

(b)(2)High

**From:** (b)(2)High  
**Sent:** Monday, September 03, 2007 21:32  
**To:** (b)(2)High  
**Subject:** RE: Follow-Up RFIs

Sir,

Answers to almost all RFIs below and pictures are attached.

Eric

(b)(6), 5 USC b(3)(10 USC 130b), ,  
(b)(2)High

*"Doing the Devil's work  
under the Lord's supervision"*

**From:** (b)(1)1.4a, (b)(2)High  
**Sent:** Sunday, September 02, 2007 22:47  
**To:** (b)(2)High  
**Subject:** Follow-Up RFIs

Eric,

(U) Thanks for sending all the statements. I've just about wrapped it up, but need to ask a few clarifying questions to ensure all the facts are correct. If you could get these RFIs answered and shot back to me, we can wrap this up quickly. We should have a good report to explain the incident to the chain of command and SSG Nelson's family.

(U) S-3

- Which lift was Co? 1 x CH and 2 x UH on lift one and 1 x CH on lift 2
- Which lift was the (b)(2)High Plt? - 1 x CH 47 on lift one.
- Please pass me a copy of your TACSOP, or pertinent extracts dealing with movement to contact, boundary coordination, etc. - Below is one pertinent card I took out of the TACSOP (we operate Weapons Tight during our Ops).

(U) 017 – WEAPONS SAFETY AND CONTROL STATUS

(U) 1. Purpose. This card provides guidelines for weapons safety and control status.

(U) 2. Weapon Control Status (WCS) will be determined by the Commanders/ Leaders. WCS will be established and adjusted based on friendly and enemy dispositions and situational understanding. During a passage of lines, a restrictive WCS may be established for the force to minimize probability of fratricide. Prior to an enemy attack or an offensive operation, a permissive WCS may be established to permit rapid engagement of targets as detected. WCSs may be designated for the force or unit, elements of the force, specific weapon systems, or for a designated location, such as an Engagement Area (EA). The three WCSs in descending order of restriction are: Derived from

- a. WEAPONS HOLD. Engage only if engaged or ordered to engage.
- b. WEAPONS TIGHT. Engage only targets positively identified as enemy.
- c. WEAPONS FREE. Engage any target not positively identified as friendly or neutral.

(S) (b)(6), 5 USC b(3)(10)TJ 0-6 Td (USC 130b)

- What net did you use to report crossing Rte (b)(2)High, (b)(1)1.4a? I used SQDN CMD to report crossing RTE
  - Did you use the same net to report your position north of the controlled detonation? I called (b)(2)High CO over SQDN CMD
- Sworn statements in a follow up email.

(U) (b)(6), 5 USC b(3)(10)TJ 0-6 Td (USC 130b)

- Please send the digital photos of SSG Nelson and his equipment. I will have these for your visit.

**These are still a due out. Unit is working the statements**

(U) A Company (most of the discrepancies here result from timing ... their statements start at the time they are at the IED house pulling security ... some of my questions deal with a point in time before this)

- Is there a log entry or statement that indicates when the (b)(2)High patrol left the patrol base and proceeded north to the (b)(2)High site, then moved to the IED house?
- Who received the location reports from (b)(6), 5 USC b(3)(10) USC 130b?
- Who in (b)(6), 5 USC b(3)(10) USC 130b Co monitors the net that received the location reports from (b)(6), 5 USC b(3)(10) USC 130b?
- Who in (b)(6), 5 USC b(3)(10) USC 130b Co was advised of the (b)(2)High patrol operating in their area?

v/r  
 (b)(6), 5 USC b(3)(10) USC 130b, (b)(2)High

SWORN STATEMENT

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

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 (b)(1)1.4a, (b)(2)High
2. DATE (YYYYMMDD) 20070905
3. TIME 21:17 D
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), 5 USC b(3)(10 USC 130b)
6. SSN
7. GRADE/STATUS

(u) I, (b)(6), 5 USC b(3)(10 USC 130b), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 29 Aug 2007, (b)(6), 5 USC b(3)(10 USC 130b) and myself were manning the Assault Control Post (ACP). At approximately 0800, the ACP was in contact for a short period w/ 1x Enemy personnel. The enemy broke contact and fled to the South into (b)(2)High Co AO. The Squadron Commander (SCO) led an element consisting of members of the (b)(2)High in a patrol to attempt to isolate the 1x Enemy in our area. The patrol departed the ACP and made initial contact by radio upon crossing (b)(2)High boundary into (b)(2)High AO) with (b)(2)High. The SCO's radio lacked the PWR to reach (b)(1)1.4a, (b)(2)High. I, (b)(2)High, (b)(1)1.4a, answered the SCO and began a Radio Relay to (b)(6), (1)TJ 0-8 Td (b)(2)High. I contacted (b)(6), (1)TJ 0-8 Td (b)(2)High and confirmed (b)(1)1.4a, (b)(2)High could not contact the (b)(2)High. I relayed (b)(2)High Position (last known @ RTE (b)(2)High, (b)(1)1.4a) and asked for an updated location to all (b)(2)High Co elements in OBJ (b)(1)1.4a, (b)(2)High. Passed to me the following grids: (b)(2)High

(b)(1)1.4a, (b)(2)High acknowledged the locations and the communication relay was terminated. At that time I was not tracking a S&D had moved from (b)(2)High to the

10. EXHIBIT 11. INITIALS OF PERSON MAKING STATEMENT PAGE 1 OF 3 PAGES

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.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b)(6), 5 USC b(3)(10 USC 130b) TAKEN AT (b)(2)High, (b)(1)1.4a DATED 20070905

9. STATEMENT (Continued)

(S) Vicinity of the previous ~~the~~ <sup>the</sup> enemy (b)(1)1.4a, (b)(2)High  
on 8 enemy personnel. Roughly the same time period, [redacted] Co  
Reported engaging the enemy south of the ACP and he was  
killed. The Co reported loc & BDA associated with the  
engagement. This radio conversation and a conversation from  
Ateps contact with 2 enemy personnel dominated my time  
until the first radio transmission concerning the blue on  
blue incident from (b)(1)1.4a, (b)(2)High, (b)(6)

(S) I do not recall any further communications between (b)(1)1.4a, (b)(2)High  
[redacted] I do not recall any position  
updates being received by the ACP from either element until  
the blue on blue incident.

*None*  
(b)(6)  
[redacted]

INITIALS OF PERSON MAKING STATEMENT PAGE 2 OF 3 PAGES

STATEMENT OF (b)(6), 5 USC b(3)(10 USC 130b) TAKEN AT (b)(1)1.4a, (b)(2)High DATED 20070905

9. STATEMENT (Continued)

(b)(6)

**AFFIDAVIT**

I, (b)(6), 5 USC b(3)(10 USC 130b), 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 (b)(6) THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR

(b)(6)  
*(Signature of Person Making Statement)*

WITNESSES:  
(b)(6)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

ORGANIZATION OR ADDRESS \_\_\_\_\_

*(Signature of Person Administering Oath)*

\_\_\_\_\_

*(Typed Name of Person Administering Oath)*

ORGANIZATION OR ADDRESS \_\_\_\_\_

*(Authority To Administer Oaths)*

INITIALS OF PERSON MAKING STATEMENT

SWORN STATEMENT

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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION (b)(1)1.4a, (b)(2)High
2. DATE (YYYYMMDD) 20070905
3. TIME 2140
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), 5 USC b(3)(10 USC 130b)
6. SSN
7. ORGANIZATION
8. ORGANIZATION OR ADDRESS (b)(1)1.4a, (b)(2)High
9.

(U) I, (b)(6), 5 USC b(3)(10 USC 130b), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

(S) In 26 August 2007 a 0940 (b)(2)High requested a control detonation of small caches found earlier that day. During the control detonations (b)(2)High, (b)(1)1.4a called to advise the ACP to let (b)(2)High know that they had available of explosions north of (b)(2)High location. I confirmed with (b)(1)1.4a, (b)(2)High that the explosions were (b)(2)High control dete. (b)(2)High, (b)(1)1.4a told me to pass (b)(2)High, (b)(1)1.4a that they will be moving in the vicinity of their location. The message was passed to it6R and the control dete were complete shortly after and the element continued into (b)(2)High Area of Operation.

(b)(6)

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT (b)(6)
PAGE 1 OF 3 PAGES

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 BE INDICATED.

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STATEMENT OF (b)(6), 5 USC b(3)(10 USC 130b) TAKEN AT (b)(2)High DATED 5 Sept 07

9. STATEMENT (Continued)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

INITIALS OF PERSON MAKING STATEMENT

(b)(6)

PAGE 2 OF 3 PAGES

STATEMENT OF (b)(6), 5 USC b(3)(10 USC 130b) TAKEN AT (b)(2)High DATED 5 Sept 07

9. STATEMENT (Continued)

[Large redacted area with a large 'X' drawn across it. Contains several (b)(6) redaction boxes.]

AFFIDAVIT  
I, (b)(6), 5 USC b(3)(10 USC 130b), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE \_\_\_\_\_. 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.

WITNESSES:  
\_\_\_\_\_  
\_\_\_\_\_  
ORGANIZATION OR ADDRESS \_\_\_\_\_  
\_\_\_\_\_  
ORGANIZATION OR ADDRESS \_\_\_\_\_

(b)(6)  
\_\_\_\_\_  
Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_  
\_\_\_\_\_  
(Signature of Person Administering Oath)  
\_\_\_\_\_  
(Typed Name of Person Administering Oath)  
\_\_\_\_\_  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT PAGE 3 OF 3 PAGES