

(b)(6) - OMPF PERSONAL DATA

COMMANDANT'S GUIDANCE

DO NOT STAPLE
THIS FORM

The completed fitness report is the most important information component in manpower management. It is the primary means of evaluating a Marine's performance and is the Commandant's primary tool for the selection of personnel for promotion, augmentation, resident schooling, command, and duty assignments. Therefore, the completion of this report is one of an officer's most critical responsibilities. Interest in this duty is the commitment of each Reporting Senior and Reviewing Officer to ensure the integrity of the system by giving close attention to accurate marking and timely reporting. Every officer serves a role in the scrupulous maintenance of this evaluation system, vitally important to both the individual and the Marine Corps. Inflationary markings only serve to dilute the actual value of each report. Reviewing Officers will not concur with inflated reports.

A. ADMINISTRATIVE INFORMATION							
1. Marine Reported On:							
a. Last Name	b. First Name	c. MI	d. SSN	e. Grade	f. DOR	g. PBOS	h. BLSMOS

(b)(6) - OMPF PERSONAL DATA

1. Marine Reported On:
a. Last Name

b. First Name

c. MI

d. SSN

2. Occasion and Period Covered:

a. OCC

b. From

To

(b)(6) - OMPF PERSONAL DATA

NAVMC 108482 (Rev. 1-88) (NN 23)

PAGE 1 OF 3

COMMANDANT'S GUIDANCE

**DO NOT STAPLE
THIS FORM**

The completed fitness report is the most important information component in manpower management. It is the primary means of evaluating a Marine's performance and is the Commandant's primary tool for the selection of personnel for promotion, augmentation, resident schooling, command, and duty assignments. Therefore, the completion of this report is one of an officer's most critical responsibilities. Inherent in this duty is the commitment of each Reporting Senior and Reviewing Officer to ensure the integrity of the system by giving close attention to accurate marking and timely reporting. Every officer serves a role in the scrupulous maintenance of this evaluation system, ultimately important to both the individual and the Marine Corps. Inflationary markings only serve to dilute the actual value of each report. Reviewing Officers will not concur with inflated reports.

A. ADMINISTRATIVE INFORMATION

1. Marine Reported On:

a. Last Name b. First Name c. MI d. SSN e. Grade f. DOR g. PMOS h. BILMOS

(b)(6) - OMPF PERSONAL DATA

1. Marine Reported On:
a. Last Name

First Name

c. MI

d. SSN

2. Mission and Period Covered:
a. Location
b. From
To

(b)(6) - OMPF PERSONAL DATA

1. Marine Reported On:
a. Last Name

First Name c. MI d. SSN

2. Occasion and Period Covered:
a. C b. From To

(b)(6) - OMPF PERSONAL DATA

1. Marine Reported On:
a. Last Name

First Name c. MI d. SSN

2. Occasion and Period Covered:
a. C b. From To

(b)(6) - OMPF PERSONAL DATA

1. Marine Reported On:
a. Last Name

First Name c. NU d. SSN

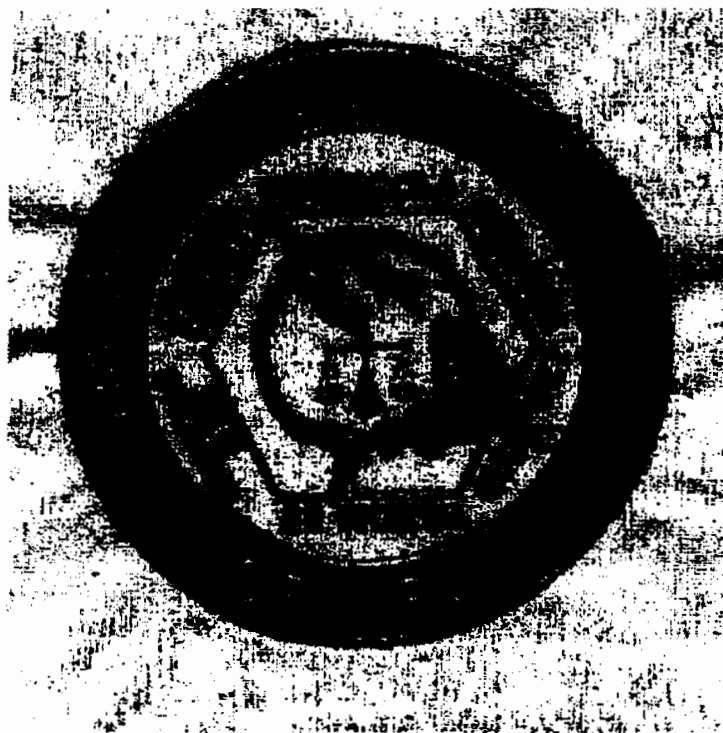
2. Commission and Period Covered:
a. OC b. From To

(b)(6) - OMPF PERSONAL DATA

**RESPONDENT'S EXHIBITS FOR
BOARD OF INQUIRY ICO**

(b)(7)(C)

(b)(6) - SSN [REDACTED] /0602 USMCR



RESPONDENT'S EXHIBIT A

OUTLINE OF CAAT OPERATIONS

1. Coordinated Call For Fire Classes, extra field time, and weapons and tactics classes with the instructors at 29 Palms and my SNCOs. Set up times for my NCOs to use the Call for Fire Simulators the CAX instructors used, and ran classes from it.
 - A. My platoon was constantly training, PT or holding classes.
 - B. Talked to [REDACTED] several times to learn CAAT tactics from him
 - C. Spent several hours doing CFF with myself and the Company Fos.
 - D. Had [REDACTED] give the platoon extra MOUNT Classes and practice at night.
 - E. Made the NCOs and CAAT Section Leaders give classes on first aid, CAAT tactics, urban warfare, navigating in a vehicle at night, RTO procedures (my radio operator made a cheat sheet for everyone), and we built hanging racks for gear on my vehicles (my Marines did that).
 - F. DC had (b)(7)(A) [REDACTED] and [REDACTED] put together a platoon box with valid SOPs and manuals; to include, Machine Guns and Machine Gunnery (DC), MOUT and Urban Warfare (DC), Infantry Tactics (DC), a couple copies of the CAAT SOP (DC), a laminated CYZ-10 manual (DC), info on field expedient antennas (DC), along with other manuals on MG maintenance, etc from my Sergeants.
2. While in Kuwait, DC had his Sergeants create a twenty by ten foot terrain model of Al Kut to brief my Marines. Conducted a overall description of the area, along with showing where the current units and trouble areas. [REDACTED] used the model afterwards.
3. 4-29 DC was [REDACTED] XO (Security Officer) for the stick one convoy—45 vehicles—moving from Kuwait to Al Kut. As such, DC wrote about half of the convoy order to move to Al Kut.
4. Was in charge of security for stick one.
 - A. With [REDACTED] planned navigation.
 - B. With [REDACTED], developed tactics for point, center, and middle security.
 - C. Briefed tactics to security personnel
 - D. Briefed 200+ Marines of the convoy of the security and maneuver aspect of it.
5. 4/30-5/1 [REDACTED] navigated the convoy up to Al Kut—two day drive; to include, correcting the point security's big navigation error (they took the wrong road) and setting up security for the convoy at night while at Camp Viper.
6. While at Blair Airfield, ran informal decision making classes with NCOs, to keep their minds focused—did this one man at a time.
7. 5/4 Evening. Took part in first patrol with 2/8 and several Weps SNCOs. Did a hasty raid of a building with possible Iraqi criminals.

8. Camp Rebel/Tiger. Went with 2/8 on three more patrols (two vehicle/one on foot) as an observer to learn the territory.

9. When Weps took over Camp Rebel suggested and or implemented the following defensive improvements:

- A. Machine Guns on the roofs covering the local neighborhood and dead space.
- B. Suggested pushing the perimeter out 30 m (out of grenade range) and berming/concertina wiring it off. [REDACTED] and [REDACTED] implemented those D arrangements.
- C. Ensured no Marines slept on vehicles in CAAT, since DC learned from 2/8 that they lost some men that way.

10.5/5 Took part in first two vehicle patrol for CAAT, more of a leader's recon, [REDACTED] navigated first one, DC navigated second.

11. 5/6-7 Five patrols a day, except on the 7th with only one [REDACTED] walked on one or two [REDACTED] remembered we enforced the curfew on one night--and rode in three others.)

A [REDACTED] walked to observe the NCOs and rode to critique the navigation, leadership, and tactics of my NCOs.

C. The 2/8 Platoon Commanders did the same thing: they went along to lead by example and spot check. DC didn't say anything on patrol--just let the Cpl (s) do their jobs (Dunn sometimes took over aspects of the patrols he was on, which was irritating.)

D. During one of the patrols, [REDACTED] was the Patrol Leader, DC coordinated with local Iraqis concerning some injured children. They had burns on their hands and face. DC directed them towards the hospital.

12. 5/7 CAAT begins guarding the ASP Talk with [REDACTED] about how to best coordinate the several missions we are doing -- ASP duty and patrols. He sets up a rotating patrol schedule.

13. 5/9-11 Bomb threat to the local TV/HF radio station. [REDACTED] put together, brief, and lead a two squads of 81s/Javs and 1 CAAT Team (squad) to guard the station. When we got there [REDACTED] did:

- A. Coordinated with the two Iraqi men who ran the place.
- B. Coordinated with several Iraqi informers.
- C. Set up a defensive plan to partially block the main road in front of the pos in the day, and completely block it at night.
- D. Led two punitive foot patrols to seize several Iraqi youths who were hurling mortar/RPG parts at one of our guard post.
- E. Decided how to defend the position, to include a defense in depth.
- F. Was going to call for fire with flares one night when a lot of shooting was

occurring, but we were out of range by one click for the flares.

G. The top post of the building (three stories up) received fire from an Iraqi male, which we were going to return fire. [redacted] decided not to fire, since an American patrol (under [redacted]) moved into the area.

H. Ensured that the 50-100 kids and adults that crowded around to gawk at us were kept at a good distance away.

DC. Used Iraqi security guards to coordinate with the locals.

14. 5/12 Captured one Iraqi male—[redacted] led a react of one squad of 81s and a CAAT Team—at the first big explosion of the east ASP. [redacted] (thinks) in [redacted] team has his rifle butt hit by shrapnel. We brought the man to the Iraqi police dept. DC assisted [redacted] and an intel Marine as they interrogated the man for half an hour. The intel guy decided he wasn't a terrorist after interrogating for half an hour. [redacted] think the man demoed the bunker to try and get at the brass.

15. 5/12 With [redacted] squad foot patrol as an observer.

16. 5/13 Begin propane distribution. It continues throughout the month. The logbook said that we rapped it up on the 15th, but we did it off and on for at least two or three weeks. For a while we were handling two or three propane sites a day.

A. CAAT handled about three or four propane ops by ourselves; [redacted] was on two of them. Took [redacted] canalization setup one step further, by tightening the amount of control on the facility (laid a lot more concertina) We didn't have a problem.

B. [redacted] assisted [redacted] coordinate with the local Iraqi engineers on two or three different occasions to get the ops going.

C. [redacted] led a one vehicle QRF to assist [redacted] when shots were fired at his propane facility late in May. Provided vehicle cover as [redacted] captured two men who were having a gunfight with AK-47s. DC coordinated with Iraqi police when they arrived and a local who spoke English.

D. Assisted by providing water, supplies, etc to three or four other propane operations, sometimes in tow with [redacted]. Often listened to groups of Iraqis complaints.

17. Mid May. Lead the Support and Security element of Lima Company (+) sized raid on the clothing factory on the west side of town to seize arms. Coord with the Lima Company providing info on what he needed us to do.

A. Worked with [redacted] to develop a good plan to cordon off the area, ... he designed it, while DC tweaked it a little.

B. Gave a full five-paragraph order to the two CAAT Teams who were going [redacted]

C. Did a leaders recon (drive-by) with the Sgts and a couple Corporals who were going on the raid.

D. Convoyed the guys to the Lima Co CP the previous day, so we could be ready.

- E. CAAT Navigated the entire Co (+) to their positions.
- F. Cordoned off the area.
- G. Observed as militant Shiites paraded by us with Green, Red, and White flags.
- H. Quelled a potential riot of workers wanting to get into the factory.
- DC. Told [REDACTED] off (he was observing, yet again) when he didn't want to give me a radio.
- J. Convoyed everyone out.

18. About 5/15. Spec Forces request assistance, since they are going to disband the FIF (Free Iraqi Forces) at their base (the future Tiger). [REDACTED] led a reinforced CAAT team as a react to provide muscle with our guns. [REDACTED] is my SNCO. We stay awake throughout the night keeping an eye on FIF, but all is quiet.

19. 5/16 [REDACTED] leads a CAAT team down to Al-Surwayrah. [REDACTED] briefed him and observed while he briefed his Marines. He did an excellent job on the patrol!

20. Talk to [REDACTED] several times about briefing the 2 on possibilities for long-range patrols. No joy

21. Still doing the occasional (say two) sit-in with the vehicle patrols in the day or at night, but starting to back off as the Sgts are getting good at it. [REDACTED] starts to do the same.

22. 5/17 Move to Tiger. The drama begins.

23. 5/19 Told by [REDACTED] can't leave the compound, carry a rifle, or go on any patrols. Big explosions just north of us; initially thought it was a mortar squad walking rounds in on us: [REDACTED] moved to the northwest corner of the camp to try and see where the fire was coming from. Afterwards requested that we sandbag the windows and black out the CP at night: denied.

24. 19th-23rd [REDACTED] guys start to patrol new sectors (is J sector).

25. 5/25 Walked with [REDACTED] (81s) as an observer/extra gun. He and DC talk to a couple doctors at the hospital who complain of threats from police officers and worries of prescription drug abuse amongst the young in town. DC informed [REDACTED] of the intelligence.

A. [REDACTED] reported catching lots of people in the ASP.

26. 5/26. Led CAAT portion of a QRF that investigated rounds fired across the street. [REDACTED] team was with me. Several members of the teams cleared a building that supposedly was being rifled by the criminals. Talked to the locals, as best as we could, concerning the incident.

27. 5/27 Drive with [REDACTED] (CAAT 3) to support [REDACTED] sweep of the marketplace. A arrests a man for selling weapons. Crowd extremely restless. [REDACTED] isn't a very good patrol leader (most of my other Sgts were: [REDACTED] were good, while [REDACTED] were OK), so DC had him bail some guys out to keep an eye on the crowd and help Amorello's guys. DC dismounted also, to observe and assist.

28. Trying to ride on two vehicle patrols a week and walk on one, to both observe and coordinate with local Iraqis.

29. Throughout late May and June [REDACTED] gave a weekly Al Kut, War, Intell update. [REDACTED] talked to the guys in CAAT Teams. [REDACTED] would go to the guys in HET teams and pick their brains. After that he would answer questions and give them simple, direct answers.

A. Also, from about 5/19-5/29, [REDACTED] talked to [REDACTED] for about a day to pick his brains on grunt stuff. This was done for two reasons:

1. To learn
2. To develop a decent relationship with him. It slowly started to work.

30. 5/29 Big explosions ASP... CAAT pulls back.

31. 5/30 Weps about to move back to Blair Field to Egres. First Sergeant gives order to blow off all ammo but combat load (210 per man) and most of the 50 cal and Mk 19 rounds. [REDACTED] called [REDACTED] at the BN CP. The order is mistaken; we don't do a dumpex. [REDACTED] seemed very pissed (at [REDACTED] probably saved the company a lot of embarrassment and expense by not dumping the ammo.

32. Late May. [REDACTED] and a couple other guys set up the War Room, after [REDACTED] directs it. It is a series of laminated maps, covering the entire Wasit Province. [REDACTED] and [REDACTED] picked various places to begin long-range patrols to (LRRPs). They include:

- A. Iraqi ammo dumps.
- B. Towns.
- C. Major and Secondary road intersections that we hadn't traveled to.
- D. Areas that looked like good spots for ambushes along MSRs.

All patrols for CAAT or outlined on it with a grease pencil with the pertinent info.

33. 6/1 [REDACTED] led first long range patrol with [REDACTED] CAAT. We get within five miles of Baghdad. Noted the agricultural, trade, and possible ambush points along the road (there were a lot).

34. 6/2 Locals start blowing whistles when we drive by

35. June [redacted] starts putting LRRPs on the schedule for CAAT, along with ASP duty, and escorting anyone who needs it (patrols). CAAT also starts providing a stand-by team to help the Company on QRF for our region. [redacted] discuss how to deploy them; he incorporates it into our schedule.

36. 6/2-6/5 Observed one vehicular patrol. CAAT is getting good!

37. 6/6 [redacted] led a combined CAAT Team and 81s/Javs Section down to Al-Hayy for weapons turn in. [redacted] was told to do it by [redacted] planned it, gave the Marines the order, led it, we went down there.

A. [redacted] coordinated with the Iraqi cops for 2 hours down there.

B. Briefed [redacted] on Al Hayy

C. DC gave the 81s SSgt a rough idea of the Defense needed, who took it from there.

D. We didn't collect a single weapon.

38. About 6/7-6/10. [redacted] led a QRF to find a "sniper" in the area by the Tarawa House (BN HQ at that time). [redacted] coordinated with STA in that area; it was a false alarm.

39. 6/10 Gigantic Explosion at ASP East. [redacted] pulled the men back to Tiger, since the position at the ASP was untenable.

40. 6/12 [redacted] looked for possible sniper across the river from Blair field.

41. 6/12-15 CAAT 2 [redacted] attached to Lima for a raid and recon to Babylon; they do an excellent job!!

42. 6/14-15 Stand-down since [redacted] pistol is stolen. [redacted] was going to lead a large op that day—a LRRP to the Iranian border)

43. 6/16 Lead a LRRP to Iranian border (CAAT 1 [redacted] with a bunch of Civil Affairs guys, to include a LtCol.

A. Tour the only checkpoint still operating on the border. Get a list from the SSgt running the place of what they need.

B. Drive through Badrah (border town). Coord with the police there. Get another list.

C. Provide security for the LtCol as he goes through town.

D. Tour a hospital—see that a lot of their drugs come from Iran.

E. Speak German with a one of the Iraqis up there.

F. Speak with a crowd of Iraqis, and write down their requests for power, work, etc.

G. Briefed [redacted] on all of this stuff when [redacted] get back. (Told brief is too

long)

44. 6/18 CAAT begins to provide detachments [redacted] to the line companies that are starting to patrol Al-Hayy. Brief CAAT 3 [redacted] on what is expected of him as an attachment.

45. Mid-June. [redacted] counsels all SNCOs and Sgts in my Platoon. It takes about two weeks: DC often drive out to where they are at and counsel them in the field. He focused on what they are doing well, a couple things to work on, and what they think of their men and if they have any ideas for tactics, logistics, etc. Some of the men aren't used to being counseled by an officer (ie [redacted]).

46. 6/20-21. [redacted] part of my platoon then returned to 81s as the Platoon Commander after complaining to [redacted].

47. May and June. [redacted] checked the lines every night, at different times, walking out with the Sergeant of the Guard. I think I was the only Officer or SNCO who does this, since [redacted] thanked me for doing it and I never saw anyone else do it.

48. 6/23. Working on CMR with [redacted] and the same three (the last time there were four) men were captured four times in an eight hour period in the Weapons' Company ASP. [redacted] felt concerned for the safety of the Weapon's Company Marines guarding the cache, along with the integrity of the Weapons stock of ammo. The Iraqis refused to leave, and the police would only release the men after a couple of minutes; consequently, on the fourth time, I picked the most humane manner to force the men to return to their homes and to deter them from future forays into the ASP—by stripping them of their outer clothing like Marines did to POWs in World War II and Korea.

49. 6/24. [redacted] led a QRF to search several buildings in a bad part of town where HET said shooting occurred.

- A. Led platoon sized element (CAAT and 81s)
- B. Cordoned and searched two separate apartment buildings.
- C. [redacted] coordinated the Assault (Search), Support and Security Elements while moving through tight urban terrain.
- D. [redacted] had some morphine stolen, tried to pursue thieves, but lost them.
- E. Crowd of Iraqis got agitated, fired a warning shot to disburse.

50. About 6/25-26 Missile Shoot in Nasariyah.

- A. [redacted] go as an observer, since [redacted] never saw TOWs or Javelins fired before.
- B. [redacted] watch [redacted] brief his guys before leaving for Nasariyah, then give a quick thumbnail of the op.
- C. [redacted] and [redacted] Coord with 2/25 Weps in Nasariyah.
- D. 2/25 fires around 10 Tows and 4 Javs: we do 4 and 4 (one of the Javs was a

dud).

E. As per [redacted] statement, the range OIC from 2/25 coordinated the extra firing with division.

E. The movement to Nasariyah, to and from the range, and back from Nasariyah (during a riot) was nicely done.

51 6/27 Walked with [redacted] patrol as an observer. Vehicle tries to speed through patrol—we stop it and search.

52 Platoon started to go to [redacted] in late June (6/25 first?) to escort fuel trucks.

A. [redacted] observed a brief on the night of the 24th with [redacted] to their NCOs, to make sure everything looked good. It did!

53. Late June. [redacted] decided to have the CAAT Team Sergeants start a log of explosions at the ASP

54. 6/28 [redacted], and a couple intel guys went to a small village out of town to talk to some sources. We shared a meal with the sources (about forty people), talked, listened, and learned about the local situation and customs.

55 6/28-29 Vehicle incident. It is the BN's first checkpoint: DC go to observe/lead [redacted] is the patrol leader).

56 7/1 [redacted] go to Al Hayy with [redacted] to check on CAAT 1. They are doing well—[redacted] has good things to say about them.

A. [redacted] talked to [redacted] about concerns with ASP

57. 7/1 Lots of shooting that night. [redacted] grab the CAAT and 81s QRF and we are ready to go out and get them. The QRF is stood down, since [redacted] doesn't think that anybody is shooting at us; yet, there was a ton of shooting in our general direction. [redacted] stands down the 81s, but doesn't tell me anything).

A. [redacted] began having some vehicles standing by in case the foot patrols ran into trouble in late June. A Sgt monitored the radios.

B. [redacted] that night about concerns with the large numbers of explosions at the ASP

57. 7/2 See [redacted] about the ASP East.

58 7/2 Standby to lead the QRF in case of problems.

59. 7/3 Relieved—worst day of my life.

60. 7/3-19 Work in the 2 shop with [REDACTED]

- A. Wrote intell reports
- B. Attended the intel meeting
- C. Met with local Shiite party members
- D. Met several times with local Iraqi chiefs to discuss issues.
- E. Tried to make sense out of a flood of intel from higher, so it can be used by the line units.
- F. Coord with Spec War, Sig Int, Mpa, Line Cos, and local Iraqis for ops.

61. 7/17-8/3 Work with [REDACTED] as FPS XO

- A. Train about 185 men in first class.
- B. Train about 150 men in second class
- C. Coord with Iraqi NCOs and SNCOs who teach the class
- D. Buy supplies from local (Iraqi) vendors
- E. Coord with interpreters.
- F. Began learning Arabic from John the Interpreter.
- G. PTed with John the interpreter.
- H. Ate meals with Iraqis.
- DC. Demonstrated the obstacle course.
- J. Checked the ASPs at night, with [REDACTED] to make sure the troops were doing

OK

K. Was out at night checking the men when Uday and Quasay were killed. Everyone in town started shooting and blowing stuff up. Our vehicles almost got hit a few times.

**RESPONDENT'S EXHIBITS FOR
BOARD OF INQUIRY ICO**

(b)(7)(C)

(b)(6) - SSN /0602 USMCR



RESPONDENT'S EXHIBIT B



UNITED STATES MARINE CORPS

1st Marine Division (Rein)
Camp Babylon, Iraq
UIC 39702
FPO AP 96426-9702

IN REPLY REFER TO:
5800
17/jal
26 Jul 03

THIRD ENDORSEMENT on (b)(7)(C) ltr 5800 MPT dtd 22 Jul 03

From: Commanding General, 1st Marine Division (Rein)
To: Commanding Officer, (b)(7)(C)

Subj: COMMAND INVESTIGATION OF INCIDENTS OF INAPPROPRIATE
TREATMENT OF IRAQI DETAINEES BY (b)(7)(C)
(b)(6) - SSN 70602 USMCR ON OR ABOUT 14 JUNE 2003 AND
29 JUNE 2003 AT AL KUT, IRAQ

Encl: (24) (b)(7)(C) ltr DWC:dwc of 16 Jun 2003

1. Readdressed and returned for action consistent with the investigating officer's recommendations, as modified and endorsed by the Commanding Officer. The subject line has been modified to accurately reflect the location of the incidents.
2. Enclosure (24) contains comments on a previous investigation into allegations of detainee mistreatment and the wrongful disposition of detainee property. Those comments addressed the recommendations contained in (b)(7)(C) 7 June 2003 investigation. Recommendations #1 and #2 specifically called for the battalion's assigned Army Military Policemen to train the Marines on the proper handling procedures for enemy prisoners of war, detainees, and civilian internees, and to incorporate those procedures into the battalion's Standing Operating Procedures (SOPs). (b)(7)(C) fourth recommendation stated that the battalion should "develop SOPs for handling confiscated monies and weapons, with emphasis on providing receipts, chain of custody, record of confiscation and disposition of property received". Enclosure (24) indicates that recommendations #1 and #2 were completed by 16 June 2003, and that the recommendations regarding property disposition were developed and pending formalization into the battalion's SOP. Presumably that information was disseminated to (b)(7)(C) Marines prior to the 29 June incident.

Subj: COMMAND INVESTIGATION OF INCIDENTS OF INAPPROPRIATE
TREATMENT OF IRAQI DETAINEES BY (b)(7)(C)
(b)(7)(C) /0602 USMCR ON OR ABOUT 14 JUNE 2003 AND
29 JUNE 2003 AT AL KUT, IRAQ

3. In light of the corrective actions cited in enclosure (24), the conduct described in (b)(7)(C) investigation is reprehensible and contradicts the 1st Marine Division's efforts to win the hearts and minds of the Iraqi people. (b)(7)(C) (b)(7)(C) actions affected more than just the Iraqi men he detained and humiliated, his actions negatively influenced the Marines under his supervision and may have caused unnecessary friction in the Al Kut community. Those who witnessed and participated in the detention, search, and burning of the Iraqis' belongings, under (b)(7)(C) orders, were given a terrible example of detainee handling procedures. Strong remedial measures must be implemented to ensure that the Marines understand the proper way to treat detained persons.

4. I concur with the findings, opinions, and recommendations of the investigating officer as modified and endorsed. The investigation is returned, so that you may pursue the administrative or judicial actions that you deem appropriate.

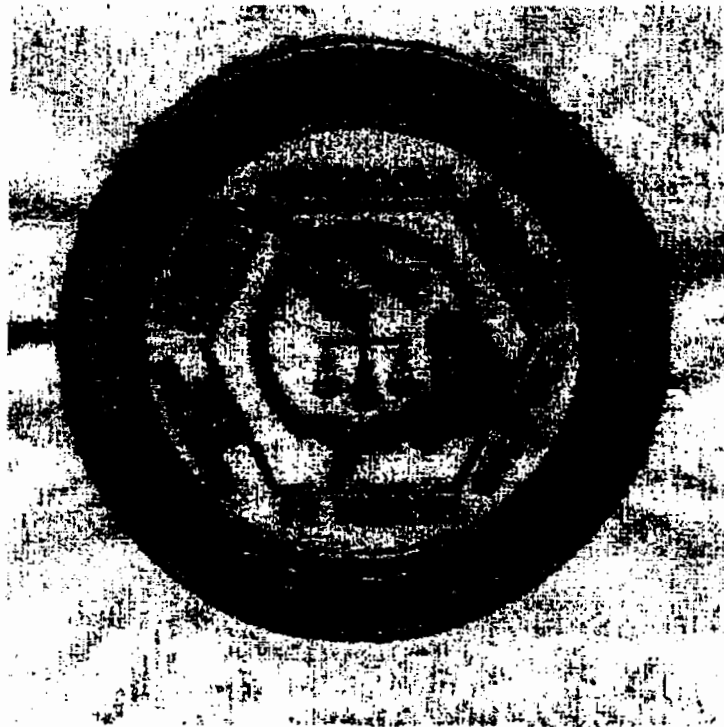
Copy to:
SJA

(b)(7)(C)

**RESPONDENT'S EXHIBITS FOR
BOARD OF INQUIRY ICO**

(b)(7)(C)

(b)(6) - SSN /0602 USMCR



RESPONDENT'S EXHIBIT

C



UNITED STATES MARINE CORPS

(b)(7)(C)

1st Marine Division, FMF
Al Kut, Iraq

5800
SJA
23 JUL 03

SECOND ENDORSEMENT ON (b)(7)(C) LTR 5800 MPT OF 22 JULY 2003

From: Commanding Officer, (b)(7)(C)
To: Commanding General, 1st Marine Division

Subj: COMMAND INVESTIGATION OF INCIDENTS OF INNAPPROPRIATE TREATMENT OF
IRAQI DETAINEES BY (b)(7)(C) (b)(6) SSN 0602 USMCR ON OR
ABOUT 14 JUNE AND 29 JUNE 2003

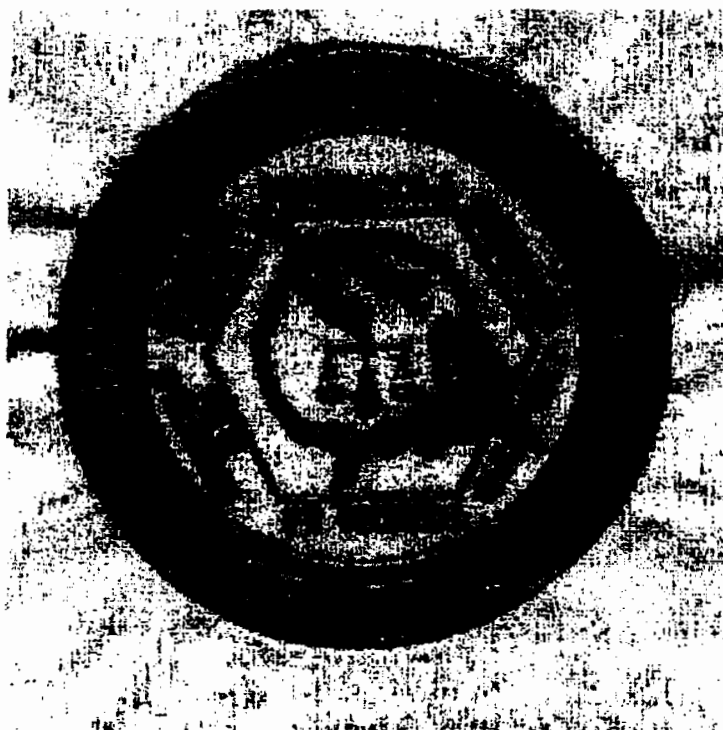
1. Forwarded with the following opinions and recommendations.
2. After reviewing the original correspondence and the SJA endorsement, I concur with the investigation. I also concur with the SJA opinion that recommendation (4) of the original correspondence has already been completed.
3. In the matter of the money referenced in Findings of Fact Nos. 11-13 and Paragraph (3) of the SJA endorsement, it is my opinion that an inquiry or investigation is not necessary. The amount of currency taken from the detainees is immaterial and (b)(7)(C) should be charged with violations of Article 92 of the UCMJ (2000 Ed.) for willful disobedience of references (1) and (2).
4. I concur with recommendations (1), (2) and (5) of the Investigation.
5. I concur with the SJA's recommendation in Paragraph (8) of the First Endorsement.
6. As for forum for handling these violations, I recommend:
 - a. (b)(7)(C) be charged as indicated above at Division Office Hours, followed by administrative separation proceedings per SECNAVINST 1920.6B; and
 - b. (b)(7)(C) be charged as indicated above at Battalion Office Hours

(b)(7)(C)

**RESPONDENT'S EXHIBITS FOR
BOARD OF INQUIRY ICO**

(b)(7)(C)

(b)(6) - SSN / 0602 USMCR



RESPONDENT'S EXHIBIT

 D



UNITED STATES MARINE CORPS

(b)(7)(C)

1st Marine Division, FMF
Al Kut, Iraq

5800
SJA (b)(7)(C)
22 JUL 03

FIRST ENDORSEMENT ON (b)(7)(C) LTR 5800 MPT OF 22 JULY 2003

From: Staff Judge Advocate, (b)(7)(C)
To: Commanding Officer, (b)(7)(C)

Subj: COMMAND INVESTIGATION OF INCIDENTS OF INNAPPROPRIATE TREATMENT OF
IRAQI DETAINEES BY (b)(7)(C) (b)(7)(C) /0602 USMCR ON OR
ABOUT 14 JUNE AND 29 JUNE 2003

1. Forwarded with the following recommendations.

2. After reviewing the original correspondence, I concur with the investigation. However, I disagree with recommendation (4). This recommendation has already been accomplished during Division mandated ROE refresher training. All Soldiers, Sailors and Marines of (b)(7)(C) were instructed in prisoner/detainee handling procedures, as well as instruction that company level authorization is required to confiscate anything, and a receipt must be provided to the owner. The undersigned officer personally conducted this training with all units between 2 July 2003 and 5 July 2003.

*Indicate took place
23 June*

3. Further investigation may be required into the money referenced in findings of fact Nos. 11 - 13. Those findings of fact indicate that (b)(7)(C) ordered (b)(7)(C) to confiscate an unknown amount of money. The findings of fact further indicate that at least some of this unknown quantity of money was turned over to (b)(7)(C). The investigating officer has not resolved the issue of how much money was confiscated and what happened to the money. As there is no evidence the Marines of (b)(7)(C) obtained any personal information on the Iraqi males, it is quite likely that the order was given by (b)(7)(C) to permanently deprive these men of the money. If so, (b)(7)(C) is not only a violation of references (1) and (2), but also a violation of Article 128 of the UCMJ (2000 Ed.). Further investigation into the matter of the money may be necessary to resolve whether (b)(7)(C) should be charged with violation of Article 128. The investigation does not have enough information to even determine if the amount of money was significant enough to warrant the effort of further investigation.

4. Regarding the incident involving the release of detainees referenced in Finding of Fact No. 7, I recommend an additional finding of fact reflecting the approximate point of release, 5-3 miles south of the ASP, is in a very remote area of desert. This fact is based upon a map study of reference (3) and is also common knowledge to almost all Marines in (b)(7)(C) including the undersigned, who have been to the ASP.

5. The investigating officer did not indicate how reference (1) was violated. However, examination of Paragraph 1-5 of reference (1) reveals that all detainees will be given humanitarian care from "... the moment they fall into the hands of U.S. Forces until final release or repatriation." Furthermore, the aforementioned reference clearly states that inhumane treatment "is prohibited and is not justified by the stress of combat or deep provocation." Under reference (1) inhumane treatment is a serious and punishable violation under international law and the Uniform Code of Military Justice." Paragraph 1-5 of reference (1) further provides that collective punishments and cruel and degrading treatment are prohibited. Finally, Paragraph 1-5 of

Subj: COMMAND INVESTIGATION OF INCIDENTS OF INAPPROPRIATE TREATMENT OF IRAQI DETAINEES BY (b)(7)(C) 0602 USMCR ON OR ABOUT 14 JUNE AND 29 JUNE 2003

reference (1) states, "All persons will be respected as human beings. They will be protected against all acts of . . . insults, public curiosity, . . . and reprisals of any kind."

6. The two incidents of 14 and 29 June 2003 are significant due to the language of reference (1) and (2). Both the Marine Corps order and the Geneva Convention highlight the prohibition against humiliating treatment of detainees. Another finding of fact that probably should be added to the investigation is the fact that culturally, the Iraqis are far more sensitive to being stripped down than Americans. Therefore, being forcibly stripped in public may psychologically be more humiliating to an Iraqi than an American.

7. The incident of 14 June 2003 is significant, because the detainees were abandoned without transportation in the middle of the desert outside of Kut, clearly endangering their safety and welfare.

8. The investigating officer recommended two charges of violation of Article 92 (violation of a lawful general order or regulation) for violating reference (1) during both the 14 June 2003 and 29 June incidents. I recommend two additional charges of violation of Article 133 (conduct unbecoming) and two charges of Article 92 (dereliction of duty), one for each incident.

9. The investigating officer failed to recommend a forum for handling the above violations of the UCMJ. From my experience, I believe that non-punitive administrative action or counseling is insufficient for these offenses. A more palatable forum is NJP followed by administrative separation processing through a Board of Inquiry. Also, as defined in reference (1) this matter is severe. Furthermore, the alleged conduct is a pattern of abuse of detainees in direct contravention to the Division Commanders policy of "No Better Friend, no worse enemy" as well as the law of war. SNO's conduct of publicly humiliating these Iraqis clearly jeopardized the Battalion's mission and the Battalion's standing with the public in Kut. Although there is no evidence of fallout from SNO's actions, these acts could have been a "tipping point" resulting in hostility against coalition forces. Furthermore, discomfort with being ordered to perform these actions and an inability to countermand the order of a superior commissioned officer are running themes in the statements of the sergeants and below. Therefore, Article 32 investigation followed by a general court-martial is also a palatable forum for this matter. An Article 32 investigation could provide the Commander with another neutral opinion to analyze the possible forums for this matter.

10. In any event, I recommend NJP for the charges referenced in Paragraph (8), above, followed administrative separation processing under SECNAVINST 1920.6B for:

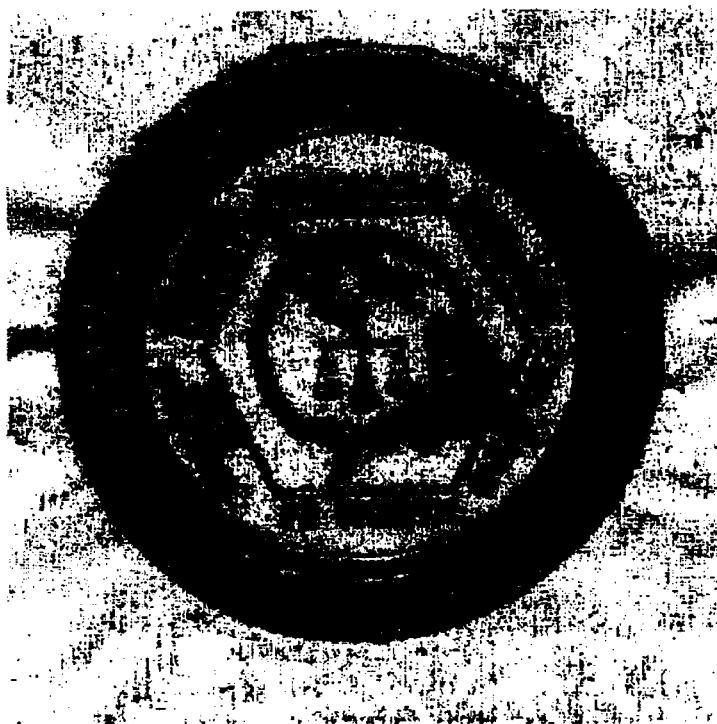
- a. Substandard performance of duty as evidenced by failure to demonstrate acceptable qualities of leadership required of the members grade;
- b. Substandard performance of duty as evidenced by failure to properly discharge duties expected of officers of the members grade and experience;
- c. Misconduct or professional dereliction which is unbecoming an officer as evidenced by commission of a serious offense, to wit: Articles 92 and 133 of the UCMJ (2000 Ed.).

(b)(7)(C)

**RESPONDENT'S EXHIBITS FOR
BOARD OF INQUIRY ICO**

(b)(7)(C)

(b)(6) - SSN / 0602 USMCR



RESPONDENT'S EXHIBIT E



UNITED STATES MARINE CORPS
 (b)(7)(C)
 1ST BATTALION DIVISION, 1ST USMC
 UIC 42410
 FPO AF 96426-2410

IN REPLY REFER TO
 5800
 (b)(7)(C)
 22 Jul 2003

From: (b)(7)(C) (b)(6) SSN [REDACTED] USMC
 To: Commanding Officer, (b)(7)(C)

Subj: COMMAND INVESTIGATION OF INCIDENTS OF INAPPROPRIATE TREATMENT OF IRAQI
 DETAINEES BY (b)(7)(C) (b)(6) - SSN [REDACTED] 0602 USMCR ON OR
 ABOUT 14 JUNE 2003 AND 29 JUNE 2003

- Encl:
- (1) Convening Order
 - (2) Statement of (b)(7)(C) USMCR
 - (3) Statement of (b)(7)(C) USMCR
 - (4) Statement of (b)(7)(C) USMCR
 - (5) Statement of (b)(7)(C) USMCR
 - (6) Statement of (b)(7)(C) USMCR
 - (7) Statement of (b)(7)(C) USMCR
 - (8) Statement of (b)(7)(C) USNR
 - (9) Statement of (b)(7)(C) USMCR
 - (10) Statement of (b)(7)(C) USMCR
 - (11) Statement of (b)(7)(C) USMCR
 - (12) Statement of (b)(7)(C) USMCR
 - (13) Statement of (b)(7)(C) USMCR
 - (14) Statement of (b)(7)(C) USMCR
 - (15) Statement of (b)(7)(C) USMCR
 - (16) Statement of (b)(7)(C) USMCR
 - (17) Statement of (b)(7)(C) USMCR
 - (18) Statement of (b)(7)(C) USMCR
 - (19) Statement of (b)(7)(C) USMCR
 - (20) Statement of (b)(7)(C) USMCR
 - (21) Statement of (b)(7)(C) USMCR
 - (22) Statement of (b)(7)(C) USMCR
 - (23) Statement of (b)(7)(C) USNR

- Ref:
- (1) MCO 3461.1
 - (2) Convention (IV) Relative to the Protection of Civilian Persons in Time of War
 - (3) Map Series K643 Sheet #5155

Preliminary Statement

1. This investigation concerns the possible inappropriate treatment of Iraqi detainees at the orders of (b)(7)(C). All reasonable and available information has been gathered and placed in this report. All directives of the convening authority have been met. During the investigation I consulted with (b)(7)(C) as the Staff Judge Advocate. Requests for extensions were made verbally to (b)(7)(C) and were granted. No statement was made by (b)(7)(C) as he chose not to waive his right to remain silent. All personal information was obtained from military records and/or in compliance with the privacy act.

Subj: COMMAND INVESTIGATION OF INCIDENTS OF INAPPROPRIATE TREATMENT OF IRAQI
DETAINEES BY (b)(7)(C) (b)(6) SSN /0602 USMCR ON OR
ABOUT 14 JUNE 2003 AND 29 JUNE 2003

Findings of Fact

1. (b)(7)(C) is assigned to Al Kut, Iraq. [encl (7)]
2. (b)(7)(C) is assigned the task of guarding an ammunition supply point in Al Kut, Iraq vicinity grid NB 720170. [encl (2)]
3. During the period of 1 June 2003 to 30 June 2003 (b)(7)(C) was assigned to (b)(7)(C). [encl (2)]
4. (b)(7)(C) and his squad were guarding the ammunition supply point vicinity grid NB 720170 on 23 June 2003 from 0730 until 1700. [encl (4, 11)]
5. (b)(7)(C) detained three Iraqi men at approximately 1100 on 23 June 2003. [encl (4, 10, 12, 13,)]
6. (b)(7)(C) turned three Iraqi detainees over to (b)(7)(C) at the ammunition supply point. [encl (4, 6, 12, 13)]
7. (b)(7)(C) ordered the release of 3 Iraqi detainees after having them driven approximately 2 or 3 miles from the ammunition supply point. [encl (6)]
8. At approximately 1400 on 23 June, 2003 (b)(7)(C) detained 3 Iraqi men that he and his squad had detained earlier that same day and an additional Iraqi man. [encl (4, 10, 11, 12, 13, 14, 15)]
9. (b)(7)(C) was ordered to bring the four Iraqi detainees to the Al Kut police station after being relieved at the ammunition supply point. [encl(4, 7, 11, 12, 15)]
10. (b)(7)(C) brought 4 Iraqi detainees to the (b)(7)(C) position. [encl (4, 9, 10, 11, 12, 13, 14)]
11. (b)(7)(C) ordered (b)(7)(C) to search for and confiscate any money on these 4 detainees. [encl (4, 8, 9, 10, 11, 13)]
12. An unknown amount of money was confiscated by (b)(7)(C) and the Marines in his squad. [encl (4, 9, 10, 11, 12, 13)]
13. An unknown amount of money was turned over to (b)(7)(C). [encl (10, 11, 13)]
14. An unknown amount of money was returned to at least one of the Iraqi detainees by (b)(7)(C). [encl (4, 9, 12)]
15. (b)(7)(C) was ordered to release the Iraqi detainees at (b)(7)(C) (b)(7)(C) front gate. [encl (4, 8, 13)]
16. (b)(7)(C) ordered the 4 Iraqi detainees stripped before they were to be released. [encl (3, 4, 5, 8, 9, 10, 11, 13, 15)]
17. The 4 Iraqi detainees were stripped to their underwear and released on foot from the (b)(7)(C) position. [encl (4, 6, 8, 9, 10, 11, 12, 13, 14, 15)]

Subj: COMMAND INVESTIGATION OF INCIDENTS OF INAPPROPRIATE TREATMENT OF IRAQI
DETAINEES BY (b)(7)(C) (b)(7)(C) 0602 USMCR ON OR
ABOUT 14 JUNE 2003 AND 29 JUNE 2003

18. On 28 June 2003 (b)(7)(C) conducted a vehicle checkpoint on Highway 7. [encl (16)]
19. At approximately 2310 an Iraqi truck was shot at in an attempt to stop it as it entered the vehicle check point. [encl (16, 17, 18, 19, 20, 21, 22, 23)]
20. 2 Iraqi men were treated for wounds and detained after the truck stopped. [encl (16, 17, 18, 19, 20, 21, 22, 23)]
21. (b)(7)(C) and Army Military Police were notified. [encl (16, 17, 20, 22)]
22. An ambulance was called to evacuate the Iraqi detainees. [encl (16, 17, 18, 19, 20, 21, 22, 23)]
23. 500,000 dinar was found when the truck was searched and turned over to the MP's. [encl (16, 17, 23)]
24. (b)(7)(C) and the Marines at the vehicle checkpoint were ordered to provide security for the truck until relieved. [encl (16, 18)]
25. On the morning of 29 June 2003 (b)(7)(C) ordered the truck searched again and all personal affects confiscated. [encl (16, 17, 18)]
26. Papers found in the Iraqi truck were transported to (b)(7)(C) position. [encl (16, 17, 18, 20, 22)]
27. (b)(7)(C) ordered other personal items found in the Iraqi truck to be burned. [encl (16, 17, 18)]
28. Items found in the Iraqi truck were burned by Marines beside Highway 7. [encl (16, 17, 18, 20, 23)]

Opinions

1. (b)(7)(C) was in violation of Marine Corps Order 3461.1 and Part I, Article 3 of the Geneva Convention when he ordered that the detainees be stripped before being released on 23 June 2003. [FF (16, 17)]
2. (b)(7)(C) was in violation of Marine Corps Order 3461.1 when he ordered Marines to confiscate money from the detainees before their release on 23 June 2003. [FF (11, 13)]
3. (b)(7)(C) was in violation of Marine Corps Order 3461.1 when he ordered the burning of detainees personal items on 29 June 2003. [FF (27, 28)]
4. Several Staff Noncommissioned Officers and Noncommissioned Officers failed to question the orders of (b)(7)(C) either to strip the detainees on 23 June 2003 or to burn civilians property on 29 June 2003. [FF (17, 28)]

Subj: COMMAND INVESTIGATION OF INCIDENTS OF INAPPROPRIATE TREATMENT OF IRAQI
DETAINEES BY (b)(7)(C) (b)(7)(C) - SSN 0602 USMCR ON OR
ABOUT 14 JUNE 2003 AND 29 JUNE 2003

Recommendations

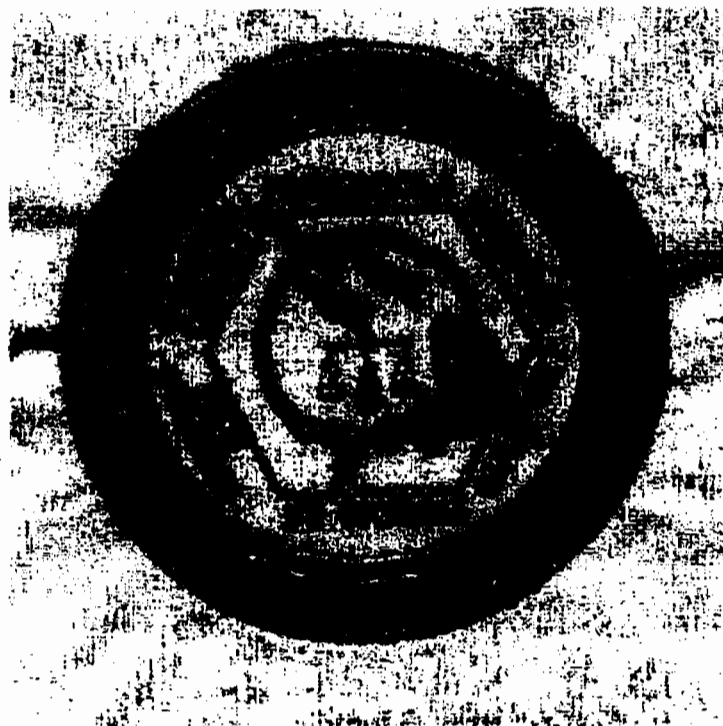
1. (b)(7)(C) should be charged for violating Marine Corps Order 3461.1 for his orders on 23 June 2003 to have Iraqi civilians stripped before their release from custody.
2. (b)(7)(C) should be charged for violation of Marine Corps Order 3461.1 for his orders on 29 June 2003 to burn civilians property.
3. (b)(7)(C) should be counseled on the rights of civilian detainees for his orders to confiscate money from Iraqi detainees on 23 June 2003.
4. Marines and sailors assigned to (b)(7)(C) should be instructed on the proper care and handling of civilian detainees while in Iraq.
5. Instruct the Marines and sailors of (b)(7)(C) (b)(7)(C) (b)(7)(C) of their obligation to tactfully question orders that appear to be unlawful under the Uniform Code of Military Justice.

(b)(7)(C)

**RESPONDENT'S EXHIBITS FOR
BOARD OF INQUIRY ICO**

(b)(7)(C)

(b)(6) - SSN /0602 USMCR



RESPONDENT'S EXHIBIT F

Rights Advisement Forms

ARTICLE 31 RIGHTS

Name: (b)(7)(C) Rank/Rate (b)(7)(C) Activity: (b)(7)(C)
Unit: (b)(7)(C) Telephone number: _____

I have been advised that I may be suspected of the offense(s)
of: No charges pending at this time

and that:

- I have the right to remain silent.
- Any statements I do make may be used as evidence against me in trial by court-martial.
- I have the right to consult with lawyer counsel prior, to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expenses, a military lawyer appointed to act as my counsel without cost to me, or both.
- I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview.
- I have the right to terminate this interview at any time.

WAIVER OF RIGHTS

I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that:

- I expressly desire to waive my right to remain silent.
- I expressly desire to make a statement.
- I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to questioning.
- I expressly do not desire to have such a lawyer present with me during this interview.

This acknowledgment and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure of coercion of any kind having been used against me.

(b)(7)(C) 10 July 2003
(Witness's signature and date)

(b)(7)(C) 07/10/03
(Member's signature and date)

Understanding my rights under U.C.M.J. Article 31, I wish to make the following statement:

I was involved in the instances of detention of Iraqi citizens. One incident involved my squad along with one section of (b)(7)(C) led by (b)(7)(C). We detained (4) individuals on the road N/W of (b)(7)(C). They were witnessed digging around power cables and had a large length of power cable hidden in some bushes. We detained the suspects and waited in a concealed position for about 2 hours in the hopes that their accomplices returned.

A second incident involving detainees, occurred when I was Sergeant of the bush. (b)(7)(C) squad returned from the ASP (Field Guard) with about 4 detainees in the back of a high back. I assisted (b)(7)(C) in removing the individuals and searching them. We found several rolls of dinars, approx 30 bills. At that time the

(b)(7)(C) 07/10/03
(Signature and Date)

Understanding my rights under U.C.M.J. Article 31, I wish to make the following statement:

determination to release them was made. (b)(7)(C)

ordered that we confiscate their money. My self and (b)(7)(C) eat several pizzas when I can recall began to move them toward the gate. (b)(7)(C) was standing on the steps and ordered us to "Strip them, take their clothes." (b)(7)(C) and I disarmed them and strapped them to the waist, I utilized one mans shirt to immobilize his arms. I left his arm in the sleeves of his button down shirt and pulled the rest down. One individual removed his robe and was wearing sweat pants underneath. All the men had pants or shorts and shoes except for one individual who showed up barefoot. I believe I witnessed (b)(7)(C) return the money to one individual over the wire.

(b)(7)(C) 07/10/03
(Signature and Date)

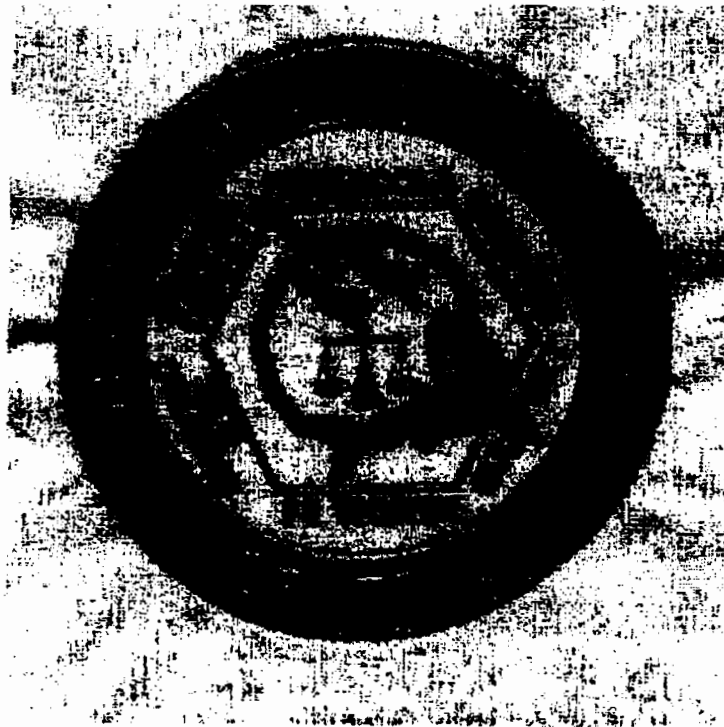
Addendum: When the money was confiscated I handed the rolls of bills that I found to (b)(7)(C)

when (b)(7)(C) gave the order to "Strip them, take their clothes." (b)(7)(C) replied with "That's your call sir."

**RESPONDENT'S EXHIBITS FOR
BOARD OF INQUIRY ICO**

(b)(7)(C)

(b)(6) - SSN 70602 USMCR



RESPONDENT'S EXHIBIT

6

Rights Adviseement Forms

ARTICLE 31 RIGHTS

Name: (b)(7)(C) Rank/Rate: (b)(7)(C) Activity: (b)(7)(C)

Unit: (b)(7)(C) Telephone number: _____

I have been advised that I may be suspected of the offense(s) of: _____

and that:

I have the right to remain silent.

Any statements I do make may be used as evidence against me in trial by court-martial.

I have the right to consult with lawyer counsel prior, to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expenses, a military lawyer appointed to act as my counsel without cost to me, or both.

I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview.

I have the right to terminate this interview at any time.

WAIVER OF RIGHTS

I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that:

I expressly desire to waive my right to remain silent.

I expressly desire to make a statement.

I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to questioning.

I expressly do not desire to have such a lawyer present with me during this interview.

This acknowledgment and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure of coercion of any kind having been used against me.

(b)(7)(C)

21 July 2002

(Witness's signature and date)

(b)(7)(C)

030709

(Member's signature and date)

Understanding my rights under U.C.M.J. Article 31, I wish to make the following statement:

On 23 JUNE AROUND 1730 HOURS APPROXIMATELY, I WALKED OUT ON THE FRONT ARCH OF THE (b)(7)(C) AS (b)(7)(C) SQUAD WAS RETURNING FROM THE MSP. I NOTICED 3 IRAQIS IN THE BACK OF THE VEHICLE. AFTER THE SQUAD STOPPED UP, I COULD SEE THEY WERE CUFFED.
(b)(7)(C) ASKED (b)(7)(C) WHAT HE WAS DOING I HEARD (b)(7)(C) SAY HE WAS TOLD TO TAKE THE DETAINEES TO THE POLICE STATION. I HEARD (b)(7)(C) TELL HIM NO, THAT THERE WAS A (DIVISION, BATTALION, MEF - NOT SURE WHICH) ORDER TO NO LONGER DELIVER PRISONERS TO THE POLICE. HE TOLD (b)(7)(C) TO TAKE ALL THEIR POSSESSIONS, EMPHASIZING MONEY, AND ~~FOR~~ THEM ESCORT THEM OUT THE GATE.
(b)(7)(C) WAS OUTSIDE SEEING THE SCENARIO. HE WALKED BACK IN & THEN RAN OUT. IT WAS THEN HE ADDED TO REMOVE THE IRAQI'S CLOTHING.

THE MEN WERE STRIPPED TO THEIR UNDERWEAR & LED OUT THE GATE. THAT'S WHEN I CAME INSIDE.

(b)(7)(C)

(Signature and Date)

030708

Rights Advisement Forms

ARTICLE 31 RIGHTS

Name: (b)(7)(C) Rank/Rate: (b)(7)(C) Activity: (b)(7)(C)

Unit: (b)(7)(C) Telephone number: _____

I have been advised that I may be suspected of the offense(s) of: No charges pending at this time

and that:

- I have the right to remain silent.
- Any statements I do make may be used as evidence against me in trial by court-martial.
- I have the right to consult with lawyer counsel prior, to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expenses, a military lawyer appointed to act as my counsel without cost to me, or both.
- I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview.
- I have the right to terminate this interview at any time.

WAIVER OF RIGHTS

I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that:

- I expressly desire to waive my right to remain silent.
- I expressly desire to make a statement.
- I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to questioning.
- I expressly do not desire to have such a lawyer present with me during this interview.

This acknowledgment and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure of coercion of any kind having been used against me.

(b)(7)(C) *[Signature]* (b)(7)(C)
 (Witness's signature and date) (Member's signature and date)

Understanding my rights under U.C.M.J. Article 31, I wish to make the following statement:

I, (b)(7)(C) was at the "Fieldwood" ASP about 1 1/2, 2 weeks ago when our squad apprehended a group of 4 Iraqis in the process of stealing artillery-sized brass from the back side of our ASP. We searched and zip-tied them, and brought them back to the front of our position. After radioing back to (b)(7)(C) we were instructed to hold the detainees there until 17:00, or about 1 hour, when our relief would arrive. When the next squad relieved us, we loaded the detainees in with us, and drove them back to (b)(7)(C). The Iraqis' vehicle, we left at the ASP, but we gave the keys back to one of the detainees.

When we returned to (b)(7)(C), lots of people came out to see the prisoners. The original word received was that a few members of our squad would drive them to the

(b)(7)(C)

(Signature and date)

July 9th 03

police station. Someone (I'm not sure who) cautioned this because we knew they would be turned loose in a few hours, and we'd just catch them again. So it was decided to let them go from (b)(7)(C). At that point, (b)(7)(C) said to take their money, so we got their wallets, gave the money to (b)(7)(C) and returned the empty wallets. As we were bringing them to the front gate, (b)(7)(C) told us to take their clothes off. The idea was that since we had to let them go, we could at least embarrass them a little.

1

So after we searched them to the front gate, we took their shirts and pants. We left them with shoes, undershorts and T-shirts. Then we turned them loose, and they walk away. The Iraqis' clothes were left at the front gate.

It should be noted that we haven't caught anyone at the ASP since

(b)(7)(C)

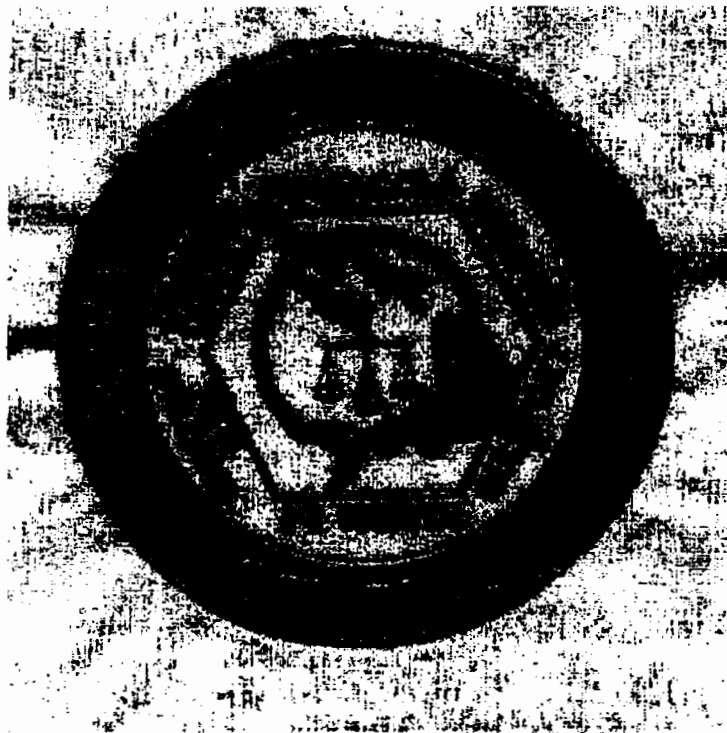
July 9th, 2003

(2)

**RESPONDENT'S EXHIBITS FOR
BOARD OF INQUIRY ICO**

(b)(7)(C)

(b)(6) - SSN /0602 USMCR



RESPONDENT'S EXHIBIT I

Rights Advise ment Forms

ARTICLE 31 RIGHTS

Name: (b)(7)(C) Rank/Rate: (b)(7)(C) Activity: (b)(7)(C)
Unit: (b)(7)(C) Telephone number: _____

I have been advised that I may be suspected of the offense(s) of: _____

and that:

- I have the right to remain silent.
- Any statements I do make may be used as evidence against me in trial by court-martial.
- I have the right to consult with lawyer counsel prior, to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expenses, a military lawyer appointed to act as my counsel without cost to me, or both.
- I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview.
- I have the right to terminate this interview at any time.

WAIVER OF RIGHTS

I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that:

- I expressly desire to waive my right to remain silent.
- I expressly desire to make a statement.
- I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to questioning.

I expressly do not desire to have such a lawyer present with me during this interview.

This acknowledgment and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure of coercion of any kind having been used against me.

(b)(7)(C)

(witness's signature and date)

8 July 2003

(b)(7)(C)

(Member's signature and date)

Statement of (b)(7)(C) Squad Patrol Leader
Re: ASP Detainees of June, 23, 2003

The morning of June, 23, 2003 (b)(7)(C) relieved (b)(7)(C) squad at Field Guard ASP at approx. 0700 hrs. As I can best recall at around 0900 one of my Marines spotted two Iraqis inside the ASP compound. I had three or four of my Marines including myself load into our highback hummer to investigate. We drove about 600 meters around the western Side of the perimeter, dismounted the hummer and walked to the top of the berm. There we saw two Iraqis in side the berm. We motioned for them to walk to us. When the two men came to us I explained to them that they were not allowed in the compound. I communicated with them by drawing a diagram in the sand and using another Marine to simulate hand cuffing and going to jail if We caught them again. They understood and walked North with some women and some cattle. At this time we drove to the North of the ASP and noticed Women and children with some donkeys and explained to them not to go into the compound. We then returned to our post at the south side of the compound. About two hours later my Marine on watch spotted some Iraqis on the compound berm. I assembled a react team to investigate and drove to the area where the Iraqis were spotted. We saw three Iraqis in an area just outside the berm of the compound, they were staging brass tank ammunition cartridges. Two of the men were the ones we had previously warned about going into the compound. I instructed my Marines to detain the Iraqis and place them in the back of the hummer. We flex cuffed the men's wrists and ankles. We then drove them back to our post where I saw that (b)(7)(C) and another Marine. I explained to (b)(7)(C) our situation with the detainees and he instructed us to place the detainees in the back of his hummer. The (b)(7)(C) Drove off with the detainees in route to what I assumed would be the Police Station. I then called (b)(7)(C) to notify them of the incident. At around 1400 my Marine on watch noticed a blue flat bed truck approaching our position. I watched the truck make a left turn off the main road and into the field about 700 meters away from us. The truck drove around to the west of our compound. I waited about twenty minutes or so and assembled another react team to go investigate. As we rounded the berm I noticed Four Iraqis picking up staged brass and loading it into the truck. When the men saw us they got back into the truck and were trying to flee. My Marines stopped the truck and motioned for the men to exit the truck. As I approached the men I noticed that three of them were the same men we had just detained a few hours before. I ordered my Marines to detain the men and place them in the back of our hummer. I had one of the detainees remain with myself and a few of my Marines while I sent the remaining detainees back to our post. I had this detainee pick up all the brass in the area and load it on the blue truck. After the detainee picked up all of the brass we drove him and the blue truck back to our post. I had the detainee pull off all the brass in the truck and stage in an area where my Marines could keep an eye on it. I had my Marines put the detainees in the shade by the guard shack and gave all the detainees water. I radioed my situation in to (b)(7)(C) and was ordered by (b)(7)(C) to make sure the owner of the truck retained possession of his keys and to drive the detainees to the Police Station after I was relieved. After talking to (b)(7)(C) one of my Marines told me that one of the detainees flex cuffs were too tight. I personally inspected each on of the

detainees cuffs and determined that all of them needed to be cut and that new ones needed to be placed on the detainees in a loose but secured manner. My Marines followed my instructions and even used (b)(7)(C) medical cutters to ensure the safety of the detainees. Our squad was relieved around 1700 hrs. by (b)(7)(C) Squad. My Marines carefully loaded the detainees into our hummer and drove back to (b)(7)(C). I drove to (b)(7)(C) first to drop off half of my Marines so they would have an opportunity to eat hot chow. As I was getting ready to pull out to bring the detainees to the Police Station when I was met by (b)(7)(C) and (b)(7)(C). The (b)(7)(C) wasn't very happy with the detainees being inside our compound. He said that anytime we have detainees we were not to bring them back to (b)(7)(C). I informed him that we were going to bring them to the Police Station. At this time we were instructed by (b)(7)(C) not to bring the detainees to the Police Station but to release them at the gate. At this time I instructed my Marines to cut the flex cuffs off of the detainees and bring them to the gate. I said to (b)(7)(C) (b)(7)(C) and to (b)(7)(C) that the Iraqis were just going to walk out our gate and grab a taxi and that they would probably show up at the ASP again knowing that there would be no consequences to their actions. (b)(7)(C) told me to take their money so they would not be able to take a taxi. I confiscated about one thousand Dinars off of one Iraqi and then My Marines walked the detainees to the gate. As we were walking to the gate (b)(7)(C) ordered us to take the detainees cloths off in order to teach them a lesson. My Marines removed the detainees cloths leaving them in their underwear. I made sure that the detainee that owned the truck got his keys back and returned his money to him. The detainees walked through the gate and into the street. I then instructed my Marines to eat some chow.

(b)(7)(C)

STATEMENT OF THE KNOWLEDGE REGARDING ACTIONS INVOLVING IRAQI
DETAINEES ON OR ABOUT 23 JUNE 2003.

On or about 30 June 2003, (b)(7)(C) informed me, in a bragging manner, that he had ordered Iraqi detainees that had been brought to (b)(7)(C) to be stripped to their underwear and escorted out of the front gate. He said that these detainees had been apprehended at the ASP to the north, collocated with the range. I counseled him regarding his poor judgment and that they should've been brought to the police station. After this, I asked (b)(7)(C) if he had knowledge of the incident. He stated that he was there. I also asked him if he advised the (b)(7)(C) that it was illegal and to not do it. (b)(7)(C) said that he did not. I asked (b)(7)(C) if he knew about it and he said that he heard (b)(7)(C) give the order to strip the Iraqi detainees to their underwear and to send them out of the front gate. He also stated that he then went into his room because he didn't want to be involved with the incident. I informed the battalion executive officer of my discovery of the incident on or about 2 July 2003. After making a few more inquiries, it came to my attention that (b)(7)(C) may have some information for me. I asked (b)(7)(C) what he knew of the incident. He stated that (b)(7)(C) ordered the Marines to take the Iraqi detainees' money and possessions. He then stated that (b)(7)(C) ordered the Marines to strip the Iraqi detainees to their underwear and to be released through the front gate. I then informed the battalion commanding officer with the information I had regarding the incident on or about 6 July 2003.

(b)(7)(C)

(b)(7)(C)

1st Marine Division, FMF
Al Kut, Iraq

16 July 2003

From: Commanding Officer

To: (b)(7)(C)

Subj: STATEMENT REGARDING ACTIVITIES OF (b)(7)(C)

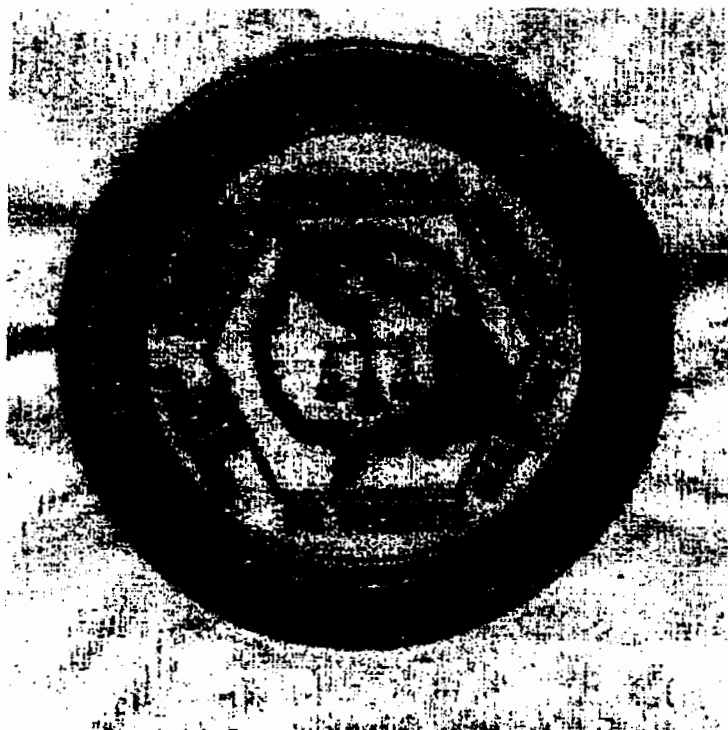
1. One of the assigned tasks of (b)(7)(C) is to provide security to an ASP, grid *NS 720 640*.
2. (b)(7)(C) was assigned to (b)(7)(C) as the (b)(7)(C) Platoon commander beginning approximately October 2002, ending approximately 4 July 2003.

(b)(7)(C)

**RESPONDENT'S EXHIBITS FOR
BOARD OF INQUIRY ICO**

(b)(7)(C)

(b)(6) - SSN /0602 USMCR



RESPONDENT'S EXHIBIT K

Rights Advise ment Forms

ARTICLE 31 RIGHTS

Name (b)(7)(C) Rank/Rate (b)(7)(C) Activity: (b)(7)(C)
Unit: (b)(7)(C) Telephone number: _____

I have been advised that I may be suspected of the offense(s)
of: No charges pending at this time

and that:

- I have the right to remain silent.
- Any statements I do make may be used as evidence against me in trial by court-martial.
- I have the right to consult with lawyer counsel prior, to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expenses, a military lawyer appointed to act as my counsel without cost to me, or both.
- I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview.
- I have the right to terminate this interview at any time.

WAIVER OF RIGHTS

I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that:

- I expressly desire to waive my right to remain silent.
- I expressly desire to make a statement.
- I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to questioning.

I expressly do not desire to have such a lawyer present with me during this interview.

This acknowledgment and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure of coercion of any kind having been used against me.

(b)(7)(C) 15 July 2003
(witness's signature and date)

(b)(7)(C) 030713
(and date)

Understanding my rights under U.C.M.J. Article 31, I wish to make the following statement:

DURING A VEHICLE CHECKPOINT ONE NIGHT AT

APPROX 2230-2300 A TWO TRAILER TRUCK WAS HEADED

TOWARDS OUR CHECKPOINT. THE FIRST VEHICLE ON THE

CHECKPOINT WAS (b)(7)(C) VEHICLE WHICH

INCLUDED (b)(7)(C) AS THE TRUCK APPROACHED

THE CHECKPOINT, IT BLEW ITS HORN, AND FLASHED ITS

LIGHTS. I HEARD OVER THE ICOM, "HE'S RUNNING IT."

NOT SOON AFTER, I HEAR GUN SHOTS AND SAW

TRACER ROUNDS. BY THEN I WAS MOVING OFF

OF THE ROAD, AND OUT OF ANY POSSIBLE LINE

OF FIRE. AS SOON AS I GOT NEXT TO THE

HMMWV, I HEARD THE .50 CAL BEGIN TO ~~STOP~~ FIRE.

I WAS UNWARE OF WHETHER OR NOT THE TRUCK

PASSENGERS WERE FIRING AT US SO I TOOK COVER

WITHIN SECONDS, I HEARD (b)(7)(C) TELLING (b)(7)(C)

(b)(7)(C) THE GUNNER, TO "CEASE FIRE." I ALSO BEGAN

TO YELL CEASE FIRE AS WELL, BECAUSE HE COULD NOT

HEAR OVER THE .50 CAL. I STEPPED FROM ^(Signature and Date) BEHIND THE

HMMWV TO ASSESS THE SITUATION, AND (b)(7)(C)

AND I APPROACHED THE VEHICLE AT THE READY.

I HEARD THE DRIVERS SIDE DOOR OPEN, AND TWO

IRAQI MEN LEFT THE VEHICLE AND LAYED DOWN

ON THE GROUND. (b)(7)(C) RAN OVER, AND ORDERED

SOMEONE TO FLEX CUFF THE IRAQI'S. (b)(7)(C)

GRABBED SOME ZIP TIES AND DID JUST THAT. I

WAS THEN TOLD TO GO OVER TO (b)(7)(C)

VEHICLE TO ASSIST WITH ANY VEHICLES THAT

MIGHT COME DOWN THE ROAD. WITHIN 30 MIN.

THE ARMY MP'S SHOWED UP AND WITHIN THE HOUR

AN AMBULANCE HAD TAKEN THE IRAQI'S TO THE

HOSPITAL.

PRIOR TO THIS (b)(7)(C) HAD GIVEN MEDICAL
AID TO THE IRAQIS. I DO REMEMBER SEEING
THEM WITH BANDAGES, BUT FROM A DISTANCE.
WE SEARCHED A FEW MORE VEHICLES THAT NIGHT,
BUT STOPPED THAT NOT SOON AFTER 2400. ~~WE~~ I
REMEMBER RADIO TRANSMISSIONS BETWEEN (b)(7)(C)
AND (b)(7)(C) ON WHAT TO DO WITH THE TRUCK, AND
WE WERE TOLD TO GUARD IT. WE STOOD ^{SO}
WATCH THAT NIGHT, AND THE NEXT MORNING ABOUT
0600, WE WERE AGAIN TRYING TO FIND OUT WHAT
TO DO WITH THE TRUCK. WE WERE TOLD TO GUARD
IT UNTILL A MOTOR T CREW CAME TO TOW IT.
WE PULLED BACK TO AN OVERWATCH POSITION AT
A COMPOUND NOT FAR AWAY, BUT WITHIN 15-20 MIN
DECIDED IT WAS TO FAR AND PULLED TO A POSITION
AT 100 M DOWN A SIDE ROAD FROM THE VEHICLE.
THE IRAQIS SHOWED UP TO GET THEIR PERSONAL
EFFECTS, BUT WE WERE GIVEN THE ORDER TO SEND
THEM AWAY. ONCE MOTOR T SHOWED UP THEY REALIZED
IT COULD NOT BE TOWED, SO (b)(7)(C) GAVE
THE ORDER TO PLACE ALL PERSONAL ITEMS INTO
A BAG. I WENT INTO THE CAB AND PLACED
SOME CLOTHES, CASSET TAPES, AND OTHER ITEMS IN
A SACK, WHILE SOMEONE ELSE CLEANED OUT THE
GLOVE COMPARTMENT. I ALSO CLEANED OUT THE
STORAGE BINS ON SIDE OF THE TRILERS. I ASKED
WHAT TO DO WITH THE SEAT CUSHIONS IN THE
CAB, AND I WAS TOLD THEY MIGHT HAVE LICE AND
TO PUT THEM IN A PILE. THAT PILE WAS LIT ON
FIRE, AND SOME OF THE CONTENTS OF THE BAG
WERE DUMPED INTO THE FIRE, WE TOOK A SPOVE
AND I BELIEVE SOME POPS AND PAPER/DARK LEFT IN THE
BAG. WE LEFT THE SCEN AND WENT BACK TO (b)(7)(C)

AT (b)(7)(C) I TOOK A NAP SINCE I HAD BEEN UP ALL
SHT AND WAS WOKEN UP SAYING WE HAD TO GO
BACK TO THE SCEN AND FOR INVESTIGATION, WE
BROUGHT THE PERSONAL EFFECTS WITH US. AT THE
SCEN THE ARMY MP'S WERE ~~WE~~ THERE AND
I THINK THEY TALKED TO (b)(7)(C) WE
WENT BACK TO (b)(7)(C) AND WERE INVESTIGATED BY
(b)(7)(C)

(b)(7)(C)

0307

**RESPONDENT'S EXHIBITS FOR
BOARD OF INQUIRY ICO**

(b)(7)(C)

(b)(6) - SSN /0602 USMCR



RESPONDENT'S EXHIBIT _____

L

REPORT OF (b)(7)(C)
RE: (b)(7)(C) USMCR

Background:

(b)(7)(C)

Education:

(b)(7)(C)

Employment history:

(b)(7)(C)

Arab / American background:

I decided to travel to the United States when I was eighteen year old, and started my studies in the US in (b)(7)(C) learning first English then Engineering. At that time relations between the US and Iraq were relatively positive. I wanted to come to the US to study Engineering because America's Colleges and Universities are world renown and I wanted to have an American diploma that was a prestigious award in Iraq. While I was attending University, I met my future wife and we married soon after my graduation. After we married, I decided to stay and obtain a US Permanent Residence in (b)(7)(C) in (b)(7)(C) then the US citizenship, which I proudly achieved on (b)(7)(C) in (b)(7)(C). The US has been a great country to me as I was able to achieve so much academically, professionally and personally. Despite the fact that I have lived for many years in the US, I have maintained strong ties with my family in Iraq.

(b)(7)(C)

My professional career also allowed me to work and live abroad. I lived in Saudi Arabia for almost 5 years, (b)(7)(C) while working as a Project Engineer on (b)(7)(C)

(b)(7)(C)

(b)(7)(C)

While I was working and living in Saudi Arabia, I was able to travel to Iraq to visit my family several times. I currently have 2 brothers and 1 sister all living in Baghdad. My father passed away in 1991 and my mother passed away in 1980. Based upon my upbringing in Iraq and my close family ties with the region, I feel that I have a solid and comprehensive understanding of the Middle Eastern and Iraqi culture.

Factual background re: (b)(7)(C) USMCR:

I am informed that (b)(7)(C) is a graduate of the United States Naval Academy and served on active duty for six years in the United States Marine Corps as a Communications Officer. After fulfilling his initial service obligations, (b)(7)(C) was Honorably Discharged in (b)(7)(C) and worked in the private sector.

As the United States began preparing for military action against Iraq, (b)(7)(C) voluntarily decided to join the Marine Corps Reserves. (b)(7)(C) joined (b)(7)(C) (b)(7)(C) 4th Marine Corps division, out of New Orleans, La. Upon joining (b)(7)(C) (b)(7)(C) was assigned as Platoon Commander, (b)(7)(C) of the (b)(7)(C) Company.

About a month after joining (b)(7)(C) the Battalion was deployed for combat operation in Al-Kut, Iraq. (b)(7)(C) was engaged in operations shortly after the fall of Baghdad, but maintained and continued combat operations in the vicinity of Al-Kut, Iraq. (b)(7)(C) and his platoon had numerous responsibilities ranging from conducting foot patrols, urban patrols, vehicle patrols, facility security and anti-insurgency operations, etc. One mission entailed providing security for two (2) ammunitions supply dumps or Ammunition Supply Points (ASPs). Guarding deserted and abandoned Iraqi army facilities took on an important operational role, as a serious concern existed that the large supply of small arms and munitions did not fall into the hands of would be terrorists.

In late June 2003, (b)(7)(C) and his platoon had orders to provide security for two (2) ASPs, which did not have perimeter walls or fences. This made conducting security operations difficult as there was complete access into and out of the ASPs. Due to the power loss situation in most of Iraq, the A/C units that were used to regulate the heat in the ammo bunkers were not working. Artillery rounds and other ordinance were self-detonating within the ASP from the heat and extreme temperature fluctuations. Iraqi civilians were looting the ASP for ordinance to sell, setting off ammo in order to sell the shells and ordinance. In addition to trying to keep local citizenry from stealing materiel from the ASP, it was also the Marines' role to protect those same Iraqis' from going into the ASP and being injured or killed.

Only a small number of Marines were available in order to conduct their security mission. On one day in late June 2003, the Marines captured the same 3 Iraqi men in civilian clothing on four separate occasions within an 8- 10 hour duration, in two different ASPs. On the first two occasions that the Iraqis were captured stealing from an old Iraqi ASP, the Iraqis were brought to the Iraqi police, who simply released the men. On the third capture in the old Iraqi ASP, the detainees were taken from the location, driven to a different location and dropped off. On the fourth occasion that they were captured (this time with an additional accomplice), the same detainees were caught, this time while stealing ordinance from the Battalion ASP, the second ASP. This ASP was used to store coalition ordinance necessary for the combat efforts. On this fourth occasion, the four Iraqi detainees were brought back to the (b)(7)(C) command post (CP). Apparently, the Company had no place to permanently detain the Iraqis and the Iraqi police were no help as demonstrated previously. I should comment that leaving the Iraqis in the hands of the Iraqi police could have resulted in very serious harm coming to the Iraqis. The police under Saddam Hussein were extremely brutal; torture and executions were commonplace under Saddam Hussein's regime. (b)(7)(C) decided that if it they didn't have their cloths they would at least be forced to go home to get replacements. Also, I think the action served to teach the Iraqis a lesson not to steal from the Americans. So, the Iraqis were sent out of the CP in their underwear and the plan worked, they never returned to the ASP.

A week or so after the detainees were released a Battalion investigation was conducted on (b)(7)(C) for possible misconduct involving the detainees. The result of the investigation was that (b)(7)(C) was fired (relieved) of his command, then punished by the Commanding General for allegedly violating the Geneva Convention for taking the clothes from the Iraqis, deemed somehow to be degrading and humiliating. While waiting to be sent back to the United States, (b)(7)(C) was then assigned to assist in training 400 or so Iraqis FPS (Facility Police Service).

Case analysis:

Based upon my knowledge of middle eastern culture and in particular of the customs of the Iraq people, the action taken by (b)(7)(C) in disrobing the detainee would not be considered humiliating or degrading by Arab or Iraqi customs, as I will discuss in greater detail below. Based upon Arab and Iraqi culture I believe that the actions taken by (b)(7)(C) were highly effective and productive in serving as a safe deterrent to further illegal actions by the Iraqis.

Arab culture is influenced greatly by the Islamic religion, conduct of a Muslim is very strict and interaction with Middle Eastern Muslims can be confusing for westerners. Below are some examples of actions or conduct which are considered to be offensive, and would be more "humiliating" and "degrading" to Muslim and Arab men, than having their clothes removed:

- Muslim men are extremely protective of their daughters, wives, and other female family members. Avoid directly looking at, or speaking to women and teenage girls if at all possible.
- When approaching a group or family, always speak to the man present (even if he is young). If no man is present, speak to the oldest woman in the group.
- Avoid touching any woman, even in a friendly manner (i.e. shaking hands, a pat on the shoulder, etc.)
- The more covered a woman is, the more religious she is. It is offensive to ask an Iraqi woman to remove her veil, headscarf, or outer robe. If an inspection is necessary, it should be performed by another female, if at all possible.
- Shoes and feet are considered unclean. It is disrespectful to display the soles of one's feet or shoes.
- A Mosque is considered Holy Ground. Therefore, shoes must be removed before entering. A reverent attitude should be observed. One should respect the quietness, which is necessary for the Muslims to concentrate on their prayers.
- It is disrespectful for a woman to enter a Mosque without covering her hair.
- The Koran is the Muslim Holy book. It should never be placed or thrown on the ground.
- Avoid walking on the small rugs, on which Muslims pray.
- Muslims condemn the eating of pork, drinking alcohol, and gambling of any kind.
- Most Muslims consider dogs and cats unclean and do not have them as pets in their homes. If a canine is necessary for inspection some Muslims may find it offensive to have a dog so close to them, especially if they are carrying a Koran.
- Placing a Muslim / Iraqi under one's foot is highly disrespectful as the bottom of the foot / heel is considered unclean. To be shown the bottom of the foot is considered highly disrespectful.
- Shake hands with your right hand only. Never with the left, to do so would be disrespectful. If you are carrying something in the right hand, move the content to your left hand so you can extend the right hand.

Arab culture is steep in history, most notably the Middle East is the recognized birthplace of our civilization. Moreover, the Arab culture has a proud military heritage and the "warrior" is revered throughout the Middle East. The warrior reflects an image of strength and courage. Consequently, Arabs and in particular Iraqis hold those in positions of military authority with great respect. While, the coalition invasion of Iraq is an embarrassment to many Iraqis, they also respect the power and military skills of the coalition forces and the Americans in particular. Forcefulness and strength is both respected and honored. (b)(7)(C) (b)(7)(C) actions in disrobing the detainees sent a strong and purposeful message to those Iraqis that their actions will not be tolerated. Dealing with them in a forceful manner, made them respect the authority of the Americans and of their military responsibilities.

It should also be pointed out that under Saddam Hussein, Iraqi was a secular nation, much less focused on Islam than its more devout neighbors; Saudi Arabia, Iran and Syria. The Arab culture does not share the same value of cooperation and generosity that westerns use in their daily interactions. The "give and take" of a western human relationship is not a common practice in Iraq. The Iraqi community is organized based upon a loose group of classes. Iraqis look to their male elders for direction; they look to their government leaders and their military commanders for direction over their lives. This system is further reinforced through the strict tenets of Islam, as religion is of course a dominating force in their actions and daily lives. Now that the coalition forces are clearly in control of the country they are looking to the coalitions forces for this direction. For instance, if they can get away with stealing ammunition without punishment, they will continue that practice.

The interaction between (b)(7)(C) and the Iraqi detainees would not be viewed as "normal" interaction by Iraqis. Iraqis understand that the coalition is in control and is taking charge. In fact, weakness or signs of weakness would be very disconcerting to the Iraqis as it would make them concerned that America does not have the strength to continue their occupation. Since Saddam Hussein was so successful in surviving over the many years that he ruled, it will remain a concern for the average Iraqi that he could reclaim power. Strength demonstrated by the Americans reflect their will to resist the actions by a very few Iraqis that are trying to impede the liberation and democratization of Iraq. Unfortunately, we see examples of the actions taken by this extreme minority frequently in our newspaper and on television.

(b)(7)(C) action of disrobing the Iraqis likely served as a better deterrent than handing them over to the local police forces. The police forces which existed under Saddam Hussein were cruel and brutal. Sometimes the torture was not always physical; the former regime police would physical rape and sodomize the daughters or wife of a "suspect" to force the suspect to be psychologically coerced into providing information. The infliction of pain was the norm for those who disobeyed the "law" as it existed under Saddam Hussein in Iraq. (b)(7)(C) actions were greatly humane compared to those standards, as no physical pain was inflicted. Getting caught and released without any repercussion only served to stiffen their resolve to continue their actions. They would gain respect from their peers for challenging American's authority - and succeeding without punishment. That would inspire others to continue the same course of conduct, it would be fair to say that the Americans were being

tested as a game, to see what would occur. Once the former regime control lost its grip on Iraq, lawlessness broke out since no one instilled order in the region. (b)(7)(C) action created order and direction. Short of long-term detainment or physical abuse I cannot envision any other course of appropriate action to stop the actions that those Iraqi men were taking.

Of course, Iraqi custom is very different than western customs. It is common and very acceptable to see a grown man in his pajamas, "bijama" in Arabic, out in the neighborhood market shopping and performing errands. I lived in the "Muthena District", an upper middle class residential area in Baghdad, and yet still saw grown males riding their bicycles, wearing these "bijama", to a market located several miles away. Being outside the house wearing boxer shorts in the summer is also acceptable. I recall seeing my neighbor (a 50+ years old man, father of 3 children) watering his front lawn and sidewalk with a water hose quite often in the hot afternoon hours in his boxers outside his house. This is a common site to see in Iraq during the hot summer days, particularly June through August. Many times I have seen males receiving guests into their homes wearing only boxer shorts. It is also common to see blue-collar laborers working on a building site in their underwear. Also farmers tending their farm land in their underwear (boxers or long john style). Blue-collar people and farmers often wear long robes (called "dishdasha") outside the house as their normal attire. It is common to see those people to shove the front of the dishdasha or 75% of the bottom part of this dishdasha in their boxer shorts, when walking around and about, so they would not trip over them. This would seem quite odd to our western culture, but is normal to the Iraqis.

The city of Al-Kut, which I have visited and driven thru many times, is considerably smaller and less modern than Baghdad. Their state of dress is even more relaxed than most Baghdad residences. The customs there can be compared to blue-collar people living in Baghdad. While sending a male outside in his underwear for a long distance journey to go home might be somewhat embarrassing to the individual, however it is defiantly not considered humiliating or degrading, by Iraqi standards. Again, I have to refer back to the fact that the Marines and (b)(7)(C) were trying to impose a disciplinary action, which did work and thus would even have a lesser impact on "harming" Iraqi customs. The Iraqis have been used to very strong and severe punishment measures for the past 30 years. The Iraqis, especially among the less educated, are not accustomed to freedom or people in authority respecting them, and will mistake that as weakness. Demonstrating authority and strength may not be "desired" by the individuals receiving it, but will create respect and order.

In attempting to think of what else could have been done which would serve as a greater deterrent. Those options would be have far too harsh, (b)(7)(C) and the Marines could have decided to inflict bodily harm to the detainees (which I am sure the detainees were shocked for not receiving), but he did not. (b)(7)(C) could have insulted the families of those detainees, but he did not. (b)(7)(C) could have forced the detainees to violate their religious duties by forcing them to eat pork or drink alcohol, but he did not because he respected their religion and culture. Instead, (b)(7)(C) demonstrated self-control, with authority, in his civil disciplinary action. I frankly, commend (b)(7)(C) for his patience with those 4 Iraqis giving them chance after chance, and then carried out the disciplinary

action. In my opinion his action possibly saved lives and those lives could have been; American, Iraqi, or possibly the lives of those 4 individuals.

I do understand that America wants to send a message as a "good neighbor" however, in my opinion before we can be a "good neighbor" we must first be a strong neighbor and demonstrate that we can create order and lawfulness in Iraq. I believe that this combination will in the long term be the most successful approach for democracy to take hold in my former homeland. As a former Iraqi citizen who has remained in contact with relatives and friends in Baghdad, we are overjoyed with America's commit to eradicate the tyranny of Saddam Hussein's reign. We are indebted to the indomitable spirit of men and women like (b)(7)(C) (b)(7)(C) who willingly volunteered to give freedom to those in Iraq who for so long lived in the clutches of a dictator.

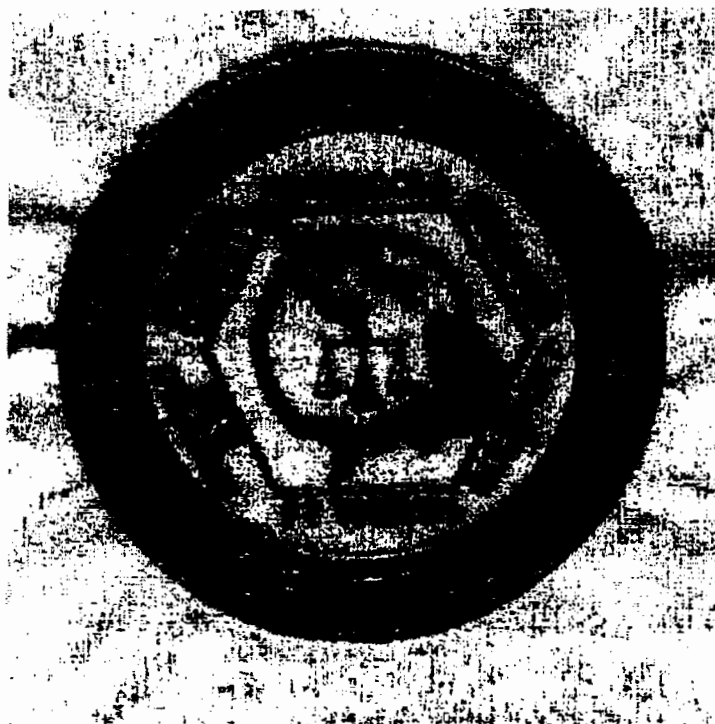
As a final comment, I would like to state that I have not received any financial or any "in kind" remuneration for my review of this case. As a proud American, I am disheartened to see the actions that have been taken against (b)(7)(C) and feel compelled to offer my opinions on the subject. Thank you for allowing me to comment on this case. If I can be of further assistance in this matter please do not hesitate to contact me at (b)(7)(C)@losch.net] or (b)(7)(C)

(b)(7)(C)

**RESPONDENT'S EXHIBITS FOR
BOARD OF INQUIRY ICO**

(b)(7)(C)

(b)(6) - SSN /0602 USMCR



RESPONDENT'S EXHIBIT

M



Site Navigation

Opinion...

Home > Opinion

Web-posted Wednesday, November 5, 2003



Web posted **Wednesday, April 2, 2003**
3:46 a.m. CT

ARTICLE TOOLS

- E-mail This Article
- Printer-Friendly Format

Editorial: 'Fog of war' clouds humanity

Incident reflects consequences

They call it the "fog of war." In reality, the fog quite often gives way to total chaos, with all-too-fallible human beings caught right in the middle of it all.

How else does one explain adequately an incident Monday in which U.S. soldiers fired on a vehicle that failed to stop at a checkpoint in Iraq? The incident killed seven Iraqi civilians - all of them women and children.

There can be no explanation that will silence the criticism that is coming from some Americans and from many in the Arab world. The U.S. Army is looking into the tragedy to determine what happened.

The prelude to this event is worth noting.

http://www.amarillonet.com/stories/040203/opi_fogof.shtml

JOBS

- **Cosmetology** High Frank Phillips College www.fpc.cc.tx.us
- **Security, Texas** bene retirement. Apply on **MANAGER** for chm distribution firm in M Odessa, Northern T.
- **SIZE DOES MATTE** is your settlement of Booker's TOP owns [View all Top](#)

ADS

From **BOOKS**
Browse current new

Choose a Categ

Search current new

CARS

•00 **FORD**
4X4, Pow
Stroke, cr

2/22/04

One fact is that a suicide bomber drove a vehicle toward a gathering of soldiers over the weekend. The man dressed as a civilian asked the soldiers for directions then blew up his vehicle, and four Americans. The incident occurred in the same general area as the deaths of those seven women and children. Were our soldiers spooked by what Iraqi leaders promised in the aftermath of the suicide bomber - that more will follow?

cab, short
Lariat, au

Become a subscriber
today, and receive
1 of 5 gifts!

Another fact is that no war is clean, no matter how hard a combatant tries to make it that way. American and British forces have been striking Iraqi targets with a precision never before seen. None of it is fool-proof. How can it be, with mere human beings pulling the trigger?

Given the amount of ordnance being dropped and munitions being fired since the start of the war, it remains a minor miracle that more tragedies like the one that occurred Monday haven't occurred.

Let us not be coy here. The real culprit - the root of all the misery associated with war - remains the Iraqi regime, whether Saddam Hussein is at the controls today or not.

The Iraqis are sending civilians into harm's way. They are promising more suicide bombers. They are vowing to battle Americans and British with every weapon at their disposal, even if it includes women and children.

War is the most brutal endeavor that human beings undertake. Americans are seeing in real time the true meaning of the fog of war.

[Contact Us](#) | [Feedback](#) | [Search](#) | [Table of Contents](#) |

Copyright © 2004 AMARILLO GLOBE-NEWS

http://www.amarillonet.com/stories/040203/opi_fogof.shtml

2/22/04

Senior Member of the Board of Inquiry
2 April 2004
Page 2

On another occasion, while Marines from (b)(7)(C) platoon were guarding a vehicle check-point, a large truck approached at a fast rate of speed, flashed its lights and refused to stop. The Marines opened fire and disabled the vehicle. The two Iraqis inside the vehicle were injured; the Marines administered first aid. (b)(7)(C) requested instructions from his battalion on several occasions regarding the handling of the personnel, vehicle and contents. After receiving no response for a number of hours, (b)(7)(C) was finally advised to take anything of value from the vehicle and return to headquarters. (b)(7)(C) searched the vehicle, found a large sum of Iraqi currency, bags of rice and other items. The cash was collected and given to Iraqi police; other items were taken to headquarters. Some of the remaining items consist of clothing which was contained in a very dirty bag. As bugs, flies and other parasites were a big health problem in Iraq, (b)(7)(C) burned these items.

It is my understanding that (b)(7)(C) has faced disciplinary charges for the actions taken in disrobing the Iraqi looters and destroying the clothes. No Iraqis were injured as a result of (b)(7)(C) actions, the looting ceased as a result of the actions he took and the destruction of potentially health hazardous material precluded that material from infecting other clothing and eliminated a storage problem. All of these actions were taken within the context of the combat environment where (b)(7)(C) had many other concerns to address regarding his area of responsibility and the Marines under his command.

If I were (b)(7)(C) company or battalion commander I would find that he exercised sound, effective judgment under the circumstances. He faced a problem of continuing looting from the same source, he addressed the problem with decisiveness and it resulted in resolution of the problem with physical harm to no one. In the second instance, he sought direction from higher headquarters, none was available. He once again acted decisively to eliminate a problem; once again, without injury to anyone.

In sum, it appears that (b)(7)(C) exercised decisive and appropriate judgment; he is the type of officer we should be retaining in the Marine Corps. If any of the Board members have any questions concerning my observation, please feel free to contact me.

(b)(7)(C)

**RESPONDENT'S EXHIBITS FOR
BOARD OF INQUIRY ICO**

(b)(7)(C)

(b)(6) - SSN /0602 USMCR



RESPONDENT'S EXHIBIT

W

April 4, 2004

President
USMC Board of Inquiry

Reference: Charges against (b)(7)(C)

Dear Sir:

I have reviewed the information surrounding the charges against (b)(7)(C) as provided by his attorney. My first impression is that the BOI is directed at the wrong person! And instead, should be considering the fitness for duty of those who have referred the charges.

I seriously question the good judgment and knowledge of military history of the Commanding General who would compare the actions of (b)(7)(C) to those of Lt. Call in My Lai, Vietnam. It seems to me that that the actions taken in dealing with the infiltrators at the ASP, after their fourth attempt to gain access to steal munitions, which were likely intended to be used to kill or maim Coalition Forces were quite measured and restrained under the circumstances. How sending those individuals home in their slivvies violates the Geneva Convention is a real stretch. Incredible!

The actions taken by (b)(7)(C) and his men at the roadside checkpoint were decisive and courageous in the face of a threat situation. The fact that only the vehicle was disabled without killing the occupants reflects great credit on (b)(7)(C) and his men for a cool headed response to a dangerous situation. To then intern attempt to punish him for burning some worthless infested clothing is incredible and defies logic. I just can't believe it! (b)(7)(C) should be commended not threatened with punishment.

These charges are frivolous and petty and beneath the dignity of the USMC. They can do more damage to troop morale than the actions of the left wing anti-war activist in the US and around the world. I have experienced the anti-war types, having served two tours in Vietnam and returning through San Francisco to be accosted by anti-war creeps. During my nearly 26 years of active service, one of my most gratifying experiences and honor was that of commanding the (b)(7)(C).

I hope and pray that reason and good judgment will prevail in your deliberations and that these charges against (b)(7)(C) will be dropped.

Sincerely,

(b)(7)(C)

**RESPONDENT'S EXHIBITS FOR
BOARD OF INQUIRY ICO**

(b)(7)(C)

(b)(6) - SSN / 0602 USMCR



RESPONDENT'S EXHIBIT X

(b)(7)(C)

April 05, 2004

VIA FACSIMILE & U.S. MAIL

(b)(7)(C)

Senior Member
Board of Inquiry
(b)(7)(C) USMCR

Re: Letter of support for (b)(7)(C) USMCR

Dear Sir or Madam:

I am writing this letter on behalf of (b)(7)(C) USMCR, in support of his effort to retain his commission.

I have known (b)(7)(C) since the eighties when I was President of the Parent's Committee of his Boy Scout Troop here in (b)(7)(C). I watched (b)(7)(C) over the years as he became an Eagle Scout, attended and graduated from (b)(7)(C) High School where he played on the Basketball Team and then left for Annapolis. Over the years I have kept up with (b)(7)(C) personally and through his parents who are friends of the family.

If ever there was an individual who would have made an excellent officer, it is (b)(7)(C). Beyond the fact that he has a father who is a Marine combat veteran from Vietnam and a brother who is a currently serving as a decorated member of the U.S. Navy, (b)(7)(C) has exhibited through all the years that I have known him the traits and attributes of a commissioned officer: dedication to duty, personal self discipline, and commitment to the organization's mission.

I should point out that I was a commissioned officer myself in the Regular Army serving three years during the early seventies with the (b)(7)(C) as an (b)(7)(C) Company rifle platoon leader and Executive Officer. (b)(7)(C) (b)(7)(C) Platoon Leader, and Motor Officer and Executive Officer for (b)(7)(C) (b)(7)(C) (b)(7)(C)

I served almost five years on active duty and another twelve years in the United States Army Reserve with assignments in the (b)(7)(C) (b)(7)(C) the (b)(7)(C) and the (b)(7)(C) Battalion.

(b)(7)(C)

Senior Member, Board of Inquiry

April 5, 2002

Page 2

Coming from that military background I find it difficult to believe that the U.S. Marine Corps would want to force (b)(7)(C) out of service. If ever there was a man that deserved to serve, and that we as a nation would want to serve, it is (b)(7)(C).

I have been in the private practice of law since 1979 and attach my statement of qualifications in that regard.

I make it a point in my civilian life to defend the military policy and the armed forces of this country to my friends and professional acquaintances.

In case it is not a matter of common knowledge within the military, it can use all the friends that it can get in explaining its role, purpose and mission to a civilian population almost devoid of former service members.

In my law firm I am the only person with military experience (we have over fifty people working here)! I am aware of five attorneys or judges in the (b)(7)(C) area, which has over 250 members of the Bench and Bar, who have any military experience - and one of those fought in World War II. I am on the Board of Governors of the (b)(7)(C) State Bar Association which has over 15,000 members. There are few occasions when I run in to a fellow service member.

I can't tell any of the people I regularly associate with in professional life the story of what happened to (b)(7)(C).

First, few would believe it.

Second, the few who would believe it would credit it as the "military mind" at work.

I know that the "military mind" is a figment of the imagination of people who never served. The "military mind" that I was associated with during my seventeen years of active and reserve duty was committed to the mission and yet took care of its people. Would that some of my civilian counterparts could do their jobs as well as the military does theirs.

It is that personal experience on active and reserve duty that makes what happened to (b)(7)(C) so difficult to fathom.

(b)(7)(C) doesn't deserve what was done to him.

This country can't afford to do to officers like (b)(7)(C) what was done to him.

I have every confidence that the United States Marine Corps will direct that (b)(7)(C) USMCR, be allowed to retain his commission.

Senior Member, Board of Inquiry
April 5, 2002
Page 3

Sincerely,

(b)(7)(C)

Enclosure

STATEMENT OF QUALIFICATIONS

(b)(7)(C)

Education:

J.D. (b)(7)(C) 1979
Judge Advocate General Course, U.S. Army, 1984 (correspondence)
U.S. Government, (b)(7)(C) 1970

Admissions:

State of (b)(7)(C) 1979 (Ally Reg. No. [redacted])
U.S. District Court, District of (b)(7)(C) 1979
Highs United States Circuit Court of Appeals, 1983
U.S. District Court, Western District of (b)(7)(C) 1997
Seventh United States Circuit Court of Appeals, 1997

Professional Employment:

1979 - present, (b)(7)(C)
(b)(7)(C)

Membership, Professional Organizations & Societies:

American Bar Association
(b)(7)(C) State Bar Association [Board of Governors, 1993-98; Chair, Outstate Practice Section; Chair, Attorney Referral Service Committee; Member, Multidisciplinary Practice (MDP) Task Force]
Seventh District Bar Association [MSBA Delegate, 1992-1995]
(b)(7)(C) Bar Association [President, 1987-88]
Defense Research Institute (b)(7)(C) Delegate, State & Local Defense Organizations (SLDO), (b)(7)(C)
(b)(7)(C) Lawyers Association [President, 1992-93]
(b)(7)(C) Supreme Court Standing Committee on the Administration of No-Fault [Member, 1990-96];
Panel of Arbitrators, American Arbitration Association
Rec Arbitration Panel, Seventh District (b)(7)(C) State Bar Association (Panel Member, 1988-)
(b)(7)(C) (1997-)
Member, Governor's Commission on Judicial Appointment (1999-)

Professional References:

(b)(7)(C)

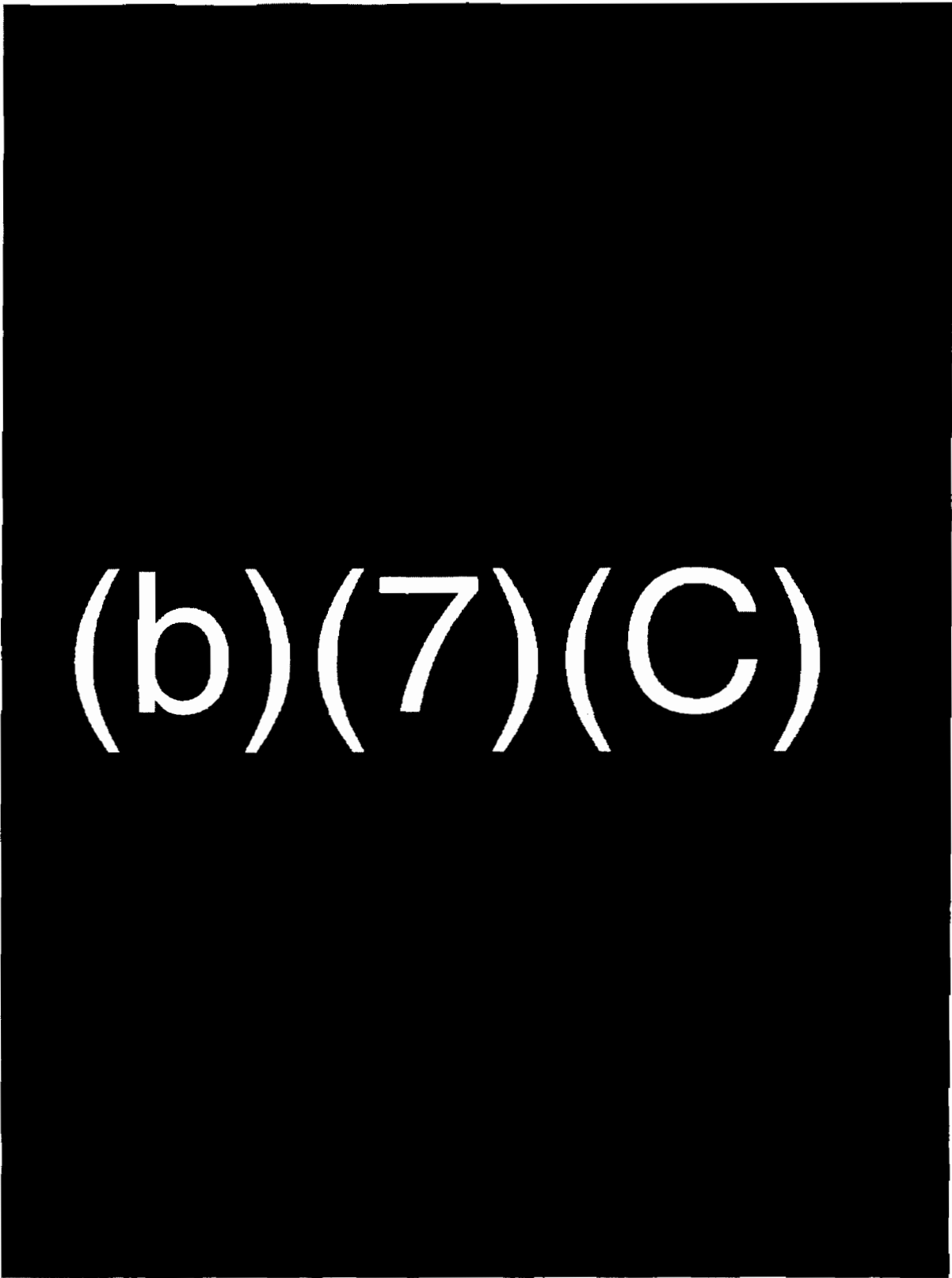
(b)(7)(C)

Publications:

(b)(7)(C)

Presentations:

(b)(7)(C)



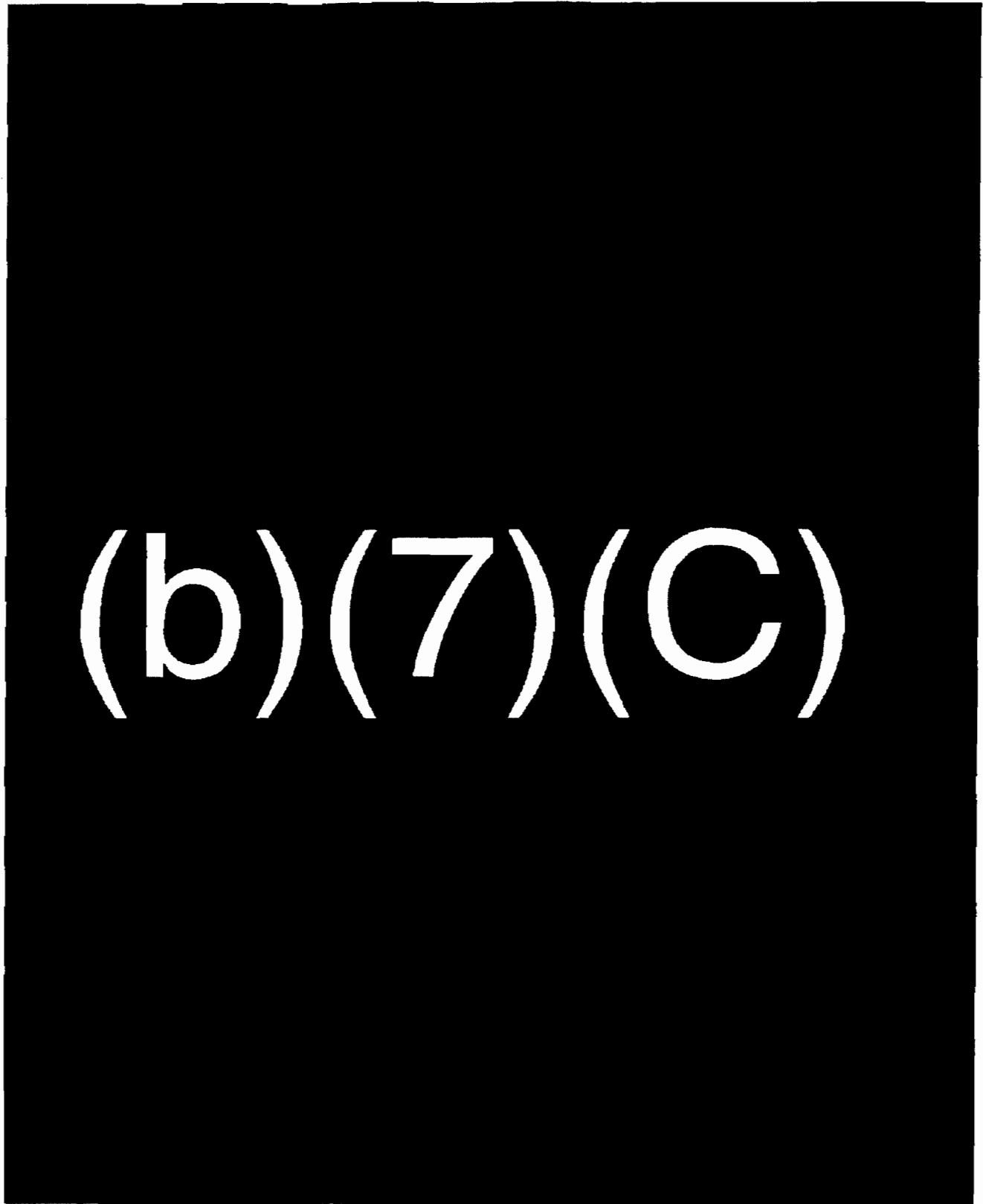
(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

(b)(7)(C)



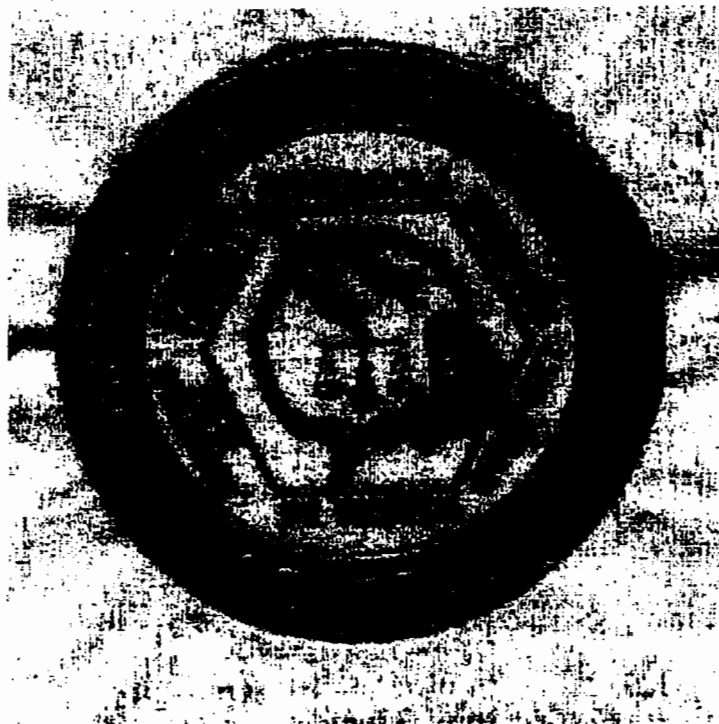
(b)(7)(C)

(b)(7)(C)

**RESPONDENT'S EXHIBITS FOR
BOARD OF INQUIRY ICO**

(b)(7)(C)

(b)(6) - SSN ██████████ 0602 USMCR



RESPONDENT'S EXHIBIT _____

Y

Senior Member of the Board of Inquiry

April 2, 2004

RE: Charges against (b)(7)(C) USMC

Dear Sir:

I have had the opportunity to consider the facts in respect of charges against (b)(7)(C) and after some serious reflection I am compelled to offer some perspective and observation.

I am a former Marine, having served in Vietnam during 1970 and 1971. Prior to deployment to South Vietnam, as was the case for all Marine Corp troops being stationed there, pre-deployment training was conducted. Part of this training was instruction as to the scope, breadth, and spirit of the Geneva Convention, as well as the treatment of prisoners thereunder. Specifically, we were informed that in Asia the genital area was considered "sacred". Therefore, as a matter of policy and procedure, if captured, concealing weapons and the like in this area was advisable since the North Vietnamese and Vietcong would or should shy away from this area. (Of course we later learned that it was common to mutilate the genitals of captured troops.) Similarly we were also instructed that upon taking prisoners, in addition to normal pat downs, prisoners should be stripped down to their underwear thereby. Thereafter, once the clothes had been searched they would generally be considered to be disposable with the prisoners being transported to an appropriate holding facility. It is my understanding and observation that this was frequently the order of the day.

In light of the above, I find it incomprehensible that the (b)(7)(C) conduct would be considered to be "degrading" and "humiliating" in violation of the Geneva Convention. In fact I would say it was the least restrictive, most reasonable course of action. His actions may very well have saved the lives of his Marines, which during my time in the Marine Corps was a quality that enlisted Marines sought most from their Officers.

Upon hearing a Board of Inquiry had been initiated and that (b)(7)(C) may be separated as a result of this I am simply astonished. I have to wonder if the individual who filed or initiated these charges is in fact abusing their discretion.

It has always been my understanding that the Geneva Convention attempts to remove brutality and harshness in the treatment of prisoners and attempts to ensure that they are treated as human beings. However, if the "underwear" rule being visited upon (b)(7)(C) were to be uniformly carried out, then the entire military induction process would become suspect.

Additionally, I must wonder whether this treatment of (b)(7)(C) is in the best interests of the Marine Corp or the United States. I joined the Marine Corp six weeks after my eighteenth birthday while the Vietnam war was still very, very active - basically to get out of the house and to show others that "I was a man." I am pleased to say that what I got was of far greater value than I sought. The Marine Corp taught me honor, dignity and respect but more importantly taught me self-confidence, being able to do anything you set your mind too. This has stayed with me to this day. It is what Marines carry out into the civilian world. As I sit here at the age of 52, although I have a spare tire, need glasses, and am losing my hair, to this day I still wear a crisp, clean, heavily starched, bibbed shirt.

1

When I graduated high school, I was in the bottom third of my graduating class. Upon leaving in the Marine Corp I enrolled into college obtaining an electrical engineering degree four years later, followed by a degree in law. I am presently licensed to practice law in three states and the (b)(7)(C) and I presently hold the title of (b)(7)(C) a Senior Vice President level position at (b)(7)(C) a publicly traded company. Without the confidence and integrity that the Marine Corp instilled this would not have been a possibility. To this day I am proud of what I have accomplished, I am proud of the Marine Corp and proud of my country.

Witnessing what is being done in (b)(7)(C) carried to its logical conclusion can only have a demoralizing and debilitating effect upon the troops and bring disgrace to the Marine Corp. The General's comparison of (b)(7)(C) actions to Lieutenant Call in Vietnam is clear evidence that the charges are way out of line with the facts and with the mission that was charged.

Contrary to setting the record straight and imposing "good order and discipline" this attack against (b)(7)(C) should chill any able bodied reservist from volunteering to serve his country. As if the brutality of life in Iraq was not a strong enough deterrent to volunteering to go to Iraq. The fact that the slightest error and the smaller lapse in judgment, whether real or perceived can translate into a career death sentence, is only another reason to stay away from armed conflict. How does an Officer like (b)(7)(C) pick up the pieces of his life and move on to another productive career. Anyone seeing his resume will need to ask, why did you get out? Either he lies or tells the truth, what employer would want to hire a Marine that was "separated" fired from his position? What will he tell his children about why after serving for 10 years in the Marine Corps he was thrown out. Please be careful with this man's life, if you act upon the (misplaced) recommendations of the Government you have set a bar by which ALL Marine officers MUST now be judged, I think that bar would be close to a "perfect standard." A standard which is impossible to achieve in Garrison and in combat. If this is the standard, I would have to seriously think about recommending the Marine Corps to anyone who might ask me. This would not only have a negative effect on current troops planning to deploy, but if I were a young man again, would present me with a serious dilemma as to whether I should join the Corp.

Accordingly, in view of the above I respectfully urge that the BOI put the matter in perspective and handle this in the same professional manner that Marines are being asked to hold to when in combat - let the matter drop.

Respectfully Submitted,

(b)(7)(C)

**RESPONDENT'S EXHIBITS FOR
BOARD OF INQUIRY ICO**

(b)(7)(C)

(b)(6) - SSN / 0602 USMCR



RESPONDENT'S EXHIBIT

7

April 1, 2004

Senior Member
Board of Inquiry

Re (b)(7)(C)

Dear Sir:

I am writing this letter to express my concerns regarding your inquiry into certain actions of (b)(7)(C) during his deployment in support of Operation Iraqi Freedom. My concerns and observations are based on my own 6 ½ year tenure as an artillery officer in the U.S. Marine Corps (b)(7)(C), and my past years of experience as an FBI Special Agent. Perhaps more importantly, I have known (b)(7)(C) since he was a junior in high school and have knowledge of his background, character and personal qualifications.

(b)(7)(C) even as a teenager, demonstrated an extraordinary sense of purpose, and worked diligently to prepare himself for success in life. His work ethic was remarkable and his character beyond reproach. The son of a former Marine officer, (b)(7)(C) had values instilled in him that naturally steered him toward a military career. Because of his exemplary academic achievement and related abilities, he received an appointment to the U.S. Naval Academy from which he graduated in . Without hesitation, he requested a commission in the Marine Corps because of the high value the organization placed on discipline, leadership, self sacrifice and loyalty to it's own. (b)(7)(C) admired those hallmarks of the Corps, and embraced them whole heartedly.

I have been apprized of the allegations of misconduct lodged against (b)(7)(C). Admittedly, I was not there but as I understand them, (b)(7)(C) has been accused of taking the outer clothing of four Iraqi men who had made repeated attempts to enter an ammo supply position that his unit was responsible for guarding, and for burning infested clothing found in an Iraqi truck that was disabled and abandoned after it's driver attempted to run a roadblock manned by members of his platoon. If in fact these are the allegations, I believe this matter raises serious concerns about the expectations being place upon small unit leaders in combat.

I have spent the majority of my adult life engaged in combat against criminal elements bent on the destruction of our valued institutions. Though I would not presume to equate this endeavor to military combat, I believe that the principles involved are much the same, and the consequences of failure are precisely the same. If you allow your enemy to get the upper hand, he will kill you! If you are a leader, regardless of your level of responsibility, and you have not done everything within your power to protect your subordinates while accomplishing your mission, you have failed. It appears to me that this is precisely what (b)(7)(C) accomplished by directing the actions in

question, and they were accomplished without bodily injury. Is this not precisely what we expect of leaders?

Combat, whether in the field or in the streets, is not about being inoffensive and dispassionate. It is about being prepared, focused and willing to use all means necessary to subdue the enemy while ensuring minimum loss of life and limb. If this means killing the enemy, so be it. If it means burning his clothes and sending him on his way, so be it. To constantly shift the bar, so that one day you are expected to kill the enemy and the next to be charged with "embarrassing" him, is unconscionable. Such inconsistency invariably breeds confusion, doubt and ultimately a lack of decisiveness—the absolute kiss of death in combat! This is not what the American people expect of their Marines and it should not, and must not, be what they get.

I have never known (b)(7)(C) to conduct himself in anything less than an honorable manner, and I have heard nothing supporting the complaints lodged against him that has changed my mind. Rather, it appears to me that (b)(7)(C) while leading his Marines in a hostile environment, acted with restraint and due deliberation to achieve his assigned mission while protecting the health and well-being of his Marines. What more can be reasonably expected?

It seems ironic that, after (b)(7)(C) was relieved of his command because of his alleged mistreatment of Iraqis, he was assigned to a command responsible for training Iraqis. Does this not, in and of itself, cast doubt upon the propriety of the allegations?

(b)(7)(C) has proudly and faithfully served his country in what has always been the finest fighting force in the world, and I firmly believe that the American people would be well served by (b)(7)(C) further service in the U.S. Marine Corps.

Thank you for your thoughtful consideration of this matter, and for your service to America.

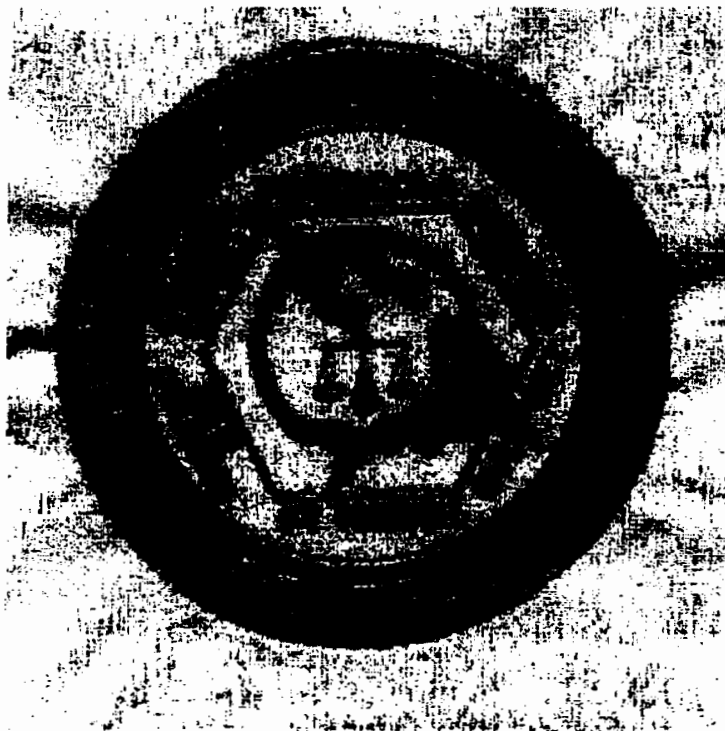
Sincerely,

(b)(7)(C)

**RESPONDENT'S EXHIBITS FOR
BOARD OF INQUIRY ICO**

(b)(7)(C)

(b)(7)(C) /0602 USMCR



RESPONDENT'S EXHIBIT aa

April 4, 2004

(b)(7)(C)

Re: Board of Inquiry of Marine (b)(7)(C)

Dear Attorney (b)(7)(C)

I have recently been apprised of the service of (b)(7)(C) as a member of the U.S. Marine Corps in Iraq and of the outrageous allegations against this young American hero and the inquiry that could result in ruining his life and discrediting his ten years of exemplary service to the United States of America. I am an American who has been blessed with a long and productive life that included four years of combat all over the Pacific in World War II and I am very upset by the implications of this inquiry.

My military experience started as a private in (b)(7)(C) at Camp Blanding and I fought on Attu in the Aleutian Islands, Kwajalein, Leyte/the Philippines and Okinawa as a commander of the U.S Army's (b)(7)(C) unit. I completed my military service in (b)(7)(C) after spending a year in military hospitals, with the rank of Infantry Captain having received a battlefield promotion by General Archibald Arnold at Leyte in (b)(7)(C). During that time I was involved in many inquiries, three Court Martial Boards and other military proceedings. I was awarded a Silver Star for Gallantry In Action at Attu, a Bronze Star with V device for Valor at Leyte Island, a Bronze Star with Oak Leaf Cluster for ground combat and five purple hearts along with other unit and campaign medals.

It is apparent to me that the invasion of Iraq was not well planned and has certainly not been executed with enough troops and support to be decisive and that it is still a battlefield today. Placing American military personnel in harms way without adequate planning, overwhelming force and support and with ineffective command is unconscionable. Impugning the reputation of and destroying the life and future of (b)(7)(C) would be a travesty. It is obvious that a problem does exist in the chain of command of the (b)(7)(C) 4th Marine Corps Division of New Orleans, La. and that (b)(7)(C) is not that problem. There is no excuse for officers who do not demonstrate support for their troops and have the poor judgement to criticize battlefield initiative by comparing them to Lt. Call in Vietnam.

It will be a sad day for America and our brave men and women serving around the world to protect our freedoms if this inquiry further injures (b)(7)(C). I am personally acquainted with several current U.S. Senators and have been very active in the VFW and the American Legion so please let me know if I can bring the cavalry for (b)(7)(C). All Americans must support our troops and all Americans are responsible for ensuring their fair treatment while they serve our country. God Bless America!

Sincerely,

(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

**RESPONDENT'S EXHIBITS FOR
BOARD OF INQUIRY ICO**

(b)(7)(C)

(b)(6) - SSN / 0602 USMCR



RESPONDENT'S EXHIBIT bb



UNITED STATES MARINE CORPS

(b)(7)(C)

INTEPLY REFERENCE

5800

(b)(7)(C)

24Mar04

From: (b)(7)(C) 4260/01802:6SHC

To: The Board of Inquiry IGO (b)(7)(C)

SUBJ: LETTER OF RECOMMENDATION

1. I have been informed that (b)(7)(C) is currently under investigation stemming from allegations of destruction of property and conduct unbecoming an officer. Although not familiar with the details of these allegations, I would like to offer my opinions of this officer and recommendation for retention based upon my observations of (b)(7)(C) as a previous Reporting Senior.

2. From (b)(7)(C), (b)(7)(C) was the (b)(7)(C) while assigned to my (b)(7)(C) Marine Corps Base, Camp Butler, Okinawa, Japan. During this period, as his Reporting Senior, I had almost hourly observation and daily interaction with (b)(7)(C). In this capacity, (b)(7)(C) was responsible for over sixty (60) Marines, Host Nation employees and U.S. Contractors, coordination and negotiations with Host Nation government officials, and projects well in excess of \$150 Million dollars. Additionally, (b)(7)(C) responsibilities, plans and supervisory role indirectly extended to literally thousands of Marines and civilians.

3. I cannot express in written word my level of utter disbelief at these allegations. During the sixteen (16) months that (b)(7)(C) worked for me, I had only the highest respect for his professionalism and leadership. Below are direct quotes from the two (2) fitness reports that I wrote on (b)(7)(C) (b)(7)(C) during this period, I feel they sum up my opinions best.

- Exceptional leadership traits
- Not afraid to make hard or unpopular decisions
- Able to make sound snap decisions without hesitation
- Has an innate heavy dose of common sense
- This is exactly the type of officer I want to be leading my Marines in combat.
- Definitely want this one leading my Marines when the Bullets start flying
- Moral courage and candid nature is extremely refreshing
- Marines have immense respect for his leadership and strive to meet his expectations
- Unlimited potential
- Performance already overshadows many Majors, more than ready for promotion

As a point of foundation for basis of my opinions, I am currently completing my three (3) year assignment as the Communications Officer for the (b)(7)(C)

(b)(7)(C). I have serviced fifteen (15) years active service in the Marine Corps, thirteen (13) of which I have lead and/or commanded Marines and Officers, and ten (10) of which have been in the Fleet Marine Force. Additionally, I have combat experience with lethality during the Gulf War, including personal award with Combat V for valor. Based upon my background and experience, I am more than comfortable with my judgment of (b)(7)(C) character and that my descriptions accurately reflect the officer.

4. There is no doubt in my mind that (b)(7)(C) was faced with situations while operating in Iraq which no one else other than he and his Marines could understand fully. I am also confident that (b)(7)(C) made appropriate decisions based upon sound judgment, and the safety of Marines in his charge and of those he was sent to protect. (b)(7)(C) is a hero in my eyes. I believe beyond a shadow of a doubt that (b)(7)(C)'s leadership has led to the saving of lives and freedom of the Iraqi people. I personally feel it a travesty of justice that, at the moment, we should be thanking (b)(7)(C) for his dedication and devotion, he is instead being treated as a criminal.

5. I have remained in contact with (b)(7)(C) since my change of station, with the specific intent to ensure that I give the opportunity to make him a leader of my Marines in the future. I would do so. I cannot recommend strongly enough that (b)(7)(C) is absolved of even the most remote implication that he was responsible for any criminal action, and that he not only be retained, but also awarded for his actions.

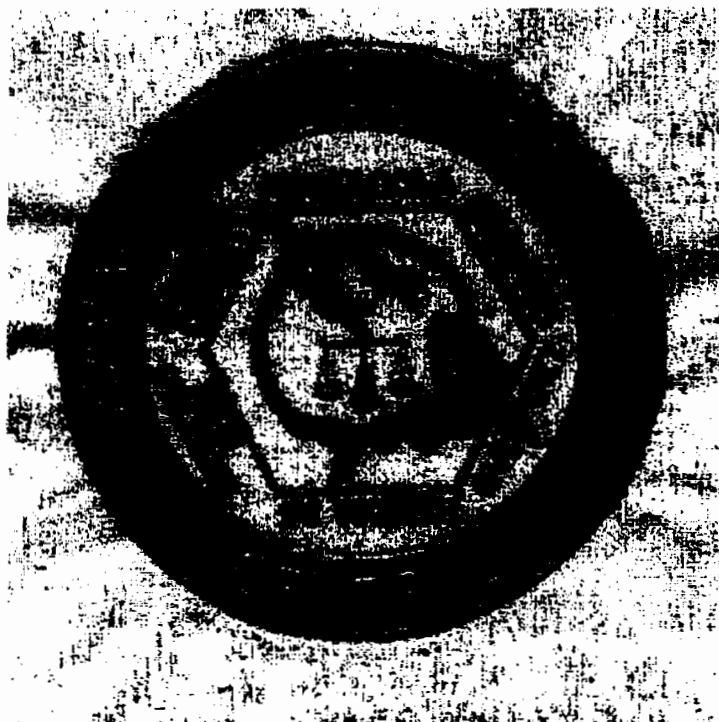
6. I am more than willing to provide further application or statement upon request. I can be contacted at (b)(7)(C) while underway at (b)(7)(C) (b)(7)(C) while in port, also I can be reached via Westcom net, at (b)(7)(C) (b)(7)(C) (b)(7)(C)

(b)(7)(C)

**RESPONDENT'S EXHIBITS FOR
BOARD OF INQUIRY ICO**

(b)(7)(C)

(b)(7)(C) /0602 USMCR



RESPONDENT'S EXHIBIT CC

March 1, 2004

From: (b)(7)(C) PSMCR
To: President, Board of Inquiry

Subj: CHARACTER STATEMENT; CASE OF (b)(7)(C)

1. I have known (b)(7)(C) since (b)(7)(C). We worked together at Marine Corps Base, Camp Smedley D. Butler, Okinawa, Japan for approximately eighteen months. Throughout that period, I personally observed (b)(7)(C) demonstrate maturity, professionalism, and judgment beyond his rank and experience.

2. (b)(7)(C) character was always grounded in respect for the rule of law, responsibility, accountability, and sound judgment. His qualifications as a Marine Officer are unimpeachable. I observed him resolve a multitude of complex, high profile, time-sensitive, island-wide projects and HQMC initiatives through innovation, teamwork, and conscientious tenacity. I personally worked with and through him on numerous occasions and projects, finding his candor and honesty an asset in every situation. (b)(7)(C) was a team player and his fellow Officers knew that we could always depend on his word. (b)(7)(C) played an active and pivotal role in the success of numerous key projects. At no time, did I recognize any flaws in his character; more often, he served as a superb role model for his fellow Officers through his words, work, and wisdom.

3. His rapport with his fellow Officers within and outside his command was enviable. His willingness to tackle difficult and challenges assignments, and accomplish the mission was notable. The effectiveness of our unit improved as a direct result of (b)(7)(C) noteworthy teamwork, commitment and performance.

4. It was my privilege to work with (b)(7)(C). During my eighteen plus years of service, I have met few Marine Officers with the grounded character of (b)(7)(C). I strongly recommend (b)(7)(C) for retention as an Officer of Marines; to do otherwise, would be a loss to our Corps and its Marines. If you have any questions or wish to discuss anything, please contact me at (b)(7)(C) or (b)(7)(C).

Sincerely,

(b)(7)(C)

18 Feb 2004

From: (b)(7)(C) United States Marine Corps
To: Board of Inquiry, c/o (b)(7)(C) United States Navy

1. I am writing this character reference letter for (b)(7)(C) (b)(7)(C) United States Marine Corps. (b)(7)(C) contacted me via e-mail regarding this Board of Inquiry and his fitness to stay in the Marine Corps Reserves.
2. (b)(7)(C) and I served together at (b)(7)(C) (b)(7)(C) III Marine Expeditionary Force, Okinawa, Japan (approximately (b)(7)(C)). I was his Company Commander and then (b)(7)(C) was Platoon Commander, (b)(7)(C) Platoon.
3. (b)(7)(C) provided the necessary leadership and trained his Marines to meet the goals consistent with his platoon, company and battalion's mission. (b)(7)(C) worked diligently despite an undermanned platoon; he prepared his Marines for deployments in support of the battalion and III Marine Expeditionary Force. He displayed an unwavering devotion to his Marines and always looked out for their welfare. In fact, (b)(7)(C) positive influential leadership contributed to my Company's low misconduct incidents, and overall the lowest misconduct incidents in the battalion.
4. (b)(7)(C) and I also deployed to (b)(7)(C) (b)(7)(C). As the Detachment Commander, I personally observed (b)(7)(C) in his performance of duties as a systems control watch officer. As a watch officer he was responsible for the installation, maintenance and uninterrupted operation of the communications network my detachment was tasked with providing. (b)(7)(C) successfully executed his duties and contributed to the overall success and mission accomplishment.
5. During a Company field exercise that occurred over a 5-day period, I observed once again (b)(7)(C) performance in support of my Company's training objectives. The field exercise consisted of live firing to include the grenade range, NBC training, land navigation, patrolling and force marches. (b)(7)(C) displayed his leadership abilities by adapting to a dynamic and ever-changing environment. He remained focused and provided guidance and direction to his Marines. Without a doubt his presence in the field contributed to a successful

(b)(7)(C)

P.3

training event that concluded without any safety mishaps and without any lost of gear and equipment.

6. I can only speak of his character and potential for further service based on our tour at (b)(7)(C) Battalion.

(b)(7)(C) conducted himself in the utmost professional manner and performed his duties consistent with what is expected of a naval officer. At no time did I witness any incident or was made aware of that would cause me to doubt his abilities to lead as an officer. (b)(7)(C) lived our Corps values: honor, courage and commitment. In summary, I would serve with (b)(7)(C) (b)(7)(C) again and recommend retention.

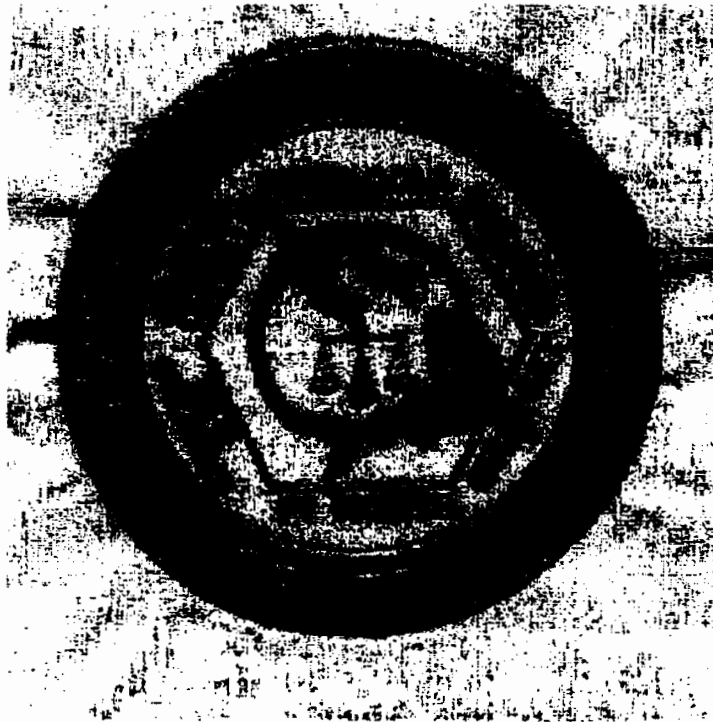
7. If you have any questions I can be reached at (b)(7)(C) (b)(7)(C) or e-mail (b)(7)(C) usmc.mil.

(b)(7)(C)

**RESPONDENT'S EXHIBITS FOR
BOARD OF INQUIRY ICO**

(b)(7)(C)

(b)(6) - SSN / 0602 USMCR



RESPONDENT'S EXHIBIT ce

13 March 2004

From: (b)(7)(C)
 Dental Corps, United States Navy
 To: Board of Inquiry
 Subj: STATEMENT ICO (b)(7)(C)

1. I have known (b)(7)(C) since February
 I met him while he was serving his assignment at
 (b)(7)(C) and I as (b)(7)(C)
 (b)(7)(C) both at Camp Hansen, Okinawa,
 Japan. During this six-year period, we have had meaningful
 contacts in professional, social and personal environments.
 In the time that I have known him, I have never witnessed
 (b)(7)(C) conduct himself in any manner that placed his
 integrity into question. (b)(7)(C) is an excellent and
 dedicated Marine Corps officer who had always exhibited
 sound judgment and conducted himself professionally. I
 believe that he will continue to be an asset to the
 military service. I am writing this letter in support of
 (b)(7)(C) retention in the United States Marine Corps
 Reserves.

2. The following are my contact information:

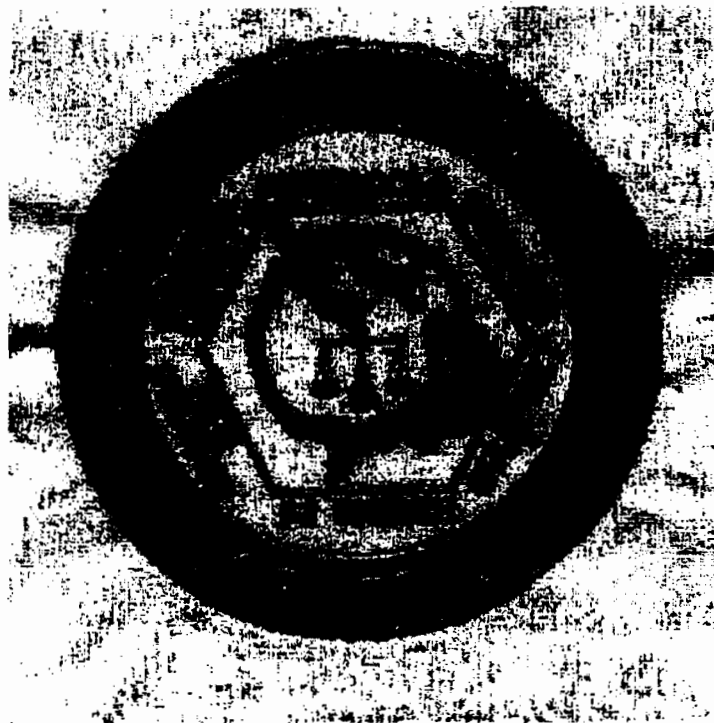
(b)(7)(C)

(b)(7)(C)

**RESPONDENT'S EXHIBITS FOR
BOARD OF INQUIRY ICO**

(b)(7)(C)

(b)(6) - SSN / 0602 USMCR



RESPONDENT'S EXHIBIT FF



UNITED STATES MARINE CORPS

(b)(7)(C)

IN REPLY REFER TO:
5837

15 Mar 04

From: (b)(7)(C) (b)(6) - SSN /0602/0503 USMCR
To: Board of Inquiry

Subj: LETTER OF RECOMMENDATION, CASE OF (b)(7)(C)
(b)(7)(C)

1. I am writing to request that (b)(7)(C) be retained in the Marine Corps based on a history of good conduct.

2. I have known (b)(7)(C) for six years and I have worked with him in a variety of different situations. We first met as (b)(7)(C)

(b)(7)(C). Subsequently we worked together directly and indirectly over the course of three years in Okinawa. During my last year in Okinawa, I worked directly for (b)(7)(C) as (b)(7)(C) in the (b)(7)(C) of Marine Corps Base Butler.

3. As (b)(7)(C) subordinate, I learned to respect his decisions because decision-making process was measured and well thought out. For instance, as the head of the (b)(7)(C) (b)(7)(C), he always ensured that any team that went out on a project had a mix of skill sets. I believe in his ability to make sound judgments based on the facts presented to him. (b)(7)(C) always reviewed proposals and ideas with absolute thoroughness before making a decision. His measured, circumspect manner in making decisions ensured the success of our section (b)(7)(C)

(b)(7)(C)

4. As a peer, I've also seen (b)(7)(C) and I am convinced that I would try to emulate his decision-making process. He is, and always has been, an officer who engages in his career in the military at a level of which many are not willing or not capable. He makes an effort to understand his mission clearly and to recognize how his actions can drive the success or failure of the mission. More than that, however, he is incredibly intellectually engaged in the history of our profession of arms. This

produces an awareness of his own personal context and that of the Marines he is charged with leading that allows him to make decisions based on a very broad knowledge both experiential and historical.

5. Over the past 10 years as an enlisted Marine, as an officer and as a consultant to the Department of Defense, I have seen few officers of (b)(7)(C) caliber. I am certain that retaining him in the service does credit to the Marine Corps, the Naval Service and the profession of arms as a whole.

6. Please direct any additional questions to me at

(b)(7)(C)

(b)(7)(C)