

GAO

United States General Accounting Office

Report to the Honorable
Fred Thompson, U.S. Senate

April 1995

OPERATION DESERT STORM

Investigation of a U.S. Army Fratricide Incident



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United States
General Accounting Office
Washington, D.C. 20548

Office of Special Investigations

B-260897

April 7, 1995

The Honorable Fred Thompson
United States Senate

Dear Senator Thompson:

In response to your request, and that of former Senator James R. Sasser, this report presents the results of our investigation of events leading to a fratricide incident during the Persian Gulf War; assessment of the adequacy of U.S. Army investigations following the incident; and investigation of allegations that Army officials hindered those investigations or influenced their outcome. The incident involved engineers attached to the U.S. Army's 1st Armored Division and elements of the U.S. Army's 3rd Armored Cavalry Regiment. One U.S. serviceman was killed; a second was wounded.

We briefed U.S. Army representatives and the deceased serviceman's immediate family on the content of our investigation. However, we did not obtain written comments from the Department of the Army on this report.

As agreed with your office, unless you publicly announce the contents of this report earlier, we plan no further distribution until April 21, 1995. We will then send copies to interested congressional committees; the Secretary of Defense, and the Secretary of the Army. We will also make copies available to others upon request. If you have questions concerning this report, please call me, or Assistant Director Barbara Cart of my staff, at (202) 512-6722. Major contributors to this report are listed in appendix III.

Sincerely yours,

Richard C. Stiener
Director

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Executive Summary

Purpose

In the early morning of February 27, 1991, during the Persian Gulf War, Army Corporal Douglas Lance Fielder was unintentionally killed by U.S. soldiers who had mistaken him and his fellow engineers as the enemy. Senator Fred Thompson concurred with former Senator James R. Sasser's earlier request that GAO (1) determine the events that had led to the fratricide, (2) assess the adequacy of U.S. Army investigations following the fratricide, and (3) investigate allegations that Army officials hindered investigations of the fratricide incident or influenced their outcome. The Army investigations determined that the actions and decisions of all individuals involved in the incident had been reasonable and appropriate under the existing circumstances.

Background

On August 2, 1990, Iraqi military forces invaded the emirate of Kuwait. They refused to withdraw by the United Nations-imposed deadline of midnight, Eastern Standard Time, January 15, 1991. U.S. and allied forces thus implemented Operation Desert Storm on January 17, 1991, beginning with an extensive air campaign. The ground war began on February 24, 1991, and ended February 28, 1991, when allied commanders declared a cease-fire.

Results in Brief

Several critical factors, involving mainly the 3rd Armored Cavalry Regiment (ACR) but also the engineers of the 1st Armored Division (AD), resulted in the February 27, 1991, fratricide incident. At approximately 2:30 a.m. (Persian Gulf Time) that day near Umm Hajul, Iraq, elements of the 3rd ACR crossed a U.S. Army Corps boundary line into a sector known to be controlled by the 1st AD. Their operation plans and operation orders were incomplete and confusing, in part, because they did not contain current intelligence information. Further, coordination along the corps boundary had disintegrated. More importantly, the 3rd ACR commanders did not maintain command and control of their units. They, for example, did not determine their and their troops' positions, thus allowing them to cross the corps boundary past which they knew friendly forces might be located. They also did not abide by the stated rules of engagement—not to fire below the boundary and not to fire unless fired upon.

After crossing the southern boundary, elements of the 3rd Squadron, 3rd ACR, identified what they thought were enemy troops around buildings and fired on them, killing one U.S. soldier, Corporal Fielder, and wounding a second, Sergeant James E. Napier. They, along with three other engineers of Charlie Company, 54th Engineer Battalion, were attached to the 1st AD

and were located on a 1st AD main supply route, awaiting a recovery vehicle for their disabled ammunition and explosives carrier. They did not know of or use the appropriate antifratricide signals during the fratricide incident.

The 3rd ACR's AR (Army Regulation) 15-6 investigation of the incident, which consisted of initial and supplemental investigations, found the 3rd ACR commanders not responsible for the incident. The initial Investigating Officer did not conduct a complete and thorough investigation, counter to Army regulations for AR 15-6 investigations. Further, neither Investigating Officer sought to resolve inconsistent claims concerning warning shots fired at the engineers and purported return fire from the engineers. In addition, the Forces Command Staff Judge Advocate who reviewed the AR 15-6 investigation stated his supposition to GAO that the second Investigating Officer's "objectivity was skewed" and he had a predetermined conclusion concerning the case.

After his review, the Forces Command Staff Judge Advocate recommended that three 3rd ACR officers be reprimanded and the engineers' Executive Officer be admonished. However, at the discretion of the Commander in Chief, Forces Command, two reprimands were not made part of the officers' official military personnel files, the third was withdrawn, and the admonishment was allowed to stand.

GAO found no evidence of intentional document destruction, witness intimidation, or witness retaliation. However, GAO questions the completeness and accuracy of the investigations. Further, several 3rd ACR personnel received heroism awards, related to the incident, that were based on misleading statements and inaccurate information.

Principal Findings

The Incident

Among the critical factors resulting in the fratricide were the 3rd ACR's Operation Plan and Operation Order for the February 27, 1991, mission; they were incomplete and contained contradictory, outdated intelligence information about enemy presence. Further, coordination between the VII Corps and XVIII Airborne Corps along the boundary had disintegrated, and maps used by the 3rd ACR commanders and troops in preparation for the mission were outdated and did not accurately depict the 3rd ACR's

objective. Communication failures—from the 3rd ACR through the squadrons to the troops—also contributed to the confusion leading to the incident. Both the 3rd ACR Commander, Colonel Douglas Starr, and the 3rd Squadron Commander, Lt. Colonel John H. Daly, Jr., failed to maintain command and control of their subordinate units by, among other things, not ensuring subordinates' knowledge of their southern boundary, past which they knew friendly forces might be located; not determining their and their units' positions relative to the boundary; and not abiding by the stated rules of engagement.

In addition, the engineers were not in compliance with all of the then current U.S. Army regulations pertaining to antifratricide. The failure of the engineer's Executive Officer, 1st Lieutenant Kevin Wessels, to know of and employ antifratricide recognition signals during the initial stages of the incident may have allowed the incident to deteriorate further.

According to the I Troop Commander, 3rd Squadron, 3rd ACR, Captain Bodo Friesen, he initially ordered the gunner of his M1A1 Abrams Main Battle Tank (M1A1) to fire warning shots away from the engineers. However, the two engineers who were observing the 3rd Squadron's vehicles stated that they attempted to identify themselves before and after they were fired upon and they saw no warning shots. They claimed the first shots were fired directly at them. Immediately on firing the warning shots, Captain Friesen's tank driver and gunner reported return fire from the engineers' position, a claim the engineers and other 3rd Squadron troops dispute. Captain Friesen ordered his gunner and two Bradley Fighting Vehicles (Bradley) to fire. A cease-fire was then called. Sergeant Napier was wounded during this firing sequence.

While I Troop elements were developing and engaging the targets, the 3rd Squadron Commander, Lt. Colonel Daly, moved into the engagement area. He failed to exercise proper command and control by not requesting Captain Friesen's assessment of a developing situation—which at that point appeared to Captain Friesen to be under control—and ordered his Bradley gunner to fire at an unconfirmed target. Corporal Fielder was killed during this firing sequence. Further, Lt. Colonel Daly dismounted two troops from his vehicle without advising his subordinate units, exposing the dismounts to the risk of fratricide.

GAO estimates that the time between the first shots and the fatal shots was 7 minutes 15 seconds. Approximately 25 minutes elapsed between when I

Troop, 3rd Squadron, first misidentified the engineers and their identification as U.S. troops.

Incomplete, Inaccurate Investigations

Within hours, the 3rd ACR began an AR 15-6 investigation. By regulation, such investigations are to be thorough and impartial and make recommendations as warranted by the facts. The first Investigating Officer, in his investigation and reinvestigation, found that all personnel had acted responsibly and recommended that all be absolved of any criminal or administrative responsibility for the incident. Among other shortcomings, the first Investigating Officer overlooked numerous documents and other information, including an audio tape recording of the incident that GAO located. (See app. I.)

Following investigation reviews by the 54th Engineer Battalion Commander and the VII Corps Staff Judge Advocate, in October 1991 the XVIII Airborne Corps directed that a supplemental AR 15-6 investigation be conducted. The second Investigating Officer also did not elicit evidence that some 3rd Squadron personnel—including crew members aboard the 3rd Squadron Commander's Bradley—had recognized U.S. vehicles before the fatal shots were fired. He also misstated facts, such as that the engineers were not wearing Kevlar helmets or Load Bearing Equipment that would have aided identification. The second Investigating Officer concurred that all involved individuals had acted responsibly and recommended that they be absolved of all responsibility for the incident.

Later, a Forces Command Staff Judge Advocate, at the direction of the Commander in Chief, Headquarters Forces Command, performed a legal review and analysis of the report of investigation. He stated his supposition to GAO that the second Investigating Officer had a "skewed" objectivity and a predetermined conclusion concerning the case and would not have determined anything unfavorable about the XVIII Corps.

The Forces Command Staff Judge Advocate recommended reversing the two Investigating Officers' findings, noting, among other failings, the involved 3rd ACR officers' "negligent" actions that placed their soldiers at risk and their "dereliction of duty" for assuming that personnel in a rear area were enemy. Based on his recommendations, three 3rd ACR officers were reprimanded and the engineers' Executive Officer was admonished. However, at the discretion of the Commander in Chief, Forces Command, two reprimands were not made part of the officers' permanent military files, the third was withdrawn, and the admonishment stood.

GAO found no evidence of intentional document destruction, witness intimidation, or retaliation against witnesses. However, the investigations' conclusions and recommendations were not supported by the evidence available to the Army investigators.

Questionable Heroism Awards

GAO determined that heroism awards related directly to the fratricide incident and given to two officers and several men of the 3rd ACR had been based on misleading statements and misrepresentations by the 3rd ACR Commander, Colonel Starr, and the 3rd Squadron Commander, Lt. Colonel Daly. Award support referred to "enemy" presence and "hostile fire" during the fratricide incident and stated that it had occurred at an airfield about 28 kilometers from the incident site. Following a GAO briefing, the Army Office of Inspector General (OIG) analyzed the awards and requested in August 1994 that these, and any similar, awards be revoked. As of March 1995, the matter was still pending.

Recommendations

GAO recommends that the Secretary of the Army (1) reexamine, for their appropriateness, the disciplinary actions taken regarding this fratricide incident and the disposition of those actions and (2) follow up on the Army OIG request that improperly supported awards for participation in fratricide incidents be revoked.

Agency Comments

GAO twice briefed U.S. Army representatives on the findings of its investigation. However, GAO did not obtain official agency comments on this report.

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Abbreviations

ACR	Armored Cavalry Regiment
AD	Armored Division
AR	Army regulation
FBI	Federal Bureau of Investigation
FM	(Army) Field Manual
FRAGO	fragmentary order
GAO	General Accounting Office
HMMWV	High Mobility Multipurpose Wheeled Vehicle
OIG	Office of the Inspector General
M1A1	M1A1 Abrams Main Battle Tank
M548	M548 Ammunition Carrier
mm	millimeter
MSR	Major Supply Route
OSI	Office of Special Investigations
PsyOps	Psychological Operations team
TAC	Tactical Command Post
TOC	Tactical Operations Center
kilometer	approximately 3,280.8 feet or 0.62 mile
meter	approximately 3.28 feet

Events Leading to the Fratricide Incident

This chapter provides our determination of the events that led to the February 27, 1991,¹ fratricide incident during the Persian Gulf War.

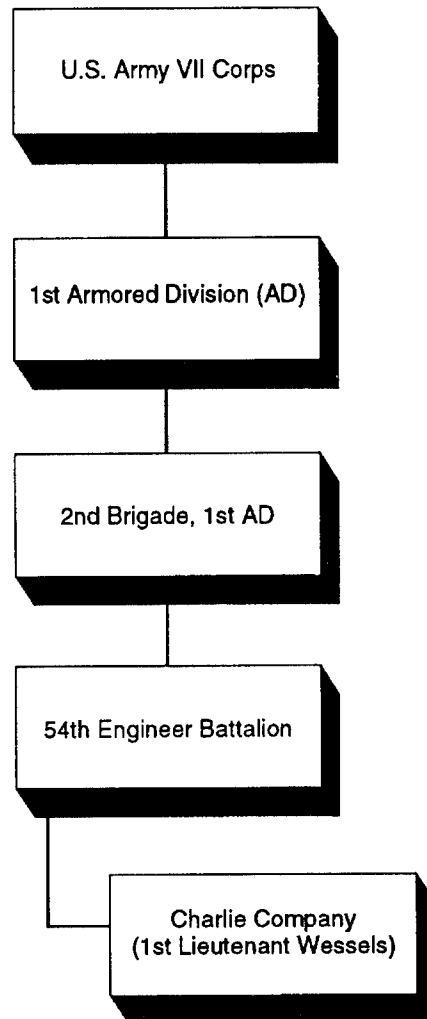
Charlie Company, 54th Engineer Battalion

The U.S. Army's 54th Engineer Battalion, Wildflecken, Germany, deployed to the Persian Gulf on January 25, 1991,² as part of Operation Desert Storm. Upon its arrival in the Persian Gulf, the battalion's mission was to provide direct support for the U.S. Army's 1st Armored Division (AD) from Ansbach, Germany. Charlie Company, 54th Engineer Battalion, supported the 2nd Brigade, 1st AD (see fig. 1.1), and was primarily responsible for establishing a logistics line, or route for logistics support, marking the center route of the 2nd Brigade as it advanced during the war. Prior to the war's beginning, the 1st AD ordered that (1) any vehicle that broke down was to be moved to the logistics line to await recovery and (2) personnel assigned to the vehicle were to remain with the vehicle until recovery.

¹Almost immediately after the Iraqi military invasion of Kuwait on Aug. 2, 1990, the United States and allied countries deployed troops to the Middle East, implementing Operation Desert Shield. Iraqi forces refused to withdraw by the United Nations' Jan. 15, 1991, deadline; and on Jan. 17, 1991, U.S. and allied forces implemented the air campaign of Operation Desert Storm. The ground war began on Feb. 24, 1991, and ended Feb. 28, 1991.

²The dates and times in this report concerning events in the war theater are based on Persian Gulf Time.

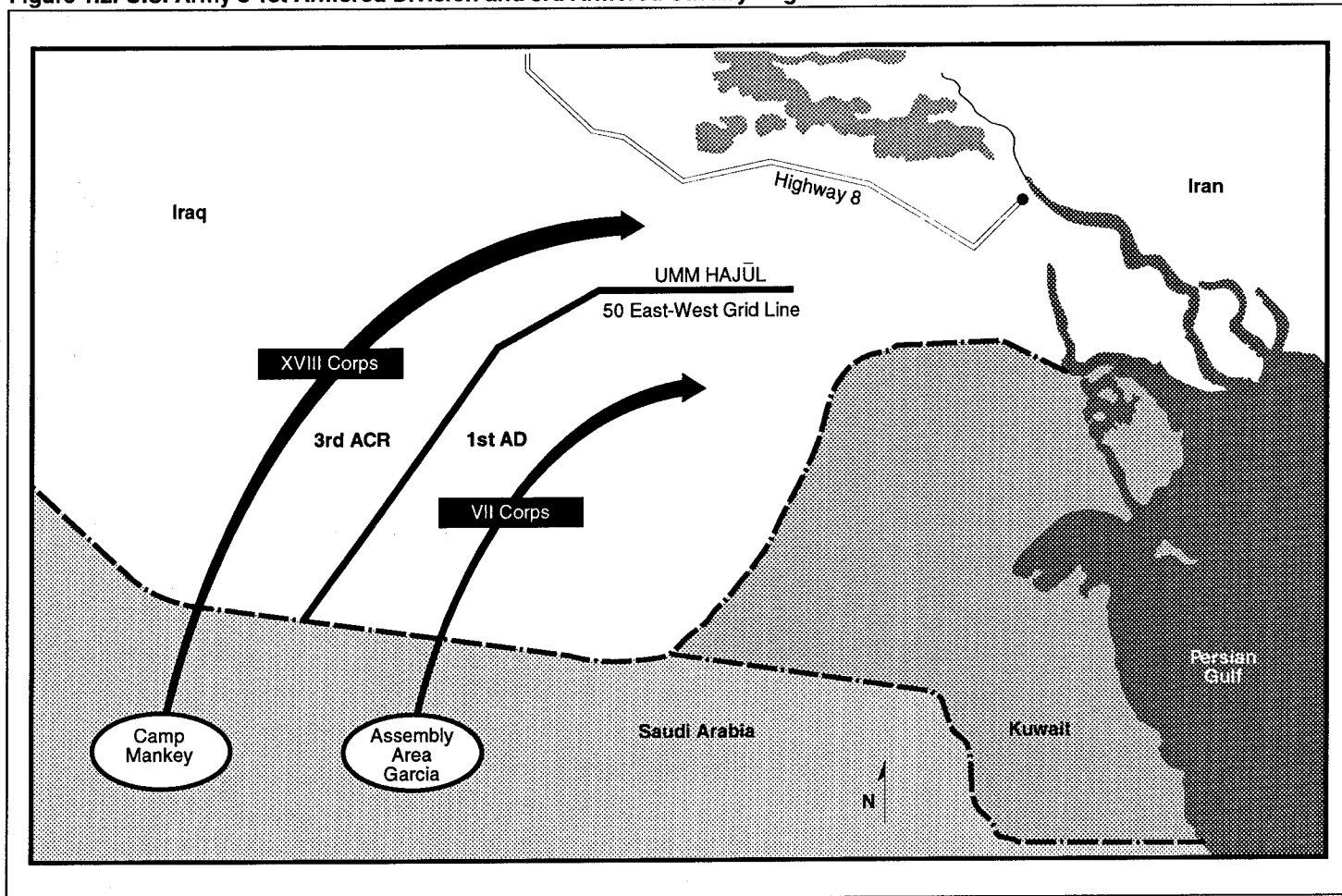
**Figure 1.1: Engineers' Assignment
Within 1st AD, VII Corps**



At approximately 1130 hours³ on February 24, 1991, the 1st AD, including its support units, began its movement to breach the Saudi Arabia/ Iraq berm, or border. (See fig. 1.2.) It encountered little resistance and moved at a very rapid pace.

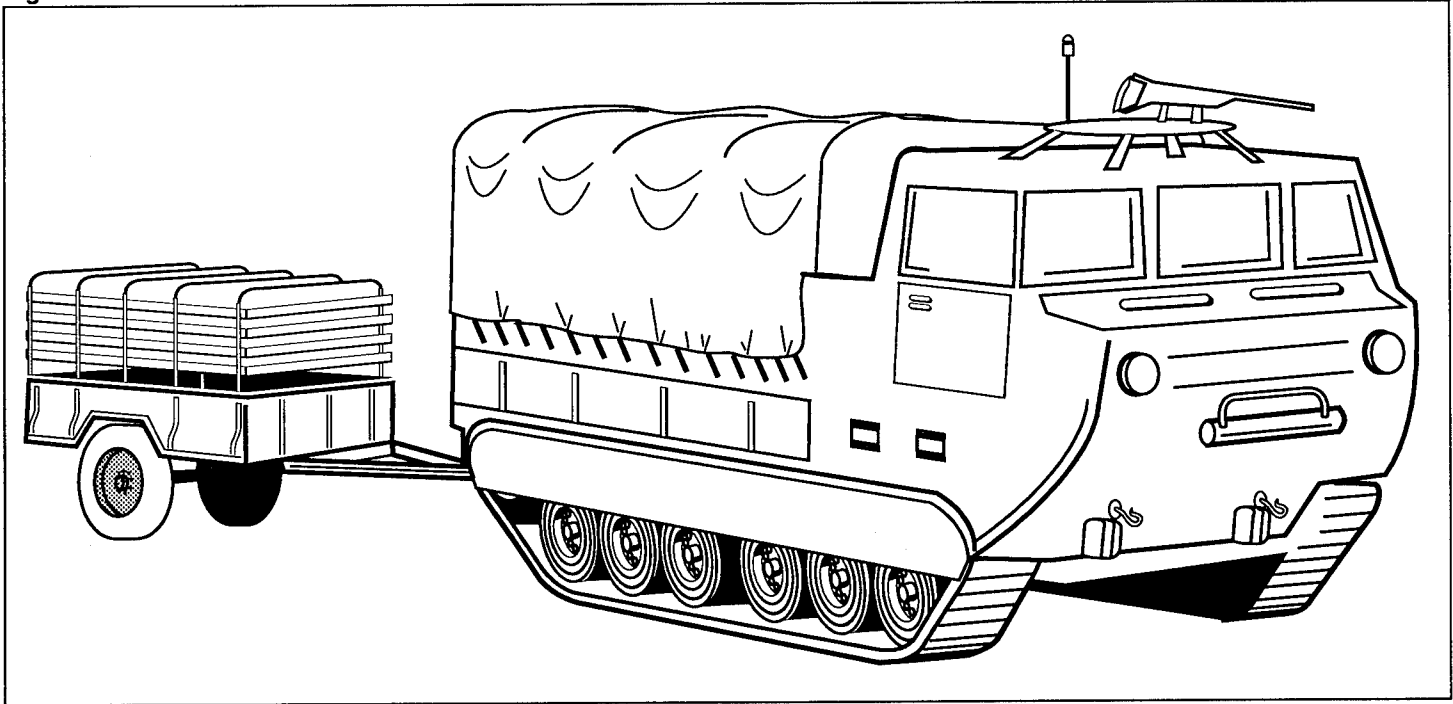
³Military time is measured in hours, numbered from 1 to 24, from one midnight to the next. For example, 0100 hours equates with 1:00 a.m., 1300 hours is 1:00 p.m., and 2315 hours is 11:15 p.m.

Figure 1.2: U.S. Army's 1st Armored Division and 3rd Armored Cavalry Regiment



At approximately 1700 hours on February 26, 1991, an M548 Ammunition Carrier (M548), towing a 1.5-ton trailer full of explosives (see fig. 1.3), broke down while traveling as part of the combat support "trains" along the logistics line. The M548 was attached to Charlie Company, 54th Engineer Battalion. Once it was determined the M548 could no longer operate, Charlie Company's Executive Officer, 1st Lieutenant Kevin Wessels, notified his commanding officer of the situation and his exact location.

Figure 1.3: M548 Ammunition Carrier and Trailer



It was decided that Lieutenant Wessels and the M548 crew, Specialist Craig Walker and Corporal Lance Fielder,⁴ would remain with the vehicle until vehicle recovery units arrived. Two vehicles—a High Mobility Multipurpose Wheeled Vehicle (HMMWV) (see fig. 1.4) and a Small Emplacement Excavator towing a 1.5-ton trailer full of explosives (see fig. 1.5)—accompanying the M548 were also to remain, along with their crews, Sergeant James Napier and Specialist Robert Driben.

⁴Corporal Fielder was promoted posthumously to Sergeant effective Feb. 26, 1991.

Figure 1.4: High Mobility Multipurpose Wheeled Vehicle

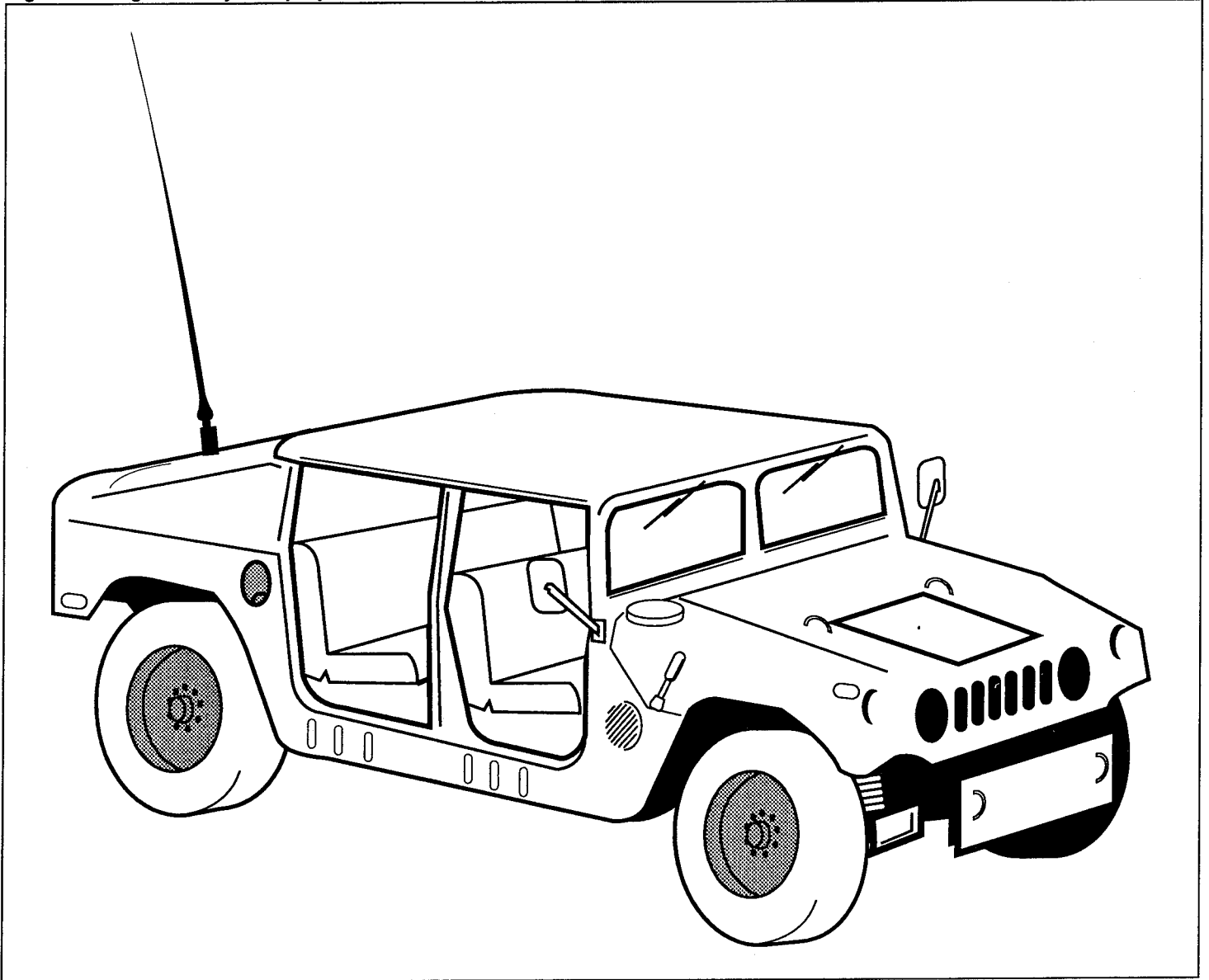
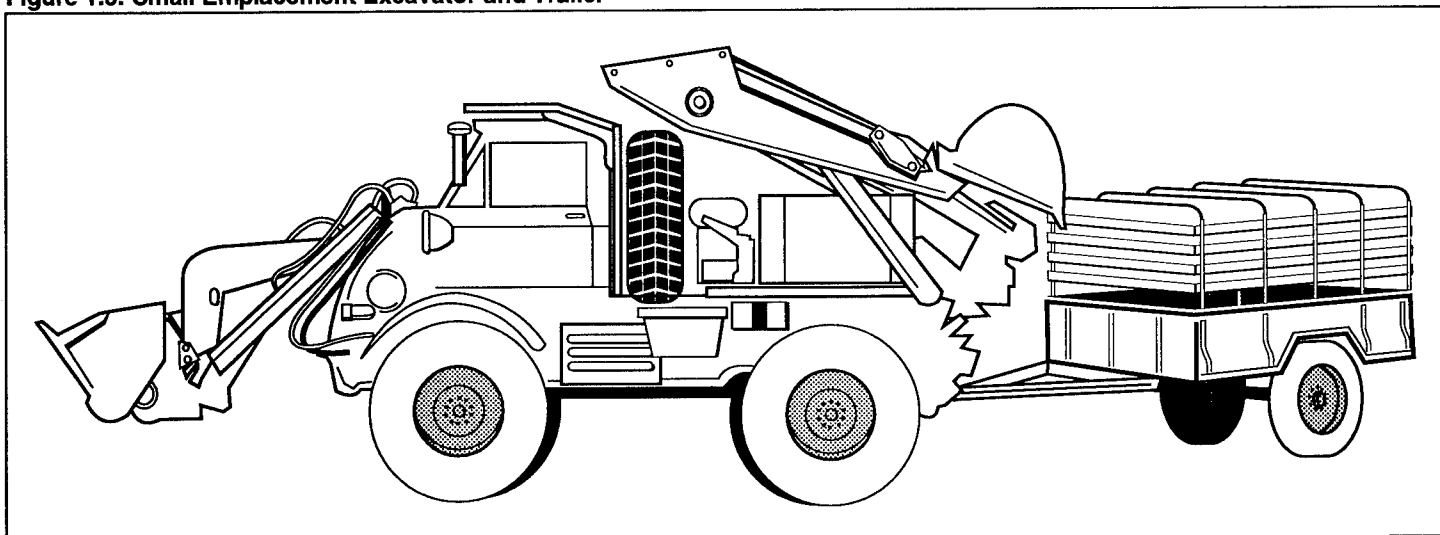


Figure 1.5: Small Emplacement Excavator and Trailer



After contacting his commanding officer, Lieutenant Wessels contacted the 54th Engineer Battalion Tactical Operations Center (TOC)—the command post element that includes the staff activities involved in sustaining and planning operations—and the 2nd Brigade Logistics Operations Center, advising them of the situation and the engineers' location. He was told that it could be the next day before they were recovered. Taking a defensive position, the engineers positioned the HMMWV, a "soft-skinned" vehicle with the unit's radios, between the M548 and the excavator and assigned guards. All three vehicles were equipped with the standard antifratricide⁵ recognition decals, an inverted "V." The crews had previously mounted a blackout light on a camouflage pole atop the M548. The light, a 1st AD antifratricide device, was to be illuminated during combat maneuvers at night when the vehicle was moving. However, the light was not illuminated because the M548 was located on the logistics line and was not operating.

⁵Fratricide is the employment of weapons and munitions with the intent to kill the enemy or destroy its equipment or facilities but which results in unforeseen and unintentional death or injury to friendly personnel.

3rd Armored Cavalry Regiment

3rd ACR's Deployment and Mission in the Persian Gulf

The 3rd Armored Cavalry Regiment (ACR) deployed from Fort Bliss, Texas, to Saudi Arabia on October 1, 1990, as part of Operation Desert Shield. Upon arrival in Saudi Arabia, the regiment was involved in training exercises and later established a base of operations at Tactical Assembly Area Cactus. With the onset of Operation Desert Storm, the 3rd ACR's primary mission was to act as a screening force⁶ to protect the right flank of the XVIII Airborne Corps. (See fig. 1.2.) The 3rd ACR's Operation Plan called for it to move north-to-northeast from the Saudi Arabia/Iraqi border into Iraq and then turn east, executing what became known as the "Hail Mary." The boundaries⁷ of operation for these movements were defined prior to the ground war.

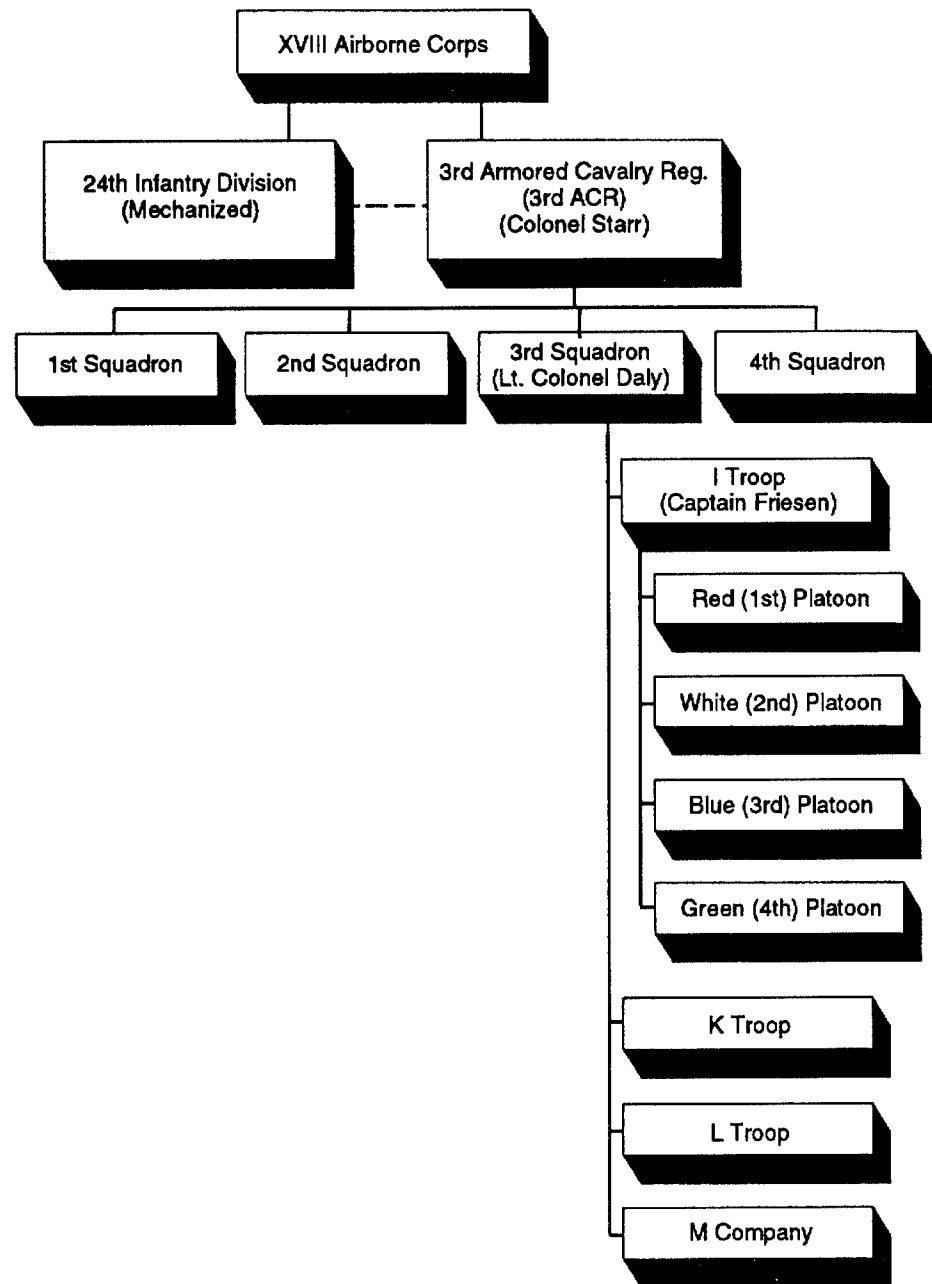
3rd ACR's Initial Ground Battle

The direct involvement of the 3rd ACR Commander, Colonel Douglas Starr, in the initial U.S. ground battle in the Persian Gulf conflict is relevant to a full understanding of the February 27, 1991, fratricide incident. During Operation Desert Shield and the beginning of Operation Desert Storm, the 3rd ACR was deployed along the southern edge of the Iraqi border. On January 22, 1991, Blue Platoon (scout platoon), I Troop, 3rd Squadron, 3rd ACR, (see fig. 1.6) became the first U.S. ground unit to be involved in the conflict. Led by Colonel Starr, the platoon conducted a reconnoitering mission approximately 100 kilometers west of the 3rd ACR assembly area. During this mission, the platoon encountered a Saudi Arabian border guard who requested assistance as his position had come under attack from Iraqi soldiers across the berm.

⁶A screening force maintains surveillance; provides early warning to the main body; impedes and harasses the enemy with supporting fire; and, within its capability, destroys enemy reconnaissance elements. (Operational Terms and Symbols (or Army Field Manual), FM 101-5-1, Oct. 1985)

⁷Boundaries are a control measure normally drawn along identifiable terrain features and used to delineate areas of tactical responsibility for subordinate units. Within their boundaries, units may maneuver within their overall plan without close coordination with neighboring units unless otherwise restricted. (FM 101-5-1)

Figure 1.6: 3rd ACR's Assignment
Within XVIII Airborne Corps



Knowing the scout platoon was without reinforcements and out of artillery range, Colonel Starr directed the platoon leader to scan for targets and to advise him before engaging any Iraqi soldiers. However, without warning, Colonel Starr began conducting reconnaissance by fire⁸ onto the Iraqi positions. The platoon leader took this as a "sign" to engage the enemy and directed his platoon to "engage any target that presented itself." The platoon then received return fire from the Iraqi soldiers and breached the berm. After suffering two casualties, inflicting casualties on the Iraqis, and taking several Iraqi prisoners of war, the platoon withdrew from the engagement.

According to Colonel Starr, he chose to take charge and become directly involved because he believed the engagement had "serious political implications" and he did not want the platoon leader on the "blame line." Following the incident, Colonel Starr briefed the XVIII Corps Commander, who questioned Colonel Starr's direct involvement in the mission and engagement. Colonel Starr responded by saying, "Excuse me, but I thought that is why we came over here." According to Colonel Starr, he advised the XVIII Corps Commander of the situation that had confronted him and that an "inferior" unit was firing on him.

Colonel Starr later briefed his subordinate commanders and troops concerning what was learned about the enemy. He felt the engagement had had positive effects on the 3rd ACR and was a cause of envy, as one of the 3rd ACR platoons had been "blooded" and was considered combat qualified. He said that his briefing—the tone of which was to "act aggressively to win" the battle—had an effect on his troops similar to drawing a "moth to a flame."

The Blue Platoon leader also briefed the 3rd Squadron Commander, Lt. Colonel John H. Daly, Jr., and other squadron personnel on the incident and lessons learned. These lessons included the following:

- Combat experience is valuable because the commander sets the tone.
- Commanders should develop methods to communicate with dismounts, as lack of communication can lead to mission failure.
- Safety is paramount, even in combat. Controlling fire and maneuvering elements are critical to mission accomplishment and preserving the force.

⁸Reconnaissance by fire occurs when troops fire on a suspected enemy position to cause the enemy to disclose its presence by movement or return fire. (FM 101-5-1)

Coordination of the Corps Boundary

Prior to the ground war, the 3rd ACR was assigned to be the right flank screen force for the XVIII Airborne Corps along the XVIII Airborne Corps/VII Corps boundary. The 3rd Squadron was the 3rd ACR's right flank unit. The 2nd Brigade, 1st AD, was the VII Corps' left flank element. (See fig. 1.2.)

The 1st AD and the 3rd ACR agreed on contact points⁹ and exchanged liaison officers¹⁰ at both the regiment and division levels. Additionally, equipment and personnel were dedicated from the 3rd Squadron and the 1st AD to maintain visual contact and radio communications along the corps boundary and ensure coordination between the 3rd ACR and 2nd Brigade, 1st AD.

Coordination of Corps Boundary Broken

On February 22, 1991, in advance of the ground war, the 2nd Squadron, 3rd ACR, began breaching the Saudi/Iraqi berm, penetrating approximately 10 kilometers inside Iraq. The remaining squadrons of the 3rd ACR began moving into Iraq at approximately 1500 hours, February 24, 1991. The 3rd ACR advanced with the 2nd Squadron in the lead and the 1st and 3rd in reserve. The 1st Squadron eventually went on line with the 2nd Squadron while the 3rd Squadron continued as the reserve. The 1st AD was positioned in Assembly Area Garcia below the Saudi/Iraqi berm. (See fig. 1.2.) Its lead elements began breaching the berm at approximately 1500 hours, February 24, 1991.

The 3rd ACR and the 2nd Brigade, 1st AD, attempted to maintain the flank screen coordination during the move into Iraq. However, the flank screen coordination between the 3rd ACR and the 2nd Brigade was discontinued by midmorning on February 25, 1991, after the 2nd Brigade, 1st AD, bypassed the 3rd Squadron and advanced approximately 18 kilometers forward of the 3rd Squadron's position.

3rd ACR Mission to Attack Airfield

Several times during the 3rd ACR's movement into Iraq, it came under the operational control of the 24th Infantry Division, XVIII Airborne Corps. (See fig. 1.6.) At 1200 hours on February 26, 1991, the XVIII Airborne Corps advised the 3rd ACR that it was then under the operational control of the 24th Infantry Division and ordered it to attack from the assembly area

⁹Designated, easily identifiable points on the terrain where two or more units are required to meet. (FM 101-5-1)

¹⁰Personnel dedicated to communicating between elements of the military forces to ensure mutual understanding and unity of purpose and action. (FM 101-5-1)

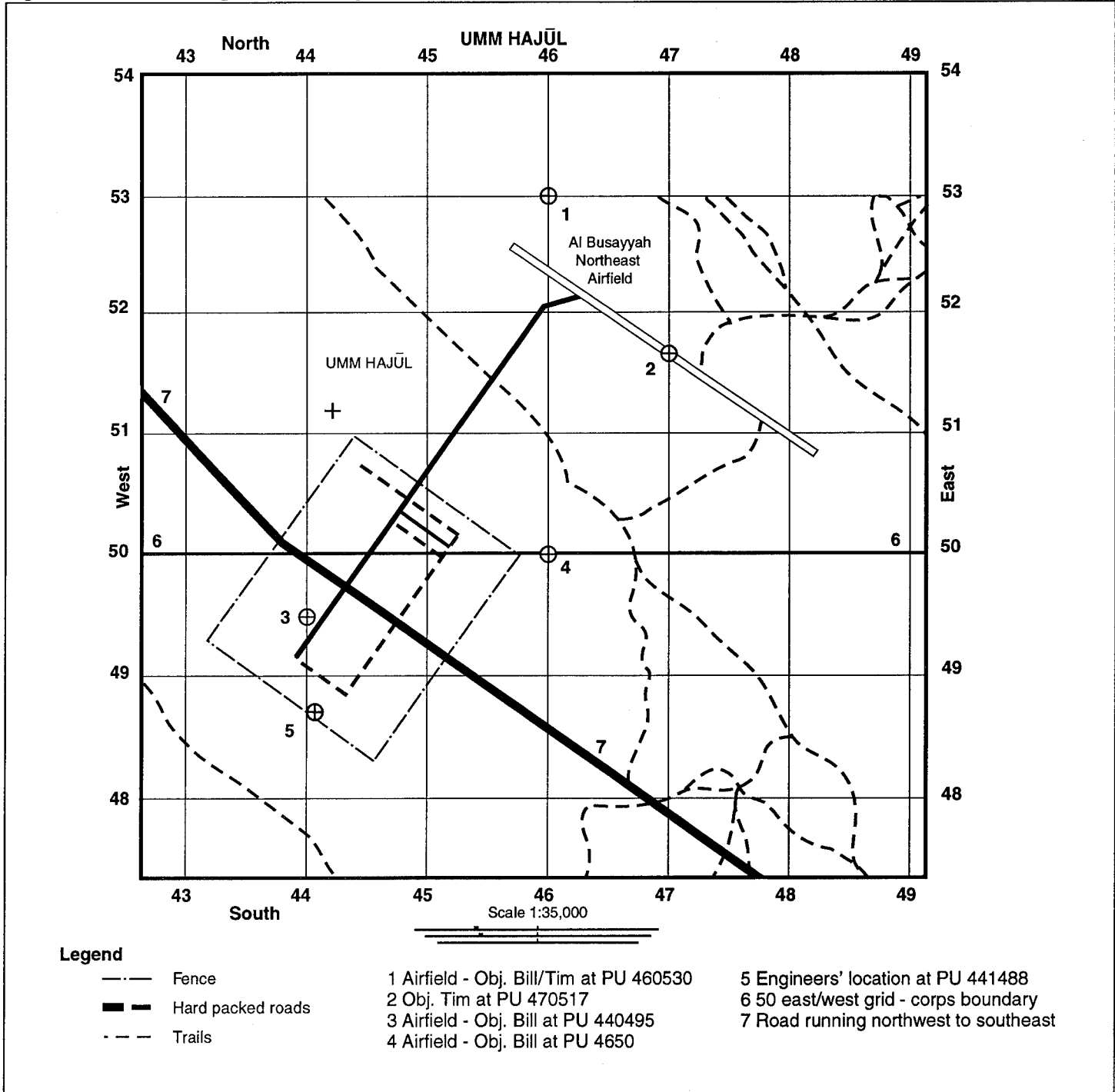
known as Objective Red Prime at grid coordinates **PU 0862**.¹¹ (See fig. 1.9.) The 3rd ACR was to clear the airfield at grid coordinates **PU 460530** (see fig. 1.7, legend 1)—later referred to as both Objective Bill and Objective Tim¹²—and to seize Qalib Al Luhays Airfield located at grid coordinates **PU 740600** (see fig. 1.8), later referred to as Objective Joe.

¹¹Grid coordinates identify a geographical point where north/south and east/west lines intersect in respect to a map grid. For example, the grid coordinates **PU 0862** indicate the geographical area (PU), the north/south grid line (08), and the east/west grid line (62). Coordinates may be written with varying specificity, i.e., 0862, 080621, and 08006210 represent the same coordinate.

¹²At 1430 hours, the XVIII Airborne Corps again directed the 24th Infantry Division to seize the airfield, identified as Objective Tim, but provided different grid coordinates—**PU 470517**. This was the actual location of the Al Busayyah Northeast Airfield. (See fig. 1.7, legend 2.)

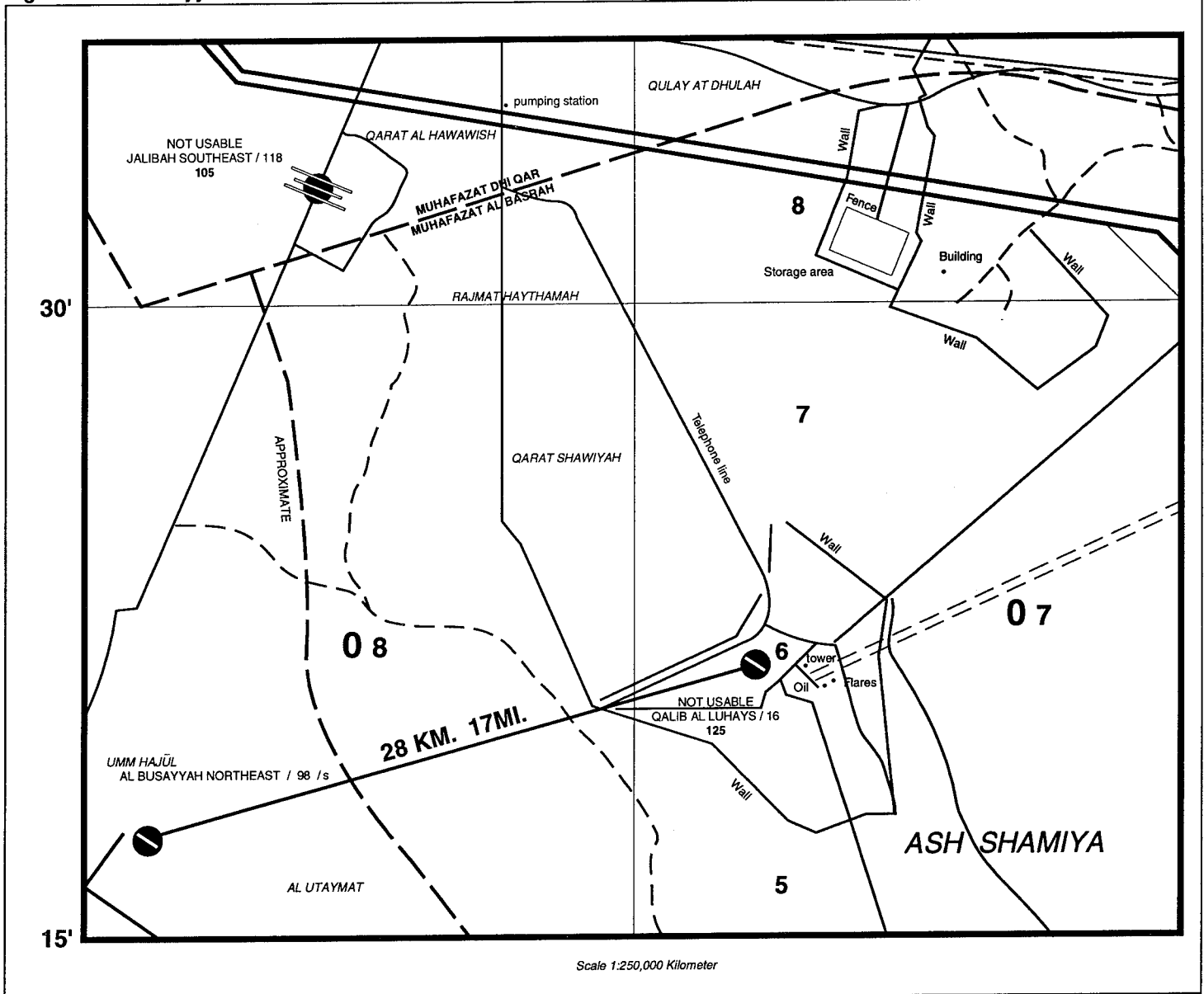
Chapter 1
Events Leading to the Fratricide Incident

Figure 1.7: 3rd ACR Assignment and Engineers' Location



Chapter 1
Events Leading to the Fratricide Incident

Figure 1.8: Al Busayyah Northeast Airfield and Qalib Al Luhays Airfield



Source: U.S. Army

The 3rd ACR, at 1300 hours, February 26, 1991, informed its squadrons that they were then under the 24th Infantry Division's operational control. The

3rd ACR further advised the squadrons that future operations would be oriented to the east/southeast with their northern operational boundary as the 67 east/west grid line and the southern boundary as the 50 east/west grid line. The squadrons were directed to seize Objective Bill, the previously mentioned airfield, at grid coordinates **PU 440495** (see fig. 1.7, legend 3), with a "gas plant" given as a second objective. For unknown reasons, the 3rd ACR used different grid coordinates for the airfield than the XVIII Airborne Corps had given it. Further, the **PU 440495** grid coordinates placed the objective below the 50 east/west grid boundary.

The 1st and 2nd Squadrons, the lead squadrons of the 3rd ACR, began arriving at the assembly area for the mission, Objective Red Prime, between 1400 and 1600 hours, February 26, 1991. The lead elements of the 3rd Squadron began arriving at approximately 1730 hours and were located in Tactical Assembly Area Claw at grid coordinates **PU 0762**. (See fig. 1.9.)

Attack Plan on Al Busayyah Northeast Airfield Issued by 3rd ACR Commander

The Plan

The 3rd ACR Operations Officer, a lieutenant colonel, wrote the Operation Plan based on direction from the 3rd ACR Commander, Colonel Starr. The 3rd ACR Operations Officer then issued an initial Warning Order¹³ to the 3rd ACR squadrons at 1820 hours, February 26, 1991, by radio, indicating that it would be followed shortly by a fragmentary order, or FRAGO.¹⁴ The mission, as stated in the Warning Order, was to attack and destroy an airfield at grid coordinates **PU 4650**, beginning at 2100 hours. This was the third grid coordinate issued for Objective Bill. (See fig. 1.7, legend 4.) The Warning Order indicated that, after an indirect¹⁵ artillery bombardment of the objective, the 1st and 2nd Squadrons would attack east, followed by the

¹³A Warning Order is a preliminary notice that an action or order is to follow. Usually issued as a brief oral or written message, it is designed to give subordinates time to make necessary plans for the operations. (FM 101-5-1)

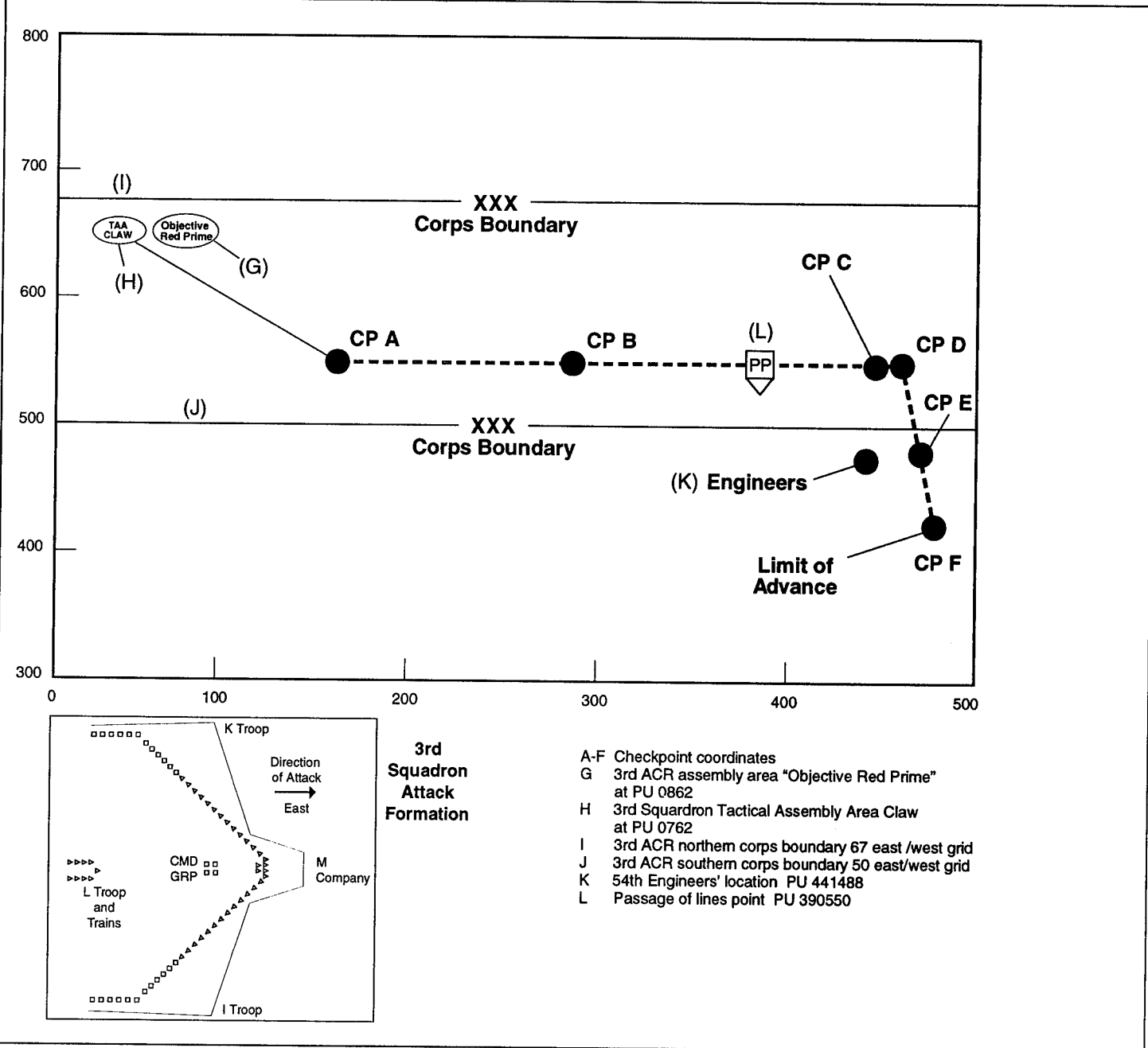
¹⁴A FRAGO is an abbreviated form of an operation order used to inform units of changes in missions and the tactical situation. (FM 101-5-1)

¹⁵Indirect fire is delivered on a target that the firing unit cannot see. Direct fire is delivered on a visible target. (FM 101-5-1)

3rd Squadron. After direct fire onto the field by the 1st Squadron, the 3rd Squadron would move through the other two squadrons, performing a passage of lines, to assault the airfield. (See fig. 1.9.) They were told that the north flank was open; no units were to their right, or southern, flank; and reconnaissance helicopters with nighttime vision capabilities would reconnoiter the area 1 hour before the attack.

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Events Leading to the Fratricide Incident

Figure 1.9: 3rd Squadron's Mission and Planned Passage of Lines



At 1856 hours on February 26, 1991, the 3rd ACR Operations Officer issued the FRAGO to the 3rd ACR squadrons by radio. The FRAGO stated, "enemy resistance was stiffening and to expect mines, fighting positions and local counterattacks." The squadrons were advised there was "no left flank unit" but there was a possibility that the 1st AD was on the right, or southern, flank. The attack mission was to begin at 2100 hours, destroying Objective Bill at grid coordinates **PU 4650** and continuing the following day to Objective Joe, a second airfield (Qalib Al Luhays Airfield) (see fig. 1.8) at grid coordinates **PU 7460**. Further, according to the FRAGO, the reconnaissance helicopters, which were to target the airfield at **PU 4650** beginning at 2030 hours, would report over the 3rd ACR Command radio frequency any enemy locations they detected. Colonel Starr stated that he had the helicopters conduct the reconnaissance only because "it was so damn dark" and because "if they [enemy] were out there, they were more likely to be at the airfield than behind a sand dune."

Concern Over the Southern Boundary

Colonel Starr and the 3rd ACR Operations Officer were concerned about the southern boundary from the time they received the Warning Order from the 24th Infantry Division to attack the Al Busayyah Northeast Airfield. According to Colonel Starr, the southern-most part of the airfield was too close to the 3rd ACR/1st AD boundary to allow the 3rd ACR to effectively maneuver and secure the airfield. Therefore, he had included a buffer zone in his initial operation plan. The 3rd ACR Operations Officer said concern also existed that an enemy force could use the road running southeast to northwest through the objective (see fig. 1.7, legend 7) to reinforce the area from the south.

According to a 1st AD Liaison Officer who was involved in the flank screen coordination, at approximately 1300 hours on February 26, 1991, he was directed by the 3rd ACR Command Group to drive east of the 3rd ACR location to determine the location of the 2nd Brigade, 1st AD. The liaison officer crossed the XVIII Airborne Corps/VII Corps Boundary and located the 2nd Brigade's main supply route, or logistics line. Although unable to determine the exact location of the 2nd Brigade's lead units, he did locate a broken-down vehicle along the 2nd Brigade's main supply route. The liaison officer returned at dusk to the 3rd ACR Tactical Command Post (TAC)—the headquarters element located well forward on the battlefield—and advised one of the TAC Battle Captains. The liaison officer believed the Captain passed the information regarding the 2nd Brigade's location to the 3rd ACR Operations Officer, as he seemed concerned about the flank units.

Colonel Starr, concerned about a lack of communication and coordination between the 1st AD and 3rd ACR, ordered his command and control helicopter to transport a 1st AD Liaison Officer and a 3rd ACR TOC Operations Officer to an area where communications with the 1st AD could be established. At approximately 1900 hours, the 1st AD Liaison Officer established radio communications with "Iron Oscar," the 1st AD Assistant Division Commander. The liaison officer requested that Iron Oscar allow a 5-kilometer buffer zone around the airfield as the 3rd ACR wanted to fire indirect artillery into the area. Iron Oscar denied the buffer zone because the 1st AD had supply lines and logistics elements in that area. He also stated that the 2nd Brigade had previously passed the 3rd ACR objective and that no enemy was present.

Attack Plan Issued to 3rd Squadron

At approximately 1900 hours, Lt. Colonel Daly, the 3rd Squadron Commander, 3rd ACR, sent a Warning Order to all 3rd Squadron troop commanders by radio to be prepared to receive an Operation Order at 2000 hours at the 3rd Squadron TOC. The troop commanders were further advised that the mission—to attack an airfield located at grid coordinates **PU 4650**—would begin at 2100 hours and that the 1-50,000 kilometer "map sheets" (such as fig. 4.1) would be needed for the mission.

At 2015 hours, Lt. Colonel Daly and others briefed the troop commanders about the mission. The squadron was to move in a wedge, or diamond, formation with M Company, a tank company, at the point; K and I troops as scouts to the left and right flanks, respectively; and L Troop following behind. (See fig. 1.9.) After the indirect artillery and direct fire by the 1st Squadron, the 1st and 3rd Squadrons would coordinate the passage of lines at the **PU 380550** grid coordinates. They were briefed that buildings would be at the center of the airfield, to expect stiff enemy resistance, and that "surface laid mines" were possibly at the airfield.

The 3rd Squadron issued grid coordinates to the troop commanders as checkpoints to navigate to the airfield, including (A) **PU 170550**, (B) **PU 290550**, (C) **PU 450550**, (D) **PU 462522**, (E) **PU 467484**, and (F) **PU 470430**. (The final two coordinates would obviously take the 3rd Squadron over the southern boundary, the 50 east/west grid line.) The 3rd Squadron would thus attack north-to-south, directly over the airfield. To assist their navigation, the 3rd Squadron troop commanders had a Global Positioning System, a small lightweight global positioning receiver that allowed users during Operation Desert Storm to receive map coordinate

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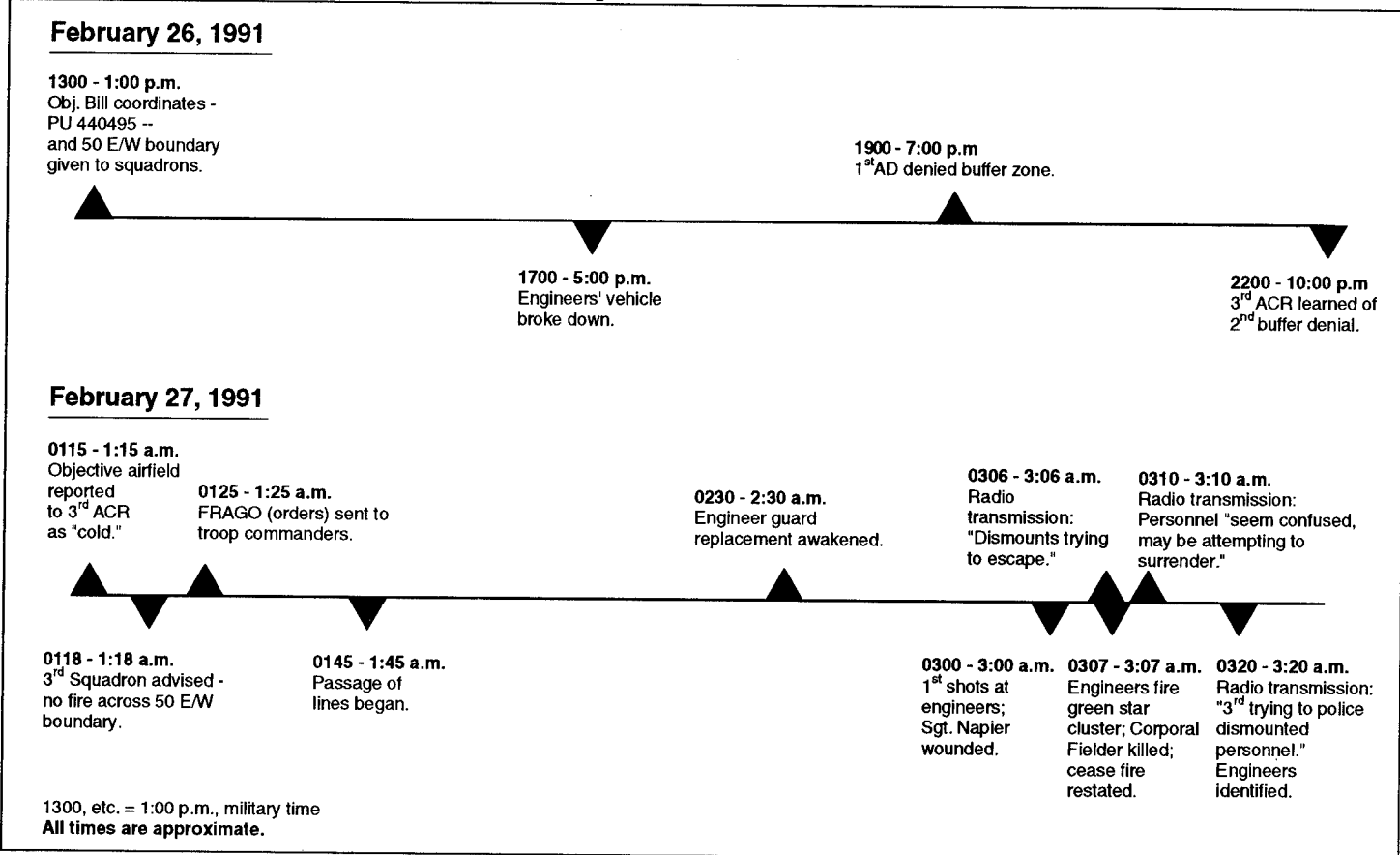
signals plus or minus 16 meters. The Psychological Operations (PsyOps)¹⁶ team attached to the 3rd Squadron was to begin broadcasting an Iraqi surrender appeal at grid coordinates **PU 450550**. After moving over the airfield, the 3rd Squadron would reform south, follow the 1st Squadron after it bypassed the airfield, and continue to Objective Joe (Qalib Al Luhays Airfield) at grid coordinates **PU 7460** (see fig. 1.8).

¹⁶PsyOps is a planned psychological activity directed towards the enemy to create attitudes and behavior favorable to the achievement of military objectives. (FM 101-5-1)

The Fratricide Incident

This chapter provides our determination of the events during the February 27, 1991, fratricide incident.

Figure 2.1: Times of Significant Occurrences Involving the Fratricide



The Engineers

The engineers were lightly armed, having only M-16 assault rifles, two M-203 grenade launchers, a .45-caliber pistol, and a .50-caliber machine gun mounted on top the M548. During the course of the evening of February 26, 1991, all the engineers, except for Lieutenant Wessels who monitored the radios inside the HMMWV, took turns standing hourly guard duty. When not on guard, they slept. At approximately 0230 hours on February 27, 1991, Specialist Driben was on guard and had awakened Specialist Walker so that he could assume the duty. As Specialist Driben waited for Specialist Walker, they heard vehicles approaching in the

distance. While Specialist Walker retrieved a set of night vision goggles from the M548, Specialist Driben ran to the front of the Small Emplacement Excavator. Specialist Walker joined Specialist Driben at the front of the excavator and stood on top of the excavator's bucket. Using the goggles in turn, they identified an M1A1 Abrams tank (M1A1) and Bradley Fighting Vehicles (Bradley) approaching from their northern flank. (See figs. 2.2 and 2.3.)

Figure 2.2: M1A1 Abrams Tank

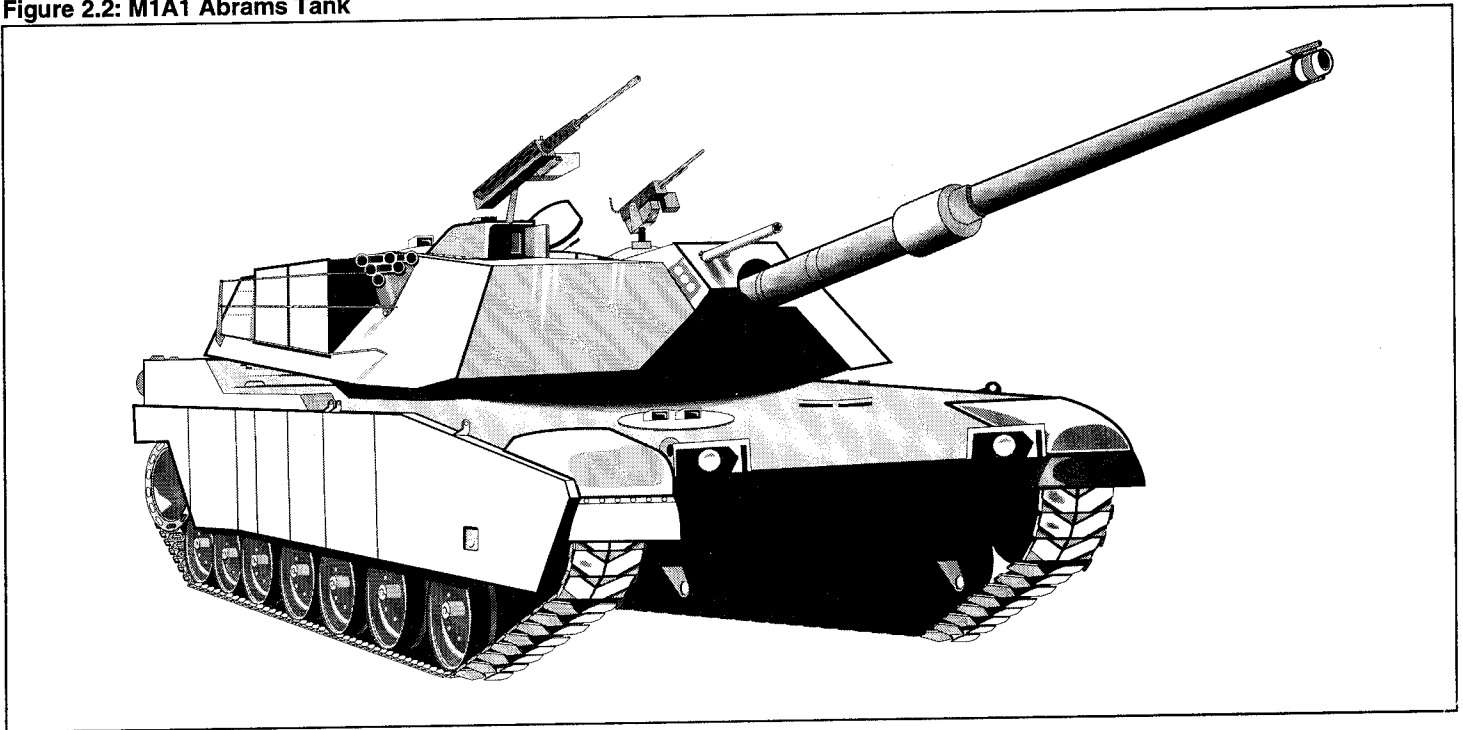
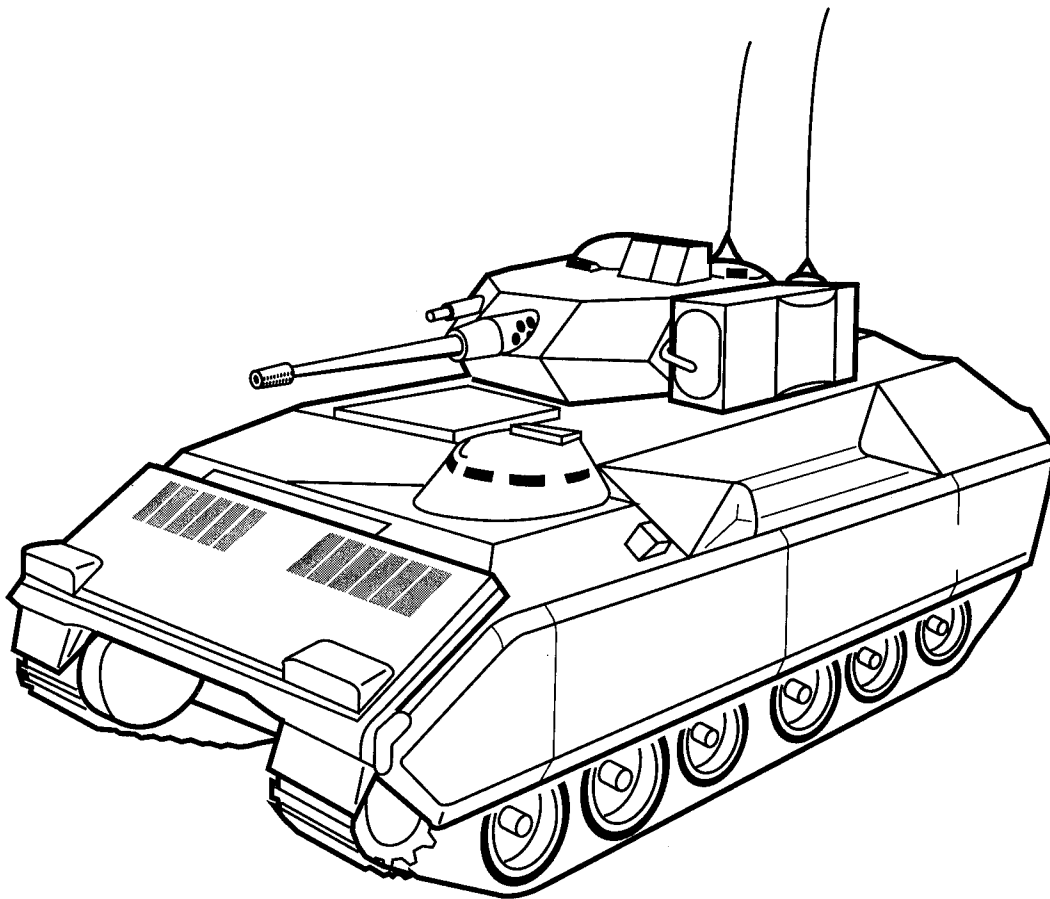


Figure 2.3: Bradley Fighting Vehicle



Both Specialist Walker and Specialist Driben said they thought that the vehicles were part of the recovery unit that was to rescue them. Specialist Walker attempted to identify himself to the approaching vehicles by switching off and on an infrared light affixed to the night vision goggles. As the vehicles continued their advance, Specialist Walker handed the goggles to Specialist Driben, who confirmed they were American vehicles. Specialist Driben then gave the goggles back to Specialist Walker and started to alert Lieutenant Wessels when they began receiving direct machine-gun fire from the approaching vehicles. Both Specialist Driben

and Specialist Walker ran immediately between the vehicles, awakening the other engineers and announcing that they were taking friendly fire.

As Sergeant Napier awoke, he was wounded in the right leg by the incoming fire. He leaped from the excavator, yelling that he had been hit. Specialist Walker then told Sergeant Napier to follow him as he ran for cover. However, Sergeant Napier fell, unable to move further. Specialist Driben, seeing Sergeant Napier fall, went to his aid.

Meanwhile, Corporal Fielder had positioned himself near some bushes located behind the vehicles. Specialist Driben saw Corporal Fielder and directed Sergeant Napier to crawl towards Corporal Fielder, while he ran to the HMMWV to retrieve his medical bag. During this period, Lieutenant Wessels was attempting to contact the 1st AD by radio requesting help in obtaining a cease-fire. Specialist Driben ran back to Sergeant Napier and Corporal Fielder's position.

When Specialist Walker realized that Sergeant Napier was not following him, he returned to Sergeant Napier, Specialist Driben, and Corporal Fielder's position and advised them of an indentation in the sand located approximately 100 yards behind the M548. Corporal Fielder directed Specialist Walker to carry Sergeant Napier to the indentation. Specialist Walker removed his Load Bearing Equipment¹⁷ and, utilizing a fireman's carry, carried Sergeant Napier to that location. Corporal Fielder then instructed Specialist Driben to prepare a "hasty defensive position" beyond where Specialist Walker had carried Sergeant Napier.

Specialist Driben ran, followed closely by Corporal Fielder, towards Specialist Walker and Sergeant Napier's location. While Corporal Fielder was running, he was apparently hit in the lower leg by machine-gun fire, causing him to fall. Corporal Fielder continued moving, making it to the edge of the position held by Specialist Walker and Sergeant Napier. Corporal Fielder assumed a kneeling position and began yelling to Specialist Driben to establish another defensive position.

Lieutenant Wessels then fired a green star cluster¹⁸ into the sky in an attempt to illuminate the area. Within seconds, Corporal Fielder was hit by

¹⁷Load Bearing Equipment is the equipment, such as packs, pouches, straps, and belt, that a soldier uses for carrying various items in the field in addition to clothes and a weapon. The items, determined by the commanders, may include ammunition, radio, canteen, etc.

¹⁸Unknown at the time to the lieutenant, a green star cluster was a daytime, ground-to-ground antifratricide recognition signal. The nighttime, ground-to-ground antifratricide recognition signal was a white star cluster.

three more rounds of machine-gun fire, causing him to fall on top of both Specialist Walker and Sergeant Napier.

Within seconds after firing the green star cluster, Lieutenant Wessels could hear the firing vehicles begin to flank his position. Realizing the situation was continuing to deteriorate, Lieutenant Wessels removed a red lens flashlight from his Load Bearing Equipment. Turning it on, he began walking in the direction of the flanking vehicles with his arms raised. At this time, he could hear the command of "cease fire, cease fire" coming from the vehicles.

As Lieutenant Wessels approached a Bradley, the Bradley's commander identified him as an American. In addition, a dismount from Lt. Colonel Daly's Bradley approached Lieutenant Wessels as to his identity and unit. Lieutenant Wessels advised him and then proceeded with him to the area where the other engineers were located. It was then that Lieutenant Wessels learned that Corporal Fielder had been killed.

Initiation of 3rd ACR Attack on Al Busayyah Northeast

At 2100 hours on February 26, 1991, the day before the fratricide incident, the 3rd ACR began moving east towards the Al Busayyah Northeast Airfield in the Umm Hajul area with the 3rd Squadron following the 1st and 2nd Squadrons. At approximately 2200 hours, a 1st AD Liaison Officer reported to the 3rd ACR Executive Officer, a lieutenant colonel, that the 1st AD had denied the second request for the 5-kilometer buffer zone. The 3rd ACR Executive Officer, in turn, advised the 3rd ACR Commander, Colonel Starr. Based on the denial, Colonel Starr directed the 3rd ACR Fire Support Officer to cancel all artillery targets close to or below the 50 east/west boundary line.

Although scheduled for approximately 2200 hours, at approximately 2400 hours, two reconnaissance helicopters began conducting operations along the PU 55 east/west grid coordinate—one in the northern sector, the second in the southern sector—to detect enemy in the area, including the Al Busayyah Northeast Airfield. One helicopter crew reported to Colonel Starr at approximately 0115 hours, over the 3rd ACR Command radio frequency, that the airfield was "probably cold," meaning no enemy (or friendly personnel) were detected.

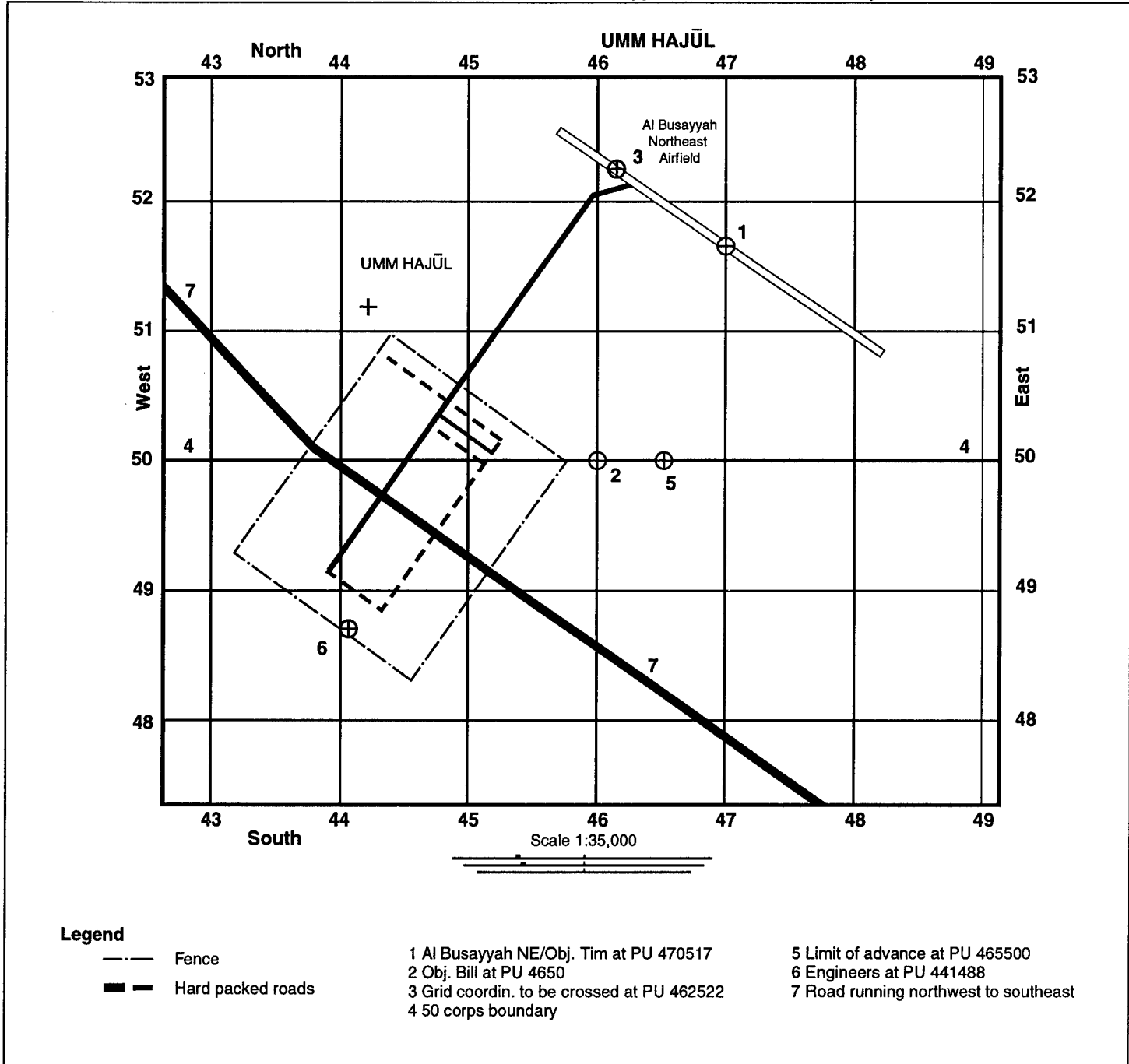
As the 3rd ACR continued its advance east, the M Company Commander, 3rd Squadron, received a FRAGO from the Operations Officer, 3rd Squadron, establishing a new 3rd Squadron limit of advance at grid coordinates

PU 465500. At approximately 0034 hours on February 27, 1991, an M Company platoon leader began attempting to coordinate the passage of lines with C Troop, 1st Squadron, at grid coordinates **PU 380550**.

While the passage of lines was being coordinated, the 3-18 Field Artillery unit fired indirect artillery onto the airfield from 0100 to 0110 hours. At 0118 hours, the 3rd ACR TOC sent a radio message to all elements of the 3rd ACR, advising the 1st Squadron to "fire eastward only if fired upon" and the 3rd Squadron not to "fire across the 50 grid [50 east/west]" boundary.

Subsequent to the 3rd ACR TOC message, the 3rd Squadron's Operations Officer issued a FRAGO via the 3rd Squadron Command radio frequency to the 3rd Squadron troop commanders: The 3rd Squadron was to continue following behind the 1st Squadron, pass through the 1st Squadron after the 1st Squadron's direct fire on the airfield, and proceed east then southeast. The 3rd Squadron was to cross over grid coordinates **PU 462522** and proceed to grid coordinates **PU 465500**, the limit of advance. (See fig. 2.4, legends 3 and 5.) The FRAGO further established three details: the Rules of Engagement—"will not fire unless fired upon"; the **PU 50** east/west grid coordinate was the boundary line; and the airfield was "probably cold."

Figure 2.4: Map Coordinates for Redirected 3rd ACR Attack on Al Busayyah Northeast Airfield, Objective Tim



The 1st Squadron Commander experienced radio problems at approximately 0139 hours; and because no enemy had been detected at the airfield, Colonel Starr canceled the 1st Squadron's direct fire order. At approximately 0145 hours, the 3rd Squadron began moving through the 1st Squadron to assault the airfield. During the movement toward the airfield, Lt. Colonel Daly in his Bradley, the Bradleys of the 3rd Squadron Operations Officer and the 3rd Squadron Fire Support Officer, the PsyOps HMMWV, and a FOX¹⁹ vehicle traveled as the 3rd Squadron Command Group. The Command Group oriented itself approximately 100 meters to the rear of the M Company Commander. The M Company Commander positioned himself 100 meters behind M Company's Red Platoon leader, who, in turn, was the point of the 3rd Squadron wedge formation. (See fig. 1.9.)

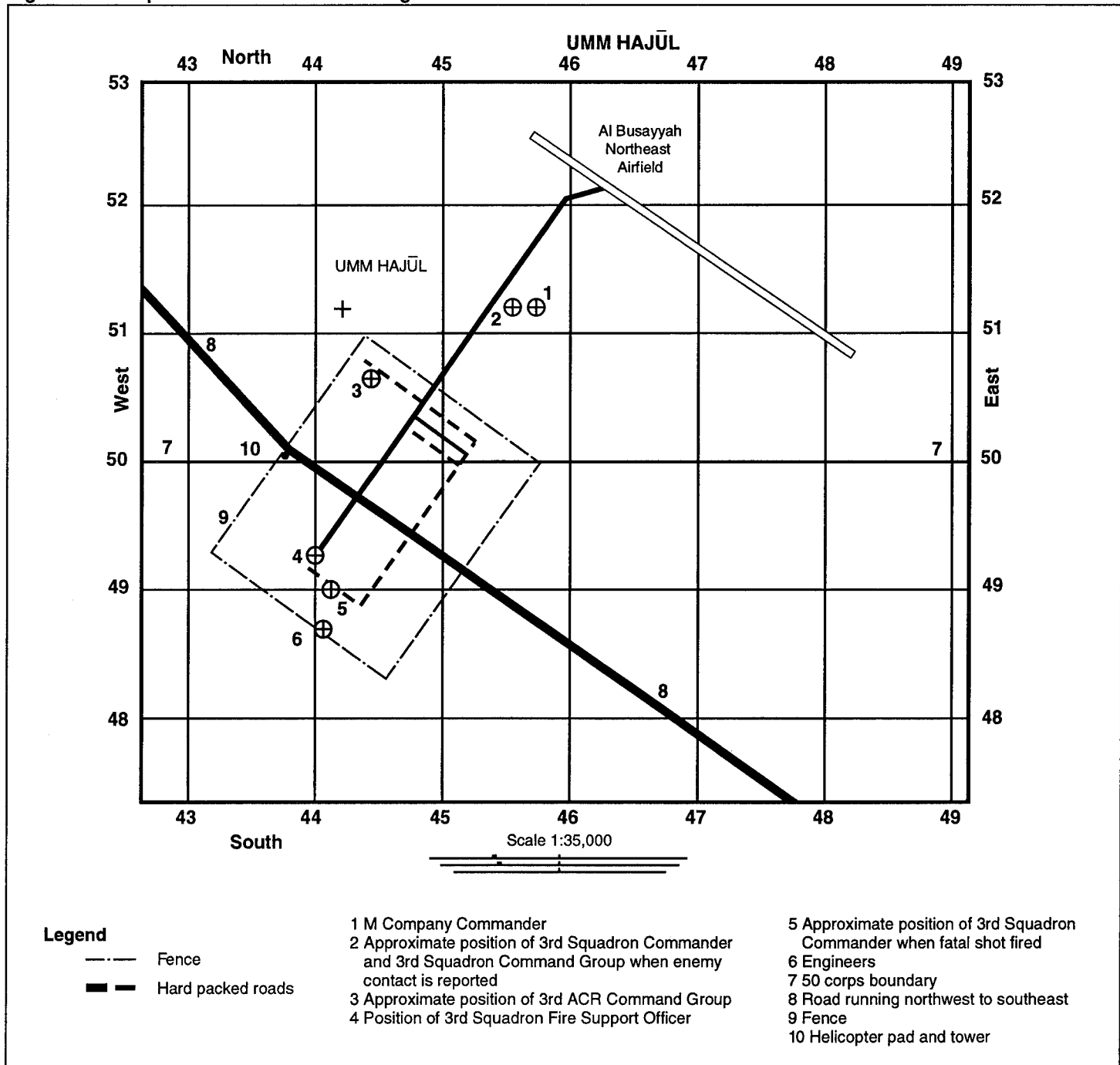
At approximately 0209 hours, the point platoon leader crossed what he believed to be the airstrip of the Al Busayyah Northeast Airfield (Objective Bill). This information was relayed to Lt. Colonel Daly, who reported it over the 3rd ACR Command radio net. Minutes later Lt. Colonel Daly reported over the 3rd ACR Command radio net that he had not found the airfield but instead had crossed a road.

As the wedge's point moved forward, I Troop's Red Platoon Leader—the far right element of the 3rd Squadron wedge formation—reported to the I Troop Commander, Captain Bodo Friesen, that he saw a fence and spotted a tower in the distance. (See fig. 2.5, legends 9 and 10.) Captain Friesen reported to the 3rd Squadron Commander, Lt. Colonel Daly, that I Troop had found the airfield and, according to Captain Friesen, received Lt. Colonel Daly's permission to break the fence perimeter and secure the area. The White Platoon, an I Troop tank platoon, breached the fence and moved directly towards the tower. Other platoon elements of I Troop also moved inside the fence.

¹⁹A FOX is a wheeled armored vehicle equipped with a fully integrated Nuclear, Biological, Chemical, and Reconnaissance System.

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The Fratricide Incident

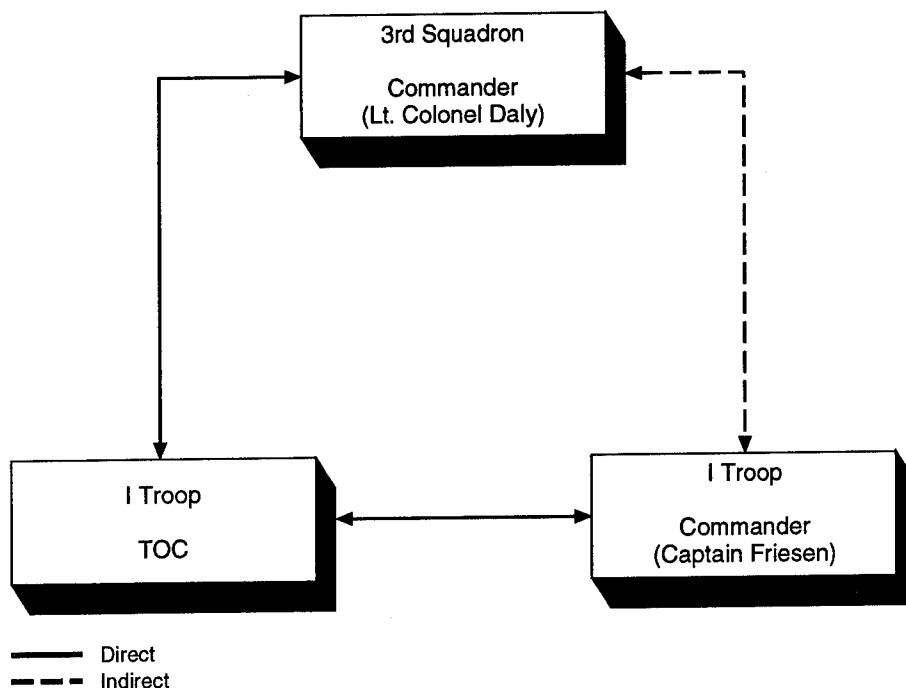
Figure 2.5: Troop Positions Before and During the Fratricide Incident



Detection of the Suspected Enemy (Engineers) and Recognition of U.S. Vehicles

Once inside the fence, the I Troop elements fanned out while moving south, unaware that they were approaching the XVIII Airborne Corps/VII Corps' 50 east/west boundary line. (During reconnaissance, one I Troop tank erroneously reported that Chevrolet vans were fleeing the area; the supposed vehicles were actually two jackasses.) As the I Troop elements continued their movement, Captain Friesen detected two human "hot spots," which were believed to be enemy, moving in and around what were believed to be buildings. Captain Friesen reported the detection to Lt. Colonel Daly, through the I Troop TOC Commander. (See fig. 2.6.)

Figure 2.6: 3rd Squadron's Line of Communication



Lt. Colonel Daly then advised Colonel Starr that enemy dismounts had been detected but that they appeared to be confused and did not want to give up. Colonel Starr told Lt. Colonel Daly to develop the situation but to try to get the dismounts to surrender. Lt. Colonel Daly advised Colonel Starr that he would lay down a field of fire in an attempt to get them to surrender.

According to the 3rd ACR Fire Support Noncommissioned Officer, Lt. Colonel Daly also advised Colonel Starr that he had seen “an M548 vehicle with full ammunition,” but he identified it as an Iraqi vehicle. The 3rd ACR Air Liaison Officer also monitored this report. (Earlier briefings to the Regiment had indicated that the Iraqis had vehicles in their inventory that looked similar to the M548.) Colonel Starr then ordered Lt. Colonel Daly to secure the vehicle so that it could be destroyed later. According to Colonel Starr’s gunner, Colonel Starr twice told Lt. Colonel Daly to confirm that the target was enemy before firing, and Lt. Colonel Daly acknowledged this order at least once.

Meanwhile, Captain Friesen requested the Blue Platoon, I Troop, to assist him in developing the situation, as he was approximately 600 meters from the hot spots. Two Bradleys from Blue Platoon, Blue 35 and Blue 36, joined Captain Friesen. They continued forward, approximately 200-250 meters from the target.

The Firing on and Further Recognition of U.S. Vehicles

Captain Friesen requested, and received, permission from Lt. Colonel Daly to fire warning shots. At the time, Lt. Colonel Daly was located between 1.8 and 2.3 kilometers northeast of Captain Friesen’s location. (See fig. 2.5, legend 2.) According to Captain Friesen and his gunner, the machine gun was elevated and angled at 45 degrees when his gunner fired a short burst left of the target area. Within seconds, Captain Friesen’s driver and gunner reported return fire. Captain Friesen then ordered his gunner and Blue 35 and Blue 36 to engage the target.

After approximately 30 seconds of firing, Lt. Colonel Daly, who according to the I Troop Executive Officer and others was continually requesting situation reports, ordered a cease-fire. The I Troop Commander, Captain Friesen, passed the cease-fire order to his platoons. Captain Friesen was also advised that Lt. Colonel Daly was directing the PsyOps team to be brought forward to broadcast an Iraqi surrender appeal. Captain Friesen ordered Blue 35 and Blue 36 to continue holding fire and not to fire unless fired upon, as one of the dismounted troops appeared wounded and he thought the dismounted troops might be attempting to surrender. Meanwhile, the five vehicles of the 3rd Squadron Command Group moved towards the engagement area. By the time the Command Group arrived on the scene, one of the targets was burning.

When Lt. Colonel Daly reported contact to Colonel Starr, Colonel Starr’s gunner began scanning the area through his thermal sights until he was

able to see what I Troop was looking at. The gunner told us that he located a HMMWV and an ammunition carrier and that he relayed this information to Colonel Starr, who was talking to Lt. Colonel Daly over the regimental command network.

When the vehicle ignited, the 3rd ACR Fire Support Officer, who was approximately 2 kilometers away from the targets, looked through his binoculars at the burning vehicle. Because it “certainly looked like an M548 vehicle” and the 3rd ACR used M548s as ammunition carriers, he called on the artillery command network to inquire if any of his vehicles were lost. He was later advised that all 3rd ACR artillery M548s had been accounted for.

Meanwhile, Lt. Colonel Daly positioned his Bradley approximately 200 meters from the target area, forward and left of Captain Friesen’s position. (See fig. 2.5, legend 5.) His gunner, who was scanning the area through the Bradley’s thermal sights, described the scene to Lt. Colonel Daly: Two soldiers were running to the left, away from the burning vehicle; one appeared to be “carrying something” that “looks like an RPG [rocket-propelled grenade]” on his back; one soldier went down to his knees while yelling at the other soldier; then one continued running through some bushes; and one soldier appeared to be moving around to the Bradley’s front.

Lt. Colonel Daly told us of that scene, “There is a discussion of them fleeing. ‘Fleeing’ is the wrong word. They are moving around in front of us.” The I Troop Executive Officer, who was on the 3rd Squadron Commander’s network, recalled receiving reports from Lt. Colonel Daly to the effect, “Hey, they’re getting away. They’re running left. You got to get on there and stop them. They’re getting away.”

Lt. Colonel Daly’s gunner requested permission to fire, saying, “Sir, let me fire. Let me fire. I can fire at his feet. I can switch it to chain and fire in the ground in front of him.” Lt. Colonel Daly initially denied his request, then gave permission to fire.

The gunner fired the machine gun at the ground troops, killing Corporal Fielder. Seconds before the gunner fired, a green star cluster appeared in the sky overhead.

Upon hearing and seeing the firing but not knowing who had fired, Captain Friesen reinforced his previous cease-fire command. The Blue Platoon Leader told Captain Friesen that Lt. Colonel Daly’s Bradley had fired. This

was confirmed by the I Troop TOC. The PsyOps team then began broadcasting the Iraqi surrender appeal, minutes after the green star cluster had appeared.

3rd Squadron Dismounts

At the time Lt. Colonel Daly's Bradley fired, the first of two individuals from his Bradley was on the ground, preparing to reconnoiter the area. After dismounting, the two individuals ran in front of the I Troop vehicles that were continuing to hold fire. They were initially thought to be enemy troops and were identified as Americans only after I Troop personnel detected their Kevlar helmets through their Thermal Imaging System gun sights.

Reporting of Fratricide

Under orders from Captain Friesen, Blue 35 and Blue 36 began to flank the engaged area from the west. During this process, Blue 36 encountered the engineers' Executive Officer, 1st Lieutenant Wessels, and confirmed that he was an American. At that same time, Lieutenant Wessels identified himself to a dismount from Lt. Colonel Daly's Bradley and led him to the engagement area. During this sequence of events, the I Troop Green Platoon Leader reported that, although he was unable to identify the dismounted troops on the ground, it appeared as though enemy prisoners of war had been taken.

In the meantime, a second dismount from Lt. Colonel Daly's Bradley approached Blue 35, as he had become lost trying to follow the first dismount. Because ordnance began to explode aboard the engineer vehicles, Blue 35 started to maneuver away; and the second dismount got inside Blue 35's Bradley. Before Blue 35 moved, the first dismount ran to Blue 35 and advised that American troops had been engaged.

Troops from Blue 35 and Blue 36 then dismounted and proceeded to the engagement area. They administered immediate medical attention to Sergeant Napier. However, ordnance continued to explode; and at one point, an explosion knocked many of the troops to the ground. Fearful that another explosion was imminent, both victims were taken from the scene using a HMMWV. All other troops moved away from the exploding vehicles.

Both Captain Friesen and Lt. Colonel Daly were subsequently made aware that friendly soldiers had been engaged. Lt. Colonel Daly then reported to Colonel Starr that a fratricide had occurred. Colonel Starr relayed the

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information to the 3rd ACR TOC; and a medivac helicopter was dispatched to the incident site at approximately 0435 hours to evacuate both victims.

Army Investigations of the Fratricide Incident and Subsequent Review

The Army Regulation (AR) 15-6 investigation²⁰ to ascertain facts concerning the incident, conducted by the 3rd ACR Judge Advocate²¹ absolved all personnel of any criminal or administrative responsibility. A supplemental AR 15-6 investigation, conducted by a brigadier general with the XVIII Airborne Corps, supported these findings and recommendations. However, a Forces Command Staff Judge Advocate reviewed the supplemental investigation and reversed the previous findings and recommendations. He instead found three 3rd ACR commanders to be negligent before and during the fratricide and recommended that they receive reprimands. He also found the engineers' Executive Officer to be negligent and recommended that the Executive Officer be issued an admonition. After consideration by the Commander in Chief, Forces Command, two of the reprimands were not made part of the individuals' official military personnel files; and the other reprimand was withdrawn. The admonition was allowed to stand.

The Army Investigation

Within hours of the fratricide incident, the 3rd ACR Commander, Colonel Starr, ordered the 3rd ACR Executive Officer, a lieutenant colonel, to begin an AR 15-6 investigation, as he wanted to "capture the information now, as it would be revisited later." Colonel Starr also ordered the 3rd ACR Executive Officer to contact the 24th Infantry Division, XVIII Airborne Corps, and the VII Corps to advise them of the fratricide, which he did. The 3rd ACR Executive Officer subsequently requested the 3rd ACR Judge Advocate, a captain, to accompany him to the accident site. Upon their arrival at the site, the 3rd ACR Executive Officer delegated the investigation to the 3rd ACR Judge Advocate, based on the Judge Advocate's assertion that the Executive Officer had been involved in the Operation Plan and, therefore, should not conduct the investigation.

The AR 15-6 investigation began on February 27, 1991, and was concluded on March 3, 1991. The original investigative materials consisted of a schematic drawing that indicated the grid coordinates for the engineers' vehicles and the 3rd Squadron Fire Support Officer, one other unidentified grid coordinate, and two photographs of the burned engineer vehicles. The

²⁰AR 15-6, in general, establishes procedures for both informal investigations, involving a single investigating officer, and formal investigations, or "boards of officers," which may involve more than one investigating officer. The primary function of any such investigation is to "ascertain facts and report them to the appointing authority. It is the duty of the investigating officer or board to ascertain and consider the evidence on all sides of each issue, thoroughly and impartially, and to make findings and recommendations that are warranted by the facts. . . ." (AR 15-6 Update, sec. 1-4 and 1-5, June 11, 1988)

²¹The 3rd ACR Judge Advocate has since left the military. He declined our request for an interview.

3rd ACR Judge Advocate, as the Investigating Officer, took 11 statements on the morning of February 27, 1991, from those who were directly involved in the incident, including 3 of the engineers. Over the next 4 days, 3rd ACR personnel gave eight additional statements and six follow-up statements. At the conclusion of the AR 15-6 investigation, the 3rd ACR Judge Advocate provided his report of findings and recommendations to Colonel Starr, who delivered the report to the XVIII Airborne Corps and the 1st AD Commander.

The AR 15-6 investigative findings included the following:

- "The airfield overlapped the 50 grid line, thus the proper clearing of the objective required a boundary violation.
- "Information regarding possible 1st AD 2nd Brigade trains [combat service support units] in the AO [Area of Operation] was not disseminated to the troops clearing the airfield.
- "Information regarding 1AD [1st AD] antifratricide thermal devices was passed to the 3/3 ACR [3rd Squadron, 3rd ACR].
- "The 3rd ACR and the 1AD LNO [1st AD Liaison Officers] acted properly in requesting a 5-km [kilometer] safety zone; however, when the request was denied, a buffer to cover the airfield should have been requested.
- "Spot reports by I Troop lead [sic] to confusion, especially in the area of returned fire.
- "Commanders on the scene complied with the Law of War and ROE [Rules of Engagement] and in fact made numerous attempts to encourage surrender that were not required by the Law of War or ROE [Rules of Engagement].
- "Information regarding our planned attack was not passed to the engineer personnel in the objective.
- "After hours of review of what were split-second decisions, based upon the circumstances present, all personnel acted reasonably and responsibly."

In view of his findings, the 3rd ACR Judge Advocate, as the Investigating Officer, recommended the following:

- "All personnel involved be absolved of any criminal or administrative responsibility.
- "Objectives in the future must be entirely within the unit boundaries.
- "Friendly forces in the area be informed of operations in the area.
- "Coordination regarding anti-fratricide signals be made prior to operations that will contact sector boundaries, to include frequencies and call signs.

- "Information regarding potential friendly forces in the area be passed to the actual attacking force.
- "CPL [Corporal] Fielder be recommended for a Bronze Star with 'V' Device for the valor he displayed in exposing himself to fire in order to aid his wounded fellow soldier."

Investigation Reopened to Answer Additional Questions

Because the VII Corps Commander raised concerns that the AR 15-6 investigation did not answer tactical questions or address questions of responsibility, the investigation was reopened on May 2, 1991. The 3rd ACR Commander, Colonel Starr, appointed the 3rd ACR Judge Advocate as AR 15-6 Investigating Officer to conduct the reopened investigation to answer the questions forwarded by the VII Corps Commander. The reopened investigation was completed on May 4, 1991.

In a second report of investigation, the 3rd ACR Judge Advocate concluded the following:

- "All personnel involved acted responsibly.
- "Additional exchange of information between the 1st AD and the 3d [3rd] ACR may have proved useful.
- "Better dissemination of known information by both 3d [3rd] ACR and 1st AD to the Commanders and troops in the actual area concerned would have been beneficial."

Supplemental AR 15-6 Investigation by XVIII Airborne Corps

The 54th Engineer Battalion Commander and the VII Corps Staff Judge Advocate undertook subsequent reviews of the AR 15-6 investigation. Based on their reviews, they requested that the XVIII Airborne Corps address additional questions concerning the fratricide incident. On October 18, 1991, the XVIII Airborne Corps directed that an informal supplemental AR 15-6 investigation be conducted. It appointed a brigadier general as the Investigating Officer.

Prior to the supplemental investigation's close, the Department of the Army's Vice Chief of Staff and Inspector General were briefed on the investigation's status by the second Investigating Officer. Additionally, the Commander in Chief, Forces Command, requested the Army's Office of Inspector General (OIG) to informally review the investigation. Following the OIG review, the Army's Chief of Staff was briefed. Because of questions raised by the OIG during its review and inquiries from Corporal Fielder's family, the Office of the Army Chief of Staff forwarded additional

questions to the second Investigating Officer. His supplemental investigation, which generally supported the original investigation, was officially closed on March 17, 1992. (See ch. 4 for the second Investigating Officer's investigative findings and recommendations.)

Forces Command Staff Judge Advocate's Review

Upon completing the supplemental investigation, the second Investigating Officer's results were forwarded to the Army's Headquarters Forces Command, which requested its Staff Judge Advocate to review them. The Forces Command Staff Judge Advocate, in a report dated April 3, 1992, recommended reversing the second Investigating Officer's findings and recommendations and found the 3rd ACR Commander, Colonel Starr; the 3rd Squadron Commander, Lt. Colonel Daly; and the I Troop Commander, Captain Friesen, negligent in their actions before and during the fratricide incident. Further, he recommended that they be issued reprimands. He also recommended that the engineers' Executive Officer, 1st Lieutenant Wessels, be admonished for his negligence.

Specifically, the Staff Judge Advocate found that Colonel Starr had "failed to exercise reasonable and prudent caution" when authorizing 3rd Squadron elements to move south without first determining their exact location and was "negligent" in placing his forces at risk by allowing them to cross the corps boundary and in failing to ensure that the individuals in the other zone were in fact enemy before action was taken against them. He stated that Lt. Colonel Daly "knew or should have known" that the 50 east/west grid line was the boundary, put his soldiers at "considerable risk" by allowing them to cross the corps boundary in front of advancing friendly troops, and was "negligent" in failing to determine his and his subordinates' locations before allowing them to move south. Further, Lt. Colonel Daly's assumption that individuals sighted outside his axis of advance were the enemy amounted to "negligence and dereliction of duty." With regard to Captain Friesen, the Staff Judge Advocate found that his failure to ensure that he knew the southern boundary of his line of advance was "negligence," resulting in Sergeant Napier's injury and endangering the other engineers.

The Staff Judge Advocate also found that the engineer's Executive Officer, 1st Lieutenant Wessels, was "negligent" in only placing men on guard and failing to establish defensive perimeters and a plan of defense. Further, Lieutenant Wessels should have taken more steps to protect his men by identifying himself or indicating that he was surrendering. The Staff Judge

Advocate recommended that an admonition be issued to Lieutenant Wessels.

On the basis of his recommendations, Colonel Starr, Lt. Colonel Daly, and Captain Friesen were reprimanded; and Lieutenant Wessels received an admonition. After considering replies made by those reprimanded, the Commander in Chief, Forces Command, the final authority on the disposition of the AR 15-6 investigation, decided to withdraw the reprimand to Captain Friesen. He also decided to file the reprimand for Lt. Colonel Daly in his military personnel records jacket—which is maintained at the local installation level and is not part of the official personnel records reviewed for promotion purposes—for 1 year. Colonel Starr's reprimand was not placed in his personnel file. Lieutenant Wessels did not respond to the admonishment, and it was allowed to stand.

Chapter 3
Army Investigations of the Fratricide
Incident and Subsequent Review

GAO's Investigation and Analysis of Supplemental AR 15-6 Investigative Findings

Our investigation and analysis of the supplemental AR 15-6 investigation indicate that its findings—which upheld the initial AR 15-6 investigation—were incomplete, inaccurate, and not supported by available evidence. However, those findings were sufficient for the reviewing Forces Command Staff Judge Advocate to reach conclusions and make recommendations that were the opposite of those of the two Investigating Officers.

We agree in the main with the Forces Command Staff Judge Advocate's findings, which he based on information derived from the AR 15-6 investigations. Further, we found no evidence that documents were intentionally destroyed or that witnesses were intimidated or retaliated against. However, the Forces Command Staff Judge Advocate stated his supposition to us that the Investigating Officer had a predetermined conclusion for the AR 15-6 investigation and that, as a result, the Investigating Officer's "objectivity was skewed" in favor of those in command during the incident. Our investigation supports that statement. In addition, a number of 3rd ACR personnel received awards for valor during the incident. Those awards were based on misleading statements and misrepresentations by officers involved in the incident, including the 3rd ACR and 3rd Squadron Commanders.

Although we analyzed both the initial and supplemental investigations, our analysis emphasizes the supplemental investigation, quoting the headings and findings from its investigative report, because it answered questions and provided details beyond those of the initial investigation.

"Graphics and Journals of the Operation"

Investigating Officer's Findings

The Investigating Officer found "no evidence of foul play or misfeasance in the handling of records," as all records for the 3rd Squadron TAC and TOC had been lost when "the original vehicles used as the . . . TOC and/or the . . . TAC broke down and records were left with them." "However, the personal notes of the [3rd Squadron] Commander and Staff principals involved provide adequate evidence to reach the findings contained in the [initial Investigating Officer's] report."

GAO's Findings

We found no evidence that foul play or misfeasance occurred in the handling of records. However, our investigation indicates that the 3rd ACR Judge Advocate did not secure all relevant logs and records pertaining to the mission as soon as possible after the incident occurred. Further, we found no evidence that the 3rd Squadron Commander, Lt. Colonel Daly, or his staff provided any personal notes to the original Investigating Officer, the 3rd ACR Judge Advocate.

The second Investigating Officer obtained documents and records from only three witnesses. Had both Investigating Officers attempted to probe further, they would have obtained a wealth of documents, information, and insight into the incident. For example, during our investigation, we obtained an audio tape recording of the fratricide incident as it occurred (see app. I.) and evidence of two additional audio tapes. Documents outside the 3rd ACR were also available that assisted us in our investigation.

"Objective Bill"

Investigating Officer's Findings

"Objective Bill was identified as a possible XVIII Airborne Corps objective prior to the start of the ground war. It was one of several Iraqi airfields in the area to be used by the 101st Air Assault Division for their future operations. Since this objective was approximately 130 km [kilometers] deep into Iraq, it was not determined prior to the start of the ground war which unit would eventually be assigned to take the Objective. That decision would be made later in the war based on the tactical situation at the time. The 3d Armored Cavalry Regiment (3d ACR) was assigned Objective Bill by the XVIII Airborne Corps on the afternoon of 16 [26] February 1991 at about 1600 hours—only five hours before crossing the line of departure. The 3d ACR commander decided to attack the objective from the north in order to attack perpendicular to the long axis of the airfield. To execute this plan, it was essential to obtain approval from the 1st AD for a . . . 5 km buffer zone into the 1st AD zone. The purpose of the boundary change or buffer zone was to ensure that no friendly troops were in the vicinity of the objective." When the request was denied, the revised plan, for a west-to-east attack, was adopted.

GAO's Findings

We were unable to confirm that Objective Bill was an identified XVIII Airborne Corps objective prior to the ground war's beginning. The only reference to this area that we were able to locate was made in a February 26, 1991, "Critical Facilities Study," which referred to an "unidentified heliport with a control tower and support buildings."

We determined the 3rd ACR had learned as early as 0400 hours on February 26, 1991, that it would be placed under the operational control of the 24th Infantry Division. At 1200 hours, February 26, 1991, the XVIII Airborne Corps placed the 3rd ACR under the 24th Infantry Division and ordered the 3rd ACR to first clear the airfield at grid coordinates **PU 460530** (Objective Bill) (see fig. 1.7, legend 1) and then seize the Qalib Al Luhays Airfield at map grid coordinates **PU 740600** (see fig. 1.8). This was 9 hours, rather than 5 hours, before crossing the line of departure. At 1430 hours, the XVIII Airborne Corps directed the 24th Infantry Division to seize Objective Tim (Al Busayyah Northeast Airfield) at grid coordinates **PU 470517** (see fig. 1.7, legend 2). However, three different sets of coordinates were given for Objective Bill, possibly contributing to confusion during the mission.

The 3rd ACR Commander, Colonel Starr, acknowledged that he was initially surprised that the buffer zone was denied; he then "assumed someone must be just over the [boundary] line." He changed the attack's orientation to west-to-east because to "attack against a boundary is not smart."

"Identification of Units"

Investigating Officer's Findings

The engineer guards (54th Engineer personnel), using night-vision devices, "immediately recognized the oncoming . . . 3d ACR tanks as friendly" vehicles since "the M1[A1] tank is easily identifiable due to its unique profile." The 3rd ACR forces did not identify the engineer vehicles because

"a. The . . . vehicles were in a slight depression. . . .

"b. The poor weather conditions caused the 3d ACR forces to conduct the engagement primarily through thermal sites [sic]. The drivers, gunners, and commanders tried other night vision devices as well as the naked eye but found the thermal sites [sic] to be the most effective. . . .

"c. The Small Emplacement Excavator (SEE) does not have a distinctive profile nor is it seen on the battlefield in great numbers. . . ."

d. The 1.5-ton trailer attached to the excavator looked "like a small building" through the thermal sights. Based on the other vehicles' locations, the "trailer was the only vehicle that could be seen clearly. The other vehicles could not be clearly seen until the 3d ACR vehicle[s] maneuvered to the flanks of the engineer unit after the fatal shots had been fired.

"e. The HMMWV, which is identifiable, was masked behind the SEE trailer.

"f. The M548 ammunition carrier was behind the SEE and trailer and is not as easily identifiable as the M1A1 tank.

"g. The engineer unit did not possess blue filtered strobe lights and white star clusters which were the USCENTCOM [U.S. Central Command]-approved anti-fratricide devices. . . .

"h. The engineer personnel did not wear their Kevlar helmets or Load Bearing Equipment (LBE) which would have been distinctive through the thermal sites [sic] of the 3d ACR vehicles."

i. The 3rd ACR did not send mounted or dismounted reconnaissance patrols to identify the engineer unit because it was believed "that the 'enemy' unit might inflict casualties. . . ."

Chapter 4
GAO's Investigation and Analysis of
Supplemental AR 15-6 Investigative Findings

GAO's Findings

To follow the investigator's line of reasoning,

- a. The evidence indicates that the engineer vehicles were located in a slight depression.
- b. Hours before the incident, it had rained. Reports differ as to the visibility at the time of the incident, ranging from clear with stars and moon shining to overcast. However, weather conditions were not a factor in the incident and were not the reason 3rd ACR personnel used their Thermal Imaging Systems. We were told that 3rd ACR personnel usually used these systems at night.
- c. The Small Emplacement Excavator has a very distinctive profile (see fig. 1.5); however, we agree that it may not have been a common sight on the battlefield.
- d-f. Prior to the fatal shots being fired, the M548 Ammunition Carrier (see fig. 1.3) was visible to crew members aboard Lt. Colonel Daly's Bradley. Additionally, the gunner for Colonel Starr had detected the M548 and the HMMWV from approximately 2 kilometers and advised the Colonel. Later, the 3rd ACR Fire Support Officer was also able to detect the burning M548 with binoculars from a distance of about 2 kilometers.
- g. The engineers were not in complete compliance with the Anti-Fratricide Standard Operating Procedures in effect when the incident occurred. They were unaware of the nighttime antifratricide recognition devices.
- h. When the incident occurred, three of the five engineers were wearing their Load Bearing Equipment. Specialist Walker removed his Load Bearing Equipment to carry Sergeant Napier. Specialist Driben had his equipment and Kevlar helmet on during the entire incident. Medical personnel had to remove Corporal Fielder's equipment after the incident. Lieutenant Wessels had his Kevlar helmet on during the incident.
- i. Lt. Colonel Daly dismounted two personnel from his Bradley.

"Cease Fire"

Investigating Officer's Findings

"There was no binding cease-fire in effect that applied to the [3rd] Squadron Commander, LTC [Lt. Colonel] Daly, when the fatal shots were fired. The I Troop Commander, CPT [Captain] Friesen, had previously ordered his unit to stop firing because he determined that a sufficient volume of fire had been delivered and he was no longer receiving return fire from the 'enemy' unit. This so called cease-fire or check-fire was, in essence, CPT Friesen ordering the troops under his command to stop firing and not fire again without his permission. It was simply a fire control measure that applied only to I Troop and was not a cease fire in the legal sense that applied to any other unit. In fact, the I Troop cease-fire was never violated because no I Troop unit fired again in this encounter. LTC Daly, the next higher commander, monitored the cease-fire on the radio and took it as a fire control measure that CPT Friesen had imposed on I Troop. LTC Daly was clearly authorized to order the resumption of firing independently of any I Troop fire control measures. His order to fire at what he thought were maneuvering and/or escaping enemy troops was justified and within the established Rules of Engagement."

GAO's Findings

We determined that both AR 15-6 investigations did not address all relevant issues, specifically (1) the issue surrounding the firing of the warning shots by Captain Friesen, (2) return fire from the target area, and (3) Lt. Colonel Daly's direct involvement in the incident and the elapsed time from the warning shots until the fatal shots. Based on our investigation and review of an audio tape of the incident, transcribed in appendix I, we are providing a detailed analysis of the events.

As Captain Friesen moved inside the fence, he detected dismounted soldiers (the engineers), who he presumed were "enemy soldiers," moving in and out of "buildings." He requested elements of I Troop's Blue Platoon to assist him. Those elements became confused and had difficulty locating his position. By this point, Captain Friesen had cut off his auxiliary speaker that monitored the 3rd Squadron's frequency, thus severing his ability to listen to the 3rd Squadron Commander's radio communications. Moving closer to the detected soldiers, he requested and received permission from Lt. Colonel Daly to fire warning shots, although he had not confirmed that his target was the enemy. After receiving permission, according to Captain Friesen and his crew, they shot at an elevated 45-degree angle away from the engineers.

However, Captain Friesen's and his crew's statements about the angle of the warning shots were not consistent with the engineer guards' description of the firing sequence. The engineer guards stated the first firing they saw was directly at them; one of the engineers described the firing as the "tracer rounds walked right past [me]."

Further, according to Captain Friesen and his crew, once the "warning shots" were fired they saw what they believed to be return fire. This was contradicted by (1) the engineers, as they stated they did not fire any weapons during the incident, and (2) other I Troop personnel, who were told by Captain Friesen that they were taking fire, as they did not see return fire. Based on Captain Friesen and his crew's perception of return fire, the warning shots fired by Captain Friesen were perhaps (1) mistakenly fired directly at the engineers, striking their vehicles and creating sparks or arcs that appeared like muzzle fire or bullet tracers to the I Troop Commander and his crew, or (2) the warning shots arcing from Captain Friesen's vehicle, which had the appearance of return fire.

Prior to the warning shots being fired, the 3rd Squadron Commander, Lt. Colonel Daly, was approximately 2.5 kilometers northeast of the engineers' location, following approximately 100 meters to the rear of the

M Company Commander. (See fig. 2.5, legends 1 and 2.) Colonel Starr, the 3rd ACR Commander, directed Lt. Colonel Daly to move to the area. As Lt. Colonel Daly and the 3rd Squadron Command Group moved south towards the area, Captain Friesen fired the warning shots, just as Lt. Colonel Daly was moving through the fenced area, approximately 1.8 kilometers from Captain Friesen's position. This caused the engineers on guard to alert the other engineers that they were receiving friendly fire and seek immediate cover. Based on what Captain Friesen thought was return fire, he ordered Bradley Fighting Vehicles Blue 35 and Blue 36, along with his own gunner to engage. During this volley of fire the Small Emplacement Excavator was hit, wounding Sergeant Napier.

Lt. Colonel Daly—seeing the firing by Captain Friesen, Blue 35, and Blue 36—interpreted all the firing to be part of the warning-shot sequence and believed it was excessive. Lt. Colonel Daly ordered Captain Friesen to cease fire; Captain Friesen, in turn, ordered Blue 35 and Blue 36 to cease fire.

As Lt. Colonel Daly continued to move towards the area, he was told that the I Troop elements had received fire. He directed that I Troop continue observing the "enemy" while the PsyOps team was brought forward. As the situation developed, Captain Friesen determined that at least one soldier appeared to have been wounded and one appeared to be surrendering. He reaffirmed to his subordinate units to "continue holding fire" as he believed the enemy had been contained. All of this information was relayed to the I Troop TOC over the I Troop Command radio frequency. Further, according to the I Troop Executive Officer, Lt. Colonel Daly was given constant situation reports during this period over the 3rd Squadron Command radio frequency.

As Lt. Colonel Daly moved closer, his Bradley driver commented that he could "run him [a soldier] over." Once Lt. Colonel Daly had arrived on the scene and moved forward of the I Troop elements there, transmissions came across the Squadron Command radio frequency network from both Lt. Colonel Daly's and the 3rd Squadron Operations Officer's vehicles that "[t]hey're getting away; they're running left." Lt. Colonel Daly's gunner stated that one of the soldiers looked as though he might have a weapon or rocket-propelled grenade on his back. The gunner insisted on firing and requested that Lt. Colonel Daly "allow him to fire at his feet," saying "I can switch it to chain and fire in front of him." Lt. Colonel Daly's initial response to firing was "no." However, he then gave permission. His gunner fired the machine gun, fatally wounding Corporal Fielder.

Approximately 3 minutes and 45 seconds before Lt. Colonel Daly's gunner fired the fatal shots, Captain Friesen noted Bradley vehicles (which we now know included Lt. Colonel Daly's) to his left. Approximately 22 seconds before the fatal shots, Captain Friesen was informed that the 3rd Squadron Command Group was near him. After the shots were fired, Captain Friesen immediately inquired of his own troop. He was then directed (by Lt. Colonel Daly) to switch radio frequencies and speak directly with Lt. Colonel Daly. (See fig. 2.6.)

The time sequence from the initial warning shots to the fatal shots was approximately 7 minutes 15 seconds. Captain Friesen, the Blue Platoon Leader, and the I Troop Executive Officer all thought the situation was under control before the Lt. Colonel arrived on the scene and fired. Other soldiers on the scene saw Lt. Colonel Daly's actions as unwarranted and believed the Lt. Colonel wanted, as one soldier said, to "just get in some shots." (See app. I.)

XVIII Airborne Corps/VII Corps "Boundary"

Investigating Officer's Findings

"The I Troop 3/3 Armored Cavalry Regiment (ACR) Command Group was on the XVIII Airborne Corps side of the XVIII-VII Corps boundary during the incident despite not knowing the location of that boundary. Therefore, the warning shots from the I Troop Commander's vehicle were fired across the boundary into the VII Corps zone. Current Army doctrine (FM 100-5-1) [FM 101-5-1] allows firing direct fire across a boundary at an enemy position. . . . Two I Troop Bradleys, I-35 and I-36, had unknowingly maneuvered to the VII Corps side of the boundary when they later fired the shots that wounded SPC [Specialist] Napier. When the 3/3 ACR squadron commander, LTC [Lt. Colonel] Daly, arrived on the scene he was faced with a situation where the suspected enemy unit and I Troop had exchanged fire. Therefore, he believed that the engineer unit was a confirmed Iraqi unit.

"Additionally, it was reasonable to believe the 'enemy' force might be deploying anti-tank weapons, other weapon systems and/or calling for artillery fire. LTC Daly, at this point, did not conduct a position check to determine his location relative to the boundary because he felt he was in a combat engagement situation. The primary rule of engagement—protection of the force—allowed LTC Daly to maneuver to what he believed was the optimum combat location which was approximately 900 meters into the VII Corps zone. The fatal shots were fired from that location. Based upon FM 100-5-1 [FM 101-5-1] and the Rules of Engagement, the 3/3 ACR did not violate Army doctrine by firing into or crossing into the VII Corps zone under the existing circumstances."

GAO's Findings

Colonel Starr and Lt. Colonel Daly knew the 50 east/west grid line was the corps boundary. The I Troop Commander, Captain Friesen, was unaware of the corps boundary's significance, since he was unaware of the change in the attack's orientation. According to the original operation plan, the 3rd Squadron was to proceed 7 kilometers south of the 50 east/west grid line. Captain Friesen and elements of I Troop crossed the 50 east/west boundary before any shots were fired. The warning shots and subsequent firing by Captain Friesen occurred approximately 1 kilometer inside VII Corps territory.

When I Troop first reported contact, Colonel Starr was approximately 800 meters north of the boundary. Lt. Colonel Daly was approximately 1.3 kilometers north of the boundary. Neither Commander determined his own location, or those of their subordinate units, even though they knew that they were operating near the corps boundary and friendly troops might be across the boundary. Further, after contact was first reported and the elements of I Troop had engaged the target, Lt. Colonel Daly moved approximately 2.3 kilometers, crossing the corps boundary and became directly involved in the incident.

As Lt. Colonel Daly and the 3rd Squadron Command Group moved toward the area, they passed the 3rd ACR Command Group, situated adjacent to the fence. (See fig. 2.5.) The 3rd ACR Fire Support Coordinator announced over the 3rd ACR Command radio network that "you've got 800 meters" to the 50 east-west boundary. The Fire Support Coordinator received a confirmation of "Roger" from someone.

No firing was conducted across the corps boundary; all firing occurred on the VII Corps side of the boundary. However, the boundary stipulated in the FRAGO had been breached before Captain Friesen identified the suspected enemy.

"Essential Information ..."

"From the Regiment to the Squadrons"—Investigating Officer's Findings

"Intelligence before 24 February 1991 (Ground Day) indicated that Iraqi ground forces had . . . anti-armor weapons which could defeat, at the very least, Bradley Fighting Vehicles." Intelligence also "indicated that the first belt of Republican Guards" was in the Objective Bill area, with "a possible Battalion-sized element dug in on the airfield at Objective Bill and other Iraqi units in the vicinity."

"The . . . 3d ACR, upon receiving the mission to seize Objective Bill, issued a warning order at approximately . . . 1800" on February 26, 1991. The Regimental Operation Officer gave the Warning Order "face to face with at least two of the three Squadron Commanders . . . with notice that a FRAGO (Fragmentary Order) would follow shortly. The gist of the Warning Order was to attack an airfield [at] grid PU 447520 and destroy the enemy located at or near that airfield," leaving enemy prisoners of war minimally guarded in large groups after reporting their location. "The unit was to advance no farther than the 58 North/South grid. At the time, it was believed that no one was on the 3rd ACR's right (south) flank." The basic plan was for the 3rd Squadron to seize the airfield with the 2nd Squadron holding the enemy in the north and the 1st Squadron providing a base of fire as support.

"The 3d ACR was to cross the Line of Departure [the 20 north/south grid line] at 2100 hours. After the warning order, the FRAGO followed. It was issued over the radio at 1856 from the Regimental Tactical Operations Center (TOC) by the Regimental Operations Officer. The enemy situation was briefed as resistance stiffening. The unit was to expect mines and protected dug-in fighting positions. Local counter-attacks were to be expected. The friendly situation was briefed as possibly the 1st AD on the right flank. The mission remained the same. The 3d ACR Line of Departure was the 20 North/South grid line. At . . . the 39 North/South grid line, the units were to stop and an Artillery preparation of the objective was to be fired. At the end of the Artillery preparation the 2d and 1st Squadrons were to move forward until halted by the Regimental Commander. The 1st Squadron was to begin a direct fire preparation of the objective and the 3d Squadron was to pass through the 1st Squadron and attack from North to South. There was to be an OH-58 [helicopter] reconnaissance of the target at 2030. The FRAGO called for a 2,500 meter buffer zone around the airfield.

There was a follow on mission to another airfield some 25 kilometers to the east.

"The available graphics, chiefly supplied by the personal notes of the 1st Squadron Commander, clearly show the 50 [east/west] grid line as the southern boundary. They also depict a buffer zone roughly bounded by PU 445465 to PU 500465 as a southern limit of advance.

"Sometime after 2200, the Regiment was aware that the request for the buffer zone from 1st AD had been denied. The helicopter with the Regimental Liaison Officer . . . and Regimental Assistant Operations Officer . . . did not return to the Regimental Command Post until after 2130, at the earliest. Their discussions with the 1st AD Command . . . were reported soon thereafter to the Regimental Command Group. [The 3rd ACR Executive Officer] recalls that [the Regimental Liaison Officer] reported that the 1st AD had passed by the objective much earlier in the day. He reported that the 1st AD told [the Regimental Liaison Officer] that there did not appear to be enemy on the airfield. He did not report a specific grid location of friendly forces; only that there may have been elements of the 2nd Brigade, 1st AD logistical units south of the airfield.

"In a combat situation commanders at each level receive and process the full range of information on the intelligence situation, friendly situation, etc. Essential information is then passed to subordinate commanders in the form of plans, orders, reports and/or guidance. Full verbatim information is usually not passed to each lower level. In this case, the Regimental commander was faced with a vague enemy situation. The progress of the attack was so rapid that the intelligence information flow never caught up with the maneuver. Even though the 1st AD reported that they had not seen any enemy on the airfield as they passed near it twelve hours earlier, intelligence clearly revealed that Iraqi forces were in the area. The [helicopter] reconnaissance conducted five hours before the attack did not detect any enemy on the objective. Based on this information, the Regimental commander believed that there was probably no enemy on the objective and he passed that assessment to the 3/3 ACR [3rd Squadron]. However, based on this information, it would have been foolish for the Regimental or Squadron commanders to assume that no enemy was on the objective.

"In this uncertain enemy situation, the only prudent course of action to minimize potential U.S. casualties was to attack the airfield as if enemy was present. It is unclear whether or not the information concerning the

buffer zone denial and report that friendly troops might be in the area was successfully passed from Regiment to squadron. However, the essential conclusion based on that information was, in fact, successfully passed to the squadrons when COL Starr ordered no one to fire south of the 50 East/West grid line. There was no time to issue written orders or to have face-to-face coordination meetings. Under the existing circumstances, the regiment verbally disseminated the essential combat information to the squadrons."

"From the Squadron to the Troop"—Investigating Officer's Findings

"All troop commanders, as well as the operations officer and intelligence officer of the 3/3 ACR [3rd Squadron], agreed that they expected 'heavy' or 'stiff' resistance on Objective Bill. They all understood that the plan called for a west to east movement along the 55 east/west grid line followed by an artillery preparation and a direct fire preparation of the objective," and "a north to south attack on the airfield" through the 1st Squadron by the 3rd Squadron.

"When the axis of the attack was changed from N-S to W-E the squadron issued orders by radio while on the move. The Troop Commanders knew of a southern boundary. They all knew they were the southern most XVIII Airborne Corps unit. They all, however, were unaware of the location of the 1st Armored Division units. Some Troop Commanders knew of the 50 [east/west] grid line as being the boundary. . . . [T]he M Troop [Company] Commander has notes which reflect the identification of the 50 east/west grid line as the Southern Boundary." He recalled that he had received information about the grid-line boundary "while on the move"; and "[h]e believed that that information was passed to him on the Operations and Intelligence [communications] net." Further, "he wrote it at the time in his commander's notebook."

"However, CPT Friesen, [the I Troop Commander,] testified that he was unaware of the 50 east-west grid line as the boundary. All other Troop Commanders were north of CPT Friesen, and consequently their knowledge of the boundary was not as critical because they were not near the boundary. At no time did the 3/3d ACR [3rd Squadron], either through the Commander or Staff, pass to the Troop Commanders the possibility that friendly forces might be in the area. This was because no such specific information was received by the Squadron from the Regiment. Based on the information passed to the Squadron and the location of the airfield as it appeared on the map, the Squadron Commander and Troop

Commanders felt that they were a comfortable distance from any boundary.

“... Throughout the operation, M Troop [Company], the tank troop, remained the centerpiece of the 3rd Squadron's attack plan. The attack on the airfield went as planned. All 3/3 ACR [3rd Squadron] forces and fires remained well above the 50 grid line. It was not until I Troop reported a possible 'enemy' unit to the south that the element of I Troop and the 3/3 ACR [3rd Squadron] command group moved south to counter what they believed to be an enemy threat. The importance of the boundary at that point was not significant to the I Troop Commander and 3/3 ACR [3rd Squadron] Commander because they believed they were in contact with an enemy force.”

Chapter 4
GAO's Investigation and Analysis of
Supplemental AR 15-6 Investigative Findings

GAO's Findings

Neither Colonel Starr nor Lt. Colonel Daly ensured that their subordinate commanders received essential tactical information, ranging from intelligence to orientation of attack.

Most of the intelligence information collected prior to the ground war about potential 3rd ACR objectives became obsolete once the ground war began. As a result, commanders had to rely on the most current intelligence that could be obtained. However, intelligence information contained in the operation order from the 3rd ACR to its squadrons was inaccurate.

According to the 3rd ACR intelligence personnel we interviewed, the 3rd ACR Command Group knew that no known enemy were present at the objective at the time the operation plan was issued because the enemy had moved to the Qalib Al Luhays Airfield. According to the 3rd ACR intelligence personnel, they focused their attention on Objective Joe—the Qalib Al Luhays Airfield, located approximately 28 kilometers further east and north (see fig. 1.8) that was to be attacked the following day—and not on Objective Bill. One intelligence officer considered Objective Bill the “regiment’s own little internal mission,” undertaken only as an afterthought as the regiment pushed east.

The 3rd ACR Commander, Colonel Starr, ordered two helicopters to reconnoiter the 3rd ACR sector in advance of the attack. Using the 3rd ACR Command radio frequency, one of the helicopters reported to Colonel Starr that it had seen no enemy at Objective Bill. The 3rd Squadron Fire Support Officer advised Lt. Colonel Daly of the report, and Lt. Colonel Daly acknowledged receiving the information. Further, while the 3rd Squadron was engaged in the passage of lines attacking Objective Bill, the 3rd Squadron’s Operations Officer advised the M Company Commander that the airfield was “probably cold” and established that the Rules of Engagement were “not [to] fire unless fired upon.”

Concerning the attack’s orientation, the 3rd ACR and 3rd Squadron Commanders knew the 50 east/west grid line was the corps boundary. Colonel Starr advised Lt. Colonel Daly, who was in the process of coordinating the passage of lines, to change the attack’s orientation to west-to-east and that the 50 east/west grid line was the boundary. However, the 3rd Squadron’s Operations Officer told the M Company Commander, the lead attack company, that the movement was being changed to east-to-southeast with the 50 east/west grid line as the boundary. Neither the right flank unit, I Troop, which would be closest to

the corps boundary, nor the rear attack unit, L Troop, received any of the information. Our attempts to interview the K Troop Commander were unsuccessful; however, he indicated during the AR 15-6 investigation that he was aware of the attack's changed orientation and of the 50 east/west grid line as the southern boundary. There was no indication that Lt. Colonel Daly attempted to confirm that the subordinate units had received the information or to relay information that friendly forces might be in the area.

Chapter 4
GAO's Investigation and Analysis of
Supplemental AR 15-6 Investigative Findings

"Conditions Contributing to Incident"

Investigating Officer's Findings

"... [T]hree conditions . . . increased the likelihood of a fratricide incident. These contributing factors were:

"a. BOUNDARY PLACEMENT: The boundary between the two Corps passed through the southern tip of Objective Bill. U.S. Army doctrine is to place an objective solely within the zone of the attacking force. Efforts to deconflict the attack on this objective were not successful. Although some safeguards to prevent friendly fire incidents were taken by the Commander of the 3d ACR (shift of the artillery preparation, cancellation of the direct fire preparation, and attack parallel to the boundary), they proved to be inadequate.

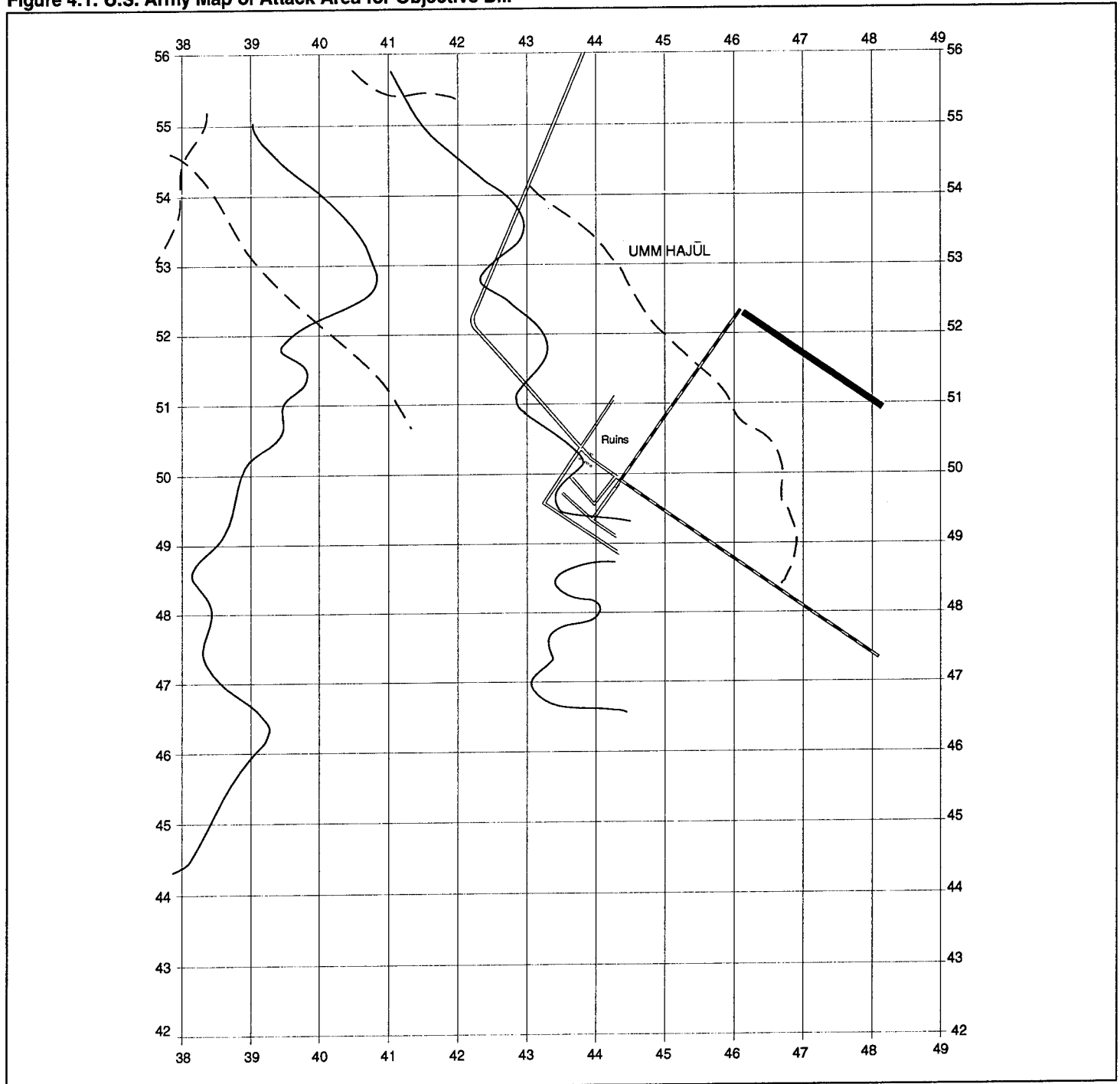
"b. BATTLEFIELD CONDITIONS: The conditions that existed at the time were difficult. It had been raining, it was cold, cloud cover caused almost zero illumination and the unit believed it was attacking at night against an enemy of unknown size. Due to poor visibility the entire operation was conducted primarily with thermal sights. FM radio communications were sometimes poor due to the distances between units and the weather conditions. Additionally, the 3d ACR forces had been continually moving with little rest for over 60 hours.

"c. INFORMATION FLOW: The 3d ACR and its subordinate units had the mission of attacking assigned objectives and maintaining contact on the boundaries of the XVIII Airborne Corps with the VII Corps. Therefore, all 3d ACR commanders at every level should have been acutely aware, without being specifically informed, that they were often operating near a boundary, potentially near friendly troops. Under the existing adverse circumstances the minimum essential combat information was passed from Regiment through Squadron to the troop commanders. However, the Regimental Commander and the Squadron Commander should have placed more emphasis on the proximity of the objective to the boundary, possible friendly forces in the area, reasons why the buffer zone was denied, and why the attack plan was changed. Had the I Troop Commander been fully apprised of all the available information, this regrettable incident might have been avoided."

GAO's Findings

With concern to (a) boundary placements, the maps in use when the 3rd ACR developed the Operation Plan reflected that the southern-most tip of the objective airstrip was approximately 900 meters north of the boundary and within the XVIII Airborne Corps zone. Further, the maps did not show the fence line that crossed the boundary. (See fig. 4.1.)

Figure 4.1: U.S. Army Map of Attack Area for Objective Bill



Source: U.S. Army

As the 3rd Squadron advanced, I Troop encountered a fence and saw a tower in the distance. (See fig. 2.5.) I Troop then reported that it had identified the airstrip even though the maps that the 3rd ACR and the 3rd Squadron used did not depict a fenced area within the area of the attack. The attention of the 3rd Squadron focused on this report.²² Lt. Colonel Daly believed the fenced area was the airstrip. All 3rd Squadron troop units, except I Troop, stopped.

The 3rd Squadron Commander, Lt. Colonel Daly, gave I Troop permission to move inside the fence. As I Troop moved inside the fenced area, it unwittingly breached the corps boundary. Had Captain Friesen, the I Troop Commander, relied on his maps and Global Positioning System, he would have realized that the airstrip was approximately 2 kilometers to the northeast.

Weather was not a factor in the incident's (b) battlefield conditions. The incident did occur at nighttime, but reports varied as to illumination—from clear with stars and the moon shining to overcast.

The Investigating Officer was correct in his assessment concerning (c) information flow that all 3rd ACR commanders should have been aware that they were near a boundary and potentially friendly forces and, more importantly, that the 3rd ACR and 3rd Squadron Commanders should have emphasized those two aspects and provided the reasons for the buffer zone's denial and the Operation Plan's change. We also agree that if Captain Friesen had had all available information, the fratricide incident might have been avoided. But the radio communications flow was also limited within the 3rd Squadron. Although most communications within the squadron were conducted using "secure voice," the PsyOps HMMWV and the FOX vehicle, part of the 3rd Squadron Command Group during the incident, did not have "secure" radio capability, because they lacked connecting cables and cryptographic equipment. Both vehicles were, in effect, without communications throughout the ground war as well as the fratricide incident. This may have resulted in the PsyOps HMMWV's delayed receipt of a report over the "unsecure" radio to broadcast an Iraqi surrender message. Additionally, the 1st Squadron Commander's radio went dead at the same time that the 3rd and 1st Squadrons were coordinating the passage of lines. Further, the erroneous radio reports of vans fleeing when they were actually jackasses heightened the anxiety among some I Troop personnel who heard the report.

²²Prior to this report, the 3rd Squadron Commander reported to the 3rd ACR Commander that a hard-packed road the squadron had crossed was the airstrip. He then realized that it was not.

Investigative Conclusions

Investigating Officer's "Conclusion"

"The actions and decisions by the 3d Armored Cavalry Regiment Commander; 3d Armored Cavalry Regiment Executive Officer; Commander, 3d Squadron, 3d Armored Cavalry Regiment; Commander, I Troop, 3d Squadron, 3d Armored Cavalry Regiment; and all other involved individuals were reasonable and appropriate under the existing circumstances. [1] The troop commander reported the suspected enemy unit to higher headquarters before firing; [2] a warning shot was ordered by the squadron commander and fired by the troop commander; [3] the troop commander did not fire directly on the suspected enemy until he believed that he was under fire from that force; [4] the squadron commander stopped his attack, went to the scene, [and] ordered a PsyOps team to broadcast an Iraqi surrender message on the loudspeakers. [5] The squadron commander ordered a short burst to be fired only when he thought the suspected Iraqis had returned fire, had rejected the chance to surrender, and were trying to escape or occupy fighting positions. [6] All personnel involved complied with the published Rules of Engagement."

GAO's Conclusions

We found nothing to dispute the Investigating Officer's conclusion regarding the 3rd ACR's Executive Officer. However, we disagree with the Investigating Officer's conclusion that the actions and decisions of the commanders of the 3rd ACR, 3rd Squadron, and I Troop "were reasonable and appropriate under the existing circumstances." Based on our analysis of the evidence available to the Investigating Officer—and the Forces Command Staff Judge Advocate, with whose conclusions we are in general agreement—and the additional evidence found in our investigation, we believe the following concerning the actions and decisions cited by the Investigating Officer:

1. The I Troop Commander, Captain Friesen, did report the suspected enemy to higher headquarters as cited. However, Captain Friesen did not confirm that the target was the enemy before firing.
2. The 3rd Squadron Commander, Lt. Colonel Daly, did order a warning shot; and Captain Friesen then directed his gunner to fire, which he did. This order countermanded the FRAGO, i.e., not to fire unless fired upon and not to fire below the 50 east/west grid line.
3. The statement concerning Captain Friesen's not firing directly on the suspected enemy until perceiving return fire was disputed by the engineers. They stated that the first shots were fired directly at them and denied engaging in return fire. However, the Investigating Officer did not resolve this issue.
4. The actions the Investigating Officer described—Lt. Colonel Daly's stopping his attack, going to the scene of the sighting, and ordering a PsyOps team broadcast—were reasonable and appropriate as far as he delineated them; but he failed to address pertinent facts. According to Lt. Colonel Daly, Colonel Starr ordered him to the scene at that point. Once at the scene, Lt. Colonel Daly did not establish contact with the I Troop Commander, who believed he had the situation under control with the "enemy" appearing to surrender; fired on an unconfirmed target and fired below the 50 east/west grid line—violating the existing Rules of Engagement as stated in the FRAGO; and endangered his own men by dismounting them without informing the other U.S. troops in the area. In addition, although his directions to the PsyOps team occurred before the fatal shots were fired, the engineers did not hear the message until after those shots were fired.

5. Lt. Colonel Daly allowed his gunner to fire after the gunner reported seeing an individual running away from the burning vehicle then moving around to the Bradley's front "carrying something" that looked like a rocket-propelled grenade launcher on his back. There was no indication of return fire at the time Lt. Colonel Daly fired. Further, we found no evidence that Lt. Colonel Daly provided an opportunity for the engineers to surrender. We agree that the engineers could have appeared to be escaping as all were seeking cover from the shots fired at them.

6. Although those involved complied with the "published" Rules of Engagement, they violated the Rules of Engagement as stated in the FRAGO, i.e., not to fire unless fired upon and not to fire below the 50 east/west grid line. In addition, Lt. Colonel Daly did not confirm that the targets were enemy before firing, as ordered by Colonel Starr.

In his conclusions, the Investigating Officer did not address all pertinent "actions and decisions" of Colonel Starr and Lt. Colonel Daly that demonstrated the failure of the two commanders to exercise proper command and control²³ of their respective units. Further, the AR 15-6 investigation, on which the Investigating Officer based his recommendation against the engineers' Executive Officer, contained inaccurate information and did not fully address whether the engineers had established defensive perimeters and a plan of action.

Colonel Starr's Failure to Exercise Proper Command and Control

Essential Information Not Disseminated to Subordinates

Colonel Starr did not disseminate essential information to subordinate commanders, specifically about the buffer zone's denial and the existence of a 1st AD logistics line just below the 50 east/west corps boundary, one reason for the buffer's denial.

Colonel Starr and the 3rd ACR Operations Officer based the original 3rd ACR operation plan on the assumption that the 1st AD would grant a buffer zone, allowing the 3rd ACR to cross the 50 east/west corps boundary into

²³Commanding a cavalry troop and controlling the efforts of subordinate elements requires four basic skills: "Make sound tactical decisions based on your most current information"; "Turn your decisions into plans and orders"; "Communicate your plans and orders to subordinate leaders"; and "Supervise and control the actions of your subordinate units as they execute your orders." (AR-FM 17-97, pp. 2-1 and 2-2)

an area controlled by the 1st AD. Colonel Starr was advised that his request for a buffer zone had been denied before the original operation plan was issued at approximately 1856 hours, February 26. Yet, he issued the plan without modification and without indicating that the initial request for the buffer zone had been denied. The 3rd ACR plan became the basis for the 3rd Squadron's operation plan.

Further, before the original operation plan was developed, Colonel Starr and his operations officer knew that a 1st AD logistics line or Major Supply Route (MSR) existed just below the 50 east/west corps boundary. This MSR had been preplotted prior to the ground war's beginning and was clearly shown on the 3rd ACR Operations Officer's maps and graphics. However, we found no indication that Colonel Starr accounted for the MSR in his operation plan. He also did not advise his subordinate commanders that the buffer zone had been denied because the 1st AD had logistics lines in the area, had bypassed the airfield (on its left flank) earlier in the day, and had not detected any enemy there.

The 3rd ACR operation plan was initiated at 2100 hours, as the 3rd ACR began its movement towards Objective Bill. Approximately 1 hour later, Colonel Starr's second request for a buffer zone was denied. Colonel Starr then canceled the indirect artillery fire of all targets in the area south of the airfield and below the 50 east/west corps boundary but did not disseminate the reason for the cancellation to all subordinate commanders. According to Colonel Starr, he also canceled the direct fire onto the airfield because he knew no known enemy was present. He then proceeded with the passage of lines. (Colonel Starr stated that one reason for proceeding with the passage of lines was to give Lt. Colonel Daly the experience of leading a regimental attack because "John had not been out in front yet.")

At approximately 0034 hours, February 27, 1991, while the 3rd Squadron was beginning to execute the passage of lines with the 1st Squadron, Colonel Starr told Lt. Colonel Daly to change the 3rd Squadron's scheme of maneuver to attack the airfield west to east, instead of north to south. This was almost 4 hours after the operation plan had been initiated and almost 3 hours after the second request for a buffer zone had been denied.

Our investigation showed that confusion existed throughout the 1st and 3rd Squadrons as a result of the changed plan. In particular, the 1st Squadron Commander did not meet with Colonel Starr and was unaware of the reasons for the changes in the original operation plan. The 1st

Squadron Commander's radio went dead at approximately 0139 hours. At that time, Colonel Starr directed him to "cease fire," cancel the direct fire on the airfield, and begin passing the 3rd Squadron through the 1st Squadron. According to Colonel Starr, the 1st Squadron was not to provide direct fire unless it was engaged. The 1st Squadron Commander believed his communications problem was the reason Colonel Starr had directed the passage of lines to begin.

Further, according to witnesses we interviewed who were directly and indirectly involved in the mission's planning process, the assault onto Objective Bill took on the characteristics of an internal mission and/or a "training mission." This is best illustrated by the fact that the 3rd ACR Executive Officer was asleep at the time of the attack. Further, Colonel Starr acknowledged that this was not a critical mission.

**Incorrect, Confusing
Information Disseminated**

Colonel Starr issued the original operation plan to the 3rd ACR Squadrons with intelligence information about a second airfield 28 kilometers further to the northeast and with reference to both Objective Bill—the Al Busayyah Northeast Airfield—and Objective Joe—the Qalib Al Luhays Airfield. Further, the squadrons were advised that battalion-size units were located at the "airfield." The 3rd Squadron misconstrued this information as describing the enemy situation at Objective Bill when the statements actually referred to the possibility of enemy battalions being at Objective Joe. Third ACR intelligence personnel and operations officers told us that they knew no known enemy was present at Objective Bill when the original operation plan was being developed. They were more concerned with Objective Joe—the Qalib Al Luhays Airfield—that was located 28 kilometers further to the northeast.

The 3rd ACR Operation Plan also described enemy resistance as "stiffening, with mines, fighting positions and local counterattacks," although Colonel Starr had been advised by the 1st AD before the plan's issuance that probably no enemy was present at Objective Bill. The plan's description pertained to the overall theater of operations, not activity at or near the airfield. As a result, that information may have confused the 3rd ACR subordinate commanders regarding enemy strength at Objective Bill.

**Positions Not Determined and
Boundary Not Secured Against
Breaching**

Although Colonel Starr told Lt. Colonel Daly on February 27, 1991, that the 50 east/west grid line was the corps boundary and not to fire south of it, Colonel Starr did not determine his position relative to the objective and allowed elements of the 3rd Squadron to cross the corps boundary.

Further, the 3rd ACR TOC radio log notes that—20 minutes after the 3rd Squadron began passing through the 1st Squadron—Colonel Starr was concerned about the “right flank” or corps boundary. Yet, he did not place a unit or vehicle to screen along the 50 east/west corps boundary to ensure that the boundary was not breached.

In addition, when elements of the 3rd Squadron detected the fenced area and spotted a tower, they believed they had located the objective. Subsequently, Colonel Starr parked on a road adjacent to the fence approximately 800 meters north of the 50 east/west corps boundary. From his position, he should have determined that the objective airstrip was located approximately 2.2 kilometers northeast of his location and that the 3rd Squadron units were breaching the corps boundary.

**Lt. Colonel Daly's Failure
to Exercise Proper
Command and Control**

Lt. Colonel Daly failed to exercise proper command and control of the 3rd Squadron during Operation Bill: He did not ensure that all of his subordinate commanders were fully aware of the changed operation plan, did not ensure that his subordinates were aware of the corps boundary, became confused as to the location of the airfield and allowed I Troop to cross the corps boundary, did not advise the I Troop Commander that he was assuming control or dismounting soldiers, and violated the stated Rules of Engagement.

Lt. Colonel Daly based the 3rd Squadron Operation Plan on the original 3rd ACR Operation Plan, which noted the possibility of the 1st AD being on the 3rd ACR's right flank. It was issued to the 3rd Squadron troop commanders approximately 45 minutes before the 3rd ACR began to move at 2100 hours, February 26, 1991. According to the I and L Troop Commanders, the troop commanders' briefing on the 3rd Squadron Operation Plan lasted between 5 and 30 minutes. They were told that the 3rd Squadron would conduct a passage of lines through the 1st Squadron and attack the airfield, Objective Bill, from north to south. There is indication that the 50 east/west grid line was identified as the corps boundary. However, there is no indication that they were told of the possibility of the 1st AD's presence on their right flank.

After the 3rd Squadron began to move, the 3rd Squadron Operations Officer issued a FRAGO to the troop commanders establishing a new Limit of Advance on the 50 east/west corps boundary—in effect, directing the troop commanders to attack against the corps boundary and stop. Subsequently, while the 3rd Squadron was coordinating the passage of

lines, Lt. Colonel Daly and his operations officer were told by Colonel Starr to change the 3rd Squadron attack plan and scheme of maneuver to attack from west to east and not to fire south of the 50 east/west grid line.

The 3rd Squadron Operations Officer then issued another FRAGO stating that after the direct fire onto the airfield and the passage of lines, the 3rd Squadron was to proceed east then southeast. The FRAGO established the Rules of Engagement to "not fire unless fired upon"; established the 50 east/west grid line as the corps boundary; and stated that the airfield was "probably cold."

Based on our investigation, the I Troop and L Troop Commanders did not receive the FRAGO outlining the changed 3rd Squadron Operation Plan. The FRAGO contained essential information regarding the operation, yet Lt. Colonel Daly did not verify that all his troop commanders received this information. Additionally, the 3rd Squadron Fire Support Officer, who was part of the 3rd Squadron Command Group, said he was confused about the 50 east/west grid line. He advised us that he was unaware that it was the corps boundary line but instead thought it was a fire support coordination point. I Troop was also unaware that the 50 east/west grid line had been established as the corps boundary and that there were possible 1st AD troops on its right flank. Further, Lt. Colonel Daly knew that the 50 east/west grid line was the corps boundary. Yet he did not ensure that his subordinates were aware of the boundary, which may have prevented I Troop's boundary breach.

As the 3rd Squadron advanced east towards the airfield, Lt. Colonel Daly initially reported that the squadron had found the airfield but then reported that they had crossed a road. (See fig. 2.5.) Minutes later, when I Troop reported seeing a fence and a tower, Lt. Colonel Daly authorized I Troop to breach the fence and reconnoiter the area, failing to first determine I Troop's location in relation to his own. As a result, he allowed I Troop to unwittingly cross the corps boundary.

Once I Troop had fired the warning shots, Lt. Colonel Daly crossed the corps boundary. Without attempting to communicate directly with the I Troop Commander, Lt. Colonel Daly moved forward of the I Troop Commander's vehicle. After observing the dismounted troops (engineers) through his Thermal Imaging System, he did not contact the I Troop Commander to obtain his assessment of the situation or to announce to the I Troop Commander that he was assuming control.

Further, while authorizing his gunner to engage the target, Lt. Colonel Daly did not advise the I Troop Commander that he was dismounting two soldiers from his Bradley to sweep the area. His failure to communicate this information led to confusion and endangered the lives of the two dismounts, as they were initially thought to be enemy soldiers.

Lt. Colonel Daly also violated the rules of engagement in effect at that time. Specifically, he authorized I Troop to fire warning shots below the 50 east/west grid line at an unconfirmed target, resulting in the wounding of a U.S. soldier. Further, relying on his gunner's assessment, he allowed his gunner to fire below the 50 east/west grid line at an unconfirmed target, resulting in the death of a U.S. soldier.

**Executive Officer, Charlie
Company, 54th Engineer
Battalion**

The Forces Command Staff Judge Advocate, based upon his review of the AR 15-6 investigation, found 1st Lieutenant Wessels negligent for failing to establish defensive perimeters and a plan of defense. Specifically:

(1) "1LT Wessels failed to ensure that his soldiers were wearing their helmets, web gear, and flack [sic] jackets." (2) "Knowing that 1AD personnel had been engaged by Iraqi dismounts in the 1AD rear area, he should have done more than only placing men on guard." (3) "While there is some discrepancy in the number of times that I Troop fired on his position, it seems almost without controversy that this action lasted from approximately 30 to 45 minutes with sporadic activity." (4) "1LT Wessels should have taken more positive steps to either identify himself or indicate that he was surrendering to preclude further harm to his men."

Our investigation indicates that the AR 15-6 contained inaccurate information and did not fully address these points. As a result, the basis for the findings of the Forces Command Staff Judge Advocate was limited.

**Load Bearing Equipment and
Kevlar Helmets**

The Investigating Officer reported that "[t]he engineer personnel did not wear their Kevlar helmets or Load Bearing Equipment (LBE) which would have been distinctive through the thermal sites [sic] of the 3d ACR vehicles." This conclusion appears to be based on statements by the I Troop Commander that had the engineers been wearing Kevlar helmets and Load Bearing Equipment, "we could have probably identified them earlier." However, as previously noted, the engineers disputed this evidence, as several were wearing Load Bearing Equipment and/or Kevlar helmets.

Guard Rotation

We do not dispute this finding.

Incident's Length of Time

The Investigating Officer reported that "[t]he airfield proper was taken at approximately 0230 hours" and that "[a]t about 0300 (local) on 27 February 1991 the I Troop Commander, CPT Friesen, fired warning shots to the left (southeast) of the target." Thus, according to the Forces Command Staff Judge Advocate, he determined the entire incident occurred in about 30 to 45 minutes. Yet, several of the soldiers we interviewed indicated that the entire incident took no more than 5 to 10 minutes, and the tape of the incident (see app. I) lasts approximately 7 minutes and 15 seconds. Our investigation indicates that the warning shots were fired at approximately 0300 hours with the fatal shots being fired at approximately 0307 hours. (See fig. 2.1.)

Identification Efforts

According to the Forces Command Staff Judge Advocate, based on information contained within the AR 15-6 investigation, he determined that had 1st Lieutenant Wessels established a defensive perimeter and developed a plan of defense, the approaching 3rd ACR vehicles would have been able to identify the Engineers' vehicles and would not have been able "to sneak up" on them. In addition, 1st Lieutenant Wessels should have known the radio frequency for the 3rd ACR's flank unit; he should have known that the white star cluster was the appropriate antifraticide signal; and he should have used his flashlight earlier to identify his unit.

Our investigation indicates that the targets were identified by some 3rd ACR personnel as a HMMWV and an ammunition carrier (i.e., "a U.S. type vehicle") before the fatal shots were fired, although they were not confirmed as friendly vehicles. Further, the 3rd ACR did not "sneak up" on the engineers, as the engineers heard the vehicles approaching and, using night vision goggles, immediately identified them as friendly vehicles. While 1st Lieutenant Wessels perhaps should have known the radio frequency for the 3rd ACR's flank unit, that issue was not addressed in the AR 15-6 investigation. In addition, 1st Lieutenant Wessels maintains that he was never told that the white star cluster was an antifraticide signal.²⁴ Finally, our investigation indicates that when the incident began, 1st Lieutenant Wessels attempted to make radio contact with the 1st AD to request a cease-fire. He next fired the green star cluster in an attempt to illuminate the area, not knowing that the green star cluster was an antifraticide signal. He then began walking toward the 3rd ACR vehicles with his arms raised while holding a red lens flashlight. However, the

²⁴Unknown at the time to the lieutenant, a green star cluster was a daytime, ground-to-ground antifraticide recognition signal. The nighttime, ground-to-ground antifraticide recognition signal was a white star cluster.

entire incident—from warning shots to fatal shots—occurred in approximately 7 minutes and 15 seconds, not the 30 to 45 minutes as noted in the AR 15-6 investigation.

"Initial Investigations"

Second Investigating Officer's Conclusions and Recommendations

The second Investigating Officer, who conducted the supplemental AR 15-6 investigation, concluded that "[t]he investigation and reopened investigation conducted by [the 3rd ACR Judge Advocate, a captain] were done in a professional manner. His appointment as investigating officer during combat operations was justified due to the unavailability of more senior officers. However, an investigating officer senior to LTC Daly [the 3rd Squadron Commander] should have been appointed upon conclusion of the hostilities. The [reopened] investigation . . . answered many previously unanswered questions and disclosed additional facts which supported [the 3rd ACR Judge Advocate's] original recommendations and findings."

At the conclusion of the supplemental AR 15-6 investigation, the second Investigating Officer recommended the following to the Army:

- "That all personnel involved be absolved of any criminal or administrative responsibility.
- "That the Army doctrine that an objective be entirely within the attacking unit's zone be deemphasized.
- "That anti-fratricide measures and devices be emphasized and disseminated to all units/detachments on the battlefield. However, I would urge that future anti-fratricide measures be passive and not restrict the proper applications of firepower.
- "That the importance of information flow to subordinate units on objectives, boundaries, intelligence information, and location of friendly elements be emphasized."

GAO's Conclusions

The original Investigating Officer, the 3rd ACR Judge Advocate, declined our request for an interview. However, our analysis of the original investigation indicated that the Investigating Officer did not conduct a complete and thorough investigation. Taking into consideration the 3rd ACR's continued combat situation and other extraneous factors, he did not interview several key personnel who were directly or indirectly involved, including Colonel Starr and the I Troop Commander's gunner; did not obtain documents at the troop, squadron, and regimental levels; did not resolve the warning shot/return fire issue, by not questioning the I Troop personnel or the remaining engineers concerning the issues; and did not note the locations of any of the firing units.

In addition, the findings and recommendations of the second Investigating Officer are not supported by available evidence uncovered during his and the original Investigating Officer's investigations. Further, the Forces Command Staff Judge Advocate stated his supposition that the second Investigating Officer had a predetermined conclusion concerning the case. As part of the XVIII Airborne Corps, according to the Staff Judge Advocate, the Investigating Officer would not have determined anything that was unfavorable about the Corps, which had had a successful operation in the Persian Gulf War. As a result, the Investigating Officer's "objectivity was skewed." That predetermined conclusion and skewed objectivity, in our belief, resulted in findings and recommendations that favored those in command whose actions and decisions most contributed to the fratricide's occurrence.

"Cpt Friesen Allegations"

Investigating Officer's Findings

The second Investigating Officer also addressed allegations of a cover-up and retribution raised by the I Troop Commander, Captain Friesen. Specifically, Captain Friesen alleged that members of the 3rd ACR would not provide statements in support of his officer evaluation report appeal because they feared retribution from the Squadron Commander. The second Investigating Officer concluded that "[t]here is no evidence of any attempt by anyone to hinder the investigation or wrongly influence the conclusions and recommendations of the investigating officer. There is no evidence that any retribution was taken against any individual that testified in the investigation."

GAO's Findings

We found no evidence that documents pertaining to the incident were intentionally destroyed or that witnesses were intimidated or retaliated against. However, we question the initial decision to appoint an officer of lesser rank to investigate senior grade officers. Further, the AR 15-6 investigations were incomplete and inaccurate; the investigators' findings and conclusions were not supported by available evidence; and the investigators' recommendations favored the command.

AR 15-6 authorizes commanders to investigate matters within their command, particularly those that are conducted to find facts that would assist them in the efficient and safe operation of their command. However, a 1994 study²⁵ on the investigative capability of the Department of Defense indicated that command-directed investigations "are, as a class, the type of investigation most subject to abuse" and "investigators who conduct commander-directed investigations are more subject to command influence than MCIO [military criminal investigative organization] agents. . . . This 'influence' can occur even when there is no overt action by a commander. . . ."

In addition, the Department of Defense study found that AR 15-6 investigators often lack investigative training and experience and "the investigations often are of such poor quality that a matter must be reinvestigated by a judge advocate before any disciplinary action can be taken against the subject."

Regarding this fratricide incident, a judge advocate from the 3rd ACR Command was involved in the initial investigation. His investigation was not thorough and some of the evidence—the command logs that documented the events as they occurred—was not maintained.²⁶ The Army's internal review process outside of the command raised concerns and caused a reinvestigation of the incident at the corps level. However, as the reviewing Forces Command Staff Judge Advocate found, the second investigator's findings favored the 3rd ACR Command. Indeed, using the

²⁵At the recommendation of the Congress, on Nov. 27, 1993, the Secretary of Defense announced the formation of an Advisory Board on the Investigative Capability of the Department of Defense. The Board held hearings, conducted interviews, and reviewed testimony and documents. Their findings and recommendations were reported to the Congress in the "Report of the Advisory Board on the Investigative Capability of the Department of Defense."

²⁶Although we agreed with the overall findings of the Army's AR 15-6 investigation in our investigation of the Apache helicopter fratricide incident (Operation Desert Storm: Apache Helicopter Fratricide Incident (GAO/OSI-93-4, June 30, 1993)), we noted that the investigators failed to secure the most critical pieces of evidence in that case—the three Apache gun tapes that had recorded the entire incident. Months after the chain of custody had been broken in Saudi Arabia, a U.S. news agency returned the tapes to the Army. The Army never discovered who had released the tapes to the news agency.

same investigative information that the two Army investigators used, the Forces Command Staff Judge Advocate recommended disciplinary action be taken against the commanders. However, at the discretion of the Commander in Chief, Forces Command, two of the three reprimands were not made part of the officers' official permanent records, and the third reprimand was withdrawn.

Questionable Awards Related to Fratricide Incident

During our investigation, we learned that a number of 3rd ACR personnel had received awards for events directly related to the February 27, 1991, fratricide incident. These awards included three Bronze Star Medals with "V" Device for valor, the same medal awarded posthumously to Corporal Fielder. These three awards were issued on the basis of misleading statements and misrepresentations by Colonel Starr, the 3rd ACR Commander; Lt. Colonel Daly, the 3rd Squadron Commander; and other 3rd ACR personnel.

Award Language

Following the fratricide incident, the 3rd ACR surgeon, who assisted the wounded Sergeant Napier, was awarded a Bronze Star with "V" Device. According to the support for his award, the surgeon was recognized for "bravery and valor" when he was asked to "perform an emergency medivac mission" while the regiment was "still in contact" and "clearing the sector of enemy." The mission was conducted during the "early morning hours" when there was "little or no available ambient light due to marginal weather conditions." He and his crew were able to "successfully locate and extract the wounded." The surgeon's actions were in the "best tradition of the service." When the award was presented, the surgeon was cited for "heroism involving conflict with an armed enemy."

The second individual was an 82nd Airborne Liaison Officer, a captain, attached to Lt. Colonel Daly's Bradley during the fratricide incident. He, along with another soldier, dismounted from the Bradley during the incident. According to the support for his award, the Liaison Officer was cited for "exceptionally meritorious heroism in the face of hostile fire" during a regimental attack to seize "Qalib Al Luhays Airfield." He distinguished himself by "volunteering to dismount and take 'enemy' personnel prisoner." Rushing forward of friendly vehicles, he was responsible for "defusing the situation, restoring order and saving the lives of at least four American soldiers." When the award was presented, the Liaison Officer was cited for "heroism involving conflict with an armed enemy."

The third individual, a sergeant attached to Lt. Colonel Daly's Bradley during the fratricide incident, dismounted from the Commander's Bradley during the incident. According to the support for his award, the sergeant was cited for "exceptionally meritorious heroism in the face of hostile fire" during a regimental attack to seize "Qalib Al Luhays Airfield." The sergeant distinguished himself "by volunteering to dismount and assist in taking enemy prisoners." Rushing forward of friendly vehicles, he was responsible for "defusing the situation, restoring order and saving the lives of at least four American soldiers."

GAO's Findings

The awards were based on misleading statements and misrepresentations, as indicated by the language from the award support, from Colonel Starr and Lt. Colonel Daly. We also found additional misleading statements and misrepresentations given by other individuals in support of the awards. These statements seriously masked the actual events of the fratricide. Furthermore, the support for two of the awards placed the fratricide incident at the wrong Iraqi airfield—the Qalib Al Luhays Airfield, which was approximately 28 kilometers to the northeast of the Al Busayyah Airfield that the 3rd ACR and 3rd Squadron were attacking when the fratricide occurred. (See fig. 1.8.)

As a result of our briefing to Department of the Army officials in May 1994, the Army Office of Inspector General conducted a preliminary analysis of the valorous awards that had been presented to members of the 3rd ACR. On August 4, 1994, the Deputy Inspector General requested the Assistant Secretary of the Army for Manpower and Reserve Affairs to take "action . . . to revoke these awards" and "to identify and revoke similar valorous awards improperly authorized for the incident at Qalib Al Luhays airfield or other known fratricide incidents." However, as of March 29, 1995, the matter was still pending.

Recommendations to the Secretary of the Army

In light of the additional evidence determined in our investigation, we recommend that the Secretary of the Army reexamine, for their appropriateness, the disciplinary actions resulting from the February 27, 1991, fratricide incident and the disposition of those actions. We also recommend that the Secretary of the Army follow up on the request put forth by the Army Office of Inspector General concerning revocation of improperly supported valorous awards for participation in fratricide incidents.

Transcription of Audio Tape Recorded During February 27, 1991, Fratricide Incident

The following transcript is of radio communications that were recorded during the February 27, 1991, fratricide incident. A crewman aboard an M1A1 Abrams Tank—part of I Troop, 3rd Squadron, 3rd ACR—recorded the event using a hand-held audio microcassette tape recorder. His stated intent was to capture historical events and battles of Operation Desert Storm.

The tape includes (1) the secure-voice FM radio conversations of I Troop, 3rd Squadron, 3rd ACR and White Platoon, I Troop, 3rd Squadron, 3rd ACR and (2) the intercom conversations of the M1A1 Abrams Tank crew. The Information Resources Division of the Federal Bureau of Investigation (FBI) thoroughly analyzed the tape and determined that the tape was original and, except where noted, was continuous and unaltered. Further, as part of our extensive efforts to produce an accurate transcript, the M1A1 Abrams Tank Commander assisted us in editing the tape.

Identification of Speakers/Troop References	<u>Call Sign</u>		<u>Unit and Vehicle Bumper Number</u>
	Black		Troop Headquarters
	Black 6		I Troop Commander, Captain Bodo Friesen
	Black 5		I Troop Executive Officer
	Black 3		I Troop TOC
	White		2nd Platoon (Tank)
	White 1		White 2-1 Platoon Leader
	White 2		White Platoon 2-2
	White 3		White Platoon 2-3
	White 4		White Platoon 2-4
	White 4 (IC)		White Platoon 2-4 (Intercom)
	Blue		3rd Platoon (Scout)
	Blue 1		Blue 3-1 Platoon Leader
	Blue 5		Blue Platoon 3-5
	Blue 6		Blue Platoon 3-6
	Red		1st Platoon (Scout)
	Red 1		Red 1-1 Platoon Leader
	Red 3		Red Platoon 1-3
	Green		4th Platoon (Tank)
	Green 1		Green 4-1 Platoon Leader

Appendix I
Transcription of Audio Tape Recorded
During February 27, 1991, Fratricide
Incident

Thunder 3	3rd Squadron Operations Officer
Thunder 6	3rd Squadron Commander, Lt. Colonel John H. Daly, Jr.
Bravo Section	Blue Platoon

Abbreviations

***	inaudible radio transmission
aux	auxiliary speaker used to monitor various radio frequencies
CO	commanding officer
co-ax	7.62 mm co-axial machine gun
dismounts	personnel on the ground
EPW	enemy prisoner of war
H-E	high explosive ammunition for 25 mm automatic gun
heat round	type of ammunition
higher	referring to 3rd Squadron Commander
IC	intercom
net	radio frequency (network)
PsyOps	Psychological Operations team
red lens	flashlight with a red lens
sit rep	situation report
tracer	type of ammunition

Transcript

White 1: We have three little white spots at the top of the tower, break. *** They're not big enough to be humans, but there is something there, over.
[According to White 1 and others, the "white spots" were later determined to be birds in a tower.]

Black 6: *** go ahead; get a pull red lens out; see who can spot it. [The I Troop Commander, Captain Friesen, used a red lens flashlight to direct elements of the Blue Platoon to his location.]

White 4 (IC): There's what he's talking about. Go down a little bit. See it? There's two up on the top.

Voice: Roger.

Black 6: You got the lens, Bravo?

White 4 (IC): They say they've seen the dismounts.

White 4 (IC): Black 6-6 said he's closing in on them. I couldn't find them. I scanned. He's over to my left somewhere.

White 1: White 4, White 4, White 4. Break.

White 1: Did you copy my last? Over.

White 4: This is White 4. Negative. Over.

White 1: Roger. We have three hot spots in the tower. Break. There's one in the top, two at the bottom. Break. They're hot, they're not big enough to be human, but there's something in there that's hot. Over.

White 4: White 4. Roger. Break.

White 4: Black 6, White 4.

White 4 (IC): Watch out for the bottom.

Black 6: Blue, Black 6. You got that Bravo Section coming?

Appendix I
Transcription of Audio Tape Recorded
During February 27, 1991, Fratricide
Incident

White 4 (IC): I'm backing down off this hill.

White 4 (IC): There might be somebody behind you, man. Hold on.

White 4 (IC): I Troop. We check and see.

White 4 (IC): Okay, go straight back a little bit.

White 4 (IC): That ought to scared them all away. [Engine noise in the background.]

White 4 (IC): [Expletive deleted.]

White 4 (IC): Okay, hold up right there.

White 4 (IC): *** everybody stand ***

White 4: Black 6, White 4.

Blue 5: *** Blue 5.

Black 6: Bravo Section, Blue, this is Black 6. You coming this way?

Blue 5: I don't know where you are. Over.

Red 1: Black 6, this is Red 1. My Bravo Section's got a visual on you. Over.

Black 6: Roger. We've got two dismounts about 600 meters out in front of us, next to some buildings. We'll wait for you to come up, and we'll see what's what.

Red 1: This is Red 1, wilco. Let me pass it down.

Blue 1: Blue-5, are you in touch with Black-6?

White 4 (IC): Yeah, Blue-5 done got...

Blue 1: *** [expletive deleted] it. Get your [expletive deleted] over to Black 6. ***

Black 6: Okay, calm down. Just get a section up here. These guys aren't going anywhere.

White 4 (IC): Who the [expletive deleted] is he talking to?

Appendix I
Transcription of Audio Tape Recorded
During February 27, 1991, Fratricide
Incident

White 4 (IC): Sergeant [Blue 5].

Red 3: Black 6, this is Red 3. You still got that red lens up?

White 4 (IC): That was Sergeant [Blue 5] ***

Voice: *** say again?

Red 3: Black 6, this is Red 3. Do you still got that red lens up?

Black 6: Negative. I've got my head inside right now. [He was inside his vehicle.]

White 4 (IC): Don't blame you. So do I.

White 4 (IC): You know Sergeant [Blue 5] is going to have something to say to him about this fussing.

White 4 (IC): Yeah, he will.

White 4 (IC): That wasn't *** sound like it was [expletive deleted] [Blue 5].

White 4 (IC): *** I don't know.

White 4 (IC): That's who it sounds like.

White 4 (IC): Whoever it was is stressing hard, man.

White 4 (IC): That *** was Blue 1.

White 4 (IC): Stressing hard as a [expletive deleted].

White 4 (IC): Look for the buildings, man.

Black 6: Three, this is 6. You been monitoring all this?

Black 3: This is 3, roger. Higher [3rd Squadron Commander] is aware. He just keeps asking for situation report.

Black 6: Roger. I cut the aux [3rd Squadron Command radio frequency] off, cause it's just too much ... confusion.

**Appendix I
Transcription of Audio Tape Recorded
During February 27, 1991, Fratricide
Incident**

Black 6: These guys aren't going anywhere. I'm not sure if they see us or not, but they're standing still.

Black 3: Three, roger that.

Black 3: There's just two of them, correct?

Black 6: As far as we know, but there's some dwellings and—I can't make it out, possibly vehicles, but I'm not certain. I'm going to wait a little bit more before I go up.

Black 3: This is 3. Roger.

Black 3: How far past the tower are you?

White 4 (IC): There is some Bradleys there.

Blue 6: Black 6, this is Blue 6. I'm back to the right of you. Over.

TAPE STOPS/STARTS

[WARNING SHOTS FIRED]

Voice: *** See where ***

White 4 (IC): Yeah. They're hauling ass.

Black 3: Six, this is 3. Sit rep.

Black 6: They got one coming over to the wire towards us, looks like.

Black 3: Roger.

Black 3: Does it look like they're going to surrender, over?

Black 6: They're firing. We're engaging.

White 4 (IC): That's close.

White 4 (IC): [Expletive deleted], need to pull some tanks up.

Black 6: *** hold your fire.

Appendix I
Transcription of Audio Tape Recorded
During February 27, 1991, Fratricide
Incident

White 4 (IC): That [expletive deleted] lightening up out there.

White 4 (IC): That's tracer rounds, man.

Black 3: Cease fire, 6.

Black 6: Cease fire real quick, Blue. Let's see if there's anything else down there.

Blue 5: Roger.

White 4 (IC): That's twice it was H-E from the Bradleys.

White 4 (IC): Yeah, that was Bradleys firing.

White 4 (IC): That was looking about 6-6, firing some co-ax too.

White 4 (IC): Man.

Black 6: Blue, pump a couple of rounds into that far building. There's still some guys in there.

Voice: Black 6, you're coming in really good.

White 4 (IC): See 'em?

Black 3: Cease fire, 6. Cease fire. [Thunder] 6 wants you to stop.

Black 6: We're cease fire.

Black 3: Black 6, you monitoring.

Black 6: This is 6, roger. I gave a cease fire. We're holding.

White 4 (IC): *** whoever in that building up, comin' out of that [expletive deleted].

White 4 (IC): Yeah, arms raised.

White 4 (IC): *** put a heat round in that [expletive deleted], man.

Black 6: Blue elements, you all be real careful. Scan left and right. Make sure there's nothing else out there.

Appendix I
Transcription of Audio Tape Recorded
During February 27, 1991, Fratricide
Incident

Black 3: Roger. He [Lt. Colonel Daly] wants you to keep a good close eye on it. They're bringing the PsyOps guys up here, so they can talk to them in their own language and try to get them out. Over.

Black 6: We've got one already down. I'm not sure if he's wounded or not. We're observing. Continue to holding fire, night hawk elements.

White 1: *** this is White 1, sit rep.

White 1: Are they at a building. Break. With occupants in it. They fired shots to left and right. Break.

Voices: *** [Simultaneous transmissions.]

Voice: *** and we've got one coming over the wire towards us.

Voices: *** [Simultaneous transmissions.]

Blue 5: Black 6, this is Blue 5. I have one underneath the truck and one behind the building. Over.

Voices: *** [Simultaneous transmissions.]

Blue 5: This is Blue 5 ***

Blue 5: This is Blue 5. I have dismounts underneath the truck. Over.

White 4 (IC): [Expletive deleted.]

Black 6: Roger. Continue to observe. Fire only when fired upon.

Blue 5: *** standing behind the building ***

Black 6: Roger. One under the truck, one standing behind the building.

Black 3: Six, this is 3. They did engage you, correct?

Black 6: Roger.

Green 1: Black 6, this is Green 1. We're right behind you. Do you want us to move up? Over.

Appendix I
Transcription of Audio Tape Recorded
During February 27, 1991, Fratricide
Incident

Black 6: Roger. Cover my left. We've got one guy standing up. I'm not sure if he's going to surrender or what. He's in clear sight, though. He must be trying.

Black 6: Green, just stand back. I've got Brads on the left already. You're good where you are.

Voice: ***

Black 3: Six, this is 3. You got them all? They're contained now, correct?

Black 6: Say again, 3?

Black 3: This is 3. Roger. You've got them contained right now, correct?

Black 6: Affirmative. They're not going anywhere.

Black 3: Okay. Roger. They're going to bring the PsyOps guys up

White 1: White-1 ***

Voices: *** [Simultaneous transmissions.]

Black 6: Roger.

Voices: *** [Simultaneous transmissions.]

White 2: Did the Brads dismount some people, over?

Voices: *** [Simultaneous transmissions.]

White 1: White 1, roger. Break.

White 1: The enemy is dismounted to your right front.

Voice: Roger.

White 1: ... approximately a thousand meters.

White 2: That's a roger. We're watching. I just wanted to make sure we had some guys out there.

White 1: White 1, roger. Break. ***

Appendix I
Transcription of Audio Tape Recorded
During February 27, 1991, Fratricide
Incident

Voice: ***

White 1: I'm watching the six *** building.

White 2: This is White 2, roger.

White 4 (IC): That's a Bradley there.

White 4 (IC): Bradley?

White 4 (IC): Yeah.

White 4 (IC): Okay, [Blue 5].

Blue 1: Black 6, Bravo-Blue is reporting dismounts down on the ground.

White 4 (IC): Blue 1 don't know his people on the ground.

Black 6: Blue 1, say again?

Blue 1: Roger. There's still dismounts on the ground.

Black 6: Roger. We've got two in sight right here. They're not going anywhere, though.

Blue 1: Okay. There's at least three.

Black 6: One's making a run towards us here. Let's see what he does.

Black 6: Bravo Section, can you see what that guy's doing? He's running toward you.

Black 6: He's stopped at the wire now.

White 1: *** White 3, can you see any of this?

White 3: White 3. Say again? Over.

White 1: Roger. Do you see dismounts on the ground in front of you, over? Break. Enemy type?

White 3: White 3. Negative.

Appendix I
Transcription of Audio Tape Recorded
During February 27, 1991, Fratricide
Incident

Black 3: Six, is there a vehicle out there with dismounts, over?

Black 6: Bravo Section can see a truck. I can see some dismounts. Bravo, what kind of vehicle they got?

Blue 5: *** It's hard to say. It might be an old pickup truck. Break. ***

Voice: ***

Black 6: He's not running any more. I think he stopped behind a berm somewhere there.

Black 3: Thunder 3 is somewhere up there by you.

Black 3: They saw two of them running to that truck.

TAPE STOPS/STARTS

Black 6: Roger. I don't think these guys know that we got them in our sights.

FATAL SHOTS FIRED

Black 6: Cease fire. Everybody hold your fire. Hold your fire.

Blue 1: Black 6, that's higher elements doing that.

Black 6: Understand.

Black 6: Three, get on higher net. There's somebody else here engaging these guys.

Black 3: That was Thunder 6.

Black 3: He wants you to come up on the net, 6.

Black 6: Roger. I'm switching.

White 4 (IC): Oh, Thunder 6 done got in the [expletive deleted].

White 4 (IC): They did not fire up on him.

White 4 (IC): Who is that, that's the CO? That's the Colonel, ain't it.

**Appendix I
Transcription of Audio Tape Recorded
During February 27, 1991, Fratricide
Incident**

White 4 (IC): Yeah.

White 4 (IC): Just wanted get in some shots.

Black 3: Black 6, you coming up on the net?

White 4 (IC): They're engaging him, [expletive deleted] him.

White 4 (IC): I heard something that sounded like a main gun, [expletive deleted].

Voice: ***

White 4 (IC): Where's my cigarette box at? ***

TAPE STOPS/STARTS

Voice: *** get away.

Voice: What's your direction? Over.

Black 6: I don't have an orientation. They're on the far side of the building. Over.

Black 6: Bravo Section, are you in a position where you can see anything?

Black 6: Blue, go ahead and sweep around the building and go after those guys.

Black 3: Six, did you monitor?

Black 6: Roger, Blue's going to sweep.

Voice: ***

Black 6: That's the PsyOps guys.

Voice: ***

Black 6: Blue, did you monitor instructions specific?

Blue 1: Roger.

Black 6: Roger.

Appendix I
Transcription of Audio Tape Recorded
During February 27, 1991, Fratricide
Incident

Voice: ***

White 4 (IC): [Expletive deleted], Blue in this [expletive deleted] again, boy.

Voice: *** that truck ***

Black 5: White, this is Black 5.

White 4: White 4.

White 4: Black 5, White 4.

Black 5: Roger. Still no hot spots over by the tower?

White 4: This is White 4, negative. There are like two little-bitty hot spots. If they're not big enough to be people, I don't know what they are.

Black 5: This 5, roger. Continue to monitor.

White 4: Four, roger.

TAPE STOPS/STARTS

Green 1: I do not know who's on the ground. But I see apparently two individuals walking around, and it looks like they have gathered three or four of the people, which I assume are the prisoners, and they're up on their knees now.

Black 3: Roger. They've got the prisoners on their knees *** they got the prisoners. Over.

Black 3: Six. He said it says looks like two friendlies has rounded up three or four of the EPWs. Break. They got them away from the burning shack and on the ground and on their knees. Over.

White 4 (IC): And now he's a [expletive deleted] hero, great. Send him home.

Black 6: Green, do you still see any dismounts or vehicles that are not amongst our Bradleys, over?

Green 1: Ah, negative.

Appendix I
Transcription of Audio Tape Recorded
During February 27, 1991, Fratricide
Incident

Black 6:

Roger.

[End of recording.]

Scope and Methodology

We conducted our investigation between March 1993 and November 1994. In doing so, we conducted over 108 interviews of current and former U.S. Army and Air Force personnel who were directly or indirectly involved in the February 27, 1991, fratricide incident. These included the four surviving engineers, 3rd ACR Commander, 3rd Squadron Commander, I Troop Commander, the second Investigating Officer, and most crew members of the armored vehicles that were party to or witnessed the incident. The first Investigating Officer declined our request for an interview. We also interviewed archivists at the division and regimental levels and at the Center for Military History.

We reviewed personal notebooks, a photograph, aerial imagery, and diaries of many of the above personnel. In addition, we reviewed records and documents at the corps, division, regimental, and squadron levels; the entire AR 15-6 investigation, its reviews, and two related U.S. Army Inspector General investigations; and regulations governing Army investigations, as well as Army policies regarding command and control. We also examined historical records and documents at the Center for Military History.

During our investigation, we found a previously unknown audio radio transmission recorded during the incident. (See app. I.) With the FBI's assistance, we thoroughly analyzed the transmission. The M1A1 Abrams Tank Commander also assisted us in transcribing the tape. Further, we sought assistance from the Defense Mapping Agency in developing special mapping products.

We formally briefed Senator Thompson's office on January 6, 1995, and Senator Sasser's office on April 21, 1994, concerning our investigation. At the April 1994 briefing, we were requested to brief Douglas Lance Fielder's immediate family. We did so on April 22, 1994, in Nashville, Tennessee. We also provided briefings to U.S. Army representatives on May 10, 1994, and June 3, 1994, on the content of our investigation. We did not obtain official agency comments on a draft of the report.

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