

USAWC STRATEGY RESEARCH PROJECT

**Civilians Accompanying the Force**

by

K. Michael Hoskin  
Department of the Army Civilian

COL Wayne Foxworth  
Project Advisor

The views expressed in this academic research paper are those of the author and do not necessarily reflect the official policy or position of the U.S. Government, the Department of Defense, or any of its agencies.

U.S. Army War College  
CARLISLE BARRACKS, PENNSYLVANIA 17013

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## ABSTRACT

AUTHOR: K. Michael Hoskin

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With the proliferation of "Civilians Accompanying the Force", many legal and ethical issues have begun to plague the Army and Department of Defense with regard to their safety, well-being, Command and Control, and legal issues. Throughout the last decade, these issues have recurred under every contingency operation to include humanitarian operations. The need for a more structured framework for the use of civilians on the battlefield has never been more relevant than today. The purpose of this paper is to identify several of the major issues faced by Government Civilian Employees during deployments in support of contingency operations, and the authors recommendation based upon personal experiences on how best to coordinate and control these issues so that these civilians will continue to be value added to the Warfighter.



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## CIVILIANS ACCOMPANYING THE FORCE

The 1990s provided the United States Army with many new challenges. Among these challenges were the drawdown of the Army, the proliferation of contingency operations, and Military Operations Other Than War (MOOTW). Shortly after the Persian Gulf War, the Army took a very large cut in Active Duty positions that arguably allowed, or perhaps forced, many highly trained soldiers, particularly in the non-commissioned officer (NCO) ranks, to return to private life. The U.S. economy picked up in the high tech sector during this time period, which also encouraged many well-trained soldiers to leave the Army. The Army offered them a cash bonus and special incentives to leave, and allowed them to move into private industry where they used their military skills to garner good salaries and benefits. In addition, there were no deployments or long-term exercises to contend with, and they had the option to choose when and where they would live. This decision was easy for a lot of Army families because of the ability to plan their future better in a more static environment. During this same period of time, the U.S. Army Training and Doctrine Command's schools came under very large budget cuts, as did the Army as a whole. The result was that new soldiers entering on active duty were not given the same level of technical training, or the same time to train, as did many of their predecessors. This left an under trained staff of soldiers to learn highly technical skills from an increasingly absent cadre of senior NCOs.

With the tragedy of 11 September 2001, the issue of civilians in a combat area has been raised to a different level. The fact that the battlefield has been redefined by this tragedy is only one issue that needs to be considered. Another event that has once again raised the issue of how civilians should be controlled and protected in a combat area is the tragedy in Kuwait City during the first week of February 2003 that cost the life of at least one civilian contractor. Although this paper focuses on issues related to government civilians, some of the issues related to the subject could very well be applied to the contract sector. The need for a more structured framework regarding the use of civilians on the battlefield has never been more relevant than today. The purpose of this paper is to identify several of the major issues faced by Department of the Army civilian employees during deployments in support of contingency operations, and the author's recommendations, based upon personal experience as well as research, to show how best to mitigate these issues so that Department of the Army civilians will continue to be value added to the warfighter.

## **HISTORICAL PERSPECTIVE**

Some definitions need to be addressed for this paper so that the reader will have a proper frame of reference with regards to the main topic. In the Law of War, there are basically three separate classifications of peoples that need to be delineated. First, members of the military (with some exceptions) are considered to be combatants. Some of these exceptions under the Geneva Convention are medical personnel. Combatants, for purposes of this paper are those persons that take part, or are prepared to take part in active fighting. These people are also sometimes referred to as belligerents (in similar literature), but will be listed as combatants throughout this paper. The second set of people is non-combatants and is generally considered to be innocents under the Law of War. Whether the people are indigenous to the area, or have accompanied the armed forces in positions such as Army-Air Force Exchange (AAFES) or International Red Cross personnel, their status is the same under the Geneva Convention. This is the group where those members of the military such as medical personnel should be considered. The third set of people to consider is "Civilians Accompanying the Force." This particular set of people has evolved because of the proliferation of technology and the need for highly qualified technicians on the battlefield. This classification of people is generally high technology trained individuals that are maintainers of the weapon systems used during armed conflict and are replacing military members. As previously stated, this paper will specifically address the legal and ethical issues involving this third set of people, and their special status.

Throughout United States history, U.S. civilians have worked with and for the Armed Forces of the United States of America in many different capacities. The Air Force (AF) Pam 10-231, Federal Civilian Deployment Guide, gives an indication of the significance of their efforts by stating that, "Civilians have established themselves as an integral and vital part of the Department of Defense's total force team. With distinction, they perform critical duties in virtually every functional area of combat support and combat service support, both at home and abroad." At no other time in its history, though, has the need been greater for highly technically qualified civilians to provide the continuity and training to soldiers in garrison and on the battlefield. During the Persian Gulf War some 800 Department of the Army civilians accompanied the Army into the Theater of Operations to provide logistics, maintenance, supply and transportation assistance to the warfighter as far forward as necessary.<sup>1</sup> Many subsequent contingency operations relied heavily upon these civilians to train soldiers as well as to maintain and sustain high technology equipment in the theater of operations and even on the battlefield.

In historical perspective, civilians have accompanied literally every army that has marched into war since the dawn of recorded history. Alexander the Great provides a point in history in

which the Civilian Accompanying the Force was not only a fact of life, but also a necessary adjunct to the strategic planning under which he operated. Alexander moved entire communities of civilians to occupy conquered cities in order to provide a safe haven for his occupation forces. These communities of civilians provided culture and a “like home” feel to the armies of Alexander throughout their campaigns. As these communities developed, the soldiers tended to settle down in them and provided a much easier area for the Army to control.

For the U.S. historian, the Civil War provides an additional look at a period of time that gives some indication of the importance of civilians accompanying the force. Civilians, both in contract positions, as well as government positions, provided many of the Combat Service Support functions. These functions ran the gamut from administrative to transportation. The origins of the Army Transportation Corps came about as a result of the use of civilians moving supplies around the battlefield and to and from areas where the troops moved. Many of these civilians were contracted by the government and had only minimal government oversight due to the limited number of government civilians available. These contractors were called sutlers and were used predominantly by the Union Army. They were generally treated as noncombatants and were allowed safe passage, although there were times where some of these contract civilians were caught spying or at a minimum, providing intelligence to either or both sides depending on who was paying them. The reason for this analysis is to show the reader that the use of civilians accompanying the force is not new, and as a matter of fact, has been vital to the warfighter at many different levels.

During the Korean War, there were many more opportunities for civilians on or near the battlefield. An article by Gordon L. Campbell from the U.S. Army Combined Arms Support Command states that, “In the Korean War, contractors provided services ranging from stevedoring, road and rail maintenance to transportation.”<sup>2</sup> Although these were normally contract personnel, many of them were employed by the U.S. Government and were accompanied by Government civilians who provided oversight as technical experts. One distinction that needs to be addressed is the fact that many of these civilians were locally hired Korean citizens. The military has tried wherever possible to hire local civilians to cut down on the requirement to transport them to and from the battlefield. In present day terms, most of these civilians are called “Third Country Nationals”, or abbreviated as TCNs. The issue still exists, whether they are U.S. Citizens or TCNs, of how to handle the legal and ethical dilemmas associated with their employment on the battlefield. Much less is required for TCNs regarding transportation of remains and any compensation to their families. This issue has rarely been addressed and when it was, it was more of a settlement than an actual written policy or law.

The one constant that has existed here though is that U.S. Army Troops provided these personnel protection, however, many of them carried personal weapons for self-protection.

As a result of the length of time the Viet Nam Conflict covered, there are not any solid records of the numbers of civilians accompanying the force, however, one estimate is around 70,000 civilians and contractors over the entire period.<sup>3</sup> Many of these civilians and contractors came from the United States, and many worked for defense contractors. It was during this time that the Army used many of these civilians in expanded roles. One key reason for this was the extensive use of helicopters during medical evacuation, search and rescue, and combat operations. Many of the weapon systems used in Viet Nam were new, experimental or developmental in nature, and required personnel with specific or unique skills to maintain them. As the weapon systems became more elaborate and complicated, the use of civilian subject matter experts increased to meet the demands. Whether these civilians were contractors or government civilians out of the Depots from the U.S., they were physically located on air bases and firebases throughout the country depending on where the weapons were evacuated for repair. This was the first war or conflict the United States had entered where there were no real lines that could be called the front edge of the battle area (FEBA). This complicated issues with civilians since they were now officially, "in harm's way", simply by showing up for work. Due to the nature of this conflict, and the fact that air bases and firebases were occasionally over run, or at least attacked by enemy forces, many civilians carried personal weapons because more troops were used in combat operations and could not be spared to protect civilians traveling throughout the area. There were also a large number of TCNs hired for many Base Operation Support functions. Simple jobs like trash collection and food preparation became positions that were occupied by TCNs and government civilians that provided oversight where necessary. With the large number of civilians employed in these activities, it is important to note that little if any real policy was ever written to provide civilians with specific benefits. Part of this situation may have been due to the fact that Viet Nam was never declared a war.

By the time the United States entered the Persian Gulf War, the weapon systems employed had become so sophisticated that it was nearly impossible for the troops to maintain them after completing only the few months of training designed to give them the minimum skills to understand the systems. Several years of declining budgets in the technical schools coupled with many young talented soldiers leaving the Army for the private sector exacerbated this issue. To add to this problem, the practice of having contractors doing routine maintenance operations in garrison had eroded many of the skills the troops had developed. Additionally, the practice of outsourcing and privatization of skills that would otherwise be considered

“journeyman level” skills continues to eat away at the organic capabilities the Army needs to fight and win the nation's wars. This trend has relatively long term implications regarding the necessity of having contractors involved in what would otherwise be routine maintenance. One of the more important implications of this trend is the fact that since the schools are no longer training soldiers minimal skills, and when those soldiers get to their units they are not allowed to work on their equipment because of contract considerations, the Army has begun what can only be described as a death spiral of usable skills organic to the organization. This will inevitably require a dependence upon contract labor and government civilian oversight on the battlefield, because the troops will no longer have the skills necessary to do even minimal repair on their assigned equipment. An indication of the vastness of this issue is that during the Gulf War, there was somewhere around 5,000 government civilian and 9,200 contractor personnel in the Area of Responsibility (AOR)<sup>4</sup> doing maintenance on weapon systems, in particular within the Army Aviation community. These figures were verified by a GAO report that showed the trend was increasing rather than decreasing.<sup>5</sup>

The Balkans were different only in the fact that the ratio of civilian personnel to military forces within the U.S. Military had increased from approximately 1 out of 10, to nearly 1 to 1. The purpose of this comparison is to show that the trend is toward using many more civilians on or near the battlefield than at any time in U.S. history. To add to this trend, the military and civilian workforce has been severely cut due to shrinking budgets and limited resources. An article entitled “America’s Secret Armies: A swarm of contractors bedevils the U.S. Military”, says that, “Uniformed personnel have been cut by 38 percent since 1989 and DOD civilian employees declined by 44 percent. At the same time, the U.S. Army alone has deployed troops 36 times, compared with just 10 such operations during the entire Cold War”.<sup>6</sup> Also, it is during this time that this third set of people were recognized as a distinct group, Civilians Accompanying the Force, and adds further impetus to the requirements of providing a set of ground rules by which to control, protect, maintain and equip these personnel so that they maintain their value as a force multiplier rather than an additional burden on the Theater Commander and his staff.

In a 19 October 1994 report, the Government Accounting Office (GAO) reported that a greater reliance on civilians in support roles could provide significant benefits.<sup>7</sup> Also, the report concluded, “that by replacing more military forces in support roles with civilians, DOD could significantly reduce personnel costs--on average, each civilian support employee costs \$15,000 less per year than a comparably graded military person--and release military personnel for combat duties”<sup>8</sup>. The report was written as a follow up to the Gulf War, as well as the mission in

Somalia in which as many as 120 Department of the Army Civilians were placed in harm's way. The main functions of these civilians were to support highly technical weapon systems through maintenance and oversight, as well as normal logistics functions such as parts expediting.

In today's United States Army, the use of civilians on the battlefield is pervasive. Far beyond the Transportation Corps and administrative sections of the past, today's civilian work force has developed into an integral part of the military forces on the battlefield. A change in the way the U.S. Army fights has removed the forward edge of the battle area (FEBA) in many contingency operations. The skill sets the civilian work force maintains are absolutely necessary in every area on the battlefield to repair, maintain and sustain the highly technical weapon systems employed by the U.S. Army. As a result of this trend, the U.S. Army has become dependent upon the civilian work force. This symbiotic relationship, however, is currently maintained in an inefficient manner.

According to Gordon Campbell, the Army has deployed troops 36 times since the Cold War.<sup>9</sup> To add to the need for trained civilians accompanying the force, Vice President Dick Cheney stated in September 2000, "Over the last decade, commitments worldwide have gone up by 300 percent, while our military forces have been cut 40 percent".<sup>10</sup> It is reasonable to assume that this trend will continue as a result of the tragic events of 11 September 2001.

## **ISSUES AND RECOMMENDATIONS**

When assessing the current situation, as framed by its history, there are several areas that are readily apparent as problem areas and need corrective action. These areas are: policy development; deployment preparation; training; equipment issue and usage. The following section will discuss these issues in further detail.

The GAO report cited earlier laid out several issues that show the inefficiencies currently incurred, as well as recommendations to make this relationship more efficient. Some of these issues are quoted here from the report. Regarding actions in the Gulf War, "the services were not fully prepared to deploy civilians to combat zones. This lack of preparation resulted in many problems; some--such as civilians deploying without gas masks and without proper training in their use--could have had serious consequences."<sup>11</sup> Also, the report further concludes: "Requirements for civilian support functions in theaters of operations have not been included in joint staff and service contingency planning processes. Civilian employees who perform essential combat-support functions have not been completely identified, screened for medical fitness, and trained in basic survival skills."<sup>12</sup> This deficiency is really the lack of adequate administrative policies for deployed civilians. It should be obvious that there are a number of

policies that need to be developed to adequately cover the non-military personnel. Policies are need for command and control, legal status, use of personal defense weapons, and deployment criteria for civilian employees.

With the proliferation of Civilians Accompanying the Force, many legal and ethical issues are plaguing the Army with regard to their safety, well-being, command and control, and legal issues such as whether or not they can be armed and if so, what it would do to their status under the Geneva Convention. Throughout the last decade, these issues have recurred during every contingency operation to include humanitarian operations. It may be easier to understand the issues, if they are broken down into individual challenges.

A major issue involving civilians accompanying the force is command and control. Why is this an important issue? If civilian personnel are allowed to travel around the battlefield without proper training or control methods being enforced, they can put military units at risk. For instance, if a couple of civilians are moving from one area to another within the area of responsibility, and they get lost or come upon a detour in their route, it is possible that they may bring attention to units that would otherwise stay out of the mainstream traffic patterns. They might also use radio communications equipment that, without proper training, would allow them to inadvertently cause military units to be identified and located in an area that was to be secure. The fact that there is currently little if any real policy on this issue leaves the handling of how these civilians are treated up to the Theater Commander, or at a minimum, the Task Force Commander. From personal experience of the author, there have been times during deployment, where civilians got in their vehicles, and drove 13 or more hours through hostile environment to get to a cantonment area without permission or control. One situation in particular, the civilian involved drove for 13 hours by himself without any protection and reached the airport of debarkation, got on an aircraft and left the area of responsibility without permission, or even letting any of his peers or supervisors know. Due to the fact that there were no written policies or laws for this type of departure, this civilian did not receive as much as a letter of reprimand. The unfortunate consequences of this particular situation occurred when the unit required help, and the author had to split his time between the unit he supported and the unit that had been abandoned. Was this an act of desertion? Legally, the answer is no, however, it does not indicate the potentially severe circumstances the unit commander could face without the help of a subject matter expert in times of urgent need. This situation shows the need however to develop policy and laws that can insure that situations like it can never again leave U.S. Soldiers in active combat operations without the expertise they need to maintain their equipment. Severe penalties need to be developed and enforced against any

person that would abandon them. U.S. laws and military regulations need to address these types of situations before mass desertion or job abandonment cause U.S. troops to become combat inefficient.

In February 1996, an advisory committee was convened to try and work through one of the issues involving criminal jurisdiction over "Civilians Accompanying the Armed Forces " in times of armed conflict<sup>13</sup>. The following is section 1151 of Public Law 104-106 explaining this requirement:

"Establishment. - Not later than 45 days after the date of the enactment of this Act (Feb. 10, 1996), the Secretary of Defense and the Attorney General shall jointly appoint an advisory committee to review and make recommendations concerning the appropriate forum for criminal jurisdiction over civilians accompanying the Armed Forces in the field outside the United States in time of armed conflict. "(b) Membership. - The committee shall be composed of at least five individuals, including experts in military law, international law, and Federal civilian criminal law. In making appointments to the committee, the Secretary and the Attorney General shall ensure that the members of the committee reflect diverse experiences in the conduct of prosecution and defense functions. "(c) Duties. - The committee shall do the following: "(1) Review historical experiences and current practices concerning the use, training, discipline, and functions of civilians accompanying the Armed Forces in the field. "(2) Based upon such review and other information available to the committee, develop specific recommendations concerning the advisability and feasibility of establishing United States criminal law jurisdiction over persons who as civilians accompany the Armed Forces in the field outside the United States during time of armed conflict not involving a war declared by Congress, including whether such jurisdiction should be established through any of the following means (or a combination of such means depending upon the degree of the armed conflict involved): "(A) Establishing court-martial jurisdiction over such persons. "(B) Extending the jurisdiction of the Article III courts to cover such persons. "(C) Establishing an Article I court to exercise criminal jurisdiction over such persons. "(3) Develop such additional recommendations as the committee considers appropriate as a result of the review. "(d) Report. - (1) Not later than December 15, 1996, the advisory committee shall transmit to the Secretary of Defense and the Attorney General a report setting forth its findings and recommendations, including the recommendations required under subsection (c)(2). "(2) Not later than January 15, 1997, the Secretary of Defense and the Attorney General shall jointly transmit the report of the advisory committee to Congress. The Secretary and the Attorney General may include in the transmittal any joint comments on the report that they consider appropriate, and either such official may include in the transmittal any separate comments on the report that such official considers appropriate. "(e) Definitions. - For purposes of this section: "(1) the term 'Article I court' means a court established under Article I of the Constitution. "(2) The term 'Article III court' means a court established under Article III of the Constitution. "(f) Termination of Committee. - The advisory committee shall terminate 30 days after the date on which the report of the committee is submitted to Congress under subsection (d)(2)."

The entire section of this law is added to show that even though there are several issues involving Civilians Accompanying the Force, the one that gets the most attention is how to discipline those who are criminals. This seemingly easy task did not come to fruition until passage of the Extra-Territorial Act of 2000 where it was determined that Civilians Accompanying the Force could be held accountable for crimes committed outside the United States while accompanying the armed forces under the Uniform Code of Military Justice. The issue that still stands here though is whether or not this jurisdiction will be valid at all times, or only during a time when Congress declares war. To date, this has not been tested in a U.S. Court. The highlighted section indicates that the committee should, "Review historical experiences and current practices concerning the use, training, discipline, and functions of civilians accompanying the Armed Forces in the field." The only issue addressed under the Military Extra-Territorial Act of 2000 is whether or not a civilian can be brought under charges stemming from criminal activity under the Uniform Code of Military Justice. This narrow focus by the courts continues to cause civilians to be placed in harm's way without the benefit of doctrinal concepts that could easily mitigate at least some of the issues they face.

The United States of America, in conjunction with its coalition partners, are currently at the brink of war with Iraq and the regime of Saadam Hussein. Although the Gulf War of 1990-1991 was an uncontested success for the coalition and in particular the United States of America, the rules have changed since then. With the declaration of President George W. Bush that the United States is seeking a regime change in the country, it is logical to assume that Saadam Hussein will use any and all weapons at his disposal to fight this war. It is also logical to assume that if his regime seems to be at the brink of failing, that he will instruct his armies to use all weapons necessary to try and defeat the United States and the coalition formed against him. With the proliferation of weapons of mass destruction, and the United States strong belief that he has these weapons in his possession, it can be assumed that they will be turned not only on U.S. Forces, but all members of the coalition. There are currently over 100,000 U.S. troops in the region that are accompanied by Department of the Army Civilians.

The question that needs to be asked, is that if these troops, and consequently those civilians that are accompanying them come under attack from weapons of mass destruction, what is the proper way to handle the remains of these civilians? One method of handling them is to identify them before anything happens, and incorporate them into the same structure as the troops they support. This is not a question that will answer itself. Without preplanning on the part of the policy makers, and perhaps the lawmakers as well, this issue will become a political problem for the President and his staff as well as a tactical or operational nightmare for the

commanders charged with the protection of their forces. There is currently no doctrine with which to instruct the mortuary affairs personnel on how to proceed with the disposal of the remains of civilians accompanying the force. The issue of having these remains contaminated with chemical or biological agents merely exacerbate the issue.

In addition to previously discussed issues revolving around medical injuries, what about injured or permanently disabled Department of the Army Civilian Personnel? There is currently no doctrine that states whether a Department of the Army Civilian can be medically retired as a result of injuries received during armed conflict. If they are injured and can no longer pass the physical requirements of their positions, will they be retrained by the Government to remain viable members of the workforce? Again, no policy or rule of law covers this situation. A soldier that is hurt and permanently disabled in the line of duty will receive anything from special tax benefits to medical retirement and retraining so that he or she may continue to make a viable contribution to society. The civilian workforce, however, does not have this benefit. The problem of dealing with possible long term disability in the civilian workforce as a result of actions taken during combat should be addressed by the lawmakers now and put into place so that families can be assured that they will be able to continue in the event of the loss or degradation of health of one of their family members. With the death of one contractor in Kuwait during February 2003, all of these questions will be readdressed, and some agreement will be made to handle "this" situation. What, however, will be the means to handle the issues if hundreds of civilians are lost or wounded as the result of an event using weapons of mass destruction such as employment of chemical weapons? One can only speculate that the political ramifications of such an event could be significant to the political leaders.

Another issue of significance at hand is what are the rights and privileges of a Civilian Accompanying the Force who is taken prisoner as a result of armed conflict. The Geneva Convention answers part of this, but at the same time raises other questions. A section out of the Geneva Convention listed as "NWP1-14M, Section 11.7 states in part that,

"Persons entitled to prisoner-of-war status upon capture include members of the regular armed forces, the militia and volunteer units fighting with the regular armed forces, and civilians accompanying the forces. Militia, volunteers, guerillas, and other partisans not fighting in association with the armed forces qualify for prisoner-of-war status upon capture, provided they are commanded by a person responsible for their conduct, are uniformed or bear a fixed distinctive sign recognizable at a distance, carry their arms openly, and conduct their operations in accordance with the law of armed conflict."

The question it brings to mind is, "does the civilian have to wear a uniform with a distinctive patch or sign on it to receive status under the Geneva Convention?" If so, what is the U.S. Army's position regarding the wear of a uniform for their civilians? Each individual Theater Commander has the authority to require civilians in that theater to wear, or not wear uniforms. Is this a violation of the Geneva Convention, or a different interpretation? This will only be looked into after a catastrophic event or at least one of major importance raises the issue through the press. The Army, however, has made a determination by which to guide these civilians. Most civilians accompanying the force are now required by current Army regulations to wear battle dress or desert camouflage uniforms when in the area of responsibility. The uniforms are stripped of any regular military patch or insignia, and usually have the person's last name, place of employment complete with grade information, and a patch either over the breast pocket, or on the sleeve indicating that they are a civilian logistics specialist or quality assurance specialist. The purpose for this requirement meets Geneva Convention requirements and has been agreed upon by members to the convention. The one problem with this issue is that it can bleed over into the contract world and cause more problems in that some contractors require their employees to wear uniforms and some contractors forbid their use. The contractor that was killed in Kuwait in February of 2003 was wearing civilian clothing. Does this now become a matter of terrorism, or could it be defined as a valid military action on a civilian that could be considered a spy because he was employed by the U.S. Government but not wearing a military uniform in a combat area? The question is valid because if the assailant attacked a civilian, it is an act of terrorism. If, on the other hand the assailant saw this contractor as a de facto military target, then it is an act of war. Understanding that the line becomes rather thin between the two possible situations, the fact remains that the outcome was the same but the reaction of the United States Government may very well be different. Many issues like this remain open, and have not been addressed at the Army, or Department of Defense level.

Civilian members of the Department of Defense (DOD) already require identification cards (ID) for admission to U.S. Government facilities. With the addition of the Geneva Convention Card, several other pieces of information have been added to the ID Card. These items such as blood type, color of eyes and hair, and a photo, could be added to a database for tracking purposes. The problem with this is that there is currently no universal database by which these could be tracked. Also, there is a necessity for certain Department of the Army Civilians that are designated as Emergency Essential, Deployable to be ready to deploy on a moments' notice like military members. Even though a military member can be deployed into any country with just his ID card, Department of the Army Civilians require a passport and visa. The process of

obtaining these credentials can be very tedious and time consuming, thus obfuscating the value of having rapidly deployable civilians. Finally, there has been a lot of work done recently to bring civilians under the control of the Uniform Code of Military Justice (UCMJ) upon deployment into a combat area. This is really at the beginning stage of expanding the command and control over these civilians, but unless military members are trained properly on how to employ this authority over civilians, it will create more issues than it has set out to resolve.

Finally, the use of weapons by Civilians Accompanying the Force raises many questions. Of most significance, is what carrying a weapon does to their status under the Geneva Convention? The Geneva Convention paraphrased in NWP-1-14M, Section 11.5 touches this issue for medical personnel.<sup>14</sup> It states that, "Possession of small arms for self-protection, for the protection of the wounded and sick, and for protection from marauders and others violating the law of armed conflict does not disqualify medical personnel from protected status." This protection has been extended to Civilians Accompanying the Force as well, but some additional rules apply. The AR700-4 states that the Theater Commander may authorize civilians to carry small arms for personal protection, however, this is not a right, but a privilege based upon the commanders assessment of the threat. It also places the authority, and therefore the responsibility for these civilians on the Theater Commander. This policy needs to be readdressed, and solid legal issues resolved so that the Theater Commander is absolved of the responsibility to make that determination.

Since the operational tempo (OPTEMPO) has increased so drastically after the end of the Cold War, it has become imperative that the civilian workforce be integrated into the same mobilization process as military members. The drawdown of the military and the infusion of high tech equipment into the U.S. arsenal have intensified this requirement. Integrating the civilian workforce into this process would insure that all necessary items such as legal requirements, medical screenings, and force protection equipment are taken care of in a consistent manner with the military members, i.e. deployment criteria and preparation.

Standards need to be developed regarding physical fitness, medical standards, training, and other essential elements for civilians prior to their deployments. These policies would then be used at a centralized deployment center or Continental United States (CONUS) replacement center, certifying the civilians for duty in the combat zone. This deployment preparation is required for:

- Medical screening - physicals, immunizations, etc.

- Legal Actions - wills, power of attorney, etc.
- Financial arrangements - payments, insurance, etc.
- Completion of required training – weapons, communications, NBC Defense
- Equipment issuance - weapons, uniforms, protective mask and clothing

Currently, civilians are not adequately trained to respond to battlefield situations. Before they are deployed to a forward area, they must be taught:

- Emergency medical treatment
- Weapons training (Rules of Engagement, Handling and Maintaining)
- NBC (Clothing and Masks, Atropine Injectors and Decontamination)
- Geneva convention (Rights and Responsibilities)

Another issue that may become very important in a future battlefield environment is the use of chemical and biological protection equipment. If a civilian is not equipped and trained in the proper use of this equipment, he may add to the casualty list, and therefore require resources that would otherwise be used for military forces. Not only is the possibility of mass casualties of civilians at stake, but also the necessity to carry extra chemical equipment and filters, medical protection equipment, and replacement equipment for an unplanned number of people. This adds to the problem of already limited resources. Although, this particular issue may not occur, it is still an issue that needs to be added to the planning process. A major part of the planning for any contingency is the need to address all resources and training required in which to accomplish the mission. If the civilian work force is not added in as a necessary adjunct to the forces, then the resources required to accomplish the mission come out of already scarce resources scheduled for use by the military forces involved.

Although this paper has focused on issues related to government civilians, the need for a more structured framework regarding the use of civilians on the battlefield has never been more relevant than today. Many of the issues discussed are not easily fixed. Many of them will require a change in laws and regulations that come with a price tag that will be as much a political decision as a financial one. The facts are clear throughout this paper, that the trend toward the use of Civilians Accompanying the Force will continue. Without a concerted effort by all concerned, (i.e., Congress and Senior Defense Department Officials), the issues will not fix themselves, and it is the author's opinion that they will become highly politicized issues after an

action such as the death or serious injury of several civilians during a conflict bring them to the forefront of discussion in the News Media.

It is the author's opinion that a concerted effort on the part of the Army Leadership, the civilian work force, and the several other agencies involved in training, maintaining and sustaining the force to insure that all members of that force are adequately equipped and trained is imperative to the continuing success of the United States Army. This action needs to be addressed before an event takes place that forces hasty decisions to be made. The future effectiveness of the Army and civilian work force as a professional organization will continue to rely on the way that the Army trains, equips, and sustains the force.

WORD COUNT = 6,416

## ENDNOTES

<sup>1</sup> Melinda K. Darby "Civilian Contributions on the Battlefield", Study Project USAWC Class 1993

<sup>2</sup> Gordon L. Campbell, "Contractors on the Battlefield: The Ethics of Paying Civilians to Enter Harm's Way and Requiring Soldiers to Depend upon Them," 27-28 January 2000; available from <http://www.usafa.af.mil/jscope/JSCOPE00/Campbell00.html>

<sup>3</sup> Paula J Rebar, Contract Support on the Battlefield, USAWC Research Paper, dated 9 April 2002.

<sup>4</sup> Campbell, pg. 2

<sup>5</sup> Ibid, pg. 3

<sup>6</sup> Linda Robinson, America's secret armies: A swarm of private contractors bedevils the U.S. military dated November 4, 2002

<sup>7</sup> Chapter Report, 10/19/94, GAO/NSIAD-95-5, DOD Force Mix Issues: Greater Reliance on Civilians in Support Roles Could Provide Significant Benefits

<sup>8</sup> Ibid

<sup>9</sup> Campbell, pg. 1

<sup>10</sup> Greg Schneider and Tom Ricks, "Profits in Overused Army; Cheney Slams Deployments that Benefit His Former Firm," The Washington Post, 9 September 2000.

<sup>11</sup> Ibid, Chapter 0:4.3

<sup>12</sup> Ibid, Pg. 2

<sup>13</sup> Legal Information Institute from the Internet at <http://www4.law.cornell.edu/uscode/10/802.notes.html>

<sup>14</sup> Geneva Convention, NWP1-14M, Section 11.7



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