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### The State in Disarray: US Oversight of Private Security Contractors

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“Putting mercy back in mercenary” became the slogan of Blackwater Worldwide<sup>1</sup> after harsh criticism from the media tarnished their image. Blackwater is just one example of a private firm working for the US government. Since the establishment of the Continental Army in the 17<sup>th</sup> century, the success of US military operations has relied on a healthy combination of soldiers and civilian support. Technological advancements in weaponry have demanded civilian support in development and manufacturing, while new strategic goals call for continued civilian support in protecting soldiers and reconstructing combat zones. The War in Iraq that began in 2003 was, however, an atypical situation. For the first time, contractors were performing security functions for military men in an unstable environment (Elsea). In Iraq, private firms known as Private Security Contractors (PSCs) have served to protect individuals, transport convoys, forward operating bases and infrastructure, and train Iraqi military personnel (Elsea). Given the heightened reliance on PSCs from the Department of State and Department of Defense, the US government has taken on the burden of establishing regulations to govern their actions and hold them accountable. On September 16, 2007, Blackwater security personnel working for the State Department opened fire at Nisour Square<sup>2</sup> in Baghdad killing 17 Iraqi civilians causing the effectiveness of US oversight to come into immediate question. How was the State Department

operating? What protocol was in place to prevent such an abuse of power, who established accountability, and where were the US supervisors? Prior to this incident, these questions had not received sufficient consideration. Instead, there was a lack of proper documentation, mass confusion over jurisdiction and the resulting lack of accountability, and a shortage of oversight personnel within the State Department. It appeared that PSCs working for the State Department were answerable to no one. This contributed to Iraqi hostility toward US presence and the perception that US personnel could commit abuses with no repercussions. As the Blackwater shooting and lack of State Department oversight exploded in the media, the United States was forced to respond. It became apparent that the United States had failed to provide adequate oversight for State Department private security contractors in Iraq, though recent steps have improved this oversight.

As the American Revolution began to unfold, General George Washington recognized the need for civilian support in the Continental Army. The Continental Congress justified this relationship on the basis that civilians could accomplish menial tasks, allowing military men to concentrate on their wartime responsibilities. Acceptance of civilian logistical support rested on the common idea that noncombatants could perform tasks without coming into direct confrontation with the enemy (Toler). For General Washington, civilians performed tasks including food preparation, medical services, delivering letters, driving wagons and carpentry (Buhler). This initial role of civilians established a supportive function, meaning civilians were present to perform tasks that would otherwise detract from the focus of military men. A shift occurred during the Vietnam conflict. More than ever before, American civilians were present by the side of US soldiers, mainly because of advancements in equipment that required civilians to become “specialists in the tools of war”, particularly air warfare and the development of the

attack helicopter (Toler). During the Vietnam War, an estimated 735 private security companies deployed civilians compared to 76 companies in Desert Storm and 52 companies in Bosnia,<sup>3</sup> but the need for civilian support continued to grow (Buhler). As the ratio of soldiers to civilians climbed, civilians not only performed supportive functions, but eventually were expected to provide security for the US military.<sup>4</sup>

Though the practice of outsourcing security to civilians is not new to the US military, the War in Iraq presents an atypical situation. For the first time, civilian contractors are providing security in an unstable environment where the host country's forces are deficient or absent (Elsea). Due to escalating Iraqi hostility toward US personnel, Iraq had become a volatile and extremely dangerous place. As a result, many PSCs were armed as they worked in Iraq due to increasing violence and the nature of their work.<sup>5</sup> As the war entered the reconstruction stage,<sup>6</sup> PSCs continued to provide a vital role in providing security for military personnel while training Iraqi forces. It seems their job was never done. Despite US intentions to cut the number of contractors by 5% each quarter and employ Iraqis in their place as police officers or security guards, some contracted activities like training Iraqi forces and strategic communications were likely to increase as troops withdrew. It is held that "nowhere has outsourcing been larger or more contentious than in Iraq" (DeYoung). Iraq represents "the largest deployment of U.S. contractors in a military operation," with more than 100,000 PSCs present in Iraq in 2006 (Merle).

The Department of State has increasingly employed PSCs in the past twenty years to provide security for U.S. embassies around the world, the personnel and homes of those who staff these facilities, and any visitors. In 2004, the Department of State took over the responsibility from the military of providing security to the newly opened Embassy in Baghdad.

A shortage of DS special agents forced the State to outsource manpower from the private sector resulting in a one year contract with Blackwater Worldwide to provide security services for the new Baghdad embassy. In the summer of 2005, the State Department began contracting bids under Worldwide Personal Protective Services (WWPS)<sup>7</sup> which called for a five year contract (Elsea). Blackwater Worldwide was one of three companies<sup>8</sup> to sign on. Under the WWPS contract, Blackwater's primary area of operation was Baghdad (Elsea). With diplomats constantly traveling into and out of the capital city, PSCs received training in protecting convoys, guarding buildings, and responding to threats, but a new task emerged- protecting themselves from violent ambushes. Soon the area morphed into a constant combat zone.<sup>9</sup> Striving for sovereignty and the end of US presence, some Iraqis were determined to get US personnel out and communicated this through violence in the capital.<sup>10</sup> By the end of February 2007, the death toll in Baghdad as a result of violent attacks totaled 35,557 (Baghdad).

On September 16, 2007, Blackwater personnel were guarding a convoy of three vehicles as they traveled through the center of Nisour Square to the nearest Green Zone<sup>11</sup> approximately two miles away. As the vehicles continued through a traffic circle guarded by Blackwater teams known as Mambas, a car bomb exploded.<sup>12</sup> Assuming that they were under attack, Blackwater guards opened fire. One bullet struck a young Iraqi man driving a car. As the car continued to roll forward, Blackwater personnel contended that another car bomb could conceivably be inside and continued to open fire in the area resulting in seventeen Iraqi deaths (DeFronzo). US Representative Tom Davis<sup>13</sup> spoke of the incident before Congress saying: "Iraqis understandably resent our preaching about the rule of law when so visible an element of the U.S. presence there appears to be above the law. That is why the events of September 16th sparked

such an outcry by the Iraqi government which sees unpunished assaults on civilians as a threat to national sovereignty” (Elsea).

The policy of Blackwater Worldwide was to respond to any assault with overwhelming firepower in order to eliminate any threat. The legality of this policy came into immediate question following the Baghdad shootings. Anne Tyrell, director of Blackwater USA public affairs, insisted that Blackwater personnel “responded well within the rules of engagement to protect the people” (Fireman). Chairman Erik Prince reiterated that the “Blackwater team acted appropriately while operating in a very complex war zone” (Raghavan). The debate that ensued, however, questioned the authority of Blackwater personnel as granted by the State Department. US military reports indicated that Blackwater guards opened fire without provocation and used excessive force against Iraqi civilians (Raghavan).

The U.S. Embassy in Baghdad issued a Policy Directive for Armed PSCs in Iraq<sup>14</sup> in May of 2008 to establish the rule of law consistent with the Memorandum of Agreement between the Department of Defense and Department of State signed on December 5, 2007.<sup>15</sup> The directive advised PSCs to use deadly force only in matters of “self defense of others when there is a reasonable belief of imminent threat” and cautioned PSCs to gradually increase the level of force used before using lethal force. The directive applied to “all private security contractors working under any contract for the Department of State or federal agency under Chief of Mission authority” (U.S. Embassy). According to these existing rules of the US Embassy in Baghdad Policy Directive, Blackwater was clearly in violation according to US military reports that personnel opened fire without provocation. The US Embassy had previously established its policy on deadly force and how to approach situations using an escalating scale of force.<sup>16</sup> Blackwater, however, chose to ignore this directive and adopt its own that called for the use of

overwhelming force. In fact, Blackwater had engaged in 195 “escalation of force” incidents since 2005, including over 160 incidents in which Blackwater fired first (Griffin). This tendency to open fire without provocation added to the controversy surrounding the Blackwater shooting.

As the investigation of the Blackwater shooting in Baghdad continued to unfold, several questions emerged concerning how US prosecutors could pursue the case. In order to prosecute private contractors, the law that established accountability had to be identified. Typically, the Uniform Code of Military Justice (UCMJ) applied to all military and contract personnel supporting the Department of Defense mission. Following a 2006 Amendment to the UCMJ, all civilian contractors could be charged under military jurisdiction during a “contingency operation” rather than the previous requirement that Congress actually declare war. Prior to this 2006 Amendment, contractors working in Iraq were exempted from prosecution in that country (Fiske). The Amendment closed that gap by authorizing commanders to disarm, apprehend, and detain any DoD contractors suspected of committing a felony offense outside of their authorized mission. In other words, if contractors’ behavior constituted a crime and went beyond their official responsibilities, they could be detained and apprehended by their chain of command. Contractors found in violation were subject to the basic UCMJ pretrial process and procedures of court-martials. Though the UCMJ set clear guidelines for DoD personnel including PSCs, it could not govern over Department of State personnel, whose mission was completely separate from that of the DoD.

The Military Extraterritorial Act (MEJA)<sup>17</sup> sought similar resolution as the 2006 UCMJ Amendment in permitting federal jurisdiction over felony offenses committed outside the United States by contractor personnel “of any federal agency or provisional authority whose employment relates to supporting the DoD mission.” The MEJA required coordination between

the DoD and Department of Justice for the return of contractor personnel to the US for prosecution (U.S. Laws). The language in the MEJA referencing support of the DoD mission again eliminated any relevance in prosecuting Blackwater personnel, who were working for the Department of State.<sup>18</sup>

Legislators then looked to Iraqi law in attempts to find some grounds holding DS contractors accountable. The Coalition Provisional Authority (CPA),<sup>19</sup> created as a temporary administration until the establishment of a democratically elected government in Iraq, was an arm of the Department of Defense that executed laws in Iraq. In 2004, the United States government in Iraq issued Order 17 under the CPA which held contractors immune from Iraqi laws in instances pertaining to their contracts. Order 17 stated that contractors “shall not be subject to Iraqi laws or regulations in matters relating to the terms and conditions of their contracts, including licensing and registering employees, businesses and corporations.” Order 17 remained in effect even after the CPA dissolved, extending contractors’ immunity to Iraqi law until January of 2009 when it was finally revoked (Griffin).

In response to these legal gray zones, The Wartime Contracting Commission, a Congressionally mandated effort to review the contracting process in Iraq and Afghanistan, examined how well the government was managing private contractors. In 2008, the Commission released its report stating that “the government lacks clear standards and policy on inherently governmental functions” and condemned the government and federal civilian workforces for not keeping pace with the growing number of contractors (Simons). As allegations deemed the State Department an “enabler” for contractor abuses, several Congressional efforts attempted to investigate this problem. In testimony before Congress, the Head of the State Department’s



Diplomatic Security Operations admitted that the extent to which those working under the State Department were within the jurisdiction of US civilian courts remained “murky” (Raghavan).

With virtually no laws establishing accountability for the State Department, a lack of records and proper documentation further complicated communication between the Department of State and the Department of Defense- two agencies that outsourced private contractors for security purposes. Because both agencies worked simultaneously in Iraq and represented the US government, effective communication, as provided by proper documentation sent between the two, was crucial to carrying out successful missions. It was not until the second half of 2007 that the Department of Defense began gathering data on the number of private contractors in Iraq and what role they played there. Even the authenticity of the numbers of contractors recorded and incidents reported were questionable after a Government Accountability Office report in 2008 indicated that contractor reports were not routinely checked for accuracy or completion (Schwartz). In a 2007 report released by the Special Inspector General for Iraq Reconstruction, the State Department’s records were found in complete disarray preventing the group from “reaching any meaningful conclusions.” Stuart W. Bowen Jr., the special inspector general seeking the elimination of waste, fraud, and abuse in the \$44.5 billion US reconstruction effort, explained that DS documents “were not in sufficient order for us to do an audit” and claimed that it could take three to five years to sort through the documents (Hedgpeth).

The lack of documentation and accuracy of records prevented effective communication between the State Department and the Department of the Defense and resulted in a DoD initiative to correct State’s mishaps.<sup>20</sup> Defense Secretary Robert M. Gates sought DOD control of all DS contractors, highlighting the State Department’s lack of communication with military officials and aggressive contractor behavior that interfered with military operations. Incidents

like the Blackwater shooting were setbacks for the DoD as these occurrences fostered more Iraqi hostility and undermined the US mission in Iraq. Negative feelings toward State Department contractors like Blackwater were easily transferred to DoD contractors who worked alongside DS personnel in some occasions. This initiative was resisted by Secretary of State Condoleezza Rice who ordered increased oversight by the State Department and better coordination between diplomatic and military officials on the ground (DeYoung). The State Department's inability to keep proper documentation posed a major threat to successful coordination with the Department of Defense. The lack of transparency prohibited any outside understanding of what the State Department was doing or how they were doing it.

The State Department seemed to be losing control over the growing number of private security contractors it was outsourcing. With only 580 special agents providing security overseas at 159 US embassies, the State Department hired more PSCs to meet the expanding security operations (Eicher). From 2003 to 2007, the amount of money the State Department paid to private security and law enforcement contractors jumped from \$1 billion a year to \$4 billion (Broder). The number of PSCs hired under the DS was growing exponentially, but who provided oversight of these contractors? Within the State Department's Bureau of Diplomatic Security, DS agents known as Regional Security Officers (RSOs) managed all contract operations. Under the authority of the Chief of Mission, the RSO established protective security operation procedures, enforced the rules of engagement as established by the US Embassy policy, implemented training regimens and after action report procedures, and required standards of conduct for all PSCs (Eicher). Working with a staff of assistant RSOs, these individuals maintained contractor performance and quality. However, complaints from contracting officials within the State Department began to surface about a lack of oversight personnel. DS officials

complained that there were simply not enough people to oversee the 2,500 PSCs operating in Iraq. DS officials even suggested a mandatory contractor fee to pay for additional government officers, as only seventeen individuals handled billions of DS dollars for contracting (Broder). Secretary Rice formed a review panel led by Ambassador Patrick Kennedy to examine the State Department's terms of management and policy procedures shortly after the Blackwater shooting. In the panel's final report on October 23, 2007, 19 recommendations<sup>21</sup> were made, one of which stated: "The Diplomatic Security Service does not have sufficient special agents worldwide to take on all personnel service operations in Iraq and meet requirements in other countries" (Elsea).

With pressure from the Department of Defense, the American public, and Iraqi civilians to respond to the State Department's apparent lack of oversight, the US government had to act quickly to correct the State Department's oversight problems. The US Congress immediately responded to the transparency and manpower problems by demanding better coordination between the DoD and DS. On December 5, 2007, Deputy Secretary of State John Negronponte and Deputy Secretary of Defense Gordon England signed a Memorandum of Agreement (MOA) for their departments regarding authority of PSCs operating in Iraq. This joint effort established core principles that regulated DoD and DS activity in providing oversight and accountability to PSCs working for them. The core standards required at a minimum proper management of and coordination of PSC operations, a clear legal basis for holding PSCs accountable, and joint efforts for investigation surrounding PSC conduct. The 2007 MOA defined the process for dispute resolution between the two departments and required the development a common database for DoD and DS officials to track accountability. The Government Accountability Office deemed this MOA successful in a 2008 report that concluded "both DOD and the State

Department have taken steps to increase staffing, oversight, and coordination over PSC, and that these steps may help reduce the number of PSC incidents in Iraq” (Elsea).

Following the improvement of DOD and DS coordination, a 2008 Status of Forces Agreement (SOFA) between the US and Iraq ended PSC immunity to Iraqi law. Eliminating the 2004 CPA agreement that had directed contractors to be prosecuted in their home countries, the Iraqi government established jurisdiction over PSC activity. On January 1, 2009, the Embassy Baghdad issued a Reminder to Contractors Regarding Iraqi Jurisdiction<sup>22</sup> explaining that “contractors operating in Iraq are now subject to Iraq civil and criminal law”.<sup>23</sup> The Embassy reminder went on to explain that contractors who violate Iraqi law could be subject to the Iraqi criminal justice system as the “Government of Iraq has primary jurisdiction over offenses committed by USG contractors, even on bases and diplomatic properties”. The Embassy guaranteed a commitment to work with the Iraqi government to ensure that all contractors accused of a crime were treated fairly, but strongly encouraged all contractors to respect and abide by Iraqi law as many crimes punishable by imprisonment carried longer sentences under Iraqi law than US law (Embassy Baghdad).

Private security contractors in Iraq were, for the first time, performing security functions in a hostile environment. The State Department outsourced PSCs to make up for a shortage of special agents and as the number of DS contractors increased, the oversight provided did not keep pace. The Blackwater shooting in Baghdad uncovered a multitude of problems within the State Department including a significant lack of proper documentation, insufficient staff to oversee the contractors, and the legal gray zones that prohibited any type of accountability over PSC behavior. Once these mishaps surfaced,<sup>24</sup> the State Department and Blackwater Worldwide came under heavy scrutiny from the media, the US government, and the Department of Defense.

Targeted as an enabler for contractor abuses, the State Department was forced to correct the issues within its administration, particularly coordination with the Department of Defense.

Communication between the two agencies was crucial to the success of military and diplomatic missions as PSCs were, for the first time, performing security functions much different than the historic supportive function. With each agency working together to transport convoys and secure compounds, the State Department's lack of oversight in adversely affected the mission of the DoD. Because DS contractors operated with virtually no accountability, Iraqi hostility toward these PSCs grew, further undermining the US mission in Iraq. Aggressive behavior from DS contractors, like Blackwater personnel, only added to Iraqi views that US contractors operated above the law. The 2009 establishment of Iraqi jurisdiction over PSCs in Iraq was a major step in eliminating the legal gray zones that State Department contractors had previously been operating under. By declaring Iraqi jurisdiction over these PSCs, accountability was finally established and power granted to the Iraqi government to hold PSCs accountable for actions that were once immune to any prosecution. It became apparent that the United States had failed to provide adequate oversight for State Department private security contractors in Iraq, though recent steps have improved this oversight.

## Endnotes

<sup>1</sup> Blackwater Worldwide was founded by Erik Prince in 1997 after he purchased thousands of acres of land in the North Carolina Great Dismal Swamp area. With a concern about a lack of training facilities, Prince sought to develop a facility that could successfully train the armed forces thus becoming a vital and profitable enterprise (DeFronzo).

<sup>2</sup> See Appendix A for a photo of Nisour Square.

<sup>3</sup> See Appendix B for Chart of Civilian Participation in Conflict.

<sup>4</sup> See Appendix C for Chart of Trends in Service Provided in Iraq.

<sup>5</sup> See Appendix D for a chart of the Department of Defense Security Contractors in Iraq.

<sup>6</sup> As of March 2005, the United States, Iraq, and international donors had pledged or made available more than \$60 billion for security, governance, and reconstruction efforts in Iraq. The U.S. has completed projects in Iraq that have helped to restore basic services, such as rehabilitating oil wells and refineries, increasing electrical generation capacity, restoring water treatment plants, and reestablishing Iraqi basic health care services. “The U.S. effort to restore Iraq’s basic infrastructure and essential services is important to attaining U.S. military and political objectives in Iraq and helping Iraq achieve democracy and freedom” as described by a 2005 Government Accountability Office report to Congress (Christoff).

<sup>7</sup> WWPS contracts generally call for bodyguards and guards for infrastructure in Baghdad along with other areas throughout Iraq. The WWPS II contract in Iraq called for a five year, one year base and four optional years (Elsea).

<sup>8</sup> See Appendix E for a chart of the Department of State Security Contractors in Iraq under WWPS contract.

<sup>9</sup> Various acts of violence were unfolding throughout Iraq. On March 31, 2004 in Fallujah, four Blackwater employees were ambushed and killed by Iraqi civilians. According to Blackwater Worldwide, 32 employees had been killed and 46 wounded since March 1, 2004 in Iraq. Such incidents alarmed contractors and contributed to the animosity between US personnel and Iraqi civilians (Elsea).

<sup>10</sup> See Appendix F for photo of Baghdad following a day of violent attacks.

<sup>11</sup> See Appendix G for Map of Baghdad including Green Zone.

<sup>12</sup> On September 16, 2007, three black GMC Suburbans were traveling to the traffic circle at the center of Nisour Square. Within one of the vehicles sat Kerry Pelzman, a USAID specialist on helping rebuild Iraqi businesses, schools, and other infrastructure. Blackwater gun trucks, known as Mambas, operated by five Blackwater personnel were each mounted at the front and rear. She was on her way to a meeting to discuss Izdihar- a joint venture company that was working on rebuilding Iraq's badly damaged infrastructure with funding from USAID on a three-year contract. The meeting's location was approximately two miles from the nearest Green Zone, or secured compound. Within minutes, she was transported to her destination. At about noon, a car bomb exploded. Pelzman was hustled back into her vehicle and as her convoy departed, the shooting continued (Piecing Together Blackwater).

<sup>13</sup> Representative Tom Davis, in his opening statement to Congress at the Hearing of House Committee on Oversight and Government Reform, went on to say that the Blackwater incident would spark additional resentment and attacks on private security contractors, "a force even the Iraqi government concedes is still a vital layer of security" (Elsea).

<sup>14</sup> See Appendix H for Policy Directives for Armed Private Security Contractors in Iraq language.

<sup>15</sup> The Policy Directive for Armed Private Security Contractors in Iraq was issued in accordance with the Embassy Baghdad's initial Mission Firearms Policy that was adopted under the WPPS contract. The Mission Firearms Policy calls for adherence with the State Department's "paramount value for all human life" and an "escalation of force" procedure. Personnel should take all reasonable steps possible to prevent the use of deadly force unless there is no safe alternative (Griffin).

<sup>16</sup> A seven step procedure details the policy for escalation of force beginning with (1) English/Arabic visual warning signs on vehicles; (2) hand/verbal warning signs; (3) use of bright lights; (4) use of Pen flares; (5) weapon pointed at offending vehicle; (6) shots fired into engine block of vehicle; (7) shots fired into windshield of vehicle (Griffin).

<sup>17</sup> Congress approved the MEJA to sign into law on 22 November 2000. Its purpose was to close a jurisdictional "gap that allows individuals accompanying our military personnel overseas to go unpunished for heinous crimes." Because civilians accompanying the military overseas were not subject to military jurisdiction unless during time of war and most federal criminal statutes do not apply outside the territory of the United States or the special maritime jurisdiction of the United States, civilians who committed crimes overseas could only be subjected to prosecution by the nation where the crime occurred. In some cases, the host country refused to prosecute, especially in cases of an offense against a fellow American. The MEJA expanded federal jurisdiction of the United States over civilians accompanying the military overseas to correct these instances (Harder).

<sup>18</sup> Unlike the State Department, the Department of Defense has a clear protocol for addressing contractor abuses. Both the MEJA and the UCMJ allowed for DoD prosecution of PSCs. The military chain of command enforces the rules and has procedures to follow if an



incident occurs. DoD personnel report contractor abuses to the Inspector General, who leads an investigation into the issue following coordination with the Department of Justice. In 2008, the Army initiated a court-martial of a civilian contractor, Alaa Mohammed Ali. Ali was a Canadian-Iraqi citizen working as an interpreter on a DoD contract charged with stabbing a fellow contractor at a U.S. military base in Iraq. In June 2008, Ali pled guilty and was sentenced to five months imprisonment (Schwartz).

<sup>19</sup> Paul Bremer, head of the CPA, signed Coalition Provisional Authority Order 17 where it is stated that:

Contractors shall not be subject to Iraqi laws or regulations in matters relating to the terms and conditions of their Contracts, including licensing and registering employees, businesses and corporations; provided, however, that Contractors shall comply with such applicable licensing and registration laws and regulations if engaging in business or transactions in Iraq other than Contracts. Notwithstanding any provisions in this Order, Private Security Companies and their employees operating in Iraq must comply with all CPA Orders, Regulations, Memoranda, and any implementing instructions or regulations governing the existence and activities of Private Security Companies in Iraq, including registration and licensing of weapons and firearms. The PSCAI, the association of security companies based in Iraq, advises its members on these matters. It is headed up by a former Marine, Lawrence Peter (Griffin).

<sup>20</sup> The relationship between DS and DoD became very tense following the Blackwater incident. Prior to this, the two agencies maintained minimal coordination only when their paths crossed. Following the incident, stronger coordination between the two was part of a Congressionally mandated effort to improve oversight. Since 2007, this coordination has

significantly recovered. DS officials coordinate any PSC movements with DoD through liaison officers and provide a daily briefing to the Iraqi government on any upcoming PSC activities (Solis).

<sup>21</sup> Other noteworthy recommendations from the panel included amendments to the State Department's WPPS II contract that would tighten rules concerning use of deadly force, an increase in DS special agents to Baghdad to escort any and all convoys leaving Green Zones, the dismissal of DOD takeover of DS operations, and the establishment of a permanent working group between the Regional Security Office and Iraqi forces that would agree on operational procedures and encourage the exchange of ideas (Elsea).

<sup>22</sup> See Appendix I for Text from Embassy Baghdad Reminder to Contractors Regarding Iraqi Jurisdiction.

<sup>23</sup> Scholars agree that something must be done to hold PSCs accountable, though many believe Iraqi jurisdiction is not the answer. "Placing contractors at the mercy of an underdeveloped Iraqi legal system is not a solution". Detrimental effects of this include weakened protections for PSCs and the resulting reliance on third country nationals who lack training to replace PSCs from the US when they realize that "the risks of being thrown in an Iraqi prison are not worth a paycheck" (Cohen).

<sup>24</sup> DynCorp was also under investigation for misuse of DS funds. Auditors were unable to track how funds were spent due to mismanaged paperwork and incomplete documentation. In a January audit of DynCorp's work, inspector general Stuart W. Bowen, Jr. found that the DS paid \$43.8 million for the manufacturing of a residential camp that had never been used. At the conclusion of Bowen's report, officials had "no confidence that the government paid for only valid expenses under the contract" (Hedgpeth).