

A House Less Divided

November 25th, 2002

By Jonathan D. Tepperman

The New Republic

One warm day in Kandahar early this fall, a uniformed Afghan soldier stepped in front of the car carrying President Hamid Karzai--and opened fire. Karzai ducked, narrowly escaping the hail of bullets, and was instantly surrounded by heavily muscled, fair-skinned men who returned fire. Although the assailant was never conclusively identified, Karzai's rumpled plain-clothes guards quickly were. They turned out to be American Special Forces troops, part of the small garrison that has shadowed the Afghan president at his request since late July, and they have already thwarted several assassination attempts.

Unfortunately, the next time someone tries to kill Karzai--and there will be a next time--the faces around him will be different. Washington is about to replace Karzai's crack Pentagon bodyguards with hired guns; specifically, the employees of DynCorp, Inc., a Virginia-based "private military corporation" (PMC). While PMCs like DynCorp may be popular in Republican Washington, which is now enthusiastically outsourcing many of America's military duties to the private sector, using them in Afghanistan could be a dangerous mistake. Private contractors seldom prove cheaper or more effective than uniformed soldiers. Worse, they are virtually impossible to control and have committed a litany of abuses in America's name. Using these unproven freelancers to guard Karzai thus will send precisely the wrong message to Washington's friends and enemies around the world and will increase the risks of a foreign policy disaster in Afghanistan.

The use of PMCs has grown dramatically over the last decade; there are now about 35 such firms in the United States alone. DynCorp, a 56-year-old corporation with 23,000 employees and an annual income of almost \$2 billion, is one of the biggest. Its rivals include Virginia-based mpri and Texas-based Kellogg Brown & Root, a subsidiary of Halliburton, Dick Cheney's former employer.

The newfound popularity of such companies is easy to understand. After the end of the cold war, the United States slashed its active-duty military personnel from around two million to 1.4 million. This shrinkage has caused manpower shortages within the services and a glut of retired officers flooding the private sector. The contraction of the American military also coincided with the largest economic expansion in U.S. history, an era when many policymakers came to assume that private companies could perform public tasks better than government bureaucrats.

And sometimes they can. PMCs often perform a wide variety of noncombatant roles with a high level of professionalism. DynCorp maintains military aircraft, runs communications systems, and

helps to manufacture the U.S. Army's anthrax vaccine, among other tasks. But, while PMCs may hate being thought of as mercenaries, they sometimes do end up sending men with guns to foreign countries under American auspices. Unfortunately for Karzai, in this area, PMCs' records have been disastrous.

The first problem with using PMCs as soldiers may ironically help to explain the idea's appeal. It is almost impossible to figure out what they or their client--in this case, the U.S. government--is up to.

PMC employees abroad work in a legal netherworld. As contract employees, they are not subject to the U.S. military's code of conduct. Nor are they subject to U.S. law, since it does not extend to most offenses committed abroad. And, while PMC employees are technically subject to the laws of the country in which they serve, those states usually have weak judicial systems. According to Peter W. Singer, a Brookings Institution expert on PMCs and author of the forthcoming book *Corporate Warriors*, "These companies operate in areas where the local legal system is either unable or unwilling to hold these guys accountable."

In practice, then, America's freelance warriors are free to misbehave--and to escape the consequences. When a number of DynCorp employees working in Bosnia were recently found to be running a sex-slavery ring, the Army's Criminal Investigation Division dropped its inquiry after determining the men fell outside of its jurisdiction. U.S. courts proved to be similarly impotent, and the fragile, corrupt Bosnian legal system did no better. Similarly, if Karzai's new bodyguards decide to flout the law in Afghanistan, a nation with ample opportunity for profiteering and corruption, there is very little that anyone--Karzai, the Pentagon, or U.S. courts--will be able to do about it.

Industry representatives reply that the invisible hand of the market guarantees accountability. Doug Brooks of the International Peace Operations Association, a PMC lobbying group, argues that no firm would deliberately misbehave because it would then risk losing the government contracts on which it depends. Yet DynCorp, which gets 95 percent of its business from the U.S. government (much of this from the State Department), has suffered no loss of income from the ongoing Bosnia scandal. In fact, PMCs have an economic incentive to cover up crimes rather than punish the troublemakers, since such revelations tend to be bad for business.

In addition to their employees' impunity, companies like DynCorp create another, similar problem: They allow the executive branch to evade public scrutiny--and, at times, to flout it. Take Afghanistan. When Washington recently announced that the Special Forces were abandoning Karzai, it also declared that the State Department's Diplomatic Security Service would get the gig. State then delegated the assignment to DynCorp. But there the trail runs cold. Apart from giving a boilerplate explanation for why it was subcontracting the mission, no one in government or at DynCorp would tell me when the mission will start or finish, confirm exactly what roles DynCorp will play, or even reveal what the company will be paid.

Nor can they be compelled to. The company has no legal responsibility to discuss its business with the media or with Congress, and private contractors are not governed by congressionally mandated limits on troop commitments or rules of engagement. The government is just as

immune, since it's not required to disclose the details of what are known as "proprietary contracts" with PMCs. The Defense Department doesn't even need to notify Congress of the existence of contracts that cost less than \$50 million. As a result, PMC missions often fly beneath the radar, garnering almost no attention in the press or anywhere else. True, Democratic Representative Jan Schakowsky of Illinois tried last year to block the use of PMCs in the Andes, and the Senate Foreign Relations Committee attempted to hold up funding for DynCorp's Karzai mission. But to no avail: State ignored the committee, and most other PMC engagements have escaped comment entirely.

The U.S. government has taken ample advantage of this lack of scrutiny, using contractors to circumvent legal restrictions in a number of conflicts. It hired PMCs to get around the U.N.-monitored arms embargo imposed on Croatia and Bosnia during the Yugoslav wars. DynCorp has been contracted to run anti-narcotics operations in Colombia, where it has deployed over 300 employees for coca eradication and armed search-and-rescue missions that have led to pitched battles with Colombian rebels. DynCorp's employees in the field are free to ignore congressional rules on protecting human rights in Colombia, which restrict the United States from aiding Colombian military units that have been linked to abuses.

In short, by hiring private military contractors such as DynCorp, the U.S. government has found an effective way to conduct foreign policy by proxy and in secret. These proxies cannot be monitored, are effectively immune from all criminal sanctions, and are dangerously hard to control since they answer to corporate bosses, not military brass.

Pmcs also fail to deliver on their central promise: better performance and lower costs. For one thing, people get paid better in the private sector. DynCorp pilots in Colombia earn more than \$100,000 per year--far more than they'd get paid in the military. What's more, as Deborah Avant, a political scientist at George Washington University, explains, private companies can only perform a mission more cheaply when they are allowed to do things their own way. This means cutting corners, something that can't always be tolerated. "For privatization to be cheaper, you have to give the contractor flexibility," Avant says. "But, if you want control, if you care about how the mission is done, then it's going to be more expensive."

In fact, virtually every time the Pentagon has bet on PMCs, it has failed to save the money it expected. The Defense Science Board has predicted that the Pentagon would save \$6 billion per year from outsourcing, but this figure later turned out to be 75 percent too high. Earlier this year, the General Accounting Office established that the use of military contractors to provide logistics in the Balkans ended up costing the United States hundreds of millions of dollars more than expected. To make matters worse, no single person in the Defense Department ever knew how many contractors were employed in the Balkans or what they all were doing.

And it's not just that DynCorp hasn't saved the government money; it has often proved to be incompetent, if not downright corrupt. First, there was DynCorp's Bosnia sex-slave ring. Over the last few years, about a dozen company employees in Bosnia allegedly bought and sold Eastern European prostitutes (one girl, "owned" by an American in his sixties, was only twelve years old), trading these slaves with friends and holding the girls' passports to prevent them from fleeing. Several DynCorp employees even videotaped a rape of one of the women. Once

these crimes were brought to light, the company did fire a few of the guilty. But it also used apparently trumped-up charges, such as time-card tampering, to fire two employees who had brought their co-workers' crimes to light. The two employees both sued to get their jobs back, and, this summer, only weeks before DynCorp was awarded the Karzai mission, a British tribunal ruled that one of the employees' termination had violated the United Kingdom's whistle-blower statute.

Former DynCorp employees also allege that the company has tried to defraud the U.S. government on various occasions, providing cheaper, untrained workers and performing unnecessary repairs to pad the bills. According to one employee, over the last few years, "there has been a dramatic drop in experience and competence, replaced by ignorance, inexperience, and downright unsafe maintenance practices." Ben Johnston, one of the two whistle-blowers fired in Bosnia, described a co-worker who weighed over 400 pounds, stuck cheeseburgers in his pockets while at work, and regularly fell asleep on the job--in one case, while he was holding a torch, which wound up burning a hole in the side of an aircraft. A third DynCorp employee, Tom Greer, has complained to Congress that the company regularly misrepresents the qualifications of its employees: So-called aviation experts at U.S. bases in Mannheim, Germany, have turned out to be former cashiers, security guards, and cooks.

Yet another DynCorp scandal took place in Peru in April 2001, when a local air force jet shot down a private plane carrying American Baptist missionaries. Two of the passengers--35-year-old Veronica Bowers and her 7-month-old daughter, Charity--were killed. The Bowers had the misfortune to be misidentified as drug smugglers by U.S. contractors acting as spotters on the ground. These contractors were working with the Peruvian government but were on the payroll of the CIA. And, although they were technically employees of Aviation Development Corporation (ADC) of Montgomery, Alabama, the spotters were reportedly working under a subcontract with DynCorp (although neither the company nor the U.S. government will comment on such arrangements). ADC and DynCorp have never accepted responsibility for the shoot-down, nor has the U.S. government accused either firm of any wrongdoing.

There's little reason to believe DynCorp will be any more effective in Afghanistan. While PMCs do sometimes prove ruthlessly effective at security work, to do so they require complete freedom of movement. For example, in the recent civil war in Sierra Leone, a handful of South African mercenaries in two helicopter gunships managed to rout the rebels in a matter of weeks. That won't be possible in Afghanistan, however; though it's still a largely lawless place, many members of Karzai's government (especially Abdullah Abdullah, the powerful foreign minister) are highly resentful of any American presence and are guaranteed to watch the foreigners closely, waiting for them to slip up. Moreover, the 39-man protection team the company has assigned to safeguard Karzai will face serious problems with what's known as "interoperability." Although many of the new bodyguards may be retired Special Forces troops themselves, as civilians they'll find it next to impossible to get rapid military intelligence and communications support from their former colleagues, who distrust nonmilitary guards. In practical terms, this means DynCorp may not know about coming threats to its client, Karzai. Nor will it be able to call in instant military support, such as air strikes, to help fend off attacks, an option available to U.S. Special Forces guarding the Afghan president. The next time assassins come gunning for

Karzai, DynCorp will have to face them alone.

Given all this, why would Washington hire DynCorp to guard the life of Karzai, a man the United States desperately needs to keep alive? Secretary of Defense Donald Rumsfeld has suggested that, with the United States headed toward war with Iraq, he can't spare the manpower to protect Afghanistan's president. This argument is, to put it mildly, unconvincing. Karzai's security detail comprised between 45 and 50 U.S. troops, and defense experts estimate the number of Special Forces to be around 40,000. Nor is the administration's other argument--that private contractors will have a lower profile than U.S. troops and thus attract less local opposition--any more compelling, given that the American commandos wore civilian clothes and their private-sector replacements will also be Americans.

The real answer has to do with Republican dogma. "These people have an ideological preference for private solutions," says Lawrence Korb, who served as assistant secretary of defense in the first Reagan administration. "It's always their first instinct because of their belief in the efficiency and effectiveness of the private sector."

Using DynCorp also offers the Bush administration something it values highly: secrecy and plausible deniability. This is, after all, an administration famous for its disdain of peacekeeping and its opposition to anything that smacks of nation-building and postwar reconstruction. Using hired guns to do the job in Afghanistan allows the White House to maintain rhetorical consistency, even after it has finally recognized that peacekeeping is sometimes unavoidable. And using PMCs keeps the press hounds away. If someone in Karzai's security detail gets killed, it will be a lot easier for Washington to avoid publicity if that someone isn't a soldier. Brooks explains, "If \$(a private contractor\$) is shot wearing blue jeans, it's page fifty-three of their hometown newspaper. Brooks's argument has been borne out in Latin America, where five DynCorp employees have been killed since 1995, with little public outcry in the United States.

Unfortunately, the Bush administration's refusal to take public responsibility for its work in Afghanistan isn't lost on the government it is trying to protect. As Representatives Tom Lantos and Henry Hyde recently said in a joint statement, " \$(T\$)he presence of commercial vendors \$(protecting Karzai\$) would send a message to the Afghan people and to President Karzai's adversaries that we are not serious enough about our commitment to Afghanistan to dispatch U.S. personnel."

Washington will therefore lose out all around. By refusing to protect Karzai itself, the United States is snubbing a key ally. But it won't win itself any real deniability either. If anything goes wrong with the mission and someone is killed--whether it's Karzai, one of his guards, or an innocent bystander--Afghans will blame the United States anyway. No one will pay much attention to the fact that the bodyguards were technically private employees; they will care only that they messed up the job.

Unfortunately, by hiring DynCorp, the Bush administration has upped the odds that that's exactly what's going to happen.