SWORN STATEMENT

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My name is (b)(3), (b)(6) I am currently the Commander of 2d Battalion, 502d Infantry, Fort Campbell, Kentucky. I am a Lieutenant Colonel in the U.S. Army.
From February 2008 until July 2008, I was the Brigade Executive Officer (XO) for the 173d Airborne Brigade, working out of Jalalabad in Afghanistan. My primary duty as the XO was synchronizing the brigade staff. From March through July 2008, my primary focus was working the redeployment of the 173d and the RSOI for 3d Brigade, 1st Infantry Division. I ran a small cell focused on the pending RIP/TOA, which allowed the remainder of the staff to focus on current operations.

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Upon returning from leave in March 2008, Colonel (b)(3), (b)(6) number one priority was to discuss the future of COP Bella, due to its vulnerable location. In April, he also directed that a FOB force protection assessment team visit and conduct a comprehensive review of all the COPs, FOBs and bases in the Brigade's AO.

When planning rotary wing to support the RIP, I would work with the Brigade Chief of Operations and the Brigade Aviation Officer to de-conflict planned RIP air movements with air movements needed to support deliberate operations. Rotary wing lift needed to support deliberate operations received priority over RIP-related lift requirements. Normally, a deliberate operation would be supported by the aviation battalion in direct support of the brigade with a package of two AH-64s, two UH-60s, and two CH-47s. For aircraft to support the RIP, we would usually get two CH-47s flying out of Bagram or we'd get fixed wing out of Jalalabad. We would also take advantage of any space on aircraft flying the established resupply routes. Most of our day RIP moves were done with general support rotary-wing aircraft. We didn't do many night RIP moves, unless it was essential for force protection.

A unit planning an operation would usually provide the Brigade Commander a CONOPs brief around ninety-six hours prior to execution. The Battalion Commander would then directly brief the Assistant Division Commander for Operations (DCO) twenty-four to forty-eight hours prior to execution. The Brigade Commander and selected staff would monitor the battalion's brief to the DCO. Up to several weeks in advance of a deliberate operation the BDE S-3 would work with BN S-3s to develop, synchronize and deconflict their concept of operations and scheme of maneuver.

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

Operation Rock Move was a battalion-developed operation. For a deliberate operation, a unit would routinely submit an aviation mission request to have assets dedicated for the operation/mission. Often, aircraft dedicated to a mission, would perform additional missions if they did not detract from the primary mission.

My understanding of Operation Rock Move was that COP Bella would be closed and a new COP established in Wanat. The end state of Rock Move was to establish the beginning of a combat outpost, that could be taken over by the incoming battalion. Wanat offered a more defendable position than Bella that could also be supported by ground. Also, a COP at Wanat would be better positioned to influence the population in the valley at an important crossroad that had an economic center, a police station, and District Center.

During a Commander's Update Brief after the platoon arrived in Wanat, I recall learning of issues related to contractors that were to support the operation. Between 8-12 July, I do recall conversations between the brigade and battalion S-2's related to ISR support for the platoon at Wanat. I am not aware of whether the Brigade Commander called anyone at Division regarding ISR coverage at Wanat. On previous occasions, the Brigade Commander had called the Division ADCO or G-3 to gain ISR and other support for ongoing or planned missions.

Approximately forty-eight hours after the battle, the Division PAO issued a press release that stated a 173d ABCT COP had been
Delta overrun. Colonel (b)(3), (b)(6) thought that the press release was inaccurate and could be exploited by the enemy by giving them
Delta exaggerated credit for their effects. Colonel (b)(3), (b)(6) was also concerned about the adverse impact that the incorrect information would have on the reputations of the individual soldiers who had fought a difficult battle and on the storied
Delta reputations of the battalion and brigade. Colonel (b)(3), (b)(6) felt that the term "COP" conveyed the wrong impression of the emplacement at Wanat. He wanted to clarify that the position at Wanat was not an established or as I said a "full-up" COP, but rather looked more like (at the time of the enemy attack) what we would call a Vehicle Patrol Base. Approximately six hours after learning of the Division press release, I provided Colonel
Delta (b)(3), (b)(6) two "talking" points concerning what I believed were inaccuracies with the press release and could be corrected based on what we then knew about the fight. First, was that there was not an established "full-up" US base. Meaning we did not have 360 degrees of a HESCO perimeter, guard towers, a front gate,

and hardened entry control point, etc., rather we had what looked more like a Vehicle Patrol base with vehicles "strong pointing" an area with some single strand concertina wire, some hasty fighting positions and some observation posts. I expressed this looked "more like a Vehicle patrol base than a full-up COP." I did not think that we could effectively correct the record by simply saying "It was not a COP," rather it would be necessary to describe something similar to the actual conditions on the ground to explain the friendly posture at the time of the attack. Second, I believed that it was incorrect to state that a position was overrun, rather there was very close combat within hand grenade range that occurred but that, reports as we currently understood them to be, indicated that 173d forces never abandoned the position at Wanat. I believe that MG Schlosser gave Colonel (b)(3), (b)(6) permission to contact a Stars & Stripes reporter, or possibly another reporter as well, to correct the record.

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Following the battle, I was present for a discussion with the Brigade Commander and other senior BDE staff officers on whether to maintain or withdraw from Wanat. Some of the items considered were the IO impact of a withdrawal, the COIN Lines of Operation that would be impacted, the significant price we had paid to hold the ground, the pending RIP, the engineering equipment that had not arrived in Wanat as planned, and the insignificant amount of material that would be abandoned if we left. The decision to abandon Wanat was made in consultation with Division. I do not recall whether TF Duke was specifically consulted about either the establishment or withdrawal from Wanat.

From May 2007 to February 2008, I was assigned as the S-3 for 1-503d in RC East working for 4th Brigade, 82d Airborne Division. During this period, our battalion established or planned the establishment of two platoon-sized COPs. One of the COP's was called Malekeshay in Patika. At this time, 1-503d had two rifle companies (A and C), a cavalry troop, a heavy weapons company, and our scout and mortar platoons. We were manning six other COPs, FOBs or OPs that each required about a platoon for force protection at the time we undertook the building of COP Malekshay. The battalion had a total of fourteen platoons, with eight platoons not assigned to force protection for a COP.

To establish COP Malekeshay, we conducted a battalion minus operation to secure the area. We planned a sixteen day operation with a heavy engineer company (horizontal and vertical platoons minus) as the focus of effort, contracted local

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national engineering support, a rifle platoon to secure the work site, and about seven other combat platoons in a seven kilometer ring as additional force protection around the site. We air assaulted forces into the area and simultaneously ran a ninety-seven vehicle convoy of engineer equipment, supplies and building materials, and security forces. We utilized significant combat power during the building phase to mitigate risks of building in a known enemy operating area where enemy reinforcement from Pakistan was possible. After fourteen days, COP Malekeshay had eleven foot HESCO walls, triple strand concertina, entry control points, three reinforced towers, force protected living and storage spaces utilizing shipping containers (overhead cover, with three layers of sandbags), protected fuel points, vehicle ramps to increase heavy weapons fields of fire, mortar firing pit for a 120 mm mortar, an ammunition supply point, and a LRAS. A LVI was employed during the operation, but not permanently located at the COP. We also executed what is known as "Engagement Area" construction forward of the COP. This included walking the ground to identify dead space and avenues of approach and physically painting trees for Target Reference Points (TRPs). The location of COP Malkeshay was such that it could influence the local population, while being outside of small arms range from the local population area. We registered targets on known enemy rocket launch points of origin (POOs). The 1-503d Commanding Officer provided a brief on the establishment of COP Malekeshay to all commanders within CJTF-82 at a commander's conference.

On another occasion, 1-503d relocated COP Margah to more defendable terrain, utilizing a similar operational template for the establishment of COP Malekeshay. It took twenty-three days to establish the new position.

Around April - May 2008, I engaged the Brigade Engineer to discuss possible alternate locations for the planned COP at Wanat. The Brigade Engineer and I were reviewing ways to better protect our COPs, FOBs and OPs and saw an opportunity to influence force protection before a new COP was established. I believe that I pushed the COP Malekeshay CONOP to TF Rock (either Maj (b)(3), (b)(6) or Maj (b)(3), (b)(6) . My suggestions were heavily based on my previous experience building a COP, though the terrain and enemy situation at Wanat or our other bases were very different than the conditions at Malekshay. I tasked the topographical engineers to do a "line of sight" analysis for various locations in the high ground surrounding Wanat that would maximize observation and force protection, with a goal of finding the best possible location to place a COP. From the

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analysis, we identified a location to the southeast of Wanat on a ridgeline that could provide better observation than an area at a lower elevation in the valley - if we could get to it and build on it. Working with the Brigade Engineer, we determined that an air assault of heavy engineering equipment would be required to build in this alternate location. Such a project, would likely have taken at least three months to plan, assemble air mobile heavy engineer assets (such as a sectionalized D-7 buldozer), and then build a COP at the alternate location. A brigade engineer survey team was sent to assist TF Rock in planning a COP at Wanat. The Brigade Engineer or his assistant returned from the survey and informed me that the team did not survey the site that I had templated. I do not know whether TF Rock considered this proposed alternate location. My efforts to identify a possible alternate location were not the result of a specific task, but rather an implied task to enhance force protection in the BDE AO. The brigade staff did not dictate any constraints or direct any specific location or composition of facilities for the COP at Wanat. The brigade staff's role was to assist TF Rock by obtaining funding and assisting with contracting for materials to support the unit's CONOP. I do not recall TF Rock requesting additional U.S. engineer support.

AFFIDAVIT

Echo (b)(3), (b)(6) HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 5. 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.

Echo (b)(3), (b)(6)
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22 day of 2009
at Norfolk, VA

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

Beta (b)(3), (b)(6)
(Signature of Person Administering Oath)

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

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

ORGANIZATION OR ADDRESS

Lt Col, USMC Judge Advocate
(Authority To Administer Oaths) 10 U.S.C. 1044

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