
UNITED STATES

v.

SGT Robert B. Bergdahl
HHC, STB, US Army FORSCOM
Fort Bragg, NC 28310

) Defense Motion to Compel
) Appointment of Defense Investigator
) and for Expedited Consideration
)
)
)
) 30 January 2016

SUMMARY AND RELIEF SOUGHT

GEN Robert B. Abrams, GCMCA, denied the defense's request for appointment of a named investigator without any explanation or substitute. The Court should rule that a defense investigator is relevant and necessary, and should compel the government to employ the defense's requested investigator.

WITNESS AND EVIDENCE

- GEN Robert B. Abrams (present at Fort Bragg), live testimony
- Encl 1 – Excerpt from preliminary hearing transcript: MG Dahl describing his AR 15-6 investigation team and resources, 18 Sept 2015
- Encl 2 – Defense request for investigator, 6 Jan 2016
- Encl 3 – GEN Abrams' denial of defense request for investigator, 28 Jan 2016
- Encl 4 – LTC Rosenblatt email to MAJ Kurz, 28 Jan 2016

FACTS

1. The accused is charged with two offenses, as set forth in previous submissions by the parties. The maximum punishment for Charge II is confinement for life.
2. In 2014, a major AR 15-6 investigation was conducted by then-MG Kenneth R. Dahl over a period of four months. MG Dahl led an investigation team of 22 individuals, including three senior Criminal Investigation Division (CID) officers and two attorneys, with abundant investigative resources including use of military aircraft. Encls 1, 2.
3. The government has added a large number of attorneys – many of them unknown to the defense – who have worked on or in direct support of the prosecution.
4. The defense did not have an investigator during the preliminary hearing phase.
5. The defense twice requested an investigator before referral.

6. The SPCMCA LTC Peter Q. Burke denied the first request, stating that such support should come from within TDS. Encl 2.
7. TDS has no assigned investigators.
8. The defense next asked preliminary hearing officer LTC Mark A. Visger to cause an investigator to be assigned. LTC Visger ruled that he lacked such power, but also wrote: "The defense makes a *strong showing of the need for investigative assistance*. Several factors, including the numerous government agencies involved, the classification level of the materials in question, the apparent *lack of cooperation of some of the witnesses, some witnesses' reticence to release basic contact information*, and the sheer size of the case file, mitigate in favor of expert investigative assistance beyond that provided by paralegal support from Trial Defense Services." (emphasis added). Encl. 2.
9. On 6 January 2016, the defense asked GEN Abrams to appointment Garland Slate, a civilian who previously served as a special agent of the FBI and has had experience as a prosecution investigator in military justice related matters, as the defense investigator. Encl 2.
10. On 28 January 2016, GEN Abrams denied the defense request for Mr. Slate's appointment. Encl 3. He provided no explanation whatever for the denial, and did not appointment anyone else.
11. On 28 January 2016, the defense asked Trial Counsel for any documents GEN Abrams considered in acting on the defense request for an investigator. Encl 4.
12. Trial counsel has not responded to Encl 4.
13. The trial is scheduled to commence on 8 August 2016.
14. The defense's electronic docketing request noted that an 8 August 2016 trial date was feasible if the defense was promptly furnished an investigator, among other things.

LEGAL AUTHORITY AND ARGUMENT


The Code and Manual require that the parties have equality access to evidence in a court-martial. Art. 46; R.C.M. 701. Investigative assistance is a recognized aspect of the effective assistance of counsel as guaranteed by the Sixth Amendment. Pertinent case law is stated in Encl 2. An accused in a court-martial is entitled to expert assistance at no cost to himself when necessary to his defense, to include expert investigative assistance. Given the extraordinary resources the government has already employed, the volume of evidence that can be anticipated (hundreds of thousands of pages of material), and the complete lack of investigative expertise on the defense time, to deny SGT Bergdahl even a single trained investigator is indefensible. Attorneys are not investigators. Moreover, requiring a defense counsel to perform investigative functions would require the attorney to become a witness, a conflation of roles that public policy strongly disfavors.

Because it is completely unexplained, the GCMCA's denial is entitled to no deference whatever. The court should reject any *post hoc* rationalization the prosecution attempts to offer.


CONCLUSION

The Court should rule that a defense investigator is relevant and necessary, and should compel the government to employ Mr. Slate for the defense. Expedited consideration is requested in order to preserve the scheduled trial date.

EUGENE R. FIDELL
Civilian Defense Counsel


FRANKLIN D. ROSENBLATT
LTC, JA
Defense Counsel

I certify that I have served or caused to be served a true copy of the above on the Trial Counsel on 30 January 2016.


FRANKLIN D. ROSENBLATT
LTC, JA
Defense Counsel

1 Defense, please call your next witness.

2 CDC: Yes. Please call Major General Kenneth R. Dahl.

3 **MAJOR GENERAL KENNETH R. DAHL, U.S. Army, was called as a witness for**
4 **the defense, was sworn, and testified as follows:**

5 **DIRECT EXAMINATION**

6 **Questions by the trial counsel:**

7 Q. Sir, I need to read you a caution. Please be advised that,
8 while you are testifying if you are asked any questions that you
9 believe may require a response containing classified information, you
10 have a personal responsibility to notify the preliminary hearing
11 officer prior to answering. At no time should you disclose any
12 classified information while this hearing is in open session.

13 Do you understand?

14 A. I do.

15 Q. Sir, could you, please, state your full name, rank, and
16 unit of assignment?

17 A. Kenneth Robert Dahl, Major General, United States Army. I
18 am most recently assigned as the Deputy Commanding General of I Corps
19 at Joint Base Lewis-McChord.

20 TC: Thank you.

21 Defense?

22 **Questions by the civilian defense counsel:**

23 Q. Good morning, General.

1 A. Good morning.

2 Q. Can you -- you know Sergeant Bergdahl -- you have met
3 Sergeant Bergdahl?

4 A. I have.

5 Q. And you know that he is sitting to my right, down a couple
6 of seats. Can you state for Colonel Visger how you became involved -
7 - or how you came to be involved with Sergeant Bergdahl?

8 A. Yes, I can. While I was serving at Joint Base
9 Lewis-McChord as the deputy commanding general there was a --
10 shortly, if I recall, it was a week or so after Sergeant Bergdahl was
11 recovered -- there was a tasker that went out from the Headquarters,
12 Department of the Army, I believe, to the major commands in the Army
13 asking for an officer -- a candidate -- nominees to potentially serve
14 as the investigating officer for an Article 15-6.

15 The criteria as I recall them were, we wanted a major
16 general. We wanted somebody who was from the operational side of the
17 Army, somebody who had recent Afghanistan experience. And they were
18 going to be -- needed to be available almost immediately and probably
19 for a period of about 60 days.

20 So, as the DCG, I saw that traffic on the tasker, and I
21 counted them up. And I recognized that there were probably about
22 three of us; so I began to advocate of the other two, but I failed.

1 And I received notice a day or two later that I was going to be the
2 investigating officer, which I understood why.

3 Q. Certainly.

4 A. And I sort of saw it coming. I said, really, this tasker
5 is kind of made for me but -- so that is how it happened.

6 Q. What is it that made you think the tasker was tailor made
7 for you?

8 A. Well, given those criteria, there were only a couple others
9 that really met that criteria. And, frankly, they were in positions
10 where it would have much more difficult for them to depart their core
11 responsibilities and be gone for 60 days than mine. I mean, I Corps
12 is a very large organization. I was the deputy, not the commander.
13 So my absence would have been a lot easier to back fill than the
14 others, so I pretty much saw it coming.

15 Q. And did you proceed, in fact, to perform the duty of
16 AR 15-6 investing officer?

17 A. I did. I think a couple of days went by before I received
18 a phone from the Vice Chief of Staff of the Army telling me that, of
19 the nominees, I was selected. I believe it was the next day I flew
20 to Washington D.C. to get my appointment orders from Lieutenant
21 General Grisoli, the Director of the Army Staff.

22 Q. Did you have any help on this project?

1 A. I did. I had a great deal of help. When I first arrived
2 in Washington D.C., I was offered the opportunity, frankly, to
3 conduct my investigation in Washington D.C. And I think that there
4 actually may have even been an assumption that that is what I was
5 going to do. And that was not my assumption, so I explained to them
6 that I was going to return back to Washington State and conduct my
7 investigation from there. I really didn't see much value in doing it
8 in Washington D.C. versus Washington State. Again, Joint Base
9 Lewis-McChord is a very large installation. So, of the experts that
10 I would need -- subject matter experts, technical experts -- we have
11 an abundance of that kind of talent, you know, at Joint Base
12 Lewis-McChord. So I thought that it would be better to go back, you
13 know, sort of separate ourselves from the noise and work with a team
14 of people that -- I already knew many of them.

15 So I did, and we went back to -- the only thing I asked for
16 from outside of Joint Base Lewis-McChord was a couple of lawyers to
17 help me on the legal aspects of things. And that is because I work
18 quite a lot with the lawyers at Joint Base Lewis-McChord, and we keep
19 them pretty busy. And I didn't want to distract them from the work I
20 was already giving them to do. So, other than that, I assembled a
21 team at Joint Base Lewis-McChord.

22 Q. How many people were on your team?

1 A. I believe it was 22. It was a very diverse group of
2 people. It sort of was diverse, you know, not necessarily
3 deliberately; but it just turned out that way.

4 As I was returning to Joint Base Lewis-McChord -- as I was
5 flying back, you know, at that time I thought to myself, I don't know
6 Sergeant Bergdahl. I don't know if he is going to want to speak to
7 me at all. Really, what I needed to do was to understand the intent.
8 What was going through the mind of a private first class at the time,
9 you know, on a platoon combat outpost in Afghanistan; and I am a 55
10 year old major general. So I thought, "I need a platoon sergeant. I
11 need an infantry platoon sergeant," who is going to be a lot more --
12 closer to, you know, being able to provide me some input from that
13 small unit leader perspective. So the first person identified was an
14 infantry -- sergeant first class infantry platoon sergeant.

15 And then, I knew I would need some intelligence analyst,
16 some people who are familiar with conducting, you know, good
17 investigations. Some -- a communications person to help me when we
18 were traveling. A psychologist, a psychiatrist, financial experts.
19 So we ended up pulling together about 22 folks. Generally speaking,
20 I think it was -- I want to say we had 9 officers, 11 enlisted, and 2
21 civilians. The two doctors were both civilians. And it was pretty
22 evenly split I think gender-wise and then ethnic backgrounds was
23 also, you know, widely represented.

1 And I only point that out to you because that led me --
2 later, when I recognized -- when we would sit around the table and
3 have conversations at the end of the day -- and it was fairly open
4 and good dialogue going on amongst everybody -- it occurred to me
5 that this is the kind of group of people that would provide a good
6 deal of confidence, you know, at the end of the day, you know, that
7 we have found the truth.

8 Q. And I'm hearing you to say that you really got your hands
9 dirty on this?

10 A. I did.

11 Q. This was not supervising. You were hands on
12 investigating ----

13 A. Yeah, absolutely. Absolutely. Yeah, I wasn't doing
14 anything else but this.

15 Q. This was it?

16 A. This was it. I was not doing anything else but this.

17 Q. Was your staff and the available time adequate to the task?

18 A. Yes. I think in hindsight it was. I was offered the
19 opportunity to have access to military air when it was available. It
20 is available on an as-needed basis; and I didn't think that I was
21 going to have the priority, and sometimes I didn't. But when it was
22 available, I did get it. And that was very helpful in us meeting our
23 time line. Because we could fly to, you know, Tampa; and we could

1 work the whole way there on the plane which you can't do, you know,
2 on a commercial aircraft when you are changing planes and checking
3 baggage and all that. So that was a very efficient use of that.
4 That allowed us to stick with our time line.

5 And yeah, so I think I had -- frankly, by the time we
6 wrapped up, we really didn't have too much more that we had hoped to
7 accomplish or pursue or additional leads. I was a little late in
8 interviewing Sergeant Bergdahl as you'll recall. Other than that, it
9 went, pretty much, the way we had hoped.

10 Q. So how long did the investigation take from start to ----

11 A. Yeah. I'll say 59 days. There were 60 days -- my orders
12 said 60 days. And I had told the group -- I said, you know, "I would
13 like to be done in 60 days. I think we can be done in 60 days. We
14 have a lot of talent here." We had uninterrupted -- I mean, everyone
15 on my team was completely distraction-less. This was your -- you are
16 committed to this until we are done.

17 So with that amount of talent and 60 days; and probably the
18 only thing that really facilitated us, I think, was the mil air. And
19 we did a lot of -- a lot of interviews and things we did, we did over
20 the telephone. It was fine. People were very happy to do telephonic
21 interviews. So we didn't have to travel that much and turn all those
22 into sworn statements. So I think we did a good job.

1 I mean, when we started to get bogged down, you know, we
2 added more people. That is how we ended up with 22. At first, I
3 started with one paralegal. I ended up with two or three paralegals
4 and a court reporter. And that is just because they just couldn't
5 keep up with the interviews. We were doing three, four, five a day;
6 and we were wearing them out. So we started to pull in some
7 additional help.

8 Q. Roughly, how many people were interviewed?

9 A. I think it was 57 if I'm not mistaken.

10 Q. You generated a report?

11 A. I did.

12 Q. Have you had a chance in preparation for today to look back
13 at it?

14 A. I have.

15 Q. And I am referring mostly but not exclusively to the
16 executive summary.

17 A. Right.

18 Q. A small point perhaps, but I will ask it anyway.

19 A. Uh-huh [indicating an affirmative response].

20 Q. There are two dates on the executive summary.

21 A. Uh-huh [indicating an affirmative response].

22 Q. I don't know -- do you need to see it? Would it help
23 you ----

1 A. No. I have it right here [pointing to his head].

2 Q. I imagined that was the case. So why are there two dates
3 on the executive summary?

4 A. Sure.

5 Q. Just to put that to rest.

6 A. No. Sure. I mean, I was very well aware from the very
7 beginning that this was a high-profile case, which is one of the
8 reasons -- another one of the reasons why I thought it was important
9 for us to finish in 60 days. I mean, my orders said 60 days; and I
10 wanted to finish in 60 days. I didn't want anyone to -- if I were to
11 finish early, you know, accuse me of doing that for some particular
12 reason; or if I were to finish late, accuse me of doing that for some
13 particular reason. So I said the best thing for us to do is to do
14 our job and do it in 60 days. If I can't do it in 60 days, then I
15 will ask for an extension. And I think you will recall, I almost
16 considered that, because my interview for Sergeant Bergdahl came
17 quite late, and I thought I might need to. But in the end, I did not
18 need to. So, on day 59, you know, I flew back to Washington D.C. and
19 presented my recommendations and findings.

20 So my investigation at that point was complete. I had
21 gathered all the facts. I gathered all the information that I was
22 going to gather. You know, we had separated fact from fiction. You

1 know, I believe we found the truth; and then based on the truth, we
2 made our findings and recommendations.

3 I asked, at that point, for additional time to write the
4 report because I thought that, as you know, there is 300-plus pages
5 of sworn testimony of Sergeant Bergdahl that came at the end. And I
6 thought it was necessary for me to tie his testimony -- his sworn
7 statement to all the information that I had gathered previously as
8 best as I could to corroborate it so it didn't just have to stand,
9 you know, on its own. Me and the team saw the connections, but that
10 wouldn't have been obvious to people who weren't as intimate with the
11 effort as we were. So I asked for the additional time.

12 That is why I want to say it was the 14th of August, which
13 was about day 59, when I briefed the findings. And then 45 days
14 later is when I turned in the report, and that was the additional
15 time I asked for to do the writing. I, for the most part, released
16 my team back to do their work because we were done investigating.
17 And I only kept a small number of people to help me with the actual -
18 - the paralegals doing the footnotes, you know, creating the actual
19 document itself. I turned that in on the 24th of September or
20 whatever the date is there on the top right of the front page.

21 Q. 28th.

22 A. 28 September. Okay. So it's not exactly right
23 here [pointing to his head].

1 Q. Close.

2 A. I think that is 45 days after I had asked for the time.
3 And I turned it in, and I dated it. And then I didn't sign it
4 because it still had to go through legal review, and that's typical.
5 I mean, that is typical. The difference between the date on the
6 front and the date next to my signature at the very end, you know, is
7 the amount of time that it took to do the legal review back in
8 Headquarters, Department of the Army.

9 Q. For purposes -- you are obviously aware of what the purpose
10 of this investigation is?

11 A. Sure.

12 Q. Of this hearing -- for those purposes, were there any
13 material changes between your report as it stood ----

14 A. No.

15 Q. ---- before the legal review and after the legal review?

16 A. No. No. No.

17 Q. Great. Okay.

18 A. Absolutely not. I mean, I would like to elaborate on that
19 to say I was very comfortable with all of the changes -- all of the
20 things that were changed during that period of time between those
21 dates. They all were done in consultation with me. Some of them I
22 said, "Nope, we are leaving that in." A lot of them I said, "Yeah.

1 Okay. I am comfortable taking that out. It doesn't really change
2 anything." And so the answer to your question is no.

3 Q. You indicated that you did, ultimately, have an opportunity
4 to interview Sergeant Bergdahl?

5 A. I did.

6 Q. That interview was delayed a little bit, was it not?

7 A. It was.

8 Q. Do you remember the reason for that?

9 A. I sure do.

10 Q. What was it?

11 A. The first reason I delayed was I was waiting for the early
12 phases of Sergeant Bergdahl's reintegration to be completed, which I
13 thought was important.

14 At the time I was appointed as the investigating officer --
15 again, you have to put this into context. The first priority for
16 everyone at that time was Sergeant Bergdahl's physical health, you
17 know, and his mental and emotional health, you know, having just come
18 back from captivity.

19 There was also an interest in learning as much as we could
20 from him -- the Army learning as much as we could from him about his
21 -- the circumstances of his captivity and his capture so that they
22 could learn from an intelligence perspective, you know, what might be
23 useful.

1 There was also an effort to learn from him as much as could
2 be learned from him from the experts who were involved in survival,
3 you know, evasion ----

4 Q. The SERE?

5 A. The SERE folks.

6 Q. S-E-R-E?

7 A. That is right. Survival, escape, resistance, and evasion
8 folks. Anything that he had that was valuable, you want to very
9 quickly get that, you know, back into the force because, if a week
10 later someone is captured, you want to be able to benefit from that.
11 So those were all very high priorities.

12 There was also an FBI criminal investigation that I
13 understood was ongoing for kidnapping.

14 Q. That is not of him; that is of someone else?

15 A. That is correct. That is correct. Not of him. I think it
16 was the Haqqani network.

17 I was not personally involved in any of that, but I was
18 very aware that all of that was taking place. I also was aware that,
19 in the early stages, Sergeant Bergdahl didn't have a great deal of
20 stamina. You know, he had just -- he needed some time to recover.
21 So, with all of those competing demands on his time, he still was
22 only able to give -- reasonably give, short periods of time in the

1 morning and then in the afternoon. And then, over time, he was able
2 to spend a lot more time with those de-briefers and folks.

3 So I wanted all of that to run its course for a number of
4 reasons. One, I thought those were a higher priority. Two, I
5 thought, once I start talking to him about the circumstances of his
6 departure from the COP, it could completely derail any cooperation he
7 might offer in all those other areas. And that seems reasonable to
8 me. So I wanted to avoid interfering with any of that.

9 The second -- so, when I understood that he had completed
10 his reintegration, and that was the time when he actually left Army
11 South and went to Army North because that is the completion of their
12 responsibilities -- that is when I flew down here to San Antonio to
13 interview him.

14 We -- that is when we first learned that he had you to
15 represent him. And then you and I had a conversation that you did
16 not want me to speak to him until you could be, you know, present.

17 Q. That was by telephone.

18 A. That was by telephone. Yeah, we talked on the phone. In
19 fact, John -- John Hamner, my SJA, had advised me that you -- I don't
20 know that the two of you had spoken; but he had been informed one way
21 or another that you were representing him and that you didn't want us
22 to speak. And we were already on our way here or may have already
23 been here at the time. So I -- again, wanting to stay in the time



DEPARTMENT OF THE ARMY
UNITED STATES ARMY TRIAL DEFENSE SERVICE
9275 GUNSTON ROAD
FORT BELVOIR, VIRGINIA 22060

06 January 2016

MEMORANDUM THRU Colonel Vanessa A. Berry, Staff Judge Advocate, United States Army Forces Command, Fort Bragg, North Carolina 28310

FOR General Robert B. Abrams, Commander, United States Army Forces Command, Fort Bragg, North Carolina 28310

SUBJECT: Request for a Defense Investigator

1. Sergeant Bergdahl, through counsel, requests that you appoint Mr. Garland E. Slate, Jr. of Fayetteville, North Carolina as a defense investigative consultant bound by confidence to SGT Bergdahl's defense team, and to pay for Mr. Slate's professional fees and travel expenses that are necessary for him to do his job. Mr. Slate's investigative credentials and experience are enclosed.

2. Legal standard for investigative assistance.

a. Investigative assistance to the defense is part of a SGT Bergdahl's Sixth Amendment right to the effective assistance of counsel. The core of the right to counsel is the ability to "consult with an attorney and to have [that attorney] investigate the case and prepare a defense for trial." *Kansas v. Venstris*, 556 U.S. 586, 590 (2009). "The proper standard for judging attorney performance is that of reasonably effective assistance, considering all circumstances. . . [including] counsel's duty to investigate." *Strickland v. Washington*, 466 U.S. 468, 674 (1984). The military justice system provides the same right to and imposes the same duty on defense counsel to investigate. Rule for Court Martial (R.C.M.) 701(e) mandates that "Each party shall have adequate opportunity to prepare its case and equal opportunity to interview witnesses and inspect evidence. No party may unreasonably impede the access of another party to a witness or evidence." Counsel's "investigat[ion of] a case" is the mechanism by which counsel discovers the evidence that they will offer to any court-martial. *L.R.M. v. Kastenberg*, 72 M.J. 364, 368 (C.A.A.F. 2013). "[A]s a matter of military due process, servicemembers are entitled to investigative or other expert assistance when necessary for an adequate defense, without regard to indigency." *United States v. Carries*, 22 M.J. 288, 290 (C.M.A. 1986).

b. Soldiers are entitled to government-provided expert assistance, including investigative assistance, if such assistance is necessary to their defense at court-martial. *See United States v. Short*, 50 M.J. 370 (1999); *United States v. Ndanyi*, 45 M.J. 315 (1996). The accused must show that the employment of expert assistance is necessary. *United States v. Garries*, 22 M.J. 288 (C.M.A. 1986). There are three aspects to showing necessity. First, why is the assistance needed? Second, what would the assistance accomplish for the accused? Third, why is defense counsel

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unable to gather and present the evidence that the expert assistant would be able to develop?
United States v. Gonzales, 39 M.J. 459, 461 (C.M.A. 1994).

c. The American military justice system is unique among American criminal jurisdictions in the failure to provide full-time defense investigators to assist defense counsel. Most federal and state public defender offices (many of which are already severely strapped for resources) choose to employ full-time defense attorneys and defense investigators at a ratio of roughly 3:1 (see attachment with a breakdown of all federal districts). In May 2014, a group of highly qualified legal experts, including retired Army JAG Colonels Stephen Henley and Lawrence J. Morris, authored a report for the Comparative Systems Subcommittee of the Response Systems to Adult Sexual Assault Crimes Panel, which included Finding 37-2: "Military defense counsel need independent, deployable defense investigators in order to zealously represent their clients and correct an *obvious imbalance of resources*. Defense investigators are such a *basic and critical defense resource*, the Subcommittee finds *they are required for all types of cases*, not just sexual assault cases" (emphasis added). In response, the U.S. Navy JAG Corps in 2015 hired several permanent civilian defense investigators. The Army has not yet implemented this change so defense attorneys must continue to make requests for investigative assistance to convening authorities on a case-by-case basis.

3. Why the assistance of a defense investigator is needed and what it will accomplish:

a. SGT Bergdahl is charged with two specific intent offenses at general court-martial where he faces the possibility of imprisonment for life.

b. An investigator will help right the severe imbalance of investigative resources applied to this case. The Army Regulation (AR) 15-6 investigation consisted of 23 officials who spent months in a full-time investigation of this case. This team included three senior career CID officers: LTC Thomas Russell-Tutty, CW4 Patrick Rasmussen, and CW4 John Lemke.

c. The prosecution intends to present an extraordinary amount of evidence against SGT Bergdahl. On 21 December 2015 the prosecutors notified the defense of 13 pages of lists of statements purportedly made by the accused "intends to offer against the accused", including statements made immediately after SGT Bergdahl was liberated from five years as a prisoner of war. The defense will need to examine this and other evidence and talk to the long list of witnesses who will testify about things that SGT Bergdahl said to them. For reasons described in paragraph 4, this investigation should be conducted by an investigator rather than a defense counsel.

d. The case involves an extraordinary amount of evidence and information from other branches of the U.S. government. MG Dahl's AR 15-6 team coordinated with 24 agencies inside and outside of the Department of Defense. As far as the defense team can tell, the prosecution team has gathered evidence and interviewed witnesses from a similarly large number of other military organizations and agencies.

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e. The prosecution augmented its ranks of four detailed Trial Counsel by 10, and these 14 prosecutors worked full-time with the support of a still-unknown number of support staff. If the prosecution must be as large as it is based on the available evidence, it follows that the defense will require similar resources. Such a severe imbalance of resources available to the prosecution versus the defense would significantly threaten SGT Bergdahl's right to a fair trial.

f. The prosecutors have 25,000 pages of classified evidence that is discoverable by the defense. There may be tens of thousands of more pages of classified evidence that the defense will need to review. This extraordinary amount of classified evidence must not only be reviewed, but also cross referenced with other evidence. Mr. Slate (who possesses a secret clearance) can then interview witnesses based on this evidence and assist the defense team with other requests for other needed evidence. *These tasks alone could easily occupy several full-time defense investigators.*

g. After referral, the prosecution notified the defense of a "non-exhaustive" list of six military members it claims were wounded searching for SGT Bergdahl. The defense will need to investigate this matter just as the prosecution already has. Our investigator must interview these witnesses and gather facts. This matter must be handled with the sensitivity and expertise that a professional investigator brings to bear.

h. As a trained and experienced criminal investigator, Mr. Slate can:

i. Interview select witnesses for accuracy of the witnesses' statement and for additional information that the witness may have about the accused and relating to the specific charges. For reasons described later in this memorandum, the ability of defense counsel to conduct these interviews instead of an investigator is severely constrained by professional responsibility obligations.

ii. Conduct criminal, civil and personal background checks of select prosecution witnesses to determine if they can be impeached or if their testimony can be independently verified.

iii. Local and interview witnesses by the use of investigative techniques not otherwise available to defense counsel.

iv. Testify for the defense about his findings during the defense case in chief or during sentencing.

v. Identify, collect, assimilate, and analyze physical evidence to include, but not limited to: phone records, the authenticity of documentary evidence (and whether it actually represents what witnesses purport), evidence gathered from computers and electronics, financial records, and evidence from social media.

4. Why the defense counsel cannot do this on their own without a designated investigator:

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a. Professional responsibility obligations significantly impair the ability of SGT Bergdahl's assigned defense counsel to investigate the case on their own. Every time a defense counsel probes into new facts and expected testimony with witnesses they do so at the risk of violating their requirements to adhere to the Rules of Professional Responsibility. Rule 3.7 of AR 27-26 states, regarding attorneys as witnesses, that a lawyer "shall not act" as a witness except under very limited circumstances. Every time a defense attorney interviews a witness with a view toward discovering new evidence (as opposed to preparing for trial), the attorney risks violating this rule. The defense team (which solely consists of attorneys) in this case has already been severely constrained in the potential witnesses we speak to out of concern for becoming a witness in our own case, which would then deprive SGT Bergdahl of his assigned counsel for his defense.

b. The most commonly accepted schoolhouse solution for military attorneys to avoid such ethical violations is to have another person with the defense counsel during witness interviews. This "solution", while the best expedient currently available to a typical defense team, is in reality a non-starter. First, it requires that the defense attorneys have another person who can sit in on interviews; in this case we have none assigned or available. Second, it is not unusual for witnesses to miss scheduled appointments and to call back later, often after the defense attorney's paralegal NCO has gone home for the night, and says something along the lines of, "This is the only time I have to talk." What is the defense counsel to do? Of course counsel will interview the witness and risk having to withdraw later when the witness testifies to something different and then refuses to admit on cross-examination that he said something different during the witness interview. Under these circumstances, which are common to courts-martial, the defense counsel has just become a witness. Third, the paralegal who is present for that interview may very well remember things differently than the defense counsel. Fourth and finally, having a witness present for an interview still does not make the defense counsel any less of a witness. *If two people witness the same event, the presence of one does not absolve the other from being a witness.* A trained investigator, by contrast, can conduct interviews freely knowing that he or she can testify later about inconsistencies in testimony without causing an ethical violation for the defense team.

c. Most trial and defense counsel believe they can interview witnesses as well as a trained professional investigator. They cannot. Neither judge advocates nor paralegals receive anything more than cursory training in investigative techniques. An interview is more than asking questions and getting answers. Some witnesses are reluctant to talk, especially in a case such as this one where the notoriety of the case causes many people to become hesitant and unwilling to discuss their personal knowledge freely. A good investigator can put such people at ease. An investigator also has the time to sit outside the house of a witness and wait for him to come home for the interview. An investigator who has done the job for years and who has interviewed thousands of people (like Mr. Slate on some of the military's most high-profile cases in the last two decades) knows how to read a witness, which in turn means the investigator knows when a witness is not saying everything that needs to be said. An investigator has the time to use serendipity to his advantage. So, for example, if the person to be interviewed is not home, the

SUBJECT: Request for Defense Investigator, United States v. Bergdahl

investigator has the time to talk to the neighbors and then the person to be interviewed later that day (compared to the defense attorney, who must rush back to the office to finish motions, assuming the attorney even has the time to travel to where a witness is located). Finally, witnesses are often more likely to be forthcoming to an investigator than a defense attorney, who they believe will use everything they say against them in court.

d. Other professional responsibility rules such as Rule 1.15 of AR 27-26 severely restrict the ability of defense counsel to handle and store physical evidence. Investigators, by contrast, regularly handle and maintain custody of evidence. This is important for SGT Bergdahl's case given the massive amounts of evidence expected to be handled and reviewed.

5. Whether an adequate substitute to Mr. Slate would be appropriate:

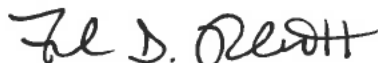
a. A substitute from within the Department of Defense is not appropriate in this case. A military investigator such as a special agent from the Army's Criminal Investigation Division (CID) would not enjoy any protection from career limitations or negative performance evaluations for being zealous and vigorous in pursuing facts during a temporary assignment on behalf of SGT Bergdahl. This is a real concern because SGT Bergdahl is deeply unpopular – even hated – within a significant portion of the armed forces. News stories about SGT Bergdahl in publications with large military readerships such as *Army Times* are often followed by hundreds of reader comments calling for him to be executed; the level of hatred by any measure exceeds that faced by military mass murderers such as Major Nidal Hasan or Staff Sergeant Robert Bales. By working for a cause that so many of the military investigators' peers and superiors would already have passionately negative feelings about, a military investigator might face career prejudice, be ostracized, and have little incentive to work hard at his or her assigned tasks. Working for someone as hated as SGT Bergdahl is not something that someone who wants to be seen as a "team player" in the military would ever choose to do.

b. A military investigator is also not appropriate because of the Army's discombobulated process for detailing investigators to defense teams. With no guidance available on how the process should play out in regulation or doctrine, the process for requesting military investigative assistance turns into a game of "sorry, wrong window". For instance, CID headquarters informed the defense team that such requests ought to be fielded by the GCMCA, not through CID channels, while the Provost Marshall for the GCMCA at FORSCOM told defense that there were no investigators available at FORSCOM for such a detailing. A remaining option for the FORSCOM commander to endorse a request for force-wide tasking to the Army G3 comes with no guarantee that it would be swift or certain. A military investigator is also not appropriate because the defense submitted previous two requests for investigative assistance that were both denied (the first on an incorrect justification that defense investigators should instead be provided by U.S. Army Trial Defense Service, not the convening authority). Hiring Mr. Slate now lets us begin investigating the case swiftly and avoiding trial delay for this reason. Had we been assigned investigative assistance when we requested it months ago, most investigative activity would likely already be complete.

SUBJECT: Request for Defense Investigator, United States v. Bergdahl

c. Mr. Slate as a civilian is immune from the pressures that would face a military investigator in such a notorious case. He is available for the work and conveniently lives in Fayetteville, North Carolina, where he would enjoy easier access to much of the evidence in the case. He already possesses a security clearance. Mr. Slate's investigation fees are reasonable and commensurate with his training, experience, and familiarity with the military justice system.

6. Fees: Mr. Slate's fee schedule (enclosed) lists his current rate of \$65 per hour for investigations. We request that he be hired for a total of 1240 hours of work, which is the equivalent of working 40 hours per week every week for 31 weeks from 18 January 2016 until the scheduled completion of trial, currently scheduled for 19 August 2016. We request that you also approve \$16,000 in travel and per diem expenses. A defense investigator must be able to travel in order to properly do his job, especially in a case when a number of potential fact witnesses and defense witnesses are reluctant to speak with members of the defense team over the phone. These fees total \$96,600: \$80,600 for 1240 hours of work and \$16,000 for travel expenses.



FRANKLIN D. ROSENBLATT
LTC, JA
Defense Counsel

Encls

Mr. Slate's investigator credentials

Mr. Slate's schedule of rates

Federal Public Defender Attorney to Investigator Staffing Ratios (2015)

Excerpt from Comparative Systems Subcommittee of the Response Systems to Adult Sexual Assault Crimes Panel (May 2014) (finding 37-2)

Memorandum from MG Kenneth Dahl, 28 September 2014

Memorandum from LTC Peter Burke, 8 April 2015

Memorandum from LTC Mark Visger, 16 June 2015

Garland E. Slate Jr.
Integrity Investigations Inc.
P. O. Box 87223
Fayetteville, N.C. 28304
(910)488-5350 – Office
(910)488-8845 – Facsimile
(888)714-5100 – Toll-free
gslate@nc.rr.com

Professional Experience – Over 27 years of Professional Investigations Experience

FBI Special Agent, FBI - Efforts were concentrated in white collar crime with significant work in the financial crimes, bank fraud, economics fraud and insurance fraud areas.

1. Received (4) top performance awards for white collar crime investigations, and excellent performance (convictions).
2. Served in the Relief Supervisor Program, which allows young agents an opportunity to serve when the primary squad supervisor is otherwise occupied.
3. Received extensive training at the FBI Academy in Quantico, VA, in interview and interrogation, legal aspects of investigations, financial crimes investigations, and other vital aspects of criminal investigations.
4. Conducted successful white collar crime investigations involving defendants such as bank presidents, financiers', corporate executives, attorneys, etc.
5. Received commendation from the Chief US District Court Judge in the Western District of Oklahoma for exemplary service in white collar crime investigations.

Criminal Investigations – Integrity Investigations Inc. - Operation of a private investigations company concentrating primarily in criminal investigations.

1. Have been assigned to numerous investigations for the federal government, (U.S. Army) including but not limited to (8) capital murder investigations as the government's fact investigator. Was the government's fact investigator in the following cases:
 - a. US v. SGT Timothy Hennis – capital murder (3)
 - b. US v. SSG Robert Bales – capital murder (16)
 - c. US v. BG Jeffrey Sinclair – sexual assault
 - d. US v. SGT John Russell – capital murder (5)
 - e. US v. SGT Alberto Martinez – capital murder (2)
2. Have been the designated defense criminal investigator for approximately (75) first degree murder investigations for the State of North Carolina.
3. Have worked a large number of sexual assault matters with a measured degree of success.
4. Conducted many on-site general investigations for insurance clients, corporate clients, the U. S. Government, and attorneys with a measured degree of success.

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Education

1981	Bachelor of Science – Accounting - North Carolina Wesleyan College, Rocky Mt., NC
1983	Master of Arts – Bob Jones University, Greenville, SC
1988	FBI Academy, Quantico, VA

References

Roy Foreman – FBI Special Agent Retired – Former FBI White Collar Crime co-squad member [REDACTED]

David J. Beyer – FBI Special Agent Retired – Former Legal Counsel for FBI Louisville Field Office. Legal Counsel for the Kentucky Dental Association – Former FBI White Collar Crime co-squad member [REDACTED]

Robert McCampbell – Attorney – Former United States Attorney, Western District of Oklahoma, Former Chief Assistant United States Attorney of the Financial Fraud Unit – [REDACTED]

LTC Robert Stelle – JAG Prosecutor, United States Army – [REDACTED]
robert.c.stelle.mil@mail.mil

Schedule of Rates

Criminal Investigations

Hourly rate	\$ 65.00
Mileage (per mile)	.50

All other expenses are billed at the Government's prevailing per diem rate.

Integrity Investigations Inc.

P.O. Box 87223

Fayetteville, N.C. 28304

(910) 488-5350 Office

(910) 488-8845 Facsimile

(888) 714-5100 Toll-free

gslate@nc.rr.com

DUNS # 069926124

CAGE Code 3EAE8

EIN # 41-2042892

“When Results Really Matter!”

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D APP 7
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Federal Public Defender Attorney to Investigator Staffing Ratios

While not all Federal Public Defenders responded to our individual inquiries and one office responded but declined to answer, according to the Administrative Office of the Federal Courts analyst the national average staffing ratio of investigators to attorneys is approximately .35 to 1. According to a sampling of Federal Defenders paralegals within the Federal Defender system serve as adjunct investigators in sentencing, mitigation, fraud and immigration cases. The individual Federal Defender's office ratios were obtained either from the office websites or from direct personal inquiry of the District in question.

According to the Administrative Office of the Federal Courts, the national staffing numbers as of July 2014 for Federal Defender Organization Staffing is:

- . 79 Appointed Federal Defenders
- . 1,235 Assistant Federal Defenders (includes appellate counsel and capital habeas attorneys)
- . 497 Investigators/Interpreters
- . 312 Paralegals
- . 151 Research and Writing Specialists (attorneys who do not sign pleadings or appear in court)
- . 845 Administrative and Secretarial
- . 126 Computer Systems Administrators
- 3,243 Total Staff

Office	No. Attorneys ¹	No. Investigators	No. Paralegals ²
Middle District Alabama	16	8	4
Northern District Alabama	8	3	3
Southern District Alabama	6	2	1
District of Alaska	6	3	1
District of Arizona	35	7	9
Eastern District of Arkansas	8	4	2
Western District of Arkansas *	6	2	2
Central District of California	92	38	26
Eastern District of California	40	7	5
Northern District of California	9	3	3
Southern District of California	60	18	15
District of Colorado	11	5	0
District of Connecticut	7	3	1
District of Delaware	5	2	1
District of District of Columbia	16	2	0
Middle District of Florida	29	13	10
Northern District of Florida	7	1	0
Southern District of Florida	33	16	0

¹ Numbers are for trial attorneys, excluding research attorneys, capital habeas attorneys and appellate attorneys.

² Paralegals in Federal Defender offices frequently perform some investigative functions in addition to litigation support. This may include acquiring records, online investigations, witness interviews and white collar investigations.

Middle District of Georgia	4	3	3
Northern District of Georgia	20	9	0
District of Guam	2	0	1
District of Hawaii	4	2	0
District of Idaho & eastern District of Washington	7	6	5
Central District of Illinois	8	1	1
Northern District of Illinois	Declined	Declined	Declined
Southern District of Illinois	8	4	0
Northern District of Indiana	5.5	3	0
Southern District of Indiana	4.5	2	0
Southern District of Iowa	10	4	1
District of Kansas	12	6	0
Western District of Kentucky	Did not respond	Did not respond	Did not respond
Western District of Louisiana	6	2	0
Eastern District of Louisiana	5	1	0
District of Maine	3	1	0
District of Maryland	21	6	1
District of Massachusetts (RI & NH)	17	6	3
Eastern District of Michigan	24	5	5
Western District of Michigan	8	3	3
District of Minnesota	8	3	0
District of Mississippi			
Eastern District of Missouri	14	6	0
Western District of Missouri	14	7	1
District of Montana	10	4	1
District of Nebraska	8	3	4
District of Nevada	34	10.5	10.5
District of New Jersey	20	7	2
District of New Mexico	31	8	0
Eastern & Southern Dist of New York	17	4	1
Northern District of New York	8	2	0
Western District of New York	10	5	2
Eastern District of North Carolina	24	4	4
Middle District of North Carolina	10	3	2
Western District of North Carolina	7	4	2
Northern District of Ohio	20	3	5
Southern District of Ohio	18	6	2
Northern District of Oklahoma	6	2	1
Western District of Oklahoma	7	4	2
District of Oregon	23	15.5	13
Eastern District of Pennsylvania	16	Did not respond	Did not respond
Middle District of Pennsylvania	10	3	2
Western District of Pennsylvania	10	5	1

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District of Puerto Rico	17	7	.5
District of South Carolina	13	2	0
District of North & South Dakota	13	5	2
Eastern District of Tennessee	10	4	0
Middle District of Tennessee	8	5	1
Western District of Tennessee	10	4	No information
Western District of Texas	41	14	0
Northern District of Texas	21	5	5
Southern District of Texas	Did not respond	Did not respond	Did not respond
Eastern District of Texas	8	3	4
District of Utah	16	7	0
District of Vermont	3	1	1
Eastern District of Virginia	22	8	5
Western District of Virginia	9	3	2
Western District of Washington	17	6	7
Northern District of West Virginia	5	2	1
Southern District of West Virginia	5	2	0
Eastern District of Wisconsin	10	1 ³	No information

³ Pre-sequester, it was 10 attorneys to 3 investigators; currently most investigations are privately contracted.

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**Report of the
Comparative Systems Subcommittee
to the Response Systems
to Adult Sexual Assault Crimes Panel**

May 2014

The Response Systems Panel has not yet considered or deliberated on the contents of this report.

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Independent Investigators for the Defense in Sexual Assault Cases

Recommendation 37: The Secretary of Defense direct the Services to provide independent, deployable defense investigators in order to increase the efficiency and effectiveness of the defense mission and the fair administration of justice.

Finding 37-1: Many civilian public defender offices have investigators on their staffs, and consider them critical to the defense function. Military defense counsel instead must rely solely on the MCIO investigation and defense counsel and defense paralegals, if available, to conduct any additional investigation. Although defense counsel can request an investigator be detailed to the defense team for a particular case, defense counsel stated both convening authorities and military judges routinely deny the requests.

Finding 37-2: Military defense counsel need independent, deployable defense investigators in order to zealously represent their clients and correct an obvious imbalance of resources. Defense investigators are such a basic and critical defense resource, the Subcommittee finds they are required for all types of cases, not just sexual assault cases.

Metrics for Defense Counsel

Recommendation 38: The Secretary of Defense direct the Services to assess military defense counsel's performance in sexual assault cases and identify areas that may need improvement.

Finding 38-1: There are currently no requirements for the Military Services to measure military defense counsel's performance trying sexual assault cases; the Subcommittee is unaware of any effort on the Services' part to do so.

Victims' Rights and the Impact of Special Victim Counsel on the Judicial Process

Recommendation 39: The Service Secretaries ensure trial counsel comply with their obligations to afford military crime victims the rights set forth in Article 6b of the UCMJ and DoD policy by, in cases tried by courts-martial, requiring military judges to inquire, on the record, whether trial counsel complied with statutory and policy requirements.

Finding 39-1: As established by Congress and the Military Services, military crime victims have the right to confer or consult with trial counsel at several points in the judicial process. These requirements mirror the discussions civilian prosecutors routinely engage in with victims in sexual assault cases. In some civilian jurisdictions, the trial judge asks the prosecutor, on the record, if he or she has conferred with the victim and to present the victim's opinions to the court, even if the victim's opinions diverge from the government's position.

Recommendation 40: In addition to assessing victim satisfaction with Special Victim Counsel, the Service Secretaries direct assessments by Staff Judge Advocates, prosecutors, defense counsel, and investigators in order to evaluate the effects of the Special Victim Counsel Program on the administration of military justice.



DEPARTMENT OF THE ARMY
HEADQUARTERS, I CORPS
JOINT BASE LEWIS-MCCHORD, WA 98433-9500

AFZH-GA

28 September 2014

MEMORANDUM FOR RECORD

SUBJECT: Summary of Contacted Agencies

1. During the investigation my team and I contacted twenty-four agencies inside and outside of the Department of Defense to inquire if they possessed information relevant to this investigation. The agencies contacted include:

- a. Central Intelligence Agency
- b. National Security Agency
- c. Federal Bureau of Investigation
- d. Department of Treasury
- e. Immigrations and Customs Enforcement
- f. United States Central Command
- g. Defense Intelligence Agency
- h. Joint Special Operations Command
- i. United States Special Operations Command
- j. Joint Personnel Recovery Agency
- k. Combined Joint Task Force – 10
- l. Regional Command East
- m. United States Coast Guard
- n. Defense Finance and Accounting Service
- o. Joint Improvised Explosive Device Defeat Organization
- p. United States Forces Korea
- q. United States Army Medical Command
- r. United States Army Criminal Investigation Command

A061

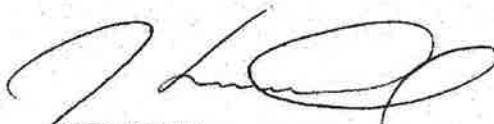
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AFZH-GA
SUBJECT: Summary of Contacted Agencies

- s. United States Army Center of Military History
- t. United States Forces – Afghanistan
- u. United States Army North
- v. United States Army South
- w. United States Army Human Resources Command
- x. United States Army Intelligence & Security Command

2. Information received from these agencies has been consolidated into the Exhibits and Appendix that accompanies the investigative report.

3. Point of Contact for this memorandum is LTC Thomas M. Russell-Tutty at 253-967-3049 or thomas.m.russelltutty.mil@mail.mil.



KENNETH R. DAHL
Major General, U.S. Army
Investigating Officer

A062



DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY FORCES COMMAND
4700 KNOX STREET
FORT BRAGG, NORTH CAROLINA 28310-5000

AFCG-JA

8 April 2015

MEMORANDUM FOR LTC Frank Rosenblatt, Individual Military Defense Counsel, Mr. Eugene Fidell, Civilian Defense Counsel, CPT Alfonso Foster, Detailed Military Defense Counsel.

SUBJECT: Defense request for CID Investigator and Legal Administrator, United States v. Robert B. (Bowe) Bergdahl

1. I have received your requests dated 2 April 2015, for the detail to the defense team of a U.S. Army Criminal Investigation Division Agent and a Warrant Officer from the Judge Advocate General's Corps.
2. Per Army Regulation 27-10, paragraph 6-4, the Trial Defense Counsel receives support from personnel assigned under the direct supervision of the Senior Defense Counsel. This support specifically includes experienced and skilled enlisted clerical and support personnel.
3. POC is the undersigned.


PETER Q. BURKE
LTC, AG
Commanding

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DEPARTMENT OF THE ARMY
HEADQUARTERS, DIVISION WEST, FIRST ARMY
BUILDING 410, 761ST TANK BATTALION AVENUE
FORT HOOD, TX 76544

AFKA-DWW-SJA

16 June 2015

MEMORANDUM FOR Record

SUBJECT: PHO Decision on Defense Request for Investigative Assistance in United States v. Bergdahl

1. I have thoroughly reviewed the written correspondence of the parties and considered the arguments made on the issue of whether the defense is entitled to investigative assistance. I deny the defense request, without prejudice to the defense pursuing their request through the convening authority.

2. Discussion.

a. The defense makes a strong showing of the need for investigative assistance. Several factors, including the numerous government agencies involved, the classification levels of the materials in question, the apparent lack of cooperation of some of the witnesses, some witnesses' reticence to release basic contact information, and the sheer size of the case file, mitigate in favor of expert investigative assistance beyond that provided by paralegal support from Trial Defense Services. In fact, the defense raises concerns that it may not be able to adequately prepare for the hearing without such support. This argument is not without merit.

b. In support of their position, the defense cites to the "judicial role" of the office of the Preliminary Hearing Office and argues that the government should assist in providing comparable CID support to that provided to the Army Regulation 15-6 investigation conducted by Major General Dahl.

c. Requests for investigative assistance are governed by R.C.M. 703(d) (while technically the investigator would not qualify as a witness, the process is the same). Specifically, the request must be made to the convening authority, who then acts on the request. If a defense request is denied by the convening authority, the defense may apply for relief to the military judge, who is authorized to abate the proceedings when a valid request for expert witness is denied. Nothing in R.C.M. 703(d) suggests that a preliminary hearing officer, or even an Article 32 investigating officer, has similar authorities.

d. In addition to the specific procedures established in R.C.M. 703(d), there is nothing in Army Directive 2015-09 or the NDAA for FY 2014 which suggests that the Preliminary Hearing Officer has the authority to order for the production of expert assistance. Paragraph 9(d) of Army Directive 2015-09 provides that the preliminary

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AFZA-DWV-SJA

SUBJECT: PHO Decision on Defense Request for Investigative Assistance in United States v. Bergdahl

hearing officer will assume the military judge's authority in implementing the Military Rules of Evidence. No such provision applies to the Rules for Courts-Martial.

3. Point of contact for this is the undersigned.



MARK A. VISGER
LTC, JA
Staff Judge Advocate

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DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY FORCES COMMAND
4700 KNOX STREET
FORT BRAGG, NORTH CAROLINA 28310-5000

AFCG

28 JAN 2016

MEMORANDUM FOR LTC Franklin Rosenblatt, Defense Counsel, United States v. Bergdahl

SUBJECT: Request for Defense Investigator

Your request for appointment of Mr. Garland Slate, as a defense investigative consultant in the case of United States v. Bergdahl, at Government expense, is denied.


ROBERT B. ABRAMS
GEN, USA
Commanding

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Rosenblatt, Franklin D LTC USARMY (US)

From: Rosenblatt, Franklin D LTC USARMY (US)
Sent: Thursday, January 28, 2016 5:35 PM
To: Kurz, Margaret V MAJ USARMY FORSCOM (US)
Cc: 'eugene.fidell@yale.edu'; Foster, Alfredo N Jr CPT USARMY IMCOM HQ (US); Beese, Christian E LTC USARMY HQDA TJAGLCS (US); Whipple, Eileen C CPT USARMY 16 MP BDE (US); Petrusic, Michael CPT USARMY FORSCOM (US); Oshana, Justin C MAJ USARMY (US)
Subject: Re: Defense request for Mr. Slate

MAJ Kurz, could you please promptly send us any paperwork the CG reviewed or relied upon in making this decision.

----- Original Message -----

From: Kurz, Margaret V MAJ USARMY FORSCOM (US)
Sent: Thursday, January 28, 2016 04:53 PM
To: Rosenblatt, Franklin D LTC USARMY (US)
Cc: Eugene Fidell (eugene.fidell@yale.edu) <eugene.fidell@yale.edu>; Foster, Alfredo N Jr CPT USARMY IMCOM HQ (US); Beese, Christian E LTC USARMY HQDA TJAGLCS (US); Whipple, Eileen C CPT USARMY 16 MP BDE (US); Petrusic, Michael CPT USARMY FORSCOM (US); Oshana, Justin C MAJ USARMY (US)
Subject: Defense request for Mr. Slate

Sir,

Attached is the CG action on your request for expert investigative assistance.

V/R
MAJ Kurz

MAJ Margaret V. Kurz
Chief, Complex Litigation
Office of the Staff Judge Advocate
FORSCOM
Fort Bragg, North Carolina 28310
(910) 570-8128 direct
(910) 570-5915 main
DSN 670-8128
Tandberg: 692 670 5900
Margaret.v.kurz.mil@mail.mil