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Blackwater USA: The Success and Failures of the Worlds Most Powerful Mercenary Army in the War on Terror

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**Blackwater USA: The Success and Failures of the Worlds Most Powerful Mercenary
Army in the War on Terror**

Beginning of Blackwater USA

In the remote, swampy lands in Moyock, North Carolina, the world's largest mercenary army made its footprint in 1997. Unbeknownst to founders Erik Prince and Al Clark the little town of Moyock would be home to one of the nations most premiere training facilities for the elite Blackwater USA civilian soldiers. Blackwater USA, also referred to just as Blackwater, would go on to protect, diplomats, dignitaries, and reconstruction officials. Among them were Ambassador Paul Bremer III, then Sen. Barack Obama, then Sen. Joe Biden, Chuck Hagel, and John Kerry¹. Blackwater would protect these men and women in battle in the War on Terror at home and abroad. Whilst doing so, however, the secret mercenary army faced a great amount of tragedy, loss, and controversy. The argument as to whether civilian warriors, or secret mercenary armies, who are contracted by the federal government have, and continue, to help the United States fight the War on Terror with the Middle East became is still a heavily debated topic. The story of Blackwater USA is one of continued controversy, skepticism, and debate that began with a young former Navy SEAL, Erik Prince.

As a former Navy SEAL, serving on SEAL Team 8, Erik Prince began his journey to creating the most powerful mercenary army in the War on Terror. During his tour with SEAL Team 8, beginning in the late 1980s into the early 1990s, Prince saw fault in the President's defense spending budget². With the Cold War behind the United States, the defense spending budget was cut significantly under the Clinton administration. Prince notes, "...that view wasn't wrong, and I believe strongly that it is important to rain in unnecessary defense spending. But the focus was on the wrong

¹ Prince, Erik. *Civilian Warriors: The Inside Story of Blackwater and the Unsung Heroes of the War on Terror*. (New York: Penguin Group, 2013), 3-4.

² Ibid, 27-28.

things, because amid that drawdown traditional conflict was quickly giving way to unconventional attacks.”³

With his knowledge on defense and the rising use of unconventional attacks, Prince expressed to his SEAL Team 8 members that the peacekeeping failure in Bosnia could have been avoided with “a modest peacekeeping force of United States special ops personnel.”⁴ The peacekeeping failure in Bosnia would lead to Prince’s journey toward creating a new way for special forces to fight current conflicts and, later, the War on Terror. Prince thoroughly expressed wanting to build a “world–class training facility” upon leaving service where special operations personnel could train and learn how to fight the threats brought upon the United States in the late 1990s. Erik Prince had three people he initially brought on to form an established Blackwater USA: Al Clark, senior weapons SEAL instructor who worked with Prince and shared his vision; Jim Dehart, a shooting range expert for the military; and Ken Viera, another former SEAL who was Prince’s training officer on SEAL Team 8.⁵ Together the three began creating the Blackwater training facility.

The Blackwater training facility was strategically selected on the eastern edge of the Great Dismal Swamp in Moyock, North Carolina. Prince focused on placing his facility based on its location and radius from surrounding military bases such as Naval Amphibious Base Little Creek, Camp Lejeune, and the Army’s Fort Brad. In addition, the location was in close proximity to Virginia and Washington, D.C. where is the CIA and numerous other intelligence headquarters and the military bases were located. This would

³ Ibid, 28.

⁴ Ibid, 29.

⁵ Ibid, 32.

become the headquarters for Blackwater. The headquarters would consist of everything the most elite mercenary army would need: the best shooting range for special forces personnel, a bunkhouse, a grass airstrip, special driving track, and ultimately, the main headquarters – all of which Prince designated his “Field of dreams.”⁶

Blackwater would break ground in June of 1997 after establishing the location of the training facility in Moyock and carefully selecting his handpicked team to run the company with Prince. Before the project finished, however, Price brought on a gentleman by the name of Gary Jackson. Jackson also served two decades as a Navy SEAL who Prince recalls was good with computers – a valuable asset to a company like Blackwater USA at the time and the “final piece of the puzzle.” With Jackson on board, Blackwater Lodge and Training Center officially opened on May 15, 1998.⁷ Shortly after opening, Prince and his Blackwater team received their first contract that would propel them into the international private security sector – a contract to train SEAL Team 1 for \$25,000.⁸ This would be less than a fraction of what Blackwater would end up bringing in compared to their largest contract a few years later of protecting Paul Bremer for the State Department while he served as the Ambassador in Iraq. As the Bush and Obama administrations would see the importance in privatizing the military and investing in private security firms, Blackwater would become the world's most powerful mercenary army in the war on terror.

⁶ Ibid, 32-33.

⁷ Ibid, 34-35.

⁸ Ibid, 36.

Successes of Blackwater USA

BUSH AND OBAMA ADMINISTRATIONS

Erik Prince had a great amount of support from White House, of which gave him the ability to obtain support from the Bush and Obama administrations in its operations abroad. Known to donate generously to the Republican Party, his name and notoriety became well known in Washington. Prince notoriously had deep ties with the George W. Bush administration during a time when the privatization of military operations were greatly sought.⁹ The support for Blackwater from the White House was so great that when “Baghdad’s bloody Sunday” in Nisour Square happened in 2007, none of the Blackwater contractors were immediately prosecuted; rather, they were praised or unmentioned.¹⁰ Congress also initially supported the private security firm and dismissed their actions as a nonissue despite the fight by several prescient legislators who did not see the Nisour Square attack as a nonissue.

The company served as a sort of “neoconservative Praetorian Guard” for a borderless war launched in the immediate aftermath of 9/11. War correspondent and journalist Jeremy Scahill states, “Blackwater — despite numerous scandals, congressional investigations, FBI probes and documented killings of civilians in both Iraq and Afghanistan — remained a central part of the Obama administration’s global war

⁹ Scahill, Jeremy. *Blackwater Founder Remains Free and Rich While His Former Employees Go Down on Murder Charges*. (The Intercept, 2014), <https://theintercept.com/2014/10/22/blackwater-guilty-verdicts/>

¹⁰ Scahill, Jeremy. *Blackwater: The Rise of the World’s Most Powerful Mercenary Army*. (New York: Nation Books, 2007), 18.

machine throughout his first term in office.”¹¹ In addition to the backing of the Republican Bush White House, Blackwater also was vital to the Obama administration in post-2008 operations, as the company’s brand and image would change following the 2007 Nisour Square incident and subsequent Congressional hearings.

BREMER CONTRACT

Blackwater USA received much praise for its contract in protecting L. Paul Bremer III during the war in Iraq. Dick Cheney’s then Chief of Staff, I. Lewis Libby, and Deputy Defense Secretary Wolfowitz first approached Bremer in April 2003 to undertake “the job of running the occupation in Iraq”.¹² Bremer accepted and was shipped off to Baghdad in mid-May, becoming “Bush’s man in Baghdad”. His appointment was both that of Director of Reconstruction and Humanitarian Assistance and the head of the Coalition Provisional Authority in Iraq.¹³

Bremer’s presence in Iraq was immediately faced with controversy and threat in Iraq. His first official initiative after his arrival and appointment in Iraq was, “dissolving the Iraqi military and initiating a process of ‘de-Baathification’,” which meant the banishment of many individuals in Iraq who were members of the Baath party following the fall of Iraqi President Saddam Hussein.¹⁴ With all of the scrutiny and controversy, Blackwater landed their first major contract with protecting Bremer in Iraq. The Bremer contract with Blackwater was made possible by the neoliberal policies Bremer had

¹¹ Scahill, Jeremy. *Blackwater Founder Remains Free and Rich While His Former Employees Go Down on Murder Charges*. (The Intercept, 2014), <https://theintercept.com/2014/10/22/blackwater-guilty-verdicts/>

¹² Scahill, Jeremy. *Blackwater: The Rise of the World’s Most Powerful Mercenary Army*. (New York: Nation Books, 2007), 127.

¹³ Ibid.

¹⁴ Ibid,129.

advocated for during his career of which he brought to implement in Iraq.¹⁵ This contract was a significant milestone for the private mercenary army. Not only did Blackwater officially establish itself with the White House, it also solidified their presence and role in the War on Terror with the State Department. The company began to market themselves with: *If we can protect the most hated man in Iraq, we can protect anyone, anywhere.*¹⁶

To add to the praise Blackwater was receiving in protecting Bremer in Iraq, the height of that praise and acknowledgement of the importance of Blackwater came on December 6, 2003. Only a few months after Blackwater began protecting Bremer in Iraq, the first publically acknowledged resistance attack on Bremer happened. Bremer had just left Defense Secretary Rumsfeld off at the Baghdad airport when around 11:00 p.m. Bremer and Brian McCormack, Bremer's aid, got into their armored SUV to return to the Green Zone.¹⁷ Blackwater would then face one of their most heroic and historic moments.

After Bremer and McCormack got into their Blackwater USA provided armored SUV, Bremer recalled: Our convoy, as usual, consisted of two 'up-armored' Humvees sheathed in tan slabs of hardened steel, a lead-armored Suburban, our Suburban, and another armored Suburban following, and two or more Humvees. Overhead, we had a pair of buzzing Bell helicopters with two Blackwater snipers in each".¹⁸ Inside the SUV, Bremer and McCormack were discussing whether Bremer should attend the World Economic Forum in Davos, Switzerland. Bremer was thinking that he "could now use some of the ski resort pampering" when a "deafening" explosion happened, followed by

¹⁵ Ibid, 133.

¹⁶ Ibid, 137.

¹⁷ Ibid, 138.

¹⁸ Ibid.

automatic gunfire. The lead vehicle in the convoy had its tire blown out by an improvised explosive device (IED), and resistance fighters were attacking with AK-47s. According to Bremer, a bullet had hit a side window in his SUV. “We’d been ambushed, a highly organized, skillfully executed assassination attempt,” wrote Bremer. “I swung around and looked back. The Suburban’s armored-glass rear window had been blown out by the IED. And now AK rounds were whipping through the open rectangle.” As he sped toward the safety of the palace, Bremer recalled, “With the stench of explosives lingering in the car, I considered. Davos, all those good meals... Francie could fly over and we could ski. That was about as far from Baghdad’s Airport Road and IEDs as you could get”.¹⁹

The ambassador’s car and Blackwater’s Humvees and helicopters would eventually make it back to the Green Zone with no one injured. Bremer would continuously praise Blackwater for their efforts in protecting him in the Middle East. The success of the December 2003 attack on Bremer would show the government, and the world, just how powerful Blackwater was. The company would continue to obtain government contracts and successfully protect United States personnel abroad under the Republican Bush administration and Democratic Obama administration.

Failures of Blackwater USA

FALLUJAH 2004

The ambush in Fallujah in 2004 by Iraqi militants against four Blackwater operatives not only shocked the world, but also demonstrated a significant downfall in private mercenary operations. On March 31, 2004, four armed contractors, Scott

¹⁹ Ibid.

Helvenston, Jerry Zovko, Wesley Batalona, and Mike Teague began their fateful journey on orders to deliver kitchen supplies for the food catering company ESS.²⁰

The odd job, to say the least, for the Blackwater contractors would begin with a drive down the ill-fated Highway 10 at roughly 9:30 a.m. The highway led right into the notoriously dangerous city of Fallujah, Iraq, where the convoy of two lightly armored Pajero vehicles would make their way into a congested street, lined with restaurants, *souks*, and many people. Heading the convoy in the first vehicle was Jerry Zovko and Wesley Batalona, followed by Scott Helvenston and Mike Teague in the second. The four men looked like your stereotypical CIA operative: white men with guns in a convoy of armored vehicles. Though the Iraqi's continuously stated that if any contractors or CIA personnel came into the city they would be killed, the unprepared and under armored convoy continued into the heart of Fallujah.²¹

Once the Blackwater contractors entered Fallujah, their convoy slowly came to a standstill. Four or five young Iraqi's then approached the vehicle and began talking to the contractors right before machine gun fire blew through the convoys. Dozens of Iraqi's continued to quickly swarm the vehicles chanting "Allahu Akbar," unloading rounds into the vehicles, fatally injuring Helvenston and Teague first. According to eyewitnesses, one of the men survived only to be pulled from the vehicle and killed by the growing mob. By the time Zovko and Batalona realized the other car was being ambushed, it was too late. Batalona hit the gas in an attempt to flee from the mob, but hit the median and ran into another vehicle – leaving them in the line of machine gun fire. The two men were also

²⁰ Ibid, 165-168.

²¹ Ibid.

fatally shot and their vehicles looted, doused in gasoline, and set on fire. In what became the infamous image from the attack, two of the men's bodies were hung from the main bridge that crossed the Euphrates. The image immediately was pasted on every newspaper and television screen in the United States.²²

The news of the Fallujah ambush and murders of the four Blackwater contractors sparked outrage in the United States. Justice for the contractors became the priority for the U.S. – igniting a violent U.S. siege in Iraq. To this day it is speculated why the Blackwater men went on proceeded to take the fateful trip to Fallujah when they were unprepared, under protected, and were warned by U.S. and Iraqi forces not to proceed down the deadly highway. The families of Scott Helvenston, Jerry Zovko, Wesley Batalona, and Mike Teague would pursue charges against Erik Prince and Blackwater for years to come until they were given justice for the Fallujah tragedy.

NISOUR SQUARE 2007

The attack at Nisour Square in Baghdad on September 16, 2007 marked the beginning of the end for Blackwater. At approximately 12:08 p.m., Baghdad, Iraq: a heavily armed Blackwater USA convoy entered a busy intersection in the Mansour district of the Iraqi capital.²³ The rather upscale part of Baghdad was filled with shops, restaurants, and art galleries where thousands of Iraqi citizens flocked to daily.

The Blackwater USA caravan of four heavily armored vehicles, equipped with 7.62-millimeter machine guns began to enter the congested intersection. Iraqi police became used to allowing U.S. military and armed vehicles pass through the streets by making room for their ominous vehicles. Iraqi police and U.S. officials claim that this

²² Ibid.

²³ Ibid, 17-18

attempt to allow a peaceful pass through of U.S. personnel was to protect the convoys from insurgent attacks and protect Iraqi civilians in the case of a firefight.²⁴ Driving through Nisour Square that day was a medical student by the name of Ahmed Hathem al-Rubaie who was driving his mother, Mahasin, after driving his father, Jawad, at the hospital nearby where he worked. At the same time, without notice, the Blackwater convoy made an abrupt U-turn placing them on the wrong side of traffic where a man in the third vehicle of the convoy began to fire his 7.62-millimeter machine gun “randomly”.²⁵

Ali Khalaf Salman, an Iraqi traffic cop, was on duty that fateful day. As the Blackwater contractor began shooting “randomly” in Nisour Square, he recalls hearing a woman screaming, “My son! My son!”²⁶. Khalaf found a middle-aged woman inside her vehicle holding her lifeless son, Ahmed Hatham al-Rubaie. He had been shot in the forehead, covered in blood, by the Blackwater convoy shooter. One claim as to why the contractor opened fire on the vehicle was because it did not stop approaching the convoy; a statement later disputed by scores of witnesses and aerial photos that show the vehicle had not entered Nisour Square when shot and only continued to enter the Square because the driver had not been in control of the car due to his fatal head injury.²⁷

As the car continued to move with its incapacitated driver and horrified mother in the passenger seat, a Blackwater contractor emerged from the fourth vehicle in the convoy. He began to shoot at the unstoppable vehicle, killing the mother, Mahasin. Shots continued to ring out in Nisour Square now from all four Blackwater convoys, so much

²⁴ Ibid.

²⁵ Ibid.

²⁶ Ibid.

²⁷ Ibid.

so that the vehicle Ahmed and Mahasin were killed in exploded into flames. Once the shooting ceased, fifteen vehicles had been destroyed, seventeen Iraqi civilians killed, and over twenty civilians wounded. It was later discovered that not only was shooting coming from the Blackwater convoy that day, but from Blackwater's Little Bird helicopters as well. The helicopters were responsible for also shooting at the vehicles in Nisour Square and several Iraqi casualties.²⁸

The immense negative response to the massacre of Iraqi civilians in Iraq ended Blackwater's presence in the country. The pro-U.S. Iraqi government responded within twenty-four hours: Iraq's Interior Ministry expelled Blackwater from the country and Prime Minister Nuri al-Maliki labeled the companies actions "criminal." According to Jeremy Scahill, for the Iraqi government "Baghdad's bloody Sunday" was the "final straw" for Blackwater presence in Iraq.²⁹

Prince argues that the most misunderstood issue against Blackwater was the contractors' "rule of engagement" in Iraq or wherever they may be working. The rules of engagement in any circumstance are vaguely defined as, "...effectively the necessary response gradations before lethal force is authorized".³⁰ Prince disagree with Scahill that Blackwater USA does not have rules of engagement and there are no restrictions for contractors in Iraq.³¹ Though Prince does state that his men were not subject to the Department of State's defined rules of engagement, Blackwater USA contractors were still required to follow other force policies that allowed the contractors to act as they did

²⁸ Ibid.

²⁹ Ibid.

³⁰ Prince, Erik. *Civilian Warriors: The Inside Story of Blackwater and the Unsung Heroes of the War on Terror*. (New York: Penguin Group, 2013), 211.

³¹ Ibid, 212.

in Nisour Square. One of these policies, Embassy Baghdad's "escalation of force" policy, was defined by Assistant Secretary of State for Diplomatic Security Richard Griffin to Congress in 2007:

"This 'escalation of force' policy utilizes a seven-step process that must be utilized as appropriate under the circumstances: (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; and (7) shots fired into windshield of vehicle. It should be noted that deadly force can be immediately applied provided that it is necessary under the specific situation's circumstances".³²

The Blackwater USA contractors followed Embassy Baghdad's seven "escalation of force" steps when using force in Nisour Square in 2007. Prince ensured that all Blackwater contractors signed a written document stating that they would follow the Bureau of Diplomatic Security's blanket Deadly Force and Firearms Policy and Embassy Baghdad's "site-specific" Mission Firearms Policy.³³ The Embassy's "Principles on Use of Deadly Force" states:

"The United States Department of State recognizes and respects the integrity and paramount value of all human life. Consistent with that primary value, but beyond the scope of the principles articulated here, is the commitment by the State Department and the United States Mission Baghdad to take all reasonable steps to prevent the need to use deadly force. The touchstone of Embassy Baghdad policy regarding the use of deadly force is necessity. The

³² Ibid.

³³ Ibid.

use of deadly force must be objectively reasonable under all the circumstances known to the individual at the time”.³⁴

The Embassy Baghdad’s Mission Firearms Policy also justifies a must contested issue that day – the use of warning shots made at the cars in Nisour Square, of which the public and court claimed were unnecessary and deadly. The Mission Firearms Policy regarding firing at cars to get too close to Blackwater’s motorcades states:

“Shooting at a vehicle is an authorized use of appropriate level of force to mitigate a threat. In order to ensure a safe separation from motorcade and suspected or likely threat, shots may be fired into the vehicles engine block as needed to prohibit a threat from entering into an area where the protective detail would be exposed to an attack... If the vehicle continues to be a threat after shooting into the engine block, the next level of deadly force is authorized to mitigate the threat. Employees must use their discretion at the number of rounds fired...”³⁵

Given the circumstances surrounding Nisour Square on September 16, 2007, the contractors followed the rules of engagement stated by the Bureau of Diplomatic Security and Embassy Baghdad. Though there were many casualties, a deeper look into the rules of engagement display an unfortunate event that was warranted by the threat Blackwater faced that day.

³⁴ Ibid, 213.

³⁵ Ibid, 213-214.

The End of Blackwater USA

Blackwater USA would see the beginning of its end when four Blackwater men were given guilty verdicts and charged with the killing of more than a dozen Iraqi civilians and wounding many others in Nisour Square in September 16, 2007. The event that occurred in Baghdad is known as the “single largest known massacre of Iraqi civilians at the hands of private U.S. security contractors.”³⁶ This forever-altering massacre became known as “Baghdad’s bloody Sunday” and changed the future for Blackwater USA. Throughout the controversy and congressional hearings, Erik Prince stood by Blackwater in court stating, “Blackwater is a team of dedicated security professionals who provide training to America’s military and law enforcement communities and risk their lives to protect Americans in harm’s way overseas... I am proud to be here today to represent them.”³⁷

Prior to the monumental Blackwater USA court hearing, six Blackwater contractors were given a thirty-five-count indictment, including 14 counts of manslaughter. A federal judge would overturn the charges in December 2009; however, due to the judge’s claim that the statements used to charge the contractors were improperly obtained.³⁸ In October 2013, due to a disagreement in the ruling made in

³⁶ Scahill, Jeremy. *Blackwater Founder Remains Free and Rich While His Former Employees Go Down on Murder Charges*. (The Intercept, 2014), <https://theintercept.com/2014/10/22/blackwater-guilty-verdicts/>

³⁷ Prince, Erik. *Statement of Erik D. Prince for the House Committee on Oversight and Government Reform*. (2007).<http://democrats.oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/20071003153621.pdf>

³⁸ Prince, Erik. *Civilian Warriors: The Inside Story of Blackwater and the Unsung Heroes of the War on Terror*. (New York: Penguin Group, 2013), 226.

2009, the Justice Department brought new charges against four of the former contractors. The federal prosecutor stated, “A limited number of members of the Blackwater team unleashed powerful sniper fire, machine guns, and grenade launchers on ordinary people going about their daily lives...this prosecution demonstrates our commitment to upholding the rule of law even in times of war.”³⁹ The four Blackwater operatives who received the new charges included Nicholas Slatten, Paul Slough, Evan Liberty, and Dustin Heard. All were found guilty of voluntary manslaughter except for Slatten, who was found guilty of first-degree murder. Erik Prince, meanwhile, remained untouched and walked away without an indictment.

Prior to settling with the families of the victims of Nisour Square, Erik Prince found himself in court – the first court appearance Prince would make. Tired of hiding behind his trusted counsel, Prince responded to a letter announcing a new hearing on Blackwater USA from Congressman Waxman. The letter, calling Prince to testify in front of the Committee on Oversight and Government Reform, stated, “The hearing will focus on the mission and performance of Blackwater USA and its affiliated companies in Iraq and Afghanistan.”⁴⁰ The lengthy and tense trial would be the only appearance Prince would make in the case of Nisour Square in court.

Prince ultimately contends that his men were simply a scapegoat for the State Department. Iraqi Prime Minister, Nouri al-Maliki, stated the Nisour Square incident was

³⁹ Right Web. *Academi LLC (formerly Xe and Blackwater Worldwide)*. (Right Web, 2015), http://rightweb.irc-online.org/profile/blackwater_worldwide/#_edn16

⁴⁰ Prince, Erik. *Civilian Warriors: The Inside Story of Blackwater and the Unsung Heroes of the War on Terror*. (New York: Penguin Group, 2013), 232.

“nothing short of a direct challenge” to the nation’s independence.⁴¹ Condoleezza Rice, the secretary of state at the time, made a serious effort to assure al-Maliki that justice would be brought against those responsible. All the while, the State Department was aware of Blackwater’s activities in Iraq. Prince would defend his men endlessly in court until the court found the four men guilty.

A hint of Blackwater USA is very much alive in the world of mercenary armies. After Prince would leave the company, the company changed its name to Xe Services and now ACADEMI under a new board of directors.⁴² Prince now has a new company, Frontier Services Group, which he founded with substantial investment from Chinese enterprises and which focuses on opportunities in Africa. Though Prince sits as the Executive Chairman to the company, the public has refused to shy away from the growing speculations surrounding Frontier Services and Prince, including alleged money laundering and an attempt by Prince to rebuild Blackwater.⁴³

Lessons Learned and the Future of Mercenary Armies

Undoubtedly Blackwater USA served the United States in its darkest of times with the pursuit of saving Americans at home and abroad. Though Blackwater lived on after the highly publicized Nisour Square case and further investigation into the company’s activities ensued, the United States House of Representatives did not hesitate to pass an overwhelming amount of legislation pertaining to government contractors.⁴⁴ In

⁴¹ Ibid, 226.

⁴² Ibid, 292, 325.

⁴³ Scahill, Jeremy. *Blackwater Founder Remains Free and Rich While His Former Employees Go Down on Murder Charges*. (The Intercept, 2014), <https://theintercept.com/2014/10/22/blackwater-guilty-verdicts/>

⁴⁴ Scahill, Jeremy. *Blackwater: The Rise of the World’s Most Powerful Mercenary Army*. (New York: Nation Books, 2007), 481.

an attempt to hold future contractors accountable for their actions, legislation passed held government contractors more accountable for their actions, holding them subject to prosecution in U.S. civilian court for actions taken abroad. In theory, questionable actions would be investigated by the FBI who would conduct a rigorous investigation of the action and all players involved in the foreign country. Under the legislation, an FBI investigation into the acts of contractors abroad would go as such: there would be a crime scene analysis taken by deployed FBI agents, witnesses to the crime would be interviewed domestic and abroad, leading to some indictment or prosecution.⁴⁵ An FBI investigation approach is a positive step towards accountability, or holding those accountable, for crimes committed abroad by those who are not federal employees.

The Strategic Studies Institute argues that though combat operations have ended in Iraq and Afghanistan, there is a “heightened risk of perpetuating the historical pattern of post-war decline of the US military... yielding a decrease in quality of defense establishment...” thus putting private military contractors in demand⁴⁶ Further, private military companies are still being readily used, creating a new profession in the US military industry. Now that they are credentialed in the public arena and legal system, the Strategic Studies Institute argues the emerging profession of private contracting will grow and ultimately change the US military, all-volunteer force.⁴⁷

⁴⁵ Ibid, 461.

⁴⁶ Efflandt, Scott. Strategic Studies Institute. “Private Contractors and Military Professionals: Military Professionalism and Private Military Contractors,” (2014).
http://www.strategicstudiesinstitute.army.mil/pubs/parameters/issues/Summer_2014/8_Efflandt_Article.pdf

⁴⁷ Ibid.

To address the future of government contractors, the National Defense Authorization Act was passed after the congressional hearings of Blackwater USA in 2007. This legislation established a legal precedent holding civilians in combat zones during times of war to the laws under the Uniform Code of Military Justice. Civilian contractors are now held to the same standards and legal authority as the US military, as civilians acting as contractors is seen as part of a military profession.⁴⁸ The National Defense Authorization Act was expanded in 2008, however, omitting some contract personnel from US oversight, stating:

“...some contractor personnel who commit crimes might not fall within the statutory definitions described [above], and thus might fall outside the jurisdiction of U.S. criminal law, even though the United States is responsible for their conduct as a matter of state responsibility under international law.”⁴⁹

The 2008 expansion of the National Defense Authorization Act suggests that the government acknowledges the importance of private contractors by removing the military’s authority to hold contractors to the same professional standards as the military. Given this expansion, the federal indictment of all security contracting firms including Blackwater, Lockheed Martin, Triple Canopy, and DynCorp – among many others – is going to be a long and difficult road for the White House and Congress. No matter who the sitting president is, private military forces are seen as a significant asset in the times we live in, thus, they cannot be under such scrutiny if they are to preform their duties according to the needs of the United States.

⁴⁸ Ibid.

⁴⁹ Ibid.

Though federal contactors are held responsible to those of whom they are employed by under the National Defense Authorization Act, it would be irresponsible to assume accountability will be implemented in every case. In the case of Blackwater, the government was fully aware of Blackwater's operations abroad and only began shaming the company when they were called to explain their actions. The government turned a blind-eye to the company's actions during their indictment, arguably because they were necessary. With that said, after the Nisour Square hearing and changes of leadership within Blackwater -- renamed Xe Solutions then Academi -- the private security firm is still praised by the high ranking individuals they were able to protect and save their lives when in danger. Their need in war, particularly in the continued conflicts with actors in the Middle East, is still widely discussed amongst government officials, most notably former CIA official Cofer Black.

Erik Prince states that he is curious as to where the new Academi will take the once world-renown Blackwater. Academi's Code of Business Ethics and Conduct states, "ACADEMI is committed to being a leading provider of high-quality training and security services, while adhering to the highest standards of ethics and integrity and complying with all applicable laws and regulations," reminiscent of Prince's Blackwater USA.⁵⁰ We learned from Prince's Blackwater that oversight of government private contractors is necessary in order to avoid casualties in conflict and questionable actions. Prince has a laundry list of circumstances where Blackwater could have prevented tragedy if the company were still under his control and name. For example, with private security armies, Prince suggests the 11 September 2012 attack on the U.S. diplomatic

⁵⁰ Academi. "Code of Business Ethics and Conduct." <https://www.academi.com/pages/about-us/code-of-conduct>

mission in Benghazi could have been prevented.⁵¹ The question of whether private military contractors are needed in conflict will always be up for debate. Congress, however, has answered to the issue of holding private contractors accountable in the wake of Blackwater USA.

⁵¹ Prince, Erik. *Civilian Warriors: The Inside Story of Blackwater and the Unsung Heroes of the War on Terror*. (New York: Penguin Group, 2013), 325.

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