



## Congressman tells Army: Stop MarSOC comments

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**By:** Trista Talton - Staff writer

JACKSONVILLE, N.C. — A congressman has asked the secretary of the Army to prohibit Army officials from making public comments about special operations Marines involved in an attack in Afghanistan until the investigation is complete.

Rep. Walter Jones, R-N.C., also called for an apology in the letter he sent May 14 to Acting Army Secretary Pete Geren.

“As secretary of the Army, your responsibility is to ensure that your subordinates disseminate the proper information to the press, especially if it involves another branch of the armed forces,” Jones wrote. “Not only has the presumption of innocence been discarded, but the reputation of these Marines may be maligned.”

A call to the Army secretary’s office was not returned Wednesday.

The Naval Criminal Investigative Service is investigating the March 4 incident, in which a Marine convoy was struck by a car bomb.

All 120 members of the Marine special operations company were ordered out of Afghanistan following the incident, which involved six vehicles and 30 Marines with the company’s direct action/special reconnaissance platoon, according to the Web site for Marine Corps Forces Special Operations Command in Camp Lejeune, N.C.

Lawyers for the Marines have said they responded to small-arms fire after the ambush. Army senior leaders say as many as 19 civilians were killed.

The company’s commander and senior enlisted adviser were relieved April 3 and sent home, along with six other Marines from the company.

Last week, Army Col. John Nicholson, commander of the 10th Mountain Division’s 3rd Brigade Combat Team, apologized for the incident and made condolence payments to Afghan families.

Jones’ letter specifically refers to the comments Nicholson made to the families, which the Army officer re-read for Pentagon reporters via satellite May 8. Nicholson called the incident a “terrible, terrible mistake.”

“We came here to help the Afghan people and the Afghan government, not to hurt you,” he said. “So I stand before you today deeply, deeply ashamed, and terribly sorry, that Americans have killed and wounded innocent Afghan people.”

“This statement, among others, is contemptuous,” Jones wrote. “To convict these Marines in the press before the investigation has even been completed is irresponsible. Our military service members, and certainly these Marines, deserve far better.”

Jones urges Geren to give a written explanation for the statements, which he said characterize the Marines as “indiscriminate killers.”

“In addition, please explain why the presumption of innocence does not apply to these Marines,” Jones wrote. “Sir, I hope you agree that a public apology is in order. You must restrain your officers and enlisted personnel from commenting to the press on this incident until the investigation has finished and all the facts are available and verified. Due process has been disregarded!”

Nicholson’s comments were made less than a month after Army Maj. Gen. Frank Kearney, the top special operations officer in the Middle East, told The Washington Post on April 14 that a preliminary investigation showed there was no evidence the Marines had taken small-arms fire after the car bomb struck their convoy.

Jones’ letter marked the second in less than a week complaining about Army officials’ public comments in the case.

An attorney representing the former company commander, a major, sent a letter to Army Maj. Gen. Scott Black, judge advocate general of the Army, asking him to stop Kearney and Nicholson from speaking publicly about the incident.

The attorney, Mark Waple, referenced a provision in Article 37 of the Uniform Code of Military Justice prohibiting unlawful command influence.

“In part, that statute provides that ‘no person subject to this chapter may attempt to influence the action of a court-martial or any other military tribunal or any member thereof, in reaching the findings or sentence in any case, or the action of any convening, approving or reviewing authority with respect to his judicial act,’ ” he wrote.