

**IN A GENERAL COURT-MARTIAL
IN THE SECOND JUDICIAL CIRCUIT, U.S. ARMY TRIAL JUDICIARY
FORT BRAGG, NORTH CAROLINA**

UNITED STATES)	
)	
v.)	GOVERNMENT RESPONSE TO
)	DEFENSE MOTION IN LIMINE WITH
BERGDAHL, ROBERT BOWDRIE)	RESPECT TO M.R.E. 404(b) NOTICE
(BOWE))	
SGT, U.S. Army)	
HHC, Special Troops Battalion)	15 AUGUST 2016
U.S. Army Forces Command)	
Fort Bragg, North Carolina 28310)	

I. RELIEF SOUGHT

The Government requests the Court deny the Defense Motion in Limine with Respect to M.R.E. 404(b) Notice.

II. BURDEN OF PERSUASION AND BURDEN OF PROOF

The Government, as the proponent of the evidence referred to in the M.R.E. 404(b) Notice, has the burden to establish its relevance and admissibility. *United States v. Reynolds*, 29 M.J. 105, 109 (C.M.A. 1989). The burden of proof is a preponderance of the evidence. Rule for Courts-Martial (hereinafter "R.C.M.") 905(c)(1).

III. FACTS

On 30 June 2009, the Accused deserted from his place of duty at Observation Post Mest, Afghanistan, while deployed as part of Task Force Yukon, Combined Joint Task Force-82/Regional Command-East (CJTF-82). After leaving the observation post, he was captured by enemy forces and remained in captivity until 31 May 2014, when he was returned to military control.

After his return to military control on 31 May 2014, charges were preferred against the Accused on 25 March 2015, and an Article 32 Preliminary Hearing was conducted on 17 and 18 September 2015. The matter was referred to trial on 14 December 2015.

Prior to joining the Army, the Accused sought out adventure both at home and abroad. The Accused travelled to France in order to join the French Foreign Legion, sailed with a crew from New York to Seattle through the Panama Canal, worked on a small fishing boat in Alaska, and spent time working on a weapons range with special operations individuals in the mid-South. (Enclosures 1, 2). After joining the Army, the

Accused discussed his desire to continue his adventure-seeking lifestyle saying "if the deployment is lame, I am going to walk into the mountains of Pakistan and work for whomever is out there. I have survived in the mountains at home." (Enclosure 4).

After less than a month in Afghanistan, the Accused continued to express his desire to experience more of the world through statements to his co-workers such as: "I want to walk across the mountains to Pakistan and then to India;" and "I am going to join the Russian mob as a hitman or an assassin. I will hike through Pakistan into India to join the Russian mob. I speak Russian, I learned it while working on a fishing boat that traveled through Europe." (Enclosures 1, 3).

When later discussing his departure, the Accused stated "I was trying to prove to the world ... I was capable of being what I appeared to be ... [!]ike, I don't know, Jason Bourne.¹ Yeah. So I had this fantastic idea that I was going to prove to the world that, you know, I was the real thing. You know, I could be, you know, what ... I could be what it is that every ... you know, all those guys out there who go to the movies and watch those movies, they all want to be that. But I wanted to prove that I was that." (Enclosure 5).

IV. EVIDENCE

1. Enclosure 1. An excerpt from the sworn statement of Mrs. Kim Dellacorva-Tate, a close friend of the Accused.
2. Enclosure 2. An excerpt from the sworn statement of LCDR Michael Albrecht, the Accused's brother-in-law.
3. Enclosure 3. An excerpt from the sworn statement of SSG Shane Cross, a member of the Accused's platoon.
4. Enclosure 4. An excerpt from the sworn statement of Jason Fry, a member of the Accused's platoon.
5. Enclosure 5. An excerpt from the transcript of Serial Season 2, Episode 1, "DUSTWUN.

V. LAW AND ARGUMENT

M.R.E. 404(b) provides that "[e]vidence of other crimes, wrongs or acts is not admissible to prove the character of a person in order to show action in conformity therewith. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity or absence of mistake or accident, provided, that upon request by the accused, the prosecution shall provide reasonable notice in advance of trial." In accordance with this rule, the Government

¹ Jason Bourne is a fictional character who is the protagonist in a series of novels by Robert Ludlum and subsequent film adaptations.

intends to offer evidence of the following other acts pursuant to M.R.E. 404(b):

1. The Accused's attempt to join the French Foreign Legion;
2. The Accused's participation in a fishing boat trip from New York to Seattle through the Panama Canal;
3. The Accused's participation in an Alaskan fishing boat trip; and
4. The Accused's time on a weapons range in the mid-South, working for John Shaw, training individuals and teams in the special operations community.

As the Court of Military Appeals has explained, "the sole test under Mil.R.Evid. 404(b) is whether the evidence of the misconduct is offered for some purpose other than to demonstrate the accused's predisposition to crime and thereby to suggest that the factfinder infer that he is guilty, as charged, because he is predisposed to commit similar offenses." *United States v. Castillo*, 29 M.J. 145, 150 (C.M.A. 1989).

The Government offers the four prior acts as evidence of the Accused's intent and motive to quit his place of duty, Observation Post Mest. "As to intent, we consider whether Appellant's state of mind in the commission of both the charged and uncharged acts was sufficiently similar to make the evidence of the prior acts relevant on the intent element of the charged offenses." *U.S. v. McDonald*, 59 M.J. 426, 430 (CAAF 2004). The offered acts will assist the factfinder in determining the intent and motive of the Accused. The Accused was not kidnapped from his post and did not mistakenly walk away. He left the OP to execute his Jason Bourne-like adventure.


It is not necessary that relevant evidence "fit snugly into a pigeon hole" provided by M.R.E. 404(b). *United States v. Castillo*, 29 M.J. 145, 150 (C.M.A. 1989). The "sole test" for admissibility of other acts is whether the evidence of the other acts is offered for some purpose other than to demonstrate the accused's predisposition to crime, which is in no way what the Government is asserting. *Id.* Much of the case law on this subject discusses uncharged misconduct, but the rule also encompasses prior acts which do not amount to misconduct.

In determining whether the proponent has introduced sufficient evidence to meet M.R.E. 404(b), the trial court neither weighs credibility nor makes a finding that the Government has proved the conditional fact by a preponderance of the evidence. Rather, to be admissible, evidence of other acts must: (1) reasonably support a finding that an accused committed prior crimes, wrongs, or acts; (2) make a fact of consequence more or less probable; and (3) possess probative value that is not substantially outweighed by its danger for unfair prejudice. *See United States v. Reynolds*, 29 M.J. 105, 109 (1989). The court need only decide whether there is a sufficient factual predicate for admissibility of the evidence, while weight and credibility are matters for the members. *United States v. Kelley*, 45 M.J. 275 (1996).

When viewed in context with the Accused's statements about his desire for adventure and boredom with the mission, the evidence of prior acts supports the assertion that the Accused's behavior was intentional. The evidence could not be unfairly prejudicial as there is no danger members will consider it for an improper purpose, and it goes directly to the element of intent which the Government must prove.

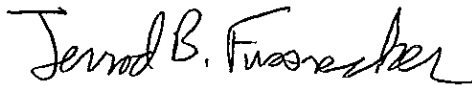
CONCLUSION

The Government respectfully requests the Court deny Defense request to exclude the prior acts set forth in the Government's M.R.E. 404(b) Notice.



JERROD B. FUSSNECKER
MAJ, JA
Trial Counsel

I certify that I have served or caused to be served a true copy of the above on the Defense Counsel on 15 August 2016.



JERROD B. FUSSNECKER
MAJ, JA
Trial Counsel

Privacy Act Statement

Authority: Title 10, USC Section 301; Title 5, USC Section 2951.

Principle Purpose: To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

Routine Uses: Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

Sworn Statement

I, Kim Dellacorva-Tate, want to make the following statement under oath:

I met Bowe Bergdahl at the school I ran when he was 15. It used to be just ballet, then I added fencing, acting, and other things kids would like. Bowe was interested in and started taking fencing. Bowe met my son that way. The fencing team was Tyner, Shane, and Bowe. He also met my daughter, Kayla, around that time. He had a crush on her. They were really close friends and the boys were like siblings.

The only thing my kids had in common with him at the time was that they were all being home schooled. My kids got him into reading a lot. He became obsessed with fantasy fiction and mystery. He enjoyed civilizations, knights and historical fantasy fiction. I believed he was a little dyslexic judging by the way he would read. He used to mouth out the words.

When he was younger, he had a good imagination, though he was sheltered and criticized a lot by his family. When he found people who thought he could read, was smart, and could have a conversation with, he grew a lot. He matured (intellectually) late, possibly because he was not able to respectfully debate growing up. He thought we always had to agree, and doesn't believe that people can disagree. He had never been able to defend himself with confidence and still be loved.

He learned basic things with me, like he was not going to get in trouble if he ate all the peanut butter. He used to feel so bad that he would finish the peanut butter, that he would put the empty container back in the refrigerator. He was always afraid to get in trouble. Eventually he would often stay at my house because it could take 20 minutes to an hour to go home on his bike. However, I sometimes encouraged him go home on the weekends because he wasn't 18. He lived with my family on and off throughout the years. It was a vastly different environment than he was accustomed to.

I used to have dinner every night at my house for anyone who wanted to come, (until the restaurant was built). Bowe helped my family build it. It was called "Straga, Tea Bar." I no longer own it. It was my children's senior project and it was a place for everyone; a community

Initials: KDT

Location: UKIAH, CA Date: 8-13-2014 Time: 10:33 PM

place. Prior, our town didn't have a place for the young people to come and socialize like places my children had visited in Europe. They wanted to create a place with a similar atmosphere, based on their positive experience. After it opened, Bowe often hung out there, but never really worked there serving because he was so shy. He would hang out there at night and sleep on the roof in the summer sometimes. After it was built is when all of his adventures started.

He worked at the Sun Valley Gun Club most of his youth. He was obsessed with guns. He later met a person who ran a range in the south. Bowe went to his training camp in the south one summer, which I thought was weird. He was in the middle of nowhere down there. He called me a couple times. He told me stories of him being a care taker and doing maintenance, and that sometimes he had to shoot dogs on the property. He didn't want to tell me that since it was hard on him and he knew how much I would react. He didn't get along with most of the people down there, but really liked some of the Navy Seals he had met.

He told me he also tried to join the French Foreign Legion, which I thought was ridiculous. I know he went to France, but I can't verify he actually did apply. He said they laughed at him because he was a blonde haired, blue eyed, 19 year old kid. He traveled a little while in Europe, then came home. Then went to sailing school in Florida and got a certificate.

Then he wanted to join the Coast Guard. I wasn't totally against the Coast Guard, but I didn't think he should be in the military because of what I knew of his personality. However, I wasn't going to argue with him. I took him to Twin Falls where he took the test. He then went to basic training. While he was there, I got about 10 torn out pages from his journal. He told me he had to send mail because he couldn't call. The pages he sent me started off normally, talking about how hard it was, then the writings got worse and worse. I started to worry. It was disturbing and I couldn't call. I thought he was losing it and there was nothing I could do.

Then a few weeks later he walked through my door. He said he got out of basic training. I knew one doesn't just "get out" of the military. I asked him what type of discharge it was and he told me he received a psychological discharge. I asked what happened and he said he couldn't handle it. He said he knew what he wanted to do, and he got out of it. I believe he couldn't handle it, even though he said he faked it. If you ask him, he will say possibly he did fake it and was in control the whole time. I don't think anyone believes it. I showed him the letters he had sent me and told him that you don't just get out of it. I asked that he read them again and be open minded. I told him that it hopefully won't affect the rest of his life. I was ok that he had gotten out as long as he was not in trouble, that he got his life back, and learned from his experience.

When he came home, he stayed with me and worked. He would work for me, make money, and then move on to the next thing that he was interested in. I kept him busy. He tried fishing in Alaska, after the Coast Guard I think. He worked on a tiny fishing boat and the he said the captain was the most disgusting person. He was a drinker, a smoker, and used foul language. It was like torture to Bowe because of living conditions. Usually, there is quite a bit of monetary compensation for the suffering endured over the fishing season. However, think this captain started charging Bowe for everything, so Bowe didn't end up with a lot of money. The season was about 2 months long and it was a bad experience overall.

Initials: RSB

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STATEMENT OF Michael E. C. Albrecht TAKEN AT 1640 DATED 2014/07/17

9. STATEMENT (Continued)

Bowe later joined ballet and became a swordsman to develop movement and skill up in Ketchum, Idaho. It was at that point that he met Kim. At the same time he was working construction. He never wanted the guys at construction to know he was doing ballet. He was one person to one friend, and another to other friends. He portrayed his life with joy when he talked with Monica. He spoke more drearly with Kim. He was philosophical with his parents. Bowe has always been trying to find himself. He wants to be a warrior but also has a moniker on Facebook as a wandering monk. He's trying to find a middle ground and it's in that where you truly find Bowe.

Bowe left home about 3 years after Sky and I got married. He was about 17. Bowe was working with the Harrisons to build a coffee shop and started living with that family because he didn't want to waste the time it took to transit between home and Ketchum. Bowe's family supported him because it was roughly a 2 hour bike ride for Bowe back and forth. It made sense to his parents to let him live up there because of the distance. Kim has professed to be a Wiccan but also provided Bowe with a Buddhist influence. My only experience of Kim is from my wife's personal take. Sky wanted nothing to do with Kim. She just a bad feeling around her. We feel Kim was extremely influential for drawing him away from the family. I believe that is the influence which is responsible for Bowe's difficulty in reuniting with our family.

I think Bowe's continual search for knowledge and understanding is what drew him to her. I also believe Bowe left home because every man goes through a period of needing to separate from "mommy" and "daddy". I went through it as well, albeit to a much lesser extent. I see myself in Bowe in that aspect. He had a view of his family life that was negatively blown out of proportion. I believe that the story of the prodigal story applies here, specifically the first portion.

At one point Bowe met John Shaw. He was an incredible shooter and had a house in Hailey. He saw and respected Bowe's work ethic and invited him to come work for him at a range down at Mid-South. He wanted to eventually train Bowe to be a manager and instructor. Bowe had the opportunity to work with many teams but DELTA was his favorite. Bowe had the opportunity to talk to every team that went through there as he filled the roll of "designated driver" at times. I believe it was from there that Bowe decided what he wanted to do. After Mid-South, Bowe sought to join the French Foreign Legion. He was not accepted for whatever reason. I was told it was eyesight. From there he traveled around Europe for a short while.

Some of his other accomplishments were that he sailed with a crew from New York through the Panama Canal. He saw that through completion, and I believe it to be a very influential experience in his life. After arriving in the Northwest he bought a bike and rode to Santa Barbara to spend time with his grandparents (Jani's parents). He also worked on a fishing boat in Alaska at one point. Bowe does not look at a small radius, instead he has a whole-world view of the world.

I understand he went to the Coast Guard at one point. However, he never asked for mine or anyone's advice. He didn't want anyone to feel responsible for his actions. I think going into the Coast Guard had derived from his sailing experience and love of the ocean. I do not know why he did not make it through training, but during that time his Grandfather was having severe health issues. That is what I understand was his reason to seek an excusal from boot camp. This seemed an opportunity to take a pause for legitimate reasons. He really enjoyed his experience but he had emotional reasons and family ties which drove his departure. I think he had the chance to be there for his grandfather's death. I was not there at that point, but I was present for the funeral. I believe him saying he faked his mental health issue may have been his way of masking who he was in front of certain people.

Eventually Bowe decided to join the Army. In my opinion he went quite naively into the Army recruiter with hopes to be DELTA and go to Ranger school. After I went to the academy, I did not have much contact with him. The last time I saw Bowe was December 2008, over Christmas, after he had joined the Army. He knew he was going to deploy and was enthusiastic about it. He wanted to be Special Forces but first wanted to help in the field. He felt that many of the junior enlisted in the field did not have the skills or know the mission to do the job well, so he thought he was there to help. He saw what was supposed to be happening there, and I'm sure it was a shock when he finally did deploy. Much like all of us, I don't think he had a full understanding of what the deployment would entail. I do not think Bowe was going to be a career man. He respected the DELTA and wanted to learn from them. He also had the view that he could help the guys, help the mission, and work his way up. If it was just his mission for just the tools then to get out, then he would have just went DELTA then got out. But he wanted to help the junior soldiers and their mission. The other stuff would eventually come, but his focus was helping. He was debating joining the Peace Corps and joining the Army.

INITIALS OF PERSON MAKING STATEMENT



MA

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SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

PRIVACY ACT STATEMENT

AUTHORITY: Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).
PRINCIPAL PURPOSE: To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.
ROUTINE USES: Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.
DISCLOSURE: Disclosure of your SSN and other information is voluntary.

1. LOCATION	2. DATE (YYYYMMDD) 20140811	3. TIME 1230 PST	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME CROSS, SHANE, STEPHEN	6. SSN	7. GRADE/STATUS E6/AD	
8. ORGANIZATION OR ADDRESS			

9. I, Shane S. Cross, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I am SSG Shane S. Cross. At the time I was a PFC and was a 240B gunner assigned to weapon squad.

I was a good friend of Bergdahl and spent a good deal of time with him, leading up to his disappearance our conversations became focused on his fantasy of being in the Russian mob as a Hitman or Assassin. The night before he left he asked how I would go about becoming a Hitman. He mentioned his plan would be to go through Pakistan and into India and join the Russian mob. Prior to the deployment he had claimed to speak Russian, that he had learned while working on a fishing boat that traveled to Europe. He also mentioned that he wouldn't want any tattoos, because they would be identifiable marks on his body.

As far as Bergdahl saying that he knows how to speak Russian, I don't know if it's true and the conversations about the Mob were something I didn't take seriously. I'm not sure how he felt about the Taliban. I didn't really have a conversation with him about it.

During NTC, PFC Barrow and I were guarding a cattle gate and we heard something rustling behind us. I flashed my light at it and it was Bergdahl in the bushes with his hands up in the air, he was trying to sneak up on us. He had low crawled about 100 meters to get to us. He had taken off his boots because he said it would make him sneakier. We spent about an hour looking for his boots, because he forgot where he left them. He was trying to stay quiet by taking off his boots and was practicing on sneaking up on somebody. We were outside the company area when we were pulling guard by the cattle gate. I think he did this more than once. The OC's were not aware of this, and we didn't tell them because we didn't want him to get into trouble.

Bergdahl was suppose to deploy as part of the weapons squad. He had switched teams two weeks before our QRF mission. He was in SGT Buetow's squad. He deployed late from Alaska with Jason Fry. I was the one to pick them up from the TOC on FOB Sharana.

Bergdahl was an AG before he was a SAW Gunner, I was the Platoon Leader's gunner during the Omna QRF mission. Bergdahl was in the truck in front me. We were not on the same team during the first COP MEST rotation. The first COP MEST rotation I was on R&R.

On the QRF mission we were supposed to retrieve a truck that got blown up by an IED. One of our truck got blown up while we were heading out there. We were stuck out there for five days. There was a sniper threat in the area, so we stayed inside our trucks most hours of the day. Bergdahl saw it as a failed mission, because we asked ourselves why we were stuck, why the mechanics were ordered to fix an unsalvageable truck. Once ready to leave the Scout Platoon went first to recon the route, they found a hunting camera that was monitoring the road and realyed to the TOC to warn us about the road being observed. We never got the message and were caught in a complex ambush. Bergdahl probably felt that the leadership had failed us by not warning us about the route. He had mentioned such feelings to me. He was unhappy that he didn't get to fire his weapon, he had to give it to Barrow up in the turret. Bergdahl wasn't too happy about being stuck inside the truck. Barrow and I were the main sources of fire during the contact.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT SC	PAGE 1 OF <u>3</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

Location: Cincinnati, OH

Date: Aug 4 2011

Time: 3:15 pm EST

Privacy Act Statement

Authority: Title 10, USC Section 301; Title 5, USC Section 2951.

Principle Purpose: To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

Routine Uses: Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

Sworn Statement

I Jason Fry, want to make the following statement under oath:

I am Jason Fry. I am currently located in Cincinnati, OH. I am a student attending Cincinnati Christian University. I look back very fondly on my time in the Army, but I am pretty happy with my decision to move on, and I enjoy civilian life. Once I have earned my degree, there is always the option of coming back as commissioned.

I was not a part of the original investigation. I was taken out of the platoon the day PFC Bergdahl and I arrived at FOB Sharana on May 13th 2009. I met Bergdahl around October 2008, when he arrived at 2nd Platoon. Bergdahl distinguished himself as a person who didn't fall into the frat boy mentality that is prevalent among Infantrymen. He was his own individual which was strange for everyone else in the platoon. He was known as being unique. I did not go to NTC because I had broken my collarbone. I didn't get a chance to meet or get to know him during that training deployment. When I was able to be around him, he was very private and didn't mingle in with many of the guys. There were a few of us such as Cross, Ingalls, Howard, Good, and myself who he got to know him as a friend. He was a little odd, but nice.

We were on Rear D together, because I had reinjured my collarbone and he had a staph infection in his foot. We often hung out in my room and talked about many things; particularly things about the deployment. I got Facebook messages from a few of the guys downrange. They told me what it was like and what to expect. I shared what I had been told with Bergdahl. They told us that they were pulling a lot gate-guard and did QRF missions, but were not seeing a lot of action. It was a relief to me, but Bergdahl seemed disappointed. He expressed that he was looking forward to action. He wasn't happy that they were sitting around. We also talked about how it would be when we got there. He told me that if this deployment was lame, he was going to walk into the mountains of Pakistan. I shrugged it off as pre-deployment nerves and told him that wasn't a good idea, but my objections didn't deter him from the idea. He persisted with the idea. His mentality was that that he wanted to go into the mountains of Pakistan and be a mercenary, and stated that he would just go off and work for whomever was out there. At the time, I didn't think much about that conversation. He was rationalizing concepts in his own mind. He believed himself to be a survivalist, and often talked about surviving in the mountains back home. Afterward, I didn't think much about the conversation.

Initials: JF

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want his personal stuff seized by the army.

There's a shop run by the locals at the FOB. They called it the haji shop. They sell DVDs and clothes. Bowe buys a local outfit, a sort of robe.

Bowe Bergdahl Because I knew there was a possibility of me being out in the open in the daytime. So, obviously, a big white guy in a uniform walking through the desert by himself is gonna, you know, attract a lot of attention.

Mark Boal Yeah.

Bowe Bergdahl However, a person with a traditional ... like a local dress on, and a local headscarf wrapped around his head, that's not going to draw as much attention.

Sarah Koenig He also took out \$300 from his bank account in U.S. and Afghani money, just in case he'd need to bribe someone. At the end of June, 2009, Bowe's platoon was on its very last rotation at OP Mest. The company was getting ready to hand the place over to the Afghans, which really just means they were going to take their trucks and leave.

In any case, this would be Bowe's last chance to execute his plan. And this plan—it's risky, obviously. It's difficult, and it's dangerous. But, technically, it's not impossible to do it. Physically, Bowe was capable. He was a good runner. He'd run similar distances before, plus he was used to running in high altitudes in Idaho. He did well in the heat.

When he talks about it now, he'll sometimes acknowledge the wrongheadedness of it—that he overestimated his ability, that he wasn't aware of the other ways he could have registered concerns about leadership. But there was this other idea Bowe was testing out: Yes, he says, he wanted to bring attention to the plight of his platoon. But he also admits that his plan was part crucible.

Bowe Bergdahl I was trying to prove to myself—I was trying to prove to the world, to anybody who used to know me—that I was capable of being that person.

Mark Boal Like a super-soldier, you mean.

Bowe Bergdahl Yeah. I was capable of being what I appeared to be. Like,

doing what I did was me saying, I am—

Mark Boal Right.

Bowe Bergdahl —like I don't know, Jason Bourne.

Mark Boal Right. A character in a book or whatever. A character.

Bowe Bergdahl Yeah. So I had this fantastic idea that I was going to prove to the world that, you know, I was the real thing. You know, I could be, you know, what ... I could be what it is that every ... you know, all those guys out there who go to the movies and watch those movies, they all want to be that. But I wanted to prove that I was that.

Mark Boal Why not just wait and see if you got the opportunity to prove that, like, on a mission? You know? Because you hadn't even been there that long. Like, why not—

Bowe Bergdahl No, I hadn't been there very long.

Mark Boal Why not wait a couple months and see if you get a chance to prove yourself in a, you know, some kind of tactical engagement?

Bowe Bergdahl Because it was a combination of situations. The situation that I was in was an extremely bad situation. I saw things falling apart as far as my command was—

Mark Boal Right, right, right.

Bowe Bergdahl —was concerned. So it wasn't that I just decided, hey, I'm going to do it to prove that I can do it. I was trying to find a solution to the problem at hand.

Mark Boal Right.

Bowe Bergdahl And I just tied—I tied into it this idea, you know, kind of like two birds with one stone.

Mark Boal I was just going to say two birds with one stone.