

THE KILL TEAM

A film by DAN KRAUSS

OFFICIAL SELECTION – TRIBECA FILM FESTIVAL 2013

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Running time: 79 minutes

www.killteammovie.com

ABOUT THE FILM

From Oscar®-nominated director Dan Krauss comes *THE KILL TEAM*, a story about a young soldier in Afghanistan who attempted to alert the military to horrific atrocities being committed by U.S. soldiers, and who then himself became a target of one of the largest war crimes investigations in U.S. history.

With extraordinary access to the soldiers who were convicted and the evidence used against them, this film takes us inside a story that was largely impenetrable to the media.

In early 2010, a group of U.S. soldiers in southern Afghanistan – bored, frightened, angry, and primed to explode – intentionally killed civilians, planting weapons on their victims to stage the incidents as “good shoots.” One of the group, the platoon sergeant, collected fingers as trophies. They called themselves, “The Kill Team.”

Specialist Adam Winfield alerted the military to the killings through his father, but his warnings went unheeded. Soon, Adam’s fellow soldiers sensed that he was going to talk, and they threatened to silence him – permanently.

On May 2, 2010, the Kill Team decided to carry out another murder, this time in Adam’s presence. In an instant, Adam was faced with a decision: take a stand and risk his life, or play along and convince his comrades he is no longer a liability. Adam chose the latter.

Weeks later, Adam was flown back to Fort Lewis in Washington State and charged with premeditated murder. The government condemned Adam as a soldier who chose to ignore his conscience. *United States v. Winfield*, however, draws attention to a more difficult truth: in war, the freedom to follow one’s conscience is sometimes a luxury.

Weaving together two parallel storylines – past and present – the film dips in and out of Adam Winfield’s unfolding legal story to reveal piece by piece the increasingly devastating narrative in Afghanistan. In the third act, these storylines collide, with Adam facing a critical decision in both timelines. In the present day, he must decide whether to go to trial or take a deal. Back in Afghanistan, he faces an equally daunting decision: take a stand to protect a civilian or watch as his squadmates carry out a murder.

Speaking with an astonishing degree of candor and articulateness, these soldiers describe a series of increasingly weighty psychological quagmires, each emblemizing the hazy morality of war, where the choices are often clear, but the best decisions seldom are.

DIRECTOR'S STATEMENT

I have a longstanding interest in how personal morality intersects with conflict and violence. My first film, *The Death of Kevin Carter*, tells the story of a young South African war photographer tormented by his decision to document, rather than intervene in, the acts of brutality he witnessed.

Adam Winfield faced a similarly devastating moral crisis in Afghanistan. In his own words, "Should I do the right thing and put myself in danger, or should I just shut up and deal with it?" In war, it seems, decisions are almost never based on absolute right or wrong choices, but rather on competing moral priorities.

With this film, I would like to introduce audiences to a new concept just starting to be discussed in psychiatric circles: "moral injury." It refers to a psychological wound that comes from having taken an action – or not prevented an action – that is a betrayal of one's core moral values.

Adam Winfield was forced to confront his core morality in the blink of an eye, amid the most unimaginable circumstances. These sorts of life and death decisions are incredibly destructive – not just in that moment – but in the months and years afterward, as soldiers replay in their minds over and over again the choices they made or failed to make. In witnessing such stories, we too are forced to weigh our own priorities, our own values and our own sense of right and wrong. In short, we are forced to ask ourselves, "what would I do?"

ABOUT THE PRODUCTION

In April 2011, director Dan Krauss happened on a *New York Times Magazine* story about soldiers in Afghanistan being tried for war crimes ("A Beast in the Heart of Every Fighting Man" by Luke Mogelson). One soldier in the article was described as both a whistleblower and a murder suspect.

"That description startled me," Krauss says. "How could this soldier have acted both in the moral right and the moral wrong? I wondered about the pressures acting on him and the conflict he must have experienced within himself."

Krauss immediately contacted Winfield's parents through a webpage they had set up in support of their son. The message was passed to Eric Montalvo, the civilian attorney the Winfields had hired to defend Adam.

"When I first spoke to Eric, I was just looking for some way to get my foot in the door," says Krauss. "And then Eric mentioned that he had a need for video material to use at trial and I saw my opportunity."

Krauss agreed to a limited amount of filming *pro bono* on behalf of the defense counsel and, working as a consultant, accompanied Montalvo to Fort Lewis for a pretrial hearing in June, 2011. The conditions were less-than-ideal: Krauss was meeting Adam and his parents for the first time under stressful circumstances. Filming was largely restricted to a 10x12 conference room at the Trial Defense Services building. And without permission to bring along additional crew, Krauss was forced to act as producer, director, cinematographer and sound recordist, all in one.

Yet, it wasn't long before Krauss gained the Winfields' trust. And as their relationship deepened, Krauss began to raise the possibility of a documentary project, to be released after the conclusion of the Kill Team trials. "Everyone saw the value in this story being shared in a fuller, more complex way," says Krauss.

To fulfill his role on the defense team, Krauss supplied Montalvo with roughly 10 minutes of video material, comprised of interviews with Adam Winfield and his family. In accordance with his agreement with Montalvo, Krauss retained full ownership and editorial control of all the material he captured. This material formed the basis of the documentary.

While working at Fort Lewis, Krauss had the opportunity to speak with Jeremy Morlock, who was a key witness in the Winfield case and had already begun serving his 24-year-sentence. Morlock was brought to the Trial Defense Building on several occasions to be questioned, giving Krauss the opportunity to ask Morlock about participating in the project. Morlock agreed, his only condition being that he be interviewed in his dress uniform, rather than in his prison jumpsuit.

Shortly after the conclusion of Winfield's court martial in August 2011, Krauss conducted an on-camera interview with Andrew Holmes in Tacoma, WA on his last day of freedom. The following morning, Holmes appeared at this court martial and was sentenced to seven years in prison.

Krauss spent the next year doing sporadic shooting with the Winfield family while awaiting Adam's release from prison in August 2012. Krauss flew with the Winfields to Fort Lewis to film Adam's release and his subsequent homecoming in Florida, but these scenes were ultimately cut from the film. "Seeing Adam return home was the wrong note to strike at the end," Krauss says. "It made the conclusion of the film too tidy, whereas I wanted the story to feel unresolved."

After filming with Adam at home with his family, Krauss flew directly to Pennsylvania to interview Justin Stoner, who had at that point been honorably discharged from the U.S. Army. The Stoner interview marked the conclusion of production on the film.

The filmmakers made repeated attempts to contact Calvin Gibbs. His civilian attorney and his family did not return phone calls, emails and letters. In the course of research, however, Krauss discovered that a photojournalist had embedded with the platoon exactly two days after the May 2nd murder and had captured a sequence of images showing Gibbs walking through a poppy field.

“Those pictures had almost a mythic quality to them,” says Krauss, “and they came to be the film’s key visual representation of Sergeant Gibbs.”

As the project advanced, Krauss also obtained (from an unnamed source) amateur video and photographs the government had confiscated from soldiers’ computers as well as criminal investigators’ interrogation recordings. Much of this material is already widely available to the public, having been leaked to news organizations shortly following the arrests of the soldiers.

Turning to post-production, the core creative team – Krauss, editor Lawrence Lerew, and producer Linda Davis – spent considerable time crafting the film’s intricate structure, which intertwined two forward-moving timelines – the present-tense trial story and the past tense Afghanistan story – as well as one one backward-moving timeline, telling the story of Adam as a young boy. Keeping them all in motion, says Krauss, “was like a plate-spinning act.”

In addition to constructing a tightly-woven narrative, Krauss’ primary objective was to steer clear of advocacy – either in favor of Adam Winfield or against the military. “From the beginning, my goal was to not form conclusions or pass judgement on any soldiers,” Krauss says. “This story is about something much bigger than the soldiers themselves.”

ABOUT THE FILMMAKERS

DAN KRAUSS (Director/Producer/Cinematographer) was nominated for an Academy Award and two Emmy Awards for his first film, *The Death of Kevin Carter*. The film also won prizes from the Tribeca Film Festival, the International Documentary Association and The San Francisco International Film Festival, among others. Working as a Director of Photography, Krauss has photographed numerous feature documentaries, including: *Inequality for All* (Sundance Film Festival, 2013 – Grand Jury Prize); *Broadway Idiot* (SXSW, 2013); *We Are Legion* (SXSW 2012); *The Most Dangerous Man in America* (Academy Award nomination, 2010); and *Life 2.0* (Sundance Film Festival, 2010). In 2012, Krauss received a grant from the National Endowment for the Arts and a fellowship from the Sundance Documentary Institute. Krauss earned his Master's Degree from UC Berkeley's Graduate School of Journalism, where he is presently a lecturer in film and television production.

JULIE GOLDMAN (Executive Producer) specializes in producing and executive producing documentary features through Motto Pictures, a company she founded in 2009. Motto secures financing, builds distribution strategies and creatively develops and positions films in the domestic and international markets. Three of her films premiered in the U.S. Documentary Competition at this year's Sundance Film Festival: *God Loves Uganda*, *Manhunt* and *Gideon's Army*. Other recent releases include Participant Media's *A Place at the Table* and *Ai Weiwei: Never Sorry*, shortlisted for the 2013 Academy Award. Goldman produced *Buck*, winner of the Sundance U.S. Documentary Audience Award and one of 2011's top five grossing documentaries. Nominated by the Producers Guild of America for the Producer of the Year Award for *Sergio*, she also consulted on the Academy Award-winning documentary *The Cove* and *Valentino the Last Emperor*. Some of Goldman's earlier films include: *Easy Riders Raging Bulls*, *Devil's Playground*, *What Remains*, *Once In A Lifetime* and *Sketches of Frank Gehry*. More than 20 of her films have screened at the Tribeca Film Festival.

DEBORAH HOFFMANN (Executive Producer & Creative Consultant) received an Academy Award nomination in 1995 for her documentary *Complaints of a Dutiful Daughter* and again for *Long Night's Journey into Day* in 2000. She is widely acclaimed as editor of such classic documentaries as the Oscar winning *The Times of Harvey Milk*, *Ethnic Notions*, and *Mullholland's Dream*. She has received two National Emmys, a Peabody, a DuPont Columbia Award, and a Rockefeller Fellowship. Deborah has been a lecturer at the UC Berkeley Graduate School of Journalism since 2000. She has served on juries for the Sundance, San Francisco and Mill Valley Film Festivals and on the Independent Spirit Awards, and Gotham Awards. She is a member of the documentary branch of the Academy of Motion Pictures Arts and Sciences.

LINDA DAVIS (Producer) is an Emmy-nominated filmmaker who has explored topics ranging from art looting during WWII, to the high drama of modern opera, and the plight of Palestinian Christians in Bethlehem. Her experience includes work on several award-winning, feature-length documentaries including *The Rape of Europa* and Jon Else's film *Wonders Are Many: The Making of Doctor Atomic*. Most recently she produced *The Waiting Room*, a verite portrait of a day in the life of a public hospital in Oakland, California, in theaters in 2012 and airing on PBS' *Independent Lens* in 2013.

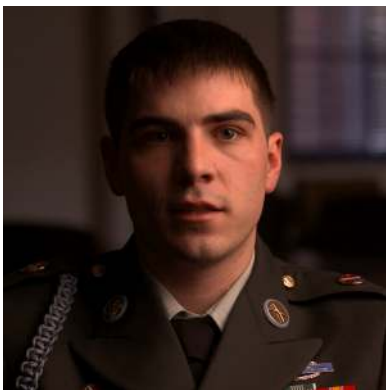
LAWRENCE LEREW (Editor) has cut numerous documentary films, including Stanley Nelson's *Wounded Knee* (2008); the Oscar-nominated *The Most Dangerous Man in America: Daniel Ellsberg and the Pentagon Papers* (2009); and *The Waiting Room* (2012), which was nominated for an Independent Spirit Award and won prizes at The Full Frame Documentary Film Festival and The San Francisco International Film Festival.

JUSTIN MELLAND (Composer) has over 50 feature and documentary film credits to his name, including Oscar® nominee *The Death of Kevin Carter*, *When The Storm Came* (Winner, Short Film, Sundance Film Festival 2004) *Under Our Skin* (Tribeca Film Festival 2008), *Life 2.0* (Sundance Film Festival 2010), and *The Redemption Of General Butt Naked* (Sundance Film Festival 2011). He has also written scores for television series such as National Geographic *Explorer*, A&E's *City Confidential*, *Frontline/WORLD*, and the History Channel's *Human Weapon*. Melland received his Master's Degree in music composition at UCLA and UC Berkeley.

ABOUT THE FILM SUBJECTS



SPECIALIST ADAM WINFIELD is from Cape Coral, Florida and was 20 years old at the time of the alleged crimes. He joined the army at age 17, and was assigned to Joint Base Lewis McChord near Tacoma, WA, where he was a member of the 5th Stryker Brigade, 2nd Infantry Division. He deployed with his unit to Afghanistan in July 2009. On February 14th, 2010 he contacted his father, Chris, to report the murder of an Afghan civilian that occurred the previous month. No further action was taken, either by the Army or the Winfields. On May 2, 2010, Adam Winfield was implicated in the murder of another Afghan civilian, Mullah Allah Dad. After being flown back to Joint Base Lewis McChord, Winfield was charged on June 14, 2010 with premeditated murder, conspiracy, and use of a controlled substance (hashish). He accepted a plea deal carrying a charge of involuntary manslaughter for failing to stop his fellow soldiers from murdering Allah Dad. The deal provided a sentencing cap of eight years, but the judge sentenced him to three years and a bad conduct discharge.



CORPORAL JEREMY MORLOCK is from Wasilla, Alaska and was 21 years old at the time of the alleged crimes. He was a member of the 5th Stryker Brigade, 2nd Infantry Division and is considered one of the primary participants in "The Kill Team," having been charged with the premeditated murders of three non-combatants. In addition, Morlock was charged with assaulting a fellow soldier, possessing photographs of human casualties, and using a controlled substance (hasish). Under the terms of a plea agreement, Morlock's life sentence was reduced to 24 years and a dishonorable discharge in exchange for Morlock's cooperation in the courts martial of other soldiers.



PRIVATE FIRST CLASS ANDREW HOLMES is from Boise, Idaho and was 19 years old at the time of the alleged crimes. Holmes was a member of the 5th Stryker Brigade, 2nd Infantry Division and worked directly under the leadership of CPL Morlock. Holmes was charged, along with Morlock, in the Jan. 15, 2010 premeditated murder of Gul Mudin, age 15. Holmes also faced charges stemming from possession of a human finger, presumably Mudin's. Holmes pled to a charge of murder without premeditation, claiming he understood at the moment he discharged his weapon that Mudin was an unarmed noncombatant, but that

he did not plan the murder. A military judge sentenced Holmes to 15 years and a dishonorable discharge, but the plea deal capped Holmes' sentence at seven.



PRIVATE FIRST CLASS JUSTIN STONER is from Lebanon, Pennsylvania. Stoner was not charged with any crimes and is widely-credited as being the "whistle-blower" in the Kill Team case, though Stoner disavows that characterization. Members of the platoon assaulted Stoner after he reported hashish use in the platoon to a superior. In the course of investigating that assault, officers learned from Stoner that Staff Sergeant Gibbs had shown Stoner human fingers to intimidate him. That revelation ultimately led investigators to the murders.



STAFF SERGEANT CALVIN GIBBS is from Billings, Montana and was 25 years old at the time of the alleged crimes. Gibbs was formerly on security detail for Brigade Colonel Harry Tunnell before being assigned to the Kill Team platoon (3rd Platoon, B Company of the 2nd Battalion, 1st Infantry Regiment) in Nov 2009, replacing a squad leader who lost a leg to an IED explosion. Gibbs' charges included three counts of premeditated murder, conspiracy, and conduct charges related to possession of human remains, threatening a fellow soldier (Winfield), and assaulting a soldier to impede an investigation (Stoner).

Gibbs was the highest-ranking officer to be charged. He was sentenced to life in prison with parole eligibility in 10 years. He is serving his sentence at Fort Leavenworth.



CHRISTOPHER WINFIELD is Adam Winfield's father and lives in Cape Coral, Florida. In February 2010, his son informed him via online chat about the murders in Afghanistan and the threats he had received from members of his platoon. Together, they decided to anonymously alert the military. The online chat between Chris and his son became key evidence in the court martial of SPC Winfield. Chris served in the U.S. Marine Corps in the early 1980s and was assigned to a communications unit in Southern California. Chris is presently an ER nurse.



EMMA WINFIELD is Adam Winfield's mother and lives in Cape Coral, Florida. Until recently, she worked for an educational textbook company. Presently, Emma is an assistant principal at a middle school and is concurrently working toward a Ph.D. in General Psychology with an emphasis in Cognition and Learning. In June 2010, Emma received the phone call from Fort Lewis informing the Winfields that Adam had been charged with first degree murder.



ERIC MONTALVO is a trial attorney and founder of the Federal Practice Group in Washington, DC. He made headlines in 2009 for successfully petitioning the release of Mohamed Jawad, a Pakistani held at Guantanamo Bay detention camp and accused of attempted murder. Montalvo served in the U.S. Marine Corps for 21 years, and fought in the first Gulf War as part of the 1st Tank Battalion. He retired from the Marine Corps with the rank of Major. The Winfield family retained Montalvo as lead defense counsel in the court martial of Adam Winfield.

THE KILL TEAM – CREDITS

an f/8 Filmworks, Ltd production

in association with
Motto Pictures

THE KILL TEAM

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Executive Producer & Creative Advisor
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