

Information Paper

17 Nov 2003

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SUBJECT: LTC [REDACTED] - (b)(6)-5

POINTS: (b)(6)-5

- LTC [REDACTED] was assigned as a Battalion Commander of 2-20 FA Battalion, 4th Infantry Division Field Artillery. While deployed to Iraq, allegations of wrongdoing arose involving LTC [REDACTED]. These allegations were investigated by the Army's Criminal Investigation Division (CID).

- As an administrative matter, the preliminary investigation was reviewed by the 4th Infantry Division Commander, MG Odierno, and the CJTF-7 Commander, LTG Sanchez to determine if LTC [REDACTED] should remain in command of 2-20 FA pending the conclusion of the investigation into the alleged misconduct and any matters that may arise from the investigation. It was the recommendation of the 4th ID Commander that LTC [REDACTED] should be removed from command. LTG Sanchez approved that recommendation. LTC [REDACTED] was then transferred to the [REDACTED].

- In October, based on the information then available, charges were preferred against LTC [REDACTED] regarding three specifications of assault and one specification of threatening to kill an Iraqi detainee. The preferral of charges initiated a military justice process. The process is outlined in the Uniform Code of Military Justice, a federal statute passed by Congress. A pre-trial investigation will be conducted under Article 32, UCMJ, and will be open to members of the media and public. LTC [REDACTED] and his counsel will be able to call witnesses, cross-examine any accusers and present other evidence in the hearing. There is currently a delay in the hearing as LTC [REDACTED] counsel arrived in Iraq today.

- The Article 32 Investigating officer, an officer senior in rank to LTC [REDACTED] will make a recommendation after hearing all the evidence, including facts in mitigation and extenuation. After reviewing the Investigating officer's report, the [REDACTED] can dismiss the charges, take alternate action, or recommend a court-martial to his next superior.

- A soldier involved in a court-martial process does not necessarily receive a court-martial. The process requires a thorough fact-finding investigation, input from the command and the soldier, and decision made by personnel in the process that guarantee the rights of soldiers while making certain that the right thing is done in the case of the particular soldier involved.