



DEPARTMENT OF THE ARMY
Office of The Deputy Chief Of Staff, G-3/5/7
400 Army Pentagon
Washington Dc 20310-0400

REPLY TO
ATTENTION OF

DAMO-FMO

11 February 2008

MEMORANDUM FOR Commander, HRC, ATTN: AHRC-MSE-A, 200 Stovall St, Alexandria, VA 22332-0441

SUBJECT: Evaluation Report Appeal (Report Period 09 November 2005 – 08 November 2006), Johnson, Jr., Nathaniel, LTC, IN, SSN: 250-23-7585

1. Under the provisions of AR 623-3, chapter 6, I appeal the evaluation report (09 November 2005 – 08 November 2006, non-select promotion to Colonel, no pending personnel actions, appeal processing priority 2.
2. The basis of this appeal is substantive in nature. This appeal seeks to have the entire report removed from my file and grant a SSB under FY 07 COL Selection Board. I believe the comments of the rater, Colonel Michael Steele, constitute an act of reprisal. His comments are inaccurate, personally motivated and did not depict an accurate assessment of my performance and potential.
3. Rater Bias. Throughout the duration of my command tenure, Colonel Steele's attitude toward me and my battalion created a dysfunctional and intentionally hostile command environment (AR 15-6 Investigation). Nothing my company commanders or I could do was judged or cited by Colonel Steele to be right, which added tremendous unnecessary and unjustified stress to the normal stress associated with conducting 12 months of sustained combat operations. Colonel Steele constantly articulated his judgment and displeasure that my battalion was not being aggressive enough toward the insurgents. Colonel Steele persisted in his unremitting criticisms of my performance and that of the battalion despite the fact that my battalion captured over 400 insurgents that were processed into the Theater Internment Facility (TIF) — more than any other battalion in the BCT. Colonel Steele repeatedly threatened to relieve me and my CSM throughout my tenure of command. He was extremely critical of my leadership abilities and used every opportunity to undermine my command. He bullied and intimidated my company commanders and questioned them behind my back. Additionally, I believe there were two events which ultimately led to the negative remarks and blocking in the Rater's portion of the OER. The two events outlined below demonstrate that the comments on the OER in question were based on personal feelings of reprisal rather than my actual performance.

- a. During the counseling session with MG Turner for my previous OER (Nov 05), I discovered that the Rater's comments [Colonel Steele's Rater's comments] were different from the comments Colonel Steele had originally shown me during my final counseling session for that rated period. Without any demonstrated reasons or justification, Colonel Steele changed his Rater's comments and block check without my knowledge, making them significantly worse than the comments he counseled me on. So significant were the differences in Rater's comments and the fact that Colonel Steele changed the Rater's comments and blocking after he had counseled me, MG Turner elected to discuss this procedural and substantive discrepancy

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with Colonel Steele. After MG Turner's discussion with Colonel Steele, I noticed his attitude towards me became more antagonistic and hostile.

b. During Operation Iron Triangle in May 2006, four Soldiers from my battalion — while cross-attached to another battalion — were accused of Law of Armed Conflict violations. The Criminal Investigation Division and an Article 32 Investigating Officer investigated the incident, and the General Court-Martial Convening Authority, MG Turner, preferred charges against these four Soldiers. However, during the investigation the four Soldiers implicated Colonel Steele, and he received a written letter of reprimand from the Corps Commander(LTG Chiarelli). I believe Colonel Steele held me responsible for the four Soldiers' allegations. Furthermore, the CG conducted a Brigade command climate AR 15-6, which articulated, COL Steele created a hostile environment and uniformly poor command climate of the brigade; unforgiving and unforgotten; intimidation and poor communication (Enclosure 2). As evidence to support this belief, during my final counseling session for this rated period, Colonel Steele told me that "this has been a painful year for me and I hope you felt the same pain." Furthermore, COL Steele told me that I need to go ahead and retire, because he was going to see to it that you don't get promoted or command again." It is my strongest belief that COL Steele blamed me for receiving his general officer letter of reprimand from the Corps Commander, LTG Chiarelli and blamed me for ending his career, so, he was extremely intent on ending my career by negatively influenced the Senior Rater's comment, as evident by his comment my previous report. In the Nov 05 OER, the commanding general (senior rater) stated, "outstanding combat battalion commander; technically and tactically competent; built a well trained and disciplined unit that accomplished every mission." He assigned an ACOM block check and stated, "immediately select for promotion and SSC attendance and Brigade Command; unlimited potential and future General Officer." I believe the senior rater's comments OER in question and the OER ending in 2006 (Enclosure 3) are inconsistent with this previous assessment due COL Steele negative influence and not based an objective assessment of my performance.

4. Inaccuracies. During our entire deployment, my battalion and I received many accolades and laudatory comments from the senior leadership in Iraq — including the SECARMY, Corps Commander, Corps Command Sergeant Major (CSM), and the MNF-I CSM (Enclosure 4). During every visit, I was personally commended on my leadership and the battalion's performance. The Division senior leadership also noted this during numerous announced and unannounced visits by the Commanding General, the Assistant Division Commander (Operations), and the Division CSM. COL Steele was the only person in my chain of command that was displeased with my performance. The Battalion's accomplishments under my command and leadership were phenomenal. Listed below are a few that were achieved during the rating period in question. These achievements were included in my OER Support Form (Enclosure 5). However, none of these were included in the rater's comments: Conducted combat operations from 4 different Forward Operation Bases; Established and empowered a functional government to include City Council and City Council President; 1. Established and empowered a functional local government for Samarra, to include City Council and City Council President, 2. Designed and developed City Projects in excess of 33 millions dollars for Samarra and surrounding areas, 3. Built and trained an Iraqi Police Force of over 600 Police worked on a daily basis, 4. Partnered with Iraqi Army and Iraqi National Police in conducting over 1000

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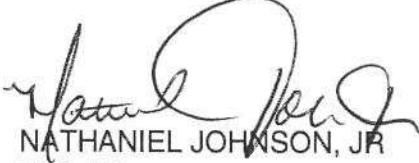
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partnered combat operations focused on AIF members and equipment; conducted numerous battalion level operations that resulted in capturing Bn HVT #3 and the death of BDE #2 HVT, 5. Captured over 400 insurgents that were processed into the Theater Internment Facility (TIF) — more than any other battalion in the BCT, 6. AIF activity dropped by over 400% and SIGACT reduced from over 90 monthly to 20 monthly—the biggest decline in the Division, 7. Averted Civil War by working closely with the civil government, the Iraqi Army and Police when the Golden Mosque was destroyed on 22 Feb 06.

5. As a final act of Colonel Steele's personal disdain for me, I did not receive an end of tour award for service in Iraq. I also did not receive a PCS award for my time in command at Fort Campbell and with the 101st Airborne Division (Air Assault). Colonel Steele told junior brigade staff officers that he was not submitting an award for me and that anyone who had a problem with this could see him.

6. I have included a letter of support from LTG Chiarelli, Cdr, Multi-National Corps-Iraq (MNC-I). I've also included excerpt of the findings and recommendations from the commanding general directed command climate AR 15-6 of 3rd BCT (BG Ricky Rife-Investigating Officer).

7. I can be reached at DSN 693-3169 or nathaniel.johnsonjr@us.army.mil.



NATHANIEL JOHNSON, JR
LTC, IN

Enclosure

1. Copy of Report (20051109-20061108)
2. 3rd Brigade Command Climate AR 15-6 (BG Ricky Rife-Investigating Officer).
3. Copy of Report (20041109-20051108)
4. LTG Chiarelli statement
5. OER Support Form

OFFICER EVALUATION REPORT For use of this form, see AR 623-3; the proponent agency is DCS, G-1.						FOR OFFICIAL USE ONLY (FOUO) SEE PRIVACY ACT STATEMENT IN AR 623-3.																											
PART I - ADMINISTRATIVE DATA																																	
a. NAME (Last, First, Middle Initial) JOHNSON, NATHANIEL JR.			b. SSN 250-23-7585	c. RANK LTC	d. DATE OF RANK (YYYYMMDD) 20030101	e. BRANCH IN	f. DESIGNATED SPECIALTIES / PMOS (WCO) 11Z																										
g.1. UNIT, ORG., STATION, ZIP CODE OR APO, MAJOR COMMAND HHC, 3-187TH IN REGIMENT, FTCKY, 42223			g.2. STATUS CODE FORSCOM		h. REASON FOR SUBMISSION 02 Annual																												
i. PERIOD COVERED FROM (YYYYMMDD) 20051109		j. RATED MONTHS 12	k. NONRATED CODES	l. NO. OF ENCL 1	m. RATED OFFICER'S AKO EMAIL ADDRESS (gov or mil) nathaniel.johnsonjr@us.army.mil	n. UIC WFBBT0	o. CMD CODE FC	p. PSB CODE UA03																									
PART II - AUTHENTICATION (Rated officer's signature verifies officer has seen completed OER Parts I-VII and the admin data is correct)																																	
a. NAME OF RATER (Last, First, M) STEELE, MICHAEL D.	SSN 255-02-0310	RANK COL	POSITION BCT Commander	SIGNATURE 		DATE (YYYYMMDD) 20070220																											
b. NAME OF INTERMEDIATE RATER (Last, First, M) TURNER, THOMAS R.	SSN 227-74-7116	RANK MG	POSITION DIV Commander	SIGNATURE 		DATE (YYYYMMDD) 20070220																											
c. NAME OF SENIOR RATER (Last, First, M) SENIOR RATER'S ORGANIZATION HQs, 501st STB, 101ST ABN DIV (AASLT) Fort Campbell, Kentucky 42223			RANK GO	BRANCH DSN 635-9915	E-MAIL ADDRESS (gov or mil) thomas.turner@us.army.mil	SIGNATURE OF RATED OFFICER 			DATE (YYYYMMDD) 20070220																								
			<input checked="" type="checkbox"/> <input type="checkbox"/> Yes, comments are attached		<input type="checkbox"/> No																												
PART III - DUTY DESCRIPTION																																	
a. PRINCIPAL DUTY TITLE BATTALION COMMANDER					b. POSITION ADC/BR 11Z00																												
c. SIGNIFICANT DUTIES AND RESPONSIBILITIES. REFER TO PART IVa, DA FORM 67-9-1. Battalion commander of a 716 man air assault infantry battalion task force consisting of three rifle companies, an anti tank company, headquarters company, engineer platoon, artillery forward observer section, and tactical human intelligence, civil affairs, and psychological operations teams. Responsible for the training, maintenance, discipline, care, and readiness of the battalion task force to enable it to deploy anywhere in the world to fight outnumbered and win. Provide for the readiness of Soldiers and their families. Mentor and develop officers and NCOs of the battalion task force. Responsible for everything the battalion does or fails to do.																																	
PART IV - PERFORMANCE EVALUATION - PROFESSIONALISM (Rater)																																	
CHARACTER Disposition of the leader: combination of values, attributes, and skills affecting leader actions																																	
a. ARMY VALUES (Comments mandatory for all "NO" entries. Use PART Vb.) Yes No																																	
<table border="0"> <tr> <td>1. HONOR: Adherence to the Army's publicly declared code of values</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td>5. RESPECT: Promotes dignity, consideration, fairness, & EO</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>2. INTEGRITY: Possesses high personal moral standards; honest in word and deed</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td>6. SELFLESS-SERVICE: Places Army priorities before self</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>3. COURAGE: Manifests physical and moral bravery</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td>7. DUTY:履行 professional, legal, and moral obligations</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>4. LOYALTY: Bears true faith and allegiance to the U.S. Constitution, the Army, the unit, and the soldier</td> <td colspan="2"></td> <td colspan="3"></td> </tr> </table>										1. HONOR: Adherence to the Army's publicly declared code of values	<input checked="" type="checkbox"/>	<input type="checkbox"/>	5. RESPECT: Promotes dignity, consideration, fairness, & EO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2. INTEGRITY: Possesses high personal moral standards; honest in word and deed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	6. SELFLESS-SERVICE: Places Army priorities before self	<input checked="" type="checkbox"/>	<input type="checkbox"/>	3. COURAGE: Manifests physical and moral bravery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7. DUTY:履行 professional, legal, and moral obligations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	4. LOYALTY: Bears true faith and allegiance to the U.S. Constitution, the Army, the unit, and the soldier					
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b. LEADER ATTRIBUTES / SKILLS / ACTIONS: First, mark "YES" or "NO" for each block. Second, choose a total of six that best describe the rated officer. Select one from ATTRIBUTES, two from SKILLS (Competence), and three from ACTIONS (LEADERSHIP). Place an "X" in the appropriate numbered box with optional comments in PART Vb. Comments are mandatory in Part Vb for all "No" entries.																																	
b.1. ATTRIBUTES (Select 1) <input type="checkbox"/> 1. MENTAL <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> 2. PHYSICAL <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> 3. EMOTIONAL <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Fundamental qualities and characteristics Possesses desire, will, initiative, and discipline																																	
b.2 SKILLS (Competence) (Select 2) <input type="checkbox"/> 1. CONCEPTUAL <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> 2. INTERPERSONAL <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> 3. TECHNICAL <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Skill development is part of self-development; prerequisite to action Demonstrates sound judgment, critical/creative thinking, moral reasoning																																	
b.3. ACTIONS (LEADERSHIP) (Select 3) Major activities leaders perform: Influencing, operating, and improving <input type="checkbox"/> 4. TACTICAL <input type="checkbox"/> YES <input type="checkbox"/> NO Method of reaching goals while operating / improving Displays good oral, written, and listening skills for individuals / groups																																	
<table border="0"> <tr> <td>INFLUENCING</td> <td><input checked="" type="checkbox"/> 1. COMMUNICATING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</td> <td><input checked="" type="checkbox"/> 2. DECISION-MAKING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</td> <td><input type="checkbox"/> 3. MOTIVATING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>Method of reaching goals while operating / improving</td> <td>Displays good oral, written, and listening skills for individuals / groups</td> <td>Employs sound judgment, logical reasoning and uses resources wisely</td> <td>Inspires, motivates, and guides others toward mission accomplishment</td> </tr> <tr> <td>OPERATING</td> <td><input type="checkbox"/> 4. PLANNING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</td> <td><input type="checkbox"/> 5. EXECUTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</td> <td><input checked="" type="checkbox"/> 6. ASSESSING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>Short-term mission accomplishment</td> <td>Develops detailed, executable plans that are feasible, acceptable, and suitable</td> <td>Shows tactical proficiency, meets mission standards, and takes care of people/resources</td> <td>Uses after-action and evaluation tools to facilitate consistent improvement</td> </tr> <tr> <td>IMPROVING</td> <td><input type="checkbox"/> 7. DEVELOPING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</td> <td><input type="checkbox"/> 8. BUILDING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</td> <td><input type="checkbox"/> 9. LEARNING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>Long-term improvement in the Army its people and organizations</td> <td>Invests adequate time and effort to develop individual subordinates as leaders</td> <td>Spends time and resources improving teams, groups and units; fosters ethical climate</td> <td>Seeks self-improvement and organizational growth; envisioning, adapting and leading change</td> </tr> </table>										INFLUENCING	<input checked="" type="checkbox"/> 1. COMMUNICATING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> 2. DECISION-MAKING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> 3. MOTIVATING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Method of reaching goals while operating / improving	Displays good oral, written, and listening skills for individuals / groups	Employs sound judgment, logical reasoning and uses resources wisely	Inspires, motivates, and guides others toward mission accomplishment	OPERATING	<input type="checkbox"/> 4. PLANNING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> 5. EXECUTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> 6. ASSESSING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Short-term mission accomplishment	Develops detailed, executable plans that are feasible, acceptable, and suitable	Shows tactical proficiency, meets mission standards, and takes care of people/resources	Uses after-action and evaluation tools to facilitate consistent improvement	IMPROVING	<input type="checkbox"/> 7. DEVELOPING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> 8. BUILDING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> 9. LEARNING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Long-term improvement in the Army its people and organizations	Invests adequate time and effort to develop individual subordinates as leaders	Spends time and resources improving teams, groups and units; fosters ethical climate	Seeks self-improvement and organizational growth; envisioning, adapting and leading change
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c. APFT: PASS DATE: 20061101 HEIGHT: 76 WEIGHT: 225 YES																																	
d. OFFICER DEVELOPMENT: MANDATORY YES OR NO ENTRY FOR RATERS OF CPTS, LTS, CW2s, AND WO1s. WERE DEVELOPMENTAL TASKS RECORDED ON DA FORM 67-9-1a AND QUARTERLY FOLLOW-UP COUNSELINGS CONDUCTED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA																																	

DA FORM 67-8 MAR 2006

DATE: 2006/11/01 HEIGHT: 76 WEIGHT: 223 YES
HANDICAPPED OR NO ENTRY FOR RACECARS OR CTR. LE. CHW. AND INCL.

OFFICER DEVELOPMENT. MANDATORY YES OR NO ENTRY FOR RATERS OF CPTS, LTS, CW2S, AND WO1S

WERE DEVELOPMENTAL TASKS RECORDED ON DA FORM 67-9-1a AND QUARTERLY FOLLOW-UP COUNSELINGS CONDUCTED?

NO NA

Page 1 of 2
APP PE v5 DDEES

PREVIOUS EDITIONS ARE OBSOLETE.

FEB 23 2007

ENCLOSURE 1

NAME JOHNSON, NATHANIEL JR.		SSN 250-23-7585	PERIOD COVERED 20051109 - 20061108
PART V - PERFORMANCE AND POTENTIAL EVALUATION (Rater)			
<p>b. EVALUATE THE RATED OFFICER'S PERFORMANCE DURING THE RATING PERIOD AND HIS/HER POTENTIAL FOR PROMOTION</p> <p><input type="checkbox"/> OUTSTANDING PERFORMANCE, <input checked="" type="checkbox"/> SATISFACTORY PERFORMANCE, <input type="checkbox"/> UNSATISFACTORY PERFORMANCE, <input type="checkbox"/> OTHER MUST PROMOTE PROMOTE DO NOT PROMOTE (Explain)</p>			
<p>b. COMMENT ON SPECIFIC ASPECTS OF THE PERFORMANCE, REFER TO PART III, DA FORM 67-8 AND PART IVa, b, AND PART Vb, DA FORM 67-9-1.</p> <p>LTC Johnson's performance during this rating period ranks him last of the six battalion commanders in this Brigade. He is an extremely smart, personable officer, highly skilled at social interaction. He is hands-down the best all-around physically conditioned officer in this Brigade, if not the entire Division. Yet he has struggled with establishing the proper azimuth for his battalion, and in providing the kind of strong, unwavering leadership required while leading men in combat in Iraq. Forced to move several times during the initial phase of the deployment, he and his staff wrestled with the complexities and challenges of each new area they were assigned. Once the battalion finally settled in the southern portion of the Saladin Province, LTC Johnson's company commanders performed exceptionally well despite little guidance, assistance, and oversight. These junior leaders did a tremendous job of analyzing the threat and developing and implementing an appropriate course of action to address that threat. Even with frequent and detailed written and verbal counseling, LTC Johnson's performance throughout this past year has remained consistently below the level expected of an officer with his amount of time in service.</p>			
<p>c. COMMENT ON POTENTIAL FOR PROMOTION.</p> <p>LTC Johnson has not demonstrated the potential to serve at the O-6 level, but with further professional development, he may be able to do so. Though he does not possess the potential for further command assignments, LTC Johnson is capable of being a staff officer on a high-level staff.</p>			
<p>d. IDENTIFY ANY UNIQUE PROFESSIONAL SKILLS OR AREAS OF EXPERTISE OF VALUE TO THE ARMY THAT THIS OFFICER POSSESSES. FOR ARMY COMPETITIVE CATEGORY CPT ALSO INDICATE A POTENTIAL CAREER FIELD FOR FUTURE SERVICE.</p> <p>LTC Johnson's facility with social interaction is superb. To maximize the benefit to the Army, he would best be utilized in a position where he is primarily focused on relating to people. He would be a superb candidate for the Office of Chief, Legislative Liaison (OCLL).</p>			
PART VI - INTERMEDIATE RATER			
<p style="text-align: center;">PART VII - SENIOR RATER</p>			
<p>a. EVALUATE THE RATED OFFICER'S PROMOTION POTENTIAL TO THE NEXT HIGHER GRADE</p> <p><input checked="" type="checkbox"/> BEST QUALIFIED <input type="checkbox"/> FULLY QUALIFIED <input type="checkbox"/> DO NOT PROMOTE <input type="checkbox"/> OTHER (Explain below)</p>		<p>I currently senior rate 75 officer(s) in this grade</p> <p>A completed DA Form 67-9-1 was received with this report and considered in my evaluation and review <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (Explain in c)</p>	
<p>b. POTENTIAL COMPARED WITH OFFICERS SENIOR RATED IN SAME GRADE (OVERPRINTED BY DA)</p> <p><input type="checkbox"/> ABOVE CENTER OF MASS (Less than 50% in top box; Center of Mass if 50% or more in top box)</p> <p><input checked="" type="checkbox"/> CENTER OF MASS</p> <p><input type="checkbox"/> BELOW CENTER OF MASS RETAIN</p> <p><input type="checkbox"/> BELOW CENTER OF MASS DO NOT RETAIN</p>		<p>c. COMMENT ON PERFORMANCE/POTENTIAL</p> <p>LTC Johnson has been a consistent performer. Calm and reflective, he has maintained control despite grappling with the normal challenges of commanding an infantry battalion in one of the most contentious areas of Iraq, Samarra. He is a steady and predictable commander. Skip has the intelligence and interpersonal skills to serve and excel in key staff positions at all levels. Promote to Colonel.</p>	
<p>d. LIST THREE FUTURE ASSIGNMENTS FOR WHICH THIS OFFICER IS BEST SUITED. FOR ARMY COMPETITIVE CATEGORY CPT, ALSO INDICATE A POTENTIAL CAREER FIELD FOR FUTURE SERVICE.</p> <p>Legislative Liaison, J3/J5 Staff Officer JCS, G3/G5 Staff Officer Army Staff.</p>			

AFZB-ADC-S

SUBJECT: AR 15-6 Investigating Officer's Findings and Recommendations Regarding the Command Climate and Use of Force by 3rd BCT During OIF 05-07

(2) _____ launched his operation to kill/capture the seven HVTs at 0745 22 May 2006.⁵² One Soldier states that he was told, "if the HVT was not actively surrendering then kill them."⁵³ The potential emphasis on killing rather than capturing the HVTs who were specified as SBTs by _____ is consistent with events. Four of the HVTs were killed, two were detained, and one was not found.⁵⁴ Because of an on-going investigation it is improper to comment further.

f. Was the ROE properly applied during the High Value Target operation by C Co., 3-187 Infantry on 22 May 2006?

(1) _____, as _____ had the authority to engage in SBT operations. It appears that _____ had a basis for being reasonably certain that his HVTs were associated with a DTO, as did the individuals he coordinated with.

(2) It was unfortunate that the girl was killed. However, I do not believe there was random, undisciplined fire. There was no intent to kill the girl. However, because there is an on-going investigation it is improper to comment further.

g. The command climate in the 3rd BCT.

(1) Soldiers in the 3rd BCT are uniformly well-disciplined professional Soldiers regardless of their rank or position. The 3rd BCT has a high level of esprit de corps and are proud of their regiment.⁵⁵

(2) Command Climate in the Junior Enlisted Ranks: The absolute and primary concern of the 3rd BCT commander was, and is, the welfare of his Soldiers. His concern and the Soldiers' recognition of his regard for their welfare has an enormous positive impact on the command climate at the junior and mid-level enlisted ranks (PVT to SSG). The majority of Soldiers have respect and confidence in⁵⁶

(3) Command Climate at the Company Level. Many company commanders hold _____ in high regard, and were confident that he would fully support them.⁵⁷ They, for the most part, thought his emphasis on killing AIF, within the ROE, was well placed.

(4) Command Climate at the Battalion Command Level.

(a) Four out of seven battalion command teams (i.e., the battalion commanders and/or command sergeants major) expressed the opinion that the command climate at their level is

⁵² Exhibit 26, slide 22, page 11

⁵³ Exhibit 28, page 1

⁵⁴ Exhibit 26, slide 22, page 11

⁵⁵ Exhibit 90

⁵⁶ Exhibit 84, page 24-25

⁵⁷ Exhibit 90 get more on this 1-33

AFZB-ADC-S

SUBJECT: AR 15-6 Investigating Officer's Findings and Recommendations Regarding the Command Climate and Use of Force by 3rd BCT During OIF 05-07

uniformly poor.⁵⁸ Two battalion commanders indicated a desire to leave the 3rd BCT, because of the demoralizing climate created by the 3rd BCT commander.⁵⁹

(b) Several themes emerged during the interviews of the battalion commanders and their CSMs:

Negative: The brigade command team (Cdr and CSM) are consistently negative, with little positive reinforcement. Two battalion commanders were threatened with relief.⁶⁰

Unforgiving and Unforgetting: The BCT command dwells on past mistakes.⁶¹

Intimidation: Four of seven battalion commanders thought the 3rd BCT command climate could best be described as negative, intimidating, oppressive, frustrating, and zero tolerance. This was echoed by five of the seven battalion command sergeants major⁶², two of whom had been threatened with relief.⁶³

Failure to Communicate: The commander's leadership style is very directive in nature. Communication between brigade and battalion is challenging.⁶⁴ Generally, communication flowed through staff channels and not command channels based on a bias against email. The 3rd BCT commander's aggressive travel schedule often precluded phone conversations. The lack of communication is confirmed by both the battalion command teams and the BCT staff.⁶⁵

CSM Visitation: The 3rd BCT CSM is perceived as a directed telescope for the commander into a battalion AO to find standards violations which are then used to illustrate the battalion's failure to achieve 3rd BCT standards.⁶⁶ The CSM seems to be primarily focused on patrolling with Soldiers, and not communicating with the battalion CSMs.

(5) The Command Climate of the 3rd BCT Staff. The brigade staff thinks very highly of them. They consider him an excellent leader while recognizing the battalion command teams' perception of double standards, poor communication between battalion commanders and the brigade commander, and fault finding.

⁵⁸ Exhibits 51, 53, 61, 66, 76, 78 & 80

⁵⁹ Exhibits 51 - pages 42-43, & Exhibit 73 -page 63

⁶⁰ Exhibits 66 - page 32; & 76 - page 75

⁶¹ Exhibits 66 & 78

⁶² Exhibits 61, 77, 78, 79, 80, 81, & 82

⁶³ Exhibits 61 - page 24; & 78 - pages 26-27

⁶⁴ Exhibits 51 - pages 75-76; & 53- page 43

⁶⁵ Exhibit 50, page 52

⁶⁶ Exhibit 78, page 26 - 28

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h. The effect of the command climate on the application of the EOFP and ROE.

(1) Several leaders at the battalion and company level believe that the BCT emphasis on the basic Soldier skills (marksmanship, combatives, medical, road marching, etc) reduced a Soldier's hesitation to use deadly force.⁶⁷ However, in the wake of recent events Soldiers are becoming hesitant to employ deadly force because they are afraid of being investigated and getting in trouble.⁶⁸ The sensing sessions conducted with Soldiers of the 3rd BCT confirms this.⁶⁹

(2) It is apparent that the 3rd BCT Soldiers do not generally use deadly force as soon as the EOFP allows, but actually assume greater personal risk before applying deadly force to ensure approaching vehicle targets are not innocent families or impaired drivers. Soldiers do not consider this unusual, when the apparent threat breaches a certain point (based on their personal situational comfort) they do not hesitate to engage the target with a proportional level of deadly force to eliminate the imminent threat.⁷⁰

(3) Soldiers and officers displayed a mixed reaction to ⁷¹ motivational speeches and aggressive attitude. Many chose to discount or ignore his comments; others viewed it simply as a motivational tool.⁷¹ Although the command climate had the potential to contribute to a 3rd BCT Soldier being more likely to use deadly force in a situation where he or she is authorized to do so under the applicable ROE, it is apparent that the brigade commander's comments and actions did not result in a command climate that encouraged illegal, wanton, or superfluous killing. Some 3rd BCT officers, however, clearly felt that it did.⁷² Regardless of what the BCT commander said Soldiers adhered to Army Values

(4) Starting at Fort Campbell the BCT commander made it clear that his intent was to kill insurgents and to focus on bringing every Soldier home. ⁷³ stated that the 3rd BCT would not "waste precious collective training time" on non-kinetic, stability and support operations (SASO) in his Brigade Training Guidance, 4th Quarter FY 05.⁷³ ⁷⁴ reemphasized this point with one commander who wanted to conduct non-kinetic training prior to deployment by telling the captain that he did not want him doing any of "that tongue in ear" training.⁷⁴ He gave a series of predeployment briefings to each battalion in which he stated he was having a coin made to reward Soldiers who killed an insurgent during combat operations.⁷⁵ Several battalion and company command teams highlighted their efforts to clarify the coin speech given by ⁷⁶ in August 2006.⁷⁶ After arriving in Kuwait the 3rd BCT issued a FRAGO clarifying the commander's

⁶⁷ Exhibit 108 - pages 26-30; 109 - pages 18-20; 112 - pages 16-20

⁶⁸ Exhibit 110 - pages 5-6; 89- page 28

⁶⁹ Exhibit 90

⁷⁰ Exhibit 90

⁷¹ Exhibit 50 - pages 43-44; 78 - page 36; 63- pages 64-65; 83 - pages 30-32.

⁷² Exhibit 86, page 9

⁷³ Exhibit 31, paragraph 4

⁷⁴ Exhibit 87, page 40

⁷⁵ Exhibits 51, 60, 61, 62, 63, & 64

⁷⁶ Exhibits 51- pages 34-35, 76-pages 36-37; 64-page 56

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position.⁷⁷ The FRAGO (issued at Camp Buehring) emphasized the requirement to abide by the ROE and the law. The explanatory FRAGO was not as well known as the speech promising the coin.⁷⁸ Nobody interviewed in the course of this investigation had any knowledge of the coin actually being minted or awarded to date, although there were Soldiers in each battalion and a company commander⁷⁹ fully expecting a coin after they killed an insurgent. Soldiers repeatedly stated the brigade commander's expectation was for insurgents to be killed, rather than captured or detained - if the ROE permitted.

(5) The BCT Commander never implied or suggested that his Soldiers do anything illegal. He was consistently and frequently emphatic that his Soldiers follow the ROE and the law.

confirms this when spoke with him after the CAR for OIT.⁸⁰ He clearly did not want his Soldiers to do anything illegal or immoral.⁸¹

(6) The 3rd BCT commander continually told Soldiers they must be prepared to use deadly force without hesitation, within the boundaries of the law.⁸² However, the nature of the message and the audience presented it to was likely to result in confusion. The commander's message to aggressively engage the enemy resonated well with his Soldiers and some of his junior officers. Although the video recording of the pre-deployment speech was not available, the message was simple, straight forward, and apparently delivered with a great deal of emphasis according to testimony.⁸³ He consistently caveated this message with the requirement to abide within the law and the applicable ROE.⁸⁴

(7) Slogans such as "Don't get up, we will let ourselves in!" or "We give the enemy the maximum opportunity to die for his country" combined with the BCT commander's aggressive predisposition to kill AIF within the ROE, as opposed to capturing/detaining them could result in Soldiers inappropriately applying lethal force while employing EOFP or conducting operations.⁸⁵ It is clearly possible that some Soldiers, especially young, inexperienced ones, could misinterpret the message, while discounting the commander's directives to obey the law and applicable ROE. This investigation could not substantiate this concern, except perhaps in 3-187.

(8) There was an adversarial relationship between and LTC Johnson, the commander of the 3-187 Infantry that was clearly acknowledged by subordinate command teams in 3-187 Infantry and 3rd BCT staff. LTC Johnson was accused of not employing his command aggressively enough, in one instance the BCT commander questioned the battalion's decision to

⁷⁷ Exhibit 32, paragraph 6

⁷⁸ Exhibit 90

⁷⁹ Exhibit 88, page 27

⁸⁰ Exhibit 59, page 25- 26

⁸¹ Exhibit 84, page 40

⁸² Exhibit 90

⁸³ Exhibit 50, page 43

⁸⁴ Exhibit 32, paragraph 6.a.3, Exhibit 68, page 95

⁸⁵ The IO has seen these slogans displayed prominently in the 3rd BCT areas.

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capture a local national who had displayed hostile intent, rather than killing him.⁸⁶ The 3-187 Infantry command and staff cited pressure from [redacted] to more aggressively pursue insurgents, and were reminded of the desirability of killing insurgents versus capturing and detaining them.⁸⁷ This poor command relationship contributed to LTC Johnson's inability to effectively command and control his battalion. Their desire to meet the commander's expectation for aggression may account for the emphasis on SBT in 3-187 Infantry that appears to have emerged after the April 2006 commander's conference.⁸⁸

(9) The concept of SBT was briefed by the CJA to battalion command teams at the brigade commander's conference on 29 April 2006.⁸⁹ It was met with caution by the battalion commanders.⁹⁰ Several cited concerns about being able to adequately PID targets prior to engaging them. Three battalion commanders specifically stated they did not disseminate the concept of SBT below the battalion command level.⁹¹ The battalion commanders generally did not think they could use the ROE authorizing SBT because of the requirement to PID. They were not inclined to use SBT because the enemy is difficult to fully and properly identify in accordance with PID requirements. In 3-187 Infantry however, SBT was studied by lieutenants and NCOs and viewed as a way to finally execute the BCT commander's intent of aggressively engaging the AIF.⁹²

(10) The C Co., 3-187 Infantry commander embraced his authority to conduct status based targeting operations on 22 May 2006, at a time when other commanders were hesitant about SBT operations.

i. How was the ROE and the EOFP communicated to the units?

(1) Soldiers in 3rd BCT understand conduct based targeting under their ROE. They know they can defend themselves and their unit, and they can engage individuals who display hostile intent or perform a hostile act. They received numerous pre-deployment classes and training events; the 3rd BCT consistently conducted training to refresh Soldiers on the ROE while deployed.^{93 94} The primary method of reinforcing ROE was during the pre-mission briefs Soldiers received prior to embarking on a designated CLP.⁹⁵ This appears to have been effective with regards to conduct based targeting and engagement.

⁸⁶ Exhibit 66, pages 30- 31

⁸⁷ Exhibit 67- page 27; 85- pages 14, 26-27;

⁸⁸ Exhibit 86- Pages 6-7; Exhibit 87- pages 11-13

⁸⁹ Exhibits 17 & 72

⁹⁰ Exhibits 51-pages 21-25; 65- pages 16-18, 66- page 14

⁹¹ Exhibits 51, 53 & 65

⁹² Exhibit 86, pages 6 - 7

⁹³ Exhibits 7, 34, 35, 36, and 37

⁹⁴ Exhibits 67- pages 4- 7; 88- pages 4 - 7; 89- pages 3-8,

⁹⁵ Exhibit 7

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(2) There may have been some initial problem with the level of EOFP/ROE training with Soldiers. Early in the deployment several investigations of EOF incidents recognized systemic problems and recommended training revisions and additional training.⁹⁶

(3) Status based targeting did not receive the same training emphasis as conduct based targeting. It appears the battalion commanders received BCT driven status based target training on 29 April 2006. The 3rd BCT commander, in compliance with a TF Band of Brothers FRAGO, directed his Soldiers receive additional ROE training, to include some SBT training.⁹⁷ However training remained centered on conduct based targeting utilizing escalation of force or self-defense scenarios. 3-187 Infantry informed junior officers and NCOs on SBT.⁹⁸ Soldiers did not receive as much training on those aspects of the ROE specific to SBT; as they did for those aspects pertaining to conduct based targeting ROE, i.e. displays of hostile intent in self-defense situations. When the Soldiers of C Co., 3-187 Infantry were subsequently placed in situations where they were expected to engage SBTs, it is questionable if they were sufficiently trained to do so.

(4) Soldiers in 3rd BCT know how to properly employ EOFP. In addition to pre-deployment classes, situational training exercises, and training at Camp Buehring, Soldiers also received monthly classes and intensive review of EOFP/ROE before each mission and CLP.^{99 100}

(5) The cumulative impact of actual guidance outlined in BCT FRAGOs, which were not carried by Soldiers, replacing the guidance in the MNC-I ROE card, which were supposed to be carried by Soldiers, was significant confusion. 3rd BCT Soldiers are uniformly aware that warning shots are not allowed by their BCT commander. However, it was apparent during sensing sessions that Soldiers did not understand the difference between disabling shots and warning shots, and would consciously elect to fire warning shots in contravention to the 3rd BCT policy.¹⁰¹ Mandatory training materials issued by TF Band of Brothers and MNC-I addressed the employment of warning shots.¹⁰² However, it appears to be common practice for the 3rd BCT to edit MNC-I and TF Band of Brothers ROE/EOFP materials to exclude warning shots.¹⁰³ The BCT briefly issued a MNC-I ROE Card in November 2005 that reflected the 3rd BCT policy against warning shots, but quickly replaced it when corrected by the TF Band of Brothers, Chief, Operational Law.¹⁰⁴ Unfortunately, for the sake of clarity, the materials presented to 3rd BCT Soldiers contained references to the use of warning shots and remonstrations against using them.¹⁰⁵

⁹⁶ Exhibits 99, Section V and MFR

⁹⁷ Exhibit 46

⁹⁸ Exhibit 67, pages 11-12

⁹⁹ Exhibits 65- pages 3-12; 63-pages 26-27; 87-page 3

¹⁰⁰ Exhibit 7, Tab A

¹⁰¹ Exhibit 90

¹⁰² Exhibits 2 & 102

¹⁰³ Compare Exhibit 46, slide 13 to Exhibit 102, slide 13

¹⁰⁴ Exhibit 103

¹⁰⁵ Exhibits 103 & 104, slides 12 & 20

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(6) A significant number of Soldiers did not have the correct MNC-I ROE Card. In one battalion out of several hundred Soldiers checked less than 25 had the white MNC-I ROE card. Many of the Soldiers were carrying, and presumably referring to, the CFLCC green card provided at Camp Beuhring, Kuwait. In fact the CFLCC card is a recurring problem for the 3rd BCT. The 3rd BCT CSM indicated that he thought the CFLCC card was the correct reference for his Soldiers¹⁰⁶, and at least one EOF incident investigating officer referred to it as the standard for EOFP.¹⁰⁷ Although the lieutenant's ignorance about the proper EOFP standard was remedied by the CJA and his chain of command¹⁰⁸, the "findings" of the investigating officer highlights the confusion surrounding warning shots.

j. How was the TF Band of Brothers suspected Law of Armed Conflict (LOAC) violations reporting requirement disseminated throughout the 3rd BCT?

(1) MNC-I reflects the guidance in DOD Directive 5100.77. Commanders at all levels are required to immediately report known, possible LOAC violations to their servicing staff judge advocate.¹⁰⁹ TF Band of Brothers reiterates the requirement that "any suspected LOAC violation" be reported through the chain of command.¹¹⁰ The guidance for serious incident reporting requires any incident of significant concern with implications that would lead to significant national or international interest to be reported.¹¹¹

(2) Leadership down to and including the company command leadership teams were aware of the requirement to report LOAC violations to their higher headquarters. None of the commanders or subordinate leadership indicated any hesitation about reporting suspected violations to the brigade commander, his staff, or the CJA. They indicated that if they suspected a LOAC violation they would immediately consult with the 3rd BCT S3 or CJA. Their evidentiary threshold for such a suspicion was very low.

(3) The LOAC reporting requirement is clearly stated on the MNC-I ROE card.¹¹² Additionally, the reporting requirements are addressed in the Task Force Band of Brothers LOAC and ROE training materials disseminated to the BCTs in July 2006, and reinforced on a monthly basis.¹¹³

(4) Soldiers understood the low threshold reporting requirements for LOAC violations. Sensing sessions indicated that the LOAC reporting requirement training was not fully understood by Soldiers. They knew they could not engage in conduct that would consist of a LOAC violation,

¹⁰⁶ Exhibit 95, pages 8-9

¹⁰⁷ Exhibit 96, page 2-3

¹⁰⁸ Exhibit 97

¹⁰⁹ Exhibit 43, paragraphs 3.D.5 & 3.D.6

¹¹⁰ Exhibit 44, paragraph 3.B.10

¹¹¹ Exhibit 45, paragraphs 2A.3.A.1 and 2.A.3.A.2.

¹¹² Exhibit 4

¹¹³ Exhibit 39

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but were not familiar with the term "Law of Armed Conflict" or its acronym "LOAC," or what would specifically constitute a violation of LOAC.¹¹⁴

k. All required/suspected LOAC violations were not submitted in a timely manner. There were at least three events in 3rd BCT that may have been candidates for reporting as suspected or possible LOAC violations.

(1) _____ should have immediately reported the killing of the three detainees during OIT to TF Band of Brothers instead of deciding to wait until the AR 15-6 was complete. There does not appear to have been any intent to conceal the incident. _____ mistakenly believed he had an obligation to fully develop the facts prior to reporting the incident. The correct course of action would have been to report the suspected LOAC violation through operational channels, as required, when he directed the AR 15-6 investigation.

(2) The second incident pertains to a Soldier's allegation that _____ ordered snipers to engage non-combatants during OIT.¹¹⁵ A sniper assigned to the ground assault convoy alleged that _____ ordered him to engage men in a field who did not appear to be combatants. Because of an on-going investigation it is improper to comment further.

(3) The third incident also involved _____ and/or _____ allegedly directed the use of deadly force against vehicles in the vicinity of a gas station during OIT.¹¹⁶ Because of an on-going investigation it is improper to comment further.

4. Discretionary Findings:

a. The Command Climate in the 3rd BCT favors kinetic operations over non-kinetic operations. The 3rd BCT outlined its plan to develop the ISF in OPORD 05-06 (Operation SHAREKA - Partnership) 3rd BCT, 101ST (15 February 2006). Since the issuance of this OPORD the training partnership with the Iraqi Security Forces (ISF) was emphasized and aggressively executed by the 3rd BCT. Prior to this 3rd BCT had limited opportunity to partner with the ISF.¹¹⁷

b. Soldiers expressed concern over the techniques used by CID during their interrogations. They stated that CID threatened them with "titling," inclusion of their names in the National Crime Information Center (NCIC), and loss of their security clearances if they did not cooperate with the CID investigation.

c. The 3rd BCT PAO/S-1 indicated they recorded a "pre-deployment" speech by _____ to a group of Soldiers in Mann Theater at Fort Campbell. A civilian video production company also

¹¹⁴ Exhibit 90

¹¹⁵ Exhibit 54

¹¹⁶ Exhibit 24, pages 1 - 2

¹¹⁷ Exhibit 50, pages 67-69

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recorded this speech. During the speech _____ indicated that he would reward Soldiers for killing an insurgent or AIF with a special coin. The PAO/S-1 said he gave the recording produced by the BCT to ¹¹⁸

d. I emailed _____ attorney, _____ of the U.S. Army Trial Defense Service, directing him to answer questions regarding the status of the disc.¹¹⁹ He declined to follow my directive to answer the questions. Upon the advice of the SJA, TF Band of Brothers, I elected not to continue pursuit of the disc; and decided to record my efforts to obtain the disc in this report of investigation.

5. Conclusions:

- a. The "no warning shot" policy resulted in confusion. Soldiers in the 3rd BCT were confronted with a policy counter to MNC-I and TF Band of Brother guidance, and counter to the ROE cards that Soldiers generally carry. Soldiers often ignored it, drafted "storyboards" provided to Brigade to say "disabling shot" instead of "warning shot," or simply directed the employment of warning shots in contravention to the brigade policy.
- b. The 3rd BCT OPORD 212-05 (8 September 2005) was focused on the ISF training mission.¹²⁰ The 3rd BCT fully embraced the ISF training mission in January 2006 after moving its headquarters to COB Speicher and RPing with 1st Brigade Combat Team, 3rd Infantry Division on 5 January 2006. It was at this time that the 3rd BCT could actually begin working with ISF units. The intent to partner was captured in the SHAREKA PARTNERSHIP OPORD.¹²¹ Interviewed Soldiers and officers clearly stated that from September 2005 to January 2006 the 3rd BCT mission was to kill insurgents and AIF; they had limited ISF to partner/train with until their final move to COB Speicher.
- c. Even after January 2006, Soldiers across the BCT understood the commander's intent remained killing and capturing AIF. I do not think this predisposition/ expectation manifested itself in undisciplined, random acts of violence by Soldiers. In fact the intensive predeployment discipline and training emphasized by command teams at all levels produced confident, well-trained Soldiers who frequently may not have applied the ROE and EOFP as aggressively as their brigade commander intended.
- d. The 3rd BCT command climate contains a predisposition to kill AIF instead of capturing them, but only in accordance with the MNC-I and TF Band of Brothers ROE. I do not believe this resulted in an increased number of EOF incidents, even though the statistics may indicate this when initially reviewed. Historically, units rotating into new battlespace begin with a relatively high rate of EOF incidents that decreases as Soldiers become comfortable with their

¹¹⁸ Exhibit 6

¹¹⁹ Exhibit 73

¹²⁰ Exhibit 5

¹²¹ Exhibit 47

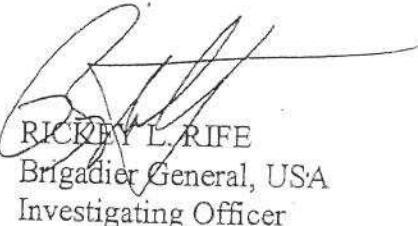
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new environment. A comparison of the January 06 and February 06 EOF incident statistics for 3rd BCT illustrates this point.¹²² They assumed responsibility for three separate and distinct battlespaces during their rotation in Iraq. Initially they were at FOB Caldwell from 7 October 2005 to 6 November 2005. Then they were on FOB Sommerall near Bayji from 7 November 2005 to 25 December 2005. Finally, they moved to COB Speicher on about 26 December 2005 and relieved 1st BCT, 3rd Infantry Division on 5 January 2006.¹²³ The 3rd BCT has remained there since. Their frequent moves and assumptions of new battlespaces made it somewhat inevitable that the 3rd BCT would have a higher total EOF incident rate than other relatively stationary BCTs.

6. Recommendations. In view of the findings above, I make the following recommendations:

- a. A Division policy mandating the application of the MNC-I ROE and EOFP without modification by subordinate commanders should be published. This also better supports cross-attachment of battalions to and from the 3rd BCT.¹²⁴ This policy should include a requirement that Soldiers carry the appropriate ROE card and a method for verifying compliance. The CFLCC RUF card should not be issued.
- b. Additional emphasis should be placed on LOAC training to ensure Soldiers understand what constitutes a LOAC violation and what actions are required if they suspect a violation has occurred.
- c. The Commanding General should counsel subordinate brigade and battalion commanders to carefully consider the message (direct and indirect) they convey to Soldiers to preclude the requirement for clarification or retraction at a later date.
- d. CID investigative procedures, especially regarding "titling" practices, should be examined by the appropriate agency.
- e. Because of other, on-going investigations that may lead to adverse action against Soldiers in events related to this investigation, it would be inappropriate to make recommendations on the culpability of individuals relevant to this investigation.



RICKY L. RIFE
Brigadier General, USA
Investigating Officer

encls

1. List of Enclosures
2. List of Exhibits

¹²² Exhibit 30

¹²³ Exhibit 71

¹²⁴ Exhibit 65, pages 8-10

OFFICER EVALUATION REPORT										FOR OFFICIAL USE ONLY (FOOU) Protected by Privacy Act of 1974.			
For use of this form, see AR 623-10S; the proponent agency is DCS, G-1.													
PART I - ADMINISTRATIVE DATA													
a. NAME (Last, First, Middle Initial) JOHNSON, NATHANIEL JR.					b. SSN 250-23-7585	c. RANK LTC	d. DATE OF RANK Year: 2003 Month: 01 Day: 01	e. BRANCH IN	f. DESIGNATED SPECIALTIES 11A				
g. UNIT, ORG., STATION, ZIP CODE OR APO, MAJOR COMMAND HHC, 3RD BN 187TH INF REGT, 101ST ABN DIV, FCKY 42223					h. REASON FOR SUBMISSION FORSCOM 05 Annual								
i. PERIOD COVERED			j. RATED MONTHS	k. NONRATED CODES	l. NO. OF ENCL	m. RATED OFFICER COPY (Check one and date)			n. PSB INITIAL	o. CMD CODE	p. PSB CODE		
Year 2004	Month 11	Day 09	Year 2005	Month 11	Day 08	10	<input checked="" type="checkbox"/> 1. Given to Officer <input type="checkbox"/> 2. Forwarded to Officer	Date 19 MAR 2004	YMW	FC	UA03		
PART II - AUTHENTICATION (Rated officer's signature verifies officer has seen completed OER Parts I-VII and the admin data is correct)													
a. NAME OF RATER (Last, First, MI) STEELE, MICHAEL D.	SSN 255-02-0310	RANK COL	POSITION BCT COMMANDER	SIGNATURE 	DATE 19 MAR 2004								
b. NAME OF INTERMEDIATE RATER (Last, First, MI) 	SSN	RANK	POSITION	SIGNATURE	DATE								
c. NAME OF SENIOR RATER (Last, First, MI) TURNER, THOMAS R.	SSN 227-74-7116	RANK MG	POSITION DIV COMMANDER	SIGNATURE 	DATE 19 MAR 2004								
SENIOR RATER'S ORGANIZATION HHC, 501ST STB, 101ST ABN DIV (AASLT) FT. CAMPBELL, KY 42223			BRANCH GO	SENIOR RATER TELEPHONE NUMBER DSN 635-9915	E-MAIL ADDRESS thomas.turner@								
d. This is a referred report; do you wish to make comments? <input type="checkbox"/> Yes, comments are attached <input type="checkbox"/> No													
PART III - DUTY DESCRIPTION													
a. PRINCIPAL DUTY TITLE INFANTRY BATTALION COMMANDER					b. POSITION ACCORDING TO GRADE 11A00/IN								
c. SIGNIFICANT DUTIES AND RESPONSIBILITIES. REFER TO PART IVa, DA FORM 67-9-1. Commander of an Air Assault Infantry Battalion with an authorized strength of 660 soldiers. Responsible for the command, control, training and employment of the Battalion Task Force. Prepares the battalion for rapid deployment and combat operations anywhere in the world in support of U.S. policies and objectives. Responsible for morale, welfare, discipline and professional development of assigned personnel. Responsible for creating a cohesive organization that cares for soldiers and their families. Provides responsive administrative, logistical, and personnel management for the battalion. Provide a command climate that fosters positive leadership, stresses unit pride and discipline, and promotes a caring attitude at all levels.													
PART IV - PERFORMANCE EVALUATION - PROFESSIONALISM (Rater)													
CHARACTER Disposition of the leader: combination of values, attributes, and skills affecting leader actions													
a. ARMY VALUES (Comments mandatory for all "NO" entries. Use PART Vb.)													
Yes No													
1. HONOR: Adherence to the Army's publicly declared code of values <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO													
2. INTEGRITY: Possesses high personal moral standards; honest in word and <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO													
3. COURAGE: Manifests physical and moral bravery <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO													
4. LOYALTY: Bears true faith and allegiance to the U.S. Constitution, the Army, the unit, and the soldier <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO													
b. LEADER ATTRIBUTES / SKILLS / ACTIONS: First, mark "YES" or "NO" for each block. Second, choose a total of six that best describe the rated officer. Select one from ATTRIBUTES, two from SKILLS (Competence), and three from ACTIONS (LEADERSHIP). Place an "X" in the appropriate numbered box with optional comments in PART Vb. Comments are mandatory in Part Vb for all "No" entries.													
b.1. ATTRIBUTES (Select 1) Fundamental qualities and characteristics													
<input checked="" type="checkbox"/> MENTAL <input checked="" type="checkbox"/> NO			2. PHYSICAL <input checked="" type="checkbox"/> NO			3. EMOTIONAL <input checked="" type="checkbox"/> NO			4. TACTICAL <input checked="" type="checkbox"/> NO				
Possesses desire, will, initiative, and discipline			Maintains appropriate level of physical fitness and military bearing			Displays self-control; calm under pressure							
b.2 SKILLS (Competence) (Select 2) Skill development is part of self-development; prerequisite to action													
<input checked="" type="checkbox"/> CONCEPTUAL <input checked="" type="checkbox"/> NO			5. RESPECT: Promotes dignity, consideration, fairness, & EO <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO										
Demonstrates sound judgment, critical/creative thinking, moral reasoning			6. SELFLESS-SERVICE: Places Army priorities before self <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO										
4. TACTICAL <input checked="" type="checkbox"/> NO			7. DUTY:履行 professional, legal, and moral obligations <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			Shows skill with people: coaching, teaching, counseling, motivating, and empowering			Displays the necessary expertise to accomplish all tasks and functions				
b.3. ACTIONS (LEADERSHIP) (Select 3) Major activities leaders perform: influencing, operating, and improving													
1. COMMUNICATING <input checked="" type="checkbox"/> NO													
Method of reaching goals while operating / improving			2. DECISION-MAKING <input checked="" type="checkbox"/> NO			3. MOTIVATING <input checked="" type="checkbox"/> NO							
Displays good oral, written, and listening skills for individuals / groups			Employs sound judgment, logical reasoning and uses resources wisely			Inspires, motivates, and guides others toward mission accomplishment							
2. OPERATING <input checked="" type="checkbox"/> NO													
Short-term mission accomplishment			4. EXECUTING <input checked="" type="checkbox"/> NO			5. ASSESSING <input checked="" type="checkbox"/> NO							
Develops detailed, executable plans that are feasible, acceptable, and suitable			Shows tactical proficiency, meets mission standards, and takes care of people/resources			Uses after-action and evaluation tools to facilitate consistent improvement							
3. IMPROVING <input checked="" type="checkbox"/> NO													
Long-term improvement in the Army, its people and organizations			6. DEVELOPING <input checked="" type="checkbox"/> NO			7. BUILDING <input checked="" type="checkbox"/> NO			8. LEARNING <input checked="" type="checkbox"/> NO				
Invests adequate time and effort to develop individual subordinates as leaders			Spends time and resources improving teams, groups and units; fosters ethical climate			Seeks self-improvement and organizational growth; envisioning, adapting and leading							
c. APFT: PASS DATE: JUL 05 HEIGHT: 76 WEIGHT: 230 YES													
d. OFFICER DEVELOPMENT - MANDATORY YES OR NO ENTRY FOR RATERS OF CPTs, LTs, CW2s, AND WOs.													
WERE DEVELOPMENTAL TASKS RECORDED ON DA FORM 67-9-1a AND QUARTERLY FOLLOW-UP COUNSELINGS CONDUCTED?													
DA FORM 67-9, DEC 2004 +													
REPLACES DA FORM 67-9, OCT 97, WHICH IS OBSOLETE.													
APD V1.00													

ENCLOSURE 3

NAME JOHNSON, NATHANIEL JR.		SSN 250-23-7585	PERIOD COVERED 20041109 - 20051108	+
PART V - PERFORMANCE AND POTENTIAL EVALUATION (Rater)				
4. EVALUATE THE RATED OFFICER'S PERFORMANCE DURING THE RATING PERIOD AND HIS/HER POTENTIAL FOR PROMOTION				
<input checked="" type="checkbox"/> OUTSTANDING PERFORMANCE, MUST PROMOTE		<input type="checkbox"/> SATISFACTORY PERFORMANCE, PROMOTE	<input type="checkbox"/> UNSATISFACTORY PERFORMANCE, DO NOT PROMOTE	<input type="checkbox"/> OTHER (Explain)
5. COMMENT ON SPECIFIC ASPECTS OF THE PERFORMANCE AND POTENTIAL FOR PROMOTION. REFER TO PART III, DA FORM 67-9 AND PART IV A, B, AND C, DA FORM 67-8-1.				
<p>LTC Johnson's performance during this rating period has been first-class. He is a rock-solid infantry battalion commander - a professional, high energy officer, that is tremendously charismatic. A capable mentor and coach, he has masterfully built his battalion into a well-trained and well-maintained unit that achieves great results in every area and on every mission. Nothing demonstrated this better than his unit's performance during the Brigade's Mission Rehearsal Exercise at the Joint Readiness Training Center. LTC Johnson's unit was given a series of extraordinarily arduous tasks to accomplish under some very challenging conditions. In every case, his soldiers tackled the mission with professionalism, a calm determination, and vigor. Under LTC Johnson's charge, his soldiers have greatly increased their proficiency in marksmanship, Army combatives, advanced medical skills, as well as raised their overall level of physical fitness. Building off his own combat experience, he shaped the training focus for the battalion, ensuring that his training objectives were relevant and accurate. His training program has been battle focused, with all events in some way contributing to the ability of his soldiers to accomplish their mission. The end result of his training initiatives is that his battalion is currently performing combat operations on a daily basis with consistency, and executing these extremely dangerous operations to a high standard. Additionally, LTC Johnson's leadership has resulted in outstanding leader development programs, high retention rates and a caring, team-oriented command climate. He is in extraordinary physical condition, and leads his soldiers from the front in all physical activities. Solid potential for future service, potential that would be best utilized on a senior level staff.</p>				
6. IDENTIFY ANY UNIQUE PROFESSIONAL SKILLS OR AREAS OF EXPERTISE OF VALUE TO THE ARMY THAT THIS OFFICER POSSESSES. FOR ARMY COMPETITIVE CATEGORY CPT THROUGH LTC, ALSO INDICATE A POTENTIAL CAREER FIELD FOR FUTURE SERVICE.				
<p>LTC Johnson is a meticulous and highly skilled planner who will best serve the Army in the Operations Career Field OMPF/11.</p>				
PART VI - INTERMEDIATE RATER				
<p>7. EVALUATE THE RATED OFFICER'S PROMOTION POTENTIAL TO THE NEXT HIGHER GRADE</p>				
<input checked="" type="checkbox"/> BEST QUALIFIED		<input type="checkbox"/> FULLY QUALIFIED	<input type="checkbox"/> DO NOT PROMOTE	<input type="checkbox"/> OTHER (Explain below)
8. POTENTIAL COMPARED WITH OFFICERS SENIOR RATED IN SAME GRADE (OVERPRINTED BY DA)		9. COMMENT ON PERFORMANCE/POTENTIAL		
 <input checked="" type="checkbox"/> ABOVE CENTER OF MASS <small>(Less than 50% in top box; Center of Mass if 50% or more in top box)</small>		<p>I currently senior rate <u>67</u> officer(s) in this grade</p> <p>A completed DA Form 67-8-1 was received with this report and considered in my evaluation and review.</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (Explain in c)</p> <p>LTC Johnson is an outstanding combat battalion commander. Technically and tactically competent he is a true team player. He has built a well trained and disciplined unit that accomplishes every mission assigned. Immediately select for promotion, SSC attendance, and Brigade Command. Unlimited potential for future service. A future General Officer.</p>		
<input type="checkbox"/> CENTER OF MASS				
<input type="checkbox"/> BELOW CENTER OF MASS <small>RETAIN</small>				
<input type="checkbox"/> BELOW CENTER OF MASS <small>DO NOT RETAIN</small>				
<p>10. LIST 3 FUTURE ASSIGNMENTS FOR WHICH THIS OFFICER IS BEST SUITED FOR ARMY COMPETITIVE CATEGORY CPT THROUGH LTC. ALSO INDICATE A POTENTIAL CAREER FIELD FOR FUTURE SERVICE.</p> <p>CTC Senior Observer Controller, Deputy Brigade Commander; Division G3. Best serve the Army in OMPF/11.</p>				



OFFICE OF THE SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

SENIOR MILITARY
ASSISTANT

1 February 2008

MEMORANDUM FOR WHOM IT MAY CONCERN

SUBJECT: Lieutenant Colonel Nathaniel Johnson

1. I had the occasion to observe Lieutenant Colonel Nathaniel Johnson on numerous occasions when I commanded Multi-National Corps – Iraq (MNC-I). My command of MNC-I overlapped with approximately eight months of LTC Johnson's command of 3-187 Infantry in Iraq. His battalion had one of the toughest assignments in the entire country as they dealt with the destruction of the Samarra mosque in February 2006 and the intense aftermath that threatened to plunge Iraq into all out civil war. LTC Johnson always struck me as a poised, decisive and effective leader who understood the complexities of modern counterinsurgency warfare.
2. I did not have the routine contact with LTC Johnson that his rater and senior rater had while he was in Iraq. I can say, however, that every time I met LTC Johnson, or followed the performance of his battalion, he struck me as an officer with the potential to serve as a Colonel in the U.S. Army and fully capable of commanding at that level.
3. I have reviewed LTC Johnson's OER from the period 20051109 to 20061108, and I find the comments of his rater, Colonel Mike Steele, particularly troubling. Having observed all of Colonel Steel's battalion commanders, I rate LTC Johnson in the top third of Steele's six battalion commanders. It should be noted that at the end of this rating period, I took adverse action against COL Steele for poor command climate and poor judgment.
4. The basis for this action involved a company in LTC Johnson's battalion and a specific incident that occurred during a period when LTC Johnson was on Environmental Moral Leave (EML). This incident resulted in both a 15-6 and CID investigation both of which questioned COL Steele's leadership, judgment, and the command climate he had established in his brigade. Given my evaluation of LTC Johnson, I can't help but think that COL Steele's critical comments are the result of his failures and not indicative of LTC Johnson's performance. It is my opinion, this incident and the related investigations

ENCLOSURE 4

it drove render COL Steele incapable of a fair evaluation of LTC Johnson. This OER should be removed from his file.

5. I can be reached at (703) 692-7100 or peter.chiarelli@us.army.mil with any further questions in regard to this matter.



PETER W. CHIARELLI
Lieutenant General, US Army
Senior Military Assistant to the
Secretary of Defense

OFFICER EVALUATION REPORT SUPPORT FORM

For use of this form, see AR 623-105; the proponent agency is ODCSPER

Read Privacy Act Statement on Reverse before Completing this form

PART I - RATED OFFICER IDENTIFICATION

NAME OF RATED OFFICER (Last, First, MI) JOHNSON JR, NATHANIEL	RANK LTC	ORGANIZATION CDR, 3-187 IN, 3 RD BCT, 101 ST AIRBORNE DIVISION
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PART II - RATING CHAIN - YOUR RATING CHAIN FOR THE EVALUATION PERIOD IS:

RATER	NAME . STEELE, MICHAEL	RANK COL	POSITION CDR, 3 RD BCT, 101 ST AIRBORNE DIVISION
INTERMEDIATE RATER	NAME OATES, MICHAEL	RANK BG	POSITION ADC(O), 101 ST AIRBORNE DIVISION
SENIOR RATER	NAME . TURNER, THOMAS R.	RANK MG	POSITION CG, 101 ST AIRBORNE DIVISION

PART III - VERIFICATION OF FACE-TO-FACE DISCUSSION

MANDATORY RATER/RATED OFFICER INITIAL FACE-TO-FACE COUNSELING ON DUTIES, RESPONSIBILITIES AND PERFORMANCE OBJECTIVES FOR THE CURRENT RATING PERIOD TOOK PLACE ON 23 JUN 04 Rated Officer Initials _____ Rater Initials _____ Senior Rater Initials _____ (Review)

PERIODIC RATER/RATED OFFICER FOLLOW-UP FACE-TO-FACE COUNSELINGS:

Dates _____ Rated Officer Initials _____ Rater Initials _____ Senior Rater Initials _____ (Review) _____

PART IV -- RATED OFFICER (*Complete a, b, and c below for this rating period.*)

PRINCIPAL DUTY TITLE	INFANTRY BATTALION COMMANDER	POSITION AOC / BR	11A/IN
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a. STATE YOUR SIGNIFICANT DUTIES AND RESPONSIBILITIES

Battalion commander of a 716 man air assault infantry battalion task force consisting of three rifle companies, an anti tank company, headquarters company, engineer platoon, air defense artillery platoon, artillery forward observer section, and tactical human intelligence, civil affairs, and psychological operations teams. Responsible for the training, maintenance, discipline, care, and readiness of the battalion task force to enable it to deploy anywhere in the world to fight outnumbered and win. Provide for the readiness of Soldiers and their families. Mentor and develop officers and NCOs of the battalion task force. Responsible for everything the battalion does or fails to do.

b. MAJOR PERFORMANCE OBJECTIVES:

My ultimate objective is to train 3-187 IN to deploy, fight and win in any combat environment.

1. Lead by example through actions both professionally and personally; live the warrior ethos and inculcate the warrior ethos in all Soldiers and leaders that incorporates self confidence, aggressiveness, loyalty, selflessness, iron will, and the mental, physical, and emotional toughness to overcome the crucible of combat. Establish and maintain tough, realistic standards and discipline, and enforce them ruthlessly.
2. Clear focus on fundamentals: Ensure every soldier in the Battalion is an expert on their weapon and associated accoutrements, knows life-saving skills, a warrior athlete, and can execute the 4 basic battle drills in any battlefield condition (React to Contact Dismounted/Mounted, Enter and Clear a room/building)
3. Provide a command climate that fosters initiative, growth, a winning spirit, and warrior mindset; establish a strong chain of command, mutual trust, self confidence, cohesion and teamwork.
4. Ensure every training event or action on the calendar is planned, resourced, and executed efficiently - don't waste soldier, leader, or family time.
5. Build sustainable and efficient administrative and personnel systems that take care of soldiers and allow leaders to focus on training and executing in combat.
6. Maintain our equipment to 10/20 standards and maintain property accountability.
7. Maintain an active and viable Family Readiness Group.
8. Share the command with the CSM, XO, and S3.
9. Ensure I maintain a balanced perspective of family life and my profession; have fun, and ensure the battalion does the same.

c. SIGNIFICANT CONTRIBUTIONS

1. Led by example daily as the senior leader of 3-187. As examples, personally scored 300 on the PT test, consistently portrayed Army Values, and consistently conducted road marches and PT with squads and platoons; established standards of conduct both professional and personal;
2. Successfully deployed and redeployed my Task Force Iron's equipment and personnel to the Iraq in support of OIF 05-07.
3. Combat Operations in Baghdad-Had four companies conducting Fixed Cite security at FOBs or Tier one sites within the Baghdad AO. We have improved the level of force protection and security at these sites by 100%
 - a. Secured and improved the force protection of 2 Tier 1 sites in Baghdad.
 - b. Supervised the development and implementation of FOB security plan of FOB Falcon, UnionIII, and Prosperity.
 - c. Supervised the development and implementation of the security plan for the Iraqi Special Tribunal.
 - d. Supervised the development and implementation RIP/TOA with 4-64 AR.
 - e. Provided for the International Zone in Baghdad, Iraq during the Constitutional Referendum Period.
 - f. Supervised the planning and execution of 5 Mosque assessments which resulted in a positive relationship with the cleric and community in and around Baghdad.
Supervised the planning and execution of over 100 combat patrols throughout the Baghdad AO.
Personally conducted over 15 combat patrols in southern Baghdad.
4. Relocated Task Force Iron's equipment and personnel from Baghdad to Sal Al Din Provence to conduct kinetic and non-kinetic Combat Operations.
 - a. Conducted a seamless RIP with 3-69AR Bn and assumed AO Iron battle space.
 - b. Worked with the Sheiks of Samarra to establish a functional local city government to include a City Council and City Council President
 - c. Empowered local government to establish good governance practices that benefited the citizens of Samarra.
 - d. Coordinated with local leadership to develop HUMIT intelligence that resulted in numerous BCT and BN HVTs being detained or killed.
 - e. Designed and developed Projects in excess of 33 million dollars for Samarra and surrounding area that instilled confidence in ISF and CF to improve the quality of life for the local population.
 - f. Succeeded magnificently, advancing the US Army's main effort to mentor, coach and train the Iraqi Army by planning, coordinating and executing several joint patrols and missions to include Operation Cinco De Mayo.

LTC JOHNSON OER SUPPORT DATA FOR DA67-9-1

OIF 05-07

- g. Conducted a seamless RIP with 3-69AR Bn and assumed AO Iron battle space.
 - h. Worked with the Sheiks of Samarra to establish a functional local city government to include a City Council and City Council President
 - i. Empowered local government to establish good governance practices that benefited the citizens of Samarra.
 - j. Coordinated with local leadership to develop HUMIT intelligence that resulted in numerous BCT and BN HVTs being detained or killed.
 - k. Designed and developed Projects in excess of 33 million dollars for Samarra and surrounding area that instilled confidence in ISF and CF to improve the quality of life for the local population.
 - l. succeeded magnificently, advancing the US Army's main effort to mentor, coach and train the Iraqi Army by planning, coordinating and executing several joint patrols and missions to include Operation Cinco De Mayo.
 - m. Advanced the US Army's main effort to mentor, coach and train through a battalion partnership program with the Iraqi Security Forces (Iraqi Police, Iraqi National Police, and Iraqi Army). This partnership resulted in over 1000 partnered combat operations focused on AIF member and equipment, resulting in numerous IED, Mortar and Rocket Cell members captured or killed; numerous AIF members either captured or killed to include BCT HVTs #1, 3 and numerous Battalion HVTs.
 - n. Participated in a number of battalion level or larger Air Assaults, HVT Raids, Cordon and Searched, to Operations SWARMER, VEGAS, POLE CHARGE, KATRINA I,II, CINCO DE MAYO, RIVER SWEEP, ROCKET MAN, HAMADI'S WAKE, resulting in capturing Bn HVT # 8, delivered documents and SIGINT that led to the capture the Bn HVT # 3 and the death of HVT # 2.
 - o. As a result of his aggressive operations in the city, AIF activity dropped by 400% and SIGACTs reduced from over 90 monthly to 20 monthly.
 - p. Made Samarra a better place to live by providing a safer environment for the citizens.
5. Providing a safe environment for the local citizens of Mukashiyfu, resulting in the establishment of an effective City Council; a city council that meets weekly, appoints committees, and solves issues for the citizens of 6 villages near the city.
6. Continue to maintain a proficient training base by conducting LPDs, small arms ranges, physical fitness, and team/squad battle drills, while conducting combat operations.
7. Redeployed the battalion from Iraq to Ft. Campbell with all personnel and equipment accounted for and reintegrated the battalion by executing the division's reverse SRP program.
8. Sustained a fruitful and active Family Readiness Group Program that met the needs of our families while deployed.
9. Continued to coach, mentor and develop subordinate leaders that demonstrated sound leadership and decision making ability with minimum guidance.
10. Shared command with the CSM, XO, and S3. Completely empower them to perform their duties freely with 100% of my support.
11. Maintained a balanced prospective mentally, physically and spiritually.

Personal Data:

