



DEPARTMENT OF THE ARMY
BRIGADE OPERATIONAL LAW TEAM
HEADQUARTERS, 4TH INFANTRY BRIGADE COMBAT TEAM
FOB FALCON, IRAQ APO AE 09361

REPLY TO
ATTENTION OF:

AFZN-BC-JA

31 July 2007

MEMORANDUM FOR COMMANDER, 4th Infantry Brigade Combat Team, 1st Infantry Division, Multinational Division Baghdad, FOB Falcon, Iraq APO AE 09361

SUBJECT: Legal Review of AR 15-6 Investigation Regarding Allegations of Soldier Misconduct Published in *The New Republic*

1. Legal Review. In accordance with AR 15-6, paragraph 2-3(b), I have reviewed the AR 15-6 investigation into the facts and circumstances surrounding the allegations of Soldier misconduct published in *The New Republic*. I make the following determinations:

- a. The investigation complies with the legal requirements under AR 15-6.
- b. Errors in the investigation, if any, do not have a material adverse effect on any individual's substantial rights as related to an informal AR 15-6 investigation.
- c. Sufficient evidence supports the findings for an informal AR 15-6 investigation.
- d. The recommendations are consistent with the findings with the exception of the recommendation for a command directed mental evaluation. The evidence and the findings do not address concerns regarding mental fitness for duty.

2. Approval Authority Action. In accordance with AR 15-6, paragraph 2-3(a), the approval authority is neither bound nor limited by the findings or recommendations of an investigation. Accordingly, the approval authority may take one of several actions in this case:

- a. Adopt the findings and recommendations as they are and take action not inconsistent with the recommendations;
- b. Require the investigating officer to conduct a further investigation and resubmit findings of fact and recommendations;
- c. Substitute findings or recommendations as the appointing authority believes are supported by a preponderance of the evidence.

3. Recommendation. I recommend that you approve the findings of the Investigating Officer. I recommend that you approve the recommendations of the investigating officer with the exception of the recommendation for a command directed mental evaluation. If

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the Soldier's chain of command observes behavior that they believe warrants mental evaluation, the chain of command should consult with a mental health professional and the brigade legal office before proceeding with a directed mental evaluation.

4. The POC for this action is the undersigned at SVOIP: 777-1189 or William.justin.johnson@us.army.mil / william.johnson@4bct1id.army.smil.mil. Please call if there are any questions.



WILLIAM J. JOHNSON
CPT, JA
Operational Law Attorney



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY

Task Force 1ST Battalion, 18th Infantry
2nd Brigade, 1st Infantry Division
FOB Falcon
Baghdad, Iraq 09361

AETV-BGS-F-XO

29 July 2007

MEMORANDUM FOR Commander, 4th IBCT, MND-B, FOB Falcon, Iraq APO AE
09361

SUBJECT: Investigative AR 15-6 Report – RE: Allegations of Soldier / Unit
Misconduct

1. Purpose: The purpose of this document is to report the investigating officer's findings and recommendations concerning the allegations made by one Scott Thomas in his article "Shock Troops," that was posted on *The New Republic* website on 17 July 2007. These allegations include: Soldiers blatant disrespect of a disfigured woman at the Forward Operating Base (FOB) Falcon Dining Facility (DFAC); desecration of human remains by Soldiers while emplacing a Combat Outpost in the farmlands south of Baghdad; and the deliberate and malicious targeting of wild dogs to run them over with the Bradley Fighting Vehicle.

2. Summary: On 17 July, one Scott Thomas posted an article titled "Shock Troops" on *The New Republic* website with indicators that the author might be in TF 1-18. On 24 July, COL Gibbs, Commander, 4th IBCT, 1st ID appointed CPT Forrest Ryan, C/1-18IN, as the investigating officer. CPT Ryan immediately visited the BCT SJA and began his investigation, focusing on the desecration of human remains and the targeting of wild dogs by Bradley drivers. On 26 July, Private Scott Beauchamp, A/1-18IN, revealed on *The New Republic* website that he was "Scott Thomas," author of "Shock Troops." On 27 July, I, MAJ John Cross, assumed the duties of Investigating Officer. CPT Ryan turned over the statements and evidence that he had collected. After reviewing the collected statements, I conducted two additional interviews to clarify previous statements. I also collected a sampling from across the Battalion to determine if there was ever a disfigured woman on FOB Falcon who frequented the DFAC. I also had CPT Donald Johnson, Commander of A/1-18IN, and CPT Robert Summers, Commander of E/1-18IN, query Soldiers, who were friends of Private Beauchamp, about the situation of blatant disrespect toward the disfigured woman in the FOB Falcon DFAC. These commanders did the questioning of the Soldiers because of their location at Combat Outposts and the time sensitive nature of this investigation.

3. Applicable Laws & Regulations: AR 530-1, Operational Security (OPSEC); Article 92, Failure to Obey an Order or Regulation; Article 134 (Disloyal Statements); Article 134 (Reckless Endangerment).

4. Investigative Procedures: Upon assignment as the IO, CPT Ryan immediately began interviewing the Soldiers at Combat Outpost Ellis, the Combat Outpost that is south of

Baghdad International Airport and meets the description of the Combat Outpost in “Shock Troops.” CPT Ryan interviewed several members of C/1-28IN, who helped build the Combat Outpost to establish the veracity of the claims of a “Saddam-era dumping ground of some sort.” CPT Ryan also interviewed the Bradley drivers of A/1-18IN assigned to Combat Outpost Ellis to verify the allegations of targeting wild dogs with the tracked vehicles. In addition to the Bradley drivers, CPT Ryan also interviewed the Section leaders to verify the statements of the Bradley drivers. Upon assuming responsibility of the investigation, on 27 July, I immediately reviewed the collected statements and identified a few areas requiring further questioning. On 28 July, I conducted interviews with two Soldiers to clarify their statements and determine their subject matter expertise for making the statements that they did. I also spoke briefly with PVT Beauchamp to inform him that I was now the investigating officer and to see if he wanted to waive his rights that he had invoked after his second sworn statement. He did not waive his rights. I then collected copies of his web log diary to determine his intent for writing the articles for The New Republic. On 29 July, I conducted a brief survey of Soldiers from across the battalion to see if they could remember a woman or an incident described by Private Beauchamp in “Shock Troops.” CPTs Johnson and Summers assisted me in this effort for those Soldiers who associated with Private Beauchamp, but were stationed at Combat Outposts away from FOB Falcon.

5. Witnesses & Evidence:

a. Evidence gathered to determine the scope of the problem and credibility of the author includes the following:

- (1) “Shock Troops,” by Scott Thomas – Exhibit A
- (2) Statement from Private Scott Thomas Beauchamp posted on The Plank, part of The New Republic – Exhibit B
- (3) Blog entries for Private Scott Thomas Beauchamp from January 2006 to September 2006 on his website, “The Real Sir Scott Thomas” – Exhibit C
- (4) Comments page from Blog entry dated 4 May 2006 – Exhibit D
- (5) Sworn statements from Private Beauchamp stating that he did not hit or target dogs as a driver of a Bradley nor did he see a “mass grave” but did find animal bones during the initial occupation of Combat Outpost Ellis – Exhibit E
- (6) DA Form 3881 for Private Beauchamp invoking his rights after providing his two sworn statements – Exhibit F

b. Statements were collected from the following Soldiers to determine the veracity for both the desecration of remains and targeting of dogs:

- (1) CPT Eric Pribyla – Exhibit G
- (2) SSG Skyler Preszler – Exhibit H
- (3) PFC Tracy King – Exhibit I
- (4) SSG Jonathan Duncan – Exhibit J
- (5) SSG Reinhardt – Exhibit K

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- (6) PFC Brian Long – Exhibit L
- (7) SPC Gregory Franz – Exhibit M
- (8) PFC Randy Moon – Exhibit N
- (9) SSG Scott Cunningham – Exhibit O
- (10) SFC Martin Gutierrez – Exhibit P
- (11) 1LT Jamil Brown – Exhibit Q
- (12) SSG Robert Bauer – Exhibit R
- (13) SSG Clifford Gabriel – Exhibit S

All of these Soldiers and NCOs were present during the building of Combat Outpost Ellis. Additionally, SPC Franz, PFC Moon, and PFC Long serve as Bradley drivers for 1/A/1-18IN. Based on their experiences and participation in the activities in question, they are all credible witnesses to determine the veracity of the allegations.

c. To verify the existence of a disfigured woman at the FOB Falcon DFAC, I surveyed several Soldiers from across Task Force 1-18IN because they have been here the same amount of time as Private Beauchamp. Statements were taken from:

- (1) CPT Lee Showman – Exhibit T
- (2) SSG Jesse Martin – Exhibit U
- (3) SSG Francis Hancock – Exhibit V
- (4) SGT Craig McLaughlin – Exhibit W
- (5) SPC William Whitmore – Exhibit X
- (6) PV2 Jarrid Ilgenfritz – Exhibit Y

Every Soldier interviewed did not recall a disfigured woman in a tan military type uniform. Additionally, CPT Johnson verified with PFC Kloos, a friend of Private Beauchamp who is currently located on Joint Security Substation Black Lion, that he had never seen this woman either.

6. Findings:

a. That “Scott Thomas,” author of “Shock Troops,” is PVT Scott Thomas Beauchamp, assigned to 1st Platoon, A Company, 1st Battalion, 18th Infantry Regiment. See Exhibit B, also found at www.tnr.com/blog/the_plank?pid=128957 and Exhibit E.

b. That the incident of blatant disrespect for a disfigured woman in the FOB Falcon DFAC is a tale completely fabricated by Private Beauchamp. See Exhibits T-Y.

c. That the desecration of human remains and the discovery of a “Saddam-era dumping ground” is false. CPT Erik Pribyla reports of seeing a “skull and what appeared to be a human femur” during the reconnaissance of Combat Outpost Ellis. He gave orders for the skull and femur to be buried with as much dignity as possible during the initial occupation of Combat Outpost Ellis (Exhibit G). PFC King reports that he buried the skull (Exhibit I). Other Soldiers report that there were several animal bones

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discovered during the initial occupation as well (Exhibits G, H, M, R & S). I find that the second set of bones were probably those of chicken, goat, or sheep remains, commonly found on Iraqi farmsteads in trash piles where they are dumped after a meal. The bones were collected and interred in a discreet manner. At no time did a Soldier place the cranial bones on his head or wear them on patrol (Exhibits J, K, & N).

d. That the deliberate targeting of wild dogs is completely unfounded. See Exhibits H, L, M, N, O, P, Q, R, & S. Combat Outpost Ellis is located in rural farmlands that are laced with canals and narrow roads. Driving erratically to hit dogs would greatly increase the level of unnecessary risk and be detrimental to the success of the patrol.

e. That Private Beauchamp desired to use his experiences to enhance his writing and provide legitimacy to his work possibly becoming the next Hemingway (Exhibits C-4 & D).

f. That Private Beauchamp did not consult with his immediate supervisor in accordance with Army Regulation 530-1, Chapter 2, Paragraph 1(g) before publishing "Shock Troops," an article that undermined the good order and discipline of 1-18IN and discredited the U.S. Army and its efforts in Iraq (Exhibit H).

g. That there is enough evidence to warrant an additional investigation into possible operational security (OPSEC) violations as outlined in AR 530-1 (Exhibits C-2, C-4).

h. That Private Beauchamp is not a credible source for making the allegations he wrote about in "Shock Troops" (Exhibit A). He admitted that he was not an eyewitness to the targeting of dogs and only saw animal bones during the construction of Combat Outpost Ellis (Exhibit E). Combined with the piece of fiction that he wrote on 8 May 2006 on his Blog (Exhibit C-4), I find that Private Beauchamp takes small bits of truth and twists and exaggerates them into fictional accounts that he puts forth as the whole truth for public consumption.

7. Recommendations:

a. That both the Dagger and Dragon Brigade Combat Teams release the Commander's approved findings to the media confirming that the allegations made in "Shock Troops" were blatantly gross exaggerations of the truth or, in the case of the disfigured woman, entirely fabricated.

b. That Private Beauchamp have his computer / internet access revoked until the completion of a more detailed investigation into the potential OPSEC violations discovered in the course of this investigation.

c. That the unit send Private Beauchamp for a mental health consultation to ensure the welfare of the Soldier is maintained.


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d. That the unit reiterate through the chain of command the responsibilities of Soldiers that come with the privileges of using the internet as a means of communication while deployed in a combat theater. This includes the necessity to maintain OPSEC in accordance with AR 530-1.

e. That the unit re-publish the Dagger Brigade Flat Ass Rules, especially focusing on treating everyone with dignity and respect. Observing these rules has sustained the Task Force up to this point and reinforcement of these rules will ensure that the Task Force maintains the standards of the Dagger Brigade and the United States Army.

8. The point of contact for this memorandum is the undersigned at SVOIP 776-7205 or john.d.cross@us.army.mil.


JOHN D. CROSS
MAJ, IN
Executive Officer, 1-18IN

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I. DA Form 1574

II. Investigative Officer Appointment Orders

Exhibit A. “Shock Troops” by Scott Thomas

Exhibit B. “A Statement from Scott Thomas Beauchamp”

Exhibit C. Scott Beauchamp Blog Entries.

C-1 – January 2006

C-2 – March 2006

C-3 – April 2006

C-4 – May 2006

C-5 – June 2006

C-6 – July 2006

C-7 – August 2006

C-8 – September 2006

Exhibit D. Comments from Scott Thomas Blog dated 4 May 2006.

Exhibit E. DA 2823s for PFC Scott Beauchamp

Exhibit F. DA 3881 for PFC Scott Beauchamp

Exhibit G. DA 2823 for CPT Eric Pribyla

Exhibit H. DA 2823s for SSG Skyler Preszler

Exhibit I. DA 2823s for PFC Tracy King

Exhibit J. DA 2823 for SSG Jonathan Duncan

Exhibit K. DA 2823 for SSG Kevin Reinhardt

Exhibit L. DA 2823s for PFC Brian Long

Exhibit M. DA 2823s for SPC Gregory Franz

Exhibit N. DA 2823s for PFC Randy Moon

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Exhibit P. DA 2823s for SFC Martin Gutierrez

Exhibit Q. DA 2823s for 1LT Jamil Brown

Exhibit R. DA 2823s for SSG Robert Bauer

Exhibit S. DA 2823s for SSG Clifford Gabriel

Exhibit T. DA 2823 for CPT Lee Showman

Exhibit U. DA 2823 for SSG Jesse Martin

Exhibit V. DA 2823 for SSG Francis Hancock

Exhibit W. DA 2823 for SGT Craig McLaughlin

Exhibit X. DA 2823 for SPC William Whitmore

Exhibit Y. DA 2823 for PV2 Jarrid Ilgenfritz

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by COL Ricky D. Gibbs, Commander, 4th IBCT, 1st Infantry Division, FOB Falcon, Baghdad, Iraq
(Appointing authority)

on 27 July 2007 (Date) (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

The (investigation) ~~(board)~~ commenced at FOB Falcon, Baghdad, Iraq at 1600
(Place) (Time)
on 27 July 2007 (Date) (If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)

The (investigating officer) ~~(board)~~ finished gathering/hearing evidence at 1945 on 29 JULY 2007
(Time) (Date)
and completed findings and recommendations at 2356 on 29 JULY 2007
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES		YES	NO ^{1/}	NA ^{2/}
¹	Inclosures (para 3-15, AR 15-6)			
	Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)			
	a. The letter of appointment or a summary of oral appointment data?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Copy of notice to respondent, if any?(See item 9, below)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	c. Other correspondence with respondent or counsel, if any?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	d. All other written communications to or from the appointing authority?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	e. Privacy Act Statements (Certificate, if statement provided orally)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	g. Information as to sessions of a formal board not included on page 1 of this report?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

FOOTNOTES: ^{1/} Explain all negative answers on an attached sheet.

^{2/} Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation

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