

Nonresponsive, (b)(1)1.4a

EXHIBIT D

006828

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is OOCSDPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 /SSN.
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION FCB Loyalty, Baghdad	2. DATE (YYYYMMDD) 2006/09/25	3. TIME 1424	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(3), (b)(6)	7. GRADE/STATUS 02	

8. ORGANIZATION OR ADDRESS
ECO 9E, TF 1-26, Baghdad, Iraq

9. (b)(3), (b)(6) , WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: CPT (b)(3), (b)(6)
A: 1LT (b)(3), (b)(6)
Q: WERE YOU THE PATROL LEADER FOR PV2 (b)(3), (b)(6) ON 21 SEP 2006 DURING THE EOF INCIDENT INVOLVING THE DEATH OF A LOCAL NATIONAL?
A: YES
Q: HAS YOUR PATROL, TO INCLUDE PV2 (b)(3), (b)(6) RECEIVED THE EOF AND ROE CLASS FOR BAGHDAD IRAQ?
A: YES (b)(3), (b)(6)
Q: AS PART OF THE CLASSES GIVEN, WAS HOW TO SET UP A PROPER TCP CLASS INCLUDED IN THE EOF CLASS?
A: YES (b)(3), (b)(6)
Q: AS PART OF THE EOF CLASS WERE THE (b)(2) high EOF BRIEFED? SEE EXHIBIT D
A: YES (b)(3), (b)(6)
Q: TO THE PATROL DID YOU GIVE AN EOF AND AN ROE BRIEFING TO YOUR PATROL TO INCLUDE PV2 (b)(3), (b)(6)?
A: YES BRIEFING WAS GIVEN BUT IT DID NOT INCLUDE AN EOF BRIEFING FOR A TCP (b)(3), (b)(6)
Q: PRIOR TO THE PATROL WERE BACK BRIEFS, REHEARSALS, PCIs/PCCs AND PERIODIC SCENARIO-BASED DECISION EXERCISES CONDUCTED AS REQUIRED BY MNCI?
A: YES BUT IT DID NOT INCLUDE PV2 (b)(3), (b)(6) WHO WAS PART OF ANOTHER PLATOON. I AM NOT AWARE WHO CONDUCTED HIS BACKBRIEF (b)(3), (b)(6)
Q: WAS YOUR PATROL PROPERLY EQUIPED WITH EOF EQUIPMENT AND WERE THEY FULLY TRAINED IN USE OF THAT EQUIPMENT?
A: NO WE DID NOT HAVE SUFFICIENT NUMBERS (b)(2) high
(b)(2) high TO COVER ALL OF THE TCPs (b)(3), (b)(6)
Q: WAS YOUR PATROL PROPERLY EQUIPED TO SET UP A PROPER TCP?
A: YES AND NO, WE HAD SUFFICIENT EQUIPMENT FOR ONLY A SMALL PORTION OF OUR TCP VEHICLES (b)(3), (b)(6)
Q: WHAT TRAFFIC CONTROL EQUIPMENT DID YOUR PATROL HAVE?
A: THREE TRUCKS EQUIPED WITH (b)(2) high FOUR TRUCKS HAD (b)(2) high (b)(3), (b)(6)
Q: DID YOUR PATROL HAVE ANY OTHER EOF EQUIPMENT (b)(2) high
A: (b)(2) high ? (b)(3), (b)(6)
Q: WAS PV2 (b)(3), (b)(6) TRUCK EQUIPT WITH ANY OF THESE DEVICES?
A: NOT THAT I AM AWARE OF (b)(3), (b)(6)
Q: WERE YOU AT THE SCENE WHEN THE EOF INCIDENT OCCURED?
A: NEGATIVE, I WAS WITH THE DISMOUNT TEAMS (b)(3), (b)(6)
Q: WERE PROPER CLAIMS FORMS GIVEN OUT AT THE SCENE?
A: YES (b)(3), (b)(6)
Q: IS THERE ANYTHING ELSE YOU FEEL YOU SHOULD ADD?
A: NO (b)(3), (b)(6)
NOTHING FOLLOWS (b)(3), (b)(6)

10. EXHIBIT E	11. INITIAL (b)(3), (b)(6)	STATEMENT	PAGE 1 OF 1 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF (b)(3), (b)(6) TAKEN BY (b)(3), (b)(6) DATED (b)(3), (b)(6)
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF

TAKEN AT

DATED

9. STATEMENT *(Continued)*

(b)(3), (b)(6)

(b)(3), (b)(6)

(b)(3), (b)(6)

(b)(3), (b)(6)

AFFIDAVIT

(b)(3), (b)(6)

HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(3), (b)(6)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 25 day of SEP, 1968.

(b)(3), (b)(6)

ORGANIZATION OR ADDRESS

(b)(3), (b)(6)

(Typed Name of Person Administering Oath)

AR 15-6

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

(b)(3), (b)(6)

PAGE 2 OF 2 PAGES

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSDPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION FOB LOYALTY, BAGHDAD IRAQ	2. DATE (YYYYMMDD) 2006/09/25	3. TIME 1516	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(3), (b)(6)	7. GRADE/STATUS E7	
B. ORGANIZATION OR ADDRESS CCO 1-26 TF 1-26 BAGHDAD IRAQ			

I, (b)(3), (b)(6) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: CPT (b)(3), (b)(6)
A: SFC (b)(3), (b)(6)
Q: WERE YOU PRESENT FOR THE PATROL BRIEFING ON 21 SEP 2006?
A: YES (b)(3), (b)(6)
Q: WERE FOB AND ROE BRIEFED DURING THE PATROL BRIEFING?
A: YES (b)(3), (b)(6)
Q: WAS PVT (b)(3), (b)(6) PRESENT FOR THAT BRIEFING?
A: I DO NOT RECALL. I AM NOT SURE IF HE WAS OR NOT. (b)(3), (b)(6)
Q: WERE YOU PRESENT FOR THE EOF INCIDENT INVOLVING THE DEATH OF A LOCAL NATIONAL ON 21 SEP?
A: YES (b)(3), (b)(6)
Q: CAN YOU DESCRIBE WHAT HAPPENED?
A: I HAD DISMOUNTED THE VEHICLE TO HELP SFC (b)(3), (b)(6) TEAM SECURE THE COURT YARD RIGHT NEXT TO MY VEHICLE TO PUT A DESIGNATED MARKSMAN TEAM. WE SECURED THE COURTYARD, KNOCKED ON THE DOOR AND ASKED THE FAMILY IF WE COULD GET ON TOP OF THEIR HOUSE TO OBSERVE. THEY SAID YES SO THE TEAM PROCEEDED TO THE ROOF. SGT (b)(3), (b)(6) AND SGT (b)(3), (b)(6) STAYED BACK BY THE VEHICLE AND SGT (b)(3), (b)(6) LAID OUT PVT (b)(3), (b)(6) SECTOR OFFIRE AND HIS ENGAGEMENT LINES. I TALKED TO THE ELDERLY MAN IN HIS COURTYARD TO LET HIM KNOW THAT WE WERE NOT THERE TO HARM OR SCARE HIS FAMILY AND WE WERE SORRY FOR THE INCONVENIENCE. HIS SON BROUGHT HIM COLD WATER AND I MOVED BACK THE THE GATE OF THE COURTYARD TO WATCH MY SECTOR. I WAS ON A KNEE AND I HEARD PVT (b)(3), (b)(6) (b)(2) high SO I STOOD UP TO SEE IF I COULD SEE (b)(2) high PVT (b)(3), (b)(6) THEN STOOD ON HIS TURRET STRAP AND (b)(2) high I THEN PROCEEDED OUT OF THE COURTYARD BECAUSE I WAS SCARED PVT (b)(3), (b)(6) WAS NOT GOING TO STOP THE CAR. THEN PVT (b)(3), (b)(6) GOT DOWN BEHIND HIS WEAPON AND ELEVATED THE BARREL AND FIRED A THREE ROUND BURST OVER THE CAR. THE CAR CONTINUED TO MOVE TOWARDS THE HMMWV AND THE COURTYARD WITH THE DISMOUNTS. I TRIED TO VIEW THE CAR THROUGH MY ACOG BUT WAS OBSTRUCTED. PVT (b)(3), (b)(6) THEN FIRED ANOTHER BURST AT THE CAR AND THEN I HEARD THE CAR ACCELERATE AND THEN PVT (b)(3), (b)(6) FIRE ANOTHER 2 ROUND BURST AND THEN ALL NOISE SEEM TO STOP. WITHIN SECONDS I HEARD SCREAMING AND I TOLD SFC (b)(3), (b)(6) TO CALL HIS MEDIC AND I CALLED FOR SGT (b)(3), (b)(6) TO HELP ME SECURE THE CAR WITH SOME OF SFC (b)(3), (b)(6) DISMOUNTS. SGT (b)(3), (b)(6) CAME STRAIGHT BACK AND SAID THAT THE LOCAL NATIONAL WAS KIA WITH A GSW TO THE HEAD. I IMMEDIATELY REMOVED MY TRUCK FROM THE INNER CORDON AND REPLACED IT WITH ONE OF SFC (b)(3), (b)(6) TRUCKS SO SGT (b)(3), (b)(6) COULD SEE TO PVT (b)(3), (b)(6) WE CORDONED OF THE CAR AND TALKED TO THE FAMILY AND WAITED ON THE IA AND THE IP TO SHOW UP TO ESCORT THE BODY TO THE HOSPITAL. THE FAMILY SPOKE VERY GOOD ENGLISH AND THE OLD MAN AT THE SCENE SAID HIS BROTHER LIVES IN MINNIAPOLIS MINNASOTA. THE WIFE THAT WAS PRESENT IN THE VEHICLE WAS SOMEWHAT CONTROLLED AND TRIED TO SETTLE THE OLD MAN'S WIFE DOWN. WHEN SHE BECAME AGGITATED AT US THE WIFE OF THE DEAD LOCAL NATIONAL TOLD HER TO SHUT UP AND QUIT SCREAMING. SHE SAID THE SOLDIER TOLD HIM TO STOP. WE ALSO ASKED WHY HE DIED NOT STOP AND WHY HE WOULD SPEED THIS WAY ONCE HE SAW US AND THEY SAID HE LIVED 2 HOUSES UP FROM WHERE WE STOPPED HIM AND HE JUST WANTED TO GET HIS CAR INSIDE HIS GATE. WE CONTINUED TO SECURE THE STREET WHILE CPT (b)(3), (b)(6) FILLED OUT A CLAIMS CARD AND TOOK PICTURES AND TALKED TO THE FAMILY. AFTER WE RELOADED THE TRUCKS WE MOVED BACK TO FOB APACHE AND HAD THE ENTIRE CREW FILL OUT SWORN STATEMENTS AND BACK BRIEF THE TOC FOR THE SIR. (b)(3), (b)(6)

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

006831

STATEMENT OF SFC (b)(3), (b)(6) TAKEN AT FOB LOYALTY DATED 2006/09/25

B. STATEMENT (Continued)

Q: WHAT TRAFFIC CONTROL DEVICES DID THE PATROL HAVE ON HAND?
[redacted] (b)(2) high

Q: WHAT, IF ANY, TRAFFIC CONTROL DEVICES [redacted] (b)(2) high DID THE PATROL USE AT THE TCP PV2 [redacted] (b)(3), (b)(6) WAS MANNING? [redacted] (b)(2) high

A: [redacted] (b)(2) high (b)(3), (b)(6)
Q: [redacted] (b)(2) high THE POV'S APPROACH ROUTE? [redacted] (b)(3), (b)(6)

Q: WHY WERE NO OTHER TRAFFIC CONTROL DEVICES USED AT PV2 [redacted] (b)(3), (b)(6) TCP?
A: NO OTHER DEVICES WERE AVAILABLE FOR PV2 [redacted] (b)(3), (b)(6) VEHICLE. THE PATROL WAS SHORT PROPER TCP EQUIPMENT [redacted] (b)(2) high (b)(3), (b)(6)

Q: IN YOUR OPINION DID THE ESCALATION OF FORCE COMPLY WITH THE RULES OF ENGAGEMENT?
A: YES [redacted] (b)(3), (b)(6)

Q: [redacted] (b)(2) high FIRING TO KILL THE DRIVER?
A: YES [redacted] (b)(3), (b)(6)

Q: IN YOUR OPINION WAS THE ESCALATION OF FORCE REASONABLE AND PROPORTIONATE TO THE THREAT, GIVEN THE CIRCUMSTANCES?

A: YES [redacted] (b)(3), (b)(6)
Q: ARE THERE ANY ADDITIONAL STATEMENTS YOU WOULD LIKE TO MAKE?

A: IN THE FUTURE I WOULD LIKE THE IRAQI ARMY TO PERFORM OUTER CORDON OR COMBINED OUTER CORDON WITH US FORCES TO MITIGATE THESE TYPES OF INCIDENTS. I THINK IT IS PROBABLY POSSIBLE NOW BUT THERE NEEDS TO BE A EASIER WAY TO COORDINATE THIS. MOST TIMES THEY ARE EITHER UNAVAILABLE OR IT TAKES TO MUCH TIME TO COORDINATE [redacted] (b)(3), (b)(6)

Q: IS THERE ANYTHING ELSE YOU CAN THINK OF?
A: NO [redacted] (b)(3), (b)(6)
----- NOTHING FOLLOWS ----- [redacted] (b)(3), (b)(6)

AFFIDAVIT

I, [redacted] (b)(3), (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS [redacted] (b)(3), (b)(6) I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted] (b)(3), (b)(6)

(Signature)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 25 day of SEP, 2006 at FOB LOYALTY

[redacted] (b)(3), (b)(6)

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[redacted] (b)(3), (b)(6)

AR 15-6
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT [redacted] (b)(3), (b)(6)

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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PRIVACY ACT STATEMENT

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1. LOCATION FOB LOYALTY	2. DATE (YYYYMMDD) 2006/09/25	3. TIME 1700	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(3), (b)(6)	7. GRADE/STATUS E5	
8. ORGANIZATION OR ADDRESS TASK FORCE 1-26 IN (FSE)			

9. I, (b)(3), (b)(6) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: CPT (b)(3), (b)(6)
A: SGT (b)(3), (b)(6)

Q: WERE YOU PRESENT FOR THE PATROL BRIEFING ON 21 SEP 2006?
A: YES (b)(3), (b)(6)

Q: WERE YOU AND ROE BRIEFED DURING PATROL BRIEFING?
A: YES (b)(3), (b)(6)

Q: WAS (b)(3), (b)(6) PRESENT FOR THE BRIEFING?
A: YES (b)(3), (b)(6)

Q: WERE THE (b)(2) high EOF BRIEFED?
A: YES (b)(3), (b)(6)

Q: ARE YOU PV2 (b)(3), (b)(6) SQUAD LEADER?
A: YES

Q: DID YOU CONDUCT A BACKBRIEF, REHEARSAL, PCIS/PCCS AND PERIODIC SCENARIO-BASED DECISION EXERCISE WITH PV2 (b)(3), (b)(6) PRIOR TO THE PATROL?
A: NOT PRIOR TO THE PATROL, BUT ONCE ON SITE I WENT OVER WHAT HIS DUTIES WERE AND HOW HE WAS TO CONDUCT THEM (b)(3), (b)(6)

Q: YOU MADE A STATEMENT THE DAY OF THE INCIDENT (EXHIBIT B) WOULD YOU LIKE TO ADD ANYTHING TO THAT STATEMENT ABOUT THE INCIDENT?
A: NEGATIVE (b)(3), (b)(6)

Q: WHAT HAPPENED AFTER THE FINAL SET OF SHOTS WERE FIRED?
A: I WALKED DOWN TO SECURE THE CAR AFTER ABOUT 20 TO 30 MIN PASSED I WALKED BACK UP TO THE TRUCK TO SEE HOW PV2 (b)(3), (b)(6) WAS DOING (b)(3), (b)(6)

Q: IN YOUR STATEMENT, YOU SAID YOU TOLD HIM TO SHOOT AFTER THE (b)(2) high MARK, WHAT WAS THAT MARK AND WAS IT CLEARLY IDENTIFIED?
A: I USED SOME POWER LINE POLES THAT WERE SPACED APPROXIMATELY (b)(2) high APART AND POINTED OUT THE THIRD ONE DOWN WAS THE (b)(2) high MARK, AND YES IT WAS CLEARLY IDENTIFIED. (b)(3), (b)(6)

Q: DID YOUR TCP HAVE THE PROPER TRAFFIC CONTROL DEVICES AND IF SO WERE THEY PROPERLY IMPLACED?
A: NO MY TRUCK DID NOT HAVE ANY OF THAT EQUIPMENT. (b)(3), (b)(6)

Q: WAS YOUR TRUCK EQUIPPED WITH ANY LESS THAN LEATHAL WEAPONS (b)(2) high
(b)(2) high)?
A: NO (b)(3), (b)(6)

Q: IN YOUR OPINION DID THE ESCALATION OF FORCE COMPLY WITH THE ROE?
A: YES (b)(3), (b)(6)

Q: WERE (b)(2) high SHOTS FIRED PRIOR TO THE LEATHAL ONES THAT KILLED THE DRIVER?
A: I BELIEVE HE TRIED TO, BUT I COULDN'T SEE WHERE THE SHOTS WERE LANDING BUT THE CAR HAD HOLES INDICATING (b)(2) high SHOTS WERE FIRED. (b)(3), (b)(6)

Q: IN YOUR OPINION WAS THE ESCALATION OF FORCE REASONABLE AND PROPORTIONATE TO THE THREAT GIVEN THE CIRCUMSTANCES?
A: YES (b)(3), (b)(6)

Q: WERE CLAIMS CARDS GIVEN OUT AFTER THE INCIDENT TO THE FAMILY?
A: I REMEBER ASKING FOR THEM BUT I WAS BACK AT MY TRUCK BEFORE THEY WERE HANDED OUT (b)(3), (b)(6)

10. EXHIBIT G	11. INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)	PAGE 1 OF 1 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

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STATEMENT OF SGT (b)(3), (b)(6) TAKEN AT FOB LOYALTY DATED 2006/09/25

9. STATEMENT (Continued)
Q: DO YOU HAVE ANY ADDITIONAL COMMENTS YOU WOULD LIKE TO MAKE?

A: NO (b)(3), (b)(6) NOTHING FOLLOWS (b)(3), (b)(6)

AFFIDAVIT

(b)(3), (b)(6) HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(3), (b)(6)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 25 day of SEP, 2006 at FOB LOYALTY

ORGANIZATION OR ADDRESS

(b)(3), (b)(6)

ORGANIZATION OR ADDRESS

(b)(3), (b)(6)

AR K-6
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)

PAGE 2 OF 2 PAGES

Pages 8 through 18 redacted for the following reasons:

Already Reviewed and Redacted for Release

Already Reviewed and Redacted for Release, (b)(3), (b)(6)

Already Reviewed and Redacted for Release, (b)(3), (b)(6), (b)(2)High

Already Reviewed and Redacted for Release, (b)(6)