

PRESS STATEMENT

My name is Mark Hulkower. With me today are Bill Coffield, Tom Connolly, Steven McCool and David Schertler. Together we represent five brave young men indicted today for allegations arising from a firefight with Iraqi insurgents on September 16, 2007 in Baghdad.

These charges are quite simply untrue and were brought only after these young men resisted repeated efforts by prosecutors to have them plead guilty to minor charges. Our clients were unwilling to plea bargain with the prosecutors because they did nothing wrong. It is sad that in this day and age if you are unwilling to say the politically expedient thing and testify against other young men whose only crime was defending themselves and their comrades, you face unfounded charges that can put you in jail for the rest of your life. We will not allow such a gross injustice to occur.

On September 16, 2007, on the dangerous streets of Baghdad, a State Department official and her security detail were attacked by insurgents using a roadside bomb. A second security team, including our clients, was sent to assist and in the process of securing an escape route were drawn into a firefight with insurgents in Nissor Square.

Iraqi insurgents do not wear uniforms, and often disguise themselves as Iraqi soldiers or police to ambush U.S. forces. The tools of these insurgents include car

bombs, roadside bombs, suicide bombers and automatic weapons. Faced with this enemy, these young men were fighting for their lives in a crowded, dangerous and chaotic environment. It is an unfortunate fact of war that in a country where terrorists and insurgents hide behind civilians to attack U.S. personnel, civilian casualties will result. These casualties are not the fault of our military and security forces however, but rather the fault of the insurgents who use women and children as shields, behind which they launch their cowardly attacks.

Today, prosecutors in Washington, DC, seated comfortably in the safety of well guarded offices three thousand miles away from this deadly war zone, have seen fit to second guess how these decorated veterans of the military fought for the lives of their comrades and themselves. Worse they have charged these young men with offenses which could put them in prison for the rest of their lives for their efforts to save their own lives and the lives of others.

We are confident that a jury – free from political pressure -- will find that our clients have committed no crimes in their fight to return to their families alive and in one piece.

We are also troubled that these charges will send the wrong message to all the brave young men and women serving overseas in the military or providing security for U.S. Officials. The message that the DOJ sends out today is not one of appreciation for their honorable service but instead puts them on notice that their

actions in a war zone will be second guessed by prosecutors every time they are attacked and must fight for their lives.

It would truly be a tragedy if the message sent to our forces by these indictments is that you have to choose between defending yourself and your comrades or facing charges from prosecutors who will call the shots, not from the battlefield, but from a cozy office in Washington, DC.

We are also very concerned about the political considerations that appear to have motivated this indictment. It is unusual to say the least for the DOJ to bring high profile criminal charges in a case with international political overtones during the transition of presidential administrations and Justice Department officials. However, in the past weeks and months the U.S. Government has been negotiating a Status of Force Agreement with the Iraqi Government that will govern the future of the U.S. military presence in Iraq and has been anxious to see it ratified by the Iraqi Parliament. During this same period the Department of Justice has been conducting its investigation and has also sent agents to Iraq to provide briefings on this case. The filing of these charges at this time gives every appearance that these young men are being prosecuted to curry favor with factions in the Iraqi government that have been hostile to the U.S. presence and highly critical of the conduct of U.S. forces. More simply put, the DOJ indictment at this delicate time creates an overwhelming appearance of political influence in an effort to win support in Iraq. This is intolerable.

Just as our clients defended this country and its officials in Iraq, they will defend themselves from these unwarranted and unfair accusations. In Baghdad they fought for their lives, here they fight for their freedom. We look forward to their being vindicated in this matter.

Thank you.