



NAVAL POSTGRADUATE SCHOOL

MONTEREY, CALIFORNIA

THESIS

**SHOULD THE UNITED STATES CREATE AN AMERICAN
FOREIGN LEGION?**

by

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June 2011

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**SHOULD THE UNITED STATES CREATE AN AMERICAN FOREIGN
LEGION?**

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Submitted in partial fulfillment of the
requirements for the degree of

MASTER OF SCIENCE IN DEFENSE ANALYSIS

from the

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ABSTRACT

The growing hostility and division between Islam and “the West” comes at a time when the United States and our allies need more than ever to secure vital national interests in the Middle East, to include energy resources, regional stability, and the suppression of terrorism. Our dilemma is that dispatching troops to the region has only increased hostility and fed the Islamist propaganda mill while confirming in the minds of many Americans and our allied populations that intervention in these regions is a counterproductive waste of blood and treasure. The United States needs to reduce its military footprint but at the same time maintain the ability to back its diplomacy with muscle. At present, our methods of securing our interests in the Middle East are confined to large Forward Operating Bases (FOBs) occupied by rotational units of U.S. Army Combat troops and Marines with little cultural knowledge and an operational focus. These large American forces are supplemented by Security Force Assistance (SFA) programs that are primarily conducted by U.S. Army Special Forces and counter-terrorist strategies focused on covert operations aimed at eliminating High Value Targets (HVTs)—that is, the leadership of Taliban and Al-Qaeda terrorist organizations. One partial solution to the problem of underperforming indigenous forces and an over emphasis on HVTs could be to create an American Foreign Legion. The establishment of a permanent force recruited among non-U.S. citizens and led by American officers might offer a flexible tool to allow the U.S. military to secure American interests in the Middle East, while establishing a smaller, more politically acceptable American security footprint. However, the obstacles to the creation of such a force are significant, not the least of which they go against American traditions of a society of equal opportunity, and those of the U.S. military where all soldiers serve on the basis of equality of treatment and status.

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LIST OF ACRONYMS AND ABBREVIATIONS

AFL	American Foreign Legion
ANP	Afghan National Police
ANSF	Afghanistan National Security Forces
CENTCOM	U.S. Central Command
COIN	Counterinsurgency
CPA	Coalition Provisional Authority
DREAM Act	Development, Relief and Education for Alien Minors
FARC	Revolutionary Armed Forces of Columbia
FFL	French Foreign Legion
FID	Foreign Internal Defense
FLN	Algerian National Liberation Front
GCC	Geographic Combatant Commands
GWOT	Global War on Terror
ISAF	International Security Assistance Force
KD	Key and Developmental
LIC	Low Intensity Conflict
LPR	Legal Permanent Resident
MFO	Multi National Forces and Observers
NCO	Non Commissioned Officers
OEF	Operation Enduring Freedom
OIF	Operation Iraqi Freedom
PE	Peace Enforcement
PMC	Private Military Company
ROTC	Reserve Officer Training Corp
R&R	Rest and Relaxation
SIGAR	Special Inspector General for Afghanistan
TCN	Third Country National
UCMJ	Uniformed Code of Military Justice

USAFRICOM	United States Africa Command
USCENTCOM	United States Central Command
USD	United States Dollar
USSF	United States Special Forces

I. INTRODUCTION

A. IDENTIFY THE PROBLEM

The “Clash of Civilizations” between Islam and the Christian West dates from the rise of Islam from the seventh century. Islam spread through the Mediterranean world at Christian expense, followed by the *Reconquista* of Islamic lands in the Iberian and Balkan peninsulas that began in the ninth century. Although the Gulf War of 1991 found Muslim states fighting with the U.S.-led coalition, the proximity of “Christian” soldiers to Islam’s holiest sites in Saudi Arabia was seen by the most faithful as a desecration and revived tales of the Christian Crusades to retake the Holy Land. No surprise then, that even before the events of September 11, 2001, and the subsequent invasions by coalition forces of Afghanistan and Iraq, some in the Islamic world defined Muslim/Western relations as perpetually antagonistic, and believed Islamic and Western religions, values, institutions, and social mores endemically incompatible. In 1996, Osama Bin Laden issued a *fatwa* (an Islamic religious ruling, a scholarly opinion on a matter of Islamic law) denouncing the presence of “the armies of the American Crusaders and their allies” close to Mecca as an “aggression” against Islam. The “West” has reciprocated with a growing hostility to Muslim immigration in Europe and a growing anti-Islamic xenophobia in the United States, especially among the political Right, directed toward Muslims.¹

This growing hostility and division between Islam and “the West” comes at a time when the United States and our allies need more than ever to secure vital national interests in the Middle East, to include energy resources, regional stability, and the suppression of terrorism. Our dilemma is that dispatching troops to the region has only increased hostility and fed the Islamist propaganda mill, while confirming in the minds of many Americans and our allied populations that intervention in these regions is a counterproductive waste of blood and treasure. The United States needs to reduce its military footprint but at the same time maintain the ability to back its diplomacy with muscle. At present, our methods of securing our interests in the Middle East are confined

¹ Frank Rich, “How Fox Betrayed Petraeus,” *New York Times*, August 22, 2010.

to large Forward Operating Bases (FOBs) occupied by rotational units of U.S. Army Combat troops and Marines, with little cultural knowledge, and an operational focus. These large American forces are supplemented by Security Force Assistance (SFA) programs that are primarily conducted by U.S. Army Special Forces and counter-terrorist strategies focused on covert operations aimed at eliminating High Value Targets (HVTs)—that is, the leadership of Taliban and Al- Qaeda terrorist organizations.

SFA programs have their advantages but have also encountered problems. The difficulties with standing up effective units in the Afghan National Police (ANP) and the Afghan National Army are widely reported. The June 2010 report from the Special Inspector General for Afghanistan (SIGAR) titled *Actions Needed to Improve the Reliability of Afghan Security Force Assessments* illustrated numerous failures of the SFA program within Afghanistan and highlights the many reasons why SFA programs often fail to achieve their desired results. After spending over 27 billion dollars on training, equipping, and sustaining the Afghanistan National Security Forces (ANSF), the SIGAR audit identified gross deficiencies and failures in the International Security Assistance Force (ISAF) directed training programs.² The shortcomings of the ANP unit in Baghlan-e Jadid were referenced as emblematic of the SFA’s systemic problems: even though the unit was given the highest rating for an ANP unit, the audit team was not allowed to visit this unit because the area was “not secure” and “overrun with insurgents.” Why the unit was given a four-star rating was equally puzzling as, in the opinion of one of the ISAF staff officers, the Baghlan police force had “withered away to the point that it barely functions.”³

HVT programs also have their drawbacks, beginning with a history of questionable success. French counter-insurgency theorist David Galula considered “decapitation” of the Algerian National Liberation Front (FLN) leadership a futile strategy:

² John Brummet, “Actions needed to Improve the Reliability of Afghan Security Force Assessments,” SIGAR Audit-10–11, June 29, 2010. 2.

³ Ibid.,13.

Then, five top leaders of the rebellion, including Ben Bella, had been neatly caught during a flight from Rabat to Tunis. Their capture, I admit had little effect on the direction of the rebellion, because the movement was too loosely organized to crumble under such a blow.⁴

In fact, decapitation produced a net negative effect on the direction of the rebellion from Paris' perspective because it created a vacuum at the top of the organization that radicals surged to fill.⁵ The capture of the top FLN leadership was part of a broader French strategy to remove all spokesmen for the Muslim community, including leaders of organizations who advocated reform through legal means. In this way, the French removed or discredited moderate competition for leadership of the population at all levels, undermined prospects for political compromise, locked the French into a military solution to the rebellion, and drove the Muslim population into the arms of the radicals.

A second potential defect of a top-down HVT approach is that it assumes the removal of the leader will collapse the organization. While this may be true in some cases of very centralized insurgent or terrorist groups, it has proven less effective against more robust or decentralized organizations like the Revolutionary Armed Forces of Columbia (FARC) where decapitation leaves the organizational structure intact, allows a new leader to take charge, and causes the organization to fragment into smaller, less target-worthy cells from which it continues business as usual.

Third, a decapitation strategy may be anchored in the illusion that a single institution, service, or weapon system can solve a strategic problem. The current Predator Drone program bundles two such fallacies into a single intelligence/air power package. The idea that a well-crafted coup by an intelligence service can resolve a strategic issue has a long history. One such example occurred in 1984; the French Secret Services believed that blowing up the environmental group Greenpeace's *Rainbow Warrior* in Auckland Harbor would end protests over French nuclear testing in the South Pacific,

⁴ David Galula, *Pacification in Algeria 1956-1958*, (Santa Monica, CA: Rand, 2006), 141.

⁵ Stephen T. Homer, Sibylle O.Crane, *Counterinsurgency a Symposium April 16-20, 1962*, (Santa Monica, CA: Rand 1963, 2006), 13.

when, in fact, it only served to enflame them. This approach represented what British spy novelist John le Carré has called “the oldest trap in the trade,” the belief that the real world’s imperfections can be redressed by the secret world.⁶

The Predator Drone is also Douhet *redux*; we are simply revisiting the idea promoted by air power theorists like the Italian Giulio Douhet from the 1920s who believed prolonged, destructive ground combat could be avoided by targeting “soft” civilian targets with bombers.⁷ Nor is the idea of substituting air power for ground troops a new one even for Afghanistan—in the years following World War I, some British believed that their large inventory of surplus biplanes offered a cost-effective solution to imperial policing in general, and India’s North West Frontier with Afghanistan in particular. Although the Afghans protested British terror bombing of Afghan villages, airpower was declared the decisive weapon in the Third Anglo-Afghan War (May–August 1919), to the point that the Chief of the Air Staff, Sir Hugh Trenchard acting at the behest of economy minded Prime Minister Lloyd George and Winston Churchill, proposed policing from the air as a permanent solution to frontier control. Obviously, none of these gentlemen had ever flown over the Hindu Kush where dust storms, violent updrafts, and generally inclement weather focused pilots on the rudiments of self preservation to the neglect of monitoring tribal activities on the ground.⁸

In our own day as in the past, the proposal that a person sitting in front of a video monitor in Las Vegas can be a decisive factor in a counter-insurgency campaign that must factor in deep seated social, religious, cultural, political, and international relations

⁶ John le Carré, “Tinpots, Savors, Lawyers, Spies,” *New York Times*, May 4, 1993. Quoted in Douglas Porch, *The French Secret Services*, (New York: Farrar, Straus, Giroux, 1995), 456.

⁷ David MacIsaac, “Voices from the Central Blue: The Air Power Theorists,” in Peter Paret (ed), *The Makers of Modern Strategy. From Machiavelli to the Nuclear Age*, (Princeton: Princeton University Press, 1986), 624–47.

⁸ David E. Omissi, *Air Power and Colonial Control: The Royal Air Force 1919-1939*, (Manchester and New York: Manchester University Press, 1919), 8–14.

issues along the Durand Line by simply pressing a button is attractive but delusional. But, at the time of writing, we seem to be relearning the lesson of the strategic limitations of airpower in Libya.

HVT programs undermine “population centric” or “hearts and minds” counter-insurgency operational concepts, because they strain legal parameters of permissible activity, are criticized on moral grounds, and have been accused of causing significant collateral damage which undermines U.S. support. When they occur in cross-border environments, one has to question whether the tactical benefits outweigh the damage to international relations. When, for instance, former Colombian President Álvaro Uribe ordered a successful February 2008 attack on the camp of FARC “foreign minister” Raúl Reyes in Ecuador, he provoked a storm of protest in Latin America over the violation of “sovereign” territory of a neighboring state. While the border between Afghanistan and Pakistan has always been notional, and the insurgents certainly do not respect it, cross-border drone or special forces attacks, whatever their tactical benefits, simply showcase the fragile legitimacy of the government in Islamabad, and enrage elements of Muslim opinion. The attempted car bombing of New York City’s Time Square was conducted by Faisal Shahzad as a reprisal for the U.S. drone attacks in Pakistan.⁹ Al Qaeda has already established terrorist attacks against civilians targets as *Jus in Bello*, and the continued use of this particularly unpopular method of attacking HVTs in sovereign nations will likely exacerbate the cycle of violence.

One partial solution to the problem of underperforming indigenous forces and an over emphasis on HVTs could be to create an American Foreign Legion. The establishment of a permanent force recruited among non-U.S. citizens and led by American officers might offer a flexible tool to allow the U.S. military to secure American interests in the Middle East, while establishing a smaller, more politically acceptable American security footprint.

⁹ Oxford Analytica, “Drones draw international law concerns,” OxResearch Daily Brief Service, August 2, 2010.

B. PURPOSE AND OBJECTIVES

The withdrawal of American forces from the Middle East is not politically feasible due to American security interest and long-term commitments with Middle Eastern governments. However, the creation of a “U.S. Foreign Legion,” a surrogate force led by Americans and composed of international volunteers, would provide the United States Central Command (CENTCOM) commander with another, perhaps more politically acceptable, unit to conduct contingency operations. A U.S. Foreign Legion would help to reduce the American military footprint in the Middle East, ease local fears of U.S. imperialistic intentions in a region with a memory of imperial domination, and possibly assuage the religious sensibilities of those who object to “Christian” soldiers near Muslim holy sites or even in Muslim lands. At the same time, it would be cost effective because it would reduce the exposure of U.S. troops to casualties, which might lengthen the tolerance of the U.S. public for military action followed by prolonged occupations. It would be a more discrete force, and with the right recruitment and in the right conditions, would not dominate and militarize foreign policy as our large-scale interventions now tend to do.

Furthermore, at various times in the past, politicians and commentators have suggested that the United States create a foreign legion along the lines successfully used by France for almost two centuries as an expeditionary corps. Peter Schweizer has been a leading advocate for the establishment of an American Foreign Legion. In articles written for the *New York Times* and *USA Today*, Schweizer has called for the creation of an American Foreign Legion consisting of between eight and twenty thousand volunteers, with the French Foreign Legion being used as a model.¹⁰

C. RESEARCH QUESTION

Should the United States create an American Foreign Legion to secure vital national interests in the Middle East?

¹⁰ Peter Schweizer, “A foreign legion could answer USA’s military needs,” *USA Today*, March 25, 2002; “All they Can Be, Except American,” *New York Times*, February 18, 2003.

D. THESIS SCOPE

This thesis will endeavor to explore the feasibility of creating such a force within the U.S. military. First, it will explore the two models for a “non-national” force as they existed in the past or now exist: first, a “foreign legion” as currently exists in France and Spain made up of non-national volunteers; second, a “colonial” model once extensively used as “sovereignty” troops in European colonies. These “colonial” regiments were usually recruited from a single, often minority ethnic group, like the Gurkhas, who continue to exist as separate units in the modern-day British and Indian armies. The thesis will examine the strengths and weaknesses of each of these models.

Next, this thesis will explore the applicability of both models to U.S. conditions. My hypothesis is that America’s tradition as a society “open” to immigrants who accept the American ideal, rather than one defined by a closed idea of “identity” based on culture, religion, and “blood” as in Europe, would exclude the “foreign legion” model. At present, the U.S. military accepts noncitizens and incorporates them into the ranks just like citizen volunteers. Therefore, it would require a change in the law excluding foreigners from service in regular units, as in France, to make the “foreign legion” model practical. There are also many practical administrative and discipline issues with creating a foreign corps, as the French have discovered.

The “colonial” model has problems along the same lines as those of the “legion,” raising critical question such as: what groups may be tempted to join a U.S. Foreign Legion; what might be the political implications of using them in certain areas; how would they be staffed; and what happens when or if the recruitment pool dried up?

My initial hypothesis is that the creation of a “foreign legion” within a U.S. military framework is impractical, unnecessary, and redundant. First, the legal, administrative, political, and recruitment problems surrounding the creation a U.S. foreign legion may make the scheme impractical.

Second, a U.S. Legion is unnecessary. The U.S. military has no shortage of citizen volunteers, often the lower economic strata from conservative states willing to assume the risks of deployment in exchange for the career benefits and adventure of

service. The tolerance of the U.S. public for these prolonged COIN (counter-insurgency) missions seems, if not inexhaustible, at least substantial. Low intensity warfare avoids battles similar to Stalingrad, which might indicate the true casualty cost of engagement. Instead, the American public confronts only a dribble of casualties that the Bush-Cheney administration tried to obscure, while the “liberal” media like the PBS Newshour, the *New York Times*, and columnists such as Bob Herbert expose periodically in a respectful, low-key fashion as patriotic sacrifice. Proponents of intervention, even those like Tom Ricks who have written critically of Operation Iraqi Freedom, present “The Surge” as a resounding strategic success that has consecrated General Petraeus as the “new Conquistador of COIN.” Some skeptics suggest that Petraeus’ strategy may be to saturate an area like Marja with troops and report success there to lull public opinion into believing the progress throughout Afghanistan is more generalized than, in fact, is the case.¹¹ The debate over the effectiveness of COIN appears so far to be confined to a narrow band of “specialists” inside the military and security related think tanks.¹² But overall, in many circles it has become both unpatriotic and disrespectful to voice skepticism about the feasibility, strategic prospects, or methods of COIN-driven nation building. Finally, the true financial costs of the interventions in Iraq and Afghanistan have been secreted in “supplemental,” off-budget spending bills. In final analysis, the fact that the interventions in Iraq and Afghanistan were scarcely discussed in the 2010 mid-term elections appear to demonstrate that the American public considers both the human and financial costs of COIN to be acceptable within the national defense outlay.

Third, a foreign legion is redundant, because, in effect, Washington has already created a foreign legion by outsourcing much of its SFA and security work to private contractors. This has created its own problems of discipline, accountability, and competition between state and private security services to the point where Afghan

¹¹ Elizabeth Bumiller, “Some Skeptics Questioning Rosy Reports on War Zone,” *New York Times*, 8 November 2010 http://www.nytimes.com/2010/11/08/world/asia/08military.html?_r=1&ref=world.

¹² Sebastian L. v. Gorka and David Kilcullen, “An Actor-centric Theory of War. Understanding the Difference Between COIN and Counterinsurgency,” *JFQ*, issue 60, 1st quarter 2011, 14-18; For a more skeptical view, see Larry Goodson and Thomas H. Johnson, “Parallels with the Past – How the Soviets Lost in Afghanistan. How the Americans are Losing,” Foreign Relations Research Institute, April 2011. http://www.fpri.org/enotes/201104.goodson_johnson.afghanistan.html

President Hamid Karsai threatened to ban them, which provoked a Greek chorus of protests led by the U.S. State Department. Therefore, a U.S. Foreign Legion would only further muddle an already complex security environment, and probably meet stiff opposition from an entrenched private security lobby that would view a U.S. sponsored foreign legion as competition for recruits and an obstacle for securing contracts.

E. METHODOLOGY

This thesis will use secondary sources such as book, newspaper articles, and primary sources such as government publications and reports.

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II. MODELS FOR AN AMERICAN FOREIGN LEGION

Historically, many nations have enlisted foreigners in their military forces. The Roman Empire was probably the most enthusiastic consumer of foreign forces. The Roman Legions were regularly augmented with an equal number of foreign forces to double their size and increase their effectiveness.¹³ The Roman's use of foreign forces directed by loyal citizens, allowed a fairly small class of Romans to control a significant portion of the known world. Chinghis Khan enlisted his hordes and assured their logistical support among a diversity of tribes and local allies.¹⁴ Although Machiavelli believed the *condottieri* of sixteenth century Italy venal, inefficient, treacherous, and low class, foreign mercenaries were a common feature—if not the backbone—of most European armies through the French Revolution, not the least because monarchs feared arming their own potentially rebellious subjects.¹⁵

The advent of modern, citizen armies made foreign mercenaries obsolete in Western Europe, although the persistence of Empires like those of Austria-Hungary and Germany until 1918 and Russia/USSR for far longer required the incorporation of a mosaic of national and ethnic minorities into imperial forces. The U.S. Army provided a first stop for many would be immigrants in the nineteenth and twentieth centuries. Wartime circumstances caused Heinrich Himmler's Waffen SS to organize non-German contingents from 1942. Although the motive for enlistment was ostensibly ideological rather than venal, one can well imagine that coercion or survival played a large part in the decision to enlist.

¹³ Arther Ferrill, *The Fall of the Roman Empire: The Military Explanation* (London: Thames and Hudson Ltd, 1986).

¹⁴ H. Desmond Martin, *The Rise of Chingis Khan and his Conquest of North China* (New York: Octagon Books, 1970).

¹⁵ Felix Gilbert, "Machiavelli: The Renaissance of the Art of War," in Peter Paret (ed), *The Makers of Modern Strategy. From Machiavelli to the Nuclear Age*, (Princeton: Princeton University Press, 1985), 14–15, 19, 26.

However, truly mercenary forces survived in the Foreign Legions of France and Spain, and in colonial units as Britain's Gurkha Regiments. These two forces loosely defined as French/Spanish and the British/Colonial offer two contemporary organizational models.

A. THE FRENCH OR SPANISH MODEL

The French Foreign Legion (FFL), formed in 1831, is undoubtedly the best known contemporary mercenary force, not the least because since the nineteenth century it has been the subject of many books, and subsequently films, that promote its image as a collection of romantic outcasts. All soldiers are volunteers led by French officers, both native born and naturalized. That the French Foreign Legion has survived for almost two centuries comes as something of a surprise as it was created to solve what was thought to be a temporary immigration problem. "The corps was conceived as a provisional solution to a fleeting problem--" writes Legion historian Douglas Porch, "the migration of undesirable persons into France in the wake of revolutions in Germany, Poland, Italy and the Low Countries in 1830–1831."¹⁶ The fact that, despite an unpromising debut, the FFL eventually emerged as an elite fighting force suggests superficially at least that the model may be worth replicating in the U.S. Army.

Although there have been significant changes in the recruiting, training, and basing of the French Foreign Legion, the unit still maintains a reputation as an elite fighting force. Today's FFL recruiters are more selective than were their predecessors. Gone are the "anonymous names," and the immunity that comes from starting anew. But the underlying philosophy and appeal of the Legion remain unchanged. Allegiance to France is deemphasized in favor to loyalty to the Legion, as expressed in the motto: *Legio Patria Nostra*. After a background investigation, the recruit begins the rapid transition from civilian to legionnaire. The officers in the French Foreign Legion are still French Officers recruited from Saint Cyr or other French Army formations.

As the French have learned, there are some inherent drawbacks with their legion model, the most obvious being linguistic issues among a polyglot soldiery. While French

¹⁶ Douglas Porch, *What Ever Happened to the French Foreign Legion?*, Military History Vol. 28: Issue 1, May, 2011, 28–35.

is the language of command, and an effort is made to make sure that legionnaires master a rudimentary military vocabulary, the prospects for misunderstandings and confusion abound. This is offset somewhat by enlisting Frenchmen. Although, officially, French citizens are forbidden from joining the FFL, they still make up roughly forty percent of the Legion, ensuring that loyalties to France remain, and helping to smooth out the linguistic challenges that routinely plague the FFL.¹⁷

Incorporating Frenchmen in the ranks inoculates against the true “legionnaires disease”—desertion. The problem of desertion is as old as the Legion itself. Despite the threat of draconian punishments, a stunted sense of loyalty among men who often enlist on a lark, the lack of social stigma attached to desertion, the fact that desertion has become institutionalized as a rite of passage to becoming a “true” legionnaire, and the temptation of frequent deployments and easy to reach borders have made it a problem impossible to stamp out, has lowered efficiency, and shaped legion life and consequently morale.

B. THE BRITISH OR COLONIAL MODEL

The British or Colonial Model is generally understood as the co-opting of a singular group based on ethnicity, religion, tribe, language, a combination of all, or some. The most illustrative model is the British use of Gurkhas, founded in 1816, and who continue to exist in both the modern British and Indian armies.

The Treaty of Segauli, which ended the Anglo-Nepalese War in 1815, ceded to the British East India Company the right to recruit Himalayan tribesmen—known colloquially as Gurkhas—a concession that has persisted into the present day.¹⁸ This treaty has been amended over the years to specify numbers, pay scales, and pensions. But the basic agreement has survived for two centuries.

During the early nineteenth century, the British were feverishly expanding their empire and becoming more reliant on utilizing colonial subjects to help maintain control

¹⁷ Douglas Porch, *What Ever Happened to the French Foreign Legion?*, Military History Vol. 28: Issue 1, May 2011, 28–35.

¹⁸ Byron Farewell, *The Gurkhas*, (New York: W.W. Norton & Company, 1984) 31.

of their ever expanding empire. After fighting a war that lasted more than three years with the Nepalese, British commanders were amazed that these “mountain savages” generally followed the western rules of warfare. A British soldier assigned to the 87th Foot wrote of his experience fighting the Gurkhas:

I never saw more steadiness or bravery exhibited in my life. Run they would not, and of death they seemed to have no fear, though their comrades were falling thick around them, for we were so near that every shot told.¹⁹

After the independence of India, less than half of the Gurkha regiments stayed with the British and the rest became part of the Indian Army. This amazing simple arrangement even left the regimental numbering system in place with the British controlling the 2nd, 6th, 7th, and 10th Gurkha Regiments with the remaining regiments becoming part of the Indian Army.²⁰

The linguistic issues and problems of desertion have never been an issue with the Gurkha Regiments. The lack of linguistic issues is logical, but the utter lack of desertions in the Gurkha regiments is noteworthy. The absence of Gurkha desertion is likely a result of a strong sense of loyalty to other Gurkhas and the incredible sense of pride Gurkhas place in loyalty to their Regiment. The absence of major issues within the Gurkha Regiments is likely more related to the incredible individual quality of the Gurkhas themselves, and does not necessarily apply to all colonial model foreign legions. The inherent threat of mutiny from a homogeneous group of foreign surrogates is the most obvious and potentially catastrophic threat of utilizing a colonial model. But unlike the FFL, which is a true multi-national mercenary force, Gurkha discipline is guaranteed by ethnic and even family ties, as well as by a sense of collective loyalty.

This model of co-opting indigenous forces was also used by the United States Military, albeit on a smaller scale. The United States Army in the Philippines during the first half of the twentieth century was a colonial foreign legion. Filipino soldiers manned entire divisions commanded by American officers and swore oaths of loyalty to the

¹⁹ Byron Farewell, *The Gurkhas*, (New York: W.W. Norton & Company, 1984) 30.

²⁰ *Ibid.*, 250.

United States. In Vietnam, United States Special Forces made extensive use of local tribes to assist with interdicting Vietcong and North Vietnamese Army advances into South Vietnam, Laos, and Cambodia. The largest of these tribal groups were the Montagnards who became close allies with U.S. Forces in spite of their general dislike of the South Vietnamese people who they were ostensibly allied.

It is likely the Colonial Model is the more efficient than the Foreign Legion model. But, the unique relationship that a colonial model requires precludes its use by the United States. The United States no longer enjoys a colonial relationship with any country, and the absence of a particular group of people from who we might draw recruits eliminates the colonial model a viable option. The changing nature of American foreign policy creates issues with establishing permanent alliances, and it is unlikely that any nation would allow us access to their population in a fashion similar to the British/Indian and Nepalese relationship.

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III. WHAT MIGHT AN AMERICAN FOREIGN LEGION LOOK LIKE

A. COMPOSITION

The basic composition of an American Foreign Legion would likely mirror image conventional U.S. Army formations. Peter Schweizer recommends establishing a force of approximately 20,000 troops.²¹ This number would roughly translate to five brigade combat teams. Creating a foreign force of this size would be a monumental task. The establishment of an American Foreign Legion would have to be done incrementally and over an extended period of time. The precise number of Legionnaires necessary would, of course, change based on military, political, and monetary realities.

The initial establishment of an American Foreign Legion would likely be limited to a battalion size organization. The basic model would be a large light infantry battalion, with very little staff and support functions. Initially U.S. Army personnel from Special Forces and light infantry units should be used to fill all leadership roles, from team leaders to battalion commanders. The initial requirement based on a battalion with four line companies would be approximately three hundred Americans consisting of two hundred and seventy noncommissioned officers (NCOs) and thirty commissioned officers. As in the French model, the requirement for NCOs would drop drastically once foreign volunteers gleaned enough experience to become junior leaders. Once the force matured it would likely only require the thirty commissioned officers and a similar number of senior NCOs. These sixty or so American leaders would be directing the actions of a unit numbering approximately 1075 soldiers.²² This force multiplication is the primary advantage to a surrogate force structure and should be expanded on whenever the organizational maturity allows it to be exploited.

The primary functions of an American Foreign Legion would be low-intensity warfare, Peace Enforcement (PE) and counterinsurgency operations. These mission sets

²¹ Peter Schweizer, "All They Can Be, Except American," *New York Times*, February 18, 2003.

²² See Figures 1–3 for a basic organizational chart for an American Foreign Legion Battalion.

primarily require light forces with the ability to operate fairly decentralized and, in most cases, for extended periods of time in austere conditions. The use of foreign volunteers would allow an American Foreign Legion to remain in place for extended, if not indefinite, periods. This coupled with a collectively broader worldview should make these surrogates more likely to focus on long term success rather than short term “victories.”

B. RECRUITMENT

Recruitment for an American Foreign Legion would likely be a straightforward task. The majority of the time and effort would be dedicated to filtering the pool of applications and attempting to identify any recruits that pose a security threat. In 2010, over sixteen million applications were received by the Department of States requesting a diversity visa—of these only approximately 50,000 will be awarded a visa.²³ Even in a world that appears somewhat anti-American, every day more than 45,000 people worldwide apply to immigrate to the United States. If only 10 percent of these applicants were fit and willing to exchange military service for the possibility of citizenship, the personnel needs for a twenty thousand man American Foreign Legion could be met within a week. This number does not even consider the approximately thirteen million illegal immigrants living in the United States already. Each of these individuals would also be a potential recruit. An American Foreign Legion of approximately twenty thousand would require that just 1 out of 650 individuals currently living illegally in the United States be willing to serve in the American Foreign Legion.

So, in terms of recruitment, a modified version of French Foreign Legion model of recruitment would be possible. But, the United States has a much more open tradition of integrating immigrants than does France. This is particularly true in the French army, where, historically, foreign mercenaries were the mainstay of the despotic power of kings against the citizenry. The United States, with its tradition of *posse comitatus*, actually forbids the military to be used against citizens except in specified circumstances.

²³ Diversity Visa Lottery 2011 (DV-2011) Results
http://www.travel.state.gov/visa/immigrants/types/types_4574.html.

Therefore, the United States does not have the same aversion to integrating foreigners into the ranks as does France. To do so would be to violate our image as a society open to all immigrants willing to embrace American values. Nor is the Gurkha/colonial model an option as the United States is not historically linked to any particular country or ethnic groups that could become the focus for the colonial style of recruitment.

C. BASING

Basing for an American Foreign Legion could be problematic. Currently, the United States military is based at approximately 702 locations in over 130 countries.²⁴ Although this number is very high compared to other foreign militaries, a significant number of these basing agreements were post-World War II arrangements. These agreements were made when the United States was free to implement policies that were favorable to the country due to the collapse of the Axis powers, and the generally world-wide desire for stability. There has been a more recent precedent in basing Americans in foreign nations, including American forces stationed in Kuwait, Saudi Arabia, Uzbekistan and even the U.S. Navy headquartering its 5th fleet in Bahrain. Due to cultural sensitivities, most of the American forces were removed from Saudi Arabia by early 2000, and only time will tell as to the future of the Navy's 5th fleet. Understanding the issues with basing should help American policy makers choose a location that would be advantageous to both the host nation and the American Foreign Legion. As the initial goals for the American Foreign Legion would be PE and Low Intensity Conflicts (LIC), the basing of the American Foreign Legion could initially fulfill a current Multi-National Force and Observers (MFO) peacekeeping operation. One of the most feasible is the peacekeeping mission in the Sinai.

The basing of the American Foreign Legion in the Sinai would have some advantages over other viable options, in that the American Foreign Legion would be immediately put into an operational role, albeit one with fairly low risks and responsibility. The facilities in the Sinai are fairly well established, and could be quickly

²⁴ Chalmers Johnson, *America's Empire of Bases*. January 15, 2004.
http://www.tomdispatch.com/blog/1181/tomgram%3A_chalmers_johnson_on_garrisoning_the_planet.

expanded for training forces. The austere nature of the area would assist with deterring possible deserters while allowing U.S. and indigenous personnel to focus on training with limited distractions. Basing in the Sinai would also allow for rapid deployment throughout the Middle East and northern Africa.

The basing of the American Foreign Legion in the Kurdish controlled area of Iraq is also another possible option. This decision would likely be greeted by the Kurdish population very favorably. The Kurdish people have regularly expressed interest in having a permanent American presence in Kurdistan. Their belief is that if the U.S. military is stationed there the central Iraqi government would never again be able to commit acts of genocide against the Kurdish minority. The basing of the AFL on Iraq soil would also allow the American Foreign Legion to quickly deploy to areas throughout the Middle East. The presence of Americans in Iraq indefinitely would likely be a source of aggravation for the Shia majority and meet with mixed opinion from the Sunnis. On one hand it might lessen their concerns about Iranian influence in the internal politics of Iraq, but it still may be viewed as a threat to their sovereignty.

D. POSSIBLE ADVANTAGES TO ESTABLISHING AN AMERICAN FOREIGN LEGION

1. Infusion of Cultural and Linguistic Experts

It should come as no surprise that most American soldiers do not speak a foreign language, nor are they generally informed as to the cultural norms in the areas in which they are deployed. The lack of foreign language skills and cultural experts has been an obvious shortcoming since the beginning of the global war on terrorism. In 2005, the secretary of Defense issued directive number 5160.41E. The directive consolidated executive authorities for foreign language training, defined the term “regional experts,” and made changes in the command structure. But like most directives, it did nothing to solve the operational problem of too few linguists.²⁵

The lack of foreign language skills in the United States Department of Defense is directly linked to the military’s recruiting pool. Most Americans do not speak a foreign

²⁵ DoD directive 5160.41E October 21, 2005, amended May 27, 2010.

language. Out of 360 million Americans, only 45 million have foreign language skills, with almost 30 million of those speaking Spanish.²⁶ The lack of linguistic and cultural skills is something that is not likely to change anytime in the foreseeable future. As American schools continue to see funding shortfalls, the teaching of foreign languages, along with other elective programs, will continue to be reduced in order for schools to close their budget shortfalls.

If the United States Department of Defense were able to expand their recruiting pool throughout the world, it would obviously be able to recruit and retain linguistic and cultural experts. This worldwide recruitment would not only allow the DoD to have a steady supply of linguistics, but would also establish a system that could be used to dramatically increase the number of linguists recruited from certain regions during a crisis.

A partial solution for the lack of linguistic and cultural experts would be the creation of an American Foreign Legion. An American Foreign Legion would immediately add a significant amount of language and cultural expertise to the Department of Defense. Once the Legion was established, foreign language needs could be easily filled with focused recruitment in particular regions.

Members of the American Foreign Legion could also be used to train and advise American forces deploying overseas. Individuals recruited from remote regions of the world could be used as a valuable source of information and, in some cases, even be used as guides for other American units. The cooperation of an American Foreign Legion and other American forces could create an exceptionally effective tool to deal with America's "Savage Wars of Peace."

²⁶ Hyon B. Shin, Rosalind Bruno. *Language Use and English Speaking Ability: 2000* (United States Census Bureau, October 2003).

2. Forward Deployed Forces That Never Need to “Redeploy”

The constant deployment and redeployment of American forces in Iraq and Afghanistan have created numerous problems. These problems range in scale from a failure to create a national level strategic plan, to individual soldiers not understanding basic cultural norms.

It has been said that we did not fight the Vietnam War for 11 years; we fought eleven, one-year-long wars in Vietnam. This assertion was centered on the one year long individual rotations that were the standard measure of service during the Vietnam conflict. Since the American failure in Vietnam, military and civilian leaders have been imbued with the idea that the American military will never be involved in “another Vietnam.” Military leaders and historians have often blamed the “politics of the war” for the ultimate outcome instead of focusing on the systematic military failures. That being said, one of the most often cited military issues was the practice of deploying individuals, instead of cohesive units, to Vietnam.. The lesson “learned” was individual deployments were bad, and unit deployments were necessarily better (but perhaps not sufficient for success). Few would argue with the concept that unit deployments are far better than individual augmentation, but the problem associated with the one year rotations was likely much more significant than is generally understood.

Although anecdotal, the fact that the United States military faces many of the same issues caused by constant rotation in Iraq and Afghanistan as they did in Vietnam indicates the rotational problem is far from solved. In laying out the rotation plan for Operation Iraq Freedom (OIF) the acting Army Chief of Staff GEN John Keane announced:

...we want to provide the combatant commander, General Abizaid, the force he needs to decisively defeat those elements that threaten security in Iraq, and allowing the Coalition Provisional Authority (CPA) to meet its objectives. We want to: instill predictability in the force by developing a force rotation plan with an intended Iraq tour length of up to 12 months. Use active component forces from all services, including support forces, to the extent possible, recognizing the majority of these forces are going to come from the United States Army....Use Reserve volunteers and Reserve component forces not recently mobilized, to balance deployment stress

across the force. Craft a rotation plan to balance risk across other potential contingencies. Eliminate or reduce in scope exercises and force commitments that would further stress the force without contributing significantly to the GWOT and OIF. Further seek to internationalize the force. Support the CPA to rapidly develop the police force, Iraqi civil defense force and the new Iraqi army to transition the bulk of security tasks to these forces as quickly as possible. Use contractors, when possible to provide logistics support, training support and other functions.²⁷

Like many inside and outside the military, it is likely that GEN Keane did not anticipate that the Iraq War was going to last more than eight years. Therefore, there was little effort put forth determining the negative aspect of constant troop rotations. The establishment of tour lengths up to twelve months greatly limited the flexibility of theater commanders and ultimately had to be suspended in order for “The Surge” in Iraq to be successful.

The problems created by a rotational army are numerous, and the impacts are woefully under-analyzed and appreciated. These problems range from the routine logistical issues in transporting Soldiers and Marines thousands of miles every six months (for most Marine units) or every year (for most Army units) to lack of situational awareness when conducting operations. These unit rotation requirements coupled with a Rest and Relaxation (R&R) leave program consume the majority of Rotary and Fixed wing lift assets used in theater.

The most significant aspect of short troop deployments is the lack of continuity in operations. In some instances this could manifest itself in a failure to identify targets and understand terrorist networks, or simply not knowing dangerous areas to avoid. In other cases, short deployments can lead to a fundamental lack of understanding of the cultural and ethnic divisions that are prevalent throughout a unit’s area of operations. In either case, the results often have proven fatal to U.S. forces in Iraq and Afghanistan.

Most of the problems associated with constant troop rotations could be resolved with the establishment of an American Foreign Legion. A major advantage to using

²⁷ As cited in Thomas A. Ball, “Bureaucratic Decision Making in Troop Rotation Policy for OIF-2,” (National Security Strategy Process Seminar A).

foreign born troops would be their willingness to serve overseas for the vast majority of their time in service. In essence, a Foreign Legion would deploy at the outset of hostility and never redeploy until the conflict had ceased.

3. Cost Effective Option

In their exhaustively researched book, Stiglitz and Bilmes claim the total cost of the war in Iraq to the United States will be approximately three trillion dollars (\$3,000,000,000,000.00).²⁸ With cost in inflation adjusted, this will make the Iraq conflict cost more than any other war the United States has participated in except World War II, which is estimated to have cost the United States approximately five trillion inflation adjusted dollars. The monetary cost of the Iraq War is especially disconcerting when considering the predicted cost of the Iraq War. The Secretary of Defense and the Pentagon budget office estimated that the war would cost fifty to sixty million dollars. Deputy Secretary of Defense Paul Wolfowitz suggested that postwar reconstruction could pay for itself through increased oil revenue.²⁹ These overly optimistic numbers were clearly based on the idea that the war would be short and cheap. The belief that wars can be accomplished in this manner is not new, but the relative cost of these “brushfire wars” is most certainly escalating.

A significant portion of the money the United States spends on the war in Iraq is committed to personnel, both through direct and indirect compensation (salary and robust benefits) and also the cost associated with supporting an American soldier overseas. Both of these costs would be greatly reduced with the establishment of an American Foreign Legion. Currently, the average monthly salary for a soldier in the Iraq army is between \$450–\$550 United States Dollars (USD). The average payment for third country nationals (TCNs) providing security in Iraq is between \$700–\$900 USD. The fact that thousands of people apply for these jobs every day, and in some cases have to bribe officials just to compete for these jobs, indicates that the current pay scale would likely

²⁸ Joseph E. Stiglitz, Linda J. Bilmes *The Three Trillion Dollar War: The True Cost of the Iraq Conflict* (New York: W.W. Norton and Company, 2008).

²⁹ Ibid., 7.

be acceptable to an American Foreign Legion recruit. The simple reduction in wages would make an American Foreign Legion approximately one third the cost of a similar American unit. If the savings associated with the reduction in indirect benefits were included, the cost saving would be even more significant.

Although the cost savings associated with reduced personnel expenditures would be significant, they would likely pale in comparison to the cost savings in logistical support. The establishment of the all volunteer force in the United States created an environment where expectations of support and relative comfort of American troops was greatly increased. The practice of providing American style living conditions for troops deployed in combat theaters has contributed significantly to the overall cost of war. An American Foreign Legion would be much easier and cheaper to support logistically, and because there would be no expectation of the American standard of living there would be little negative effect on the legionnaire's morale.

4. AFL Can Greatly Reduce the "Contractor Army"

In 2007, the United States government had more than 180,000 contractors on its payroll in Iraq in support of less than 160,000 U.S. uniformed members of the military.³⁰ Although the use of contractors is nothing new to military conflict, the scope and cost of this unregulated army is something entirely different. Allison Stranger identifies four factors that led to unprecedented rise in the United States reliance on private contractors;

Four factors intrinsic to the Department of Defense would conspire with the imperatives of globalization to transform the American approach to war in the 1990s. The first was the 1922 decision by the Navy and the War Departments to discontinue building ships and planes themselves, which launched the military's romance with the private sector. Second, the shift from a conscripted to an all-volunteer military force after Vietnam meant that the Pentagon had to provide a range of new services (such as four flavors of ice cream for our troops stationed in Iraq) to fill its ranks; many of these services required expanding contracting. Third, during the Cold War, America's strategic imperative had been to match the quantity of Soviet weaponry with the quality of the American arsenal, an effort that was thought to be enhanced by privatization's efficiency. Finally, because

³⁰ Allison Stanger, *One Nation Under Contract* (New Haven :Yale University Press, 2009), 84.

government pay scales meant that the Pentagon could not match the salaries available in the private sector to the best men and women, it resorted to contracting to draw on top talent.³¹

If Dr. Stranger is correct, the use of Private Military Contractors (PMCs) is nothing new, but the pace and level in which the United States is currently utilizing these PMCs is a dramatic shift. The American contractor has certainly expanded the services available to Americans serving in Iraq and Afghanistan, but the presence of these legally ambiguous individuals has also been the cause of numerous, significant issues within these combat theaters. In March 2004, four contractors working for the infamous security company Blackwater (now renamed Xe, because Blackwater was thrown out of Iraq after the 2007 Nisour square massacre) were killed in an ambush and their bodies hanged from the main bridge over the Euphrates River. The attack and desecration of these four contractors was a significant factor in the decision to “retake” the town of Fallujah, culminating in what became known as the first battle of Fallujah. During the course of this operation, over fifty American troops were killed along with over 400 wounded; the insurgent and civilian casualties were estimated to be between six hundred and four thousand. Although it is likely that the Battle of Fallujah would have taken place without the death of these four contractors, the Marines and Soldiers that participated in the battle would have had more time and resources to plan their operations, possibly reducing both the friendly and civilian casualties.

Recently there has been a reduction in support of these private military companies, and more generally the “Rumsfeld Doctrine,” which was summarized in an article he wrote for Foreign Affairs. Rumsfeld states, “We must promote a more entrepreneurial approach: one that encourages people to be proactive, not reactive and to behave less like bureaucrats and more like venture capitalists.”³² The reduction of support for these Private Military Companies is likely caused by the outrages associated with these PMCs and the excessive and often fraudulent cost associated with the services

³¹ Allison Stanger, *One Nation Under Contract* (New Haven :Yale University Press, 2009), 85.

³² Donald H Rumsfeld, “Transforming the Military,” *Foreign Affairs* (New York: May/Jun 2002. Vol. 81, Iss. 3), 20.

they provide.³³ The fact that most of these PMCs regularly use foreign nationals to provide security and other services does not appear to be a significant issue with the American public.

The growing unpopularity of these PMCs, coupled with an apparent acceptance of foreign nationals currently providing security assistance to American soldiers overseas, could indicate that the establishment of an American Foreign Legion is a viable option. American Legionnaires could greatly reduce the need for PMCs that primarily focus on security and nontechnical support for the DoD. Furthermore, the American Foreign Legion would be a much cheaper option than using PMCs. These American Legionnaires would never be paid five times the amount that an American soldier currently makes. An American Foreign Legion would also have another major advantage over the use of PMCs; all American Legionnaires would fall under the Uniformed Code of Military Justice. This would eliminate a major source of national embarrassment, namely the inability or unwillingness of the United States government to hold private contractors accountable for their actions committed in conflict zones. These actions include Blackwater guards murdering unarmed women and children in Baghdad, Halliburton employees raping their own in Iraq, or Paravant LLC trainers killing civilians in Afghanistan. The actions by these PMCs, coupled with a complete lack of effective oversight of these PMCs by the United States government, has had catastrophic effects on building positive relations in Iraq and Afghanistan. An American Foreign Legion could amount to the best of both worlds. It could be simultaneous professional, law abiding, and cost effective.

³³ See Jeremy Scahill's *Blackwater The Rise of the World's Most Powerful Mercenary Army* (New York: Nation Books, 2007). and Allison Stanger, *One Nation Under Contract* (New Haven :Yale University Press, 2009).

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IV. OBSTACLES TO ESTABLISHING AN AMERICAN FOREIGN LEGION

There would be numerous obstacles to establishing an American Foreign Legion. Some of these barriers would be institutional, and others would be philosophical. Some of the potential obstacles include a possible expansion of the civil-military gap or even a more militaristic American foreign policy. Other issues that may arise from establishing this surrogate force could be the need to modify the current U.S. military policies that allow legal immigrants to serve in the U.S. Armed forces. It is also possible that the traditional American view of citizenship is wholly incompatible with the idea of creating an American Foreign Legion. There are also more practical issues in regard to the manning and recruiting of a Foreign Legion. One of the most overarching issues would be the possibility that an American Foreign Legion would be viewed by the international community as a shift from American arrogance to American colonialism.

A. CIVIL-MILITARY GAP

It almost definitely would be argued that creating an American Foreign Legion would expand the civil-military gap within the United States. For example, Johnson and Metz argue:

Major adjustments in civil-military relations are never easy. The heart of the problem is an enduring tension: To succeed at warfighting, the military must be distinct in values, attitudes, procedures, and organization but must, at the same time represent American society.³⁴

In order to determine the possible effect of an American Foreign Legion on expanding the existing civil-military gap, one must first determine how large the current civil-military gap is. After conducting extensive research for their book *Choosing your Battles: American Civil-Military Relations and the Use of Force*, Peter Feaver and Christopher Gelpi write:

³⁴ Douglas V. Johnson II and Steven Metz, *American Civil-Military Relations: New Issues, Enduring Problems*, (Carlisle Barracks, PA: Strategic Studies Institute, 1995), 1.

Our findings indicate that civilian and military elites differ significantly in terms of their foreign policy priorities and the extent to which they are willing to place constraints on the implementation of military operations. We find little civil-military gap, however, with regard to the importance of military tools to achieve various foreign policy goals.³⁵

The apparent civil-military gap in foreign policy priorities would likely not surprise any American citizen, but the lack of a civil-military-gap in regard to the importance of the military in achieving foreign policy goals may be surprising. This fact may lend support to those who believe an American Foreign Legion is a viable option, because it would in their view make the military a more efficient tool of foreign policy.

The idea of the civil-military gap has been written about by many throughout history including Sun Tzu and Carl von Clausewitz. The more recent American focused works include Samuel P. Huntington, Morris Janowitz, and Samuel E. Finer. Although many debate the degree and importance of the civil-military gap, few challenge its existence.

Morris Janowitz's basic premise in *The Professional Soldier* is that by ensuring the military and civilian world converged in regard to social norms it will assist with maintaining balance between the civilian and military leadership. His support of the use of conscription and reliance on the Reserve Officer Training Corp (ROTC) to supply the bulk of the officer core would ensure that the military and civilian populations would be similar enough to ensure continued civilian control of the military through shared "civilian" values.³⁶ Janowitz's model is substantially similar to the "citizen soldier" model that has been considered the standard since the revolution.

Some academic and military leaders have argued that this model was rendered obsolete with the end of the draft in 1974. Elliot Cohen has been the most vocal in his insistence that the American citizen soldier has disappeared. In his aptly titled article *Twilight of the Citizen Soldier*, Cohen writes:

³⁵ Peter D. Feaver and Christopher Gelpi, *Choosing Your Battles: American Civil-Military Relations and the Use of Force* (Princeton and Oxford: Princeton University Press, 2004), 21.

³⁶ Morris Janowitz, *The Professional Soldier* (Glencoe, IL: The Free Press of Glencoe, Illinois, 1960).

There are various possible explanations for the persistence of the ideal of the citizen-soldier years after his disappearance as a real phenomenon. We may have here the lag inevitable as a generation that grew up with one powerful and evocative reality is unwilling to set it aside. It is possible that the notion of the citizen-soldier is somehow rooted deeply in the nature of democracy itself. Conceivably, as well, Americans may be unwilling to confront in a direct way the consequences of having a large and powerful military—the military, after all, that polices the world—which is not composed of citizen-soldiers.³⁷

If Cohen is to be believed, and in fact the citizen soldier is a relic of the past, then Janowitz's model of minimizing the civil-military gap by maintaining the citizen soldier model may have become less relevant in an era of the professional forces—assuming that “professional” military values are seen as antithetical to “civilian” priorities.

This leaves us with Huntington's theory of “objective civilian control” whose basic premise is that the loyalty of a professional military is guaranteed by the fact that its professional value system constrains its political ambitions. The civilian leadership in turn respects military professionalism because it values an effective fighting force. Huntington states in his opening chapter that: “The modern officer corps is a professional body and the modern officer a professional man. This is, perhaps the most fundamental thesis of this book.”³⁸ Although many academics have argued against Huntington's theory since it was first published in 1957, it has stood the test of time.

The primary arguments against the Huntington model are twofold. The first is that conscription would require a foreign policy that is supported by the American people; the establishment of an American Foreign Legion would likely make implementing a more unpalatable foreign policy possible. The second general objection to Huntington's model is the segregation of the U.S. military from the civilian population. The segregation and the growing divide in “values” would only be exasperated by a group of foreign mercenaries, who have no tie to the American society except of the professional cadre directing their actions.

³⁷ Eliot A. Cohen, “Twilight of the Citizen-Soldier” *Parameters*, 31 (Summer 2001): 27.

³⁸ Samuel P. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations* (Cambridge: Harvard University Press, 1957), 7.

If one were to look objectively at the United States military today, it is clearly not based on a citizen-soldier model as traditionally defined. Since the end of the draft in 1974, the United States has participated in major conflicts in Panama, the First Gulf War, Somalia, peace keeping operations in the former Yugoslavia, the war in Afghanistan, and the second war in Iraq. The only people who served, or are still serving in these conflicts, are individuals that volunteered to join a professional military organization.

Currently, civil-military relations in the United States appear to be relatively friction-free since the creation of the all volunteer military. There is little support for a reinstitution of conscription within the military or civilian leadership. And according to Peter Feaver and Christopher Gelpi, there is a minimal civil-military gap in regard to operational decisions made by military commanders.³⁹ If all of this holds true, the establishment of an American Foreign Legion may not have a significant effect on the civil-military gap, if indeed it is viewed as an operational issue. Some similarities could be drawn from the marginal support that private military contracting has seen since the American peace enforcing operations in the former Yugoslavia republic. Most Americans do not particularly like the idea of private military companies but have viewed them as a necessary evil to fill in capability gaps that exist in the U.S. Military. However, the pendulum of support has been shifting away from these private military contractors since early in the second Iraq War.⁴⁰

The effect on the civil-military gap by the establishment of an American Foreign Legion would largely be determined by how the American public viewed an American Foreign Legion. Some would surely argue that an American Foreign Legion is simply an operational element of the United States military, not significantly different than a regular infantry brigade. Others would undoubtedly argue that an American Foreign Legion is a dramatic shift in domestic and foreign policy and therefore would expand the civil-

³⁹ Peter D. Feaver and Christopher Gelpi, *Choosing Your Battles: American Civil-Military Relations and the Use of Force* (Princeton and Oxford: Princeton University Press, 2004).

⁴⁰ Allison Stanger, *One Nation Under Contract* (New Haven :Yale University Press, 2009).

military gap. Of course we cannot guarantee which way an American Foreign Legion would be portrayed, but it would likely fall somewhere in between the two landing closer to an operational decision made by military commanders.

B. MILITARIZING FOREIGN POLICY

Today as never before in their history Americans are enthralled with military power. The global military supremacy that the United States presently enjoys – and is bent on perpetuating – has become central to our national identity. More than America’s matchless material abundance or even the effusions of its pop culture, the nation’s arsenal of high-tech weaponry and the soldiers who employ that arsenal have come to signify who we are and what we stand for.⁴¹

While Andrew Bacevich’s 2005 statement may have lost some of its cogency in the intervening years, many domestic and international foreign policy experts believe that American foreign policy has already become overly militarized.⁴² The creation of an American Foreign Legion would undoubtedly risk further promoting that perception. The United States military currently has over 200,000 troops deployed in support of operations in Afghanistan, Iraq, Korea, Philippines and the Horn of Africa. This number represents a significant portion of the United States Armed Forces. The presence of American troops stationed overseas dates predominately from the beginning of the Cold War.

Currently, the United States Department of Defense divides the world into Geographic Combatant Commands (GCC). These commands are led by a four star general or admiral and are essentially responsible for any military operations in that sphere. The idea of breaking the world into combatant commands is a uniquely American concept and is not well received by many nations. Currently, two of these GCCs, USCENTCOM and USAFRICOM, are involved in shooting wars in Afghanistan and Libya, respectively, while the rest are constantly preparing for a major regional

⁴¹ Andrew J. Bacevich, *The New American Militarism: How Americans are Seduced by War*, (New York: Oxford University Press, 2005) 1.

⁴² See Chalmers Johnson, *The Sorrows of Empire: Militarism, Secrecy, and the End of the Republic*, (New York: Metropolitan Books, 2004); Carl Boggs, *Masters of War: Militarism and Blowback in the Era of American Empire*, (New York: Routledge, 2003); Clyde Prestowitz, *Rogue Nation: American Unilateralism and the Failure of Good Intentions*, (New York: Basic Books, 2003).

contingency. This omni-present American policy has certainly assisted with crafting a more militarized foreign policy, and is much maligned throughout the world. Regional ill will manifested itself most recently when, after establishing USAFRICOM, the Department of Defense was unable to acquire permission to locate their command anywhere on the continent of Africa even after offering significant financial incentives to any host country that would accept it.

The GCCs, which possess capabilities that far exceed those of the State Department, offer another indication of an increasingly militarized American Foreign Policy. The fact that we are currently engaged in combat operations in Afghanistan, Iraq and Libya is another indicator that, for good or evil, the military option remains central to the conduct of American Foreign Policy. The establishment of an American Foreign Legion would undoubtedly be opposed by some as another step in liberating the executive branch to wield the military option without fear of a domestic political backlash caused by the potential for U.S. casualties.

C. AMERICAN VIEW OF CITIZENSHIP

The American view of citizenship is a fairly broad idea that cannot be exactly defined. In his paper, Roger Smith advances a number of generally held ideas. One he defines loosely as the Liberal citizen is summed up by President Wilson:

President Woodrow Wilson articulated it deftly in a 1915 address to newly naturalized citizens, who had just sworn allegiance to the United States. Wilson told the new Americans that they had vowed loyalty "to no one," only to "a great ideal, to a great body of principles, to a great hope of the human race." He urged them to think of America, but to "think first of humanity," so as not to divide people into nationalistic "jealous camps."⁴³

Another description has been presented by Judith Shklar's book on American citizenship:

The dignity of work and of personal achievement, and the contempt for aristocratic idleness, have since Colonial times been an important part of American civic self-identification. The opportunity to work and be paid an

⁴³ Rogers M. Smith. *The Meaning of American Citizenship*, (A Bicentennial Chronicle, Fall 1985, published by Project '87 of the American Political Science Association and American Historical Association).

earned reward for one's labor was a social right, because it was the primary source of public respect....citizenship must always refer primarily to nationality.⁴⁴

The general notion of personal achievement and the right of self determination is the cornerstone of American citizenship, and it is in contrast to the more European version of citizenship as a birthright having more to do with blood, religion, language and ethnicity.

The relative openness of the United States and our historical reluctance—not least in the U.S. military—to segregate foreign nations into separate units makes the prospect of having a U.S. foreign legion seem at least paradoxical, if not in contradiction to our basic principles. It is probable that some Americans would object to the idea just as a matter of principle, while others might liken it to indentured servitude. America was founded and nourished by immigrants, many from poor lands who were willing to perform menial jobs in return for the prospect that they or their descendants could prosper. A trip today to any agricultural destination and the overwhelming presence of Latin American workers illustrates this point just as in previous generations a trip to a coal mine or steel mill would have revealed the preponderance of other immigrant groups.

The American inclusionary view of citizenship and current and past U.S. military practice that incorporates potential immigrants into regular units may make the idea of an American Foreign Legion unpalatable to some. Others, however, may conclude that a U.S. Legion falls into the category of an entry-level job normally assumed by immigrants, and as a reasonable way for a foreign national to prove his or her allegiance to the United States.

D. CURRENT U.S. POLICIES ON NONCITIZENS IN THE MILITARY

Currently, there are approximately 35,000 noncitizens serving in the United States Armed Forces. In 2005, the Navy had approximately 15,880 noncitizen Sailors, the

⁴⁴ Judith N. Shklar, *American Citizenship: The Quest for Inclusion*, (Cambridge: Harvard University Press, 1991) 1–2.

Marine Corp had 6,440 noncitizen Marines, the Army had 5,590 noncitizen Soldiers, and the Air Force had 3,056 noncitizen Airmen.⁴⁵

The practice of foreign citizens enlisting in the United States military is nothing new. During the entire history of the United States, noncitizens have been allowed in some capacity to serve in the United States Armed Forces. This policy has allowed the U.S. military to recruit linguistic and area expertise from native populations. The policy of recruiting noncitizens has also allowed the U.S. military significantly to expand its recruiting pool.

The current policy of recruiting noncitizens does require that the individual be a Legal Permanent Resident (LPR). Non-citizen volunteers cannot have a temporary residency visa, nor can they be an illegal-immigrant. Because census data does not distinguish between each of the types of visas, and because the illicit nature of illegal immigration makes exact numbers difficult to determine, the census has estimated that there are approximately 1.5 million LPRs living in the United States between 18- and 24-years old. Considering the total recruiting goal of the U.S. military is less than 200,000, the high number of available LPRs is significant.⁴⁶

It is unlikely that the United States will ever openly accept illegal immigrants serving in the United States Armed Forces. The recent failure of the Development, Relief and Education for Alien Minors (DREAM) act in the United States Congress only serves to illustrate that point.⁴⁷

If an American Foreign Legion were established, the current policy on noncitizens serving in the United States Armed Forces could stay the same. An American Foreign Legion would be prohibited from recruiting LPRs and American citizens in order

⁴⁵ Anita U. Hattiangadi et al., "Non-Citizens in Today's Military: Final Report," CRM D0011092.A2/Final (Alexandria, VA: CNA, April 2005).

⁴⁶ Ibid.

⁴⁷ Lisa Mascaro and James Oliphant, "Dream Act's failure in the Senate derails immigration agenda," *Los Angeles Times*, December 19, 2010.

to ensure that the current Armed Forces recruiting pool is not reduced. This fairly simple policy would ensure that there was no competition for recruits between the U.S. Armed Forces and the AFL.

E. APPEARANCE OF IMPERIALISM/COLONIALISM

Perhaps the most unpalatable aspect of an American Foreign Legion would be the appearance of colonialism. History shows that foreign forces were often used as the tools of colonial powers. The French Foreign Legion was central in attempting to maintain control of France's possessions in North Africa and Indochina. The French Foreign Legion was also "given away" to Spain in 1835. It also was considered as a stay-behind force in both Mexico in 1867 and Algeria in 1960.⁴⁸ The British used the Gurkhas in Malaya, India, Afghanistan and elsewhere.

The association of colonialism with these surrogate forces is a result of these forces being actively used to extend the reach of colonial powers. Often these foreign forces were the ones most encountered by indigenous populations. This was primarily because of the foreign forces' proximity to the local population and the propensity of colonial powers to garrison surrogate forces at the limits of empire. In the absence of surrogate forces, the regular armed forces of the colonial country would become more closely associated with colonialism, much in the way many people (particularly in the Arab world) view the United States military today.⁴⁹

The appearance of colonialism is obviously an important aspect when considering establishing a surrogate fighting force. It is probable that the stigma of colonialism is intertwined with foreign legions. It is also possible that disentangling the two could be insurmountable. The association of the colonialism and surrogate forces would likely be used by anyone to discredit the idea of establishing an American Foreign Legion. But if

⁴⁸ Douglas Porch, *The French Foreign Legion: A Complete History of the Legendary Fighting Force* (New York: HarperCollins Publishers, 1991).

⁴⁹ See Byron Farewell, *The Gurkhas*, (New York: W.W. Norton & Company, 1984); Arther Ferrill, *The Fall of the Roman Empire: The Military Explanation*, (London: Thames and Hudson Ltd, 1986); Douglas Porch, *The French Foreign Legion*.

the world already views the United States as an imperial power and the U.S. military as an occupying Roman Legion, then the colonial image of a potential American Foreign legion may be a mute point.

F. U.S. MANNING OF AN AMERICAN FOREIGN LEGION

Providing U.S. military personnel to man a foreign legion would be a difficult task. Some of the initial issues would be identifying who would be eligible to serve in the foreign legion. There would of course be resistance from any unit that felt the foreign legion was taking their top talent. The requirement to live in an austere location for periods of up to five years may make the recruiting pool relatively small. The requirement to live and work with such a diverse international group would also limit the number of applicants. Another obstacle to manning an American Foreign Legion would be the perceived impact on individual careers.

Most of the U.S. manning for an American Foreign Legion would likely come from The United States Special Operations Command more specifically United States Army Special Forces (USSF). USSF conduct the vast majority of Foreign Internal Defense (FID) training with allied nations throughout the world. This vast experience and integrated language and cultural expertise make USSF the most logical choice. USSF could not fill the manning requirements of an American Foreign Legion without rapid growth (which is unlikely due the recent increase in USSF). The establishment of an American Foreign Legion would also require support from the conventional side of the U.S. Army or the U.S. Marine Corp. Although support from the U.S. Marine Corps could infuse good leaders and different institutional norms, it is extremely unlikely the U.S. Marine Corp leadership would support an American Foreign Legion. Marine Corp leadership just recently assigned personnel to Special Operations Command and generally view the integrity of Marine Corp units as sacrosanct. This leaves the conventional side of the U.S. Army as a potential recruiting source. The proposed light infantry structure of the American Foreign Legion would further limit the recruiting pool to infantry qualified Commissioned and Non Commissioned Officers (NCO).

If the American Foreign Legion recruited junior leaders from U.S. Army Infantry units, a few problems may arise. The first would be the time honored practice of “passing the trash.” The practice of passing lesser quality soldiers to other units is a practice that no unit will admit to, but every unit does on a regular basis. This practice could be minimized by establishing a selection and evaluation process for individuals wishing to serve in an American Foreign Legion. Another common occurrence when establishing a new “elite” unit within an organization is the siphoning of top talent. Again this problem can be mitigated by ensuring the widest possible recruiting pool and limiting the number of individuals selected from any individual unit. By ensuring that every potential American Foreign Legion leader was fully aware of the austere nature of his assignment, unqualified individuals would likely simply opt-out of joining the AFL.

A significant and possible insurmountable issue would be establishing an approved American Foreign Legion career path for Officers and Non Commissioned Officers. The current Army promotion system is based on an individual officer or NCO following a tightly defined career path. The “gates” that one must pass through are defined as Key and Developmental (KD) positions. Currently these are a narrowly defined set of jobs that consume that vast majority of an individual’s time in operational units. An individual that fails to perform satisfactory at each rank in a KD position will most likely not be promoted to his or her next rank. This institutional hurdle is more problematic than just creating KD positions within the American Foreign Legion. The senior officers that are members of the promotion boards will likely view any job that was not KD when they were serving at their lower rank as a comparatively lesser position. This promotion process cannot self correct. The people who were promoted and now are members of promotion boards see nothing wrong with a system in which they were successful, so the likelihood of an officer or NCO serving with an American Foreign Legion being promoted fairly is minimal. This shortcoming is nothing new in the U.S. Army, but the issue may be magnified with the creation of an American Foreign Legion.

The United States Army could assign leadership to a Foreign Legion without significant issue. However, if the Army did not support the establishment of an AFL, the

bureaucratic nature of the Army could make manning difficult and ensure personnel assigned were regularly passed over for promotions. If the senior leadership of the U.S. Army supported the establishment of an American Foreign Legion, the manning and personnel issues would not be a significant obstacle.

V. CONCLUSIONS

There would be numerous tactical and operational advantages to establishing an American Foreign Legion. The most significant would be the ability to deploy American controlled forces for long durations to deal with low intensity conflicts. The infusion of cultural and linguistic experts, who are willing to serve in remote austere conditions for years, is likely the best tool in combating a world in which the primary method of warfare is regional insurgencies. The continuity of a Foreign Legion will allow military leaders to focus on long-term goals instead of short-term ones. If military leaders knew they were going to be deployed in an area indefinitely, the establishment of close ties with the local population would become immediately and critically important. This of course is the corner stone of any effective counterinsurgency. The realization that an individual unit can be held singularly responsible for all of the successes or failures in a given area will likely ensure the long term goals of security and stability will outweigh the short term goals of killing insurgents or disrupting networks.

But these tactical advantages of creating an American Foreign Legion would be overshadowed by the huge strategic challenges that establishing an AFL would create. The biggest issue would be the appearance of imperialism. The “War of the Story” is being lost every day by America in the Muslim world, because the dominate narrative is the “clash of civilizations” between Islam and the West that dates at least to the Christian Reconquista of the Iberian Peninsula dating from the ninth century, through the Crusades, European imperialism, and finally the establishment and support by the United States of the State of Israel. American Forces are constantly outmaneuvered by our adversaries in the media, and regularly our Information Operations only manage to snatch defeat from the jaws of victory. The establishment of an American Foreign Legion would be shown throughout the world as another example of American imperialist intentions, realized through the recruitment of mercenary forces. Another obstacle that could indeed be insurmountable would be the negative reaction by some Americans to the idea of creating an American Foreign Legion. Americans have historically been an egalitarian society that offers opportunity to immigrants, who join the U.S. Army Forces as equals, not to

become part of a military ghetto. The very idea of using foreign mercenaries to fight our conflicts offends the core principles of many Americans. The nations that have created foreign legions—France and Spain—have different values, created them in the exceptional circumstances of imperial ventures, and have always included large numbers of their own nationals in their ranks. They stood out in the past because they were professional units in overwhelmingly conscript armies whose main task was homeland defense. Today, with the professionalization of all armies, the lack of a threat in Europe, and the inclusion of foreigners in the ranks of regular units in Spain in particular, they survive as historical and professional curiosities rather than as potent tools of power projection. Likewise, the two battalion strong Brigade of Gurkhas endures in the British Army as a colorful relic of empire. And while they have served in various British peacekeeping and peace enforcement operations, they supplement, rather than substitute, for British forces.

The strategic issues in creating an American Foreign Legion are compounded by the current economic and political conditions in the United States and particularly within the U.S. military. The current focus on the U.S. national debt and the recent indications from the Executive and the Legislative branches of the federal government indicate that within the next decade the defense budget will be reduced. It is unlikely the Department of Defense will create new organizations, while in the midst of downsizing. This coupled with a fairly weak national economy and high unemployment would combine to make the replacement of military units manned by U.S. citizens with “foreign mercenaries” would be a controversial move.

It is with all of these considerations in mind that the United States should not establish an American Foreign Legion at this time. There may come a time in the future where budgetary restrictions make a Foreign Legion a more viable option. But currently it is an ill-advised option, fraught with security risks, that would be difficult to justify domestically and internationally, that could make our current struggles with transnational terrorism more difficult.

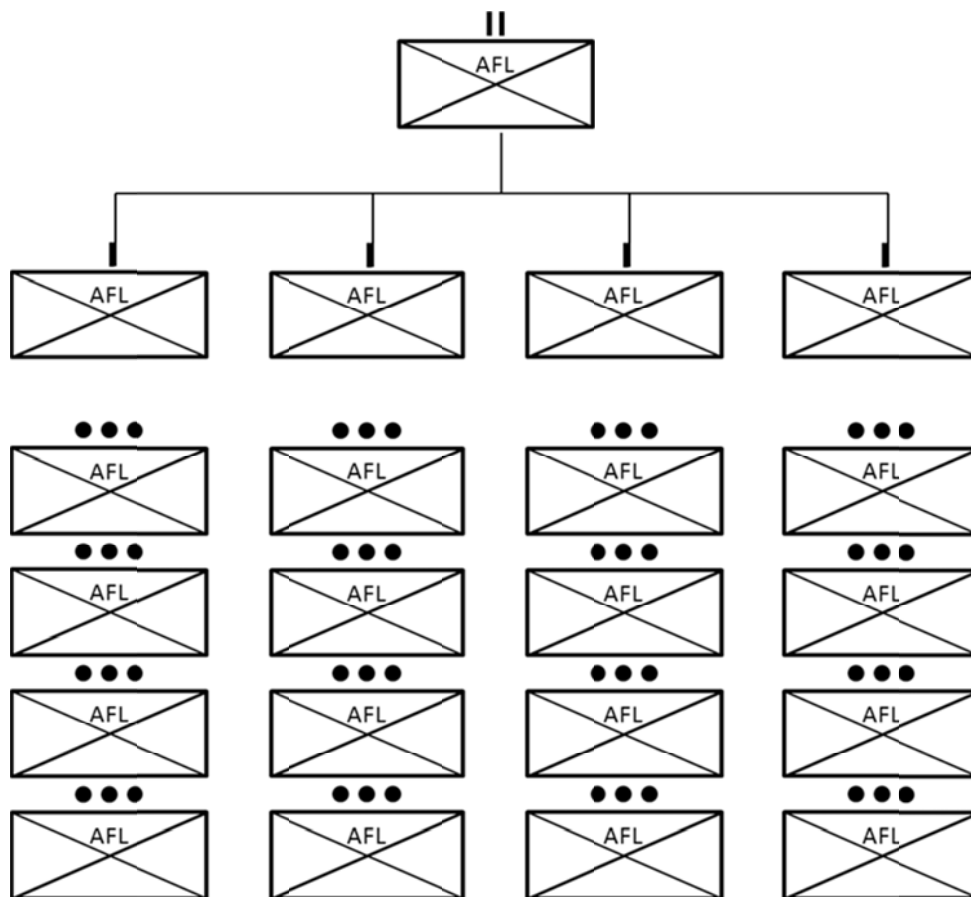


Figure 1. American Foreign Legion Battalion Organizational Chart

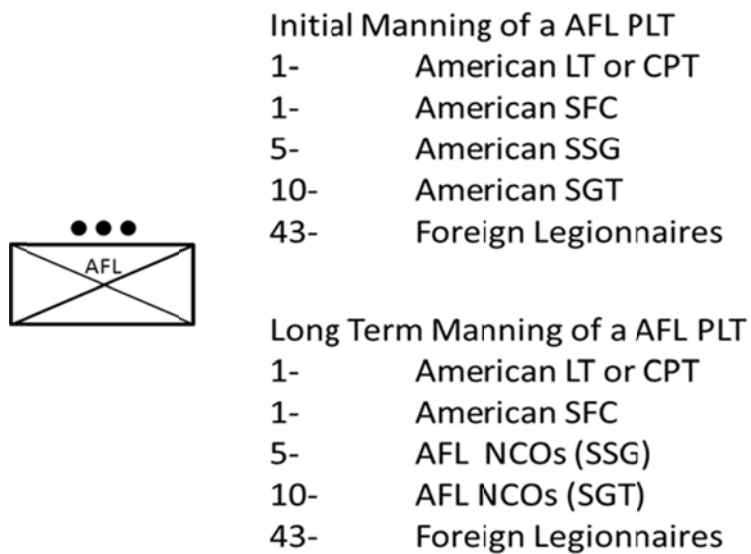


Figure 2. American Foreign Legion Platoon

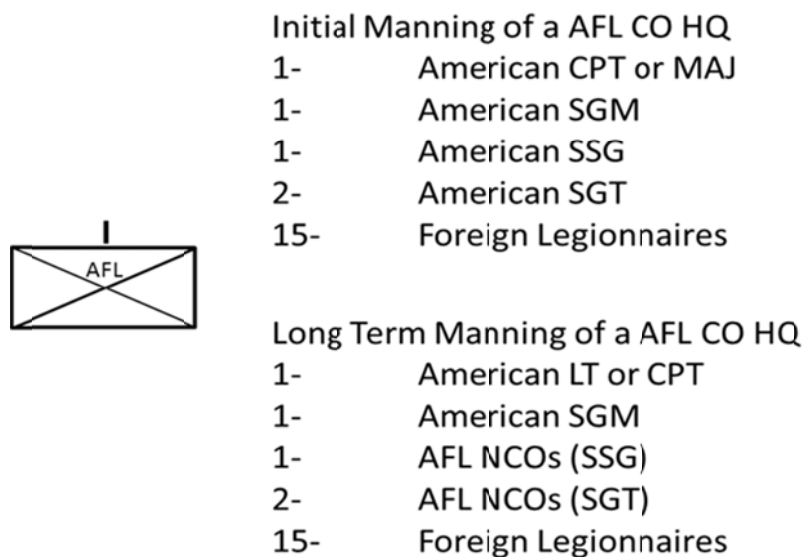


Figure 3. American Foreign Legion Company HQ

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