolution in twentieth-century roles.

One cause was the cut in defense spending as the Cold War began to wane. Consequently, civilians and uniformed military within the Department of Defense (DoD) faced staff redundancies, early retirement, and restricted recruiting. A decline in numbers was followed by a gradual rise in the number of civilians contracted to carry out an expanding range of tasks. This increase in contractors was also spurred by decreasing political will to sustain the various costs of armed conflict. That development was consistent with a broader shift in neoliberal economics and a reduction in government responsibilities as both Republicans and Democrats promised greater efficiency in delivery of public goods. The security of the state no longer enjoyed the extent

of immunity from financial constraints applied elsewhere. State security instead became the subject of market ideology, as commercial entities began to perform tasks formerly carried out by civilian and uniformed government employees.

Nor have American governments and US corporations been hindered by debris left in the wake of Cold War political, social, cultural, and legal constraints. Corporations have experimented to their advantage with foreign subsidiaries and cultures. They now pursue business around the world without breaching US trade embargoes or enduring criticism for un-American conduct. The end of the Cold War also saw massive demobilization across the globe and the creation of a large pool of skilled and disciplined ex-military personnel. Proficient foreigners were always likely to attract US interest where their ready availability increased the appeal of lower costs than comparable American labor. The resultant mix of civilian and ex-military third country nationals (TCNs) combined with host-state labor and smaller numbers of Americans has assisted considerably in effective military outsourcing. This occurred at a time of enhanced global communications and trading technologies, while weakening labor unions accompanied fewer constraints on business migration and financial institutions wielded increased influence. Each of these factors permitted goods, services, money, and labor to flow over international borders in a less inhibited fashion.

Simultaneously, training soldiers for armed conflict became more expensive as the revolution in military affairs called for more lengthy and intensive training of American technicians and engineers. One example is the complexity of today's network-centric warfare, which links command, control, communications, computers, intelligence, surveillance, and reconnaissance (C4ISR). The costs of modern warfare have also risen as weapons systems have become more complicated and the skill required to maintain them has increased. This has caused greater numbers of civilians to be located in the operational theater, although in relatively safe locations. The systems they maintain include missiles, helicopters, artillery, tanks and unmanned aerial vehicles; the last deployed by both the US military and American intelligence agencies.[8] The battlefield is being further civilianized through participation of nonmilitary labor in advanced information technology and intelligence collection.[9]

Other opportunities in contemporary support include planning and construction of military bases. This includes building fences, roads, landing

strips, power generators, hangars, accommodation, latrines, and mess halls. After construction has been completed, there are further roles in postal services, fuel supply, static and mobile security, laundry, water purification and waste removal, pest control, preparation of foodstuffs, interpreter services, records and inventory maintenance. Logistic support in fact supplies the bulk of contractor revenue. The very large, multi-billion dollar tasks within the Logistics Civil Augmentation Program (LOGCAP) is the most prominent example of commercial sustainment of US expeditionary operations.[10]

2. The Reason for This Inquiry

A convincing anthology usually provides the reader with adequate explanations to two questions: the editors' purpose(s) in investigating the topic at hand, and why the content has been conceived and ordered in a particular manner. In addressing the first query, most readers will be aware that despite some noteworthy commercial success, contractors grapple with substantial and persistent problems. In order to understand the growth, influence, and future of this industry, these matters bear some examination. To answer the second inquiry, the editorial intention is to avoid a thematic approach and instead divide the book into four parts. These draw the reader in a succession of coherent steps that explore different facets of the outsourcing of military responsibilities. In chronological order, these identify the major features; consider a prominent form of US expeditionary engagement; scrutinize some legal issues; then propose desirable changes to public administration. Although each chapter may be read individually to illuminate a particular aspect, the editors are mindful that to explore military outsourcing through one attribute is likely to limit one's understanding. The purpose of this book is to impart a grasp of the subject through the collective application of a range of views and disciplines to a variety of issues.

These aspirations find a niche within vigorous debates over outsourcing and the privatization of security and logistic support. Those debates are concerned with many worthy issues. They range from the substance of evolving taxonomies to the nature of state and corporate control; from legitimacy and ethics to government and corporate financing; from theories of the modern state to definitions of inherently governmental goods and services—and how to keep the latter from private hands. To a greater or lesser degree, discussion of these matters has been a consistent feature in the literature. One can locate

these themes in earlier American works in the field—by the likes of Robert Mandel, Peter W. Singer, and Deborah Avant.[11] These issues endure and often carry a normative aspect. Normative argument is not absent from the following pages, but this book is concerned with US government policy and practice. That is why the contributors have properly focused on ends demanded by the American government and the merits in practical means employed to achieve them. How these means are supplied and whether US government ends are fulfilled is a quite distinctive purpose and one without predecessors in book-length form. With this in mind, the editors complete the Conclusion by identifying lessons likely to guide greater operational success in the future.

The reader should also be without doubt as to what is not included and s/he may discern four topics that are absent from the pages that follow. The first is theory. This is a book concerned with US government policy; or more accurately, generating an impetus toward improved policy choices by the US executive, legislature, and bureaucracy. Second, the content is not intended to form an indirect critique of the first and second administrations of President G. W. Bush. Some readers will seek details of moral hazards arising from nepotistic government–contractor relations; the engineering of expanded choices for executive government through a "democratic deficit" as a consequence of extensive contractor deployments; or contractor-sourced covert homicide squads sent to Iraq, Somalia, and Afghanistan. Those readers will find ample information elsewhere.

A third omission is a more comprehensive examination of legal issues. Space constraints oblige the editors to refrain from examining the policy ramifications of litigation in US industrial courts over insurance held by wounded contractors; suits in negligence over contractors' injuries and deaths; and criminal and tortious cases pursued by relatives of foreign civilians killed or injured intentionally or negligently by contractors in the course of their employment. Nor does this book assess quasi-legal codes of conduct or the impact of "good corporate citizenship" measures. By limiting Part III to problems of law and policy, the legal component remains of manageable size. Last, this is not a document preoccupied with armed contractors. They tend to receive most of the public attention and much of the journalistic, legal, and academic commentary. One does not wish to trivialize the more disagreeable aspects of their presence on operations. Yet armed contractors comprise only a small part of the overall labor force and financial costs involved in outsourced support. Accordingly, the editors have sought to focus the academic

spotlight on a broader range of contractors and those issues that affect their roles in support of US expeditionary operations.

3. Structure of the Book

The first part begins with a chapter that explains the contracting phenomenon and summarizes current developments in the field. Robert Mandel's succinct review suggests buoyant prospects resulting from tension between continuing global engagement by the United States and limits to American military workforce and budgets. He suggests that contractor influence may help to shape the nature of American expeditionary operations; yet there remains an inadequate bureaucratic grasp of the conditions under which deployment of private contractors makes the most and least sense. In the following chapter, Ryan Kelty and Darcy Schnack hold a sociological prism to views on contractors held by service personnel. These authors plumb the dynamic nature of military identity and plot a change in roles as civilians and their privatized workforce become more involved in battlefield roles. In the third chapter, Renée de Nevers studies the global breadth of contractor deployments and refers to their operations in areas as diverse as Afghanistan, Africa, and Latin America. She puts a case for improved effectiveness in governance and clarity in legal and military authority.

Part II explores three facets of reconstruction and stabilization operations, which is a growth market in the contracting business. In the first chapter, a US Army peace operations expert delivers an illuminating perspective on military expectations of those who provide essential resources to the armed forces. Colonel William Flavin supplies a view as to how contracting should be integrated or nested in the US military's operational and strategic frameworks. He emphasizes the need for improved doctrinal and conceptual guidance and proposes an enhanced operational concept. This relationship between the military and corporate support has become increasingly complex, as it elevates the battlefield prominence of what has until recently been a less conspicuous body of civilians.

The following chapter was written by the chief executive of a prominent NGO. Samuel Worthington explains how reconstruction during counterinsurgency operations creates difficult relations between NGOs (and aid organizations in particular), the US military, and civilian contractors. This is especially likely where these contractors are armed and their behavior

jeopardizes the delicate fabric of trust that sustains NGOs in turbulent places. US-based NGOs do not see themselves as an extension of US power; and Mr. Worthington is concerned with the imprudence of US militarization of foreign assistance. The third chapter is a quite different exploration of emerging battlefield complexity: a pessimistic hypothesis that concerns incompatible cultures of risk-taking held by contractors and the US military. Political scientist Kateri Carmola evaluates risks that private security contractors both reduce and escalate through deployments in counterinsurgency operations. She concludes that the organizational risk cultures of contractors do not align with those of the military or the requirements of counterinsurgency warfare more generally.

Part III is divided into topics of a broadly legal nature. Geoffrey Corn begins with a summary of three pressing issues: the status of contractors while accompanying US armed forces in an operational environment; those functions that may be legally transferred to contractors; and the nature of criminal justice remedies attracted by contractor misconduct. The American public has been aware for some time that in Iraq in particular, serious questions have been raised over improper contractor violence and the absence of a functional criminal justice system. In the next chapter, Allison Stanger explains how outsourcing has enabled American policy makers to spend their way out of crises rather than garner support for contingency operations from the American people. Her focus is the Commission on Wartime Contracting (CWC) and the moral and legal hazards that have driven its creation. As a consequence of critical CWC reports, it seems likely that some reforms in US law will follow. Professor Stanger provides her own remedies to address the excesses of what she describes as "free market fundamentalism." The third contribution is by Congressman David Price, who writes on the uncertain and unsatisfactory legal framework attached to US government contractors. He provides a compelling case for an effective criminal justice system that would apply to all contractors deployed on future American expeditionary operations.

Part IV is a review of US administrative structures required to sustain and administer effective contractor operations. Frank Camm begins with the fundamental observation that there have been few attempts to compare the costs or performance of government and contractors where they have provided similar services to deployed military forces. In addressing this perhaps surprising situation, he devises a risk comparison that identifies which

circumstances favor government or contractor sources. In the next chapter, Stuart Bowen draws on extensive personal experience in explaining how the reconstruction of Iraq grew from an "adhocracy" in which "no US office had full responsibility for planning, executing, or being held accountable for the rebuilding program." The results were regrettable and burdened the US taxpayer with colossal costs. Mr. Bowen envisages extensive reform of stabilization and reconstruction operations through a range of institutional changes. These are intended to unify overlapping missions and resources; to reorganize those resources and existing structures; and to integrate management into a single agency.

In the third chapter Jacques Gansler and William Lucyshyn examine problems in Department of Defense contracting through three categories of analyses: human capital; policies, processes, and procedures; and information technology. They conclude that future deployments are likely to involve up to 50 percent contractors within the total force. This mix of military, US government civilian employees, and contractors of mixed nationality will require extensive DoD adjustments. These will affect the department's organization, culture, doctrine, and planning.

When studying these chapters, the reader is likely to benefit from clarification in the meaning of several terms. One is "contractor." In the present context, a contractor is an agent who carries out tasks on behalf of a government or corporate principal. Another distinction is between "privatization" and "outsourcing." A persuasive view is that privatization involves the transfer to private contractors of responsibility for planning, organizing, financing, and managing a program. In contrast, outsourcing involves contracting military support services to outsiders while retaining responsibility for these within the military.[12] And "defense logistics" is "the science of planning and carrying out the movement and maintenance of air, sea and land forces."[13]

4. Summary

An increased reliance on the commercial sector generates consequences that extend further than American objectives. This dependence is altering behavior among allies and adversaries, other governments and nongovernment organizations. All of these actors have their own reasons to better adapt to conventional hostilities, counterinsurgency campaigns, and post-conflict stabilization and reconstruction operations. There is little doubt that greater

involvement of contractors implies an ongoing transformation in US expeditionary operations, the effects of which will exert both subtle and more apparent influence over the projection of American power.

While other scholars have written on this topic, *Contractors and War* stands alone in that it is the first publication to assemble essays by eminent American scholars drawn from the military, economics, law, an umbrella NGO, the legislature, civilian bureaucracies, and the social sciences. This is a book written by American authors for American readers who seek to improve their understanding of the impact of contractors on US expeditionary operations. The writers have applied collectively formidable knowledge to several of the thornier problems that confront policy makers today. The result is intended to propel debate a little further in constructive directions. Meanwhile, the private sector continues to influence and be influenced by current operations and planning for future deployments.

Notes

1. For a sanguine view on the more positive possibilities of business–government relations in the context of contractor support, see Allison Stanger, *One Nation Under Contract* (New Haven, CT: Yale University Press, 2009), chap. 8.

2. See the US Office of Management and Budget Circular A-76 Fact Sheet at http://oma.od.nih.gov/ms/a76-fair/A-76%20HHS%20Fact%20Sheet.pdf.

3. Christopher Hinton, "Pentagon Still a Cash Cow Despite Budget Cuts," *Market Watch*, April 7, 2009, http.marketwatch.com/story/pentagon-still-a-cash-cow (accessed Dec. 23, 2010). The future for military contractors remains buoyant despite a Pentagon intention to cut contractors "as a percentage of its total workforce to 26% from 39%, and hire up to 30,000 new civil servants over the next five years."

4. Donna Smith and Kenneth Barry, "US Debt to Rise to $19.6 Trillion by 2015," *Reuters*, June 8, 2010, www.reuters.com/article/idUSN088462520100608 (accessed Dec. 22, 2010).

5. In 2009, there were more contractors than military in Afghanistan, and in Iraq the number of military and contractors were almost the same. See Richard Fontaine and John Nagl, *Contractors in American Conflicts: Adapting to a New Reality* (Washington, DC: Center for a New American Security, Dec. 2009), 7, http.humansecuritygateway.com/documents/CNAS_ContractorsInAmericanConflicts.pdf (accessed Dec. 23, 2010). The 2010 *Quadrennial Defense Review Report* includes contractors within the "total defense workforce" (55–56).

6. For a sound account of how George Washington's revolutionary army was supplied, see J. A. Huston, *Logistics of Liberty* (Newark: University of Delaware Press, 1991).

7. Weber described this claim as essential. See Max Weber, *The Theory of Social and Economic Organization*, translated by A. R. Henderson and T. Parsons (London: William Hodge: 1947), 141, 143.

8. C. Johnson, *The Sorrows of Empire* (London: Verso, 2004), paperback ed., 142.

9. Less well-known than the analytical services offered by American business is the collection of intelligence by manned and unmanned aerial vehicles operated by private firms. See, for example, Airscan, Inc. site, www.airscan.com/about.html (accessed June 11, 2011).

10. LOGCAP was created by the US Army in 1985. Its purpose has been to plan the integration of contractors in support of contingencies and crises, and utilize existing civilian resources in the United States and overseas to augment active and reserve forces. See United States General Accounting Office, *Contingency Operations: Opportunities to Improve the Logistics Civil Augmentation Program*, GAO/NSIAD-97-63 (Feb. 1997), 2.

11. Robert Mandel, *Armies Without States* (Boulder, CO: Lynne Rienner, 2002); P. W. Singer, *Corporate Warriors: The Rise of the Privatized Military Industry* (Ithaca, NY: Cornell University Press, 2003); and Deborah Avant, *The Market for Force* (Cambridge, UK: Cambridge University Press, 2005).

12. W. Mitchell, “Privatizing Defense: Britain Leads the Way,” National Center for Policy Analysis/*Brief Analysis* no. 391, www.ncpa.org/pub/ba/ba391 (accessed April 2, 2005).

13. NATO *Logistics Handbook* 1997, 1.