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 Social Security Number (SSN).

PRINCIPAL PURPOSE: To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

ROUTINE USES: Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

DISCLOSURE: Disclosure of your SSN and other information is voluntary.

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
FOB Joyce, Afghanistan	2009/11/16	1400	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
(b)(3), (b)(6)	(b)(3), (b)(6)	O5/AD

8. ORGANIZATION OR ADDRESS

HQ, TF 1-32 IN, TF 4-4 BCT (TF Mountain Warrior)

9.

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

On 8 September 2009 I was the Acting Task Force Commander for TF 1-32 (TF Chosin). First and foremost I want to state that my original statement, dated 9 September 2009, is still valid and accurate to the best of my knowledge. Also, I accept full responsibility for all actions taken by TF Chosin and its Soldiers during the events of 8 September 2009 and the events leading up to (b)(2)High . As the Acting Commander I exercised all of the responsibilities inherant in the duties of the Task Force Commander. As my original statement says, there were short comings in the planning process and execution of the operation.

DESCRIBE IN DETAIL THE STANDING GUIDANCE WHICH EXISTED ON THAT DATE FOR THE CONDUCT OF TACTICAL OPERATIONS IN YOUR BCT AOR, AS YOU UNDERSTOOD IT. IN PARTICULAR, PLS ADDRESS THE FOLLOWING QUESTIONS:

WAS THIS OPERATION REQUIRED TO BE BRIEFED AS A (b)(2)High A: In my assesment during the planning process I felt that the operation did not meet the criteria for a formal (b)(2)High brief to CO (b)(3), (b)(6) In discussions with our acting S3, MAJ (b)(3), (b)(6) I felt a brief to CO (b)(3), (b)(6) on the morning of the operation (8 SEP) was more appropriate. CO (b)(3), (b)(6) had planned a battlefield circulation visit to FOB Joyce that morning and I had planned on briefing him the assesments from the operation as part of his visit. We were not requesting any additional resources for the operation and the overall risk was considered low. This risk assesment was based on a number of factors, not the least being (b)(2)High a few days earlier in the village of Dam Dara. This was a routine operation to conduct key leader engagements and collect intelligence/assesments of the village.

WERE YOU BRIEFED IN DETAIL ON THIS OPERATION? IF SO, BY WHO AND WHEN? A: During the planning process I was kept abreast and had given some broad guidance. I was briefed in full the night prior to the original planned date (7 SEP) and again the night prior to the 8th. On the night of the 6th I was briefed by the S3 (MAJ (b)(3), (b)(6) on the night of the 7th the whole staff (fire support personnel included) was present. At no time was I briefed by the ABP ETT (CPT (b)(3), (b)(6) or the ANA ETT (MAJ (b)(3), (b)(6).

WERE YOU PRESENT IN THE OPERATIONS CENTER DURING THIS EVENT? IF SO, DURING WHAT TIME PERIODS? A: Yes. I was notified at app 0530 local time of the first contact and I cleared the fires for the first (b)(2)High mission. For the rest of the mission I was either in my office, adjacent to the TOC or in the TOC.

10. EXHIBIT	11. IN (b)(3), (b)(6) KING 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.

EXHIBIT III – 1 A.2

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

STATEMENT OF LTC (b)(3), (b)(6) TAKEN AT FOB Joyce DATED 2009/11/16

9. STATEMENT *(Continued)*

WHAT ASSETS, RESOURCES OR ACTIONS WERE REQUESTED FROM 4/4BCT ICW THIS EVENT AND WHEN? WHAT WAS PROVIDED AND WHEN? A: For the original planned date of the 7th, scout weapons team (SWT) coverage was requested. This request was done 4-5 days earlier. When the decision was made to move the operation to the 8th, we were informed that a dedicated SWT would not be available. This was known to all parties (ANSF included). The decision was made jointly to continue the mission with the knowledge that an air QRF was available out of JAF. The air QRF was requested that morning, but the request originally went through the TF Palehorse TOC and not through the BCT Battle Captain. This was identified as on of the causes of the delay in getting the air weapons team on station.

WHAT DECISIONS DID YOU MAKE AS THE TF COMMANDER ICW THIS EVENT? A: I decided that this operation did not meet the criteria to be briefed as a (b)(2)High I made the decision to commit 3rd PLT D/1-32 from their blocking position to reinforce the ground element. This was the platoon that had a vehicle (ASV) roll over on the way to support. I made the decision to NOT fire the requested (b)(2)High ssion. At the time, I did not have a clear understanding of where all friendly personnel were laocted. As part of the clearnace of fires I require the ground force commander to confirm they have situational awareness of where all of their forces are, to include ANSF. At the time, we did not know where all CF were. I understand that this is a main point of contention between the forces that were on the ground at the time and thise of us back in the TOC clearing fires. This question is addressed later in the this statement also. I want to be clear; the ISAF Commanders Tactical Directives that clearly state that the use of fires needs to be very judicious and all measures need to be taken to eliminate the possibility of civillian casualties and damage to private property was a consideration. However, the number one factor that caused me to deny the original fire mission calling for (b)(2)High was the knowledge that I did not believe we had accountability of all CF and that the risk of fratricide was very high. It was a fratricide avoidance issue more than an issue with civillian casualties and/or property damage.

WHY WERE FIRE SUPPORT REPRESENTATIVES MISSING FROM PRE-MISSION PLANNNG AND COORDINATION? A: I cannot speak to the planning group meeting that were held prior to the operation. I can say that the TF Fire Support OIC and NCOIC was present when I was briefed by the full staff on the night of the 7th.

HAT WAS YOUR UNDERSTANDING OF THE STATUS OF AVAILABLE FIRE SUPPORT BEFORE AND DURING THE MISSION? WERE YOU BRIEFED ON TYPE AND AMOUNT OF AVAILABLE (b)(2)High AMMUNITION? A: I fully understood what assets were available. I also understood that TF 2-12 had a (b)(2)High the morning of the 8th. This was known to all parties involved in the Ganigal operation. I receive daily updates on the ammo status of all fire support sytems in our AO. I was aware before the fact that (b)(2)High was not available for both the (b)(2)High supporting our operations.

PARTICIPANTS IN THE ACTION STATE THAT AFTER THE INITIAL PHASE, ALL SUPPORTING INDIRECT FIRES WERE DENIED FOR THE REMAINDER OF THE ACTION. IS THIS ACCURATE? A: I believe this is in reference to my answer to the question above about what decisions I made. This statement is not accurate as both CAS and (b)(2)High were employed in support of ground forces.

DID EXISTING FORMAL OR INFORMAL TASK ORGANIZATION AND/OR COMMAND RELATIONSHIPS PLAY A ROLE IN THE OUTCOME OF THIS OPERATION? A: At the time I do not belive it did. The formal task organization was that the ETT's are TACON to TF Mountain Warrior. We did not have a formal command support relationship with the ANSF. The informal command relationship was that TF Chosin is the "battle space owner" and could veto this or any operation. However, this operation was an initiative by the ANA and ABP commanders and it appeared to be a solidly planned event.

DID THE COMISAF "TACTICAL DIRECTIVE" CONSTRAIN, LIMIT OR PREVENT THE USE OF ANY SUPPORTING FIRES OR AVIATION DURING THIS EVENT SO FAR AS YOU KNOW? A: Only to the extent that without a clear picture of the situation on the ground I did not clear the requested (b)(2)High ssions.

DO YOU HAVE ANYTHING ELSE TO ADD? A: Not at this time.

ITIALS OF PERSON MAKING STATEMEI (b)(3), (b)(6)

STATEMENT OF LTC (b)(3), (b)(6) TAKEN AT FOB Joyce DATED 2009/11/16

9. STATEMENT *(Continued)*

othing follows.

AFFIDAVIT

I, LTC (b)(3), (b)(6) , HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3 . I FULLY UNDERSTAND THE CO[illegible] \TEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITI[illegible] PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE [illegible] ITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAW[illegible] (b)(3), (b)(6)

Original Signed.
(Sign[illegible] ent)

WITNESSES:

Subscribed and [illegible] person authorized by law to administer oaths, [illegible] Nov 2009 at FOB [illegible] (b)(3), (b)(6)

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

ORGANIZATION OR ADDRESS

[illegible]ng Oath)

NPT (b)(3), (b)(6)
(Typed Name of Person Administering Oath)

UCMJ Art 136(b)
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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