SWORN STATEMENT

My name is Mark A. Milley. I am currently the J-33 DDRO (Deputy Director for Regional Operations) for the Joint Staff. My office is in the Pentagon. I am currently a Brigadier General in the United States Army.

In July 2008, I was the Deputy Commanding General for Operations assigned to Headquarters CJTF-101, also known as the 101st Airborne Division or Regional Command - East (RC-E) at Bagram, Afghanistan.

My role as the DCG-O included monitoring the security line of operation. We had a campaign plan with multiple lines of operation including: security, governance,development, and information operations. I was primarily responsible for the security line of operation which gave me the responsibility in MG Schloesser's name to monitor the tactical brigades that operated in RC-E, border operations with Pakistan and working with the Pakistani military in order to synchronize Pakistani and RC(E) operations along the border.

One of the key elements of the security line of operation was our partnership with the ANA. As such I would oversee operations with the ANA brigades and corps operating in our area. I also had operational responsibilities for aviation, special forces, CIA, and JSOC elements operating in our area.

I took CONOPs every night and approved them in MG Schloesser's name. The CG would also review and approve the CONOPs after I took the briefing. I generally oversaw the Ops/intel functions for the CJTF. We tried to ensure CONOPs were briefed at least 72 hours prior to execution to ensure there was time to make adjustments and changes if necessary. Level 1 and 2 CONOPS were deliberately planned and fleshed out through all the battlefield operating systems and warfighting functions and briefed to the CJTF staff. The purpose was not only to get approval, but also to get situational awareness for the CJTF staff to ensure that it was properly resourced, to check trap lines, and to make sure it made sense and was embedded within MG Schloesser's intent and overall operational priorities.

As the DCG-O, when a CONOP was briefed, I went around the CJTF staff to allow them to ask questions in their respective battlefield operating systems. I would also ask questions. Typically I would ask clarifying questions on intelligence, the basic scheme of maneuver, fires, aviation, logistics, medical, command & control, comms, and risk. For CONOP Rock Move I recall asking questions in all of these areas. Over the course of 15 months in combat in Afghanistan, we averaged 1-3 CONOPs per night from all of the various organizations operating within Regional Command-East.

For Rock Move, the planning occurred many months before we, CJTF-101, arrived in-country. In the 90 days from our arrival to execution of Rock Move, the planning and coordination of the operation occurred with multiple iterative meetings, backbriefs and discussions between the CG, the brigade commander, battalion commander and Division staff culminating in the CONOP brief. This wasn't the case with every CONOP, but Rock Move was like that. I had quite a few concerns regarding the CONOP for Rock Move. The operation was nested within MG Schloesser's 60-90 day assessment that called for a readjustment of the FOB/COP footprint within RC(E). From his PDSSs and his initial arrival, MG Schloesser thought that our ground BCTs, including the 173d, were spread out too thin and the troops-to-task and disposition were not getting the counterinsurgency effects that we desired and therefore we needed to reposition some of the force. There were approximately 120 COPs and FOBs throughout RC-E and many of them were small, platoon or platoon-plus sized outposts, co-located with ANA. Many of these outposts had essentially become fixed by the enemy through their tactics and the troops only had sufficient combat power to secure themselves and conduct local security patrols.

MG Schloesser's intent was to conduct a population focused counterinsurgency campaign. In part due to the troops-to-task and disposition we assessed in our first 90 days that we were not able to get a good counterinsurgency effect unless we could get off our outposts to influence and protect the population. In that regard, Bella had outlived its utility, became extremely vulnerable, and was consuming an excessive amount of resources without achieving significant COIN effects. One of the

solutions was to extract the troops from COP Bella and put them into Wanat.

Unlike Bella, Wanat was closer to Camp Blessing which allowed us to shorten lines of communication and allowed us to embed with the people. Wanat was co-located with the district capital and the local police element. It was important to get out of Bella and it was a concern that there was a general upswing in violence throughout RC-East, particularly along the border in both BCT areas, in Konar in the 173d Area, in Tag Ab Valley just north of Kabul, and most significantly along Highway 1 in Wardak-Logar, just south of Kabul. The area along Highway 1 south of Kabul was COMISAF's main-effort and at the time of the Wanat attack it was also the CJTF main-effort. Before Rock Move there was intel indicating an enemy force near Bella, so we made plans to exfil Bella at night by air, which given the enemy and terrain was not an easy operation, and we therefore made CONOP Rock Move our number 3 priority.

At the time of the Wanat incident CJTF-101 had three battle space owning ground brigades. We grew to four with the introduction of an additional BCT in Jan-Feb 2009 and we grew to five with the Polish Battle Group assuming an AOR in the spring 2009. There were about 50 or so maneuver companies that represented about 150 platoons in the battlespace not including ANA (two corps), ANP and ABP and NDS (The ANSF were not task organized to the division but we partnered with them). These forces were spread out throughout an area about the size of Virginia, West Virginia, and North Carolina combined with about 450 miles of porous border with Pakistan and about half the total population of Afghanistan. And the capital, Kabul, was in the middle of our AOR which was not directly under the command and control of RC-East but we did have responsibility for all of the key lines of communications leading into and out of the city and the surrounding areas.

Before the approval of the Rock Move CONOP on the 7th July, there were concerns that the move was close to the RIP of the 173rd and TF Rock. I specifically asked whether we were doing too much, but the unanimous response from the 173d Commander, the Battalion Commander, and various staffs was that we had to get

this done on the 173d watch in order to set the conditions for the incoming unit. The consensus was that the 173rd was the right unit at the time to execute the mission.

The incoming unit TF Duke, 3-1 BCT was coming with ~400 less troops then the 173rd. They were well trained, but a brand new brigade in the Army. The skill set of the 173rd made them the best suited to execute the move and to this day I believe it was the right call for the 173rd to conduct the mission. There was no comparison between the skills of the 173d and 3-1 BCT at the time—the 173d, without question was at a much higher level of combat skill and experience. There was initially some concern regarding the strain on aviation assets due to the planned amount of flight hours to be put on aircraft and crews due to the RIP, other operations, and CONOP Rock Move, however, the Combat Aviation Brigade Commander and Aviation Battalion TF Commander were confident they could execute the mission without significant risk to other missions. The only other issue I had was that in a perfect world we would not do summer RIPs because that is when the enemy is most active in Afghanistan. However, due to the force-structure of our military this is not avoidable and we therefore have to conduct RIPs during the summer or at any other time. In fact, we routinely conduct RIPs throughout the year in Afghanistan, including the summer, and we routinely conduct operations while doing RIPs. I do not believe that what happened at Wanat was a result of people not paying attention because of the RIP.

For ISR planning, each night I would take the CONOPs and then go to the Ops/Intel synch meeting or the ISR synch meeting to synchronize ground maneuver, rotary wing aviation, fixed wing CAS, ISR, and selected route clearance items. At that meeting, every day, we apportioned, allocated and synchronized the CJTF level assets to support the BCTs and IAW MG Schloesser's priorities. The CJTF battle staff and other reps would walkthrough or review the last 24, the current 24 and the next 96 hours of operations day by day. The next morning the CG would be briefed and be provided the slides from the previous night's meeting for his review and approval. For planning purposes, we tried to line-up the ISR with the mission or operational priorities of the CG. Although, the CG set ISR

priorities, I could adjust them in his name when necessary. The JOC battle-major could also adjust the ISR to respond to troops in contact if necessary.

I participated in the ISR allocation meetings from 8-12 July, which included Rock Move. I approved the apportionment and allocation of CJTF level ISR assets to the BCTs, which included assets for the 173d, at the evening synch meeting and the CG reviewed and approved them each morning. As I recall, any allocation that changed during that period, I was the decision maker that moved assets unless it was in response to a TIC. At the division we had one Predator line available, a single Warrior, and one Red Ridge medium altitude fixed wing manned SIGINT platform. We managed those assets and allocated an "ISR focus" or a significant amount (over 50%) of ISR to the 173d with the intent to support Rock Move despite it not being the main effort. Tangay Valley/Highway 1 was priority #1 & Radu Barq along Kowst-Gardez Road was priority #2. The 4/101 (506th IN) was the division main effort. Nevertheless, the 173rd was allocated more than 50% of the ISR available to us at the time because we believed this was an operation that had a level of risk to it, that we knew there was enemy operating nearby, and that we were running an air assault in the valley so we allocated more ISR than requested in the CONOP brief. We had medium altitude SIGINT, FMV in the air, and the brigade had their LLVIs, ravens, and green darts. From the time of exfil from Bella and infil to Wanat until the morning of the 12th the 173d Brigade had a Predator allocated with the intent of working the area in support of Rock Move. At the time of the attack, they did not have a Predator line, which had been reallocated on the morning of 12 July to the division's main effort. There were also a few periods when the Predator was re-allocated due to ongoing TICs and the weather also had an impact on the availability of either Warrior or Predator to fly as I recall.

A note regarding ISR; contradictory to common belief that FMV ISR is the intelligence panacea, Predator FMV is like looking for the enemy through a soda straw. It is best used if it is cued to something. For instance, in the mountains, if you received a spot report of something in the area, you can cue the

Pred to that location to confirm the report. Trolling with Preds is no guarantee that you will discover something.

In any event, the division apportioned and allocated what we thought was the appropriate amount of ISR we had available and we had as much of an ISR "soak" as we could including support from Red Ridge. The 173rd generally always had the Red Ridge because unlike other platforms, (b)(1) 1.4 a, c (b)(1) 1.4 a, c With the intelligence assets used, there was no indication and warning of imminent attack at Wanat that came to me. Also, on the 12th of July, I believe a TIC pulled the Pred from Wanat, but it was also scheduled to go to the main effort. There were neither reports nor requests for additional support that came to me to suggest that we should not move the Pred line to support MG Schloesser's main effort. In short, based on the intelligence avail to the CJTF at the time, the CG's priorities, and the enemy situation in the other BCT AOR, the one Pred line we had available at the CJTF level was reallocated.

After the exfil from Bella and the move to Wanat got under way, regular situation updates would get briefed in the CUBs by COL Delta (b)(3), (b)(6) or his deputy. The enemy situation was repeatedly reported as nothing significant. On the evening of the 12th, I believe COL (b)(3), (b)(6) Delta reported that the Wanat FOB construction was 70-75%. At our level we interpreted that to mean things were on track and were going ok. Additionally, I did not receive any reports of logistic issues with respect to COP Wanat. Although we did not hear of any issues with logistics or supplies, I believe that we would have been notified during those briefs of any problems that could not be solved internally with their assets. In addition, the CG would have a Tandberg with almost every commander, almost every night, and I do not believe he heard of any issues with logistics or supplies. There were multiple methods and opportunity to raise issues to the CJTF leadership concerning Rock Move and I do not recall any significant issues being raised after Rock Move began execution.

I participated in the decision making process to withdraw from Wanat. On the night of the 14th, I was in a meeting with the CG, BG McConville- DCG(S), (b)(3), (b)(6) Palm -G-3, (b)(3), (b)(6) Bronco -CHOPs,

possibly LTC (b)(3), (b)(6) Alpha, other intel reps and both COL (b)(3), (b)(6) Delta and COL (b)(3), (b)(6) Gemini (incoming BCT Cdr) on Tandberg. Even before that meeting, I believe the CG had discussed various options with senior leaders at ISAF and CENTCOM. We considered several options regarding whether to attack, defend, withdraw, or withdraw/battle handoff. MG Schloesser ultimately chose to withdraw and shutdown Wanat, which BG McConville, COI (b)(3), (b)(6) Alpha, others and I fully supported. I do not recall any dissent and given the conditions at the time I still think withdrawal from Wanat at that time was the correct tactical and operational choice.

Wanat was not considered a temporary base nor did we plan for it to be a temporary base in the Rock Move CONOP. The intent was for Wanat to be built up as a full blown COP. VPB is not a doctrinal term, but a term that is used often in Afghanistan. VPBs are generally temporary bases that can be built up if needed, or left behind if the unit needed to move out of the area. Regardless, Rock Move was briefed as a VPB initially but that we were going to establish a COP in Wanat. At the moment of the attack, Wanat could have been considered a VPB in that it was less than a 100% built-up COP, however they would not have had the ability to pick up and leave in the vehicles that they came in as is common in VPBs.

The Rock Move CONOP, describing a Company(-) operation and a reinforced platoon sized outpost at Wanat, was briefed because it took external assets from the brigade and the battalion to complete the mission. It went into detail on the withdrawal from Bella to the establishment of Wanat, but did not include a briefing of actions on the objective or their specific plans for security or patrols after setting into Wanat. I did not see nor did I expect to be briefed on that information, but I expect that level of planning would have occurred at the appropriate level below the CJTF.

AFFIDAVIT

I, Mark A. Milley, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 7. 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.

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10TH day of DEC 09 at THE PENTAGON WASHINGTON, DC

WITNESSES:

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

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(b)(3), (b)(6) Charger LTC, USA, JA

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

UCMJ, JUDGE ADVOCATE

(Authority To Administer Oaths)