



DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY
SPECIAL FORCES COMMAND (AIRBORNE)
FORT BRAGG, NORTH CAROLINA 28310

REPLY TO
ATTENTION OF:

AOSO-(BCG)

3 February 2003

MEMORANDUM FOR Record

SUBJECT: Findings And Recommendations Regarding 15-6
Investigation of Photographs Taken of Mr. John Walker Lindh by
5th Special Forces Group (Airborne)

1. This AR 15-6 investigation is submitted for legal review and action by the Command. Recommendations are important but do not indicate any intentional wrongdoing or significant omissions on the part of the 5th Special Forces Group (Airborne) soldiers. In review of this finding, the timing of requests, disparate assumptions, and the actual delivery dates of evidence are key determining factors. Despite this investigation, it is noteworthy that the US Attorneys Office of the Department of Justice praised 5th SFGA in an unsolicited letter last October and reflected on what a pleasure it was to work with these Green Berets in common pursuit of a potential enemy of our nation.

2. Delay: The delay in closing out this investigation has multiple origins.

a. The initial 15-6 investigation by 5th SFGA (also known as the Major [REDACTED] Report) indicated that it was done in April of 2002 at Fort Campbell. However, my own appointment orders of 22 April 2002 actually predate the transmittal and receipt of that initial investigative report here at Fort Bragg to our US Army Special Forces Headquarters, by FAX on 29 May 2002 but classified as Secret/SCI. I concur with all of Major [REDACTED] findings and relied heavily on them during my own inquiries. These items now declassified, therefore become exhibits in my report as well. b6-2

b. Members of 5th SFGA were made available for interviews but were not always immediately accessible as this particular Army SOF element continues to transition from combat in one battlefield to train and equip for another in the Global War on Terrorism. b6-2

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AOSO-(DCG)

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c. The statements from the US Attorney's prosecutors were also key to the allegations; but these prosecutors were very focused on preparation of the Lindh case through his plea in July of 2002 and the sentencing in October 2002 during which these evidentiary allegations against 5th Special Forces Group (5th SFGA) quickly became secondary. With the final resolution of the Lindh case, priorities shifted in favor of the actions needed to complete this investigation.

d. The formal letter of

Information withheld - Exemption (b)(5) - pursuant to a request from the Executive Office of the United States Attorney.

3. Conclusion: This letter of

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and I concur. I would add momentary lapse of "mature" good judgement and propose that it was a sophmoric idea that quickly grew unsavory in its own right. This is clearly indicated by the ODA team leadership who began to expunge the photo-in-question from the archives within 24 hours of its existence. However, the age of electronic data handling or "business velocity" enabled the photo to quickly outpace local recovery efforts and others outside the ODA were soon seeing the photo-in-question on other electronic devices. While there was at least one copy of the photo-in-question deleted in February at Fort Campbell, this was done out of a matter of operational security customary to SOF as the photo included the faces of ODA members. There is no evidence to support the allegation that ODA members or any soldier of 5th Special Forces Group intentionally or maliciously acted to hide the existence of the photograph to the DOJ office when formally asked in April 2002 through the Discovery Motion recieved at Fort Campbell, Kentucky.

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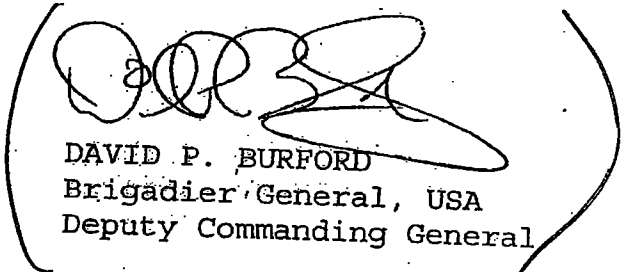
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4. Recommendations: I believe that the 5th Group Commander has adequately addressed my concerns with the soldiers involved by his actions in response to the [REDACTED] 15-6 and I trust he will quickly implement my other recommendations through counseling sessions, staff training and inclusion in future Professional Development training. In addition, my recommendations for non-DoD federal agencies as to formally expressing their intentions and implications to our military members, is for discussion within a higher forum and I stand prepared to assist as requested. bb-2

Encl
Findings & Recommendations


DAVID P. BURFORD
Brigadier General, USA
Deputy Commanding General

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