INTRODUCTION

“Lance Corporal Rother’s death was not an accident. ‘Accidents’ happen. His death didn’t just happen, rather it was the culminating event of a series of acts, each consciously committed by human beings: intelligent, experienced and highly trained Marine Corps officers and noncommissioned officers. It was the certain and foreseeable result of an attitude which I intend to see erased from our Corps.”

- 29th Commandant of the Marine Corps General Alfred. M. Gray, 4 Jan 1989

“...responsibility inherent in command is absolute.”

-Col D. K. Angel, Investigating Officer

Never be fooled by the seemingly simple tasks of accountability, detaching personnel, emplacing or recovering road guards. Small indicators of inadequate leadership can lead to catastrophe.

LEARNING OUTCOMES

At the conclusion of this discussion, the Marine should have a better understanding of:

- Command climate
- Accountability
- Developing subordinates

PREPARATION

- Required Reading:
  - LCpl Rother Investigation (54 pages). Attached
  - First and Second Endorsement (4 pages). Attached
  - U.S. Marine Corps News (5 pages). Attached

DISCUSSION QUESTIONS

Part 1: Case Study/Role Play

It is 1630 on 30 Aug, 1988, and the temperature is about 107 Fahrenheit. TEECG at CAX 9-88 has just issued a FragO ordering 3/2 and 1/10 to transition from the defense to the offense by conducting a night movement along a single MSR as the final event of CAX. At 1730, Battalion Commander LtCol Robeson orders a total of 14 Marines from the companies to be employed in pairs as road guards and quartering parties.
1. You are K Co. XO 1stLt Kline. Your Company Commander Capt Henderson tasks you with providing 4 Marines to 1stLt Lawson to be used as road guards for the battalion movement. How do you accomplish this task?

2. You are the Heavy Machine Gun Platoon Commander 1stLt Lawson. Your task is to emplace the Marine from the companies as road guards. You are scheduled to depart the Bn AA is 1900. It is now 1920 and the Battalion XO Maj Holm is confronting you, and only 11 of the 14 Marines are present. What should you do before leaving the Bn AA? You feel you do not have enough Marines to cover all the intersections. You place one Marine .2 miles away from another Marine, but they still have visual contact by day and night with aid of chemlights. Is this employing Marines in pairs?

3. You are 3/2 S4 Capt Edwards. Your task is to recover road guards. How do you accomplish this? What coordination do you need to do?

4. You are 3/2 XO Maj Holm. It is now the morning of 31 August and the battalion movement was completed at about 0230. 1stLt Lawson approaches you and asks if anyone has reported missing any Marines. How do you respond?

5. You are K Co Cmdr Capt Henderson. It is now 2130 on 31 August. The company is at Camp Wilson and you’ve just heard the Battalion Commander LtCol Robeson’s direction to ensure 100% accountability of weapons, personnel, and classified material. You call for a company meeting. The lieutenants are at the beer garden celebrating the birth of 2nd Platoon Commander 2ndLt Johnson’s daughter. You pass on the Battalion Commander’s intent to those present. The Co 1stSgt GySgt Jones says the company is to “good to go” on personnel accountability. The Co GySgt SSgt Eisenback reports the armory “was up”. You trust your SNCOs. What do you do?

6. You are K Co 1stSgt, GySgt Jones. It is now 0645 on 1 September. At company formation you receive the report of “all present or accounted for” from each platoon sergeant. What do you do?
7. You are K Co GySgt, SSgt Eisenback. It is now 1730 on 1 September. 2nd Plt Sgt, Sgt Clyde tells you no one has seen LCpl Rother all day. The last time K Co had contact with LCpl Rother was when he was given up for a road guard duty about 48 hours ago. LCpl Rother’s squad leader, Sgt Turnell, has been visiting relatives off base since the evening of 31 August. What do you do?

8. You are 2nd Plt Cmdr, 2nd Lt Johnson. Your Company Commander, Capt Henderson, asks you if you know where LCpl Rother is. You reply you think LCpl Rother is in the company area. You did not know Sgt Turnell was off base visiting relatives. Where did things start to go wrong? How could this have been prevented?

9. You are 3/2 Battalion Commander, Lt Col Robeson. Your Company Commander, Capt Henderson, reports that LCpl Rother was last accounted for about 48 hours ago. Who do you hold accountable? How?

Part II: Group Discussion

1. Typical armory SOPs consider the presence of a weapon or presence of a NAVMC 10520 custodial receipt as accountability for sight count purposes. How could the armory sight count and personnel morning report be reconciled to provide a whole picture to the commander?

2. A typical report at formation is “all present or accounted for”. What are the differences between a properly executed formation that ensures the whereabouts of every single individual and an ineffective formation?

3. What was the command climate like in 3/2? What was the command climate like in Kilo Company?

4. What is more important, a tactically proficient unit that can move, shoot, and communicate or a unit that can accurately account for weapons and personnel?

5. What are the indicators to focus on in order to prevent oversights and errors of judgment that can lead to catastrophe?
6. What is the chain of events that all went wrong? Would LCpl Rother have survived if any of those events went right?

**KEY BILLET HOLDERS**
- RLT 2 CO – Col Ripley
- 1/10 Bn CO – LtCol Spain
- BLT 3/2 CO – LtCol Robeson
- Bn XO – Maj Holm
- S4 – Capt Edwards
- Motor Transport Officer – 2ndLt Fossett
- 5-Ton Driver – LCpl Barrett
- Heavy Machine Guns Platoon Commander – 1stLt Lawson
- K Co Cmdr – Capt Henderson
- K Co XO – 1stLt Kline
- K Co 1stSgt – GySgt Jones
- K Co GySgt – SSgt Eisenback
- 2nd Plt Cmdr – 2ndLt Brunnick
- 2nd Plt Sgt – Sgt Clyde
- 1st Squad Leader – Sgt Turnell
- Fire Team Leader – LCpl Paulate
From: Colonel Donald K. Angel, U. S. Marine Corps

To: Commanding General, Fleet Marine Force, Atlantic

Subj: INVESTIGATION TO INQUIRE INTO THE CIRCUMSTANCES SURROUNDING THE 30 AUGUST 1988 DISAPPEARANCE OF LANCE CORPORAL J. J. ROTHER /0311 USMC WHICH OCCURRED DURING CAX 9-88, TWENTYNINE PALMS, CALIFORNIA

Ref: (a) JAGMAN

Encl: (1) Appointing Order w/Extensions
(2) Copy of the Service Record Book of LCpl J. J. Rother USMC
(3) Statements of LCpl E. Paulate USMC dtd 2 Sep 88 and 1 Dec 88
(4) Statements of Capt M. R. Henderson USMC dtd 2 Sep 88, 1 Dec 88 and 13 Dec 88 w/attachments
(5) Chronology of events prior to and during CAX 9-88 prepared by RLT-2
(6) 1:250,000 Map Sheet of MCAGCC
(7) Copy of the Health Record of LCpl J. J. Rother USMC
(8) Statement of Lt G. F. Leghart, MC, USNR dtd 13 Dec 88
(9) Statement of Capt C. H. Bercier, Jr. MC, USN dtd 12 12 Dec 88
(10) Statement of LtCol W. J. Wood USMC dtd 13 Sep 88
(11) Statements of LtCol E. J. Robeson USMC dtd undated and 1 Dec 88
(12) Statement of LtCol W. R. Spain USMC dtd 1 Dec 88
(13) Statements of Capt R. J. Johnson USMC dtd 1 Dec 88 and 12 Dec 88
(14) Statements of 1stLt A. V. Lawson USMC dtd 2 Sep 88 and 16 Sep 88
(15) Statement of Capt M. B. Logsdon USMC dtd 1 Dec 88
(16) Statement of Capt S. M. Sheehan USMC dtd 1 Dec 88
(17) Statement of Capt B. K. Murray USMC dtd 1 Dec 88
(18) Statements of 2ndLt C. E. Johnson USMC dtd 2 Sep 88, 1 Dec 88 and 13 Dec 88
(19) Statements of Capt D. P. Edwards USMC dtd 1 Dec 88, 2 Dec 88 and 13 Dec 88
(20) Statement of 2ndLt T. A. Fossett USMC dtd 1 Dec 88
(21) Copy of Frag Order from 27th MAR to 3/2
(22) Statements of Maj T. L. Holm USMC dtd 16 Sep 88 and 1 Dec 88
(23) Statements of Sgt S. W. Gardener USMC dtd 1 Dec 88 and 2 Dec 88
(24) Statements of LCpl D. K. Barrett USMC dtd 2 Sep 88 and 2 Dec 88
(25) Statement of Cpl M. A. Gonzalez USMC dtd 2 Dec 88
(26) Statement of LCpl M. Marren USMC dtd 2 Dec 88
(27) Statement of 1stLt C. B. McClelland USMC dtd 2 Dec 88
(28) Statements of 1stLt P. E. Kline USMC dtd undated, 30 Nov 88 and 13 Dec 88
(29) Statement of 1stLt A. P. Mansi USMC dtd 1 Dec 88
(30) Statement of LCpl M. A. McAdam USMC dtd 1 Dec 88
(31) Statements of LCpl J. J. Adamson USMC dtd undated, 1 Sep 88 and 3 Dec 88
(32) Statement of LCpl M. C. Bainbridge USMC dtd 1 Dec 88
(33) Statement of 2ndLt L. E. Brunnick USMC dtd 1 Dec 88
(34) Statements of LCpl D. A. Key USMC dtd 8 Sep 88, 16 Sep 88 and 1 Dec 88
(35) Statement of Cpl G. C. Harbison USMC dtd 1 Dec 88
(36) Statements of LCpl J. J. Taylor, Jr. USMC dtd 3 Aug 88 and 1 Dec 88
(37) Statement of Sgt E. Luco USMC dtd 3 Sep 88
(38) Statement of NIS Agent dtd 6 Dec 88
(39) Statements of SSgt R. E. Eisenback USMC dtd undated and 30 Nov 88
(40) Statements of GySgt S. L. Jones USMC dtd 2 Sep 88 and 1 Dec 88
(41) Copy of National Park Service Case Incident Report # 880243 w/attachments
(42) U. S. Naval Observatory Report dtd 12 Dec 88
(43) Statements of SSgt D. Dozier USMC dtd 2 Sep 88 and 30 Nov 88
(44) Statements of LCpl W. H. Kimble USMC dtd 12 Dec 88 and 13 Dec 88
(45) Statement of Bob Moon, Chief, Resources Management, Joshua Tree National Monument
(46) Statement of LtCol H. W. Langdon USMC undated
(47) Handbook on Desert Environment and Survival
(48) Statement of HS D. G. Shirley USN dtd 12 Dec 88
(49) Statement of HS T. A. Packard USN dtd 13 Dec 88
(50) Statement of LCpl K. P. Robertson USMC dtd 2 Dec 88
(51) Statement of Capt W. E. Parrish USMC dtd 13 Dec 88
(52) Statement LtCol R. J. Fawcett USMC dtd 13 Dec 88
(53) Statement of Capt R. B. Rayfield, Jr. USMC dtd 13 Dec 88
(54) Statement of Capt B. N. Lavender USMC dtd 5 Dec 88
(55) Copy of MCAGCC Combat Center Order P3440.1 dtd 15 Aug 85
(56) Copy of MCAGCC Combat Center Bulletin 5215 dtd 6 Sep 88
(57) Desert Search After Action Report dtd 6 Dec 88 w/endorsements and attachments
(58) Copy of the Desert Search by the Sierra Madre Search and Rescue Team
(59) Copy of San Bernadino Sheriff's Department Uniform Crime Report dtd 5 Dec 88
(60) Copy of CG MCAGCC msg 092015Z Dec 88
(61) Climatology Report dtd 5 Dec 88 w/attachments
(62) 1:100,000 Map Sheet of MCAGCC
(63) High aerial photo of road network in vicinity of Bench Mark 2272
(64) Low aerial photo of road network in the vicinity of Bench Mark 2272
(65) Photo of LCpl Rother's road guide position
PRELIMINARY STATEMENT

1. Enclosure (1) directed my investigation in accordance with reference (a) into "all circumstances" connected with the disappearance of Lance Corporal Jason J. Rother, U. S. Marine Corps.

2. Gathering of evidence for this investigation required two trips to Camp Lejeune, North Carolina and a trip to Marine Air Ground Combat Center at Twentynine Palms, California. The traveling involved and the gathering of witnesses to be interviewed required a request for extension which was granted (Enclosure 1).

3. Due to the pending disciplinary action of First Lieutenant A. V. Lawson, /0302 USMC, Sergeant C. P. Clyde, /0311, USMC, and Sergeant T. B. Turnell, II /0311 USMC these witnesses were unavailable for interview on the advice of their legal counsel.

4. I have divided the Findings of Fact into four parts:

PART I - Identification of Lance Corporal Rother and facts leading up to Combined Arms Exercise 9-88 (CAX 9-88).

PART II - Facts relating to what took place at CAX 9-88 up until the time Lance Corporal Rother was reported missing.

PART III - Facts relating to the medical history of Lance Corporal Rother, physiology in the desert, and desert survival training.

PART IV - Facts relating to the searches conducted after Lance Corporal Rother was reported missing.

5. Social security numbers used in this investigation were obtained from official sources.

7. Enclosure (6) has been used several times to point out the location of places being discussed in the findings of fact. The enclosure is therefore sequentially marked (6a), (6b) etc.

8. Enclosure (76) designated as the Command Chart for BLT 3/2, may facilitate the reader in keeping track of the billets of the officers of BLT 3/2 involved in the facts of this investigation.

9. The coroner's report from San Bernadino county was not available at the time of the completion of this report. It will be forwarded when it becomes available.

10. Lieutenant Colonel D. E. Clancey, /4402 USMC served as the legal advisor to the Investigating Officer.

FINDINGS OF FACT

PART I: 20 SEP 86 - 28 AUG 88

1. That Lance Corporal Jason J. Rother /0311 USMC enlisted into the United States Marine Corps on 20 September 1986 through the Delayed Entry/Enlistment Program. (Enclosure 2)

2. That he reported for active duty on 11 August 1987. (Enclosure 2)

3. That he received recruit training at Marine Corps Recruit Depot, San Diego, California. (Enclosure 2)

4. That he reported to the School of Infantry, Camp Pendleton, California on 10 May 1988. (Enclosure 2)

5. That he reported to Battalion Landing Team, Third Battalion, Second Marines (BLT 3/2) on 10 July 1988. (Enclosure 2)

6. That he was assigned to the first squad of the second platoon, Kilo Company, BLT 3/2. (Enclosure 3)

7. That on 8 August 1988 LCpl Rother received a class on the Introduction to Desert Survival. (Enclosure 4)

8. That the purpose of the class was to acquaint the individual Marine with desert survival considerations. (Enclosure 4) NOTE: The contents of this class will be discussed in Part III of the Findings of Fact, starting with finding of fact 433.


10. That on 17 August BLT 3/2 received a class from MCAGCC personnel that was limited to explosive ordnance hazards in the training areas, and preservation of the desert ecology. (Enclosure 5)
11. That BLT 3/2 was billeted at Camp Wilson (Base Camp) at the MCGC. (Enclosures 5 and 6a)

12. That on 18 August 1988, Kilo Company, BLT 3/2, participated in a defensive fire exercise from approximately 0700 until 1600. (Enclosure 5)

13. That on 19 August 1988, Kilo Company moved to the Delta Corridor and Cleghorn Training Areas for immediate action drills. (Enclosure 5)

14. That on 20 August 1988, Kilo Company focused its training on company level immediate action drills and movement exercises. (Enclosure 5)

15. That on 21 August 1988, Kilo Company conducted trench clearing operations and a simulated attack on a strong point. (Enclosure 5)

16. That on 22 August 1988, 2d Platoon, Kilo Company, made an assault on Range 410. (Enclosure 5)

17. That the attack and subsequent critique lasted for about six hours. (Enclosure 5)

18. That on 22 August 1988, LCpl Rother was seen at the BLT 3/2 Sick Bay for a followup consult on an ingrown toe nail removal and for acute lower back pain. (Enclosures 7, 8 and 9) NOTE: The physical condition of LCpl Rother will be discussed in Part III of the Findings of Fact starting with finding of fact 433.

19. That on 23 August 1988, Kilo Company conducted an attack upon a simulated strong point and then returned to Camp Wilson. (Enclosure 5)

20. That on 24 August 1988, Kilo Company conducted physical training and was involved in a maintenance standdown for the rest of the day and part of 25 August. (Enclosure 5)

21. That at 1600 on 25 August 1988 Kilo Company moved to the Emerson Lake Training Area and bivouacked for the night. (Enclosure 5)

22. That on 26 August the company participated in a mobile assault course which consisted of fire support coordination followed by a dismounted (foot) attack. (Enclosure 5)

23. That on 27 August Kilo Company prepared for the CAX 9-88 by cleaning weapons and moving to Cleghorn Training Area for the start of the CAX. (Enclosure 5)

24. That on 28 August Kilo Company conducted a brief rehearsal for the next day's commencement of CAX by moving in Amphibious Assault Vehicles (AAVs) 5 km up Cleghorn Pass. (Enclosure 5)
25. That Combined Arms Exercise (CAX) 9-88 was conducted from 29 to 31 August 1988. (Enclosure 5)

26. That Regimental Landing Team 2 (RLT-2) was the Command Element for BLT 3/2. (Enclosure 10)

27. That RLT-2 was commanded by Colonel J. W. Ripley, /9910 USMC. (Enclosure 10)

28. That Battalion Landing Team (BLT) 3/2 was the Ground Combat Element (GCE) of RLT-2. (Enclosures 5 and 10)

29. That BLT 3/2 was commanded by Lieutenant Colonel E. J. Robeson, /0302 USMC. (Enclosures 5, 11 and 12)

30. That the principal elements of BLT 3/2 were its H&S Company, Weapons Company, India Company, Kilo Company, Lima Company and Bravo Company, 2d Tank Battalion. (Enclosures 4, 13, 14, 15 and 16)

31. That First Battalion, 10th Marines (1/10) (artillery) was in direct support of BLT 3/2. (Enclosure 12)

32. That 1/10 was commanded by Lieutenant Colonel W. R. Spain, /0802 USMC. (Enclosure 12)

33. That the tactical play for CAX 9-88 was the standard 3-day scenario except that the deliberate attack on day one was up Cleghorn Pass vice the Delta Corridor. (Enclosures 6b and 17)

34. That day one, 29 August, ended with BLT 3/2 occupying a night defensive position southeast of Black Top in the vicinity of Bench Mark 18 (Coord. 916230) until the following day. (Enclosures 5, 6c, 17 and 18)

35. That by mid-afternoon on day two, 30 August, BLT 3/2 had seized a battalion strong point in the vicinity of the pass at Bench Mark 2173 (Coord. 802234). (Enclosures 4, 5, 6d, 11, 12, 17 and 18)

36. That 1/10, in direct support, was in the vicinity of Bench Mark 17 (Coord. 833238). (Enclosures 6e and 12)

37. That BLT 3/2's supply trucks were located several kilometers to the east of the battalion strong point. (Enclosures 19 and 20)

38. That at 1630 on day two, 30 August, BLT 3/2 received a Frag Order from the Tactical Exercise Evaluation and Control Group (TEECG) to use the cover of darkness to reposition forces for an attack to the northwest. (Enclosures 5, 11, 12, 17 and 21)

39. That the Frag Order directed the BLT to "anticipate attack toward Barstow NLT 0900 31 Aug 88. FragO to be issued NLT 2400 30 Aug 88." (Enclosure 21)
40. That to comply with the Frag Order, BLT 3/2 had to conduct a 21-mile, unilluminated motor march to an area north of Gays Pass. (Enclosures 6f, 11, 12 and 21)

41. That although the motor march called for light and noise discipline, emplacing route guides and quartering parties (vehicle escorts at the destination) before dark was permitted. (Enclosures 11, 12 and 21)

42. That LtCol Spain, CO of 1/10, encountered the 3/2, S-3, Captain B. K. Murray, 478 56 7424/0302 USMC, in the vicinity of Bench Mark 17 with the unopened Frag Order from the TEECG. (Enclosure 12)

43. That Capt Murray opened the Frag Order and it was viewed by himself and LtCol Spain. (Enclosures 12 and 17)

44. That LtCol Spain confirmed with the TEECG that he did not have to support 3/2's night motor march with artillery, but that he had to be in position in the Lavic Lake area to support the following day's attack. (Enclosures 6g and 12)

45. That 1/10 had to conduct a night motor march under essentially the same conditions as 3/2, along essentially the same route of march. (Enclosures 11 and 12)

46. That at approximately 1730, 30 August, LtCol Robeson issued his Frag Order for the night motor march to his Company Commanders, principal staff, and select others. (Enclosures 11, 12, 13, 14, 15, 16, 17, 19 and 22)

47. That LtCol Spain was in attendance at the Frag Order meeting. (Enclosures 12 and 19)

48. That Captain M. G. Logsdon, /0302 USMC, the Lima Company Commander, was late to the Frag Order meeting. (Enclosure 17)

49. That Capt Logsdon was briefed separately, somewhat later, by Capt Murray, the 3/2 S-3. (Enclosures 15 and 17)

50. That LtCol Robeson specified distance to be traveled, commencement time, rate of march, separation between vehicles, route markings and the requirement for route guides and quartering parties. (Enclosures 11, 12, 13, 14, 15, 16, 17, 19 and 22)

51. That based on a map reconnaissance, route check points at four, pre-selected intersections were to be established. (Enclosures 11, 14, 19 and 22)

52. That using a map overlay, these intersections were shown to be at coordinates 767248, 733260, 679297 and 597335. (Enclosures 14 and 62)

53. That the check points at the prescribed intersections would be marked by guides holding "chemlites," an illumination means
allowable within the context of the TEECG guidance. (Enclosure 19)

54. That the "chemlites" used were 12-hour, low-intensity devices. (Enclosures 19, 22 and 77)

55. That at LtCol Robeson's Frag Order meeting the tasking to provide road guards and quartering parties generated discussion. (Enclosures 11, 13 and 16)

56. That LtCol Robeson initially tasked each of four companies (I, K, L and B, 2d Tank Bn) with providing two Marines: one to serve as a check point guide and one to lead his company into the assembly area at the end of the route. (Enclosure 11)

57. That Captain R. S. Trout, /0302 USMC, Weapons Company Commander, recommended that the check point guides and quartering parties serve in pairs as a safety and morale measure, due to the dark, unfamiliar surroundings. (Enclosures 11 and 22)

58. That LtCol Robeson concurred, and doubled the tasking; four from each company for a total of 16. (Enclosures 11 and 22)

59. That LtCol Robeson stressed the importance of the route guides and quartering parties to serve in pairs. (Enclosures 4, 19 and 22)

60. That Captain R. J. Johnson, /0302 USMC, India Company Commander, questioned the applicability of the tasking for him, since his company was flying by helicopter into the battalion area ahead of the convoy. (Enclosure 13)

61. That LtCol Robeson concurred that India Company would not need a quartering party in the assembly area, but should provide two check point guides so that all of them would be adequately covered. (Enclosure 11)

62. That this decision reduced the total number required to 14; 8 to serve at the four check points, and 6 to serve as quartering parties for Kilo, Lima and Bravo companies at the assembly area. (Enclosure 11)

63. That despite all of the discussion on the number of Marines to be provided, and by whom, Captain S. M. Sheehan, 1802 USMC, Bravo Company Commander, left the Frag Order meeting believing that his quota for the detail was 2. (Enclosure 16)

64. That LtCol Robeson, having limited organic motor transport assets, felt compelled to emplace the check point guides and quartering parties with the Heavy Machinegun Platoon of his Weapons Company. (Enclosure 11)

65. That 1stLt Lawson, Heavy Machinegun Platoon Commander, was present at the Frag Order meeting. (Enclosure 14)
66. That 1stLt Lawson was tasked by LtCol Robeson with conducting route reconnaissance for the motor march, and simultaneously emplacing the guides and quartering parties in pairs. (Enclosures 4, 14, 19, and 22)

67. That 1stLt Lawson was to leave as soon as possible to take advantage of what daylight remained, since the TEECG guidance allowed this. (Enclosures 15 and 22)

68. That 1stLt Lawson intended to leave at 1900 from his position which was a short distance from the Bn Combat Operations Center (COC). (Enclosure 14)

69. That Captain D. P. Edwards, USMC, the 3/2 Logistics Officer, was tasked at the Frag Order meeting with picking up the check point road guides with the last vehicle in the logistics train, the trailing element in the convoy. (Enclosures 4, 11, 13, 15, 16, 19 and 22)

70. That Capt Edwards briefed at the Frag Order meeting that the pairs of road guides at the check points would be identified by the "chemlights" that they had been using to mark the route and direct traffic. (Enclosures 19 and 20)

71. That Capt Edwards briefed that the road guides would be returned to their parent companies at the end of the night motor march. (Enclosures 4, 13, 15, 16 and 19)

72. That Capt Edwards did not, however, specifically articulate how or when this would be effected. (Enclosure 19)

73. That each company commander tasked with providing check point guides understood that the battalion would return them. (Enclosures 4, 13, 15 and 16)

74. That each company commander made his own assumption as to when and how that might occur. (Enclosures 4, 13, 15 and 16)

75. That Capt Edward's (unspoken) decision was to avoid excessive, nighttime movement in the assembly area, and return the guides to their units at dawn with his resupply vehicles. (Enclosure 19)

76. That although the responsibility for emplacing and picking up the check point guides for the night motor march was split between 1stLt Lawson and Capt Edwards, LtCol Robeson issued no specific coordinating instructions. (Enclosures 11 and 19)

77. That LtCol Robeson expected that 1stLt Lawson and Capt Edwards would effect the coordination necessary to ensure the accountability and return of all those posted. (Enclosure 11)

78. That LtCol Robeson assumed that the night movement to an assembly area would provide the battalion the opportunity to "catch our breath and reorganize there." (Enclosure 11)
79. That LtCol Robeson assumed that the companies that provided the check point road guides would coordinate with those in the supply vehicles to ensure the return of their Marines. (Enclosure 11)

80. That LtCol Robeson, in retrospect, stated he "could have been more directive about how the Marines were to be returned to their unit." (Enclosure 11)

81. That at the conclusion of the formal Frag Order issuance, coordinating meetings took place among those tasked with motor march responsibilities. (Enclosures 4, 11, 12, 15, 16 and 19)

82. That LtCol Spain met with LtCol Robeson to discuss their respective night motor marches. (Enclosures 11 and 12)

83. That LtCol Robeson discussed the potential problem of mingled road guards with LtCol Spain. (Enclosures 11 and 12)

84. That LtCol Robeson and LtCol Spain agreed to travel separate axes in the middle portion of the march to further reduce the potential for interference. (Enclosures 11 and 12)

85. That 3/2 was to travel the northern axis of the main supply route (MSR) and 1/10 the southern axis (Coord. of the intersection: 733260). (Enclosures 11, 12 and 61)

86. The MSR was a single lane dirt road. (Enclosure 63)

87. That LtCol Robeson and LtCol Spain agreed that if each battalion's convoy departed at 2300, at least a 20 minute buffer would be provided due to their respective starting positions. (Enclosures 11 and 12)

88. That LtCol Spain briefed Capt Edwards on how the 1/10 road guards would be distinctively marked with "chemlites," recognizing that his trailing convoy would travel some of the same route as 3/2. (Enclosure 12)

89. That Capt Edwards does not recall this briefing. (Enclosure 19)

90. That LtCol Spain returned to his unit in the vicinity of Bench Mark 17 to issue his own Frag Order, and commence putting out 1/10 road guards for their night motor march. (Enclosure 12)

91. That 1/10 road guards were briefed that 3/2 was conducting a motor march also, and that they should ensure that their pick-up was made by a 1/10 vehicle. (Enclosure 12)

92. That Capt Edwards asked 1stLt Lawson to provide him prior to his departure, a by-name roster of those Marines he would be posting as check point guides. (Enclosure 19)

93. That Capt Sheehan, Bravo Company tank commander, thinking that his quota was 2 Marines, asked 1stLt Lawson to post his
Marines as a quartering party at specific coordinates near the assembly area. (Enclosure 16)

94. That Capt Johnson returned to the India Company area to form his 2-man road guard detail, and a 2-man helicopter landing zone control team which 1stLt Lawson was also to emplace. (Enclosure 13)

95. That the 4 India Company Marines reported to 1stLt Lawson. (Enclosures 13, 25 and 26)

96. That Capt Sheehan returned to the Bravo Company area to form his 2-man quartering party. (Enclosure 16)

97. That Capt Sheehan sent them to 1stLt Lawson with a Gunnery Sergeant who reiterated Capt Sheehan's guidance with regard to the desired coordinates for the quartering party. (Enclosure 16)

98. That Capt Logsdon returned to the Lima Company area and charged his executive officer, First Lieutenant C. B. McClelland, /0302 USMC, with forming his 4-man detail. (Enclosures 15 and 27)

99. That Capt Logsdon and 1stLt McClelland discussed their mutual lack of confidence in 1stLt Lawson. (Enclosures 15 and 27)

100. That 1stLt McClelland took the detail to the Bn COC area and could not find 1stLt Lawson. (Enclosure 27)

101. That 1stLt McClelland entrusted his detail to First Lieutenant A. P. Mansi, /0302 USMC, the 3/2 Adjutant and returned to the Lima Company area. (Enclosures 27 and 29)

102. That 1stLt Mansi never made contact with 1stLt Lawson, and kept the Lima Company Marines with him during the night motor march. (Enclosure 29)

103. That these Marines were returned to Lima Company in the assembly area at the conclusion of the motor march. (Enclosure 29)

104. That Captain M. R. Henderson, /0302 USMC returned to the Kilo company area at about 1830 and tasked his executive officer, First Lieutenant P. E. Kline, /0302 USMC with forming the 4-man detail. (Enclosures 4 and 28)

105. That Capt Henderson briefed his XO on the requirement to provide the detail. (Enclosures 4 and 28)

106. That Capt Henderson had reservations about 1stLt Lawson's abilities, and directed 1stLt Kline to personally take the detail to Lawson. (Enclosure 4)

107. That 1stLt Kline selected 2 Marines from Headquarters Platoon, Lance Corporals J. J. Adamson, /0311 USMC and M. A. McAdam, /0311 USMC. (Enclosures 4, 28, 30 and 31)
108. That 1stLt Kline sent the company runner, Lance Corporal M. C. Bainbridge, /0311 USMC, to 1st and 2d Platoons with the requirement to provide one Marine each with weapon and all 782 gear. (Enclosures 28 and 32)

109. That LCpl Bainbridge passed the requirement to the 1st and 2d Platoon, Platoon Sergeants, Sergeants M. F. Moberly, /0311 USMC and Clyde, respectively. (Enclosure 32)

110. That Second Lieutenant L. E. Brunnick, /0302 USMC, 1st Plt commander, and Sgt Moberly selected Lance Corporal D. A. Key, /0311 USMC, because he had a strained achilles tendon and could not keep up during platoon movements. (Enclosures 33 and 34)

111. That 2ndLt Johnson, 2d Plt commander, and Sgt Clyde selected LCpl Rother since he had experienced dehydration during the past two days' di-mounted attacks. (Enclosure 18)

112. That 2ndLt Johnson and Sgt Clyde viewed this as an opportunity for LCpl Rother to recover before returning to the platoon. (Enclosure 18)

113. That Sgt Turnell, LCpl Rother's Squad leader "pulled" him from his fire team for the night motor march detail. (Enclosures 3, 35 and 36)

114. That LCpl Rother's removal from the 1st Squad was noted by his fire team leader, Lance Corporal E. Paulate, /0311 USMC, and by the other squad's fire team leader, Corporal G. C. Harbison, /0311 USMC. (Enclosures 3 and 35)

115. That the specifics of LCpl Rother's assignment, particularly the time and place of his return, were not known to LCpl Paulate and Cpl Harbison. (Enclosures 3 and 35)

116. That 1stLt Kline could not find 1stLt Lawson and returned to the Kilo Company area, where LCpls Adamson and McAdam were prepared to assume guide duties. (Enclosure 28)

117. That 1stLt Kline indicated to LCpls Adamson and McAdam that they would serve as the company's quartering party. (Enclosures 28, 30 and 31)

118. That 1stLt Kline indicated to LCpls Adamson and McAdam that Kilo Company's AAVs, the lead element of the convoy, would pick them up when they directed the company into the assembly area. (Enclosures 4, 28, 30 and 31)

119. That 1stLt Kline took LCpls Adamson and McAdam to the Heavy Machine Gun Platoon area and encountered 1stLt Lawson. (Enclosure 28)

120. That 1stLt Kline provided one "chemlite" to LCpls Adamson and McAdam. (Enclosures 28 and 31)
121. That 1stLt Kline indicated to 1stLt Lawson that LCpls Adamson and McAdams were to serve as the quartering party at the assembly area, and that he would be back with the road guards as soon as possible. (Enclosures 28, 30 and 31)

122. That 1stLt Lawson indicated to 1stLt Kline that he would provide the road guards with "chemlites." (Enclosure 28)

123. That 1stLt Lawson indicated to 1stLt Kline that the road guards would be returned to the company early the next morning when the motor march was completed. (Enclosure 28)

124. That 1stLt Kline returned to his CP, picked up LCpls Rother and Key, and took them to 1stLt Lawson. (Enclosure 28)

125. That 1stLt Kline did not brief LCpls Rother and Key on the specifics of how they would be picked up and returned to their unit. (Enclosures 28 and 34)

126. That 1stLt Kline was under the impression that because LCpls Rother and Key were being posted by 1stLt Lawson's vehicles, that he would pick them up and return them up as the convoy passed them. (Enclosure 28)

127. That 1stLt Kline noted that the atmosphere in the Heavy Machine Gun area was very hurried, and Marines were being assigned to the HMMWVs where space was available. (Enclosures 28, 30 and 31)

128. That LCpls Adamson, Rother and Key were placed together in one of the HMMWVs. (Enclosures 31 and 34)

129. That the Kilo company Marines were, in fact, the last Marines to report before 1stLt Lawson departed. (Enclosures 28, 30 and 31)

130. That 1stLt Lawson held no collective briefing for the Marines who were to be posted, but rather briefed them as they dismounted the HMMWVs at the locations where posted. (Enclosures 14 and 28)

131. That at the Heavy Machine Gun area, LCpl Adamson assumed an informal leadership role and checked the water supply of each Kilo Company Marine by handling each canteen on the man's cartridge belt. (Enclosures 28 and 31)

132. That LCpl Rother, as did they all, had three 1-quart canteens full of water. (Enclosure 31)

133. That LCpl Adamson, an assistant company armorer, knew that LCpl Rother had 6 loaded magazines (28 rounds each) for his M-16. (Enclosure 31)

134. That LCpl Adamson retrieved one magazine from LCpl Rother for his own use at the assembly area, should it be required, leaving Rother with 5 magazines. (Enclosure 31)
135. That Staff Sergeant R. E. Eisenback, Jr, USMC, the Kilo Company Gunnery Sergeant, issued 40mm practice rounds to the company's platoon sergeants for issue to those with M-203 grenade launchers. (Enclosure 77)

136. That LCpl Rother had an M-203 mounted on his M-16 rifle. (Enclosures 31, 37 and 38)

137. That LCpl Rother had at least one 40mm practice round on the evening of 30 Aug. (Enclosure 38)

138. That prior to the Kilo Company Marines' departure from the Heavy Machine Gun area, their identities were known to SSgt Eisenback and Gunnery Sergeant S. L. Jones, Jr, USMC, the Kilo Company First Sergeant. (Enclosures 39 and 40)

139. That SSgt Eisenback and GySgt Jones, while riding in the Kilo Company vehicle, observed LCpl Adamson, McAdam, Rother and Key in the Heavy Machine Gun area. (Enclosures 39 and 40)

140. That at Capt Henderson's subsequent Frag Order meeting with his commanders at about 2000, the provision of the 4-man detail for the night motor march was reiterated. (Enclosures 4 and 28)

141. That it was 2ndLt Johnson's expectation that LCpl Rother would be returned the following day after Kilo Company's helo assault. (Enclosure 18)

142. That BLT 3/2's night motor march was under the operational control of Major T. L. Holm, USMC, the Battalion's Executive Officer. (Enclosure 17)

143. That the BLT's Combat Operations Center (COC) operated on a split watch, and Maj Holm's "Scarlet Team" was on watch until the next morning. (Enclosure 17)

144. That at 1900, 1stLt Lawson's designated departure time, only 2 Marines had reported for his detail, and the helicopter LZ team was still getting briefed by the Bn S-2. (Enclosure 14)

145. That at about 1910, the balance of the Marines with which 1stLt Lawson departed arrived. (Enclosure 14)

146. That essentially concurrently, Major Holm confronted 1stLt Lawson and asked why he hadn't departed, since darkness was rapidly approaching. (Enclosures 22 and 77)

147. That at 1920, 1stLt Lawson departed in 4 armored HMMWVs with the 11 Marines who had reported. (Enclosures 4, 13, 14 and 16)

148. That of those, only 8 of the required 14 for road guard and quartering party duty were present. (Enclosures 4, 13, 14 and 16)

149. That the other 3 were the LZ Initial Terminal Guidance Team; 2 from India Company and 1 from STA Platoon, H&S Company. (Enclosures 13, 23 and 77)
150. That the composition of the road guard and quartering party detail was as follows: Kilo Company (4), Bravo Company (2) and India Company (2). (Enclosures 4, 13 and 16)

151. That Lima Company's 4 Marines did not make the detail, and Bravo Company provided two less than the prescribed number. (Enclosures 16 and 29)

152. That about 1800, Capt Edwards sought out 1stLt Lawson to obtain a roster of the road guards, but was unsuccessful. (Enclosure 19)

153. That 1stLt Lawson left the 3/2 area without giving Capt Edwards a number count or roster of the Marines he had in his detail. (Enclosure 19)

154. That LtCol Robeson was never aware that 1stLt Lawson departed the 3/2 area with less than the prescribed number of Marines to accomplish his assigned mission. (Enclosure 11)

155. That in less than 10 minutes after 1stLt Lawson's departure (approximately 1930), he arrived at an intersection in the Main Supply Route (MSR) that did not appear on the map. (Enclosures 14, 23, 34 and 64)

156. That this intersection was denoted by a large, protruding rock formation within the fork of the intersection. (Enclosures 34 and 64)

157. That 1stLt Lawson turned off of the MSR to the right on a fork that subsequently developed into two more forks. (Enclosures 34 and 64)

158. That 1stLt Lawson chose the left-most fork, the one that most closely paralleled the MSR. (Enclosures 64 and 77)

159. That after traveling .9 miles, 1stLt Lawson stopped at a rock on the right side of the road. (Enclosures 34, 65 and 77)

160. That the rock is 216 yards perpendicular distance from the MSR, and 395 yards diagonal distance to a large, white sign that marks the prominent road intersection at Bench Mark 2272 (Coord. 767248). (Enclosures 66, 67 and 77)

161. That this intersection is also referred to throughout the investigation as check point 72, BLT 3/2 check point 1 or Bench Mark 2272. (Enclosures 12, 14, 23 and 68)

162. That at the rock where 1stLt Lawson stopped, both LCpls Rother and Key dismounted their HMMWV the last of the four HMMWVs. (Enclosures 31, 34 and 65)

163. That 1stLt Lawson indicated that this was to be LCpl Rother's post, and directed LCpl Key to reboard the HMMWV. (Enclosure 31 and 34)
164. That at this time, LCpl Adamson, who had been in the HMMWV with Rother and Key, indicated to Lawson that 1stLt Kline had specifically directed them to serve in pairs. (Enclosure 31)

165. That 1stLt Lawson told LCpl Adamson that, "I'm the lieutenant and you're the lance corporal," and Adamson ceased protesting. (Enclosure 31)

166. That LCpl Key reboarded the HMMWV and 1stLt Lawson drove for about .2 miles (about one minute) to the point where the road on which he had been traveling converged at the intersection marked by the sign. (Enclosures 34, 63 and 64)

167. That 1stLt Lawson indicated to LCpl Key that this was to be his post. (Enclosures 31 and 34)

168. That LCpl Key re-emphasized 1stLt Kline's guidance that he and LCpl Rother were to be posted together as road guards. (Enclosure 34)

169. That 1stLt Lawson responded that, "He (Lawson) knew what he was doing." (Enclosure 34)

170. That LCpl Key protested no further. (Enclosure 34)

171. That from his position in the HMMWV, LCpl Adamson could not see or hear what guidance Lt Lawson might have given to either LCpl Rother or Key. (Enclosure 31)

172. That LCpl Key was not instructed by 1stLt Lawson on how he would be picked up or returned to his unit. (Enclosure 34)

173. That LCpl Key "assumed that we would be picked up by one of the end vehicles." (Enclosure 34)

174. That on 30 August 1988 the sun set at 1912 hours Pacific day light time and the end of civil twilight occurred at 1938 hours. (Enclosure 42)

175. That at the time of LCpl Key's posting (roughly 1930) approximately 8 minutes of light remained. (Enclosure 42)

176. That until dark, LCpl Key maintained visual contact with LCpl Rother. (Enclosure 34)

177. That at dark, both LCpl Key and Rother ignited their "chemlites." (Enclosure 34)

178. That on the night of 30 Aug, the moon rose at 2111 hours Pacific day light time and set at 1112 on the morning of 31 Aug. (Enclosure 42)

179. That on the evening of 30 August and the morning of 31 August 84% of the moon's surface was illuminated. (Enclosure 42)
180. That LCpl Key stated he could see LCpl Rother's "chemlite" until he was picked up by the designated vehicle at the end of the convoy. (Enclosure 34)

181. That when 1stLt Lawson's group of HMMWVs reached what was to have been 3/2's check point 2 (Coord. 733260), they found it occupied by road guards from 1/10. (Enclosures 12, 14 and 23)

182. That coincidentally, 3/2 and 1/10 had selected the same second check point for their respective night motor marches. (Note that 1/10's coords. are different, since they are using a map corrected by 5/11, a resident arty unit at 29 Palms) (Enclosures 12, 14 and 77)

183. That 1stLt Lawson by-passed this check point without posting any of his road guards. (Enclosures 14 and 62)

184. That 1stLt Lawson's reconnaissance beyond check point 2 on the northern axis of the MSR determined it to be too overgrown. (Enclosure 23)

185. That the northern axis was the one that LtCol Robeson indicated to LtCol Spain that 3/2 would take. (Enclosures 11, 12 and 19)

186. That 1stLt Lawson determined that 3/2 should take the better southern axis. (Enclosure 23)

187. That 3/2 and 1/10 both used the southern axis of the MSR on their night motor marches. (Enclosures 11, 12 and 19)

188. That at 3/2's check point 3 (Coord. 679297), 1stLt Lawson posted the 2 Marines from Bravo Company, 2d Tank Battalion. (Enclosure 14)

189. That the Bravo Company road guards were told by 1stLt Lawson that they would be identified by their "chemlites" and picked up by the last vehicle in the convoy. (Enclosure 16)

190. That the Bravo Company road guards were not posted as a quartering party at the coordinates in the assembly area, as requested by their CO, Capt Sheehan. (Enclosure 16)

191. That at 3/2's check point 4 (Coord. 597335), 1stLt Lawson posted the 2 Marines from India company. (Enclosures 14, 25 and 26)

192. That 1stLt Lawson told these Marines that they would be picked up by someone after the entire convoy had passed through their position. (Enclosures 13, 14, 25 and 26)

193. That Capt Johnson had expected his Marines to be picked up by the supply vehicles like the rest of the road guard detail. (Enclosure 13)
194. That 1stLt Lawson emplaced the remaining two Kilo Company Marines, LCpls Adamson and McAdam, in the assembly area to serve as the quartering party for the lead element of the convoy. (Enclosures 30 and 31)

195. That at this point 1stLt Lawson was out of Marines for quartering parties, and two of the companies that were intended to have them (Bravo and Lima) did not. (Enclosures 4, 11, 13 and 16)

196. That by the time 1stLt Lawson had finished emplacing the LZ team, it was about 2230. (Enclosure 23)

197. That it had taken 1stLt Lawson about 3 hours to complete his mission. (Enclosures 14 and 23)

198. That virtually all of 1stLt Lawson's posting took place after dark, and his unit became lost and disoriented several times. (Enclosures 25, 26, 31 and 41)

199. That in fact, extensive radio communication was required to maintain unit integrity, and light discipline was broken several times as headlights were used to establish bearings. (Enclosures 25, 26 and 31)

200. That at about 2230 1stLt Lawson directed Sergeant S. W. Gardner, /0331 USMC, his navigator and second in command, to backtrack the MSR and stop at all the check points. (Enclosures 14 and 23)

201. That Sgt Gardner's departure from the assembly area was just 30 minutes before the 3/2 convoy was to commence its night motor march. (Enclosure 23)

202. That Sgt Gardner's guidance from 1stLt Lawson was to drop off more "chemlites." (Enclosures 14 and 23)

203. That Sgt Gardner stated his guidance from 1stLt Lawson was to inform the road guards to get on the last vehicle in the convoy marked with red "chemlites." (Enclosures 14 and 23)

204. That on the other hand, Capt Edwards stated that the decision to mark the last vehicle with red "chemlites" was not made until after 2200, over 2 hours after 1stLt Lawson's departure from the 3/2 area. (Enclosures 19 and 20)

205. That Sgt Gardner's guidance from 1stLt Lawson was to go to check point 72 (check point 1) where the road guards had been split by 100 meters, and remind them they should move and join up depending on which way the convoy passed. (Enclosures 14 and 23)

206. That this was the first time that Sgt Gardner became aware that the road guards at check point 1 were separated. (Enclosure 23)
207. That Sgt Gardner carried out his instructions at checkpoints 4 and 3, but encountered the oncoming 3/2 convoy before he could reach check point 1. (Enclosure 23)

208. That Sgt Gardner did not impart to LCpls Rother and Key, 1stLt Lawson's guidance regarding how they were to be picked up, and the requirement that they should pair-up prior to being picked up. (Enclosure 23)

209. That Sgt Gardner reversed direction and headed back to the assembly area, placing "chemlites" on the ground at unmanned intersections on the MSR to aid the battalion's navigation. (Enclosure 23)

210. That Sgt Gardner stated he arrived back at the assembly area shortly after 2400, and reported to 1stLt Lawson his inability to reach check point 72 (check point 1). (Enclosure 23)

211. That on the other hand 1stLt Lawson stated that he was told that by the time "they" reached check point 1, the lead element of the convoy had already passed and that "the Marine had already been picked up because nobody was there." (Enclosure 14)

212. That about 2200, Second Lieutenant T. A. Fossett, /3502 USMC the BLT 3/2 Motor Transport Officer, had moved his supply vehicles into the area of the BLT 3/2 strong point. (Enclosures 19 and 20)

213. That the supply vehicles were at the end of the BLT 3/2 motor march. (Enclosures 19 and 24)

214. That Capt Edwards, who traveled at the head of the supply vehicles, briefed 2ndLt Fossett on the impending motor march. (Enclosures 19 and 20)

215. That this briefing took place on the hood of Capt Edward's HMMWV, where a map with the motor march check points was displayed. (Enclosures 19 and 20)

216. That Capt Edwards told 2ndLt Fossett that he was charged with picking up pairs of road guards at the pre-selected check points. (Enclosures 19 and 20)

217. That Capt Edwards told 2ndLt Fossett that the road guards would be identified by the "chemlites" that they were using to direct traffic. (Enclosures 19 and 20)

218. That Capt Edwards suggested to 2ndLt Fossett that he use a 5-ton truck at the rear of the field train to pick up the road guards. (Enclosures 19 and 20)

219. That Capt Edwards told 2ndLt Fossett that the pick-up vehicle should be marked with red and green "chemlites" to distinguish it. (Enclosures 19, 20 and 43)
220. That Capt Edwards suggested to 2ndLt Fossett that he place his best driver in the 5-ton pick-up vehicle. (Enclosures 19 and 20)

221. That Capt Edwards told 2ndLt Fossett to pick up all road guards with "chemlites," since a roster depicting the names and number of road guards had not been provided by 1stLt Lawson. (Enclosures 19 and 20)

222. That Capt Edwards, thinking that there would be no conflict between the 3/2 and 1/10 convoys, did not indicate to 2ndLt Fossett that a 1/10 convoy would be trailing them. (Enclosures 19 and 20)

223. That Capt Edwards told 2ndLt Fossett to hold on to the road guards until morning when they would "top off" the battalion. (Enclosures 19 and 20)

224. That 2ndLt Fossett was not specifically instructed to return the road guards to their units. (Enclosure 20)

225. That it was 2ndLt Fossett's assumption that the road guards would remain with the supply vehicles and return to their parent units the following day. (Enclosure 20).

226. That at about 2230, 2ndLt Fossett back-briefed Capt Edwards and told him that Lance Corporal D. K. Barrett, USMC would be driving the 5-ton pick-up vehicle. (Enclosures 19 and 20)

227. That 2ndLt Fossett told Capt Edwards that Staff Sergeant D. Dozier, his Motor Transport Chief, would follow the pick-up vehicle in a HMMWV. (Enclosures 19 and 20)

228. That 2ndLt Fossett had the 5-ton marked on the rear with red and green "chemlites." (Enclosures 20 and 43)

229. That 2ndLt Fossett gathered his Motor Transport Chief, SSgt Dozier, and the field train's drivers and briefed them on the night motor march. (Enclosures 20, 24 and 43)

230. That 2ndLt Fossett's briefing was held on the ground using a map as a reference. (Enclosures 20, 24 and 43)

231. That LCpl Barrett attended 2ndLt Fossett's briefing. (Enclosure 24)

232. That LCpl Barrett understood that he was to pick "p pairs, of road guards that would be identified by the "chemlites" they would be holding. (Enclosure 24)

233. That LCpl Barrett did not know the exact number of road guards he was to pick up or their precise locations. (Enclosure 24)

234. That LCpl Barrett was not aware of the 1/10 convoy that
would trail the 3/2 convoy. (Enclosure 24)

235. That LCpl Barrett believed that his was the last vehicle in the desert, and the last opportunity for the road guards to get a ride. (Enclosure 24)

236. That LCpl Barrett's assistant driver was Lance Corporal W. H. Kimble, III, /3043 USMC, a messman whom Barrett asked to help him with his convoy duties. (Enclosures 24 and 44)

237. That one of LCpl Kimble's duties, as defined by LCpl Barrett, was to assist with the pick-up of the road guards. (Enclosures 24 and 44)

238. That LCpl Barrett briefed LCpl Kimble just minutes before the convoy's departure. (Enclosures 24 and 44)

239. That LCpl Kimble's understanding with regard to the identification, number and locations of the road guards was the same as LCpl Barrett's. (Enclosures 24 and 44)

240. That LCpl Kimble also believed that theirs was the last vehicle in the desert, and the last opportunity for the road guards to get a ride. (Enclosure 44)

241. That prior to the convoy's departure, LCpl Barrett placed a blue "chemlite" on the tailgate of his vehicle to prevent rear end collisions. (Enclosure 24)

242. That the tailgates of vehicles in front of LCpl Barrett were similarly marked with "chemlites" for anti-collision purposes, and to enable drivers to maintain visual contact in the dusty conditions. (Enclosures 24 and 43)

243. That the convoy, once underway, did create a great deal of dust. (Enclosures 24, 34, 43 and 44)

244. That LCpl Kimble recalls their vehicle being marked with "chemlites" on the front bumper near the parking lights. (Enclosure 44)

245. That LCpl Barrett started the convoy with a working party of 6 messmen in the bed of his truck. (Enclosures 24 and 34)

246. That the 3/2 convoy got underway about 2300. (Enclosures 19, 20 and 43)

247. That the 1/10 convoy also got underway about 2300. (Enclosure 12)

248. That both LCpls Barrett and Kimble talked to road guards at the check points, since they were located on both the left and right sides of the MSR. (Enclosures 24 and 44)

249. That the stops to pick up the road guards were executed quickly amid a great deal of dust. (Enclosures 16, 24, 34, 43, 44, 69 and 70)
250. That the 3/2 convoy traveled about 10 minutes before it made its first stop to pick up road guards. (Enclosures 12, 24, 43 and 44)

251. That a pair of road guards got on at the first stop. (Enclosures 12, 24, 43 and 44)

252. That these road guards were from 1/10, and had been posted at 1/10's first check point (Coord. 788246), an intersection that did not show on the map. (Enclosures 12, 69 and 70)

253. That 1/10's check point 1 was between the 3/2 convoy's starting position and 3/2's check point 1. (Enclosures 5, 11, 12, 14 and 17)

254. That the 1/10 road guards were convinced by either LCpl Barrett or Kimble that they should get aboard because this was the last vehicle of the convoy, and the last opportunity for a ride. (Enclosures 12, 69 and 70)

255. That at each stop, LCpl Kimble asked the road guards if they had all of their gear. (Enclosure 44)

256. That at the second stop, 3/2's check point 1, LCpl Key got aboard 3/2's, 5-ton pick-up vehicle. (Enclosures 12, 14 and 34)

257. That LCpl Key estimated that it had taken the convoy about an hour to pass his position. (Enclosure 34)

258. That the convoy had not turned off of the MSR on the unmapped road to the right of the rock projection (finding of fact 157), as did 1stLt Lawson when he emplaced LCpl Rother. (Enclosures 14 and 34)

259. That the convoy, therefore, had by-passed LCpl Rother's position. (Enclosures 14 and 34)

260. That it was shortly after midnight on 31 Aug when LCpl Key was picked up. (Enclosures 19, 20 and 34)

261. That this takes into account the convoy having started at 2300, having taken about 10 minutes to reach LCpl Key, having taken about an hour to pass him, and the 5-ton truck having made one pick-up stop. (Enclosures 12, 19, 20, 24, 34, 43, 69 and 70)

262. That despite the dust, LCpl Key stated he could see LCpl Rother's "chemlite." (Enclosure 34)

263. That LCpl Key stated he told either LCpl Barrett or Kimble that there was another Marine to be picked up. (Enclosure 34)

264. That LCpl Key stated he was told by either LCpl Barrett or Kimble that the other Marine's "chemlite" was not visible. (Enclosure 34)

265. That LCpl Key stated he was told to stay on the vehicle. (Enclosure 34)
266. That LCpl Key was physically assisted onto the truck by the 2 Marines from 1/10 as it began leaving the check point. (Enclosures 69 and 70)

267. That LCpl Key determined that 2 Marines from 10th Marines were on the vehicle. (Enclosures 34, 69 and 70)

268. That the 2 Marines from 10th Marines indicated to LCpl Key that they had been picked up by the wrong vehicle. (Enclosures 34, 69 and 70)

269. That LCpl Key stated he assumed, therefore, that LCpl Rother would be picked up by a 10th Marines vehicle. (Enclosure 34)

270. That LCpl Barrett and LCpl Kimble both stated that a lone Marine did not get on their vehicle. (Enclosures 24 and 44)

271. That LCpl Barrett and LCpl Kimble both stated that all road guards picked up got on in pairs. (Enclosures 24 and 44)

272. That LCpl Barrett and LCpl Kimble both stated that neither of them was told that another Marine needed to be picked up, or that they were leaving a Marine behind. (Enclosures 24 and 44)

273. That the 2 road guards from 1/10 stated that the Marine from 3/2 whom they assisted onto the vehicle did not mention a Marine being left behind. (Enclosures 69 and 70)

274. That SSgt Dozier stated that from his vantage point behind the 5-ton truck, he saw that all of the road guards picked up were picked up in pairs. (Enclosure 43)

275. That LCpl Barrett stated that one of the Marines from 10th Marines got out of the back of the truck and came around to the driver's side where LCpl Barrett was located. (Enclosure 24)

276. That this Marine indicated to LCpl Barrett that he was from 1/10 and needed to get off at the next stop. (Enclosures 24, 69 and 70)

277. That Lance Corporal M. D. Boeh USMC stated he climbed around the side of the truck and indicated to the A-driver to let them off at the next post that had red and blue "chemlites". (Enclosure 69)

278. That Lance Corporal T. R. Clark USMC stated that LCpl Boeh climbed out along the side of the truck and told the driver to stop at the next set of road guards. (Enclosure 70)

279. That LCpl Barrett's 5-ton truck left 3/2's check point 1 without having picked up LCpl Rother. (Enclosure 34)

280. That upon arriving at 1/10's check point 2, (also 3/2's unmanned check point 2), the two 1/10 road guards posted there climbed up the side of the 3/2 vehicle. (Enclosures 69 and 70)
That upon learning this was not their vehicle, they and the two other Marines from 1/10 dismounted LCpl Barrett's truck. (Enclosures 24, 69 and 70)

That SSgt Dozier saw 2 road guards get on at the third stop, and 4 get off. (Enclosure 43)

That the 4 road guards from 1/10's check points 1 and 2 were consolidated at their check point 2. (Enclosures 12, 69 and 70)

That at 3/2's check point 3, LCpl Barrett picked up the 2 road guards from Bravo Company. (Enclosures 16 and 34)

That the Bravo Company road guards commented on the relatively high speed of the pick-up vehicle, and the appearance that the driver was in fear of losing sight of the vehicle in front of him. (Enclosure 16)

That the Bravo Company road guards commented that one of them was physically dragged onto the vehicle as it was moving. (Enclosure 16)

That along the MSR "a couple of Marines" told LCpl Barrett that they were from 1/10 and had a vehicle coming to pick them up. (Enclosure 24)

That the 3/2 recovery vehicle did not pick up the India Company road guards at check point 4. (Enclosures 13, 25 and 26)

That the 3/2 recovery vehicle made no attempt to stop and pick up the India Company road guards at check point 4. (Enclosures 25 and 26)

That Kilo Company, the lead element of the 3/2 convoy, arrived at the assembly area at about 0130, 31 August. (Enclosure 21)

That the Kilo Company AAVs were met by LCpl Adamson and McAdam, who directed the company into its area. (Enclosures 4, 28, 30 and 31)

That LCpl Adamson and McAdam spent the duration of the CAX with HQ Platoon, Kilo Company. (Enclosures 4, 28, 30 and 31)

That Capt Henderson and 1stLt Kline busied themselves until 0330 forming heli-teams and other tactical plans for the next morning's helicopter/vertical assault. (Enclosures 4 and 28)

That when the Bravo Company element of the convoy came to the assembly area, Capt Sheehan noted that his quartering party was not in the location he had prescribed to 1stLt Lawson. (Enclosure 16)

That Capt Sheehan and Master Sergeant E. K. Gutierrez, Jr, /1811 USMC, a tank leader, expressed their concern,
and determined to find their Marines at first light. (Enclosure 16)

296. That the end of BLT 3/2's supply vehicles arrived in the assembly area about 0230, 31 August. (Enclosures 19, 20, 21 and 43)

297. That the supply train formed a perimeter oriented toward the south, since the next day's attack was supposed to be toward the north. (Enclosures 19 and 20)

298. That when the end of BLT 3/2's supply vehicles arrived at the assembly area about 0230, 1stLt Lawson approached SSgt Dozier. (Enclosures 14 and 43)

299. That 1stLt Lawson asked SSgt Dozier how many road guards had been picked up. (Enclosures 14 and 43)

300. That SSgt Dozier stated that he told 1stLt Lawson that 6 road guards had been picked up. (Enclosure 43)

301. That SSgt Dozier stated that 1stLt Lawson responded, "OK." (Enclosure 43)

302. That 1stLt Lawson stated that he asked SSgt Dozier if they had left the 2 road guards down the road. (Enclosure 14)

303. That 1stLt Lawson stated that SSgt Dozier responded, "Yes." (Enclosure 14)

304. That 1stLt Lawson stated he told SSgt Dozier that that meant they had only picked up 4, since he (Lawson) had only posted 6. (Enclosure 14)

305. That 1stLt Lawson stated that SSgt Dozier responded, "Right." (Enclosure 14)

306. That SSgt Dozier was not told he was responsible for getting the road guards back to their units. (Enclosure 43)

307. That LCpl Barrett got his vehicle into position in the assembly area and went to sleep in the cab. (Enclosure 24)

308. That LCpl Barrett did not count the people in the back of his truck before going to sleep. (Enclosure 24)

309. That LCpl Barrett did not feel it was his responsibility to get the road guards back to their units. (Enclosure 24)

310. That LCpl Kimble thought that the road guards dismounted the vehicle in the assembly area and returned to their units. (Enclosure 44)

311. That LCpl Kimble was not aware that any road guards had slept in the bed of LCpl Barrett's truck. (Enclosure 44)
312. That 9 people slept in the bed of LCpl Barrett's truck from about 0300 until dawn on 31 August. (Enclosure 34)

313. That the 9 were: the 6 messmen, the 2 road guards from Bravo Company, and LCpl Key. (Enclosure 34)

314. That 1/10's convoy departed Bench Mark 17 at 2300, as agreed upon by LtCols Robeson and Spain. (Enclosure 12)

315. That because 1/10's road guards were mistakenly picked up by the 3/2 recovery vehicle, the separation between the convoys increased beyond the expected 20 minutes. (Enclosure 12)

316. That the 1/10 convoy became inverted, and its trailing element passed through 3/2's check point 1 between the 3/2 recovery vehicle's passage (about midnight), and the other elements of the 1/10 convoy (0130-0230). (Enclosures 12, 19, 20 and 34)

317. That elements of the 1/10 convoy, therefore, came through the intersection at 3/2's check point 1 virtually continuously from about 0030 to 0230 on 31 August. (Enclosures 12, 19, 20 and 34)

318. That once the 3/2 convoy was in position in the assembly area, 1stLt Lawson took a TOW vehicle to check point 4 to pick up the road guards from India Company. (Enclosures 14, 25 and 26)

319. That 1stLt Lawson picked up the India Company Marines about 0300, and drove around for at least an hour trying to locate the India Company position. (Enclosures 14, 25 and 26)

320. That the India Company position could not be located in the dark, and the India Company road guards slept in the TOW area until first light. (Enclosures 14, 25 and 26)

321. That the India Company road guards were returned to their unit about 0600. (Enclosures 14, 25 and 26)

322. That at 2030 on 30 August, BLT 3/2 received another Frag Order from the TEECG that changed the direction of the next day's attack to the south, vice toward the north. (Enclosure 21)

323. That change in direction of the next day's attack was not known to Capt Edwards until about dawn on 31 August. (Enclosure 19)

324. That after hearing bits of the battalion's Frag Order over the radio, Capt Edwards sought clarification from the S-3. (Enclosure 19)

325. That Capt Edwards determined an immediate need to "top off" the battalion and move his logistics train, since its vehicles were positioned astride the battalion's line of departure for the southerly attack. (Enclosures 19 and 20)

326. That at first light, MSgt Gutierrez of Bravo Company sought out and located the logistics train. (Enclosure 16)
327. That MSgt Gutierrez found his 2 road guards who had been sleeping in LCpl Barrett's truck, and returned them to his company area. (Enclosure 16)

328. That at first light, LCpl Barrett was awakened by the noise made by the messmen as they departed his truck. (Enclosure 24)

329. That upon waking, LCpl Key stated he asked the messmen if anyone had picked up LCpl Rother, and that they responded that he was the only one in the area. (Enclosure 34)

330. That when LCpl Barrett became fully alert, LCpl Key was the only remaining Marine in the bed of his truck. (Enclosure 24)

331. That LCpl Key remained in LCpl Barrett's truck for the remainder of the exercise (until about 1200), since Capt Edwards and 2ndLt Fossett began moving Log Train vehicles out of the way of the impending attack. (Enclosures 19, 24 and 34)

332. That LCpl Barrett's truck was moved to a hilltop from which LCpl Key observed the remainder of the tactical exercise. (Enclosures 24 and 34)

333. That both Capt Edwards and 2ndLt Fossett became aware early on the morning of 31 August that there had been some confusion during the motor march, and that some 1/10 road guards had been mistakenly picked up. (Enclosures 9 and 12)

334. That 2ndLt Fossett was told early on the morning of 31 August that the road guards were picked up and dispersed, he assumed to their parent unit. (Enclosure 20)

335. That 2ndLt Fossett does not recall by whom he was told this. (Enclosure 20)

336. That early on the morning of 31 August, 1stLt Lawson stated he approached Maj Holm and asked "if anyone had reported missing Marines." (Enclosures 14, 22 and 77)

337. That Maj Holm stated he responded to 1stLt Lawson that no one had come to him to give him reason to think that all of the road guards had not been picked up. (Enclosures 14, 22 and 77)

338. That between 0800 and 0900, 3 Heavy Machine Gun vehicles retraced the preceding night's convoy as far as the intersection at 3/2's check point 1, before turning south toward Noble Pass. (Enclosures 5, 11, 14, 22 and 23)

339. That each of the vehicles had persons in the turret, and though at least two of the vehicles stopped briefly at the intersection, none of the vehicles' occupants observed LCpl Rother. (Enclosures 14 and 23)

340. That at the conclusion of the CAX exercise, about 1200, 31 August, LCpl Barrett began moving his truck toward Camp Wilson. (Enclosure 24)
341. That LCpl Key was aboard LCpl Barrett's truck. (Enclosures 24 and 34)

342. That at an assembly area on the way to Camp Wilson, LCpl Key was observed in the back of LCpl Barrett's truck by Maj Holm and Capt Edwards. (Enclosures 22 and 24)

343. That when asked what he was doing, LCpl Key responded that he had been a road guard and that no one had told him what to do. (Enclosure 22)

344. That Maj Holm told LCpl Key to board an AAV and return to the rear and join his platoon. (Enclosure 22)

345. That LCpl Key returned to Camp Wilson and was waiting in the 1st Platoon, Kilo Company area when Sgt Moberly and 2ndLt Brunnick returned at about 1600. (Enclosures 33 and 34)

346. That at the end of the CAX, the majority of Kilo Company helo-lifted from their objective area back to Camp Wilson in three waves. (Enclosures 4, 18, 28 and 39)

347. That the helo-lift commenced about 1300 and concluded about 1630. (Enclosures 4, 18 and 28)

348. That at about 1200, as Kilo Company was forming its heli-teams, 2ndLt Johnson asked Sgt Clyde where LCpl Rother was. (Enclosure 18)

349. That Sgt Clyde responded that LCpl Rother was still on the road guard detail. (Enclosure 18)

350. That 2ndLt Johnson was not concerned, since he noted that LCpl Key, the 1st Platoon's road guard, had not returned either. (Enclosure 18)

351. That 2ndLt Johnson was in a location to see the 1st Platoon's Marines, and he was sufficiently familiar with them to note LCpl Key's absence. (Enclosure 18)

352. That 2ndLt Johnson's 2d Platoon had two squads, totaling 22 Marines and one corpsman. (Enclosures 4 and 18)

353. That upon Kilo Company's return to Camp Wilson, the company turned to cleaning weapons and personal gear. (Enclosures 4 and 18)

354. That no formal Kilo Company muster was held that afternoon, since the company was still partially fragmented. (Enclosures 3, 4, 11, 18, 35, 36 and 39)

355. That a portion of Kilo Company, under the guidance of the Company Gunnery Sergeant, SSgt Eisenback, remained behind in the tactical landing zone to count unexpended ordnance. (Enclosures 28, 31, 37 and 39)
356. That another portion of Kilo Company was using ad hoc ranges to continue training by firing some unexpended ordnance. (Enclosures 28, 31, 37 and 39)

357. That at 1700 the Bn S-4 tasked Kilo Company with providing a 20-man ammo working party. (Enclosure 40)

358. That 2ndLt Brunnick provided his platoon sergeant and platoon until the detail secured at about 1830. (Enclosure 40)

359. That Kilo Company was not essentially intact until about 1900. (Enclosures 4, 18, 28, 31 and 37)

360. That during the afternoon of 31 August, Kilo Company's personnel accountability at Camp Wilson was done informally with squad leaders reporting to platoon sergeants. (Enclosures 4, 28, 39 and 40)

361. That Sgt Turnell, LCpl Rother's squad leader, took a personnel report from his two fire team leaders the afternoon of 31 August. (Enclosures 35 and 36)

362. That LCpl Rother's fire team consisted of himself, the leader, LCpl Paulate, and LCpl's Taylor and Wilson. (Enclosures 3 and 36)

363. That LCpl Paulate, LCpl Rother's fire team leader, stated that he gave no personnel report on the afternoon of 31 August. (Enclosure 3)

364. That LCpl Taylor, a member of Paulate's fire team, stated that LCpl Paulate reported to Sgt Turnell that LCpl's Taylor and Wilson were present. (Enclosure 36)

365. That LCpl Taylor stated that Cpl Harbison, the other fire team leader in Sgt Turnell's squad, reported his team "all present." (Enclosures 35 and 36)

366. That Cpl Harbison stated that Sgt Turnell took a personnel report between 1700 and 1800. (Enclosure 35)

367. That it cannot be confirmed what kind of personnel report Sgt Turnell might have given to Sgt Clyde that afternoon. (Enclosure 77)

368. That Sgt Turnell was seen in civilian clothes within a couple of hours after Kilo Company's return to Camp Wilson. (Enclosures 3, 35 and 36)

369. That Sgt Turnell was known to have wanted to go off base to visit relatives. (Enclosure 35)

370. That Sgt Turnell left MCAGCC the evening of 31 Aug. (Enclosures 3, 35, 36, 39 and 40)

371. That the time of Sgt Turnell's departure cannot be confirmed. (Enclosure 77)
372. That Sgt Clyde designated Cpl Harbison as acting squad leader in Sgt Turnell's absence. (Enclosure 35)

373. That 2ndLt Johnson was not aware that Sgt Turnell had gone off base. (Enclosure 18)

374. That GySgt Jones did not receive a "special Liberty" request for Sgt Turnell, in compliance with battalion policy. (Enclosure 40)

375. That at about 1800, 2ndLt Johnson asked Sgt Clyde the status of 2d Plt's personnel, weapons and gear. (Enclosure 18)

376. That Sgt Clyde informed 2ndLt Johnson that all was accounted for, based on reports from the platoon's squad leaders. (Enclosure 18)

377. That 2ndLt Johnson stated that squad leaders hold fire team leaders responsible for personnel reports. (Enclosure 18)

378. That at about 1900, LCpl Adamson, the assistant company armor, opened the Kilo Company armory for weapons turn-in. (Enclosures 31 and 37)

379. That Kilo Company used its garrison armory procedures during the CAX. (Enclosures 4, 31 and 37)

380. That 3/2 had issued no weapons accountability procedures for the CAX beyond what was used in garrison. (Enclosures 4, 31 and 37)

381. That the Kilo Company armory was considered to be in a "thumbs up" status if all weapons were accounted for; either on hand or by the possession of a custody receipt card for a checked out weapon. (Enclosures 4, 31 and 37)

382. That all Kilo Company weapons were accounted for, using these criteria, up until it was ascertained that LCpl Rother's whereabouts were unknown. (Enclosures 4, 31, 37, 39 and 40)

383. That the Kilo Company armors had LCpl Rother's weapon custody receipt card on file when he was declared unaccounted for. (Enclosures 31 and 37)

384. That Capt Henderson had never used weapons accountability as a back up personnel accountability system. (Enclosure 4)

385. That Capt Henderson had never heard of it having been used as such, or had it explained to him until he was relieved of his command by LtCol Robeson incident to LCpl Rother's disappearance. (Enclosure 4)

386. That at 1930, Capt Henderson attended a battalion meeting held by LtCol Robeson. (Enclosure 4)

387. That at this meeting LtCol Robeson stressed that "before
everyone went to bed, he wanted strict accountability for Marines, weapons and classified material." (Enclosures 4, 11 and 22)

338. That at 2000, SSgt Eisenback received a "thumbs up" from all platoon sergeants when asked about personnel accountability. (Enclosure 39)

389. That at 2030, SSgt Eisenback was told by Sergeant E. Lugo, 0311 USMC, the Kilo Company armor, that the armory "was up," with the exception of Capt Henderson's pistol. (Enclosures 31, 37 and 39)

390. That at 2030, Capt Henderson returned from the battalion meeting and looked for his XO, platoon commanders, 1st Sgt and Gunnery Sergeant so he could hold a meeting. (Enclosure 4)

391. That Capt Henderson could not find the Gunnery Sergeant and several of the lieutenants. (Enclosure 4)

392. That at 2130, Capt Henderson gave LCpl Adamson his pistol in exchange for his pistol custody card. (Enclosures 4, 31 and 37)

393. That at 2130, Capt Henderson held a meeting with his XO, weapons platoon commander, 1st Sgt and Gunnery Sergeant. (Enclosure 4)

394. That the rifle platoon commanders, 2ndLt Johnson among them, were at the beer garden celebrating the birth of 2ndLt Johnson's daughter. (Enclosures 4 and 18)

395. That Capt Henderson stressed at his meeting, the battalion commander's words on accountability. (Enclosure 4)

396. That because the rifle platoon commanders were out, Capt Henderson stated he assumed that everything in their platoons was accounted for. (Enclosure 4)

397. That at the meeting, the 1st Sgt, GySgt Jones, gave Capt Henderson a "good to go" on personnel accountability. (Enclosure 4)

398. That at the meeting, the Co. Gunnery Sergeant, SSgt Eisenback told Capt Henderson that the armory was "up." (Enclosure 4)

399. That Capt Henderson secured for the day at 2230, thinking that Kilo Company had met all of LtCol Robeson's accountability criteria. (Enclosure 4)

400. That at approximately 0645, 1 Sep, the officers of Kilo Company were on the way to mainside with other battalion officers to attend CAX debriefings. (Enclosures 4 and 18)

401. That at 0645, 1 Sep, SSgt Eisenback held a formal Kilo Company formation. (Enclosures 3, 35, 36, 39 and 40)
402. That at this formation, SSgt Eisenback received an "All Present" from the platoon sergeants. (Enclosures 39 and 40)

403. That GySgt Jones, the 1st Sgt, heard the report of "All Present." (Enclosures 39 and 40)

404. That Sgt Turnell was not present for the morning formation on 1 Sep. (Enclosures 3, 35 and 36)

405. That LCpl Paulate stated he cannot recall an accountability report being taken at the morning formation on 1 Sep. (Enclosure 3)

406. That Cpl Harbison stated that he cannot recall what kind of a personnel accountability report Sgt Clyde gave at the morning formation on 1 Sep. (Enclosure 35)

407. That LCpl Taylor stated that no accountability report was taken at the morning formation on 1 Sep. (Enclosure 36)

408. That after the morning meal on 1 Sep, Kilo Company was separated into working parties, as coordinated by CoGySgt and the platoon sergeants. (Enclosures 3, 35, 36, 39 and 40)

409. That the working parties included range sweep, vehicle wash-down in the motor pool and ammunition loading. (Enclosure 39)

410. That other Kilo Company Marines were released to do laundry and cash checks for a forthcoming trip to Lake Tahoe. (Enclosures 3, 35, 36, 39 and 40)

411. That there were no noontime or afternoon Kilo Company formations because the working parties were ongoing. (Enclosures 39 and 40)

412. That at approximately 1730, Cpl Harbison asked Sgt Clyde where LCpl Rother was, since he hadn't seen him all day. (Enclosure 36)

413. That Cpl Harbison stated that he cannot remember how LCpl Rother was determined to be missing. (Enclosure 35)

414. That Sgt Clyde approached SSgt Eisenback, the Company Gunnery Sergeant with "a problem." (Enclosure 39)

415. That Sgt Clyde told SSgt Eisenback that LCpl Rother hadn't been seen all day, and that he thought he had been assigned to the range sweep. (Enclosure 39)

416. That SSgt Eisenback asked Sgt Clyde who LCpl Rother's squad leader was. (Enclosure 39)

417. That SSgt Eisenback learned that Sgt Turnell was LCpl Rother's squad leader, and that he was not aboard the base. (Enclosure 39)
418. That SSgt Eisenback directed LCpl Adamson to check the armory for LCpl Rother's weapon. (Enclosures 31, 37 and 39)

419. That LCpl Adamson reported back to SSgt Eisenback that LCpl Rother's weapon was checked out, and that his custody receipt card was on file. (Enclosures 31, 37 and 39)

420. That SSgt Eisenback, CoGySgt, accompanied by Sgt Clyde, informed GySgt Jones, the 1stSgt, that LCpl Rother's whereabouts were unknown. (Enclosures 39 and 40)

421. That GySgt Jones remarked that LCpls Adamson and McAdam were on the same detail and they were back. (Enclosure 40)

422. That GySgt Jones relayed the information on LCpl Rother to Capt Henderson. (Enclosures 4 and 40)

423. That GySgt Jones set about inventorying LCpl Rother's personal effects. (Enclosure 40)

424. That Capt Henderson had just returned from the CAX debriefings at mainside. (Enclosure 4)

425. That Capt Henderson spent about 5 minutes gathering what facts he could, and then sought out the battalion commander. (Enclosure 4)

426. That Capt Henderson asked 2ndLt Johnson if he knew where LCpl Rother was. (Enclosures 4 and 18)

427. That 2ndLt Johnson indicated that he thought Rother was in the company area. (Enclosures 4 and 18)

428. That this was 2ndLt Johnson's first awareness of LCpl Rother's unaccountability. (Enclosure 18)

429. That Capt Henderson could not locate LtCol Robeson, but he communicated the information to the executive officer, Maj Holm. (Enclosures 4 and 22)

430. That Maj Holm inquired how long LCpl Rother had been unaccounted for. (Enclosures 4 and 22)

431. That Capt Henderson indicated that Rother had been one of the road guards on the night motor march. (Enclosures 4 and 22)

432. That Maj Holm found LtCol Robeson and told him of LCpl Rother's unaccounted for status. (Enclosure 22)

PART III: DESERT TRAINING; PHYSICAL, MEDICAL AND EMOTIONAL STATUS PRIOR TO DISAPPEARANCE

433. That LCpl Rother received a class on desert survival on 8 Aug 1988 at Camp Lejeune, North Carolina, about one week prior to arriving at MCAGCC, 29 Palms. (Enclosures 4 and 5)
434. That the class was taught by two of the platoon commanders of Kilo Company, 3/2. (Enclosure 4)  

435. That Capt Henderson attended only a few minutes of the class. (Enclosure 4)  

436. That the class covered a gamut of information on desert physiology, dehydration preventive techniques, and explicit instruction on desert survival in emergency situations. (Enclosure 4)  

437. That the first general point made in the section on desert survival was the requirement for strict personnel accountability. (Enclosure 4)  

438. That the second general point stressed that a man with 1 quart of water, who does no walking, can survive 3 days when the maximum temperature is 110 degrees Fahrenheit. (Enclosure 4)  

439. That the temperature at MCAGCC on 31 Aug was 107 degrees Fahrenheit. (Enclosures 41 and 42)  

440. That the section on "Survival Rules" stressed, among other things: 1) remaining calm and thinking things out, 2) walking and moving as little as possible, 3) walking out only when you are absolutely sure you reach help or water in less than 5 miles, and 4) walking 3.5 miles in one hour in 110 degree heat, sacrifices 1/2 day of survival time. (Enclosure 4)  

441. That the "Survival Rules" also stressed: 1) making a rock arrow to indicate direction of travel, 2) traveling at night and resting during the day, and 3) using urine to cool the skin and preserve sweat. (Enclosure 4)  

442. That LCpl Rother is known to have made at least one rock arrow, and that one of his canteens contained urine at the time it was recovered on 4 Dec 1988. (Enclosures 5 and 71)  

443. That it cannot be determined at what time LCpl Rother left his post near check point 1, and whether he traveled at night, during the day, or both. (Enclosures 45 and 54)  

444. That LCpl Rother received no class on desert survival at MCAGCC, 29 Palms. (Enclosure 46)  

445. That the Combat Center's Director of Operations and Training expects that units coming to train have included desert survival training in their pre-deployment work-up. (Enclosure 46)  

446. That all units that train at MCAGCC receive copies of a handbook on "Desert Environment and Survival" for distribution to their members. (Enclosure 46)  

447. That the handbook closely parallels the desert survival information given to LCpl Rother at Camp Lejeune. (Enclosures 4 and 47)
442. That the handbook is non-directive, and used for, among other things, inclusion in the "Welcome Aboard" package for permanent personnel. (Enclosure 47)

449. That the handbook refers to a now-discontinued practice of scheduled desert environment briefings given to new Marines by the National Park Service rangers at Joshua Tree National Monument. (Enclosures 46 and 47)

450. That Kilo Company made distribution of this handbook. (Enclosure 4)

451. That 12 Dec 1988, Captain C. H. Bercier, Jr., MC, USN, the FMFLANT Force Surgeon, made a characterization of LCpl Rother's general health, prior to his death, as indicated by his health record. (Enclosure 9)

452. That Capt Bercier indicated that LCpl Rother appeared to have good health, with two possible exceptions. (Enclosure 9)

453. That the exceptions noted were evidence of prior infection with Hepatitis B (but no evidence of later infection or infectivity), and lower back pains experienced in Aug 1988. (Enclosures 7 and 9)

454. That Capt Bercier indicated that he could not determine without more data if the back problem would have disqualified LCpl Rother from further Marine Corps service, but his assessment was that it would not from records available. (Enclosures 7 and 9)

455. That on 22 Aug 88, Lieutenant G. F. Leghart, MC, USN, the 3/2 battalion surgeon, examined LCpl Rother after a complaint of a lower back pain. (Enclosures 7, 8 and 9)

456. That LCpl Rother indicated that he had injured his back lifting weights in early Aug 88. (Enclosures 7 and 8)

457. That Lt Leghart determined no historical evidence of a back problem, but because of the severe tenderness, took X-rays. (Enclosures 7 and 8)

458. That Lt Leghart read the X-rays as normal on 22 August 1988. (Enclosures 7 and 8)

459. That the 29 Palms Naval Hospital sent LCpl Rother's X-rays to a civilian radiologist for interpretation, as was their standard practice. (Enclosures 7, 8 and 77)

460. That the official report of X-rays done 22 Aug stated that LCpl Rother had mild curvature of the spine, and a dense lesion of the fourth lumbar vertebrae that suggested further evaluation. (Enclosures 7 and 8)

461. That Lt Leghart indicated that the turn-around time between the Naval Hospital and the civilian radiologist was about one
week, and that he did not have the results back before LCpl Rother went to the field for the 3-day CAX. (Enclosures 8 and 77)

462. That an entry in LCpl Rother's health record of 1 Sep indicated that he was missing, and that further evaluation of his back would be done when he was found. (Enclosures 7 and 9)

463. That on 22 Aug, Lt Leghart gave LCpl Rother no more than a 5-day supply of motrin for his pain, and returned him to full duty. (Enclosures 7, 8, 9 and 77)

464. That Lt Leghart did not enter into LCpl Rother's health record the number of motrin prescribed. (Enclosures 7 and 77)

465. That LCpl Rother was instructed by Lt Leghart to return in a week, or sooner, if the symptoms worsened. (Enclosure 8)

466. That LCpl Rother did not return to sickbay prior to the commencement of the 3-day CAX. (Enclosure 7)

467. That on day 1 of the CAX, 29 Aug, LCpl participated in two foot assaults, one in mid-morning and the other during the heat of the afternoon. (Enclosures 18 and 5)

468. That the high, daytime temperature on 29 Aug was 102. (Enclosure 72)

469. That LCpl Rother was one of several Marines in 2ndLt Johnson's platoon who showed signs of dehydration, and was given water that had been collected from others prior to the Kilo Company's water resupply. (Enclosure 18)

470. That also on day 1, LCpl Rother was given aspirin by the platoon corpsman, Hospitalman Apprentice D. G. Shirley, 524 37 2416, USN, after complaining of a back pain. (Enclosure 48)

471. That LCpl Rother indicated to HA Shirley that he had previously taken motrin, but did not indicate if his supply was exhausted. (Enclosure 48)

472. That LCpl Rother indicated to HA Shirley that he did not want to go on with the exercise. (Enclosure 48)

473. That LCpl Rother was returned to duty, and spent the night of 29 Aug in the Kilo Company area in the vicinity of Bench Mark 18. (Enclosure 18)

474. That HA Shirley had no further contact with LCpl Rother during the CAX, since he returned to mainside with a heat casualty. (Enclosure 48)

475. That Kilo Company remained on full alert until 2400, went to 50% alert until 0500, and then returned to a fully alert status. (Enclosure 5)
476. That LCpl Rother, therefore, had no more than 2 1/2 hours sleep, as did the rest of Kilo Company. (Enclosure 5)

477. That on day 2, 30 Aug, LCpl Rother again showed signs of dehydration after a foot assault in the midday sun. (Enclosure 18)

478. That the high, daytime temperature on 31 Aug was 107. (Enclosure 72)

479. That although LCpl Rother was "not in bad shape," 2nd Lt Johnson and Sgt Clyde wanted him to accompany a heat casualty to the battalion rear, "just to be on the safe side." (Enclosures 18 and 49)

480. That LCpl Rother was seen by HN Packard, the 1st Platoon corpsman, who was dispatching heat casualties to the rear. (Enclosure 49)

481. That HN Packard determined that LCpl was not a potential heat casualty, and found him to be responsive, alert and aware of his location. (Enclosure 49)

482. That HN Packard needed a person with knowledge of heat stroke symptoms to accompany a heat casualty to the rear. (Enclosure 49)

483. That HN Packard determined that LCpl Rother had insufficient knowledge to perform the required duty and so returned him to 2d Plt. (Enclosure 49)

484. That LCpl Rother remained with 2d Plt until he was posted as a road guard later that evening. (Enclosure 18)

PART IV: SEARCH EFFORTS: 1 SEP - 4 DEC 88; LIKELY DEATH SCENARIO

485. That LtCol Robeson contacted RLT-2 immediately upon learning of LCpl Rother's unaccounted for status. (Enclosures 5, 11, 22 and 53)

486. That Col Ripley, CO of RLT-2, assumed responsibility for the search efforts, and designated his S-3, Major Coleman, /0302 USMC, the search coordinator. (Enclosures 5, 10, 51, 52 and 53)

487. That the search efforts were coordinated from the RLT-2 Combat Operations Center (COC). (Enclosure 53)

488. That Captain R. S. Rayfield, Jr, /0802 USMC, the RLT-2 Fire Support Coordinator, was the watch officer in the COC at the time of search initiation. (Enclosure 53)

489. That at about 1730 on 1 Sep, elements of the RLT with a night vision capability were put on alert. (Enclosure 5)
490. That the night vision capability consisted of OV-10 observation aircraft with Infrared Radar, and TOW anti-tank vehicles with thermal sights. (Enclosure 5)

491. That at 1830, Maj Coleman personally initiated and led the field effort with the TOW vehicles. (Enclosure 53)

492. That the TOW search, using thermal imaging equipment and night vision devices conducted a hasty search in these areas: Delta and Cleghorn Passes, Lava, Noble Pass, Blacktop, Rainbow Canyon, Lead Mountain and Lavic Lake. (Enclosure 5)

493. That airborne (OV-10) assets searched the same areas. (Enclosure 5)

494. That at 2000, 1 Sep 88; elements of 11th Marines found LCpl Rother's pack, helmet, gas mask and flak jacket in the vicinity of the road intersection that had been 3/2's check point 1 for the motor march (Coord. 767248). (Enclosure 5)

495. That a comparison of these items with the inventory of LCpl Rother's personal effects left his weapon, magazines, three canteens, and poncho liner unaccounted for. (Enclosures 5 and 31)

496. That while the field search was underway, Capt Rayfield, the RLT-2 COC watch officer, called local law enforcement agencies to find out what help might be available to check the northern base boundary and I-66. (Enclosure 53)

497. That Capt Rayfield contacted the Barstow Station of the San Bernardino County Sheriff's Office, and was told that the station did not have the manpower to check the whole area. (Enclosure 53)

498. That Capt Rayfield was given a point of contact for rescue dog service by the Sheriff's Office. (Enclosure 53)

499. That Capt Rayfield contacted the FMO offices of MCLB, Barstow and George AFB, Victorville, and told them to be on the lookout for LCpl Rother. (Enclosure 53)

500. That the TOW units, having been alerted that LCpl Rother's 782 gear had been found, began converging on the location from their respective search locations. (Enclosure 5)

501. That at 0020, 2 Sep, the TOW units arrived at the location of LCpl Rother's abandoned equipment. (Enclosure 5)

502. That members of the TOW search party discovered a stone arrow pointing generally east in the direction of the pass located in the vicinity of Coord. 8023. (Enclosure 5)

503. That the site of the abandoned gear is designated as the Position Last Seen (PLS). (Enclosure 5)
504. That the TOW vehicles operating in pairs, traveled the main supply routes radiating from the intersection near the PLS. (Enclosure 5)

505. That at 0240, all TOW vehicles regrouped at the PLS and traveled in the direction of the arrow through the pass in the vicinity of Coord. 8023. (Enclosure 5)

506. That the TOWs occupied static positions on selected high ground to make sweeps with thermal night sights and initiate attraction efforts with vehicle horns and lights. (Enclosure 5)

507. That at 0500, elements of RLT-2, to include BLT 3/2 and Combat Service Support Detachment (CSSD)-18 departed Camp Wilson to join the search for LCpl Rother. (Enclosure 5)

508. That at 0600, the Aviation Combat Element (ACE) of RLT-2 launched both fixed and rotary wing aircraft to commence daylight search operations. (Enclosure 5)

509. That these aviation assets included: 1, UH-1N; 4, AH-1T; 4, CH-46; and 1, OV-10A. (Enclosure 5)

510. That at 0743, a utility blouse with the name Torres was found in the vicinity of Coord. 660335. (Enclosure 5)

511. That Torres was incorrectly thought to have been a former bunkmate of LCpl Rother. (Enclosure 5)

512. That at 0751, TOW elements moved from their static locations to the vicinity where the utility blouse was found. (Enclosure 5)

513. That at approximately this time, Lieutenant Colonel R. J. Fawcett, /0302 USMC, CO of 1st Battalion, 2d Marines (1/2), was asked by Col Ripley to look in on the COC. (Enclosure 52)

514. That Col Ripley and Maj Coleman were both in the field directing the search effort. (Enclosure 52)

515. That since the COC watch had been on duty all night, LtCol Fawcett took charge of search coordination efforts there, and called his S-3A, Captain W. E. Parrish, /0302 USMC, to relieve Capt Rayfield. (Enclosures 51 and 52)

516. That Capt Rayfield briefed Capt Parrish on the previous night's events and relinquished the watch. (Enclosures 51, 52 and 53)

517. That Capt Parrish pursued getting search dogs by calling the MCAGCC PMO, and was given the name Jerry Newcomb, of the California Rescue Dog Association. (Enclosure 51)

518. That at 0810 a commercial van was dispatched off base to coordinate with local law enforcement agencies and to sweep Amboy Road from north to south. (Enclosure 5)
519. That at 0940, the TOW element passed through the area where the utility blouse was found, and traveled north to I-40/Atchison, Topeka and Santa Fe Railroad, with negative results. (Enclosure 5)

520. That at 1158, the utility blouse found was determined to belong to a member of 1/10 who had lost it at his battery's firing position. (Enclosure 5)

521. That at 1300, a Serious Incident Report (SIR) was submitted by phone by Maj Holm of 3/2 to Lieutenant Colonel W. J. Wood, /0302 USMC, executive officer of 2d Marines, at Camp Lejeune. (Enclosure 5)

522. That at 1430, the SIR was submitted by phone to HQMC by LtCol Wood. (Enclosure 5)

523. That authority was granted by HQMC to contact the I&I in Minneapolis concerning LCpl Rother's unaccounted for status, and to determine if he had contacted his family. (Enclosure 5)

524. That at 1555, LtCol Robeson directed the companies of 3/2 that had conducted detailed ground searches in Noble Pass, Lavic Lake and Blacktop training areas, to return to Camp Wilson via separate routes to broaden the area of coverage. (Enclosure 5)

525. That at 1620, the MCAGCC PMO was requested to contact all area military installations to inform them of the search operations for LCpl Rother. (Enclosure 5)

526. That at 1701, Capt Parrish contacted Mr. Jerry Newcomb of the California Rescue Dog Association (CARDA) and requested search assistance. (Enclosure 51)

527. That Mr. Newcomb asked Capt Parrish to contact the California Office of Emergency services (OES) for official approval to use his organization. (Enclosures 5 and 51)

528. That at 1720, Capt Parrish spoke with Mark Bennett, the California Search and Rescue Coordinator at OES, and received permission and an official case number of 88-380. (Enclosures 5 and 51)

529. That Capt Parrish asked Col Ripley for permission to bring in the rescue dogs, and received an affirmative reply. (Enclosure 51)

530. That Col Ripley asked Capt Parrish to offer Mr. Newcomb and his group helicopter transportation. (Enclosure 51)

531. That Capt Parrish communicated Col Ripley's offer to Mr. Newcomb who declined, and said he and his group would drive to 29 Palms. (Enclosure 51)

532. That Mr. Larry Buffalo of OES, the duty officer within the Law Enforcement Branch, called Capt Parrish and offered to make
available other state search and rescue resources. (Enclosure 77)

533. That Mr. Buffalo was making a standard offer when he made his call to Capt Parrish. (Enclosure 77)

534. That Capt Parrish indicated to Mr. Buffalo that the CARDA assistance was all that he was requesting. (Enclosure 77)

535. That at 1809, the companies from 3/2 commenced their return search to Camp Wilson by the prescribed routes. (Enclosure 5)

536. That at 1910, the ACE's last daylight flights returned to the expeditionary airfield in the vicinity of Camp Wilson. (Enclosure 5)

537. That at 2100, Mr. Paul Henry of the National Park Service arrived at the RLT-2 COC at the request of Mr. Jerry Newcomb. (Enclosures 5 and 41)

538. That Mr. Henry is the Chief Ranger at Joshua Tree National Monument, and a veteran of several hundred search operations. (Enclosures 5 and 41)

539. That Mr. Newcomb had worked with Mr. Henry in the past, and thought his expertise would be helpful in the search effort for LCpl Rother. (Enclosures 5 and 41)

540. That at 2330, the first 3 of 7 CARDA dog teams arrived. (Enclosure 5)

541. That at 0032, 3 Sep, the first 3 dog teams departed by HMMWV from Camp Wilson enroute to the search area. (Enclosure 5)

542. That at 0210, the remaining 4 CARDA teams arrived, and by 0345 were committed to the search. (Enclosure 5)

543. That at 0520, RLT-2 daylight ground search recommenced, with 3/2, CSSD-18, and 1/10. (Enclosure 5)

544. That at 0700, the ACE launched another daylight aviation search with 2, AH-1T; 2, CH-46; and 1, OV-10A. (Enclosure 5)

545. That at 0715, Mr. Bob Moon, a desert survival advisor with the National Park Service, offered a survivability estimate for LCpl Rother based on the best information available to him. (Enclosures 5 and 45)

546. That Mr. Moon estimated that LCpl Rother, if he had been fully rested and fully hydrated at the time he left the PLS, would not survive beyond the end of the day (Sat, 3 Sep) if he had not reached help. (Enclosures 5 and 45)

547. That at 0830, Mr. Henry and other National Park Service Rangers made follow-up calls with state and local agencies to include: San Bernardino County Sheriff's Office, California
Highway patrol, and local hospitals, with negative results. (Enclosure 5)

548. That at 0900, Mr. Moon was provided a more accurate portrayal of LCpl Rother's probable physical condition, to include a description of the strenuous dismounted attacks he had made in the two days preceding his disappearance. (Enclosures 5 and 45)

549. That Mr. Moon recomputed LCpl Rother's survivability estimate, and indicated that his first one had been overly optimistic. (Enclosure 45)

550. That Mr. Moon made his computations by hand and left them with someone in the COC. (Enclosure 45)

551. That when asked to reconstruct his numbers for a second search in November, his original workpapers could not be found. (Enclosure 45)

552. That Mr. Moon recreated, as best he could, the work that he had done on 3 Sep, to form the basis for a November search. (Enclosure 56)

553. That Mr. Moon's reconstructed survivability estimate gave a range of miles that LCpl Rother could have traveled from the PLS, as a function of starting time. (Enclosure 45)

554. That Mr. Moon estimated that LCpl Rother could have traveled 9 miles if he had started at noon and 27 miles if he had started at 0600. (Enclosure 45)

555. That Mr. Moon's estimate calculated percent of dehydration, as a function of reduced body weight from water loss. (Enclosure 45)

556. That Mr. Moon's estimate indicated that for both "best case" and "worst case" scenarios, LCpl Rother probably experienced heat stroke between 1600 and 1800 on 31 August. (Enclosure 45)

557. That Mr. Moon indicated that death after the onset of heat stroke can occur in 3 to 4 hours. (Enclosure 45)

558. That Mr. Moon opined that LCpl Rother probably died of dehydration on the late afternoon of 31 August. (Enclosures 45 and 54)

559. That at 0912, all 7 CARDA dog teams assembled at the PLS for their return to Camp Wilson. (Enclosure 5)

560. That at the debrief of the CARDA teams it was the consensus that no conclusive leads had been established, since both westerly and easterly evidence of scent was weak. (Enclosure 5)

561. That it was the consensus of the CARDA teams that the heat and perishable human scent would make their further effort senseless. (Enclosure 5)
562. That at 1550, elements of 3/2 completed their assigned search missions and commenced their planned return sweeps to Camp Wilson. (Enclosure 5)

563. That at 1550, elements of 1/10 and CSSD-18 began movement to their assigned positions to execute the night attraction plan. (Enclosure 5)

564. That at 1710, the remaining elements of 3/2 returned to Camp Wilson. (Enclosure 5)

565. That at 1835, 1/10 initiated its night attraction plan. (Enclosure 5)

566. That at 0407, 4 Sep, 1/10 issued its detailed plans for the day's daylight search activities. (Enclosure 5)

567. That at 0610, the ACE launched rotary wing assets to commence daylight search flights. (Enclosure 5)

568. That at 1300, 4 Sep, predicated on the negative results of the preceding three-day's intensive search effort, Col Ripley directed a change in search mode from active to passive. (Enclosures 5, 10 and 52)

569. That Col Ripley directed units of the RLT to continue to search for LCpl Rother while conducting normal training, through the conclusion of CAX 10-88 and RLT-2's return to Camp Lejeune. (Enclosures 5 and 10)

570. That the active search for LCpl Rother between 1 and 4 Sep included, but was not limited to: 139.9 flight hours in helicopter and fixed wing aircraft, approximately 1758 persons from the ground combat element and combat service support detachment, professional assistance from four park rangers from Joshua Tree National Monument, and seven dog teams from the California Rescue Dog Association. (Enclosures 5 and 10)

571. That despite the effort and resources expended during the 1-4 Sep search for LCpl Rother, his whereabouts were not determined. (Enclosure 5)

572. That the only clues of substance were his abandoned 782 gear, the rock arrow at the PLS that indicated that LCpl Rother may have headed in an easterly direction. (Enclosure 5)

573. That based on the Mr. Moon's adjusted projection of LCpl Rother's survivability, the active search continued beyond a reasonable expectation of finding him alive. (Enclosures 5, 10, 45, 51, 52 and 53)

574. That during the period of the active search he observed, Mr. Henry commented favorably on the resources committed to the it and the systematic way in which it was conducted. (Enclosures 41, 51, 52 and 53)
575. That during the search, Mr. Henry offered suggestions for search organization and documentation, but did not fault the search patterns or techniques being utilized. (Enclosures 41, 51, 52 and 53)

576. That Mr. Henry and his fellow rangers offered a critique of the 1-4 Sep search when solicited by the Investigating Officer. (Enclosure 41)

577. That the critique of the 1-4 Sep search applauds the Marine Corps for promptness with which the search was begun, the tremendous human and material resources applied, and the tireless effort expended in trying to locate LCpl Rother. (Enclosure 41)

578. That the "negative observations" center on the lack of a Search and Rescue PREPLAN that could have been implemented at the outset, and a general ignorance of professional search and rescue techniques. (Enclosure 41)

579. That the "negative observations" are quite pointed in criticizing the Marine Corps' late application and underutilization of seemingly-readily available civilian search and rescue professionals. (Enclosure 41)

580. That the National Park Service critique cites that the "base SAR officer was not contacted." (Enclosure 41)

581. That the MCAGCC Order 3130.1, Regulations for the Combat Center Search and Rescue Team, though in effect during the 1-4 Sep search, was cancelled on 6 Sep 1988. (Enclosures 55 and 56)

582. That the cancelled order is being incorporated into the Combat Center's Emergency Response Plan, which is oriented toward civil defense, civil disturbance, major disaster and natural disaster. (Enclosures 55 and 56)

583. That the cancelled order states, "Experience has shown that the SAR Team is only committed after a situation has developed/progressed to a point wherein all other search and rescue actions by military or civilian agencies or both have been unfruitful." (Enclosures 55 and 56)

584. That the cancelled order though it was then in effect, would probably not have been used because of the activation criteria. (Enclosures 55 and 56)

585. That in an effort to exhaust all possibilities to find LCpl Rother, on 25 Oct 1988, the Chief of Staff of the 7th MEB was tasked by Major General G. A. Deegan, '9903 USMC, CG of MCAGCC, to plan and organize a second search. (Enclosure 57)

586. That 7th MEB is a resident unit at MCAGCC, 29 Palms, CA. (Enclosure 57)

587. That on 25 Oct, Lieutenant Colonel T. J. Hannigan, USMC, acting A/CS, G-3 of 7th MEB, was designated as the
588. That it was MajGen Deegan's intent to brief a proposal for a second search to LCpl Rother's parents who were to visit MCAGCC on the weekend of 29-30 Oct. (Enclosure 57)

589. That the second search plan, known as "Desert Search," was approved by MajGen Deegan, and implemented during 4-6 Nov 1988. (Enclosure 57)

590. That Mr. Paul Henry of the National Park Service, who served as an advisor in the latter stages of the first search for LCpl Rother, was designated the operations officer. (Enclosure 57)

591. That Captain B. N. Lavender, 7th MEB staff, and also a reserve deputy in the San Bernardino County Sheriff's Office, was designated the plans officer. (Enclosures 54 and 57)

592. That Capt Lavender developed a phased plan that would enable follow-on searches, if the "Desert Search" effort proved unfruitful. (Enclosures 54 and 57)

593. That Mr. Henry contacted a group of California-wide SAR experts who were having, by coincidence, a seminar in Yucca Valley (a short distance from 29 Palms) the weekend of 29-30 Oct. (Enclosure 57)

594. That the group of SAR experts agreed to participate in "Desert Search" on the weekend of 4-6 Nov. (Enclosure 57)

595. That the "Desert Search" plan called for an effort centered within a four-mile radius of LCpl Rother's last known position, and along a north-south corridor east of the mountains that form the north side of Black Top Pass (Approximate coord. 8023). (Enclosure 57)

596. That the unexpectedly large number of civilian volunteers for "Desert Search" enabled a greater area of coverage than originally planned. (Enclosure 57)

597. That the planned search area was widened to the east, and encompassed much of what Capt Lavender had intended for possible subsequent searches. (Enclosure 57)

598. That the Marine Corps provided all logistical support for "Desert Search," to include dedicated helicopter support (4, UH-1N) and KC-130 transportation for searchers and dogs to-and-from northern California. (Enclosure 57)

599. That 108 Marines and sailors participated in Desert Search, mainly by providing logistical and communication support to the professional searchers. (Enclosure 57)

600. That 138 non-military SAR professionals participated in
Desert Search, to include trackers and dog handlers. (Enclosures 57 and 58)

601. That 7th MEB Marines established the "Desert Search" base camp in the vicinity of LCpl Rother's last known position. (Enclosure 57)

602. That the base camp became the operations center from which Mr. Henry directed "Desert Search." (Enclosure 57)

603. That by 1600 on 4 Nov, all search resources were in position to commence operations. (Enclosure 57)

604. That "Desert Search" was executed in four phases, each conducted systematically as a function of area to be searched. (Enclosure 57)

605. That the four-phased search effort spanned the period 1600, 4 Nov to 1200, 6 Nov. (Enclosure 57)

606. That at the operation's conclusion, 6,396 man-hours of search effort were expended to methodically cover an area of 354.5 square miles. (Enclosures 57 and 58)

607. That "Desert Search" failed to find the remains of LCpl Rother. (Enclosure 57)

608. That "Desert Search" participants found tracks, various pieces of military equipment and ammunition, and personal items, none of which could be linked in any conclusive way to LCpl Rother. (Enclosure 57)

609. That "Desert Search" failed to find any clues that conclusively established LCpl Rother's presence at any location other than at the point of his posting as a road guard. (Enclosure 57)

610. That "Desert Search" established high probabilities of detection in the areas searched, those encompassing LCpl Rother's most likely routes. (Enclosure 57)

611. That "Desert Search" did not eliminate the possibility that LCpl Rother's remains were in, or near, the Range Training Area of MCAGCC. (Enclosure 57)

612. That "Desert Search" did, in view of the discovery of LCpl Rother's remains in the vicinity of Coord. 985285 on 4 Dec 1988, detect clues that enable plausible explanation of his route of march. (Enclosures 54 and 57)

613. That among these was a rock-arrow (similar to the one found at the PLS) 100 meters off of the MSR in the vicinity of Coord. 890210, pointing to the northeast. (Enclosures 54 and 57)

614. That Capt Lavender found in a wash, a lone set of aged footprints on a northeasterly track between the rock arrow and Bench Mark 18, the location of LCpl Rother's unit on the night preceding his disappearance. (Enclosures 54 and 57)
615. That an arrow dug in the dirt pointing north toward Old Highway 66 was found in the vicinity of Coord. 954243. (Enclosures 54 and 57)

616. That at "Desert Search's" conclusion, various military and civilian searchers expressed an interest in continuing the search at a later time. (Enclosures 54 and 57)

617. That Capt Lavender, in his role as a reserve deputy of San Bernardino County Sheriff's Office, sought and received approval to conduct the county's December SAR training as a continuation of the Rother search. (Enclosures 54 and 57)

618. That on the evening of 6 Nov, LtCol Hannigan called LCpl Rother's mother to debrief her on "Desert Search." (Enclosure 57)

619. That LtCol Hannigan indicated that the search upon which they had been briefed the preceding week had been expanded and encompassed: the low-ground "bowl" surrounding the PLS, the hill tops and canyons around the "bowl," the prominent washes in the Black Top training area, the Bench Mark 18 area, and the NW-SE pipeline, Highway 66, and Atchison-Topeka-Santa Fe Railroad - all north of the base boundary. (Enclosure 57)

620. That on the weekend of 12-13 Nov, the Sierra Madre Search and Rescue Team, a participant in the 4-6 Nov "Desert Search," conducted a follow-on search for LCpl Rother. (Enclosure 58)

621. That the results of their search, sent to LtCol Hannigan, were inconclusive other than to further reduce that probability that LCpl Rother was aboard MCAGCC. (Enclosure 58)

622. That the Sierra Madre team searched to within about 1,500 meters of the location where LCpl Rother was subsequently found. (Enclosures 38, 54, 58 and 59)

623. That on the weekend of 2-4 Dec, the San Bernardino County Sheriff's Mountain/Desert Search and Rescue Team and several Mounted Posse units conducted a search for LCpl Rother. (Enclosure 54)

624. That Capt Lavender, the plans officer for "Desert Search," was the Ground Operations Officer for the county search. (Enclosure 54)

625. That 170 persons participated in the search, 70 of whom were mounted on horseback. (Enclosure 54)

626. That the Ground Division was comprised of 50 persons in vehicles. (Enclosure 54)

627. That the searches conducted were grid searches similar to those conducted during "Desert Search," and that on Saturday, 3 Dec they were unproductive. (Enclosure 54)
628. That Capt Lavender proposed and had approved, a plan for Sunday’s search that would cover a northeasterly track from Bench Mark 18 to a highly visible tree and bridge on Highway 66. (Enclosure 54)

629. That at approximately 1130 on 4 Dec, Capt Lavender spotted in a prominent wash, a dark patch on the desert floor that proved to be LCpl Rother's utility trousers. (Enclosure 54)

630. That the approximate coordinates of this location are 955285. (Enclosures 38 and 54)

631. That this location is approximately 17 miles from LCpl Rother's last known position. (Enclosure 54)

632. That this location is approximately 800 meters south of the prominent bridge and tree on Highway 66. (Enclosures 54 and 75)

633. That about 10 meters up the wash, LCpl Rother's weapon and web gear were found in what appeared to be a man-made depression. (Enclosures 38, 54 and 59)

634. That among the web gear were two of LCpl Rother's three canteens, one containing a slight amount of fluid. (Enclosures 38, 54 and 59)

635. That scattered about the area, within about a 10-15 meter radius of the weapon, searchers found LCpl Rother's utility jacket, boots and socks. (Enclosures 38, 54 and 59)

636. That the sleeves of LCpl Rother's utility jacket were rolled up, and that his utility cover was found in one of the cargo pockets of his utility trousers. (Enclosures 38, 54 and 59)

637. That beneath the stock of LCpl Rother's weapon, his wallet containing numerous identifying documents was found. (Enclosures 38, 54 and 59)

638. That a hasty foot grid search to the north toward the highway revealed no further evidence of LCpl Rother's presence. (Enclosures 38, 54 and 59)

639. That subsequent searching to the southwest revealed a poncho liner, a dry canteen, and T-shirt within about 30 yards of the weapon. (Enclosures 38, 54 and 59)

640. That proceeding further southwest, searchers found LCpl Rother's military ID card at a distance of about 90 meters from the weapon. (Enclosures 38, 54 and 59)

641. That at about 100 meters along the same track, a dark spot believed to be sand saturated with body fluids was found. (Enclosures 38, 54 and 59)
642. That at about 1215, 4 Dec 88, first skeletal remains began being found. (Enclosures 38, 54 and 59)

643. That at 1400 the San Bernardino County Coroner was flown in by helicopter, and took custody of the skeletal remains. (Enclosures 38, 54 and 59)

644. That foot search was discontinued at 1430. (Enclosures 38, 54 and 59)

645. That at about 1440, MajGen Deegan and the Senior Agent In-charge of the local Naval Investigative Service (NIS) office arrived by helicopter. (Enclosures 38, 54 and 59)

646. That at about 1448, one of the mounted searchers found an intact, lower jaw. (Enclosures 38, 54 and 59)

647. That the lower jaw was subsequently used by the coroner to make a positive identification of the remains of LCpl Rother. (Enclosure 60)

648. That Corporal Jason J. Rother USMC is dead. (Enclosure 60)

649. That the Naval Investigative Service evidence custodian took possession of LCpl Rother's military and personal effects. (Enclosure 38)

650. That these items were subsequently registered in the 29 Palms NIS evidence custody system under log number 092-88. (Enclosure 38)

651. That the M-16 rifle and M-203 grenade launcher taken from the scene were confirmed by serial numbers to be those issued to LCpl Rother. (Enclosure 38)

652. That LCpl Rother's M-203 grenade launcher had an expended casing in the chamber at the time it was found. (Enclosures 38 and 59)

653. That LCpl Rother's 5 magazines for his M-16 contained 55 rounds of unexpended ammunition. (Enclosure 38)

654. That 85 rounds of M-16 ammunition are unaccounted for. (Enclosures 31 and 38)

655. That no spent casings for the M-16 were found in the vicinity where LCpl Rother's weapon was recovered. (Enclosures 38, 54 and 59)

656. That it cannot be determined how many 40mm practice rounds LCpl Rother may have fired from his M-203. (Enclosures 38 and 59)

657. That subsequent, NIS laboratory analysis determined that the slight amount of fluid found in one on LCpl Rother's canteens was concentrated urine. (Enclosures 71 and 73)
658. That search operations at the scene of LCpl Rother's recovery were discontinued about 1600, 4 Dec. (Enclosures 54 and 59)

659. That both the NIS and San Bernardino County Sheriff's Office reports incident to LCpl Rother's discovery indicate no evidence of foul play. (Enclosures 38 and 59)

660. That the NIS report indicates that circumstances and evidence are consistent with death by dehydration. (Enclosure 38)

661. That Capt Lavender and his San Bernardino County Sheriff's Office SAR experts advanced a probable theory on LCpl Rother's demise. (Enclosure 54)

662. That the evidence at the scene where LCpl Rother's weapon was found indicated to them that LCpl Rother had constructed a sun shade by spreading his poncho liner over a large creosote bush and weighting the opposite end with rocks. (Enclosure 54)

663. That it appeared to them that he grounded his 782 gear and weapon, stuck his utility cover in his trouser pocket, and lay down in the shelter to rest. (Enclosure 54)

664. That it appeared to them that the shelter, rather than providing a sun shade, created an "oven" that accelerated the dehydration process. (Enclosure 54)

665. That it appeared to them that LCpl Rother exited the shelter in a state of delirium and shed his clothes in classical heat stroke behavior. (Enclosure 54)

666. That it appeared to them that in his delirium, he took his ID Card and one canteen, and struck out in a direction directly opposite Highway 66. (Enclosure 54)

667. That it appeared to them that he traveled about 100 meters before losing consciousness, and eventually expiring from dehydration. (Enclosure 54)

668. That it appeared to Capt Lavender that, judging by the path taken by LCpl Rother, his behavior was survival-motivated. (Enclosure 54)

669. That LCpl Rother's mother was informed of the discovery of his remains by 9th Marine Corps District personnel on 4 Dec 1988. (Enclosure 57)

670. That were reprimanded and relieved of their commands by LtCol Robeson, for failure to account for LCpl Rother's whereabouts after the night motor march. (Enclosure 74)

671. That 1stLt Lawson has been referred to a special court-martial. (Enclosure 74)
672. That Sgts Clyde and Turnell have been referred to special court-martial. (Enclosure 74)

**OPINIONS**

1. That LtCol Robeson should have been more explicit at the Frag Order meeting in affixing overall mission responsibility for the posting, recovery and return of road guards for BLT 3/2's night motor march, since he split responsibility between 1stLt Lawson and Capt Edwards. (FF 66, 69, 71, 72, 75, 76, 77, 78, 79 and 80)

2. That pressure from Maj Holm on 1stLt Lawson to depart the BLT 3/2 area to take advantage of what little daylight remained, caused him to leave with fewer than the prescribed number of Marines to execute his mission, and without having effected adequate coordination with Capt Edwards. (FF 63, 102, 127, 130, 142, 143, 146, 147, 148, 150 and 151)

3. That having fewer than the prescribed number of Marines for road guards and quartering parties reasonably caused 1stLt Lawson to modify the pre-arranged locations of their posts; but nothing in his guidance from LtCol Robeson suggested that he had the latitude to deviate from posting Marines in pairs. (FF 59, 66, 182, 183, 188 and 190)

4. That 1stLt Lawson violated LtCol Robeson's order by separating LCpls Rother and Key at BLT 3/2's check point 1. (FF 162, 163, 164, 165, 166, 167, 168, 169 and 170)

5. That disciplinary action against 1stLt Lawson is appropriate. (FF 671)

6. That by leaving the BLT 3/2 area without giving Capt Edwards a roster of the road guards who were to be posted, 1stLt Lawson deprived Capt Edwards of the means to determine with certainty that all had been recovered after the night motor march. (FF 92, 153, 221, 333 and 334)

7. That Capt Edwards' instruction to 2ndLt Fossett, subsequently relayed to SSgt Dozier and LCpl Barrett, that all road guards with "chemlites" were to be picked up, was the best option available to him since he knew neither their numbers nor precise locations. (FF 217, 221, 232 and 233)

8. That the recovery of the road guards by LCpls Barrett and Kimble, viewed by SSgt Dozier, was executed with great haste in extremely dusty conditions, causing their unanimous perception that all road guards boarded the truck in pairs to be in error. (FF 249, 262, 269, 272, 285 and 286)

9. That LCpl Key boarded the BLT 3/2 recovery vehicle alone, and did not indicate to anyone with sufficient clarity or vehemence that the road guard with whom he was supposed to be paired, LCpl Rother, was being left behind. (FF 256 and 271)
10. That the exchange between 1stLt Lawson and SSgt Dozier in the assembly area at the conclusion of the motor march, regarding the number of road guards picked up, indicated Lawson's probable concern that Sgt Gardner did not pass his "pairing-up" instructions to the road guards at check point 1 (LCpl Rother and Key). (FF 299, 300, 301, 302, 303, 304 and 305)

11. That 1stLt Lawson's concern that all of the road guards had not been picked up resurfaced later on the morning of 31 August when he asked Maj Holm if any of the companies had reported missing Marines. (FF 336 and 337)

12. That when 1stLt Lawson asked Maj Holm on the morning of 31 August if any companies had reported missing Marines, the widely-held lack of confidence in Lawson's abilities should have prompted Maj Holm to take, or direct, investigative action. (FF 99, 106, 336 and 337)

13. That on the afternoon of 31 August, Kilo Company remained dispersed on working parties until about 1900, and that informal personnel accountability using the enlisted leadership chain was appropriate to the situation. (FF 346, 347, 353, 354, 355, 356, 357, 359 and 360)

14. That there was a total breakdown in this chain at the squad and platoon level in LCpl Rother's unit on the evening of 31 August, which resulted in a failure to account for his whereabouts. (FF 361, 363, 364, 365, 366, 367, 370, 371, 372, 373 and 374)

15. That Capt Henderson, after receiving direction on strict personnel, weapons and classified material accountability from LtCol Robeson on the evening of 31 August, should have assembled all of his officers and SNCOs at his Company Commander's meeting, to ensure compliance. (FF 386, 387, 390, 391, 393, 394, 395, 396, 397, 398 and 399)

16. That a second failed opportunity to account for LCpl Rother's whereabouts occurred during the morning formation on 1 September, a failure for which Sgts Clyde and Turnell have been appropriately referred to courts-martial. (FF 401, 402, 403, 404, 405, 406 and 407)

17. That Capt Henderson's and 2ndLt Johnson's adverse administrative actions and removal from command, for the failure of the personnel accountability systems within their units, were in keeping with Marine Corps policy that responsibility inherent in command is absolute. (FF 670)

18. That the roles of LtCol Robeson and Maj Holm in the failure to account for LCpl Rother's whereabouts appear to be analogous to those of Capt Henderson and 2ndLt Johnson, and that it appears inequitable that only the latter two have been subjected to administrative action with adverse consequences. (FF 76, 77, 78, 79, 80, 142, 143 and 146)
19. That although the search efforts for LCpl Rother between 1 and 4 September involved tremendous resource application and tireless effort, constructive criticism offered by members of the National Park Service is well-founded. (FF 570, 571, 577, 578 and 579)

20. That if a standing MCAGCC Search and Rescue "PREPLAN," known to units training at the Combat Center, could have been activated on the evening of 1 September, the likelihood of finding LCpl Rother (dead or alive) would have been enhanced. (FF 578, 579, 580, 581, 582, 583 and 584)

21. That immediate contact with the California Office of Emergency Services (the state's clearing house for SAR resource allocation) and the earliest possible involvement of desert SAR experts should be the keystone of a future Search and Rescue "PREPLAN." (FF 578, 579 and 583)

22. That the succession of searches for the remains of LCpl Rother served to enhance the probability that they were not located aboard the Combat Center, and logically oriented efforts toward the northeast. (FF 572, 610, 611, 512, 613, 614, 616, 617, 621 and 622)

23. That the desert survival instruction that LCpl Rother received at Camp Lejeune about a week before he arrived at 29 Palms outlined the principles that, if properly applied, would have enhanced his chances of surviving. (FF 433, 436, 437, 438, 439, 440, 441 and 442)

24. That desert survival training would be more effective, however, if given at MCAGCC during the CAX work-up period, after the Marines have gained an appreciation for the climate, vastness and inhospitable nature of the desert. (FF 468, 478, 553, 554, 556, 557, 558, 631, 632, 664, 665, 666, 667 and 668)

25. That LCpl Rother was physically fit for duty at the time of his posting as a road guard on the evening of 30 August. (FF 452, 453, 454, 463, 465, 473, 481 and 484)

26. That the location of LCpl Rother's remains, coupled with probable directional clues discovered during the 1-4 September and 4-6 November searches, lend credence to the theory that he walked about 17 miles before dying of dehydration on the late afternoon of 31 August. (FF 554, 556, 557, 558, 572, 612, 613, 614, 630, 631 and 632)

27. That it is probable, therefore, that LCpl Rother died at least 24 hours before search efforts for him commenced. (FF 486, 489, 491, 556 and 557)

28. That although it cannot be determined at what time LCpl Rother left his post in the vicinity of BLT 3/2 check point 1, the distance he traveled would indicate he probably left in the early morning hours of 31 August. (FF 553, 554, 630 and 631)
29. That LCpl Rother's route of march down the Main Supply Route, and past his unit's location on 29 August, is behavior of a Marine intent on being found. (FF 572, 612, 613, 614 and 668)

RECOMMENDATIONS

1. That LtCol Robeson's apparent failures in ensuring the execution of his operational orders in a manner which adequately protected the welfare and safety of personnel assigned to his command be considered as a basis for possible adverse administrative action.

2. That the actions and inactions on the part of Maj Holm beginning when he caused lstLt Lawson to depart the battalion area without adequate personnel to perform his assigned mission, and ending with his failure to follow up on the possibility of Marines being left behind after the motorized march, be considered as possible bases for adverse administrative, and/or disciplinary action.

3. That a Search and Rescue Plan be put into effect at the Marine Corps Air-Ground Combat Center that will call into play appropriate, external Search and Rescue resources at the earliest opportunity in a "missing person" situation.

4. That the Marine Corps Air-Ground Combat Center develop and distribute a Program of Instruction (POI) on desert survival to standardize Combined Arms Exercise (CAX) participants' pre-deployment training, and that reinforcing instruction be given upon a unit's arrival at 29 Palms.

5. That the Rother experience be developed for use as a "case study" for impressing upon our young Marines the unforgiving nature of the desert prior to their beginning operations in that climate.

6. That a laminated card of desert survival "dos and don'ts" be prepared for distribution to all participants in training exercises at the Combat Center.

D. K. ANGEL
From: Commanding General, Fleet Marine Force, Atlantic
To: Commandant of the Marine Corps (Code JA)
Subj: INVESTIGATION TO INQUIRE INTO THE CIRCUMSTANCES SURROUNDING THE 30 AUGUST 1988 DISAPPEARANCE OF LANCE CORPORAL J. J. ROTHER 471 86 1067/0311 USMC WHICH OCCURRED DURING CAX 9-88 TWENTYNINE PALMS, CALIFORNIA

1. Forwarded.

2. The proceedings, findings of fact, opinions and recommendations are approved. By copy of this endorsement, the Commanding General, 2d Marine Division, is directed to review the subject report and take appropriate action with respect to Recommendations 1 and 2.

3. This tragedy is compounded by the fact that Lance Corporal Rother was just beginning his Marine Corps career. As we mourn the death of this young Marine, I specifically concur in Recommendation 5 so that Marines training in the desert learn from this terrible lesson and so that Marines everywhere relearn the vital necessity of personnel accountability.

E. T. COOK, JR.

Copy to:
CG, 2dMarDiv (complete)
SECOND ENDORSEMENT on Col Angel's InvesRpt 5800 50 of 24 Dec 88

From: Commandant of the Marine Corps
To: Judge Advocate General of the Navy, 200 Stovall Street, Alexandria, VA 22332

Subj: INVESTIGATION TO INQUIRE INTO THE CIRCUMSTANCES SURROUNDING THE 30 AUGUST 1988 DISAPPEARANCE OF LANCE CORPORAL J. J. ROTHER /0311 USMC WHICH OCCURRED DURING CAX 9-88 TWENTYNINE PALMS, CALIFORNIA

1. Forwarded.

2. The American people accept the inevitability of Marines suffering injury and death in training, because they know that their Marine Corps is engaged in a tough, demanding and dangerous profession. However, they will not—nor should they—accept our maiming and killing their sons and daughters in so-called training "accidents." Neither will I!

3. Realistic combat training and safety go hand-in-hand. We have tested that proposition for too many years and in too many wars to now lose sight of its validity. Wasting lives through carelessness, thoughtlessness, or conscious disregard of the principles which have guided our Corps throughout its history cannot be countenanced. In war, every Marine who is rendered unfit for combat because of such waste jeopardizes victory in battle. Thus in peacetime, we must include safety as an integral part of our training. To do less is to break faith with those who have entrusted their Marine Corps to our stewardship.

4. Lance Corporal Rother's death was not an accident. "Accidents" happen. His death didn't just happen, rather it was the culminating event of a series of acts, each consciously committed by human beings: intelligent, experienced and highly trained Marine Corps officers and noncommissioned officers. It was the certain and foreseeable result of an attitude which I intend to see erased from our Corps.

5. Any who think they can simply drop off one of their Marines, literally or figuratively, and then not have to worry about him had better make an appointment with me, because that violates all my rules. That's a state of mind which contradicts every principle of concerned leadership on which we have traditionally prided ourselves. Marines look out for each other; we are "Semper Fidelis"—to one another—as well as to our great nation; we are "Band of Brothers." These are not just slogans, they are facts.
Subj: INVESTIGATION TO INQUIRE INTO THE CIRCUMSTANCES SURROUNDING THE 30 AUGUST 1988 DISAPPEARANCE OF LANCE CORPORAL J. J. ROTHER 471 86 1067/0311 USMC WHICH OCCURRED DURING CAX 9-88 TWENTYNINE PALMS, CALIFORNIA

standards which we must insist upon and exercise daily in every thing we do. Those involved in this tragedy unfortunately overlooked them, and so it stands as one more example of the price paid by innocent victims for that kind of misfeasance.

6. Moreover, this case concerns me because it demonstrates that some are not taking investigations of training incidents seriously enough. When a Marine is killed or injured while training, more than the immediate environment of the occurrence must be examined. The quality of the leadership at every echelon of the organization, its overall level of training, the degree of supervision of those directly involved, and organizational SOPs are among the matters which must be closely and carefully investigated. It should therefore be obvious that the investigating officer cannot be a member of the organization being investigated nor should he be appointed by its commander. That simple truth apparently escaped those charged with responsibility for ordering the first investigation of this incident.

7. No amount of investigation or after-the-fact remedies will ever bring back Lance Corporal Rother to his family, friends, or to us. The oversights and errors of judgement which resulted in his death are indelible. Yet, perhaps, something valuable can be salvaged from this tragedy; perhaps a lesson can be learned which will prevent similar recurrences. I wholeheartedly endorse recommendation 5 and the action thereon of the Commanding General, Fleet Marine Force, Atlantic, but I intend to take it a step further. Accordingly, I hereby direct that a copy of this investigation (less enclosures) be provided all Marine Corps commanding generals for appropriate incorporation of its findings and conclusions in all their operations and training. I specifically direct the Commanding General, Marine Corps Air Ground Combat Center, to take action on Recommendations 3 and 4.

8. Finally, for a number of years now, our training has been designed and conducted to prepare for maneuver-style warfare. A basic principle of this training has been the need to ensure all Marines, two echelons up and two echelons down, be thoroughly indoctrinated in the mission, scheme of maneuver, safety restrictions, and overall conduct of the exercise. Your Commandant has
Subj: INVESTIGATION TO INQUIRE INTO THE CIRCUMSTANCES SURROUNDING
THE 30 AUGUST 1988 DISAPPEARANCE OF LANCE CORPORAL J. J.
ROTHENBERGER 0311 USMC WHICH OCCURRED DURING CAX 9-88
TWENTYNINE PALMS, CALIFORNIA

repeatedly emphasized the requirement for continuous communica-
tions up and down the chain of command. If such an omission
occurs again, be assured, commanders at each echelon of command
will be relieved and subject to disciplinary action.

9. Subject to the foregoing the proceedings, findings of fact,
opinions and recommendations, as endorsed, are approved.

A. M. Gray

Copy to:
Marine Corps Commanding Generals
ROOTHER INVESTIGATION
RELEASE NO. FCP-03-89

HQMC, Washington, D.C., Jan. 9, 1989 (MCNEWS) -- The Commandant of the Marine Corps, Gen. Al Gray, has reviewed the investigation on the circumstances surrounding the death of Lance Corporal Jason J. Rother, stating that the actions of some of the individuals involved in the case reflected "a state of mind which contradicts every principle of concerned leadership on which we (Marines) have traditionally prided ourselves."

Rother, 19, of Minneapolis, Minn., was reported missing after a Combined Arms Exercise at the Marine Corps Air Ground Combat Center in Twentynine Palms, Calif. He was last seen on the night of Aug. 30-31, 1988, when he was assigned to a post as a guide to help direct the movement of his battalion during part of the three-day, live-fire exercise at the 932-square mile base in California's Mojave desert. Despite a series of extensive searches, Rother's remains were not found until Dec. 4. The remains were found about two miles off the base and more than 17 miles from the point where he was last seen.

The Marine infantryman had not been reported missing for almost 40 hours after he should have been picked up. The investigation, conducted by Col. Donald K. Angel of the Fleet Marine Force, Atlantic, Command, headquartered in Norfolk, Va.,
concluded that poor planning and direction in the placement and recovery of the Marines assigned to the detail with Rother caused the failure to pick him up; and that a "total breakdown" in the chain of personnel accountability within Rother's unit led to the delay in accounting for his whereabouts.

Rother's platoon leader and company commander have already been relieved of their duties and reprimanded for their roles in the tragedy. Based upon additional recommendations made by the investigating officer and approved by the Commandant, the Commanding General of the 2nd Marine Division has been directed to review the report and take appropriate action with respect to the battalion commander and the battalion executive officer of Rother's unit, the 3rd Battalion, 2nd Marine Regiment, of the 2nd Marine Division.

Two other Marines, Rother's squad leader Sgt. Thomas Turnell and his platoon sergeant Sgt. Christopher Clyde, are facing dereliction of duty and other charges at special courts-martial expected to be held at the unit's home base in Camp Lejeune, N.C., later this month.

A third Marine, First Lieutenant Allen V. Lawson, who was the officer in charge of placing Rother and the other guides that night, has been charged with dereliction of duty and disobedience of orders. He is currently the subject of a pre-trial investigation under Article 32 of the Uniform Code of Military Justice.
This was the second investigation of the Rother case. The first, conducted in the two weeks after Rother's disappearance, was returned on Nov. 21, with directions that a more comprehensive review of all the circumstances surrounding Rother's disappearance be undertaken. Rother's remains were discovered on Dec. 4 by a search team organized by Marine Captain Bryan N. Lavender, who was acting in his role as a reserve deputy in the San Bernardino County Sheriff's department. Capt. Lavender, who had participated in earlier search efforts, sought and received the county's approval to conduct their December search and rescue training as a continuation of the Rother search.

Gen. Gray stated that, "When a Marine is killed or injured while training, more than the immediate environment of the occurrence must be examined: The quality of the leadership at every echelon of the organization, its overall level of training, the degree of supervision over those directly involved, and organizational SOPs (standing operating procedures) are among the matters which must be closely and carefully investigated."

While recognizing that death or injury of Marines can be reluctantly accepted as a price we might have to pay for dealing in a tough, demanding, and sometimes dangerous profession, Gen. Gray stated that he would not accept "wasting lives in so-called training accidents." Lance Corporal Rother's death "was not an
"accident," he wrote. "'Accidents' happen. His death didn't just happen, rather it was the culminating event in a series of acts, each consciously committed by human beings: intelligent, experienced and highly trained Marine Corps officers and noncommissioned officers. It was the certain and foreseeable result of an attitude which I intend to see erased from our Corps."

The Commandant stressed a basic principle in training for maneuver-style warfare: the need to ensure all Marines, two echelons up and two echelons down, be thoroughly indoctrinated in the commander's intent, the mission and tasks, the scheme of maneuver, safety restrictions, and overall conduct of the exercise. If that principle had been scrupulously applied in this instance, a tragedy might have been averted. He directed that copies of the investigation be sent to all generals in command of Marine Corps units or installations, for appropriate incorporation of its findings and conclusions into all their operations and training.

Gen. Gray's message to his commanders is clear: "Your Commandant has repeatedly emphasized the requirement for continuous communications up and down the chain of command. If such an omission occurs again, be assured," he wrote, "commanders at each echelon of command will be relieved and subject to disciplinary action."

-more-
At the direction of the Commandant of the Marine Corps, copies of the completed investigation were provided to the parents of Lance Corporal Jason Rother.

For further information, please contact Lieutenant Colonel Fred Peck, at (202) 694-1492/4/5. Complete copies of the 449 page investigation are available upon request.

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