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# IG: 3-star acted properly in spec ops incidents

By [Sean D. Naylor](#) - Staff writer  
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Acting Defense Department Inspector General Gordon Heddell has found that U.S. Special Operations Command deputy commander Army Lt. Gen. Francis Kearney did not abuse his authority or exert improper command influence in two incidents that occurred while Kearney commanded U.S. Central Command's special operations component.

However, the congressman who requested the IG investigation declared after reading the report that he was "not satisfied" and would ask the Pentagon for more answers.

In one of the incidents the IG investigated, Kearney had ordered murder charges brought against Special Forces soldiers Capt. Dave Staffel and Master Sgt. Troy Anderson of Operational Detachment Alpha 374, 3rd Battalion, 3rd Special Forces Group. The charges stemmed from an Oct. 13, 2006 incident in which Anderson, on Staffel's orders, shot an Afghan

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man previously identified as an enemy combatant.

After two military investigations reached conflicting findings, Kearney ordered premeditated murder charges be preferred against the two SF soldiers. Those charges resulted in an Article 32 hearing at Fort Bragg, N. C., on Sept. 19 and 20, 2007, after which Maj. Gen. Thomas Csrnko, then head of U.S. Army Special Forces Command, dismissed all charges against the pair.

Following Csrnko's decision, Kearney released a statement saying that the Article 32 investigation had accomplished his intent.

"An experienced Special Forces officer provided an independent and thorough review of the facts in this case," he said. "The Article 32 investigation resolved the conflicting findings of the two previous investigations and the results demonstrate the effectiveness of the military justice system."

Rep. Walter Jones, R-N.C., urged the Pentagon IG to investigate what Jones described as "the command influence utilized to bring charges" against Staffel and Anderson.

But a Tuesday SOCom press release said that the IG determined that Kearney "acted appropriately and within his authorities."

"Investigators found no evidence Lt. Gen. Kearney attempted to influence the results of his command's initial investigation or the criminal investigation's conclusions," the release states. "The IG also determined Kearney appropriately forwarded the charges to the commander who had general court martial convening authority over the soldiers, thereby separating himself from the potential of command influence in the matter."

Jones also asked the IG to investigate Kearney's March 2007 decision to expel a Marine special operations company from Afghanistan. Kearney's

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decision followed a March 4 incident in which the Marines allegedly killed 19 Afghan civilians in the wake of an unsuccessful car bomb attack on their convoy in Nangarhar Province. Jones requested that the IG investigate whether Kearney's action "was proper and void of any improper motivation."

"The IG determined Lt. Gen. Kearney acted responsibly and within his authority as the senior special operations commander in Central Command," the SOCOM press release states. "His actions were based upon repeated operational and command failures within the company that led to loss of confidence in the company's ability to successfully conduct its assigned missions. The incidents included operations that were conducted by the company outside of its assigned geographic area without informing or coordinating with the appropriate commanders."

However, the IG report did not satisfy Jones. "I still have some questions that I think that need to be answered," Jones said Tuesday. "I intend by Thursday at the latest to have a letter back to DoD asking that these questions be answered."

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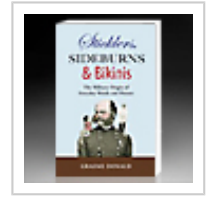
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