1 [The investigation opened at 1137, 20 October 2009.]

2 **LtGen Natonski:** I'm Lieutenant General Rich Natonski, United
3 States Marine Corps. I have been appointed by the
4 Commander of U.S. Central Command to conduct an
5 investigation into the facts and circumstances
6 surrounding the combat action at Wanat, Afghanistan
7 during July 2008. Major General David Perkins, United
8 States Army, has been assigned as the deputy
Beta 9 investigating officer. Lieutenant Colonel (b)(3), (b)(6)
Sigma 10 and Lieutenant Colonel (b)(3), (b)(6) are the judge
11 advocates assigned to this investigation team.

12 The testimony you provide today will be recorded,
13 transcribed, and included in a report of the
14 investigation. Based on your testimony, we may also
15 prepare a separate written statement for your review
16 and signature.

17 Prior to coming on the record today, you signed a
18 Privacy Act—you just did that.

19 Your testimony will be made under oath and you will
20 now be sworn.

21 [The witness was sworn.]

Beta 22 **LtCol** (b)(3), (b)(6)**:** Please state your name, spelling your last?

23 **LTG Freakley:** Benjamin C. Freakley, F-R-E-A-K-L-E-Y.

Beta 24 **LtCol** (b)(3), (b)(6)**:** And, Sir, you are currently a Lieutenant General
25 and the U.S. Army?

26 **LTG Freakley:** That is correct.

Beta 27 **LtCol** (b)(3), (b)(6)**:** Sir, what is your current assignment?

28 **LTG Freakley:** I am the Commanding General of the United States
29 Army Accessions Command at Fort Monroe, Virginia.

Beta 30 **LtCol** (b)(3), (b)(6)**:** And in the past, sir, were you the Commanding
31 General of 10th Mountain Division?

1 **LTG Freakley:** I was the Commanding General of 10th Mountain
2 Division and in Afghanistan; I was Commanding General
3 of Combined Joint Task Force-76 from 2006 to 2007.

Beta 4 **LtCol** (b)(3), (b)(6): And, sir, is part of the responsibilities as the
5 commanding general of the task force, did you ever
6 establish new outposts for U. S. forces?

7 **LTG Freakley:** Multiple.

Beta 8 **LtCol** (b)(3), (b)(6): And, sir, could you describe the process please?

9 **LTG Freakley:** The approach that we took--that I took in
10 particular with working with the staff was first to
11 establish over the top of our Soldiers, I was a--
12 Airmen, Marines, Sailors-- and I wanted to make sure
13 that anyone that was operating could, in fact, reach
14 into the JTF network for Intel, fires, logistics,
15 etc.. The second is we maneuvered sensors, I wanted to
16 make sure--that was everything from dogs to counter
17 battery radars to HUMINT, I wanted to make sure that
18 we had as much intelligence capabilities and
19 collections we could to know what we could about the
20 environment that we were operating in and around. The
21 link to the sensors, the next piece was shooters, to
22 make sure that I could deliver other joint fires or
23 artillery fires, mortar fires to support the force.
24 Then the next step would be logistics, we used
25 extensive use of containerized delivery system,
26 bundles, to deliver supplies ahead of our soldiers and
27 in some operations, dropping them above the soldiers
28 so they did not have to carry the water and other
29 supplies up mountainous terrain and then lastly, to
30 apply the force. Now, when we establish--we
31 determined early on that one of our approaches to try
32 to A. partner with the Afghan military, platoon to
33 company, company to Battalion, Battalion to Corps, a
34 brigade to multiple Corps and we try to do that both
35 in RC-East and we had RC-South when we first went in
36 in February 2006. And, so, we wanted to partner with
37 the Afghan security forces that being both police--
38 border police and the army. But then we also wanted
39 to extend our reach into areas that had not been
40 populated before to be with the population, to be seen
41 to be with the population, I did not and do not

subscribe that big FOBs are very useful in a counterinsurgency operation and you have to be out with the population. So our first major operation was Mountain Lion--Operation Mountain Lion, which was in the Nuristan-Kurngal-Konar-Magnahar area of operations. And we establish multiple FOB's and combat outposts in that area. And so, specifically we put in the Kurngal Outpost. We first tried to go to defensible terrain in the middle of the Kurngal Valley, unprincipled high ground and could look into the Southern Kurngal Valley and the Northern Kurngal Valley because in part two, we wanted to have a psychological victory. Because right after we took it, we brought the chief of staff of the Afghan Forces out there and raised an Afghan flag over the top of that Combat Outpost to indicate that this is now a part of Afghanistan. This is where our SEALS were shot down the year before. So, we kind of wanted to go into where the enemy operated with somewhat impunity and establish the capability. Then we brought in, right away, HESCOS bastions, fortified it with observation points--put additional observation points out, added mortars into it but it is already covered by 155 fire from Camp Blessing. So, we tried to make sure that it was under the envelope of network sensor, shooters, etc.

Beta **LtCol** (b)(3), (b)(6): Sir, were the physical barriers cued up when you're shooters initially went in, sir, so they follow in immediately?

LTG Freakley: Right, the, the--when we planned these expansions, we try to make sure that the Class IV barrier material, if you will, was available, postured, had the engineering capabilities--these HESCO bastions were a bit of an order to a Soldier or a Marine with a spade, so we tried to provide additional support to get those in. In some cases, when we conducted an operation down to the South in Helman Province with 2d Battalion, 87th Infantry, in the summer, we actually built part of the Combat Outpost before they got there.

Beta **LtCol** (b)(3), (b)(6): And were you the approval authority, sir, to establish a new outpost?

1 **LTG Freakley:** It would be worked in concert between-- in a
2 commander's dialogue between myself and the
3 Commanders.

Beta 4 **LtCol** (b)(3), (b)(6): And what you have--would you be aware of the
5 details; what type of engineer support--would you be
6 familiar at your level with the details of the plan?

7 **LTG Freakley:** Not 100% of the time, but often I would go out
8 and visit these emerging small combat outposts
9 personally. I believe the smaller the force, the more
10 important leadership better take a look at the size of
11 the force and where the forces.

Beta 12 **LtCol** (b)(3), (b)(6): Sir, you mentioned----

13 **LTG Freakley:** I learned that as the Commander of the Operations
14 Group at the National Training Center, by the way,
15 because often the guys who get you in trouble are the
16 remote relay site or some small scout platoon on top
17 of the hill, or the forward combat observer lazing
18 team and that your whole brigade gets turned around
19 dealing with that one force that is under pressure.

Beta 20 **LtCol** (b)(3), (b)(6): Sir, you mentioned establishing the COP in the
21 Kurngal Valley, sir, and you talk about defensible
22 terrain. What do you mean by defensible terrain, sir?

23 **LTG Freakley:** Well, you're ever going to look-- for me, it is
24 either a position of advantage which is a
25 classification maneuver, you're either going to get to
26 high ground where you can see long-range or we put
27 combat outposts-- we even put platoon house up in the
28 Waygal Valley, which was just a platoon but you could
29 land on top of it--on the house and you could defend
30 from it. So, it is either long range observation and
31 long range fires or a network capability. For
32 instance, we did have some combat outposts in low
33 ground but we would be Afghans and U.S. Forces on OPs
34 well up above them for early warning--for the use of
35 artillery fires and joint fires, if someone was to
36 approach it. And we tried to link with the locals as
37 a trigger, to make sure that --I felt like when I
38 visited small outposts that were out in the--with the
39 locals, if there was a good relationship between the

locals and the Afghan and U.S. Forces there, a clear trigger as long as the locals, and the children, and the family members and they were conducting, what I would say normalcy, planning their fields, being out with their animals and interrelating with the U.S Forces and the Afghan forces. I felt that that was probably a lower risk, but if they started to leave the area then you went into high risk options.

Beta **LtCol** (b)(3), (b)(6)**:** Sir, in sighting a combat outpost, how important of a factor was it to be near a population center?

LTG Freakley: In some areas of Afghanistan, the population has to come together to be a center. I mean, they are so spread out. I have been in valleys that are 20 miles long, to have 5000 people living in it but to put your hand on a population center could be challenging. So, in Kurngal, you had villages in the north valley, villages in the south valley, and where we put that outpost was in the middle of the valley along the main road that went up and down the Kurngal. Trying to both have a presence, be out with the population, but also interdict those lines where the enemy could move north and south.

Beta **LtCol** (b)(3), (b)(6)**:** Yes, sir, you mentioned that you establish some positions up in the Waygal? Do you recall which positions?

LTG Freakley: Oh, for the want of a map. Coming down the--if you have one, it would be useful. But coming down the Pesh River Valley from --towards the east as you are moving towards Salibid----

Beta **LtCol** (b)(3), (b)(6)**:** Hold on, sir. We have one.

LTG Freakley: Well, we actually--I am trying to think, the Pesh River Valley connects Asadabad to the western side of the Pesh River in North Nuristan. And it runs east-west where many of the valleys run north-south. So the Pesh River Valley was a good line of operation to interdict North-South enemy movement. So, we actually an initially in the Waygal Valley, which is to the east of Korengal, we actually did not try to conduct operations in there because we knew the level of enemy

was quite high and so between now Brigadier General--then Colonel Nicolson and myself, we tried to isolate them. They did not do anything, after a while the elders came down and said, "We want you." So, we had a small outpost up in Bella which General Terry visited and then we had a Ranch House in Aranus that we had occupied and then further down, we had an outpost and it may have been at Wanat, I have not looked at the terrain in all of this. But it was in low ground, surrounded by OPs that were heavily fortified OP's, I have visited there, it was right on the stream bed.

LtGen Natonski: They were building a bridge, I recall, during your tour.

LTG Freakley: During my tour, we built a bridge further down the Pesh River and put that bridge in----

LtGen Natonski: Was that at Wanat?

LTG Freakley: We put in a Bailey Bridge further down near Kurngal, just north of Kurngal. And then we were working road construction from the Pesh River up until the--I had a major killed there by an IED, Major (b)(3), (b)(6) Lightning (b)(3), (b)(6) Lightning was killed there, one of our company commanders, putting in a road from the Pesh up into that valley Arza. And that is where we were, we had engineers--down in that area, we had engineers, infantry, Afghan Army, and we had out posted around that with outposts up on the high ground.

Beta **LtCol** (b)(3), (b)(6): You have talked timing, as the commander, you said, "I want to establish Bella;" how long would that normally take, sir, and what processes would have to be worked?

LTG Freakley: It would probably take anywhere from a month to six weeks, as I recall, because one of the first things we tried to do is work with the locals. We wanted local support. We wanted a promise of a protection that they would be hospitable toward us. So we would start to work with a relationship with the locals. Now, when we started Mountain Lion and did this major air assault up into that area, we had to work some with the locals but not extensively. There

we primarily worked with the Afghan Corps and worked out where we were going to put the--we wanted to go into the teeth of the enemy with the Kurngal outpost and send them a signal that we were here, we were going to say. But like Bella and the Ranch House at Aranus and down in the Pesh River, it started with working with political support--we tried to align reconstruction with this. So, when a combat outpost went in, we could try very quickly on the heels of that to begin some kind of construction that the locals desired whether that was a schoolhouse or a well or a road, whatever they were trying to work on to try to show immediate improvement by the Afghan Army and the U. S. Military being in that local area and it is starting that reconstruction. So, try to get those things aligned, local support, construction material for the outpost itself, reconstruction SIRP dollars, let to somebody to begin that work. That is what we would try to do. It could be an agricultural project, but whatever it was, we would try to tie all those things together to get the effects that we're trying to achieve with the movement of that capability into the population.

Beta

LtCol (b)(3), (b)(6): Sir, did you ever have any issues acquiring a piece of land? The property itself or did your forces simply go in and take the property and then compensate someone?

LTG Freakley: It was a mixture, but no, I don't ever recall any local coming back to us with problems or any number of government, provincial governors that we worked extensively with coming back to us in having an issue with where we were or what we were doing. In fact, in many cases we actually begin, for instance in the Pesh River Valley, we began construction, barracks, our soldiers were living in bunkers under 463 L-pallets that were sandbagged, but we actually started hard construction of brick buildings for the Afghan forces to live in. That gave jobs to the locals, lifted up the image of the Afghan Army to the local folks, and also it kind of showed that we really were good partners that we were living in bunkers and we were building hard stand brick barracks for the Afghan Army.

Beta 1 **LtCol** (b)(3), (b)(6): Thank you, sir.

2 **LTG Freakley:** And it was a--that was supported by the locals
3 and in fact, when we were building the bridge, just to
4 kind of indicate the level of support, when we were
5 building the bridge, I was out with the Soldiers down
6 at this end of the Korengal. And I said, "How are the
7 locals treating you? And they said, "we cannot go
8 over there, sir." and I said, "well, why not?" And
9 they said, "Because they are poor people and they give
10 us their dried walnuts and their green tea and their
11 flat bread and so we got to stay over here because
12 they are so hospitable and they are so thankful for us
13 putting in this school and this bridge that we cannot
14 go over there. So, we tried to build that kind of
15 relationship, was it was 100%, no. I mean, we had a
16 combat outpost near Sagen Helman Providence for a
17 short period of time when 2-87 was maneuvering through
18 Helman Providence that it was a very cold reception. A
19 very heavy Taliban presence, but we still wanted to be
20 there to give the locals on the countryside an image
21 that were with them.

Beta 22 **LtCol** (b)(3), (b)(6): Did you during your time, sir, ever close down an
23 outpost? Or shift an outpost?

24 **LTG Freakley:** There in Paktika Providence, there 2-98 infantry
25 may have shifted some OPs, or combat outpost along the
26 border it was to get to a better position or
27 advantage. But that might have been the only, I don't
28 recall the others. But the temporary outpost that we
29 put in Sagen during operation Mountain Thrust, we took
30 that down after we put it up because I did not want
31 any images of the enemy on a U.S. compound taking
32 pictures as if they had taken it. So, we established
33 it, we used it as a base, and then we took it down
34 completely.

Beta 35 **LtCol** (b)(3), (b)(6): And what did you use that particular site for,
36 sir?

37 **LTG Freakley:** We ran an operation in southern Afghanistan in
38 the summer of 2006, it was a combination of some

1 British forces, some Canadian, but it was principally
2 a U.S. special forces and second Battalion, 87th
3 infantry then maneuvered through Zabal Province in
4 Kandahar into Helman and then basically did a clearing
5 operation from south to north from Sangan all of the
6 way through the the Bagran Valley and back in
7 Arusegan. So that base, was a base of operation for
8 one of the companies of 287 near Sagan with the 20-5th
9 Corps.

Beta 10 **LtCol** (b)(3), (b)(6): And was it your intent when you use that base
11 commissary to close it down when you're done when you
12 were done with it?

13 **LTG Freakley:** Yes, because the British were building up their
14 forces, they were just establishing Camp Bastian, so it
15 was a temporary base. Thank you, sir; Lieutenant
Sigma 16 Colonel (b)(3), (b)(6) might have some questions?

Sigma 17 **LTC** (b)(3), (b)(6) Kind of a general question, sir, given the fact that
18 the resources are always going to be constrained with
19 respect to ISR and joint fires, etc., and all of these
20 little outpost are going to have different threats and
21 indicators and warnings etc., could you talk a little
22 bit about how you at the division level would make the
23 decisions to proportion ISR, other enablers at the
24 division level.

Cayote 25 **LTG Freakley:** Every month, Colonel (b)(3), (b)(6), the division
26 G2, would do a lay down of all sensors within the
27 division from the LLVI, low level voice intercept to
28 where the risks were just operating, to where the A-
29 teams were, to Q37 Radar, to--we started with one
30 predator line--this is classified right?

Sigma 31 **LTC** (b)(3), (b)(6) Yes, sir.

32 **LTG Freakley:** We started with one Predator line; we started with
33 one predator line and we worked our way up to two
34 predator lines. We also had the shadow--brigade had

1 the shadow, so we did a sensor lay down as to where we
2 were and then where we were going to be operating in
3 the coming months of the campaign. Additionally, I
4 held a morning meeting, every morning, with U.S. only;
5 CID, FBI, Special Ops, Special Forces, and
6 conventional forces. And we would talk about enemy
7 activity, where the enemy was, where we were, I was
8 constantly trying to think about the stance. Did the
9 JTF have the right stance to deal with a contingency
10 operation, if one were to develop.

Sigma 11 **LTC** (b)(3), (b)(6) Do you recall times, sir, where you had to make tough
12 calls as to, we have limited resources?

13 **LTG Freakley:** Absolutely, when we did Operation Mountain Lion
14 up in the North East that was our first operation
15 where we developed a campaign plan for four phases of
16 the command campaign plan, we opened in the Northeast
Allium 17 and Colonel (b)(3), (b)(6) and the 2-01st and the 2-03d
18 Corps of the Afghans were living rather large with
19 Apache support, AC-130s at night and a combined
20 special operations organization, and that was where
21 the intelligence assets were-- our intelligence was
22 focused in the South and when we moved south to
23 Operation Mountain Thrust, we pulled those assets to
24 the south, and so uncovered them to a degree. I did
25 not pull their low level voice intercept, I did not
26 pull their shadow, we still had HUMINT operations
27 going on in there, we still had both CIA and the
28 special forces A-team doing Strategic Recon; but if you
29 were to ask them, "how you are feeling now?"

Sigma 30 **LTC** (b)(3), (b)(6) Yes, sir.

31 **LTG Freakley:** They would have had resources pulled because they
32 were not the main effort, they were a supporting
33 effort and the decisive effort was here the --Colonel
34 Anemone (b)(3), (b)(6) Special Forces group down in the south. So,
35 yes, we had to make those decisions often, but we
36 tried to make sure we still had somewhat of a stance

with all of our collection capabilities at our level, which was a higher level of HUMINT than the brigades got, high level of SIGINT than the brigades got, and we had quite a good joint intelligence support element that constantly married the Intel picture. I am a big believer in cross cuing it; I never wanted to act on one intel source.

LtGen Natonski: You mentioned battlefield circulation-- your personal battlefields of circulation and the fact that you went out and visited COPs. Did you have the metric that if you were to establish a new COP, did you have a time window when you hoped to----

LTG Freakley: Now. I mean, I tried to get there fairly early on in its development but no and some I never went to, I mean, I have never been to the Ranch House and Bella but I sent James Terry, our incoming commanding general.

LtGen Natonski: You had expectations of subordinate commanders or members of your staff going out, I guess in terms of timing, you would expect of a Battalion Commander and Company Commander, depending of the size of the COP to go out and visit at some point after the----

LTG Freakley: Right, my expectation would be at the company level, if you're putting in a platoon combat outpost with an Afghan company that he would be on the ground, you know, putting his effort on that, not the established company positions. And, some outposts, some companies, for instance, Delta Company of the 32d Infantry, they just did daily vehicle logers. They never went into it, they just moved up and down the Pesh River valley unpredictably and would move into vehicle lagers at certain times and then back on patrol to interdict East, West versus North South. But my expectation, would be, that certainly because the commander would be on the ground, but was part of the

1 planning the battalion staff, the battalion commander
2 would be on the ground, and then the brigade commander
3 getting out to it within a pretty short order and then
4 myself or one of my ADCs or my Sergeant Major, getting
5 out there to check the area of operation.

6 **LtGen Natonski:** You mentioned vehicle lagers; I guess that
7 would be a vehicle patrol base?

8 **LTG Freakley:** Correct. Up-Armored HMMWVs, 50-cals, and MARK-19s
9 primarily doing mounted patrols on the lines of
10 communication to interdict any enemy movement and then
11 being unpredictable and resetting themselves daily as
12 to where they have established. So Up-Armored vehicle
13 and those heavy weapons also covered by mortar and
14 artillery and joint fires, I believe that would be
15 sufficient to offset any enemy issues, we had actually
16 had an attack of a multiple enemy on one of those one
17 night. And the Lieutenant had been very good about
18 lazing each of the--what he had called platforms where
19 the ridges came down from the mountains and sort of
20 leveled out. He lazed in every one of those--those
21 platforms and about 5 minutes, he had more fire--more
22 artillery fire had called for Apaches and close air
23 support on the different target that he had built as a
24 target set, in case he would be attacked.

25 **LtGen Natonski:** What would you consider the difference
26 between a vehicle patrol base and a combat outpost?

27 **LTG Freakley:** A combat outposts would have HESCO Bastian,
28 basically 360-degrees; it would have preferably 2 entry
29 and exit points, minimally. It would have some kind
30 of tower, or position of advantage, to look over the
31 top of the HESCO bastions, would have pre-stocks, if
32 there were mortars there, mortar ammunition would be
33 underground, some medical aid capabilities, some food,
34 water, maintenance capabilities, normal logistic
35 support to support the Afghan and Marines or Soldiers.
36 I had 1st Battalion, 3d Marine Regiment when we first

1 started this. So the logistic support would be there,
2 security would be provided by the HESCO bastions.
3 Eventually, if we are going to stay there like we did
4 in the combat outposts there was huge--bigger than
5 railroad tie squared trees that we actually built into
6 where the Soldiers live. So again, protection for the
7 Soldiers within, not overheard cover--we went to that
8 down in the Pesh it was 463 L-pallets that were
9 sandbagged so the Soldiers had protection inside the
10 HESCO bastion. And then an entry control point with
11 serpentine capability, so you could not just ram a
12 gate, but you had to actually slow down and work
13 through the enter control point to get into the base
14 itself.

15 **LtGen Natonski:** As your unit--your subordinate units worked
16 at establishing say a COP, how did they determine the
17 size in term of man power that would go into a COP?

18 **LTG Freakley:** My preference and guidance was to try to be no
19 lower than a U.S. platoon with an Afghan company in
20 the combat outposts.

21 **LtGen Natonski:** And how big is the Afghan company?

22 **LTG Freakley:** Well, preferably at about 100 but some of them
23 ran about 70, two platoons of 30 plus would be on the
24 ground. We did not achieve that, like at the platoon
25 house in Bella that was a platoon house that was a U.S.
26 platoon house, there were some Afghan police up there
27 and Afghan elders that worked there. So, in every
28 single case we would be one platoon to a company of
29 Afghans, no, but that is what my preference was.

30 **LtGen Natonski:** You would not want to go below a platoon?

31 **LTG Freakley:** No.

32 **LtGen Natonski:** For force protection perspectives.

1 **LTG Freakley:** That is not the case in the Larista. But
2 Larista, it was not a combat outpost, but for instance,
Gerbera 3 Sergeant (b)(3), (b)(6) who earned the Medal of Honor, they
4 were on a 16 man advanced operation in a valley out in
5 the Konar, but that was not a Combat Outpost that was
6 an offensive operation moving across the country.

7 **LtGen Natonski:** It was kind of a move-in then?

8 **LTG Freakley:** Correct. They weren't out--they were out just in
9 advance for three days about squadron operations.

10 **LtGen Natonski:** What type of attachments might you see in a combat
11 outpost?

12 **LTG Freakley:** Medics, maintenance if there is going to be a lot
13 of vehicles in there, an ALO or a JATAC to call for
14 joint fires, a forward observer for artillery fires,
15 cooks----

16 **LtGen Natonski:** Engineers?

17 **LTG Freakley:** They would move up if they were going to be there
18 for an extended period of time, we were very limited
19 on engineers and the BCTs, one company per BCT and
20 most of those companies do route clearing operations
21 or were doing route clearing operations. We had--we
22 did have two light engineer battalions from the XVIII
23 Airborne Corps, 20th Engineer Brigade, and we
24 eventually got a Red Horse unit in there and when we
25 moved 2d Battalion, 4th Infantry up out of Zabel in to
26 Gaznee providence, we did actually dispatch engineers
27 there to build the FOB. The brigades, Colonel
28 Allium (b)(3), (b)(6) would send his brigade engineers out and the
29 engineers did part of the planning and ordering the
30 class IV and kind of helping us, when required, for
31 instance engineers built a bridge at the Pesh River,
32 but that was the engineer brigade that went out and
33 put attachments out there to do that building. Can I
34 categorically saying that every combat outpost was built

1 by engineers or had engineers? No. Were engineers
2 involved in many of them, my speculation would be yes
3 because if ordering the supplies, getting the right
4 kind of internally handled equipment to dig, backhoes
5 and SEES to dig and to build the bastions and stuff.

6 **LtGen Natonski:** In terms of COP selection, you want to
7 establish a COP, you want to establish a COP for this
8 reason whether it be COIN ops with the population
9 nearby or interdiction because these are rat lines.
10 As your subordinate units look at COP selection, what
11 were the driving factors in terms of proximity to
12 population, defensible terrain, knowing that most of
13 these positions were in the valleys----

14 **LTG Freakley:** Right.

15 **LtGen Natonski:** So you always have high ground around you,
16 what were some of the factors that went into site
17 selection?

18 **LTG Freakley:** I think overall, it would have been the effect
19 that we tried to achieve, we really tried to work hard
20 on task/purpose method of effect in the JTF, whether
21 it be platoon level or all the way up through the
22 combined joint task force. You know, I am big anti-
23 presence patrol guy. I don't believe that that is any
24 task or a real mission, whatsoever. It is just looking
25 for a fight really with no outcome.

26 So, we worked off of intelligence model which
27 many people are using now, PMESI; Political, Military
28 and Economical, social infrastructure, and
29 informational. And so, we held a monthly, campaign
30 objective assessment board with all of the brigade
31 commanders. And so we looked at the effects that we
32 were trying to work out, the lines of operations that
33 we were working on, in this case, governance, security
34 and re-construction. And so, we would balance what we
35 were doing and where we are extending the force

against the campaign objectives. So it could've been to extend governance, it could've been that a force was moved closer to either a sub-district governor or even the provisional governor. It could have been reconstruction that the combat outpost was there to help with--in fact; part of Kurngal Outpost was because the day after we began Mountain Lion, we started a $22 million road project to asphalt the Pesh River Road. And so it could be tied for security for reconstruction or to work with local elders and then lastly it could have been a security--the combat outpost in Kandahar was a security out post, it was to provide security to the locals and to the forces fighting.

So, first was what effect were you trying to achieve by that extension of your force into that area of Afghanistan? And second would of course be site selection, either along the lines of operation where the enemy was, so you interdicted that, could be closer to a population that you're trying to win over to show them that you are securing that population. Because a combat outpost was just somewhere to conduct patrols from, the JTF before us had a rule of thirds, they kept a third on an outpost, a third getting ready for a mission and a third out and I have pushed our commanders to get as much of the force with the population and not living on outposts as much as they could to be out on patrol, to be out working with the locals, to be working with the police, to be working with the military, to be looking to be conducting reconnaissance operations to find and fix the enemy. So, those factors are what went in it. What was the intended affects that you were trying to achieve against the campaign objectives of the JTF and subordinate commands? And did you have COPS that were adjacent to towns?

1 **LTG Freakley:** Yes, in many cases, and we had in some cases in
2 Pactika and Hose Providence, we had outposts right up
3 on the Afghan Pakistan border. Those were more
4 security outposts than they were working with the
5 local government, but yes we did have combat outpost
6 with and amongst the population.

7 **LtGen Natonski:** We talked a little bit about ISR and
8 Predator specifically, in 10th Mountain Division, who
9 had the authority to shift a predator from its
10 scheduled flight to an alternate, perhaps, based on
11 indications?

12 **LTG Freakley:** Primarily, me, but delegated to the ADCs or the
13 G3, as I recall, for the troops in contact.

14 **LtGen Natonski:** Troops in contact?

15 **LTG Freakley:** So if we were out conducting reconnaissance by
16 predator in one area and then we got either an
17 indication or warning of the enemy moving against us
18 or troops and contact, we would move the predator, or
19 other assets, Apaches, to go get additional----

20 **LtGen Natonski:** Before you had troops in contact,
21 indications and warnings, at what level could that
22 decision be made?

23 **LTG Freakley:** That would have been my level.

24 **LtGen Natonski:** Not your ADC for Ops?

25 **LTG Freakley:** He could do it.

26 **LtGen Natonski:** Your G3? Is he the G3?

27 **LTG Freakley:** No, the ADC for ops is a brigadier and the G3 is
28 a Colonel. No, it would have been the ADC for ops or
29 myself. I will give you a for instance. We had put a
30 new outpost in Batik providence, it was 1 U.S. Platoon
31 and this was in January 2007. And two platoons of

1 Afghans, our SIGINTERS kept telling us that they had
2 all kinds of chatter in this area and they believed
3 that an attack was imminent. We moved not only the
4 predator but we also moved the shadow down there to
5 begin looking. The result, 200 guys then got another
6 call about 85 moving against us that night. Picked
7 them both up one with predator, the other with shadow.
8 We destroyed them with joint fires. They did not get
9 within 6 miles of where we put the combat outpost.
10 That is where I talk about cross queuing, I had one
11 source of intelligence, single, we believed that
12 another was happening, I moved the predator in there
13 Allium to do it-- Colonel (b)(3), (b)(6) moved his-- I do not take
14 the shadow away from their brigade. What I did do is
15 that I was trying to be aware where he was conducting
16 shadow operations and then I made determination where
17 to use the other assets above his level to fill in the
18 gaps and seams to where we are looking. In that
19 period of time, and I would assume that even through
20 today, there is too much ground to cover with ISR. So
21 you are constantly making trade-offs every day, the
22 commanders at every level, you know, with the
23 Battalion Commander where he puts the low-level voice
24 interceptor, the Battalion Commander where he puts his
25 scout platoon, those are daily trades given the
26 environment.

27 **LtGen Natonski:** And those indications and warnings that led
28 you to ultimately shift the predator, they came up
29 through the 2 channel?

30 **LTG Freakley:** Correct, out of the joint intelligence support
31 element which pull together HUMINT, SIGINT, ELINT. It
32 all comes together there and they do the analysis on
33 the basis, on the priority of the information
34 requirements and the commanders critical information
35 requirements. There are triggers to then come in the
36 decision points and say that we have an indication

1 that a PIRR is going to get attacked in this area.
2 And we recommend the following.

3 **LtGen Natonski:** Last question, as you prepared for your RIP
4 TOA with the 101st, they were coming in behind----

5 **LTG Freakley:** Correct.

6 **LtGen Natonski:** What was your concept in terms of
7 operations? Back off and let the new team come in,
8 ramp up, stay state, what was yours?

9 **LTG Freakley:** Maintain pressure on the enemy, do not create a
10 void, do not create an opportunity for the enemy to
11 gain ground that we have taken, ours was in the winter
12 which is good for the battle rhythm if you will of
13 Afghanistan in that there is still fighting in the
14 winter but the passes between Pakistan and Afghanistan
15 tend to be closed down because of snow and are un-
16 navigable. So, it is a lower risk time in the winter
17 than in the spring or the summer or fall. But, we try
18 to maintain pressure on the enemy in every facet, we
19 even started a program for snow and ice removal where
20 we hired a bunch of Afghans to keep the roads clear so
21 they would have a job in the winter instead of-- so
22 that was economic pressure that "hey, we can hire
23 Afghans to do this work, the Taliban can't." But
24 maintain pressure on the enemy.

25 **LtGen Natonski:** Would you initiate operations during a RIP
26 TOA?

27 **LTG Freakley:** I can't recall that we did that, I mean in
28 January of 07, we were actually within the last month
29 of leaving when we conducted that op-- but it was a
30 fires-- you know. We had moved a combat outpost down
31 into there, and had been established probably since
32 December and now in January the enemy was going to
33 attack it thinking that we would not be ready. But
34 that was not an offensive operation at my level, that

1 was almost a defensive use of Intel and fires to
2 destroy an enemy before he got to where we were.

3 **MG Perkins:** So we have talked about vehicle patrol bases and
4 vehicle lagers, did you ever have a situation where
5 you were sort of move from one to another, you start
6 out with a vehicle patrol base and it became a COP
7 consciously?

8 **LTG Freakley:** I think that 1-32 Infantry in the Pesh River,
9 sort of in the center of the river valley, moved from
10 Delta Company doing operations--the combat outpost
11 that I talked about with the brick and mortar and the
12 reinforced L-pallets, that move from a-- but it moved
13 from a mounted infantry company to a rifle company.
14 So, Charlie Company actually took that over and built
15 that combat outpost.

16 **MG Perkins:** Okay, I see, so one unit sort of had the vehicle
17 patrol base mission----

18 **LTG Freakley:** Correct----

19 **MG Perkins:** And then another company----

20 **LTG Freakley:** And then they determined that they were in that
21 part so often and just the way the commerce was moving
22 and the way the locals were back then moved into a--
23 Camp Blessing is a very small camp--the 1st Battalion,
24 32d Infantry was spread from Camp Blessing and the
25 Kurngal in the west all the way back to Asadabad in
26 the east. And so this gave them a--and among the
27 population and a spread of their forces but moved from
28 a vehicle--delta company patrol base to a rifle
29 company.

30 **MG Perkins:** Sir, that was sort of, I don't want to say, after
31 the fact, but in other words, they start off a vehicle
32 patrol base and then they sort of learn, "hey, we are
33 going to be here longer," in other words, from the

1 beginning, it wasn't like we are going to consciously-
2 ---

3 **LTG Freakley:** No, no, in the beginning, just to close that
4 thought that 1-32 Infantry was primarily going to use-
5 - Alpha Company built the combat outpost and stayed
6 there for the duration. Conduct a lot of operations
7 north and south Korengal Valley. Bravo Company and
8 Charlie Company stayed available to conduct infantry
9 operations-- offensive operations and Delta Company
10 ran interdiction operations along the Pesh River
11 Valley keeping the line of communication open, counter
12 IED because that was the main supply route for the
13 battalion and the main communication route for the
14 battalion on moving forces, and so, over time the
15 decision was made to put Charlie company in a more of
16 a fixed position but still conduct operations out and
17 around to provide security to the locals. And that is
18 in part what the Sub-Governor--Sub-district Governor
19 Rockman wanted.

20 **MG Perkins:** Yes.

21 **LTG Freakley:** The other thing is that we had timber smuggling
22 going on up there and we were trying to interdict
23 timber smuggling as well.

24 **MG Perkins:** Sir, back in the Waygal Valley, you talked about
25 Ranch House and Aranus and then Bella, were those
26 established when you were the CG there?

27 **LTG Freakley:** Yes.

28 **MG Perkins:** Did you establish those?

29 **LTG Freakley:** Yes, by B Company, 1-32 Infantry.

30 **MG Perkins:** And as I understand it, those were pretty much
31 inaccessible by ground, you can only get there by air.
32 So, do you remember sort of the process that they

1 would put together, did you put down a platoon size to
2 secure establish, bring in HESCOs----

3 **LTG Freakley:** As I recall----

4 **MG Perkins:** I understand.

5 **LTG Freakley:** But it went like this, the first was economic
6 isolation because the 82d on previous missions to us
7 had conducted an operation up in the Waygal Valley.
8 And they were successful but they left. They did not
9 clear, build, hold, they left. And we knew that in
10 particular, Goberdean Heckmachar had been operating up
11 in this area with his forces and I think it was (b)(6)
12 (b)(6) and some others who killed the SEALS in that
13 shoot down. We had moved more up in that operation
14 but the terrain is constantly rising up unto just
15 hideous mountainous-- I mean, some of our guys went
16 from a HMMWV to donkey to walking on foot to get to
17 some of these areas. But that is where the enemy was,
18 Allium so, the first approach that Colonel (b)(3), (b)(6) and I
19 and the team took was economic isolation and
20 reconstruction isolation and security isolation-- just
21 isolate them. They came down and they said--they came
22 to a SHURA and they said we want you to come up here
23 to help us. So, we did a reconnaissance to Bella
24 first. We were invited in, where every time the U.S.
25 had been there it had been a fight. We were invited
26 this day, and get to my point about working with the
27 locals, working towards some "Poschewwallie" which is
28 very difficult to ascertain how you can count on that
29 but eventually doing the reconnaissance to actually
30 putting a platoon in there. And I can remember
31 looking at the pictures of this is where we are going
32 to establish it. You can land a helicopter on top of
33 it. It was kind of up at that northern end of the
34 little enclave of houses, so that approach was even
35 tough to get to. But it was still, General Natonski
36 said, not on the most highest piece of terrain, it was

1 lower. But it was a dialog over time on extension of
2 reach, task purpose of being there, what are we trying
3 to achieve out of that--we were just--this was more of
4 a --the work into Bella was more to win the population
5 over, it really wasn't a security element but it was
6 to, also, try to take away a Taliban or Heckmachie or
7 Logger sight up there, a recruitment site up there.
8 To say, "Hey, we can be here, we are here" and then
9 Wanat was to extend, we were trying to build a road
10 from the lower Pesh up into Bella to open up so that
11 they could bring crops out, so that they could see
12 some economic exchange because they were very isolated
13 up into that region.

14 **MG Perkins:** Sir, we had talked about getting land before, had
15 you ever gone through the process of negotiating for
16 it ahead of time, you know, sitting down, back and
17 forth, leasing it or sort of kind of going----

18 **LTG Freakley:** Not that I recall, but that may have happened at
19 the battalion, I doubt that the brigade-more at the
20 battalion level, that may have happened. I met with
21 the governors routinely, I would meet with somebody
22 sub-district governors, and the local police, and I
23 just never--no one ever brought it up to me that this
24 is an issue of where you're located.

25 **MG Perkins:** Sir, when you were there did you ever have a
26 large attack on a COP, I am thinking like 50 to 100
27 people, you know, insurgents ever mass on a COP?

28 **LTG Freakley:** Well, we had the 200 in January of 07 that I
29 talked about but they never got there----

30 **MG Perkins:** They were interdicting.

31 **LTG Freakley:** We had a major fight up at an OP in-- just along
32 between Paktia and Patiko, we had a major fight
33 against an OP one night where our soldiers were

1 throwing hand grenades and calling for fire and then--
2 --

3 **MG Perkins:** And what size of U.S. OP would you say?

4 **LTG Freakley:** The OP was probably a squad.

5 **MG Perkins:** Was it an OP or a COP?

6 **LTG Freakley:** Yes, it was an OP made up of both a U.S. Special
7 Operations Forces and conventional forces along a
8 trail that was coming from Pakistan and Afghanistan
9 was on the border. There was a major attack there and
10 we killed the lead guy. I remember seeing the
11 pictures of him. I would say probably 25 to 30 guys
12 against this outpost.

13 **MG Perkins:** So would you say the enemy was sort of "in the
14 wire"?

15 **LTG Freakley:** Certainly.

16 **MG Perkins:** I mean, they're within hand grenade.

17 **LTG Freakley:** Our Soldiers were throwing----

18 **MG Perkins:** Was it penetrated, do you know?

19 **LTG Freakley:** They had to climb uphill to get to it, but they
20 were definitely trying to overrun and take it. But
21 through joint fires and Apaches and just fighting by
22 Afghan and U.S. Soldiers, they defeated them. And
23 then we had multiple attacks on the Kurngal outpost,
24 probably up to 40 to 50, General Tattel landed one day
25 Banksia and immediately came under fire. And Captain (b)(3), (b)(6)
26 and his team defeated them, but I would say that they
27 never got probably within 50 to 100 meters of the
28 Outpost; they were killed by our Soldiers' fires.

29 **MG Perkins:** Sir, during your tour there, did you ever get
30 reports or know of instances of sort of systemic

1 weapons malfunction, the M4s, you probably still had
2 M16s, 240 SAWs, or anything like that?

3 **LTG Freakley:** No.

4 **MG Perkins:** So, sort of equipment malfunction was never a
5 systemic issue with any of your guys in any other
6 firefights or anything.

7 **LTG Freakley:** We did a lot work on our weapons before we
8 deployed and then we had a great support from AMC
9 while we were there. And, in fact, 2d Battalion, 82d
10 Infantry who had been doing a lot of fighting
11 throughout the whole time, they fought in Mountain
12 Lion, then I moved them all of the way down to Helman,
13 and then I moved them back to Patika, we called them
14 the international team. They just went everywhere.
15 But, I want to say in July of 2006, we had the AMC
16 team completely reset all of their HMMWVs and
17 completely reset all of their weapons.

18 **MG Perkins:** So, if you had a platoon COP, would your platoon
19 COP have mortar assets, an indirect fire asset?

20 **LTG Freakley:** Not necessarily, it depends. Every platoon COP
21 would be covered by preferably 120 and 105 minimally.

22 **MG Perkins:** How about TOW, was that normal to have at a
23 platoon COB, a TOW launcher?

24 **LTG Freakley:** No, in fact, I don't--we really went with MARK 19
25 and 50 Cal, you know you can blend the weapons. As I
26 recall, we principally went that way-- when 2-87 went
27 down south, they may have mounted TOW, we did use the
28 TOW sights as a sensor.

29 **MG Perkins:** Did you have LRAS that had been fielded?

30 **LTG Freakley:** As I recall, the Cav squadron had LRAS.

31 **MG Perkins:** Again, not normally at a platoon COP?

1 **LTG Freakley:** No, but you do have Javelins and use Javelin----

2 **MG Perkins:** The sites.

3 **LTG Freakley:** We use Javelin sites, too.

4 **MG Perkins:** Okay, sir, thanks.

Beta 5 **LtCol** (b)(3), (b)(6): So, if I may.

6 **LtGen Natonski:** Yes.

Beta 7 **LtCol** (b)(3), (b)(6): Sir, did you--when a COP was being established,
8 did you require a CONOPs brief at the CJTF level?

9 **LTG Freakley:** No, I can't recall just a CONOPs brief for the
10 establishment of COP. Normally, that would have been
Allium 11 a dialog between myself and Colonel (b)(3), (b)(6). We
12 often laid out pictures, that I mentioned, or on the
13 ground, I mean, when we first were going to go--I
14 guess that is Wanat. I have stayed out of this
15 dialogue, by the way, so I don't know the particulars
16 of the investigation other than the letter that you--
17 that someone electronically sent me or JAG or someone.
18 Genistra But we actually walked the ground of where Major (b)(3), (b)(6)
19 was putting in forces and putting in a bridge to get
20 to Bella, in advance of that. And as I said, I did
21 not go to the Ranch House, but General Terry did
22 because I remember seeing--him showing me all of the
23 pictures. But I don't--we took a lot of CONOPs, but
24 they were primarily either capturing an enemy high-
25 value target or conducting a raid or an attack to
26 defeat an enemy force.

Beta 27 **LtCol** (b)(3), (b)(6): When you were having a discussion, sir, with the
28 brigade commander by establishing a COP, what
29 information were you looking for?

30 **LTG Freakley:** The effect that we were trying to achieve of why
31 it was going there. And we had a lot of discussions
32 about the Kurngal Outposts and I flew in there before

1 we had anything other than infantry men on the ground
2 securing a piece of terrain that we took. But our
3 discussion was what effect are we trying to achieve
4 either from governance, reconstruction, to security.
5 What is the outcome of this going to be if we put this
6 here? What kind of resources are we going to put
7 against it as far as how many Soldiers? Can the
8 Afghans support it? Can the Afghan population support
9 it? And then my aspect of will the network cover it?
10 Will we have some sort of sensor around it? What kind
11 of artillery fires or joint fires can arrange it? Is
12 it logistically sustainable and let's put the troops
13 in there after that.

Beta 14 **LtCol** (b)(3), (b)(6): Thank you, sir.

15 **LtGen Natonski:** Okay, General Freakley, you are ordered not to
16 discuss the testimony that you provided today with
17 anyone other than the members of the investigation
18 team. You should not allow any witness in this
19 investigation to talk to you about the testimony that
20 he has given or which he intends to give. If anyone
21 should try to influence your testimony or attempt to
22 discuss your testimony, you are instructed to notify
Beta 23 Lieutenant Colonel (b)(3), (b)(6) or Lieutenant Colonel (b)(3), (b)(6) Sigma

24 Thanks for being here. Thank you for your
25 service, not just to the Army, but your tours
26 overseas, and we appreciate your insight on your
27 experience while commanding 10th Mountain Division.

28 **LTG Freakley:** You are welcome.

29 [The investigation closed at 1231, 20 October 2009.]

CERTIFICATION OF VERBATIM TRANSCRIPT

Subj: TESTIMONY OF LIEUTENANT GENERAL BENJAMIN C. FREAKLEY, USA, GIVEN ON 20 OCTOBER 2009, AT NORFOLK, VIRGINIA

In accordance with section 0214 of JAGINST 5800.7E, I certify that the subject transcript is an accurate verbatim transcript.

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

Sigma

Lieutenant Colonel, U.S. Army
Judge Advocate

17 NOV 09
DATE