USAWC STRATEGY RESEARCH PROJECT

THERE WHEN YOU NEED THEM? DEFINING RELIABILITY IN ARMY CONTRACTING FOR OPERATION IRAQI FREEDOM

by

Lieutenant Colonel Samuel S. Evans
United States Army

Professor James Kievit
Project Adviser

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CARLISLE BARRACKS, PENNSYLVANIA 17013

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ABSTRACT

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This paper will examine recent reliability issues with Army contractors on the battlefield in Iraq. It looks at the apparent continued propensity of the Army to use contractors to facilitate operations and fill soldier specialty shortfalls. It discusses the reasons why the Army is using contractors versus soldiers. It specifically defines the requirements for a reliable contractor. Finally the paper recommends solutions to reduce any strategic risks associated with manning an Army in battle with contractors.

THERE WHEN YOU NEED THEM? DEFINING RELIABILITY IN ARMY CONTRACTING FOR OPERATION IRAQI FREEDOM

In February 2003, during the initial stages of deployments in support of Operation Iraqi Freedom, an aviation maintenance unit was given the mission to deploy to an austere port in Southern Turkey.[1] This unit was a small piece of a much larger force of logistics specialists, whose mission was to facilitate the passage of 4th Infantry Division through Turkey, in order to allow that division to attack into Northern Iraq. Specifically, the aviation unit was to unload the helicopters, reassemble them and turn them over to the deploying pilots of 4th ID ready to fly into battle. These airlift, reconnaissance, MEDEVAC and attack helicopters were essential to support 4th Infantry Division's attack into Northern Iraq. This attack was expected to be critical to the overall campaign plan for Operation Iraqi since an attack from the north would cause Iraqi forces to maintain forces in the north and not allow these forces to move to defend an offensive from the south. Receiving, reassembling and rapidly preparing the 110 helicopters of the 4th Infantry Division for battle might seem a daunting task, but the unit selected for this mission had been routinely moving helicopters into and out of Bosnia and Kosovo, every six months, for years. If ever there was a unit that could meet this task, this was the unit; except the planners had overlooked one small point; this unit's manpower was ninety percent contractors.

As part of a reduction in forces stationed in Europe after the reunification of Germany in 1990, the Germany based aviation unit had been reorganized. There remained a mission to provide theater level aviation support services, but not enough soldiers, within the personnel cap, to perform this task. Accordingly, the unit was reorganized into a cadre of military aviation maintenance specialists (the brains), who oversaw the work of aviation maintenance contractors (the brawn). Now, in 2003, this mixed organization would be tested in a wartime mission. Theoretically, this was not considered a test. This unit had performed this same mission numerous times into and out of ports spread from Belgium to Bulgaria. However, after the contractors personally owned toolboxes had been containerized and loaded on ships bound for the same Turkish port, a U.S. Army Europe (USAREUR) staffer made the critical decision to cancel the German contract with the parent company and reopen a new contract in Turkey. The commercial company, who saw most of the aircraft they were maintaining in Europe moving to Turkey and Kuwait, was motivated to establish a contract in Turkey. They readily complied with the staffer's request to transfer the contractors from Germany to Turkey, under a new contract. Unfortunately, neither they nor the staff foresaw the implications this administrative contract adjustment held for the individual mechanic. The contract change caused the loss of the individual contractor's employment status in Germany and therefore the loss of all privileges for

him and his family including tax-free status, the right to attend Department of Defense Schools, access to U.S. military commissaries and numerous other status of forces type privileges arranged between the governments of Germany and the United States. An individual contract mechanic also lost his $60 per diem for Germany in exchange for a $2 per diem in Turkey. Faced with the loss of support for their families in Germany and the loss of nearly $1800 a month in pay check, just days before these contractors were to be the lynchpin to moving 4 th Infantry Division quickly out of the port and into battle, many contractors announced that if forced to deploy on this critical mission under reduced support conditions, they would quit. Although the company pledged to fire anyone that refused to deploy and replace them with contractors from CONUS as rapidly as possible, it was clear the dependence on contractors in this situation was highly likely to be a potential "war stopper". Further, considering the only toolboxes loaded on the ship containing the equipment for the port opening package would be owned by contractors who would not be coming, even if replacement contractors or even soldiers were located rapidly, the plan, which required clearing aircraft from the port in hours, would be severely hindered. It was only due to the decision of the Turkish government to not allow the United States to attack through their country that this deployment disaster never came to light.

This vignette illustrates how the military's increasing dependence on the use of private military contractors can potentially have campaign changing effects. Although Turkey's decision, in fact, had the campaign changing effects on the U.S. effort in Iraq, that can be expected from a sovereign nation. What is not desirable is campaign changing effects from within our own force structure. This paper explains why the U.S. military is in the position where their ability to conduct operations is so heavily dependant on the use of contractors. It identifies criteria that can be used to judge the potential reliability of contractors. Finally it recommends reforms to ensure that future commanders can use contractors in operations and do so with the confidence that they will perform reliably.

Contractors in the U.S. Army throughout History

Contractors have been an integral part of the U.S Army since the earliest days of our Army. During the Revolutionary War, Washington used civilian wagon drivers to haul supplies.[2] Sutlers were famous, or possibly infamous, for their support or lack of support to Union troops during the Civil War.[3] In World War II, on 23 December 1941, Japanese military forces captured Wake Island. In addition to 453 U.S. Marines, the Japanese captured 1,150 civilian employees of the Morrison-Knudsen Corporation.[4] Throughout the Korean War, contractors provided many

transportation services ranging from stevedores to road repair.[5] Numerous authors have similarly recounted the history of contractors in the Army.[6] It is clear there are many examples of contractors serving in every major war in U.S. history, usually on both sides of the front.

An Army War College research paper includes the following chart which further demonstrates that contractors have been a large portion of every major war in U.S. history (data for Operation Iraqi Freedom added).[7]

War/Conflict	Civilians/Contractors	Military	Ratio
Civil War	200,000(est.)	1,000,000	1:5
World War I	85,000	2,000,000	1:20
World War II	734,000	5,400,000	1:7
Korea	156,000	393,000	1:2.5
Vietnam	70,000	359,000	1:5
Gulf War	5,200	541,000	1:100
Balkans	20,000(+)	20,000(+)	1:1
Iraqi Freedom	20,000	138,000	1:7

TABLE 1

This data, although quoted in newspapers and other scholarly works, may not be completely accurate. In fact, it demonstrates the difficulty in fixing the facts. Although the military does well at accounting for soldiers on the battlefield, accounting for contractors is less precise. Even today in Operation Iraqi Freedom the published numbers of contractors involved vary from 20,000 to 48,000, with the leadership assigned to account for contractors admitting that it is a difficult and imprecise science.[8] Suffice it to say that contractors have always been and will always be a part of the U.S. Army's formation during any conflict.

Increased Technology

With the increased sophistication of weapons systems comes the requirement for increased specialization, training and experience to repair the weapon systems. In the past the Army had to train only a general mechanic, a radio repairman, and an engine mechanic to maintain a helicopter. Even some of that repair capability was redundant. Now the Army still trains the same repair team, but much of their work is removing and replacing components (often referred to as black boxes). The Army justified changing the maintenance philosophy from "repair" to "replace" in the belief that this reduced the need for mechanics and technical skills in forward deployed areas. The black boxes are then passed to a contractor for the true

testing and repair. As originally envisioned the contractors were supposed to be working out of theater, or at a minimum, at a more secure location; usually this has not proven to be the case. The increased sophistication of the weapons systems, the training and experience required by the repairman, not to mention the required tools and test equipment, make it virtually impossible for the Army to maintain modern systems without the use of contractors. Without contractors the Army would have to expand significantly to account for the increase in required specialties to repair all weapon systems. The Army would likewise have to invest in innumerable sets of test equipment that it currently does not maintain. Although some would claim the Army is buying these tools in the end by paying the contractor, most often the contractor maintains these tools and test sets as part of the production process. Although the Army is, in the end paying the cost of the tools and test sets, it would be paying the cost again if they wanted a set for Army use. Ultimately, using the set bought by the contractor for initial production is more efficient. Lastly, much of the information required to maintain this equipment is proprietary and is not owned by the Army. Again, the Army could buy the rights, but chooses to pay for the contractor knowledge instead. Buying total and exclusive rights to any weapon system is economically unfeasible and potentially harmful to the individual company's future international sales. The U.S. government (and therefore the Army) chooses to keep the U.S. defense industry viable by only regulating its foreign sales, while paying for contractor support for U.S. Army requirements. Under this system the only way to get this equipment repaired is through the use of contractors that are tied to the original equipment.

In the end, we are left with the requirement for contractors to support Army equipment. Unfortunately, a contractor-based maintenance support philosophy is better suited to a linear battlefield. The modern non-linear battlefield makes it difficult to clearly define a rear area where contractors would expect some permanent level of security. This lack of security and the increased risk to contractors has a definite effect on the overall reliability of contractors.

Army Downsizing

Increased sophistication of the equipment is not the only the reason the Army has been increasing its use of contractors. Since the end of the Cold War, the Army has significantly reduced the number of soldiers in uniform. Between 1989 and 1999 the size of active duty forces was reduced by approximately 34 percent. The number of Army divisions went from 18 to 10.[9] This significant decrease in number of soldiers in uniform has come at a time when the number of operations the Army has been involved in has significantly increased. The U.S. Army has deployed troops on 36 occasions in the ten year span from the end of the Cold War until the

11 September attacks on America. In comparison troops were deployed only 10 times during the 40 year Cold War.[10] The Army chose to rely on contractors to accomplish these operations while decreasing the number of uniformed soldiers.

The original mandate (A-76 Circular) to move towards contracting out portions of Army missions specified that any mission that could be accomplished by a civilian contractor should be contracted out.[11] The intent was that contractors would take over tasks that were not critical to the military mission. Routine, non-tactical tasks such as gate guard, facilities attendants, dining facility operators, drivers, and rear area mechanics were to be turned over to contractors, whenever possible, to free up the available soldier end strength for tactical missions.

Unfortunately, while preoccupied with important missions and continuously pressured to do more with less, the Army has allowed the role of contractors to expand to the point where critical deployment and war fighting tasks now are dependant on reliable contractors. To understand the criticality of contractors in Iraq we must first understand what roles they are filling. As I have already alluded, many contractors are in Iraq maintaining complex weapons systems or providing some level of support for those weapons systems. Other contractors are providing specialized tactical protection for critical Iraqi and U.S. government officials. The vast majority are filling less visible and potentially less critical support functions such as logistics support at base camps throughout Iraq. Also the vast majority of interpreters working to enable our military forces and interagency experts to communicate throughout the region are contractors.

As described in this paper's opening vignette, the loss of a critical contract support role at the wrong moment has the potential to cause failure of a critical mission. Because U.S. forces have found themselves in the position of having to depend on contractors in many critical positions, it is essential to ensure that the contractors in these critical positions are reliable. Contractors must be reliable so that our forces can get to the fight, win the fight, and reestablish stability after the fight.

Although this is not strictly in contravention with the original A-76 mandate it nonetheless is an unsettling trend that the Army must address. The current environment in Iraq demonstrates both the metamorphosis in the use of contractors and the issues with that change. Contractors in Iraq are currently providing personal security detachments for important government figures. Although many of these specific contractors are hired by other U.S. government agencies and not the U.S. Army, this move to armed contractors sets a precedent that is damaging to the U.S. Army. This employment of contractors not only moves them outside the commonly accepted logistic support role, but places weapons in their hands. This is

a whole new dynamic, which in several instances placed contractors in direct and potentially deadly contact with Army soldiers.[12] In a 26 August 2005 meeting with the Defense Writers Group, in regards to the pervasiveness of armed contractors in Iraq, Army Chief of Staff Gen. Peter Schoomaker was quoted as saying, "I can see where, on the battlefield, there would be issues that could be problematic in terms of the rules of engagement, what kind of controls were placed on people that are roaming the battlefield."[13] The potential for conflict between armed contractors and soldiers was especially evident when Marines in Fallujah detained a group of security contractors working for North Carolina-based Zapata Engineering . The Marines claimed the contractors shot indiscriminately at civilians and fired on Marine observation posts; Zapata employees denied firing at the Marines. The poor discipline of armed contractors seemed to be verified in an interview with Brig. Gen. Karl R. Horst, deputy commander of the 3rd Infantry Division. After allegations of indiscriminate shootings and other recklessness. BG Horst said, “These guys run loose in this country and do stupid stuff. There's no authority over them, so you can't come down on them hard when they escalate force. They shoot people, and someone else has to deal with the aftermath. It happens all over the place." BG Horst further hypothesized that some insurgent attacks on his soldiers were the direct result of Iraqi retaliation to indiscriminate shootings by the contractors in his area of operations.[14]

These interactions highlight several issues with the increased use of contractors in Iraq. When the enemy insurgents or the local populous have difficulty distinguishing between military forces and contractors, then the Army must ensure the contractors, whom they hired, are working towards the same ends. When the contractors are critical to the operation, and indistinguishable from the fighting force they must be reliable. To the local populace they represent an extension of the U.S. Army. It is important that they act accordingly in order to further the cause of their employer. With the large number of contractors in the current operation in Iraq, and with the current U.S. heavy dependence on contract support for success in the Iraqi effort it is imperative to define what reliability means and work towards gaining a reliability level that allows contractors to be an active contributor to the operation, rather than potential detractors.

Reliability Defined

With contractors almost a certainty on all future battlefields it is important to define a method to ensue their reliability. Webster’s dictionary lists synonyms for reliable as dependable, responsible, and trustworthy. [15] Those traits are essentially what the Army should expect from any contractor in a deployed or even a non-deployed situation. However, the true measure for

a contractor serving the Army should be measured via availability, retainability, deployability, discipline and dependability.

A first measure of reliability is availability. If the Army is going to depend on a contractor to provide a critical or mission essential task, then the number of trained contractor personnel should be available to meet the need. The Army is currently suffering a shortage of contractor personnel in several critical areas. Aviation maintenance throughout the Army has been experiencing challenges in hiring the number of required mechanics to maintain its helicopter fleet since Operation Iraqi Freedom began.[16] In both Afghanistan and Iraq, aviation maintenance contractors arrived with the first deploying helicopters in order to assist in maintenance of the aircraft in operations. Because some level of aviation maintenance contract support is present in virtually all Army units, at their home stations, it was only natural that these units decided that they could not do without the same level of support when deployed to war. In both locations semi-permanent contractor maintenance sites were soon established. Once the initial units started rotating out of Operation Enduring Freedom (OEF) and OIF, since the contracts were let for that region, the units rotated back to their home stations, leaving their contractors behind. The incoming unit rotated into a set of contract aviation maintainers, while the returning unit attempted to reconstitute the contractors they lost back at their home station often receiving contractors from the unit that just deployed. The requirement for permanent contractors in OEF and OIF, combined with the rotational requirement for aviation support at unit home stations stressed the available aviation maintenance contractors throughout the world. With the requirement to put all helicopters rotating out of OEF and OIF into an intensive maintenance program, referred to as “reset” (as in resetting the aviation fleet), the companies providing contractors have had to depend on a practice of rotating their available manpower from one post to another as the priority and pressure for maintenance shifts from one unit to another, based on Army input (i.e. contractors move from Fort Lewis to Fort Campbell). Shortages of mechanics in units that were preparing to deploy resulted in their aircraft deploying to Kuwait prior to having critical mission equipment installed (i.e. engine sand filters, radar warning indicators). These aircraft were then not immediately available upon arrival while deployed contractors installed these systems. Shortages of mechanics in returning units caused a slow start to the process of resetting the aircraft at home station. Frequently, all of the unit’s aircraft were not prepared for the next OIF rotation a year later, requiring transfer of aircraft amongst units to meet the deployment timeline. The obvious answer to the lack of available mechanics would be to employ the skills of the Army mechanics. Unfortunately, in order to reduce the burden on recently deployed or deploying soldiers the Reset contract was

written to be performed by contractors only. Additionally, the contracts to prepare deploying aircraft with all the required add-ons for combat operations, modification work orders (MWOs), were specifically written and controlled by contractors. Although many Commanders quickly recognized that without soldier assistance their unit would not meet deployment readiness requirements, some commanders missed this point and required Herculean efforts to meet the next deployment. Recognizing the logistical issues that playing this shell game with available contractors was causing the force, Aviation and Missile Command (AMCOM), the headquarters responsible for oversight of helicopter maintenance policy, eventually named specific worksites for specific airframes.[17] This policy dictated that smaller posts would send their helicopters to posts with larger concentrations of contractors. The intent of the policy was to maximize available work hours on helicopters at the home site of the contractor, while minimizing the additional costs the Army was incurring paying for travel and per diem to move contractors temporarily to lower density helicopter locations. The need for AMCOM to take this action is an indication that the lack of available aviation maintenance contractors is having a negative effect on the Army. The shortage of aviation maintenance contractors has made reworking returning aircraft, or preparing deploying aircraft difficult. Even after the above message was published, aircraft were still deploying without the required modifications, due to the shortage of aviation maintenance contractors. Had these tasks been assigned to a soldier mechanic to perform, assuming they had all the training and tools required, the task would have been completed. However, the focus on completing the task would have been to the detriment of additional deployment training or family time. All of this highlights issues that occur when the Army depends on a contractor to perform a critical task, and that contractor does not have the appropriate availability.

Another example of Army missions suffering due to the lack of availability for a particular specialty that the Army has come to depend on, is in the interpreter field. Due to the requirement for a large number of interpreters in Iraq, and the relatively few trained Arabic linguists in uniform, the Army has had to depend on contractors to fill this shortage. This is again a critical and often sensitive job skill that requires trustworthy contractors. Due to the lack of available contractors in this specialty, the Army has lowered its standards of admission in order to fill critical openings. In many cases, contractors with “minor” legal convictions in their past, that would normally disqualify them from a sensitive translating position, are allowed to deploy as an interpreter to Iraq, due to the shortage of qualified applicants.[18] The Army cannot maintain a large force of linguists in multiple languages and keep them adequately employed until a contingency occurs. The Army has therefore relied on contractors to fill the gap.

Unfortunately, contracting enough Arabic linguists with the proper security clearances to operate with the U.S. Army has been a challenge.

These two examples illustrate numerous issues with the Army becoming too dependant on contractors to perform critical and sensitive tasks that the Army is not manning with soldiers. Clearly, if the Army intends to accept risk in certain areas of manning, it must do so only after careful analysis of whether dependency on a contractor specialty that has availability issues will cause an unacceptable risk to the mission of the Army. Too often in an Army that is somewhat dependant on contracting, commanders will accept lower performance standards from a contractor than he would from a soldier. Commanders at all levels must recognize the importance, as well as the cost, of the contractors supporting their operations, and take necessary action to alert the contracting system, if the contractor is not fully meeting expectations. There must be a better mechanism to report systemic contractor shortages to avert these issues. There are many areas where a contractor is the right choice to fill a void in Army manning, but attempting to fill a void with contractors, who themselves are not fully manned is a risky endeavor the Army should avoid.

Another trait to measure reliability in contractors is their retainability. Contractors filling critical positions have many similarities with the soldiers they replace. Being able to retain a contractor is just as important as retaining a soldier. In fact, in many cases retaining a contractor is more important because losses in the soldier ranks are forecast as a part of the calculus of Army's soldier retention program. However, contractors are significantly different than soldiers in that there is often little legal or punitive recourse against a contractor that decides he does not want to work in a particular job, or as is more often the case, a particular location. A soldier is obligated to go where the Army directs him. Unfortunately, a contractor is not legally bound to deploy to or stay in a location that he does not like, beyond the desire to keep his job. Besides the introductory vignette of this paper, there are numerous examples of contractors refusing to deploy to Iraq. There are other stories of contractors leaving critical mission essential positions in Iraq and departing the country for the safety of home with absolutely no notice to anyone.[19] Although the lack of retainability for contractors has not received much attention up to this point, it has been a problem in Operation Iraqi Freedom. Clearly the Army must find a way to ensure a contractor hired for a task has some incentive, either positive or negative to honor their obligation. One would think the legal obligation of the contract would suffice, but most of the time the contract is with a large company and not the individual. Once notified of a missing employee the contracted company will replace the employee as quickly as possible, however the only penalty to the individual employee is the loss

of employment. The Army can not allow contractors to abandon their posts at the most critical moments of a stability operation.

Deployability is also a concern. Although the issue with getting aviation maintenance contractors from Germany to Turkey for the critical aircraft download was retainability, deployability of contractors was also at play in that scenario. The deploying aviation maintenance unit advance party consisted of six members, with a planned deployment of an additional 100 personnel, upon authorization by Turkey to use their port and attack through their country into Iraq. The commander of the aviation maintenance unit was so uncertain of the ability to deploy contractors into Turkey; he chose to use one of six critical advanced party slots to deploy a contractor, just to test Turkey's willingness to allow a contractor to deploy with a military force into their country via military air. Although the contractor would be of little use until the arrival of aircraft, the commander was unable to receive any verifiable certification that there would be no issues on deploying the contractors and was forced to test Turkish reaction to a contractor deployment. In the end the deploying unit learned that deploying contractors into Turkey was only slightly problematic. Turkey would allow a contractor into their country for a cash fee of one hundred U.S. dollars, on a 45 day work VISA. Although 45 days would have allowed the contractors the time to deploy 4th Infantry Division, processing follow-on aircraft from deploying reserve units would have required sending contractors out of Turkey in order to reenter on another 45 day work Visa. Often contractors must meet different rules than soldiers when deploying into a contingency area. Although the Turkish 45 day visa requirements would have been an issue, it was not an insurmountable problem; but it does highlight another risk of depending on contractors for critical tasks. Once again, if the Army plans to depend on contractors to fill critical roles that they are unwilling or unable to fill with soldiers, they must be aware that there is a probability that they will not be able to freely use them in every situation. In stability operations, the deployability of contractors has not become a significant issue in the past. However, the difference between the deployability of contractors versus soldiers should always be considered when the use of contractors is necessary.

Another measure of contractor dependability is discipline. Once again, the rules that apply to soldiers do not apply to contractors. One of the first rules of applicability for the Uniform Code of Military Justice is being a member of the military. Keeping contractors disciplined in a war zone, where law and order is usually nonexistent all around them is often a challenge. For soldiers, the Uniform Code of Military Justice travels anywhere they go. Unfortunately, there is no similar code or set of standards that travels with contractors. Earlier descriptions of the indiscipline of armed contractors indiscriminately shooting Iraqi citizens,

while in the performance of their personnel security tasks, demonstrates the issues with not having enforceable rules for military contractors. The lack of discipline for contractors in a stability operation can have severe negative effects for the soldiers working with the contractor. Unfortunately, the local populace in Iraq does not see the difference between the contractor and the soldier. To the local Iraqi, they are both Americans, often even wearing much of the same equipment and similar uniforms, making them indistinguishable. The recent involvement of contractors in the scandal at Abu Grahib has caused the U.S. government to take a closer look at what rules they can enforce on contractors. Depending on their employment (armed versus unarmed) contractors have different statuses under the Geneva Conventions. When unarmed, contractors would be considered to be "civilians authorized to accompany the force in the field."[20] If armed they lose their legal protection under the Geneva Conventions and could be charged with violations of the laws of war. Domestic law of the country they are working often does not affect the discipline of contractors, because it either is nonexistent in a stability operation, or as is the case in Iraq, the contractor has signed an agreement providing them with immunity from prosecution under Iraqi law. Contractors are only subject to military law under the Uniform Code of Military Justice during a declared war, which is a rare event and unlikely in a stability operation.[21] Contractors working for the Department of Defense might be prosecuted under the Military Extraterritorial Jurisdiction Act of 2000 (Public Law 106-778), know as MEJA. This act was passed to protect U.S. soldiers and their dependents on U.S. bases abroad, who sometimes are victims of crimes committed by military contractors with effective immunity from prosecution. MEJA permits the prosecution in federal court of U.S. civilians who, while employed by accompanying U.S. forces abroad, commit certain crimes. Generally, the crimes covered are any federal crime that carries a punishment greater than one year.[22] In July 2004, the first prosecution under MEJA ended in a mistrial in the case of a woman who admitted to stabbing to death her Air Force sergeant husband in Turkey.[23] The MEJA is obviously too new and untested, as well as too specific to be an effective tool to discipline contractors. Therefore, with no domestic law or effective specific law in place to control the behavior of contractors, the only recourse to deal with an ill disciplined contractor is to fire him from his job. The Army should continue to work to develop a tool to discipline deployed contractors as necessary. The Army should also be aware of this loophole for contractors and be careful to provide provisions in the contract to prevent the hire of potential discipline risks and to deal swiftly with those contractors that display a lack of discipline. Although it may be possible to hire a contractor to interrogate prisoners, it becomes a risky decision to use a contractor who is not governed by

any law. Use of a contractor in this situation is clearly a risk to the reputation of the Army and the U.S. The Army should avoid using contractors in this scenario.

The final measure of contractor reliability is dependability. It does no good to have contractors in place to provide support for soldiers or even replace soldiers in a stability operation if you can not depend on them. Dependability is measured, particularly in a deployment scenario, as continuing to do the job you were hired for in spite of poor living conditions, threats from the enemy, dissatisfaction with the working environment, or disagreement with the political goals of the operation. There are innumerable examples of contractors refusing to perform duties they were hired to perform, knowing that they would be replaced by one of the limited soldiers available with the same skills.[24] One example is contract linguists picking and choosing missions depending on the perceived danger of each mission causing the military linguists to continually perform the least desirable missions and having a negative effect on soldier and unit morale.[25] A contractor needs to be as dependable as the soldier he is there to replace. Soldiers can not easily choose to depart the theater when they become disillusioned, likewise the soldier can not just stop being productive. The soldier is required to go where directed and perform to standard. The Army should expect nothing less from its contractors. The Army must put contract provisions in place to ensure it is at least as difficult for a contractor to cease providing a service as it is for a soldier. Only then can the Army enjoy true dependability from a contractor.

Recommended Reforms

The private military contractor has become a fixture in the U.S. Army. They have been associated with the Army throughout history and their prominence continues to grow. There is no need to totally abandon the use of contractors, only a need to tighten policies for their use.

The first reform should be a prohibition on the use of armed contractors. Armed contractors raise many issues including Geneva conventions status, inability to punish poor judgment, confusion between contractor and soldier, friendly fire incidents and many others. It would be much easier to avoid the use of contractors in this role altogether. The risks associated with armed contractors are not worth the benefits associated with those few that are currently in use.

The second reform in the use of contractors would be to do a formal Contracting Command level review and assessment of all the positions for which we are currently using contractors. Any positions identified as high risk for a conduct of a mission critical task that could cause mission failure would require special controls before a contractor is accepted in that

position. If contractors must be used in Army operations, they should be used for the most part out of harm's way, in a secure base camp environment for less mission critical tasks. Although on the modern non-linear battlefield there are few fully secure areas, contractors should be relegated to the more secure work areas. These controls reduce the risk of unhinging an operation due to an unreliable contractor. In situations where a contractor is used in a critical role identified by the recommended risk assessment, more stringent contract controls should be put into place. Contract controls can include more thorough hiring and screening requirements to ensure quality personnel or sizeable penalties to the parent company for ineffective performance. With the proper controls, contractors would be less risk to operational missions and the force they are hired to support.

Endnotes

[1] The author commanded 2-502 Aviation Regiment, the Theater-level Aviation Intermediate Maintenance (AVIM) Battalion for United States Army Europe (USAREUR). Much of the information in this paper is based on my personal experiences leading this unique unit.

[2] Gordon L. Campbell, Presentation to Joint Services Conference on Professional Ethics 2000, 27-28 January 2000; available from http://www.usafa.af.mil/jscope/JSCOPEoo/ Campbelloo.html; Internet; accessed 13 Feb 2006.

[3] Eugene B. Smith, "The Condottieri and US Policy: The Privatization of Conflict and Its Implications," *Parameters* (Winter 2002-2003): 104-119.

[4] Deborah C. Kidwell, *Public War, Private Fight? The United States and Private Military Companies.* (Carlisle Barracks: Combat Studies Institute Press, 2005), pg 1.

[5] Campbell, pg 2.

[6] Richard F. Miller, "Camp Followers, Contractors, and Carpetbaggers in Iraq," George Mason University's History News Network, 9 January 2006; available from http://www.hnn.us/articles/20067.html; Internet; accessed 11 Mar 2006. Both Rebar and Kidwell also recount the history of contractors in U.S. wars.

[7] Paula J. Rebar, Contractor Support on the Battlefield, Strategy Research Project (Carlisle Barracks: U.S. Army War College, 2 April 2002), 2.

[8] Jonathan Finer, "Security Contractors in Iraq Under Scrutiny After Shootings," Washington Post Foreign Service, 10 September 2005 [newspaper on-line]; available from http://www.washingtonpost.com/wp-dyn/content/article/2005/09/09/AR2005090902136_pf.html; Internet; accessed 13 Feb 2006.

[9] Congressional Budget Office, *Budget Options for National Defense*, (Washington, DC: Congressional Budget Office, March 2000), 7.

[10] Campbell, pg 2.

[11] Executive office of the President, Circular No. A-76 (Washington D.C.: Office of Management and Budget, 4 Aug 1983), 1.

[12] Renae Merle and Griff Witte, "Security Costs Slow Iraq Reconstruction," Washington Post, 29 July 2005 [newspaper on-line]; available from http://www.washingtonpost.com/wp-dyn/content/article/2005/07/28/AR2005072802269.html; Internet; accessed 11 Mar 2006. This article notes 20 such incidents in a 5 month period and states that the Government Accounting Office noted that many incidents go unreported.

[13] "Army Chief Notes 'Problematic' Potential of Armed Contractors on the Battlefield," *Defense Daily*, 26 August 2005, 1.

[14] Finer, A01.

[15] "reliable, " Merriam-Webster Online Dictionary, 2004. http://www.merriam-webster.com; Internet; accessed 14 January 2006.

[16] This is based on the author's experience as Theater Aviation Intermediate Maintenance Commander supporting units rotating into and out of Operations Enduring Freedom and Iraqi Freedom.

[17] AMCOM Reset MSG, Aviation Reset Program Executive Office 2004.

[18] Forrest A. Evans, Contracting Officer, Intelligence and Security Command (INSCOM), interview by author, 17 November 05.

[19] COL Richard Whitaker, senior staff officer, 101st Airborne Division (Air Assault), interview by author 18 February 2006.

[20] *Geneva Conventions relative to the treatment of prisoners of war*, article 4 A (4) available from http://www.unhchr.ch/html/menu3/b/91.htm; Internet; accessed 13 February 2006.

[21] *Uniform Code of Military Justice*, 10 U.S.C. §§ 801–946 (2000).

[22] *The Military Extraterritorial Jurisdiction Act of 2000*, 18 U.S.C. §§ 3261–67 (2000); available from http://www.pubklaw.com/hi/pl106-523.pdf; Internet; accessed 19 February 2006.

[23] Human Rights Watch, "Q&A: Private Military Contractors and the Law," available from http://hrw.org/english/docs/2004/05/05/iraq8547_txt.htm; Internet; accessed 19 February 2006.

[24] Ariana Eunjung Cha, "Peril Follows Contractors in Iraq," Washington Post, 14 November 2003 [newspaper on-line]; available from http://www.washingtonpost.com/ac2/wp-dyn/A39624-2003Nov14?language=printer; Internet; accessed 11 Mar 2006. The author additionally interviewed four classmates concerning their experiences with contractor reliability in OIF and all four detailed incidents of contractors refusing missions or quitting when required to do missions that soldiers performed daily.

[25] COL Mark Aycock, senior staff officer, 1st Marine Expeditionary Force, interview by author 13 February 2006.