



**UNITED STATES MARINE CORPS**

1ST MARINE DIVISION (REIN)  
UIC 39858  
BOX 1786  
CAMP BABYLON, IRAQ  
FPO AP 96613-1786

IN REPLY REFER TO:  
5800  
SJA/jal  
1 Aug 03

~~FOR OFFICIAL USE ONLY~~

From: Commanding General  
To: (b)(7)(C); (b)(7)(C) (b)(G) - SSN / 0602 USMCR

Subj: PUNITIVE LETTER OF REPRIMAND

Ref: (a) (b)(7)(C) Command Investigation of 22 Jul 03  
(b) UCMJ Art 15  
(c) Part V, MCM 2000 Ed.  
(d) JAGMAN 0114

1. Reference (a) contains a factual summary that forms the basis for the allegations of misconduct committed by you, specifically one specification of wrongful disposition of captured property, and one specification of conduct unbecoming an officer and gentleman. This report was used as a partial basis for my decision to subject you to nonjudicial punishment under reference (b). Prior to your hearing, you were advised that you had the right to refuse the imposition of nonjudicial punishment and request trial by court-martial. You elected to accept nonjudicial punishment.

2. At your nonjudicial punishment, you were found to have perpetrated violations of the Uniform Code of Military Justice. Specifically, you were found to have committed the following: a violation of Article 103, UCMJ, in that (b)(7)(C) U.S. Marine Corps Reserve, did, at or near Al Kut, Iraq, on or about 29 June 2003, fail to give notice and turn over to proper authority without delay, certain captured property which had come into his custody and possession to wit: personal clothing, blankets, pillows, cassette tapes, and seat covers, of a value under \$500.00 U.S. dollars, by ordering that the items be burned; and a violation of Article 133, UCMJ, conduct unbecoming an officer and gentleman, in that (b)(7)(C) U.S. Marine Corps Reserve, did, at or near Al Kut, Iraq, on or about 23 June 2003, wrongfully and dishonorably violate international law, customs and treaties by subjecting four Iraqi male detainees to embarrassment, scorn and ridicule, by directing his Marines to strip them down to their underwear and then escort them out of the (b)(7)(C) command post, to the disgrace of the armed forces.

3. These actions clearly show that you have failed to adhere to the rules and regulations governing the conduct and comportment of a Marine Corps Officer within the Department of the Navy. Your degrading treatment of Iraqi detainees and their property, and issuance of unlawful orders to your junior Marines, were utterly disgraceful. You completely destroyed the special trust and confidence of your commander, your superiors and peers, and in doing so, undermined your position as a commissioned officer. Your actions, reminiscent of the conduct of the former Iraqi regime, shamed us all while eroding the good will forged by the battalion during stability and security operations in the Wasit Province.



**UNITED STATES MARINE CORPS**

CAMP BABYLON, IRAQ  
UIC 39858  
BOX 1788  
FPO AP 96613-1786

IN REPLY REFER TO:  
5812  
SJA/jal  
AUG 01 2003

~~FOR OFFICIAL USE ONLY~~

From: (b)(7)(C) (b)(7)(C) 0602 USMCR  
To: Commanding General, 1st Marine Division (Rein)  
Subj: ACKNOWLEDGMENT OF PUNITIVE LETTER OF REPRIMAND  
Ref: (a) Punitive Letter of Reprimand dtd 1 Aug 03  
(b) JAGMAN 0114(d)

1. I acknowledge receipt of reference (a), as part of the punishment awarded at my non-judicial punishment hearing conducted on 1 August 2003.

2. I understand that reference (a) will be forwarded to the Headquarters, U.S. Marine Corps and become part of my official record.

3. Under reference (b):

a. I DO desire to appeal the issuance of my letter of reprimand.

b. I DO NOT desire to appeal the issuance of my letter of reprimand. Although I am not appealing I

(1) DO desire to submit a statement to be attached to my letter of reprimand.

(2) DO NOT desire to submit a statement to be attached to my letter of reprimand.

(b)(7)(C)

RECORD OF NONJUDICIAL PUNISHMENT PROCEEDINGS

IN THE CASE OF

(b)(7)(C)

(b)(6) - SSN 0602 USMCR

HELD AT 1ST MARINE DIVISION COMMAND POST, AT 0615Z, ON  
1 AUGUST 2003, AT CAMP BABYLON, AL HILLAH, IRAQ, BY THE  
COMMANDING GENERAL, 1ST MARINE DIVISION (REIN).

AT 0615Z, (b)(7)(C) FORMALLY REPORTED TO THE COMMANDING  
GENERAL FOR THE IMPOSITION OF OFFICE HOURS.

THE FOLLOWING INDIVIDUALS WERE PRESENT:

COMMANDING GENERAL: BRIGADIER GENERAL J. F. KELLY, USMC;  
ACCUSED: (b)(7)(C) USMCR;  
CO, (b)(7)(C) (b)(7)(C) USMCR;  
CO, (b)(7)(C) (b)(7)(C) USMCR;  
SJA: (b)(7)(C) USMC;

THE FOLLOWING WITNESSES WERE PRESENT:

(b)(7)(C)

CG'S comments: The Commanding General asked (b)(7)(C) if  
he had been fully informed of his rights at NJP to include his  
Art. 31(b) rights. He further inquired of (b)(7)(C) if he  
was aware of the charges pending against him and whether he was  
willing to accept NJP.

ACC'S comments: (b)(7)(C) acknowledged that he understood  
all of his rights as explained in the notification of Article 15  
dated 28 July 2003. He further stated that he understood his  
rights under Article 31(b) and intended to make a statement at  
the appropriate time. Additionally, he admitted he had reviewed  
the charges against him and would accept NJP.

CG's comments: The Commanding General then asked the SJA to summarize the charges. (The SJA then read the following charges).

1) A violation of Article 103, UCMJ, to wit: In that (b)(7)(C) USMCR, on active duty, did, at or near Al Kut, Iraq, on or about 29 June 2003, fail to give notice and turn over to proper authority without delay, certain captured property which had come into his custody and possession, to wit: personal clothing, blankets, pillows, cassette tapes, and seat covers, of a value under \$500.00 U.S. dollars, by ordering that the items be burned.

2) A violation of Article 133, UCMJ, to wit: In that (b)(7)(C) USMCR, on active duty, did, at or near Al Kut, Iraq, on or about 23 June 2003, wrongfully and dishonorably violate international law, customs and treaties by subjecting four Iraqi male detainees to embarrassment, scorn and ridicule, by directing his Marines to strip them down to their underwear and then escort them out of the (b)(7)(C) command post, to the disgrace of the armed forces.

CG's comments: The Commanding General then reviewed the evidence with (b)(7)(C). Specifically, the Commanding General commented that he had fully reviewed the investigation authored by (b)(7)(C) dated 22 July 2003, as well as (b)(7)(C) (b)(7)(C) Basic Individual Record and Basic Training Record. Further, he stated that he would consider all the above as evidence in the present hearing. He then asked (b)(7)(C) if he was aware of, and had he reviewed the above-mentioned evidence.

Acc's comments: (b)(7)(C) acknowledged he was aware of the evidence and did not desire further review.

CG's comments: The Commanding General then asked (b)(7)(C) how he pled to each charge.

Acc's comments: (b)(7)(C) pled guilty to the first charge, failure to report and turn over captured property, but pled not guilty to the second offense of unbecoming conduct by mistreating detainees. He stated that for the first incident, he behaved stupidly and was guilty of having the property burned. He said that the unit seized a lot of property during that incident, including a large amount of suspected illegal funds, which were turned over to the military police. Burning their property was just stupid, and he admitted that he did not have a good reason for doing it. For the second incident, he stated that some of the statements in the investigation were incorrect, specifically that he did not coerce the (b)(7)(C) to strip the Iraqis and send them outdoors, and second that he was not "counseled" by the company commander, (b)(7)(C) for his actions.

CG's comments: In a series of questions, the Commanding General then asked (b)(7)(C) to discuss the second offense, and whether he ordered the (b)(7)(C) and junior Marines to strip the men or not, or was there a break down in communication.

ACC's comments: I did tell the (b)(7)(C) to strip the men down and send them out of the compound. I did this because we had captured the same men at the same ammunition supply point (ASP) four times within the previous eight hours. I was concerned with the safety of my Marines, and the Iraqis, who kept returning to this dangerous place. I was trying to come up with a way to teach these men a lesson without seriously injuring them. We had previously taken looters to the Iraqi police, but they simply released the men after we left, and they would go right back to looting.

CG's comments: I'm trying to understand your point; you ordered the men stripped down, but you do not think you are guilty of the offense because you have an explanation for your conduct, mainly that your actions were designed to teach the Iraqis to stay out of the ASP?

ACC's comments: Yes, sir. Also, (b)(7)(C) account in the report is inaccurate. I was not bragging about what we had done to the Iraqis, but (b)(7)(C) pulled me aside and said that because I had it done at the company compound, there was no longer any sort of "plausible deniability", and that I should have done it in a deserted area instead. He also said that we are now military police, not Marines. (based on these comments, the Commanding General directed the Battalion Commander to inquire into the truth of these allegations against (b)(7)(C).

CG's comments: Do you have any witnesses to present on the merits, or as character witnesses?

ACC's comments: (b)(7)(C) stated that he had four character witnesses available to testify on his behalf.

The following witnesses testified at the NJP:

(b)(7)(C): Character witness. Serves as the (b)(7)(C). Met (b)(7)(C) when he was brought back on active duty a month prior to the mobilization of the rest of the company. During that month, (b)(7)(C) performed superbly. (b)(7)(C) worked hard to learn what he needed to know to serve in an infantry MOS. They did not have much contact again until recently, due to the investigation. For the last three weeks or so, (b)(7)(C) has worked directly for (b)(7)(C) helping to train the new Iraqi Facility Protective Service (FPS). He is proactive and conscientious; always humanitarian in his dealings with the Iraqis; could not ask this officer to work harder or do more.

(b)(7)(C): Character witness. Serves as the (b)(7)(C) (b)(7)(C) platoon commander (b)(7)(C), so they are peers (b)(7)(C) (b)(7)(C) is the (b)(7)(C) platoon commander). Has know (b)(7)(C) for over 10 months; he is professional, intelligent and personable. Believes (b)(7)(C) has good character.

CG's comments: It is unusual for enlisted Marines to testify on behalf of an officer at non-judicial punishment proceedings. Professionally, I am embarrassed. As a former enlisted leader, I had the utmost respect for commissioned officers. You are here to answer questions about the (b)(7)(C) character, unless he has other questions he would like you to answer.

(b)(7)(C) Character witness. Believes (b)(7)(C) is very conscientious. Not an infantryman by trade, but he worked hard to learn what he needed to know to take care of himself and his Marines. Routinely stops by to ask for staff NCO guidance on tricks of the trade and tactics and techniques. Has a favorable opinion of (b)(7)(C) believes he still has the drive to continue serving, despite these events.

CG's comments: It is embarrassing for me as an officer to have to call you in here today. As a former enlisted Marine, I find it unusual to have an enlisted Marine speaking on behalf of an officer at his non-judicial punishment. However, the (b)(7)(C) requested your presence, so I will grant him that wish. I will ask you some questions about his character, and then the (b)(7)(C) may ask that you answer additional questions.

(b)(7)(C): Character witness. Serves as the Platoon Sergeant for (b)(7)(C) platoon. They have served together since the unit was activated. (b)(7)(C) (b)(7)(C) has done an excellent job; worked closely together. No problems since they first arrived in Iraq. His sole intent was to take good care of his Marines and ensure that they go home in one piece. Believes he is responsible for the (b)(7)(C) problems, because he encouraged the (b)(7)(C) to be aggressive during operations and patrols. Told the (b)(7)(C) that it was important to be firm but fair when dealing with the Iraqi citizens. Believes he may have encouraged the (b)(7)(C) to be overly aggressive.

CG's comments: Do you have any more witnesses or anything else to offer?

ACC's comments: No, sir.

CG's comments: The Commanding General stated that (b)(7)(C) (b)(7)(C) is not a bad guy, and that he has known of few bad Marine Corps officers. In fact, there is probably only one really bad Marine officer shows himself once a year. Considering that there are about 16,000 Marine officers, that is not too bad. The bad ones are involved in things like pedophilia, really bad things. You are not a bad guy, far from it. What you did, though, directly erodes good order and discipline in your unit. As I re-read the investigation, I noticed the number of junior Marines that said that they questioned your orders to strip the men and send them out the gate. It is all about what we learn at The Basic School: officership. There is no question that you have worked hard to improve yourself, to learn to be an infantryman, but the real issue is officership. You gave your Marines an illegal order, and forced some of them to question your orders. This really is a good order and discipline issue. If you were a Lance Corporal accused of these offenses, you would probably find yourself in front of your Company Commander, maybe your Battalion Commander. But an officer that gives illegal orders is a serious matter that deserves close attention; the impact on good order and discipline of the unit can be devastating.

I enjoy military history, and have studied war crimes, mostly during Viet Nam. You are probably familiar with My Lai. A case like that doesn't happen overnight; it's the result of a series of things, a gradual breakdown in good order and discipline. Rusty Callie was not much of an officer, a product of the times and society, as the war wound down and people lost interest in the military and maintaining standards. You are not as bad as Callie, in fact he was not a real officer. In order to understand how a My Lai happens, you have to go back in time to the first time Callie turned his head and ignored bad behavior from his men. During the initial stages of his tour, he tolerated his men stealing from the people that they captured; he turned a blind eye. Over time, Callie started to do the same things. He would take cigarettes from vendors in the market, because how could they stop him? He failed to prevent rapes or hold the men accountable, and eventually participated in gang rapes himself. In one incident, somewhat similar to what you did, their base was repeatedly disturbed by a group of women that kept on coming to the camp. He had them apprehended, stripped naked, and then sent away. It's a slippery slope, on that challenges cops on a daily basis. One day you take an apple from the fruit stand, and later you take bribes. It's a step-by-step process that occurs gradually.

The only reason your men followed your order was because of what they learn in boot camp: respect and trust of officers. It's the reason why they go out on patrol every night, even when they know its safer to stay in their compound. Unless you have worn enlisted rank, you never fully understand the high regard the Marines have for their officers. The UCMJ doesn't motivate them,

and neither does the threat of NJP. A look or a word from a respected officer sends them into action. You eroded trust, but not acting like an officer. I don't think you should be an officer any more, because you have missed the point of being an officer.

CG's comments: Despite his pleas, the Commanding General then formally found (b)(7)(C) guilty of all charges. He then asked (b)(7)(C) if there was anything else that he wished to offer in the way of witnesses, personal statements or other evidence?

ACC's comments: (b)(7)(C) declined to submit anything further.

CG's comments: I could have sent this case to an Article 32 pretrial hearing, which could lead to a general court-martial, but I didn't want to see you at a court, suffering through the investigation. I wanted you to understand that with great power comes huge responsibility. This is an important issue. Although the effects were minor, with no one hurt or killed, you still broke the law. I'm not sure what experiences you had that lead you to do this. The worst thing from this process is that your career in the Marine Corps is over; you will probably never be promoted again. I have considered your explanation about why you had the men stripped down, and it is some explanation for your actions.

CG's comments: The Commanding General then determined the offenses were appropriate for disposition at office hours. He further found that (b)(7)(C) did commit the offenses charged. Specifically, he noted (b)(7)(C) original pleas, and stated that despite (b)(7)(C) statements and explanations to the contrary, he believed he was guilty of both offenses. He then sentenced him to receive:

**A letter of reprimand AND**

**Forfeitures of \$2034.00 pay per month for one month, for a total of \$2034.00.**

CG's comments: The Commanding General once again expressed his disappointment and displeasure with (b)(7)(C) conduct. I will recommend that you show cause for retention in the Marine Corps. It can be a long, embarrassing process. What you do next is completely up to you. Worst part of this whole situation is that you gave Marines an illegal order, and I'm not sure you understood the impact it had on good order and discipline. Breakdowns in good order and discipline can lead to terrible things; never starts that way, it's a slow, gradual process of erosion. My Lai is one example, but I can think of 20 others.

What you did was really, really stupid. When an officer makes a mistake, they pay dearly for it. The forfeitures are really nothing compared to the impact on your career, and the punitive letter that becomes a part of your permanent record. I task your Commanding Officer with ensuring that your Marines understand what happened here today, why it happened, and the impact on your career. I also direct him to send you from this theater, once you have had a chance to consider your appeal rights and exercise those rights, if you desire. Five days should be a reasonable amount of time to draft an appeal to Lieutenant General Conway or Major General Stalder, if you should choose to do that. Do you have anything else you would like to say or have me consider before we conclude?

ACC's comments: No, sir.

CG's comments: The hearing is closed, you are dismissed.

THE PROCEEDINGS CONCLUDED AT 0717Z, on 1 August 2003.



**UNITED STATES MARINE CORPS**

1st Marine Division (Rein)  
Camp Babylon, Iraq  
UMC 36702  
FPO AP 96426-8702

IN REPLY REFER TO:  
5812  
17/jal  
10 Aug 03

~~FOR OFFICIAL USE ONLY~~

From: Commanding General, 1st Marine Division (Rein)  
To: Commandant of the Marine Corps (JAM), Headquarters, U.S. Marine Corps,  
Washington, D.C. 20380-0001  
Via: Commanding General, I Marine Expeditionary Force

Subj: REPORT OF NONJUDICIAL PUNISHMENT IN THE CASE OF (b)(7)(C)  
(b)(7)(C) (b)(7)(C) 0602 USMCR

Ref: (a) MCO P5800.16 (LEGADMINMAN)  
(b) Manual for Courts-Martial, 2002 ed.  
(c) JAGINST 5800.7 (JAGMAN)  
(d) Uniform Code of Military Justice (UCMJ)  
(e) SECNAVINST 1920.6B  
(f) MCO P1900.16F (MARCORSEPMAN)

Encl: (1) Command Investigation of 22 Jul 03 w/enclosures  
(2) Notification of NJP of 28 Jul 03 w/accepting endorsement  
(3) Accused's Rights and Acknowledgement Statement w/31b Rights  
(4) Copy of CG, 1st Marine Division PLR of 1 Aug 03  
(5) Acknowledgment of receipt of PLR of 1 Aug 03  
(6) Record of NJP Hearing of 1 Aug 2003  
(7) Acknowledgement of NJP Appeal Rights of 1 Aug Jul 03  
(8) Letter of Resignation of 6 Aug 03 w/endorsements

1. The subject report is submitted per paragraph 4003 of reference (a).  
2. On 1 August 2003, following the applicable provisions of references (b), (c) and (d), nonjudicial punishment (NJP) was imposed by the undersigned on (b)(7)(C). The charges and disposition thereof are as follows:

<u>Charges</u>	<u>Plea</u>	<u>Finding</u>	<u>Appeal/Status</u>
Article 103	G	G	Not Appealed
Article 133	NG	G	Not Appealed

3. (b)(7)(C) was notified of the intent to impose NJP, and voluntarily accepted NJP, enclosure (3). The following punishment was imposed: Forfeitures of \$2034.00 pay per month for one months, for total forfeitures of; (b)(7)(C) also received a punitive letter of reprimand, enclosure (4).

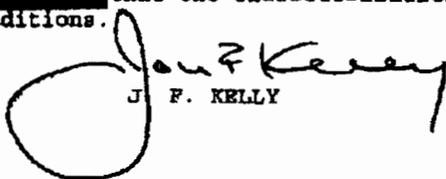
Subj: REPORT OF NONJUDICIAL PUNISHMENT IN THE CASE OF (b)(7)(C)  
(b)(7)(C) (b)(5) SSN 0602 USMCR

4. The circumstances giving rise to the imposition of nonjudicial punishment, as outlined in enclosure (1), are as follows: On 23 June 2003, while on patrol in Al Kut, Iraq, (b)(7)(C) Marines captured four Iraqi men looting an ammunition supply point. Three of the men had been detained for the same offense at the same location earlier that day. (b)(7)(C) (b)(7)(C) ordered the men delivered to the (b)(7)(C) compound. Once there he directed the Marines to strip the men naked and send them out onto the streets, in order to "teach them a lesson". The Marines stripped the men down to their underwear and shoes, and then sent them out of the compound as ordered. On 28 June 2003, also in Al Kut, (b)(7)(C) unit was manning a vehicle checkpoint. A semi truck approached, refused to slow down, flashed its lights and beeped its horn as it attempted to "run" the checkpoint. The Marines, fearful of being run over, fired in self-defense, disabling the vehicle. The two Iraqi male occupants were injured. (b)(7)(C) men triaged the injured Iraqis and transported them to a local hospital for further treatment. The next day, the men returned, seeking to recover their personal effects from the vehicle. (b)(7)(C) chased the men off, and ordered his Marines to destroy the contents of the truck by burning all of it.

5. A record of the NJP hearing conducted in accordance with paragraph 4, part V of reference (b) is contained in enclosure (6). The accused was present at the hearing and was accorded all rights, including the right to consult with a lawyer, enclosure (3). (b)(7)(C) accepted nonjudicial punishment and did not demand a trial by court-martial. Nonjudicial punishment was imposed in accordance with section 0110 of reference (c) and Article 15 of reference (d). All requirements of paragraph 4, Part V, of reference (b) have been satisfied.

6. (b)(7)(C) has been accorded the opportunity to read the report of nonjudicial punishment in this case and did not desire to exercise the right to appeal, enclosure (7). On 1 August 2003, (b)(7)(C) indicated that he did not desire to appeal the issuance of the punitive letter of reprimand, enclosure (5).

7. (b)(7)(C) treatment of two different groups of Iraqi detainees demonstrates a high level of frustration and a lack of respect for their welfare. His failure to appreciate the fragility of our relationship with the Iraqi people, and the negative impact his unlawful orders had on his junior Marines, cause me serious doubts about his suitability for further service. At the end of the non-judicial punishment proceedings, I informed him that I would recommend that he be required to show cause for retention in the Marine Corps. In enclosure (7), he indicated that he would tender his resignation in lieu of administrative separation processing. His unqualified resignation is attached as enclosure (8). I concur with the Commanding Officer, (b)(7)(C) that the characterization of service should be under Honorable conditions.

  
J. F. KELLY

Copy to:  
SJA, Marine Forces Reserve  
CO, (b)(7)(C)  
(b)(7)(C)  
File  
~~FOR OFFICIAL USE~~



10 65  
**UNITED STATES MARINE CORPS**  
I MARINE EXPEDITIONARY FORCE, FMF  
LIC 43801  
FPO AP 90613-3601

IN REPLY REFER TO:

1920

SJA/ (b)(7)(C)

30 AUG 03

FIRST ENDORSEMENT on CG, 1stMarDiv, ltr 5812 17/jal of 10 Aug 03

From: Commanding General, I Marine Expeditionary Force  
To: Commandant of the Marine Corps (JAM),  
Headquarters Marine Corps, Washington D.C. 203080-0001

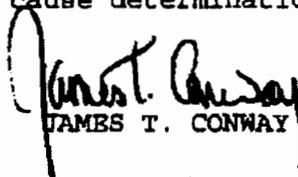
Subj: REPORT OF NONJUDICIAL PUNISHMENT IN THE CASE OF (b)(7)(C)  
(b)(7)(C) (b)(6) - SSN 0602 USMCR

1. Pursuant to paragraph 13d of reference (e), I have been designated the Show Cause Authority for officer misconduct cases arising within I MEF.

2. (b)(7)(C) received Non-judicial Punishment from the Commanding General, 1st Marine Division, on 1 August 2003 and subsequently submitted his request for unqualified resignation of commission from the Marine Corps Reserve in lieu of processing for administrative separation for cause.

3. (b)(7)(C) is a reserve officer who was activated in support of Operation Iraqi Freedom with (b)(7)(C). (b)(7)(C) was returned to CONUS shortly after his Non-judicial Punishment and will demobilize within the next several weeks when the remainder of his unit returns to CONUS. He will likely transfer from the Gaining Force Commander (GFC), I MEF, and return to the reserve establishment before his request to resign is answered and a Board of Inquiry could be convened.

4. Accordingly, I am forwarding this Report of Non-judicial Punishment to you for your show cause determination.

  
JAMES T. CONWAY

8 October 2003

From: (b)(7)(C) USMC  
To: The Honorable William A. Navas, Jr., Assistant Secretary of the Navy (M&RA)  
CC: Senator Mark Dayton (D-MN)  
Subj: Unjust Non-Judicial Punishment of (b)(7)(C) while deployed in Iraq during Operation Iraqi Freedom.

Dear Sir:

I am a graduate of the United States Naval Academy and served almost six years of active duty in the United States Marine Corps. I was discharged honorably as a Captain in February of [redacted] and pursued a civilian career. As the US government began to make preparations for freeing Iraq from the Saddam Hussein regime, I joined my local USMC Reserve Unit (b)(7)(C) in hopes of deploying with them to serve my country. I was assigned as Platoon Commander, (b)(7)(C) Platoon of the (b)(7)(C) (b)(7)(C) under (b)(7)(C).

While deployed to Iraq, I was accused of Conduct Unbecoming of an Officer and Willful Destruction of Property. Concerning the first incident, I captured four Iraqis trying to steal ammunition from my Company's ammunition supply point. My troops and I captured them four separate times in less than an eight-hour period. We didn't possess adequate prisoner of war facilities and were instructed to turn all prisoners over to the Iraqi police, who only detained prisoners for ten or fifteen minutes before releasing them. After the fourth time the [redacted] were captured, I confiscated their clothing and made them walk home in their T-shirts and shorts, to impress upon them—without causing any physical harm to the prisoners—that they shouldn't return to the ammo dump to try and steal ammunition. They didn't return. When I reported my action to my Company Commander, I was told that I should have taken the prisoners into the desert, stripped them, and told them we were Army Military Police.

The second incident involved my section and I destroying a small amount of captured clothing from a destroyed vehicle at a checkpoint. The clothing was dirty, possibly lice-ridden, and posed no intelligence or other value to the Government of the United States and had some value to the enemy.

I was never formally charged with a violation of the Uniform Code of Military Justice, and to this day do not know who charged me. I also received very confusing legal advice from two lawyers, one of whom suggested I take the Non-Judicial Punishment. When I received Non-Judicial Punishment, the paperwork stating that I was guilty with my specific punishment was already complete, as if the verdict was already passed.

In summary, I was fined, told that I must resign my commission in lieu of a Board of Inquiry without a guarantee of my type of discharge, and immediately shipped out of country. I believe that both of my decisions were justified and good moves in the long run, and I think that the standard I was judged by was too harsh. I do not pose a danger to others or myself, since the courses of action I followed were harmless under very trying circumstances. I want to continue to serve my country and retain my commission.

Respectfully,

(b)(7)(C)

(b)(6) - HOME ADDRESS/PHONE

*For lead for ASN's consideration  
letter response to Respondent*

(b)(7)(C)



UNITED STATES MARINE CORPS  
4TH MARINE DIVISION, FMF, USMC  
4400 DAUPHINE STREET  
NEW ORLEANS, LOUISIANA 70146-5400

IN REPLY REFER TO:

5730

G-1

JAN 6 2004

THIRD ENDORSEMENT on CG, 1st MarDiv, ltr dtd 10 Aug 03

From: Commanding General

To: Commandant of the Marine Corps, (OLAC), Headquarters  
U.S. Marine Corps, Washington DC

Via: Commander, Marine Forces Reserve

Subj: CONGRESSIONAL/SPECIAL INTEREST CORRESPONDENCE, RE:

(b)(7)(C)

(b)(6) - SSN 0602 USMCR

1. Forwarded for appropriate action.

(b)(7)(C)

Adjutant



**UNITED STATES MARINE CORPS**  
230 MARINE, 4TH MARINE DIVISION, FMF  
980 CONCORDIA DRIVE  
SAN BRUNO, CALIFORNIA 94066-0095

INAPPLY REFER TO:  
5800

Regt/Adj

JAN 06 2007

FIFTH ENDORSEMENT on CMC telecopier memorandum 5730 OLAC-5d  
of 30 Dec 03.

From: Commanding Officer  
To: Commandant of the Marine Corps (OLAC)  
Via (1) Commanding General, 4th Marine Division  
(2) Commander, Marine Forces Reserve

Subj: CONGRESSIONAL/SPECIAL INTEREST CORRESPONDENCE, RE:  
[REDACTED] (b)(7)(C) (b)(6) - SSN / 0602 USMCR

1. Forwarded, all actions complete.

(b)(7)(C)

By direction



UNITED STATES MARINE CORPS

4TH MARINE DIVISION, FMF, USMC  
489 WHEELER AVENUE, BUILDING 44, BOX 1  
NAVAL AIR STATION, JOINT RESERVE BASE  
NEW ORLEANS, LOUISIANA 70149-3077

IN REPLY REFER TO:  
5730  
S-1  
5 Jan 04

FOURTH ENDORSEMENT on CMC (OLAC), HQMC WASHDC ltr 5730 OLAC-5D  
of 30 Dec 2003

From: Inspector-Instructor, (b)(7)(C)  
To: Commandant of the Marine Corps (OLAC),  
Headquarters, U.S. Marine Corps, Washington, DC  
Via: (1) Commanding Officer, (b)(7)(C)  
(2) Commanding General, 4<sup>th</sup> Marine Division, New Orleans, LA  
(3) Commander, Marine Forces Reserve, New Orleans, LA  
Subj: RESPONSE TO CONGRESSIONAL/SPECIAL INTEREST CORRESPONDENCE,  
RE: (b)(7)(C); (b)(6) - SSN 0602 USMCR  
Encl: (2) Report of Nonjudicial Punishment of 10 Aug 03 w/o encls  
(3) Email from (b)(7)(C) of 31 Dec 2003

1. Returned.
2. In response to Congressional/Special Interest, enclosures (2) and (3) are provided.
3. (b)(7)(C) was the subject of Commanding General's Nonjudicial Punishment on 1 August 2003. As a result of the NJP, (b)(7)(C) was found guilty of violations of Articles 103 and 133 of the Uniformed Code of Military Justice per enclosure (2). The punishment awarded was not disproportionate for the violations.
4. (b)(7)(C) (Battalion Commander of (b)(7)(C) at that time) witnessed the NJP conducted by Brigadier General Kelly and personally counseled (b)(7)(C) following the proceedings as indicated in enclosure (3).
5. The retention of (b)(7)(C) is clearly not in the best interest of the U.S. Marine Corps or the Naval Service.

(b)(7)(C)



Mo-2853 P. 2/3

UNITED STATES MARINE CORPS  
Washington (Headquarters)  
Camp Buahan, Inc  
MC 3670  
APO AF 9632-0702

IN REPLY REFER TO:  
2812  
277321  
16 Aug 83

FOR OFFICIAL USE ONLY

From: Commanding General, 1st Marine Division (Rein)  
To: Commandant of the Marine Corps (JMC), Headquarters, U.S. Marine Corps,  
Washington, D.C. 20380-9001  
Via: Commanding General, I Marine Expeditionary Force

Subj: REPORT OF NONJUDICIAL PUNISHMENT IN THE CASE OF [REDACTED]  
[REDACTED] /0602 USMC

- Ref: (a) MCO P5000.16 (MARCONCEPTMAN)
- (b) Manual for Courts-Martial, 2002 ed.
- (c) JAGINST 5800.7 (JAGMAY)
- (d) Uniform Code of Military Justice (UCMJ)
- (e) EXECUTIVE ORDER 12866
- (f) MCO P1900.16F (MARCONCEPTMAN)

- Encl: (1) Command Investigation of 22 Jul 83 w/enclosures
- (2) Modification of NJP of 28 Jul 83 w/accepting endorsement
- (3) Accused's Rights and Acknowledgment Statement w/31b Rights
- (4) Copy of CG, 1st Marine Division PIR of 1 Aug 83
- (5) Acknowledgment of receipt of PIR of 1 Aug 83
- (6) Record of NJP Hearing of 1 Aug 1983
- (7) Acknowledgment of NJP Appeal Rights of 1 Aug Jul 83
- (8) Letter of Resignation of 6 Aug 83 w/endorsements

1. The subject report is submitted per paragraph 4003 of reference (a).
2. On 1 August 1983, following the applicable provisions of references (b), (c) and (d), nonjudicial punishment (NJP) was imposed by the undersigned on [REDACTED]. The charges and disposition thereof are as follows:

Charges	Facts	Findings	Appeal/Status
Article 102	G	G	Not Appealed
Article 133	NS	G	Not Appealed

3. [REDACTED] was notified of the intent to impose NJP, and voluntarily accepted NJP, enclosure (3). The following punishment was imposed: Forfeiture of \$7614.00 pay per month for one month, for total forfeitures of; [REDACTED] also received a punitive letter of reprimand, enclosure (4).

ENCLOSURE (2)

Subj: REPORT OF NONJUDICIAL PUNISHMENT IN THE CASE OF [REDACTED]  
[REDACTED] SSN [REDACTED] USMC

4. The circumstances giving rise to the imposition of nonjudicial punishment, as outlined in enclosure (1), are as follows: On 23 June 2003, while on patrol in Al Kut, Iraq, [REDACTED] Marines captured four Iraqi men looting an ammunition supply point. Three of the men had been detained for the same offense at the same location earlier that day. [REDACTED] ordered the man delivered to the [REDACTED] compound. Once there he directed the Marines to strip the man naked and send them out onto the streets, in order to "teach them a lesson". The Marines stripped the man down to their underwear and shoes, and then sent them out of the compound as ordered. On 28 June 2003, also in Al Kut, [REDACTED] was manning a vehicle checkpoint. A semi truck approached, failed to slow down, flashed its lights and beeped its horn as it attempted to "run" the checkpoint. The Marines, fearful of being run over, fired in self-defense, disabling the vehicle. The two Iraqi male occupants were injured. [REDACTED] then triaged the injured Iraqis and transported them to a local hospital for further treatment. The next day, the man returned, seeking to recover their personal effects from the vehicle. [REDACTED] chased the man off, and ordered his Marines to destroy the contents of the truck by burning all of it.

5. A record of the NJP hearing conducted in accordance with paragraph 4, part V of reference (b) is contained in enclosure (6). The accused was present at the hearing and was accorded all rights, including the right to consult with a lawyer, enclosure (3). [REDACTED] accepted nonjudicial punishment and did not demand a trial by court-martial. Nonjudicial punishment was imposed in accordance with section 816 of reference (c) and Article 15 of reference (d). All requirements of paragraph 4, Part V, of reference (b) have been satisfied.

6. [REDACTED] has been accorded the opportunity to read the report of nonjudicial punishment in this case and did not desire to exercise the right to appeal, enclosure (7). On 1 August 2003, [REDACTED] indicated that he did not desire to appeal the issuance of the punitive letter of reprimand, enclosure (8).

7. [REDACTED] treatment of two different groups of Iraqi detainees demonstrates a high level of frustration and a lack of respect for their welfare. His failure to appreciate the fragility of our relationship with the Iraqi people, and the negative impact his unhelpful orders had on his junior Marines, cause no serious doubts about his suitability for further service. As the end of the non-judicial punishment proceedings, I informed him that I would recommend that he be required to show cause for retention in the Marine Corps. In enclosure (7), he indicated that he would tender his resignation in lieu of administrative separation processing. His unqualified resignation is attached as enclosure (8). I concur with the Commanding Officer, [REDACTED] that the characterization of service should be under honorable conditions.

*John F. Kelly*  
J. F. KELLY

Copy to:  
SJA, Marine Forces Reserve  
CO, [REDACTED]  
[REDACTED]  
File  
FOR OFFICIAL USE

ENCLOSURE (2)

(b)(7)(C)

From: (b)(7)(C)  
 Sent: Wednesday, December 31, 2003 1:32 PM  
 To: (b)(7)(C)@mr.usmc.mil  
 Cc: (b)(7)(C)  
 Subject: Re: congrnt  
 Importance: High

In response to (b)(7)(C)'s letter to Rep. Kennedy, I will allow the results of the incidents' investigation and record of the NJP proceedings speak for themselves.

However, in his summary the (b)(7)(C) states, "...[I was] told that I must resign my commission in lieu of a Board of Inquiry without a guarantee of my type of discharge, ...". I was witness to the proceedings of the NJP and the statements of the convening General Officer. At no time was (b)(7)(C) told, or ordered, that he must resign. (b)(7)(C) was, in fact, counseled that resigning his commission might avoid, given the evidence contained in the JAG Manual investigation of the incidents, an uneasy outcome of a Board of Inquiry.

Subsequent to the NJP, I personally counseled (b)(7)(C) and also recommended that he resign his commission as a means of avoiding any further humiliation, besmirching of his name, and the possibility of a criminal outcome in any further proceedings. At that time (b)(7)(C) agreed with this reasoning and verbally noted that he would accept the outcome of the NJP and resign his commission. At that point, I ordered that arrangements be made to return (b)(7)(C) to the United States.

(b)(7)(C) USMCR  
 Battalion Commander (b)(7)(C)

ENCLOSURE (3)

01/05/2004



UNITED STATES MARINE CORPS

(b)(7)(C)

IN REPLY REFER TO  
5000  
Regt/Adj

DEC 31 2003

THIRD ENDORSEMENT on CMC telecopier memorandum 5730 OLAC-5d  
Of 30 DEC 03

From: Commanding Officer  
To: Commanding Officer, (b)(7)(C)

Subj: CONGRESSIONAL/SPECIAL INTEREST CORRESPONDENCE, RE:  
(b)(7)(C) (b)(6) - SSN /0602 USMCR

Encl: (1) Copy of Senator Kennedy's ltr of 11 Dec 03 w/ encls

1. Forwarded for appropriate action. A reply is due back to this command no later than 6 January 2004.
2. Comment on enclosure (1) as deemed appropriate. In particular, please address the following items:
  - a. Statement in enclosure (1) that allege (b)(7)(C) received NJP while in Iraq; he was fined and told he must resign his commission in lieu of a Board of Inquiry without a guarantee of type of discharge. He states the punishment was disproportionate and desires that he retain his commission.
  - b. Please advise address all issues and allegations under your cognizance and provide any other information which would be helpful in responding to enclosure (1).
3. Respond back via fax or scanned email file only.
4. No date extensions will be granted.
5. Point of contact at (b)(7)(C) is (b)(7)(C) at (b)(7)(C)

(b)(7)(C)

By direction



UNITED STATES MARINE CORPS  
4TH MARINE DIVISION, FMF, USMC  
6400 DAUPHINE STREET  
NEW ORLEANS, LOUISIANA 70146-5400

IN REPLY REFER TO:  
5730  
G-1

SECOND ENDORSEMENT on CMC telecopier memorandum 5730 OLAC-5D of  
30 Dec 03

From: Commanding General

To: Commanding Officer, (b)(7)(C)

Subj: CONGRESSIONAL/SPECIAL INTEREST CORRESPONDENCE, RE:

(b)(7)(C) (b)(6) - SSN /0602 USMCR

1. Forwarded for Commanding Officer's and/or Inspector-Instructor's immediate action.
2. Due back to this command no later than Tuesday, 6 January 2004.
3. Respond back via fax or scanned email file only.
4. No date extensions will be granted.

(b)(7)(C)

Adjutant



UNITED STATES MARINE CORPS

MARINE FORCES RESERVE  
4400 DAUPHINE STREET  
NEW ORLEANS, LOUISIANA 70146-5400

IN REPLY TO:  
5730  
MPR  
31 DEC 2003

FIRST ENDORSEMENT on CMC telecopier memorandum 5730 OLAC-5D of  
30 Dec 03

From: Commander, Marine Forces Reserve

To: Commanding Officer, (b)(7)(C)

(b)(7)(C) 4th Marine Division

Via: (1) Commanding General, 4th Marine Division

(2) Commanding Officer, (b)(7)(C) 4th Marine Division

(3) Commanding Officer, (b)(7)(C) 4th  
Marine Division

Subj: CONGRESSIONAL CORRESPONDENCE, RE: (b)(7)(C)

(b)(7)(C) (b)(6) - SSN 70602 USMCR (INACTIVE)

1. Forwarded for immediate action.
2. Due back to this command no later than Wednesday, 7 January 2004.
3. Respond back via hard copy only.

(b)(7)(C)

By direction

-----  
OFFICE OF LEGISLATIVE AFFAIRS (OLAC), HQMC  
TELEPHONE (DSN prefix 22):

PHONE report or due date extension: 45680, 45772, 48454

TELECOPIER (24 hours daily): 44172, 44768

TELECOPIER VERIFICATION #'s: 41738, 45663

F-MAIL ADDRESS: [REDACTED] HQMC.USMC.MIL  
-----

5730  
OLAC-SD  
30 DEC 2003

TELECOPIER MEMORANDUM

From: CMC (OLAC), HQMC, Washington, DC  
To: COMSARFORC, New Orleans, LA

Subj: CONGRESSIONAL CORRESPONDENCE, RE: (b)(7)(C)  
(b)(6) - SSN [REDACTED] 0602 USMCR (INACTIVE)

Encl: (1) Copy of Cong. Kennedy's ltr of 11 Dec 03 w/encls

1. Information to respond to enclosure (1) is requested. Please  
acknowledge receipt of this fax to (b)(6) - DoD PERSONNEL  
at (703)614-1738 or E-mail

[REDACTED]@hqmc.usmc.mil [REDACTED]@hqmc.usmc.mil.

2. The final Marine Corps reply to enclosure (1) will be signed by  
Head, OLAC/Legislative Assistant to the Commandant/Commandant of the  
Marine Corps.

3. Time your report to arrive at OLAC by 8 Jan 04 [REDACTED]  
EXTENSIONS WILL NOT NORMALLY BE GRANTED.

4. Comment on enclosure (1) as deemed appropriate. In particular,  
please address the following items:

a. Statements in enclosure (1) that allege (b)(7)(C)  
received NJP while in Iraq; he was fined and told he must resign his  
commission in lieu of a Board of Inquiry without a guarantee of type of  
discharge. He states the punishment was disproportionate and desires  
that he retain his commission.

c. Please address all issues and allegations under your cogni-  
zance and provide any other information which would be helpful in  
responding to enclosure (1).

(b)(7)(C)

Congressional Liaison Representative

MARK R. KENNEDY  
By Surface Mail

Email address: mark.kennedy@mail.house.gov  
Web address: www.house.gov/markkennedy

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515

DEPARTMENT OF  
TRANSPORTATION  
AND INFRASTRUCTURE  
FINANCIAL SERVICES

Congressman Mark Kennedy  
Minnesota 6<sup>th</sup> District Office  
22 Wilson Avenue N.E. Suite 104  
P.O. Box 6010  
St. Cloud, MN 56304

Phone: 320-259-0099  
Fax: 320-259-0786

DATE: December 11, 2003

TO: U.S. Marine Corps

FAX: 202-685-6077

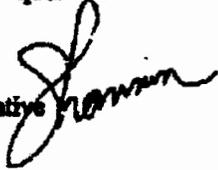
RE: Congressional inquiry on behalf of (b)(7)(C)

FROM: Shannon Visser, District Representative

Pages: 3 (including cover)

MESSAGE: Thank you for review (b)(7)(C) request. Please feel free to contact me if you have any additional questions.

Sincerely,  
Shannon Visser  
District Representative



11 DEC 2003

1425 LEONARD MILLEN CRUISE BUILDING  
WASHINGTON, DC 20518  
PHONE: (202) 225-2228

1771 PENNSYLVANIA AVENUE  
SUITE 200  
WASHINGTON, DC 20543

22 WILSON AVENUE, NE  
SUITE 104  
ST. CLOUD, MN 56304

## Privacy Release Form

Pursuant to the Privacy Act of 1974, I hereby authorize United States Representative Mark R. Kennedy to make an inquiry on my behalf to the United States Marine Corps. I authorize the release to him of all pertinent information about me necessary to respond to his inquiry. By signing this release, I hereby acknowledge that my request is not the subject of litigation.

(b)(7)(C)

(Print Name)

(Signature)

(b)(6) - HOME ADDRESS/PHONE

(Street Address)

(City/Zip Code)

(b)(6) - HOME ADDRESS/PHONE

(Phone Number)

(b)(6) - DOB

(Birthdate)

(b)(6) - SSN

(Social Security or Claim #)

13 Nov 2003

(Today's Date)

Please give a brief description of your problem  
(Attach additional pages or support documents as necessary)

Please see attachment

Return or Send Form To:  
Congressman Mark R. Kennedy  
22 Wilson Ave. NE, Suite #104  
P.O. Box 6010  
St. Cloud, MN 56304  
Fax: (320) 259-0786 Phone (320) 259-0099

NOV 21 2003

13 November 03

From: (b)(7)(C) USMC  
To: Representative Mark Kennedy (R-MN/6th)  
Subj: Urgent Non-Judicial Punishment of (b)(7)(C) while deployed in Iraq during Operation Iraqi Freedom.

Dear Sir:

I am a graduate of the United States Naval Academy and served almost six years of active duty in the United States Marine Corps. I was discharged honorably as a [redacted] in February of [redacted] and pursued a civilian career. As the US government began to make preparations for freeing Iraq from the Saddam Hussein regime, I joined my local USMC Reserve Unit (b)(7)(C) in hopes of deploying with them to serve my country. I was assigned as Platoon Commander, (b)(7)(C) Platoon of the (b)(7)(C) Company under (b)(7)(C) (b)(7)(C)

While deployed to Iraq, I was accused of Conduct Unbecoming of an Officer and Willful Destruction of Property. Concerning the first incident, I captured four Iraqis trying to steal ammunition from my Company's ammunition supply point. My troops and I captured them four separate times in less than an eight-hour period. We didn't possess adequate prisoner of war facilities and were instructed to turn all prisoners over to the Iraqi police, who only detained prisoners for ten or fifteen minutes before releasing them. After the fourth time the men were captured, I confiscated their clothing and made them walk home in their T-shirts and shorts, to impress upon them—without causing any physical harm to the prisoners—that they shouldn't return to the ammo dump to try and steal ammunition. They didn't return. When I reported my action to my Company Commander, I was told that I should have taken the prisoners into the desert, stripped them, and told them we were Army Military Police.

The second incident involved my section and I destroying a small amount of captured clothing from a destroyed vehicle at a checkpoint. The clothing was dirty, possibly lice-ridden, and posed no intelligence or other value to the Government of the United States and had some value to the enemy.

I was never formally charged with a violation of the Uniform Code of Military Justice, and to this day do not know who charged me. I also received very confusing legal advice from two lawyers, one of whom suggested I take the Non-Judicial Punishment. When I received Non-Judicial Punishment, the paperwork stating that I was guilty with my specific punishment was already complete, as if the verdict was already passed.

In summary, I was fined, told that I must resign my commission in lieu of a Board of Inquiry without a guarantee of any type of discharge, and immediately shipped out of country. I believe that both of my decisions were justified and good moves in the long run, and I think that the standard I was judged by was too harsh. I do not pose a danger to others or myself, since the courses of action I followed were harmless under very trying circumstances. I want to continue to serve my country and retain my commission.

Respectfully,

(b)(7)(C)

(b)(7)(C)  
DAYS HOME ADDRESS PHONE

TOTAL P.04

**THE JAG MANUAL REPORT  
OF COMMAND INVESTIGATION  
ATTACHED HEREIN TO THIS  
BOARD OF INVESTIGATION IS  
DUPLICATIVE OF THE DOCUMENT  
PROCESSED AS  
DOCUMENT USMC MFR (02).**

---

**A DUPLICATE COPY IS  
NOT PROVIDED.**

MLO 306 3461.1

medical annex of OPLANs, OPORDs and contingency plans includes procedures for treatment of EPW, CI, RP, and ODs. Medical support will specifically include:

(a) First aid and all sanitary aspects of food service including provisions for potable water, pest management, and entomological support.

(b) Preventive medicine.

(c) Professional medical services and medical supply.

(d) Reviewing, recommending, and coordinating the use and assignment of medically trained EPW, CI, RP and OD personnel and medical material.

(e) Establishing policy for medical repatriation of EPW, CI and RP and monitoring the actions of the Mixed Medical Commission.

k. U. S. Army Criminal Investigation Command (USACIDC). USACIDC will provide criminal investigative support to EPW, CI and RP Camp Commanders per AR 195-2.

2. U.S. policy, relative to the treatment of EPW, CI and RP in the custody of the U.S. Armed Forces, is as follows:

(2) All persons taken into custody by U.S. forces will be provided with the protections of the GPW until some other legal status is determined by competent authority.

(3) The punishment of EPW, CI and RP known to have, or suspected of having, committed serious offenses will be administered LAW due process of law and under legally constituted authority per the GPW, GC, the Uniform Code of Military Justice and the Manual for Courts Martial.

(4) The inhumane treatment of EPW, CI, RP is prohibited and is not justified by the stress of combat or with deep provocation.

without regard to race, nationality, religion, political opinion, sex, or other criteria. murder, torture, corporal punishment, mutilation, the taking of hostages, sensory deprivation, collective punishments, execution without trial by proper authority, and all

violence to include rape, forced prostitution, assault and theft, bodily injury, and scientific experiments. They will not be subjected to medical or scientific experiments. This list is not exclusive. EPW/RP are to be protected from all threats or acts of violence.

d. Photographing, filming, and video taping of individual EPW, CI and RP for other than internal Internment Facility administration or intelligence/counterintelligence purposes is strictly prohibited. No group, wide area or aerial photographs of EPW, CI and RP or facilities will be taken unless approved by the senior Military Police officer in the Internment Facility commander's chain of command.

e. A neutral state or an international humanitarian organization, such as the ICRC, may be designated by the U.S. Government as a Protecting Power (PP) to monitor whether protected persons are receiving humane treatment as required by the Geneva Conventions. The text of the Geneva Convention, its annexes, and any special agreements, will be posted in each camp in the language of the EPW, CI and RP.

f. Medical Personnel. Retained medical personnel shall receive as a minimum the benefits and protection given to EPW and shall also be granted all facilities necessary to provide for the medical care of EPW. They shall continue to exercise their medical functions for the benefit of EPW, preferably those belonging to the armed forces upon which they depend, within the scope of the military laws and regulations of the United States Armed Forces. They shall be provided with necessary transport and allowed to periodically visit EPW situated in working detachments or in hospitals outside the

EPW camp. Although subject to the internal discipline of the camp in which they are retained such personnel may not be compelled to carry out any work other than that concerned with their medical duties. The senior medical officer shall be responsible to the camp military authorities for everything connected with the activities of retained medical personnel.

g. Religion.

(1) EPW, and RP will enjoy latitude in the exercise of their religious practices, including attendance at the service of their faith, on condition that they comply with the disciplinary routine prescribed by the military authorities. Adequate space will be provided where religious services may be held.

(2) Military chaplains who fall into the hands of the U.S. and who remain or are retained to assist EPW, and RP, will be allowed to minister to EPW, RP, of the same religion. Chaplains will be allocated among various camps and labor detachments containing EPW, RP, belonging to the same forces, speaking the same language, or practicing the same religion. They will enjoy the necessary facilities, including the means of transport provided in the Geneva Convention, for visiting the EPW, RP, outside their camp. They will be free to correspond, subject to censorship, on matters concerning their religious duties with the ecclesiastical authorities in the country of detention and with international religious organizations. Chaplains shall not be compelled to carry out any work other than their religious duties.

(3) Enemy Prisoners of War, who are ministers of religion, without having officiated as chaplains to their own forces, will be at liberty, whatever their denomination, to minister freely to the members of their faith in U.S. custody. For this purpose, they will receive the same treatment as the chaplains retained by the United States. They are not to be obligated to do any additional work.

(4) If EPW, RP, do not have the assistance of a chaplain or a minister of their faith. A minister belonging to the prisoner's denomination, or in a minister's absence, a qualified layman, will be appointed, at the request of the prisoners, to fill this office. This appointment, subject to approval of the camp commander, will take place with agreement from the religious community of prisoners concerned and, wherever necessary, with approval of the local religious authorities of the same faith. The appointed person will comply with all regulations established by the United States.

#### 1-6. Tribunals

a. In accordance with Article 5, GPW, if any doubt arises as to whether a person, having committed a belligerent act and been taken into custody by the US Armed Forces, belongs to any of the categories enumerated in Article 4, GPW, such persons shall enjoy the protection of the present Convention until such time as their status has been determined by a competent tribunal.

b. A competent tribunal shall determine the status of any person not appearing to be entitled to prisoner of war status who has committed a belligerent act or has engaged in hostile activities in aid of enemy armed forces, and who asserts that he or she is entitled to treatment as a prisoner of war, or concerning whom any doubt of a like nature exists.

c. A competent tribunal shall be composed of three commissioned officers, one of whom must be of a field grade. The senior officer shall serve as President of the Tribunal. Another non-voting officer, preferably an officer in the Judge Advocate General Corps, shall serve as the recorder.

d. The convening authority shall be a commander exercising general courts-martial convening authority.

e. Procedures.

(1) Members of the Tribunal and the recorder shall be sworn. The recorder shall be sworn first by the President of the Tribunal. The recorder will then administer the oath to all voting members of the Tribunal to include the President.

(2) A written record shall be made of proceedings.

(3) Proceedings shall be open except for deliberation and voting by the members and testimony or other matters which would compromise security if held in the open.

CONVENTION (IV) RELATIVE TO THE PROTECTION  
OF CIVILIAN PERSONS IN TIME OF WAR

Signed at Geneva, 12 August 1949

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-----\*\*\*\*\*-----

The undersigned Plenipotentiaries of the Governments represented at the Diplomatic Conference held at Geneva from 21 April to 12 August 1949, for the purpose of establishing a Convention for the Protection of Civilians in Time of War, have agreed as follows:

PART I

GENERAL PROVISIONS

Article 1. The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.

Art. 2. In addition to the provisions which shall be implemented in peace-time, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

Art. 3. In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse

Distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end the ~~following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:~~

- (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- (b) taking of hostages;
- (c) outrages upon personal dignity, in particular humiliating and degrading treatment;
- (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

(2) The wounded and sick shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

Art. 4. Persons protected by the Convention are those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power which they are not nationals.

Nationals of a State which is not bound by the Convention are not protected by it. Nationals of a neutral State who find themselves in the territory of a belligerent State, and nationals of a co-belligerent State, shall not be regarded as protected persons while the State of which they are nationals has normal diplomatic representation in the State in whose hands they are.

The provisions of Part II are, however, wider in application, as defined in Article 13.

Persons protected by the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of 12 August 1949, or by the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of 12 August 1949, or by the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949, shall not be considered as protected persons within the meaning of the present Convention.

Art. 5 Where in the territory of a Party to the conflict, the latter is satisfied that an individual protected person is definitely suspected of or engaged in activities hostile to the security of the State, such individual person shall not be entitled to claim such rights and privileges under the present Convention as would, if exercised in the favour of such individual person, be prejudicial to the security of such State.

Where in occupied territory an individual protected person is detained as a spy or saboteur, or as a person under definite suspicion of activity hostile to the security of the Occupying Power, such person shall, in those cases where absolute military security so requires, be regarded as having forfeited rights of communication under the present Convention.

1<sup>st</sup> Marine Division ROE Training (1003V)

1. Introduction

ROE is a combination of the Law of War and other conditions based on strategic mission accomplishment considerations.

2. ROE will not make every decision easy, Not all black and white.

- Apply Core Values; Do what is right; Do what America expects of its Marines, Sailors, and Soldiers.

3. No better friend, No worse enemy

Stick: CG's intent is to use decisive force to send a shock wave through the enemy, shattering their will to fight.

Carrot: Treating noncombatants (including those who surrender) with humanity will contribute to breaking the enemy's will to fight.

Remember: No one wants to fight U.S. Marines because they'll lose. So, give them every opportunity to give up.

4. Law of War - Marines Rules

- Fight only enemy combatants.
- Do not harm enemies who surrender - disarm, turn over to superiors (GS's: secure, search, silence, segregate, safeguard, speed to the rear/safe position).
- Do not kill or torture EPMs.
- Collect and care for ALL wounded - friendly and enemy.
- Do not attack medical personnel, facilities or equipment.
- Destroy no more than mission requires.
- Treat all civilians humanely.
- Respect private property and possessions - no stealing.
- Prevent all violations of the Law of Armed Conflict that you can and report all violations to your superiors.

ACT IN ACCORDANCE WITH OUR CORE VALUES, CONSISTENT  
AS THEY ARE WITH THE BEST INTERESTS OF OUR NATION

If you cannot be proud of it, don't do it.

5. Hostile force: On order, Iraqi military and paramilitary forces are declared hostile and may be attacked and destroyed

You do not need wait for a hostile act or demonstration of hostile intent to engage IRAQI military/paramilitary forces.

6. Positive Identification (PID) is required prior to engagement. PID is a reasonable certainty that the proposed target is a legitimate military target. If no PID, contact your next higher commander for decision.

7. Self Defense

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- \* COMMANDERS HAVE THE INHERENT AUTHORITY AND OBLIGATION TO USE ALL NECESSARY MEANS AVAILABLE AND TO TAKE ALL APPROPRIATE ACTION IN SELF-DEFENSE OF THEIR UNITS AND OTHER U.S. AND COALITION FORCES.

8. Proportional Use of Force

IN ORDER TO ACCOMPLISH THE MISSION, USE OF FORCE WILL BE PROPORTIONAL, THAT IS, REASONABLE IN INTENSITY, DURATION AND MAGNITUDE

9. Do not engage anyone who has surrendered or is out of battle due to sickness or wounds.

10. MILITARY OPERATIONS AGAINST IRAQ WILL BE CONDUCTED, INsofar AS POSSIBLE, TO ENSURE THAT INCIDENTAL INJURY TO CIVILIANS AND COLLATERAL DAMAGE TO CIVILIAN OBJECTS IS MINIMIZED.

11. PROTECTED STRUCTURES WILL NOT BE ATTACKED UNLESS THEY ARE BEING USED FOR MILITARY PURPOSES.

- CIVILIAN POPULATION CENTERS, MOSQUES AND OTHER RELIGIOUS PLACES
- HOSPITALS AND FACILITIES DISPLAYING THE RED CRESCENT OR RED CROSS
- CULTURAL AND HISTORIC BUILDINGS
- NONMILITARY STRUCTURES

12. Do not target:

- Infrastructure (public works, communication facilities, dams),
- Lines of Communication (roads, highways, bridges, railways)
- Economic objects (commercial storage facilities, pipelines)
- UNLESS necessary for self-defense or if ordered by your commander.
- If you must fire on these objects to engage a hostile force, disable and disrupt but avoid destruction of these objects, if possible.

13. "Just because" clause.

("Just because" the ROE says you CAN do something does not mean that you SHOULD do it.)

IN DETERMINING THE LEVEL OF FORCE REQUIRED FOR MISSION ACCOMPLISHMENT A COMMANDER MUST CONSIDER:

-THE ASSIGNED MISSION; THE CURRENT SITUATION; HIGHER COMMANDER'S INTENT; AND ALL OTHER AVAILABLE GUIDANCE

14. The use of force, including deadly force, is authorized to protect the following:

- ALL U.S. CITIZENS
- PRISONERS OF WAR AND DETAINED PERSONNEL

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- COALITION FORCES, INCLUDING OPPOSITION GROUPS SUPPORTED BY U.S. FORCES, AND THEIR ASSOCIATED MISSION ESSENTIAL EQUIPMENT AND SUPPLIES

- NGOs/IOs PROVIDING HUMASST/RELIEF IN IRAQ, SAUDI ARABIA, JORDAN, KUWAIT, SYRIA, AND TURKEY AND THEIR ASSOCIATED MISSION-ESSENTIAL EQUIPMENT AND SUPPLIES.

COMMANDER, USCENTCOM MAY DESIGNATE ADDITIONAL PERSONS AND MILITARY FORCES FOR PROTECTION.

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15. WITHIN IRAQ NECESSARY FORCE, INCLUDING DEADLY FORCE, MAY BE USED AGAINST INDIVIDUALS OR GROUPS OF INDIVIDUALS WHO COMMIT, OR ARE ABOUT TO COMMIT, AN ACT WHICH IS LIKELY TO CAUSE DEATH OR SERIOUS BODILY HARM TO ANOTHER.

\*NECESSARY FORCE, INCLUDING DEADLY FORCE IS ALSO AUTHORIZED TO PROTECT PROPERTY DESIGNATED BY COMMANDER, USCENTCOM AS VITAL TO THE EXECUTION OF THE MISSION. DESIGNATED PROPERTY MAY INCLUDE PUBLIC UTILITIES, MEDICAL FACILITIES, AND OTHER MISSION ESSENTIAL STRUCTURES.

16. Treat all civilians and their property with respect and dignity. Do not seize civilian property, including vehicles, unless you have the permission of a battalion level commander and you give a receipt to the property's owner.

17. Riot Control Agents- RCA

NON-LETHAL RCA MAY BE USED ONLY IN DEFENSIVE MODES TO SAVE LIVES:

- TO PROTECT U.S./DESIGNATED PERSONNEL AND FACILITIES FROM CIVIL DISTURBANCE, - DURING PR OPERATIONS, - TO CONTROL RIOTING EPWs, -DURING MARITIME OPERATIONS INVOLVING CIVILIANS, WHERE CIVILIANS ARE USED TO MASK AND/OR SCREEN AN ATTACK.

18. CIVILIANS ENCOUNTERED IN IRAQ WHO ARE BELIEVED TO POSSESS INFORMATION IMPORTANT TO, OR ARE INTERFERING WITH, MISSION ACCOMPLISHMENT MAY BE TEMPORARILY DETAINED AND/OR TRANSPORTED TO REAR AREAS OR FORWARD STAGING BASES WITHIN IRAQ.

19. Looting and the taking of war trophies are prohibited.

20. REMEMBER

- Attack Iraqi forces and military targets.
- Spare civilians and civilian property, if possible.
- Conduct yourself with dignity and honor.
- Comply with the Law of War. Prevent violations. If you see a violation, report it.

21. ROE for combat operations: ROE take effect on order and will remain in effect until your commander orders you to transition to post-hostilities ROE.

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movement. Are U.S. forces authorized to use non-lethal RCAs to disperse the civilians?

- A. Yes, as just discussed, RCAs may be used when civilians are used to mask or screen attacks.
- B. No. Ah, I wasn't paying attention when the instructor stated, "RCAs may be used when civilians are used to mask or screen attacks."
- C. A and B.

38. PID

• At night a couple of LAVs observe a dark colored SUV traveling down a road across their front, followed closely by what appears to be a military truck. The truck is not an American military vehicle and is carrying a number of people in the back. From your LAV you cannot make out any markings on either vehicle, but G-2 has reported an Iraqi unit to the front. You are the LAV commander, do you engage the vehicles at this time?

- A. No, you do not have positive target identification, that is, a reasonable probability that the vehicles to your front are Iraqi forces.
- B. No, you do not have positive target identification, that is, a reasonable certainty that the vehicles to your front are Iraqi forces.
- C. Yes, based upon your observations and intelligence reports, you have enough information to "light 'em up."

40. DEADLY FORCE TO PROTECT OTHERS

• You are conducting MOUT. While scouting ahead, from the 4<sup>th</sup> story of a building you see an individual who is not wearing a uniform atop another building approximately 300 meters away. This individual begins shooting into a group of civilians below his building. The shooter is not firing at you and is no immediate threat to Marine forces who have yet to approach your location. Can you shoot the shooter?

- A. You should engage the shooter because the ROE allows you to use deadly force against civilians or others who commit acts or are about to commit acts that are likely to cause death or serious bodily injury.
- B. You cannot shoot the shooter because he poses no immediate threat to you or U.S./Coalition forces. You report the incident and ask for guidance.
- C. You should engage the shooter based upon the concept of "collective" self-defense. The ROE allows you to defend Iraqi civilians to the same extent as U.S./Coalition forces and designated persons.

42. PROTECTION OF PROPERTY OF OTHERS

Training Scenarios

12. Authorized Targets/Hostile Forces

You are the point man of a squad and see an armored column moving down the road and parallel to your route of march. They do not see you. You have anti-tank weapons and air on station. What do you do?

- A. Ignore it. It obviously didn't see you.
- B. Fire immediately before it gets away.
- C. Report it so the next unit can engage.
- D. Be sure of the target, call up the anti-tank gunners and the FO/FAC to get the right weapons on target, and engage

16. Authorized Targets

\* You are riding in one of those nice new 7 ton vehicles and are entering Al Kut. Iraqi forces shoot at you from within the local power plant. You want to shoot back with all the weapons you have to include a 50 cal and AT-4s that the troops on board have. You are the senior man. You know this will mess up the plant. What are your orders?

- A. Open Fire. You are defending yourself from the Iraqis firing at you from inside the power plant; the power plant is just in the way.
- B. Power plants are economic objects that require CENTCOM permission to strike.
- C. The MEF CG has to approve.
- D. Fire the 50 cal but not the AT-4s as that would cause too much damage.

17. Detention of Civilians

\* Your company enters a WMD research facility. You are a squad leader. Half way through the securing of the plant, one of your LCpls brings you a senior scientist with a really big head and tennis shoes. What do you do with this dirtbag?

- A. Leave him alone. Counsel your LCpl. Never touch civilians unless they are trying to hurt or kill someone.
- B. You may temporarily detain the scientist to get his name and address, but you must release him within hours.
- C. Working in a WMD facility demonstrates hostile intent. You may shoot him as a hostile.
- D. You detain this scientist and seek guidance on where to transport him for purposes of interrogation.

20. Defending Iraqi Citizens

You are an MP in BASRAH and your job is maintaining order. Some members of the Sunni minority are seeking payback against the former regime. You see some Sunnis about to hang a Baa'th party official. Do you intervene?

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- A. No, you are not a local policeman. You must leave local matters to local authorities.
- B. Yes, but you can only intervene using non-lethal force.
- C. Yes, you can and should intervene to save civilians lives, so long as the situation is not so volatile that it would put you or your Marines at great risk.
- D. No, put your life on the line for this guy? These guys were declared hostile the other day and you could shoot them.

22. PID

- Incoming mortar rounds land near you. Counter mortar radar locates the mortars beyond the crest of a hill. You cannot see them. Can you direct your mortar section to return fire?
  - A. No, you don't know if there are civilians near there.
  - B. No, it might be Al Qaida, and they are protected by CENTCOM.
  - C. Yes, you could die if you don't.
  - D. Yes, but you have to get eyes on the target first. Counter mortar and counter battery radar are insufficient to obtain positive target identification (PID) and return fire.

23. HOSTILE INTENT / HOSTILE ACT

- You're banning a machine gun on a convoy moving through a crowded street. A civilian vehicle is passing. Suddenly, some bozo with an AK47 leans out the passenger window and points the rifle at your convoy. What act or actions should you take?
  - A. Fire a warning shot in the air, but don't shoot at the individual pointing the weapon because you could hit innocent civilians.
  - B. Fire well aimed rounds at the individual in an attempt to wound him, since he has not actually fired at you.
  - C. Shoot to individual pointing the AK-47 using well aimed rounds - shoot to kill.

24. FORCE TO PROTECT OTHER COALITION FORCES

- You observe hostile forces firing from behind some rocks on a Canadian defensive position 50 meters away. Do you engage? If so, why?
  - A. You should pass this information up the the chain of command since it involves a Coalition partner.
  - B. You must engage the hostile forces based upon "collective" self-defense - you must defend Coalition forces just as if they were U.S. Forces.
  - C. You may fire at the hostile forces in self-defense, since the Canadian forces are only 50 meters from your position.

26. EPWs

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- While moving forward in a vehicle your squad encounters an armed force wearing Iraqi uniforms. The Iraqi soldiers walk in your direction with their hands up. You have been instructed to keep moving and not get "bogged down." What do you do with the soldiers who are obviously trying to surrender, if anything?
- A. You immediately report this contact and take custody and control of the Iraqi soldiers as enemy prisoners of war.
- B. You comply with your commander's orders to not get bogged down. You push forward by driving around the Iraqi force without making direct contact.
- C. You stop briefly to assess the condition of the Iraqi soldiers, then push forward. If available, you provide water and food, and tell them to wait for additional forces that will be following.
- D. Shoot them—you were told not to get bogged down.

27. EPWs

- You are an EMG assigned to a Marine rifle company and you come across an Iraqi EPW with a sucking chest wound. A buddy from your unit also has gunshot wound to the hand, that while painful, is not critical. Your buddy asks you to bandage his hand first and not waste the bandages on the Iraqi. Who do you do?
- A. You tell the Iraqi that you're no doctor, but you know he has a sucking chest wound because all chest wounds suck.
- B. You treat the Iraqi first because his wounds are potentially fatal, even if that means using the last sterile bandage.
- C. Naturally, treat your buddy's hand first. You treat the Iraqi if you have any bandages left over.

30. Protected Places

- From your secured, covered position, as Recon team leader you spot a tank in a small village. The tank is parked near a mosque. It does not appear to be an immediate threat to your team or other friendly forces. Air is available, and the tank is also within range of our artillery. Do you immediately engage? If so, with what type of weapon system.
- A. Yes, you immediately engage. However, since you recognize the mosque as a protected structure, you call in an airstrike using a PGM to minimize collateral damage to the mosque.
- B. No, you report your observations and wait for guidance from above because strikes near mosques are a big deal, especially where there is no immediate threat to you or friendly forces.
- C. You immediately engage by all means available, including artillery and air.

33. Noncombatants?

- Yesterday, a 6-year old Iraqi boy approached U.S. soldiers with a small package in his outstretched arms. As the soldiers unwittingly accepted the package from him, the grenade it contained exploded.

killing two soldiers and the child. You are in a parked HMMWV when you see a small girl walking toward the vehicle. It appears that she is carrying a small box. She continues to move toward you, intent on giving or showing you the box. What do you do?

- A. Based upon what happened the day before, you have a reasonable belief that you are about to be killed and you should shoot to kill.
- B. Despite what happened yesterday, you do not have enough facts to indicate that this girl intends to kill you. Try to use non-deadly measures to prevent the girl from continuing to walk towards you and the vehicle.
- C. If the girl continues to walk toward the vehicle, even though you have tried to get her to stop, you should shoot a warning shot over the girl's head, and if that doesn't work shoot her in the leg.
- D. Go to next scenario as this is too hard.

34. Noncombatants?

- You and your squad are attempting to conceal your approach on foot toward a building you have been ordered to clear. As you stoop behind a wall to avoid being seen by the Iraqis defending the building, a young boy approaching from the other direction and sees one of your Marines. The boy begins shouting and pointing toward your position. The Iraqi defender sees this and fires at your Marines. The boy continues pointing in your direction in an attempt to show the Iraqi soldiers where you are concealed. What should you do?
- A. You can fire at the Iraqi soldiers, but you cannot shoot the boy since he is an unarmed civilian.
- B. You should wound the boy because he deliberately gave away your position, but deadly force is not authorized.
- C. You can shoot the boy because he is taken sides with the Iraqi forces and is now a combatant - a lawful target.

35. RCA

- You are part of the security force for a team performing Sensitive Site Exploitation (SSE) at a suspected chem/bio facility. Upon entering the main building, you see several people scatter into different rooms. You want to use RCAs to isolate the individuals. Can you?
- A. Yes, RCAs may be used to protect U.S. forces and designated facilities.
- B. No. This use does not fall clearly into one of the exceptions to the general prohibition against using RCAs as a means and method of warfare.
- C. Yes, you're about to prove that they've got chem/bio weapons. Let's show 'em what we've got.

37. RCA

- While advancing in an urban environment, U.S. forces are counter-attacked by enemy infantry using civilians as shields. The enemy maneuvers behind the crowds of civilians and uses them to mask their

- As a squad leader you see young looters take goods from a privately owned store. The owner is present and distressed, but the looters are not confrontational and simply run around the plump store owner when he tries to chase them away. What actions, if any, do you take?
- A. You should take no action; continue on your patrol.
- B. You should intervene by moving your squad to protect the store by using less than lethal force, if necessary. If the looters persist, you are authorized to protect private property by deadly force.
- C. You may assist the store owner and restore order, but you may not use deadly force to protect private property.

43. Hostile Monocombatants

- There are eight of you in a two-vehicle convoy approaching a traffic circle near the market. About fifteen boys, ages 12-18, press toward your vehicle in what appears to be an attempt to get you to stop. They appear unarmed. There have been reports of young gangs stealing from military convoys. You have in your vehicle the following: tent pegs, rope, pepper spray, your personal weapon (M16A2, 9mm), grenades and a M240 machine gun with three boxes of ammo. What do you do?
- A. You draw your weapons to let this group know you mean business, and if they continue forward you can use pepper spray and fire warning shots.
- B. You attempt to keep the vehicles moving by gunning the engines, lurching forward, hitting your horn, shouting, and evading this group by forcing your way through traffic.
- C. Fire everything, open up.

**TRAINING SCENARIO LITE SOLUTIONS/DISCUSSION**

12. Authorized Targets/Hostile Forces. Correct answer: D. Iraqi forces are declared hostile and may be engaged and destroyed (depending on your mission you may have tactical reasons for not engaging). If you have positive target identification - a reasonable certainty that the column is Iraqi, you may engage. However, be sure that those are not friendly. UK armor and self-propelled artillery may look like IZ tanks.

16. Authorized Targets. Correct answer: A. The power plant is infrastructure or an economic object that ordinarily requires CENTCOM approval before engaging. Not in this case. Since the Iraqis are shooting at you from the power plant you can shoot back in self-defense. The power plant is not the actual target, only the forces and/or weapons systems located there. In all cases the use of force to authorized missions will be necessary and proportional, that is, reasonable in intensity, duration and magnitude. We must also attempt to mitigate damage to civilians and civilian structures, and under these ROE, particularly infrastructure.

17. Detention of Civilians. Correct answer: D. Civilians encountered in Iraq who are believed to possess information important to, or who are

interfering with, mission accomplishment may be temporarily detained, and/or transported to rear areas or forward staging bases within Iraq.

20. **Defending Iraqi Citizens.** Correct answer: C. Within Iraq, necessary force, including deadly force, may be used against individuals or groups of individuals who commit, or are about to commit, an act which is likely to cause death or serious bodily harm to another. Here, you may intervene on behalf of the Iraqi about to be executed, and use deadly force if necessary. Your ability to intervene in this case will depend your mission and your assessment of the situation. D is incorrect - only Iraqi military/paramilitary forces are declared hostile and may be engaged/destroyed, not civilians. Recall the situation in Haiti where the ROE prohibited U.S. forces from intervening and the CNN factor.

22. **Self Defense/PID.** Correct answer: C. You have the right/obligation to shoot back in self defense, and the possible presence of civilians does not eliminate that right. The presence of civilians only imposes the requirement that you minimize incidental injury to the extent you can. A and B are therefore incorrect. D is incorrect because you are not required to have eyes on target in order to acquire PID and return fire. You do not have to have eyes on to shoot a mission, as long as you can ID the target. Remember, the requirement for PID is not only to ensure you are striking legitimate Iraqi military targets, it's also to ensure you are not committing fratricide. Make certain that in returning fire you are not engaging friendly forces. Note that the sensitive target analysis is not required here because you are acting in self defense.

23. **HOSTILE INTENT / HOSTILE ACT.** Correct Answer: C: You have the right AND OBLIGATION to defend yourself and your fellow Marines. The pointing of the AK-47 demonstrates a hostile intent, and triggers the right of self-defense. A is incorrect since warning shots are not authorized when you are acting in immediate self-defense (Warning shots are permitted in some types of NEO operations). Furthermore, the possibility of hitting innocent civilians does not prevent you from defending yourself. B is incorrect because you need not wait until someone has actually fired at you to protect yourself. B is also incorrect because you shoot to kill, not wound. The use of force should be proportionate, and should limit incidental injury to civilians on the street. In this case, small arms (9mm or M-16) should be used, if quickly available, rather than automatic or crew served weapons which could cause mass casualties. If all you had was a M 2 50 Cal you could certainly use it rather than die, which is not permitted.

24. **FORCE TO PROTECT OTHER COALITION FORCES.** Correct answer: B. The right of self defense is "collective." You must defend Coalition Forces as if they were Marines, assuming of course that Canada had joined the coalition.

26. **EPW.** Either A, B, or C could be the proper course of action based upon size of the force you encounter and the tactical situation on the ground. Understand that once you take custody of the Iraqi soldiers and they become EPWs, they have rights and protections under the Geneva Conventions, to include water, food, shelter and medical care, and monthly payment in Swiss francs. If the Iraqi force is of manageable

size, the best approach is probably to take the Iraqi soldiers as EPWs and arrange for their movement to a temporary holding facility. Where the circumstances require you to push forward, you report this situation up the chain and provide their location. If the Iraqis appear in dire need, you should first provide whatever water and food you can spare. If you disarm them, they should be considered to be EPWs. D would be murder and a serious breach of the law of war.

27. EPW. Correct answer: B. Under the Geneva Convention (GSW), triage must be administered according to the severity of the wound and no distinction is allowed based on whether the wounded individual is a friend or foe. In this case the EPW clearly has the critical wound and should be administered immediate medical attention while the Marine should be looked after next.

30. PROTECTED PLACES. Correct answer: B. Cultural and historic buildings, nonmilitary structures, civilian population centers, mosques and other religious places, hospitals, and facilities displaying the Red Crescent or Red Cross are considered "Protected Places" and will not be attacked except when they are being used for military purposes. In this case, the Iraqis are using the mosque for a military purpose, namely, to "shield" the tank from attack. However, the use of force may not be necessary at this time. The better approach is to radio higher and have them decide whether to strike the tank, or wait until the tank moves and then engage. The equation changes if the tank becomes a immediate threat to you or other friendly forces. In that case the tank will likely be engaged with a PGM to minimize collateral damage to the mosque. Were it a terrorist cell operating near a mosque rather than a tank, you would need to do a sensitive target analysis which could result in the requirement to seek SECDEF approval to target.

33. NONCOMBATANTS? Best answer: B. You must not harm civilians unless necessary to defend yourself, others, or to protect designated property. Where possible, use measures short of deadly force to defend yourself. In this case, before shooting you should first attempt to determine the girl's true intentions by shouting for her to stop (the Arabic word for stop is "KIFF," pronounced COUGH. You are not required to fire warning shots and in most cases this is a bad choice; however, it might be appropriate in this case as long as you still have the deadly force option. If none of these measures causes the girl to stop, or if at some point the girl moves suddenly to toss the box toward you, then you are authorized to shoot. A is incorrect because it is not reasonable to assume someone is trying to kill you simply because they are walking towards your vehicle with an object in their hand. C is incorrect because if it is necessary to shoot, you shoot to kill, not wound. Would a warning shot be appropriate? Are warning shots authorized? Recall the NEO ROEs that permit.

34. NONCOMBATANTS? Correct answer: C. Civilians are protected persons and must not be harmed unless necessary to defend yourself, others, or to protect designated property. However, this boy has become a combatant by directing enemy fire on you and your squad. He has made himself a legitimate target and you may fire at him just as you would an enemy soldier. It is not unlikely that you will encounter child soldiers and children who demonstrate hostile intent or commit hostile acts. You should prepare yourself for that reality.

36. Correct answer: B. The ROE on RCA states, "Non-lethal riot control agents (RCA) may be used in defensive modes to save lives, including to protect U.S./designated personnel and facilities from civil disturbance, during personnel recovery (PR) operations, to control rioting prisoners of war (PW), during maritime operations involving civilians, and where civilians are used to mask/screen an attack." In this case, the RCA is arguably being employed to protect the security forces, the SSE team, and the potential NMD facility, but this is not a civil disturbance.

37. RCA. Correct answer: A. The ROE on RCA states, "Non-lethal riot control agents (RCA) may be used where civilians are used to mask/screen an attack." This would clearly be considered use in a defensive mode to save lives.

38. PID. Correct Answer: B. You must have positive identification (PID) of targets required prior to engagement. PID is defined as a reasonable certainty that the object of attack is a legitimate military target. The standard is not "reasonable probability;" A is therefore incorrect. REMEMBER - Our Coalition partners have vehicles of a different size and shape than ours.

40. DEADLY FORCE TO PROTECT OTHERS. Correct answer: A. The ROE provides that within Iraq, necessary force, including deadly force, may be used against individuals or groups of individuals who commit, or are about to commit, an act which is likely to cause death or serious bodily harm to another. In this case the shooter poses a risk both of serious bodily harm and death to the civilians below. While less than lethal force should be used whenever possible, your only realistic option here is to shoot the shooter. "Collective" self-defense only applies to Coalition forces accompanying U.S. forces. C is therefore incorrect.

42. PROTECTION OF PROPERTY OF OTHERS. Correct answer: C. The use of deadly force to protect Iraqi civilians is not authorized except where there is a threat of death or serious bodily harm. There appears to be no such threat to the store owner. The squad leader may take less than lethal actions to restore order if it does not interfere with his mission or orders. Assuming no interference with your mission and no significant danger to your Marines, the right thing to do would be to help restore order.

43. Hostile Noncombatants. Correct answer: B. To the extent you can, you should avoid stopping and contact with this group, without resorting to force. The tactics described in B (gunning engines, lurching, and hitting the horn) are some ways to avoid this group. Drive on the sidewalk if this does not unduly threaten bystanders. A is partially correct. Against unarmed mobs, use the minimum force necessary to repel the threat. Deadly force is not authorized unless the lives of members of the convoy are threatened. Here, pre-designated individuals in the vehicles should draw their weapons to deter the gang and prepare for deadly force, if necessary, while others should prepare to use less than lethal force. A long stick, or swinging a tent stake or knotted end on about 8 feet of rope is a good deterrent. Although pepper spray is considered an RCA, it is permitted here to protect U.S. personnel from a civil disturbance.



UNITED STATES MARINE CORPS

1<sup>ST</sup> MARINE DIVISION (2000)  
HHC42410  
790 AM 26420-2610

IN REPLY REFER TO  
5800  
SAG  
AUG - 3 2003

From: Executive Officer, (b)(7)(C)  
To: Commanding Officer, (b)(7)(C)  
Subj: PRELIMINARY INQUIRY INTO STATEMENTS MADE BY (b)(7)(C)  
(b)(7)(C) TO (b)(7)(C) IN AL KUT, IRAQ ON OR  
ABOUT 30 JUNE 03.  
Ref: (a) JAGMAN section 0204  
Encl: (1) Copy of (b)(7)(C) JAG Investigation statement.  
(2) Quote from (b)(7)(C) Division Office Hours.

1. This reports completion of the preliminary inquiry conducted in accordance with reference (a), into statements made by (b)(7)(C) (b)(7)(C) to (b)(7)(C).
2. Personnel contacted included:  
(b)(7)(C) Commanding Officer, (b)(7)(C)  
(b)(7)(C)  
(b)(7)(C) Platoon Commander, (b)(7)(C)  
(b)(7)(C)
3. Materials reviewed include, interviews with (b)(7)(C) and (b)(7)(C) statements from (b)(7)(C) JAG Manual Investigation of (b)(7)(C), and information recorded at (b)(7)(C) Division Office Hours. All material collected by this inquiry will be kept in the Battalion S-1 field desk.
4. On or about 30 June 2003 (b)(7)(C) was counseling (b)(7)(C) (b)(7)(C) on recent information he had received about possible mistreatment of Iraqi Detainees under (b)(7)(C) orders. (b)(7)(C) later made an official statement (enclosure 1) concerning this issue to (b)(7)(C) who was conducting an investigation into the allegations of detainee mistreatment. (b)(7)(C) eventually was the subject of Division Commander's Office Hours for his conduct involving these detainees. At the Office Hours, (b)(7)(C) pointed out that there were discrepancies in (b)(7)(C) official

statement (enclosure 2). In particular, (b)(7)(C) states that (b)(7)(C) implied he should have taken the detainees out into the desert if that was his intention, and that by bringing them into the (b)(7)(C) compound, he removed any plausible deniability of the event. (b)(7)(C) states that he sternly counseled (b)(7)(C) on the severity of his mistreatment of the detainees, and stated that he had no plausible deniability to the allegations as he had done it at the Company compound in front of numerous Marines. This statement was not to suggest that (b)(7)(C) should have taken the detainees into the desert, but rather he had used bad judgment, violated orders, and had done it in front of the entire company, so he should not try to deny or rationalize it.

5. It is recommended that no further investigation is warranted. (b)(7)(C) did use the words "plausible deniability" in his counseling of (b)(7)(C), but not as a recommendation of what he should have done. His intent was to point out that (b)(7)(C) had made a decision to violate Marine Corps' orders, and had chosen to do it in front of the entire Company. (b)(7)(C) statement may not have been the best way to relay the seriousness of (b)(7)(C) actions, but in no way was a recommendation or approval of his actions.

(b)(7)(C)

FIRST ENDORSEMENT

4 Aug 83

Concur with recommendation

Other: *Concur that no further investigation is warranted. Sold with counsel (b)(7)(C) on how, method, and communication in providing counseling to subordinates*

(b)(7)(C)

(b)(7)(C)

1<sup>st</sup> Marine Division, FMF  
Al Kut, Iraq

16 July 2003

From: Commanding Officer

To: (b)(7)(C)

Subj: STATEMENT REGARDING ACTIVITIES OF (b)(7)(C)

1. One of the assigned tasks of (b)(7)(C) is to provide security to an ASP, grid NB 720 170.
2. (b)(7)(C) was assigned to (b)(7)(C) as the (b)(7)(C) Platoon commander beginning approximately October 2002, ending approximately 4 July 2003.

(b)(7)(C)

Enc (1)

**STATEMENT OF THE KNOWLEDGE REGARDING ACTIONS INVOLVING IRAQI  
DETAINEES ON OR ABOUT 23 JUNE 2003.**

On or about 10 June 2003, (b)(7)(C) informed me, in a bragging manner, that he had ordered Iraqi detainees that had been brought to (b)(7)(C) to be stripped to their underwear and escorted out of the front gate. He said that these detainees had been apprehended at the ASP to the north, collocated with the range. I counseled him regarding his poor judgment and that they should've been brought to the police station. After this, I asked (b)(7)(C) if he had knowledge of the incident. He stated that he was there. I also asked him if he advised (b)(7)(C) that it was illegal and to not do it. (b)(7)(C) said that he did not. I asked (b)(7)(C) if he knew about it and he said that he heard (b)(7)(C) give the order to strip the Iraqi detainees to their underwear and to send them out of the front gate. He also stated that he then went into his room because he didn't want to be involved with the incident. I informed the battalion executive officer of my discovery of the incident on or about 2 July 2003. After making a few more inquiries, it came to my attention that (b)(7)(C) may have some information for me. I asked (b)(7)(C) what he knew of the incident. He stated that (b)(7)(C) ordered the Marines to take the Iraqi detainees' money and possessions. He then stated that (b)(7)(C) ordered the Marines to strip the Iraqi detainees to their underwear and to be released through the front gate. I then informed the battalion commanding officer with the information I had regarding the incident on or about 6 July 2003.

(b)(7)(C)

Encl (1)

ARTICLE 31 RIGHTS

Name: (b)(7)(C) Rank/Rate: (b)(7)(C) Activity:  
(b)(7)(C) Unit:  
Telephone number:

I have been advised that I may be suspected of the offense(s) of:  
False Official Statement and that:

(b)(7)(C) I have the right to remain silent.  
Any statements I do make may be used as evidence against me in trial by court-martial.  
I have the right to consult with lawyer counsel prior to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expense, a military lawyer appointed to act as my counsel without cost to me, or both.  
I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview.  
I have the right to terminate this interview at any time.

WAIVER OF RIGHTS

(b)(7)(C) I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that:  
I expressly desire to waive my right to remain silent.  
I expressly desire to make a statement.  
I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to questioning.  
I expressly do not desire to have such a lawyer present with me during this interview.  
This acknowledgment and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure or coercion of any kind having been used against me.

\_\_\_\_\_  
(Witness signature/date) (b)(7)(C) 2 Aug 03  
(Witness signature/date)

Understanding my rights under U.C.M.J. Article 31, I wish to make the following statement:

WARNING ADVISEMENT ABOUT STATEMENTS REGARDING ORIGIN OF DISEASE OR INJURY

Enc (1)

NJP Quote:

(b)(7)(C) stated that (b)(7)(C) statement contained in the investigation is inaccurate. Instead of "counseling" him after the incident, (b)(7)(C) stated that by bringing the Iraqis to the company position and stripping them down, he removed any "plausible deniability" about their treatment; (b)(7)(C) suggested that (b)(7)(C) (b)(7)(C) should have taken them out into the desert if that was his intention or solution.

Encl (2)

Counseling of (b)(7)(C) by (b)(7)(C) C.O.

Date: 2 July 2003

(b)(7)(C) was counseled regarding his performance to date. He was counseled regarding his poor judgment and poor decision making. It was expressed that he used poor judgment on or about 10 June 2003, when explosions were going off at (b)(7)(C) ASP" and the Marines pulled back to a safe location. They were ordered to remain on guard in a safe location by (b)(7)(C). (b)(7)(C) arrived later and ordered the Marines to return to (b)(7)(C) pos, leaving the post abandoned. This poor decision resulted in the ASP not being guarded and equipment being stolen, to include an OE 254 comm antenna, tents and sleeping bags. He again used poor judgment on or about 22 June 2003, when leading some (b)(7)(C) Marines to a missile shoot with 2/25 Marines in An Nasariyah. He was informed prior to departing that it was requested of Division to allow us to fire more than the allotted 3 Tow missiles and 3 Javelin missiles. He was also informed that Division restated that only 3 missiles of each could be fired for practice. While at the range run by an OIC from 2/25, the OIC stated that he coordinated with Division to allow us to fire more missiles than what was originally allowed. He displayed poor judgment by not verifying with his chain of command if it was permissible to fire the extra missiles. He was also counseled for using poor judgment on or about 14 June 2003, when Iraqi civilians were apprehended for trespassing and attempting to steal ammunition from the ASP at the battalion range. The civilians were brought to (b)(7)(C) pos and he ordered them stripped to their under garments and released through the front gate. This is contrary to the CG's policy of treating the Iraqi's with humanity and appropriate respect. He was also counseled regarding his request on 2 July 2003, to shoot Iraqis fleeing the ASPs and he tried to justify this with the Phase III ROE. (b)(7)(C) was present during this request. (b)(7)(C) was counseled after each occasion, as soon as I found out about the incidents.

Following this counseling, (b)(7)(C) removed his pistol from his holster and safely cleared his weapon and placed it on the table. He stated that if I believed that his judgment is that poor that he doesn't need to be there. I told him that when he requested a transfer before, the battalion executive officer would not approve it. I also informed him that he was not fired or relieved and that I expect him to think before making decisions. I also expressed that this command, and I, cannot afford another poor decision on his part and that if one is made or it appears one will be made, action will be taken.

**Statements regarding burning Iraqi possessions:**

On or about 1 July 2003, I asked (b)(7)(C) if he knew what was burned in the fire at the scene where a tractor trailer was fired upon by his Marines. I asked if it was passports and other documents and he stated intensely, NO.

On 3 July 2003, I was informed that during the incident when the tractor trailer was fired upon, on or about 28 June 2003, (b)(7)(C) removed the Iraqi's personal articles, which included clothing items, and ordered them burned and stated, burn these, they don't deserve to get them back. It was reported that he also kicked out one or more of the vehicle's headlights.

Also on this date, (b)(7)(C) ignored the chain of command and went to the battalion COC in order to speak with the battalion executive officer. He did this without requesting or receiving permission from me, his company commander.

# **Training Ammunition Management Information System-- Redesigned (TAMIS-R)**

## **Software User Manual, Rev. 4**

TAMIS-R-SUM-008-01

April 2003

Prepared for:

**HQDA ODCSOPS (DAMO-TRC)**

400 Army Pentagon

Washington, DC 20310-0400

## Privacy Act Statement

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This page was updated on 1 Mar 2000, at 12:02:26 EST.

Unclassified Missile and Rocket DODIC Cost Report for Fiscal Year 2004			
Prepared: 3/31/2004 4:18:39 PM			
DODIC	DODIC Description	Unit Price	Primary Dodic
H108	MLRS PRACTICE ROCKET	\$5,371.87	--
H185	RKT, MLRS, PRACTICE, SINGLE RD	\$4,993.33	--
H311	RKT MOTOR MK125-1	\$2,000.00	--
L592	TOW BLAST SIMULATOR	\$1.23	--
PA44	CHAPARRAL	\$34,811.00	--
PA45	SHILLELAGH	\$3,089.00	--
PA46	SHILLELAGH PRAC (INERT)	\$2,831.00	--
PA49	PATRIOT,GM,INTERCEPT,MIM-104	\$598,730.00	--
PA75	HAWK	\$181,197.00	--
PA79	HELLFIRE	\$39,771.00	--
PB91	G MSL BGM-71A-1SUR ATT BGM-71A	\$6,950.00	--
PB92	GUID MIS SURF ATTK-ITOW	\$7,108.00	--
PB93	GM SUR ATT BGM-71MTOW2A	\$10,242.00	--
PB94	TOW HEAT	\$5,500.00	--
PB95	TOW MISSILE	\$8,588.00	--
PB96	TOW PRAC (INERT)	\$7,977.00	--
PB97	TOW,W/MOIC & HEAT	\$5,500.00	--
PB99	TOW W/MOIC & PRACT	\$8,094.00	--
PC07	HAWK	\$203,580.00	--
PC08	HAWK	\$181,197.00	--
PC22	CHAPARRAL, SUB DODIC	\$71,803.00	--
PC28	PATRIOT,GM,INTERCEPT,MIM-104C	\$685,911.00	--
PC29	PATRIOT,GM,INTERCEPT,MIM-104A	\$532,307.00	--
PC49	PATRIOT,GM,INTERCEPT,MIM-104B	\$433,000.00	--
PD62	GUIDED MISSILE, SURFACE ATTACK	\$9,240.00	--
PD68	HELLFIRE AGM-114C MIN-SMK	\$27,149.00	--
PE84	TOW W/CTD LUCH MTR	\$10,840.00	--
PE96	GM,BGM-71E-1B	\$9,240.00	--
PG11	NIKE	\$63,071.00	--
PG44	LANCE	\$175,100.00	--
PJ01	REDEYE	\$23,515.00	--

PJ02	GM,INTER-ARIEL FIM 92A (BASIC)	\$51,685.00	--
PL22	DRAGON PRAC (INERT)	\$3,817.00	--
PL23	DRAGON HEAT	\$3,920.00	--
PL34	JAVELIN	\$144,532.00	--
PL41	GUID MISS WEAP RD PART/3 BCUS	\$39,500.00	--
PL53	JAVELIN, GUIDED MSL SURF ATTK	\$121,961.00	--
PL64	JAV GUIDED MISSILE/LAUNCHER	\$78,632.00	--
PL65	STINGER LAUNCH SIM	\$1,240.50	--
PL67	GM SUBSYSTEM SUBSYSTEM,INTERCE	\$50,311.00	--
PL69	GM SUBSYSTEM SUBSYSTEM,INTERCE	\$41,860.00	--
PL90	STINGER	\$45,322.00	--
PL91	GUIDED MISSILE STINGER	\$171,442.00	--
PL92	GUIDED MISSILE STINGER	\$172,421.00	--
PL93	STINGER	\$47,000.00	--
PL94	STINGER, MISSILE RD	\$38,505.00	--
PL95	STINGER, WPN RD PARTIAL	\$39,574.00	--
PL96	STINGER, MISSILE RD	\$36,263.00	--
PL97	STINGER, MISSILE RD	\$38,505.00	--
PM90	STINGER, WPN RD PARTIAL	\$35,368.00	--
PU67	TOW, HEAT W/EMOIC	\$10,576.00	--
PU68	TOW, HEAT W/EMOIC	\$10,576.00	--
PU72	GUIDED MISS, HELLFIRE K MODEL	\$49,241.00	--
PV01	MISSILE GUIDED, SURFACE ATTK	\$8,000.00	--
PV04	TOW PRACTICE	\$5,000.00	--
PV18	TOW/BGM-71F-2B	\$19,145.00	--
PV30	GUID MISS, 114-K (HELLFIRE II)	\$38,738.00	--
PV47	GM TOW SURF/ATK	\$11,725.00	--
SS11	ATGM (ARNG)	\$1,853.00	--
V524	WARHEAD SEC GUIDED MISSILE (	\$40,000.00	--
V726	WARHEAD SEC GUIDED MISSILE P	\$10,500.00	--
V882	PERSHING	\$1,577,060.00	--
WF10	GUIDED MISSILE TOWII	\$10,242.00	--
YW33	RKT SMOKE SIG	\$59.79	--

# DODIC PL64

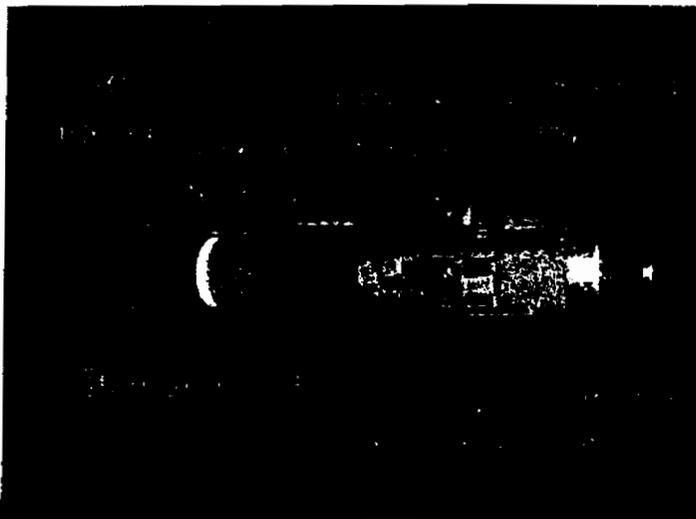
## Guided Missile Surface Attack and Launcher

### FGM-148C (Javelin)

#### Item Description

The Guided Missile, Surface Attack FGM-148C (Javelin) (DODIC PL64) is a shoulder-launched, man-portable, fire and forget weapon system designed to defeat armored targets, bunkers, and helicopters up to 2000 meters from the launch position. The Javelin can be launched while the gunner is standing, kneeling, or in the prone position in open areas or from within an enclosure.

Javelin can be directed to follow either of two flight profiles, as the gunner selects either the direct or top attack mode. The minimum range to engage a target is 150 meters for top attack and 65 meters for direct attack.



**Guided Missile, Surface Attack  
FGM-148C (Javelin) (DODIC PL64)**

The Javelin system consists of a reusable Command Launch Unit (CLU) and an expendable missile round. To engage a target the gunner attaches the CLU to the missile round. The gunner looks through the optics of the CLU to acquire a target.

When the target is determined to be engageable, the seeker trigger is depressed which activates the infrared seeker. A Battery Cooling Unit (BCU) provides cooling gas and power to the seeker prior to launch. The gunner positions track gates around the target and locks on to the target. When the fire trigger is depressed, the launch motor launches the missile. When the missile is a safe distance from the gunner, the flight motor ignites providing acceleration. The seeker and guidance electronics unit guide the missile to the target. An electronic safe, arm and fire device first initiates the precursor, then the main warhead at the target. DODIC PL64 missiles have manufacturing improvements incorporated to reduce costs. Additionally design changes include seeker improvements, a reconfigured precursor, a guidance electronics unit reduced from 4 to 2 circuit boards, and a Common Electronic Safe Arm and Fuze device with less circuit cards. Javelin missiles are encased in a composite tube during storage. DODIC PL64 missiles are stored in plastic outer containers.

## Safety Precautions

### WARNING

If the firing unit returning the missile reports that they attempted to launch and it resulted in a hang-fire, notify OIC/NCOIC for further instructions. The Javelin missile is normally firmly held in launch tube assembly at all times. If missile is a hangfire, it may be loose in the launch tube. The launch tube should not be tilted from the horizontal and the missile must not be returned to storage. If personnel are not sure whether a missile resulted in a hangfire or misfire, it must be treated as a hangfire.

### HANGFIRE

If the fire trigger has been pulled and the missile does not launch and a hangfire occurs, the hangfire indicator on the CLU display will be flashing.

### MISFIRE

If the fire trigger has been pulled and the missile does not launch and a misfire occurs, the hangfire indicator will not light up and either the missile BIT indicator on the CLU display will be displayed or flashing or no indicators will be displayed.

### WARNING

Ensure the container is depressurized before removing the weapon from the container. Assure vent valve moves freely.

### WARNING

Do not handle the missile round roughly or drop it. Rough handling may damage the missile motor or missile components and cause a malfunction at launch or in flight.

The DODIC PL64 is classified as 1.2E munitions. The explosives contained within the missile are relatively insensitive; however, avoid rough handling or dropping. Handling of the encased Javelin missiles during inspection does not require specific grounding or electrical isolation.



## Packaging

The packaging configuration for DODIC PL64 is given in the Packaging Configuration Table below.

**Packaging Configuration Table**

NSN	Model	Packaging	Inner Container	Outer Container
1427-01-475-8172	FGM-148C	Packaged 1 missile/foam/plastic container, 6 containers/wooden pallet	1/Foam	1/Plastic container

## Visual Inspection

The following guidelines are provided for receipt of field-returned material. With the exception of factory-sealed boxes, container, or original packaging all field-returned material must be thoroughly inspected to ensure that the ammunition is safe for storage at the Ammunition Supply Point (ASP) and acceptable for reissue. An inspection criteria table for the outer container, inner container, and individual item are provided along with an inspection checklist. Inspect for all defects in each inspection criteria table before continuing to the next inspection criteria. Follow local ASP procedures for additional inspection, safety, and handling guidelines.

## Outer Container

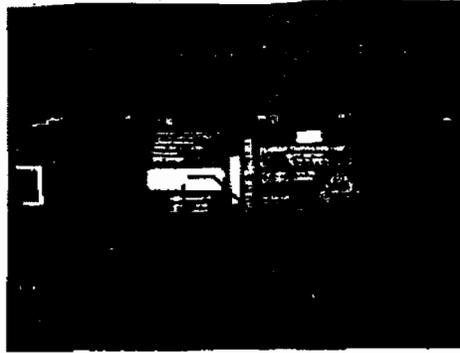
Visually inspect the outer container for possible damage that may compromise the integrity or safety of the ammunition inside. The outer container configuration is provided under the Packaging Configuration Table. The inspection criteria for the outer container are given in the Inspection Criteria Table for Outer Container below.

### Inspection Criteria Table for Outer Container

Defect Description	Defect Category	Recommended Action	Notes
Lot number, serial number, NSN and/or DODIC missing or illegible	Major	Proceed to Inner Container inspection. During Individual Item inspection, attempt to determine missing information. Follow local ASP procedure for disposition if lot number/serial number cannot be determined. Correct markings as required.	(2)
Severe punctures, cracks, or breaks that would prevent the missile from being protected in storage or humidity indicator glass cracked or broken	Major	Follow local ASP procedures for disposition.	
30% humidity indicator is not blue	Minor	Follow local ASP procedures for disposition.	
Vent Valve missing, broken, or will not tighten with a clock-wise turn	Major	Proceed to Inner Container inspection.	(1)
Handles broken	Minor	Proceed to Inner Container inspection.	
Loose, broken or missing stacking lugs.	Major	Proceed to Inner Container inspection.	(1)
Either of the 2 security seals missing or security tabs broken	Minor	Proceed to Individual Item inspection if both security seals are missing. Replace missing seal if only one is present.	
Any of the 4 latches missing, broken, or loose	Major	Proceed to Inner Container inspection.	(1)
No defects	N/A	Follow local ASP procedures for securing the missile for storage.	

**Notes:**

- (1) Follow local operating procedures for securing a replacement container. If a replacement container is not available follow local ASP procedures for disposition.
- (2) At a minimum, the markings should include the DODIC, lot number, NSN, and serial number.



**Outer Container with Markings  
(DODIC PL64)**

## Inner Container

### WARNING

Ensure the container is depressurized before removing the weapon from the container. Assure the vent valve moves freely.

*Note: Do not inspect inner container unless both security seals are missing and/or security tab broken from the plastic shipping container or the plastic container is damaged or indicates that the contents may have been damaged.*

Visually inspect the inner container. Do not open factory-sealed and undamaged containers. Sealed and undamaged inner containers can be repacked for storage. The inner container configuration is provided under the Packaging Configuration Table. The inspection criteria for the inner container are given in the Inspection Criteria Table for Inner Container below.

**Inspection Criteria Table for Inner Container**

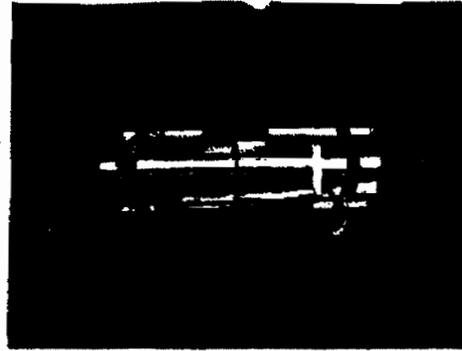
Defect Description	Defect Category	Recommended Action	Notes
Outer container removable forward end cap foam missing or has severe gouges or dents that prevent the missile from being protected during storage	Major	Replace forward end cap, if possible. Proceed to Individual Item inspection.	(1)
Desiccant bags missing or wet (one big bag per container)	Major	Follow local ASP procedure. Proceed to Individual Item inspection.	
Foam cushion broken or missing	Major	Proceed to Individual Item inspection. Replace foam cushion if available. If no replacement available follow local ASP procedure.	
Lanyard missing, damaged, or broken	Major	Proceed to Individual Item inspection. Replace lanyard if available. If no replacement available follow local ASP procedure.	(1)
Missile container end cap foam missing or broken	Major	Proceed to Individual Item inspection. Replace missile container end cap foam if available. If no replacement available follow local ASP procedure.	(1)
No defects	N/A	Proceed to Individual Item inspection.	

**Note:**

*(1) Follow local operating procedures for securing a replacement container. If a replacement container is not available follow local ASP procedures for disposition.*



**Humidity Indicator  
(DODIC PL64)**



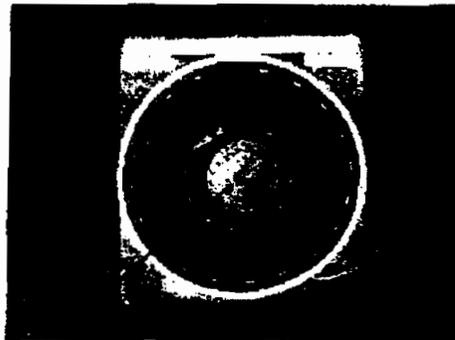
**Foam Cushion with Missile  
(DODIC PL64)**



**Removable Forward End Cap  
(DODIC PL64)**



**Opened Outer Container  
With Missile (DODIC PL64)**



**Opened Outer Container  
Without Missile (DODIC PL64)**

## Individual Item

### WARNING

If the firing unit returning the missile reports that they attempted to launch and it resulted in a hang-fire, notify OIC/NCOIC for further instructions. The Javelin missile is normally firmly held in launch tube assembly at all times. If missile is a hangfire, it may be loose in the launch tube. The launch tube should not be tilted from the horizontal and the missile must not be returned to storage. If personnel are not sure whether a missile resulted in a hangfire or misfire, it must be treated as a hangfire.

### HANGFIRE

If the fire trigger has been pulled and the missile does not launch and a hangfire occurs, the hangfire indicator on the CLU display will be flashing.

### MISFIRE

If the fire trigger has been pulled and the missile does not launch and a misfire occurs, the hangfire indicator will not light up and either the missile BIT indicator on the CLU display will be displayed or flashing or no indicators will be displayed.

### WARNING

Do not handle the missile round roughly or drop it. Rough handling may damage the missile motor or missile components and cause a malfunction at launch or in flight.

Visually inspect the individual item. The individual item packaging configuration is provided under the Packaging Configuration Table. The inspection criteria for the individual item are given in the Inspection Criteria Table for Individual Item below.

Inspection Criteria Table for Individual Item

Defect Description	Defect Category	Recommended Action	Notes
<u>Environmental seal</u> torn/damaged	Major	Place defective ammunition in a holding area. Follow local ASP procedure for disposition of missile.	
Missile <u>30% humidity indicator</u> lavender or pink	Major	Place defective ammunition in a holding area. Follow local ASP procedure for disposition of missile.	
<u>Manual Release Button</u> will not depress or return properly	Major	Place defective ammunition in a holding area. Follow local ASP procedure for disposition of missile.	
<u>Seeker dome</u> cracked	Major	Place defective ammunition in a holding area. Follow local ASP procedure for disposition of missile.	
<u>Environmental O-ring</u> missing, damaged or unseated	Major	Place defective ammunition in a holding area. Follow local ASP procedure for disposition of missile.	
<u>Forward end cap</u> will not properly seat, damaged or deformed.	Major	Place defective ammunition in a holding area. Follow local ASP procedure for disposition of missile.	
<u>BCU pylon connector</u> has dirty, corroded, bent or missing contacts	Major	Place defective ammunition in a holding area. Follow local ASP procedure for disposition of missile.	
<u>BCU latch</u> broken or missing which prevents BCU from attaching or being removed from missile tube	Major	Place defective ammunition in a holding area. Follow local ASP procedure for disposition of missile.	
<u>Shoulder pad</u> missing or torn	Major	Follow local ASP procedure for disposition of missile.	
<u>Shoulder strap</u> missing, torn, or frayed	Minor	Replace if available. Proceed with missile inspection.	
Shoulder strap mount broken or missing, both forward and aft	Minor	Follow local ASP procedure for disposition of missile.	
<u>Aft end cap membrane</u> torn or missing	Major	Place defective ammunition in a holding area. Follow local ASP procedure for disposition of missile.	
<u>Aft end cap</u> damaged, punctured, cracked, or bulging to the extent that the aft bearing ring is exposed	Major	Place defective ammunition in a holding area. Follow local ASP procedure for disposition of missile.	
<u>Carry handle</u> missing or damaged to prevent carrying	Minor	Follow local ASP procedure for disposition of missile.	

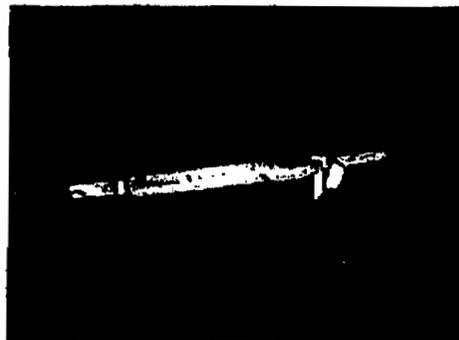
<u>BCU missing or damaged</u>	Major	Replace with serviceable BCU, if available. Follow local ASP procedure for disposition if replacement BCU is not available.	
Black dot in <u>BCU Status Indicator</u> (indicates BCU expended)	Major	Replace with serviceable BCU, if available. Follow local ASP procedure for disposition if replacement BCU is not available.	
<u>Guide pins bent to prevent proper mounting, bonding loose on launch tube</u>	Major	Place defective ammunition in a holding area. Follow local ASP procedure for disposition of missile.	
<u>Latch release broken/missing to prevent locking of CLU</u>	Major	Place defective ammunition in a holding area. Follow local ASP procedure for disposition of missile.	
<u>Umbilical cover cracked punctured or gouged</u>	Major	Place defective ammunition in a holding area. Follow local ASP procedure for disposition of missile.	
<u>Launch tube punctures, cracks, and gorges</u>	Critical	Place defective ammunition in a holding area. Follow local ASP procedure for disposition of missile.	
<u>Serial number and lot number on the missile do not match the missile container</u>	Major	Correct markings as required.	
No defects	N/A	Repack the ammunition. Follow local ASP procedures for securing the ammunition for storage.	

**Notes:**

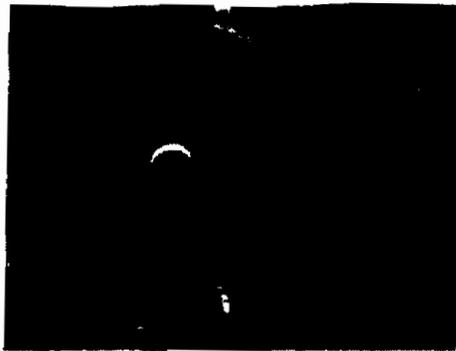
*(1) Umbilical cover may be covered in duct tape. The duct tape holds a rigid cover in place. If the duct tape is not ripped or damaged, no further inspection of the rigid cover or umbilical cover is necessary.*



**Seeker Dome  
(DODIC PL64)**



**BCU  
(DODIC PL64)**



**BCU Pylon  
(DODIC PL64)**



**Aft Seal  
(DODIC PL64)**

## References

- |                            |  |
|----------------------------|--|
| TM 09397B-12/1             | Operator and Organizational Maintenance Manual for Javelin Weapons System M98A1, of February 2000  |
| TM 09397A-34/6             | Direct Support and General Support Maintenance Manual for JAVELIN Surface Attack Guided Missile and Launcher FGM-148A and FGM-148B, of August 2000 |
| SB 742-1427-92-002, Chg. 3 | Ammunition Surveillance Procedure for Javelin, Surface Attack Guided Missile and Launcher, of September 1998                                       |

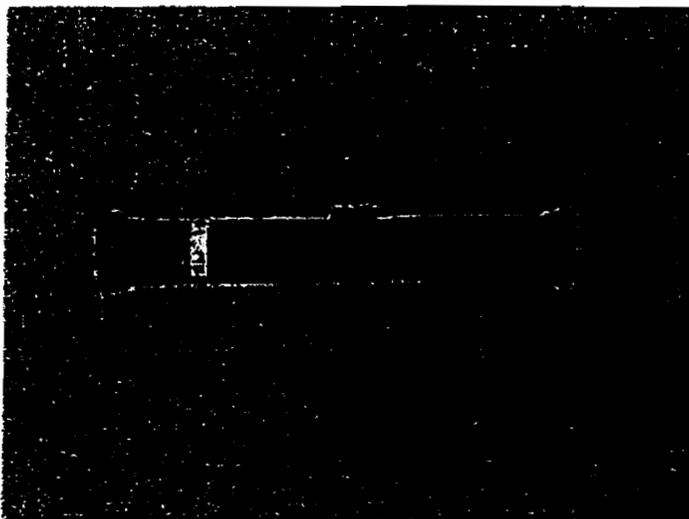
# DODIC WF10

## Guided Missile, Surface Attack

### BGM-71D-5, (TOW-2)

#### Item Description

The Guided Missile, Surface Attack BGM-71D-5, Tube-launched Optically-tracked Wire-guided-2 (TOW-2), (DODIC WF10) is a heavy anti-armor assault weapon designed to defeat bunkers, tanks, boats, fortifications, low performance aircraft, and other materiel targets. The primary use of DODIC WF10 is for training. The TOW is a portable weapon system capable of operating from attack helicopter, ground vehicle, or ground mount. DODIC WF10 is a TOW-2 missile effective up to 3,750 meters from the launch position. Installation of the protective (ballistic) blanket on the aft of the launch tube is required prior to firing. The protective (ballistic) blanket is not required when fired from within the hull of the Light Armored Vehicle-Anti-Tank (LAV-AT) variant when all personnel are either within the protection hull of the vehicle or clear of the launch position by 75 meters when the firing is initiated. DODIC WF10 does not have a coated launch motor.



**Guided Missile, Surface Attack  
BGM-71D-5 (TOW-2) (DODIC WF10)**

The TOW system consists of a guided missile and a launcher that interact to track the missile to the target. The TOW missile flight is initiated manually by the gunner after a target is acquired. The launching of the missile involves acceleration in two phases using two separate rocket motors. The launch motor initially ejects the missile from the launch tube. When the missile reaches a safe distance from the gunner, the flight motor burns, bringing the missile to maximum velocity. The missile coasts the remainder of flight. The launch system tracks the missile by optically monitoring the position of infrared radiators on the missile as it flies downrange. A wire link is maintained between the missile and the launcher during flight for transmission of guidance signals. The ground or vehicle launch systems include the Missile Guidance Set (MGS) that processes and sends electrical guidance and control signals to the missile through the wire link. DODIC WF10 has a 6-inch copper-lined shape-charge warhead that functions upon impacting the target. For significantly greater armor piercing effects, the TOW-2 warhead incorporates a probe that extends after launch to provide standoff detonation. An Improved Missile Ordinance Inhibitor Circuit (IMOIC) improves firing range safety. Following an eject only failure, the IMOIC prevents the flight motor from igniting, and prevents arming or detonation of the warhead when the missile impacts the ground. TOW-2 missiles are encased in a composite tube during storage.

## Safety Precautions

### WARNING

If the firing unit returning the missile reports that they attempted to launch and it resulted in a hangfire, notify the OIC/NCOIC for further instructions. Do not return hangfire missiles to storage. If personnel are not sure whether a missile resulted in a hangfire or misfire, it must be treated as a hangfire.

### HANGFIRE

After depressing the trigger, a distinctive "pop", as well as the spinning of the gyro is initiated. If these pre-fire functions were heard and the missile fails to launch, the malfunction is a hangfire.

### MISFIRE

If a missile fails to launch, and no "pop" or spinning of the gyro is heard, the pre-fire functions were not initiated; the malfunction is a misfire.

### WARNING

If the missile electrical connector is stuck in the depressed position, the inspection must stop and follow local Ammunition Supply Point (ASP) procedures for disposition of the missile. Do not return missiles with depressed electrical connectors to storage.

### WARNING

Do not handle the missile round roughly or drop it. Rough handling may damage the missile motor or missile components and cause a malfunction at launch or in flight.

The DODIC WF10 is classified as 1.1E munitions. The explosives contained within the missile are relatively insensitive; however, avoid rough handling or dropping. Handling of encased TOW missiles during inspection does not require specific grounding or electrical isolation.



## Packaging

The packaging configuration for DODIC WF10 is given in the Packaging Configuration Table below.

**Packaging Configuration Table**

NSN	Model	Packaging	Inner Container	Outer Container
1410-01-469-8929	BGM-71D-5	Packaged 1 missile/wirebound wooden box, 12 boxes/wood pallet	None	1/Wooden Box

## Visual Inspection

The following guidelines are provided for receipt of field-returned material. With the exception of factory-sealed boxes, container, or original packaging all field-returned material must be thoroughly inspected to ensure that the ammunition is safe for storage at the Ammunition Supply Point (ASP) and acceptable for reissue. An inspection criteria table for the outer container, inner container, and individual item are provided along with an inspection checklist. Inspect for all defects in each inspection criteria table before continuing to the next inspection criteria. Follow local ASP procedures for additional inspection, safety, and handling guidelines.

## Outer Container

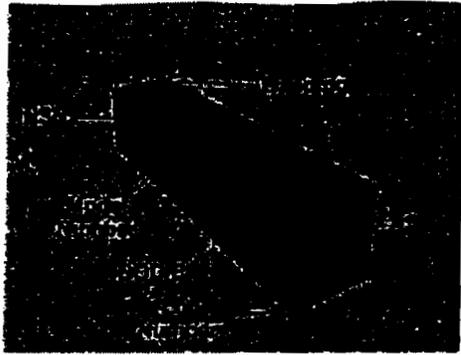
Visually inspect the outer container for possible damage that may compromise the integrity or safety of the ammunition inside. The outer container configuration is provided under the Packaging Configuration Table. The inspection criteria for the outer container are given in the Inspection Criteria Table for Outer Container below.

### Inspection Criteria Table for Outer Container

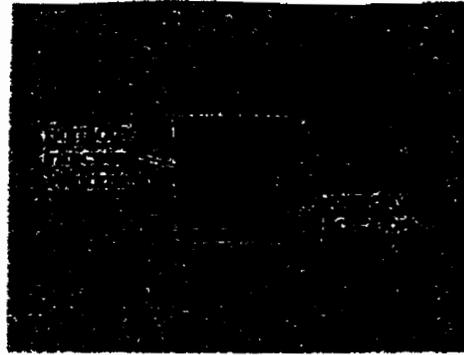
Defect Description	Defect Category	Recommended Action	Notes
Lot or serial number missing or illegible	Major	Proceed to Individual Item inspection and attempt to determine missing information. Follow local ASP procedure for disposition if lot/serial number cannot be determined. Correct markings as required.	(1)
Other markings missing, illegible, or incorrect	Minor	Proceed to Individual Item inspection and attempt to determine missing information. Correct markings as required.	(1)
Severe punctures, missing glass in humidity indicator window, warping or other defects that would prevent the missile from being protected in storage	Major	Proceed to Individual Item inspection to determine if missile is damaged. If prior to returning to storage.	(2)
Shallow punctures, splintered wood, water damage, dry rot, other cosmetic damage	Minor	Proceed to Individual Item inspection.	(2)
Damaged/missing hardware (sallec closures, seals, hinges, hasps, etc.) used to secure the outer container	Minor	Proceed to Individual Item inspection.	
Humidity indicator is pink	Major	Follow local ASP procedure for disposition.	
Banding is missing	N/A	If at least 1 band is intact, follow local ASP procedures for securing the missile for storage. If both bands are missing, proceed to Individual Item inspection.	
No defects	N/A	Follow local ASP procedures for securing the missile for storage.	

**Notes:**

- (1) At a minimum, the markings should include the DODIC, lot number, NSN, and serial number.  
 (2) Follow local ASP procedures for securing and storing inner containers without the original outer container if outer container is unserviceable and cannot be replaced.



**Outer Container with Markings  
(DODIC WF10)**



**Humidity Indicator  
Window (DODIC WF10)**



**Opened Outer Container  
(DODIC WF10)**

### **Inner Container**

The Guided Missile, Surface Attack BGM-71D-5 TOW-2 is not packed in an inner container. There are no inspection criteria for inner container for DODIC WF10.

## Individual Item

### Encased Missile

#### WARNING

If the firing unit returning the missile reports that they attempted to launch and it resulted in a hangfire, notify the OIC/NCOIC for further instructions. Do not return hangfire missiles to storage. If personnel are not sure whether a missile resulted in a hangfire or misfire, it must be treated as a hangfire.

#### HANGFIRE

After depressing the trigger, a distinctive "pop", as well as the spinning of the gyro is initiated. If these pre-fire functions were heard and the missile fails to launch, the malfunction is a hangfire.

#### MISFIRE

If a missile fails to launch, and no "pop" or spinning of the gyro is heard, the pre-fire functions were not initiated; the malfunction is a misfire.

#### WARNING

If the missile electrical connector is stuck in the depressed position, the inspection must stop and follow local Ammunition Supply Point (ASP) procedures for disposition of the missile. Do not return missiles with depressed electrical connectors to storage.

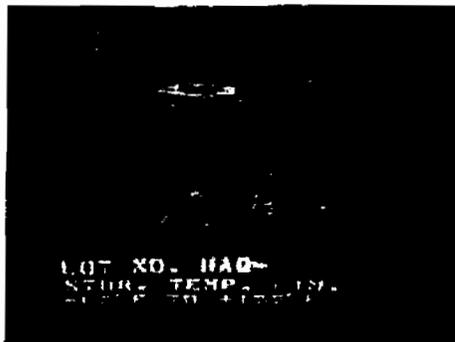
*Note: Do not inspect missile unless both pieces of band are missing from the wooden shipping container.*

Visually inspect the individual item. The individual item packaging configuration is provided under the Packaging Configuration Table. The inspection criteria for the encased missile are given in the Inspection Criteria Table for Encased Missile below.

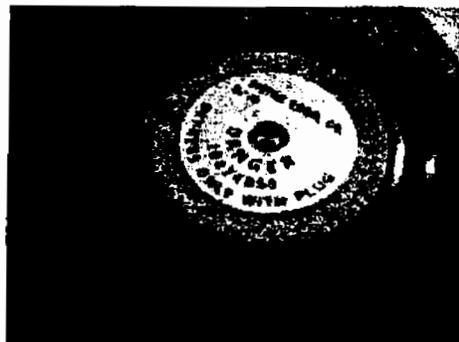
If wooden shipping container is missing both bands, inspect the encased missile. First inspect the composite tube and the dust cap. If the dust cap is missing, also inspect the electrical connector. In safe storage configuration the electrical connector is not depressed and no pins are exposed.

### Inspection Criteria Table for Encased Missile

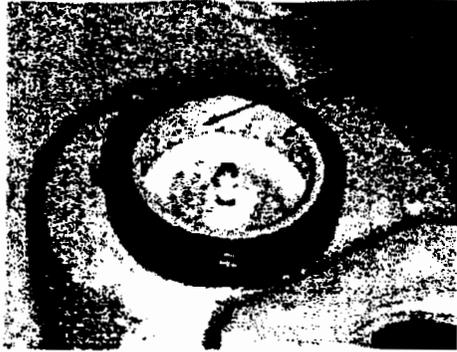
Defect Description	Defect Category	Recommended Action	Notes
Wires are exposed on the outside of the tube	Critical	Place defective ammunition in a holding area. Follow local ASP procedure for disposition of missile.	
<u>Electrical connector dust cap</u> is missing	Minor	Replace, if available. Proceed with Forward End inspection.	
<u>Electrical connector</u> is stuck in the depressed position	Critical	Place defective ammunition in a holding area. Follow local ASP procedure for disposition of missile.	
Any external surface (holes, dents, and cracks)	Critical	Place defective ammunition in a holding area. Follow local ASP procedure for disposition of missile.	
Small loose parts are heard rattling inside the composite tube	Major	Place defective ammunition in a holding area. Follow local ASP procedure for disposition of missile.	
No defects	N/A	Proceed with Forward End inspection.	



**Electrical Connector Dust Cap (DODIC WF10)**



**Electrical Connector Normal Position (DODIC WF10)**



**Depressed Electrical  
Connector with Exposed Pins  
(DODIC WF10)**

### Forward End

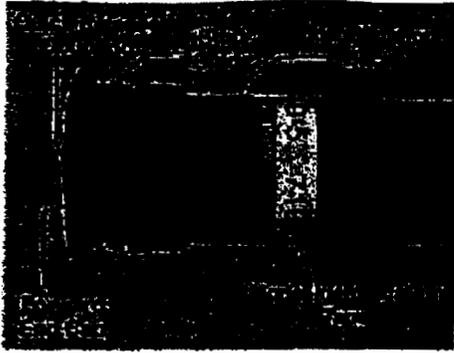
Inspect the identification markings and the forward end cap of the missile. Inspect the stud guide to ensure the studs are in line with the saddle. The inspection criteria for the forward end container are given in the Inspection Criteria Table for Forward End below.

### Inspection Criteria for Forward End

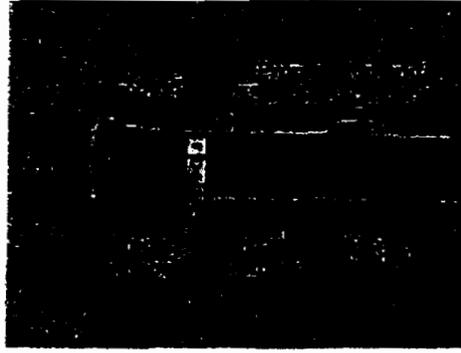
Defect Description	Defect Category	Recommended Action	Notes
<u>Identification decal</u> markings missing, illegible, or incorrect	Minor	Attempt to determine missing information. Correct markings as required.	(1)
Section of the <u>forward end cap</u> is bent over the quick release coupling to the extent the coupling cannot be released	Major	Place defective ammunition in a holding area. Follow local ASP procedure for disposition.	
<u>Stud guide</u> is rotated so the <u>studs</u> are 90 degrees out of line with the <u>saddle</u>	Major	Place defective ammunition in a holding area. Follow local ASP procedure for disposition.	
No defects	N/A	Proceed to Aft End inspection.	

**Note:**

(1) The markings should include the lot number (lot number is located in the middle of the missile beneath the saddle), serial number, NSN, and model.



**Forward Coupling, Cap, and  
Stud Guide (DODIC WF10)**



**Stud and Saddle  
Alignment (DODIC WF10)**

## **Aft End**

Inspect the seal and nozzle at the aft end of the missile. The inspection criteria for the aft end are given in the Inspection Criteria Table for Aft End below.



























































USMC FITNESS REPORT (1610)  
NAVMC 1603AA (Rev. 1-88) (EP)  
PREVIOUS EDITIONS WILL NOT BE USED  
SN: 9199-LF-999-9999

DO NOT STAPLE  
THIS FORM

### COMMANDANT'S GUIDANCE

The completed fitness report is the most important information component in manpower management. It is the primary means of evaluating a Marine's performance and is the Commandant's primary tool for the selection of personnel for promotion, augmentation, resident schooling, command, and duty assignments. Therefore, the completion of this report is one of an officer's most critical responsibilities. Inherent in this duty is the commitment of each Reporting Senior and Reviewing Officer to ensure the integrity of the system by giving close attention to accurate marking and timely reporting. Every officer serves a role in the scrupulous maintenance of this evaluation system, ultimately important to both the individual and the Marine Corps. Inflationary markings only serve to dilute the actual value of each report. Reviewing Officers will not concur with inflated reports.

(b)(6) - OMPF PERSONAL DATA

1. Marine Reported On:  
a. Last Name

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PAGE 2 OF 5

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NAVMC 10636A (Rev. 1-89) (EP)  
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**A. ADMINISTRATIVE INFORMATION**

1. Marine Reported On:

a. Last Name

b. First Name

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#### A. ADMINISTRATIVE INFORMATION

1. Marine Reported On:

a. Last Name

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