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Greg Rinckey talks Bowe Bergdahl possibilities with Colorado Newsday.

Sgt. Bowe Bergdahl to be formally questioned on Wednesday in 'desertion' probe

By Helen Pow and Associated Press August 5, 2014

Sgt. Bowe Bergdahl will be formally questioned by an Army investigator on Wednesday about his 2009 disappearance in Afghanistan. Bergdahl will be interviewed by Major General Kenneth Dahl, who was appointed to head up the AR 15-6 investigation into the circumstances leading up to his captivity. The pair have already met informally, though Wednesday will be their first formal interaction and the interview will take place at Fort Sam Houston in San Antonio, Texas. Bergdahl's attorney Eugene Fidell told the New York Daily News that he will meet with Bergdahl today to prepare for Dahl's questions, and will also attend on Wednesday. An Army lawyer assigned to Bergdahl's case will attend with them. Time to talk: Sgt. Bowe Bergdahl, pictured, will be formally questioned by an Army investigator on Wednesday about his 2009 disappearance in Afghanistan

The former prisoner of war was released in May in a prisoner swap with the Taliban after five years in captivity. Soon after, accusations began to emerge that he deserted. Greg Rinckey, a former JAG officer and military practice lawyer, told the Daily News that he expects Bergdahl to answer Dahl's questions though Fidell may call a stop to the probing at any point. The news comes a week after bitterly divided House panel voted to condemn President Barack Obama for the swap of five Taliban leaders for Army Sgt. Bowe Bergdahl. The Republican-led Armed Services Committee backed a nonbinding resolution that disapproves of the exchange and faults Obama for failing to notify Congress 30 days in advance of the swap, as required by law. The vote was 34-25 with two Democrats - Representatives Tulsi Gabbard of

Hawaii and Mike McIntyre of North Carolina - joining Republicans in support of the measure. The bipartisan resolution raises national security concerns about the transfer of the five Taliban, who had been held at the prison at Guantanamo Bay, Cuba, for more than a decade, and the 'repercussions of negotiating with terrorists.' The measure also expresses relief that Bergdahl has returned safely to the United States. The full House is expected to consider the measure in the fall, just a few weeks before the midterm elections. The Obama administration has come under harsh criticism from many in Congress, especially Republicans, who have said Bergdahl was a deserter and the United States gave up too much for his freedom. Several lawmakers have cited intelligence suggesting the high-level Taliban officials could return to the Afghanistan battlefield. Investigator: Bergdahl will be interviewed by Major General Kenneth Dahl, pictured, who was appointed to head up the AR 15-6 investigation into the circumstances leading up to Bergdahl's captivity.

Five senior Taliban were released from detention at Guantanamo in exchange for Bergdahl, who had disappeared from his post in Paktika province in eastern Afghanistan on June 30, 2009. The five Taliban are to remain in Qatar for a year. The administration has defended the swap and its decision to keep Congress in the dark, saying concern about Bergdahl's health and safety required speedy action. The Joint Chiefs of Staff has unanimously supported the exchange, insisting that the United States has a sacred commitment to men and women who serve that it will never leave anyone behind on the battlefield. Army General Martin Dempsey, the chairman of the Joint Chiefs, said the swap in May was 'likely our last, best opportunity' to free Bergdahl. During the hearing, Republicans on the Armed Services panel accused Obama of breaking the law, with Representative Trent Franks, Republican for Arizona, referring to a 'lawless presidency' in which the president has failed to live up to his oath of office. Representative Scott Rigell, Republican for Virginia, who pushed for the resolution, said if Congress fails to act now, future presidents will ignore the law. Democrats maintained that the resolution was one step toward impeachment of Obama, part of a broader GOP effort that includes the House lawsuit, led by Speaker John Boehner, Republican for Ohio, against the president for unilateral changes in the health care law.

