

This Table features commentary and amplifying remarks concerning Captain Baehr's 'Analysis' of PHILLIPS' statements to investigators, distributed amongst concerned parties, previously.

In order to match-up my remarks with portions of the 'analysis' which they cite, you'll need to refer to the other attachment to the email message entitled, "[20110415_Baehr's_Analysis-of-PHILLIPS,BYRNE](#)" This other attachment is a portion of the document created by Jim Baehr. I've added Header, Footer, pagination, and line numbers to Jim's text, so as to easily reference the portion of Jim's analysis to match my remarks.

(e.g., in this Table I remark upon specific Page #'s and Line #'s of Jim's text)

Page #	Line #	Specific Text from Capt Baehr's Analysis
1	3	Commanding Officer, School of Infantry, MCB Camp Pendleton
Major Card's Remarks :		
<p>Until the 'Discovery' was published, I had not known of Colonel Byrne's involvement; nor was I aware of his billet assignment. I recall Colonel Byrne as a good man; and, I'm quite sure I knew him in some capacity in the late-Spring or Summer of 2004. He was either based in/at Camp Falluja, Blue Diamond (Ramadi), or the Falluja Liaison Center (FLT). He may have remembered me; maybe not.</p>		
2	14	Time was "evening dusk"
Major Card's Remarks :		
<p>Conditions were still bright, sunny, and clear as the JUMP CP departed 'Combat Outpost' (2/4's garrisoned Rifle Company(Rein) on the Eastern-side of Ar Ramadi). There was plenty of sunlight left that day to be able to make it back to Blue Diamond (just West of Ramadi). When we were struck with the IED, it was still daylight. By the time we had hooked-up the (former)Trail LAV to the (former)Lead LAV, it had become dark. I know this because the towed-LAV's right-side wheels (all of the Tires had been defeated by the I.E.D.'s explosion/shrapnel) was sending-off a tremendous amount of sparks. It</p>		

Major Card's Remarks and/or Commentary IRT Captain Baehr's Analysis

Page #	Line #	Specific Text from Capt Baehr's Analysis
2	17-19	Convey consisted of: a) 2 LAV-25s; b) Command LAV; c) 1 HMMVE
Major Card's Remarks :		
<p>On most days, our "Jump CP" platoon's operating T/E consisted of seven (7) vehicles; these included four (3) LAV-25's, (1) LAV-C2, and three (3) Up-Armored HMMWV's. Our platoon's LAV's were attached from the LAR Battalion occupying the SouthWestern portion of Al Anbar Province. On the day in question, it seems very likely that I had chosen to run with a smaller footprint (e.g., not run with all seven (7) vehicles) of four (4) vehicles due to the: a) mission (which was determining & assessing a number of alternate, navigable routes traversing Ramadi, both East and West if circumstances arose which would render Rt. Michigan (<i>the primary Route</i>) untenable); b) the current threat-situation; c) my unit's general familiarity with the city of Ramadi; d) the short distance I was planning to travel; and, e) the expected brief duration for this reconnaissance-centric excursion from Blue Diamond.</p>		
2	22	While traveling south on Sofia towards intersection 296, observed victim
Major Card's Remarks :		
<p>How does Phillips know we were traveling South? We were traversing a bend in the Road gradually turning from a NorthWest line-of-travel to a SouthEast line-of-travel. Was he looking at the compass all the while, in order to know what direction his vehicle was oriented? If he was watching the compass, how did he "observe [the] victim?"</p> <p>How does Phillips know we were traveling on a Road named "Sofia?" Till this point, no Marines in my platoon had ever traveled this Route through Ramadi. The name of this road is not available from easily accessible, online Mapping applications. It was referred to by the Lieutenants at Combat Outpost as the "RaceTrack," presumably because of it's curves. In later reviews of this evening, I've heard it referred to as, "Two-Tits" and "Bounce Road." But, I've never heard this Road called "Sofia." That probably is the name of the road; but, how the heck did/does Corporal Phillips know that? Was he coached by NCIS?</p>		
2	23-25	"An elderly Iraqi male // walking on right side of sidewalk // in same direction" as convoy.
Major Card's Remarks :		
<p>I do not recall seeing anyone on the right-side of the road (adjacent to the field), on or off the sidewalk. At the moment the IED struck, I do not recall looking at the left-side of the road; and, why would I? There had been a massive explosion to my front-right field of vision. For a few seconds it seemed everything to direct front of my vehicle was engulfed in flame. When the flame cleared (after about 2/3 seconds), all that Sgt Duran and I could see was white-grey smoke. The IED exploded on the right-side of the road; that is where my vision was directed. The IED apparently was some sort of gas bottle, propane tank (about 5' long), and packed with explosive material. The explosive core of this device was likely line or infused with ball bearings [?] or some other type of good material for effective shrapnel; because, the hull of my lead-LAV was penetrated multiple times and all four wheels/tires on the right-side had been defeated.</p>		

Major Card's Remarks and/or Commentary IRT Captain Baehr's Analysis

Page #	Line #	Specific Text from Capt Baehr's Analysis
2	27	Phillips ordered driver to stop the LAV
<p><u>Major Card's Remarks :</u></p> <p>...wait a second... what? Who the heck is Cpl Phillips? Why is he ordering the driver to stop the vehicle, or ordering anything else for that matter? Sergeant Tucker (the vehicle commander) is/was a very strong, tough Marine. He wouldn't have tolerated that; and, that's not the way we do business. Sgt Tucker is the younger brother of Colonel Tucker, Commanding Officer of RCT-7 at that time.</p> <p>Going further with this argument, why was Phillips "order[ing] the driver to stop the LAV?" Is that our 'immediate action' drill following the explosion of an IED? No, I don't freakin' think so, Phillips. How about assisting your vehicle's Driver to navigate the vehicle out of the Kill Zone, in case the explosion was the initiation of a complex ambush?</p>		
2	32-36	Told Sgt Tucker he was going to dismount with the 240G while he dismounted the injured Marines. ... He did not visually observe the gunfire as he was facing forward to set up security.
<p><u>Major Card's Remarks :</u></p> <p>I had left the rear of the Lead-LAV-25 because, I heard 240G-fire to my front. 1 or 2 seconds later, when I got to the front of the LAV-25, I observed Cpl Phillips pouring 7.62 into a white 4-Door, compact sedan approximately 85-100meters North, on the other side of the adjacent field.</p> <p>Cpl Phillips, after being attacked by an IED that had injured his VC, killed LCpl Bohlman inside the hull, and injured [I think] one more, had apparently (and, courageously in my opinion) climbed out-of the Gunner's hatch, ripped the supplementary, Pintle-mounted 240G off the Turret Roof, ran down the front of the LAV-25, jumped to the ground, set-up the 240G on its bi-pod legs, and begun firing. When I first moved to his position, he was <u>not facing West</u>; <i>note, that he said "foward," which would have been West</i> . In fact, he was facing generally North, and firing in the same direction, from his prone position on the asphalt road.</p> <p>I assumed that Cpl Phillips had somehow identified the 'trigger-man' while I had been inspecting the damaged LAV. As I approached him, I recall observing a 'fire-hose' of 7.62 Tracer pouring towards the white sedan, North of the adjacent field. Somehow the vehicle, which was apparently still running, got itself into reverse and backed in the treeline, out of our field of view. I moved back to area between the Rear of the Lead-LAV and the front of my HMMWV. As I did, I observed the Trail-LAV-25 (VC was Sgt Hyman) speeding towards my position in obeisance of my recent direction (over the VHF net) for him to assume a security position to our front, as was our SOP.</p> <p>The first sentence (line #32) explains the primary reason I had 'written-up' Corporal Phillips for the Bronze Star with 'V,' subsequent to his actions that afternoon (BTW, in mid-2007, I learned my award nomination had been downgraded to a Navy-Comm w/ 'V'). His actions were relayed to me, much later that evening by Sgt Duran [I think, but am not sure]. Likely I had wanted to reward an NCO taking immediate action.</p>		

Major Card's Remarks and/or Commentary IRT Captain Baehr's Analysis

Page #	Line #	Specific Text from Capt Baehr's Analysis
2	34	All the while, sporadic gunfire was coming from other vehicles in the convoy. <i>Major Card's Remarks :</i> Although I cannot say with certainty, I certainly do not recall any "sporadic gunfire." I had neither given the order for Marines to engage with their weapons systems; nor, had I observed any enemy personnel to engage. My unit was disciplined, well-drilled, and formed of hand-picked Marines. We had been 'blown-up' a few times before, previous to this evening. We did not 'just start firing' "sporadically" or otherwise.
3	9	Iraqi police vehicle approached. He went up to talk to them and they left. <i>Major Card's Remarks :</i> I do not recall Iraqi Police arriving on the scene until after the QRF (2/4) had already arrived and we were cleaning things up. And, who the heck is Phillips to just saunter "up to Iraqi Police and talk to them...?" Does he know the plan of action? Is he in communications with the battlespace owner?
3	14	A few minutes later, a QRF arrive, evacuated wounded and killed and left after 5 minutes. <i>Major Card's Remarks :</i> The QRF (a portion of 2/4's Rifle Company(Rein) garrisoned at the Combat Outpost (Eastern-edge of Ramadi)) did not arrive "a few minutes later." The time was more like 20-25min. And, they most certainly <u>did not leave</u> "after 5 minutes." They provided me with additional security to my Rear and Front, enabling me to pull-back the 'Trail-LAV,' which was securing the front of my column. Once I was able to pull-back (in the direction of East, NorthEast) my former-Trail LAV, I was able to break-out the tow-bar and commit to self-recovery of the 'Lead-LAV-25.' The C2 assumed the 'Trail' position, and we were able to travel(limp) back to Blue Diamond." During this time, I was in communication with Blue Diamond Main and 2/4 via VHF-net.
3	19-32	[[Describing a scene with an injured, older-male civilian (non-combatant)] <i>Major Card's Remarks :</i> I have no recollection of this individual. I do not recall Phillips just 'walking around.' I seriously doubt we (more senior members of the JUMP CP) would have permitted any member of the platoon to be 'freely walking around.'
4	3	[[Capt Card] Pulled out his pistol. <i>Major Card's Remarks :</i> Why in the world would I have drawn my Pistol (a Beretta model 92F (9x19mm Parabellum))? Strapped across my chest, during every moment I was 'outside-the-wire' in 2004, was a Colt M4 Carbine with a collapsable stock, amd an AN/PEQ-2 plus ACOG mounted to a Picatinny Rail. Inserted into my carbine, when outside-the-wire, was always a 28-round magazine of 5.56mm Tracer ammunition. I carried <u>all Tracer</u> , so as to be able to direct fires from the members of my JUMP CP or the employed of another unit's (or,aircraft's) supporting arms. I had it strapped so that it always fit perfectly into my two hands whenever I raised them to chest-level. I could put that beautiful weapon into action, with accuracy out to about 30m, in less then 0.75seconds. I would never draw a defensive weapon, unless I were involved in a defensive scenario. Although, I have 7 or 8 Pistol Expert badges, I don't like the Pistol - I never have. Further, the thirty plus (30+) months I've spent in Iraq, I have never ever taken my pistol from it's holster, except to clean it.

Major Card's Remarks and/or Commentary IRT Captain Baehr's Analysis

Page #	Line #	Specific Text from Capt Baehr's Analysis
4	8-9	Directed me to go to the rear of the convoy to provide security. Phillips went and set up rear security.
<u>Major Card's Remarks :</u>		
<p>I don't recall directing PHILLIPS to establish Rear Security for the convoy; but, perhaps I did. It makes sense because, I had moved the 'Trail LAV-25' to the front of the column, leaving the Rear of my platoon's column exposed; and I was not aware of how the 2/4 Marines (the QRF) were providing security oriented SouthEast towards Rt. Michigan.</p>		
4	15-20	[PHILLIPS requesting permission to see the CG]
<u>Major Card's Remarks :</u>		
<p>Again, I do not recall his request, but I'm willing to believe this event occurred in the manner in which PHILLIPS describes. Because, although it rarely occurred, I have always, instinctively permitted and encouraged any Marine to speak with my 'boss' about me or anything else. Yes, I know that may be considered a bit bizarre. But, it has worked-out well for me, for years. I believe if subordinates know that they are always welcome to 'complain' about their boss (me), they'll rarely do so. Instead, they'll not want to 'get-me-in-trouble,' and come speak with myself more openly and feel free to air their grievances, without fear of reprisal. I think that's how things should be done in the Marine Corps.</p>		
<p>Likely, I probably presumed PHILLIPS wanted to tell the CG something, which he (PHILLIPS) had wanted to keep 'close-hold,' such as a family-matter or something. The CG had told me months before that he would readily entertain any request to speak with him directly, from a member of the JUMP CP; due to the nature of 'what we do.' Presumably the CG wanted to maintain absolute trust and confidence amongst all members of the JUMP CP, both up and down the chain-of-command. Character witnesses will likely attest to the fact that I am a very open individual who regularly (perhaps too much) airs his mistakes/mis-steps publicly within proximity of subordinates. I have always attempted to ensure that subordinates know I am human (and, that I know that too), that I too make plenty of mistakes, and I have no problem admitting them publicly. I do this to effect an environment wherein mistakes, which are made in the pursuit of excellence are okay. I think that Marines/people often tend to perform Tasks in a mediocre manner because, they are comfortable they won't make unintended errors when putting forth just the minimal effort. It's when they try really, really hard they sometimes 'blow-it;' and, that's what scares them. But, I digress.</p>		
4	22-26	MGen Mattis asked him ... if being a Marine was the right choice for him.
<u>Major Card's Remarks :</u>		
<p>While I am certainly not the 'expert' on all things 'Mattis,' I do know this - If General Mattis, in a quiet, reserved manner, asks you this question, then it is time for you to turn-in your 'Man-card' with his Secretary/G-1 Clerk and quickly make plans to bid farewell to the Marine Corps. I'm not kidding.</p>		
4	33	Been on anti-depressants for a year.
<u>Major Card's Remarks :</u>		
<p>Does/did PHILLIPS have an agenda to seek a medical retirement/discharge with tax-free, disability payments? A Sgt who has been married for 18 years? Just how old is this man? What kind of anti-depressants? SSRI? Zoloft/Sertraline? Celexa? Lexapro? Any anti-psychotics? Seroquel?</p>		

Major Card's Remarks and/or Commentary IRT Captain Baehr's Analysis

Page #	Line #	Specific Text from Capt Baehr's Analysis
4	34	Being evaluated for a 60 day inpatient treatment program ...
<i>Major Card's Remarks :</i>		
Okay... do we have records concerning this? You don't admitted to a hospital for two (2) months (DoD, VA, or Civilian) unless you're really losing it.		