



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
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WASHINGTON, DC 20350-3000

IN REPLY REFER TO:

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JUN 24 2015

The Honorable [REDACTED]
U.S. Senator
United States Senate
Washington, D.C. 20510

Dear Senator Blunt,

This responds to your June 8, 2015 letter to the Secretary of the Navy and me regarding a March 4, 2007 incident in Afghanistan involving Marines assigned to Marine Special Operations Company-Foxtrot (MSOC-F). Secretary Mabus has asked me to reply for both of us.

First and foremost, I'd like to thank you for your letter and your concern for our Marines.

Due to the passage of time, I would like to provide some additional background on the matters addressed in your letter. On March 4, 2007, a convoy of MSOC-F Marines was ambushed in the vicinity of Jalalabad, Afghanistan. The Marines fought through the ambush, eventually returning to their operating base. Following the attack, reports of possible civilian casualties were received by U.S. commanders. Subsequently, the Commander, U.S. Special Operations Command Central Command (SOCCENT) directed a command investigation into the incident. The SOCCENT investigation, completed on April 8, 2007, concluded that the MSOC-F convoy was never ambushed or fired upon, and recommended that several of the MSOC-F Marines involved be criminally prosecuted for negligent homicide. Following completion of the command investigation, the U.S. Task Force Commander responsible for the geographic area in which the incident occurred publicly apologized to local Afghans for the Marines' actions. General James T. Conway, then the Commandant of the Marine Corps, publicly expressed his concern that an apology was at that time premature.

The SOCCENT command investigation was later referred to the Commander, U.S. Marine Corps Forces Central Command (MARCENT) for appropriate action. Due to the gravity of the allegations contained in the investigation, the Commander, MARCENT convened a Court of Inquiry (COI) to further inquire into the circumstances surrounding the March 4, 2007 incident. A COI is not a criminal proceeding, but rather our highest form of administrative investigation. A COI consists of a panel of senior officers, while judge advocates represent the interests of the government and individual service members

during the inquiry. A COI has the power to compel witness appearance, testimony, and the production of evidence.

The COI, whose membership consisted of two Marine colonels and one Marine lieutenant colonel, was held at Camp Lejeune, North Carolina from January 7 to January 29, 2008. The COI considered thousands of pages of classified and unclassified documents, and received testimony from 45 witnesses from across the United States and Afghanistan.

The COI report was completed March 6, 2008. The report specifically found that the MSOC-F convoy was, in fact, the subject of a complex ambush consisting of a suicide vehicle-borne improvised explosive device (SVBIED) and small arms fire; that the Marines acted in accordance with the applicable operation order, the rules of engagement, and the law of armed conflict; and that the Marines' actions "reflected sound military judgment." The COI estimated that between 5 and 7 Afghans were killed and between 24 and 28 were injured as a result of the SVBIED blast and the ensuing firefight. The COI could not determine if each Afghan killed or wounded participated in hostile actions against the MSOC-F convoy, but the COI did determine that the Marines' actions and use of force were appropriate under the circumstances. The COI recommended that no punitive or adverse administrative action be taken against members of MSOC-F as a result of the March 4, 2007 incident, and no Marines were subject to such action.

On May 23, 2008, the Commander, MARCENT publicly released a statement explaining that during the March 4, 2007 incident, the MSOC-F Marines "acted appropriately and in accordance with the rules of engagement and tactics, techniques and procedures in place at the time in response to a complex attack." I am confident that the Marine Corps' investigative procedures worked effectively in this case and led to the appropriate conclusion.

I want to ensure you that efforts are well underway by the Commander, MARCENT to review the still-classified portions of the COI to determine which documents, if any, may be declassified and released. Once the review of approximately 6,000 pages in the COI record is completed, all releasable documents will be available pursuant to Freedom of Information Act requests.

With regard to the allegations in your letter referencing the conduct of two Marine Corps judge advocates, I have directed my Staff Judge Advocate to obtain the specific allegations, and to determine whether further inquiry or remedial action is warranted.

After carefully reviewing this case, I believe the Marine Corps acted properly in conducting a Court of Inquiry on the March 4, 2007 incident. This formal investigative process revealed the truth, which was publicly acknowledged at the time by the

Commander, MARCENT. No Marines from MSOC-F faced judicial or adverse administrative action for the events on March 4, 2007, nor is there any adverse information in their military records associated with this incident. Again, thank you for your concern, and be assured that the Marine Corps remains committed to the just treatment of our Marines, past and present.

I have responded separately to Senators [REDACTED], [REDACTED], and [REDACTED].

Very Respectfully,

A handwritten signature in black ink, appearing to read "J. Dunford", is written over the printed name.

JOSEPH F. DUNFORD, JR.

General, U.S. Marine Corps

Commandant of the Marine Corps