

1 [REDACTED]

2 The 15-6 testimony of [REDACTED]

3 [REDACTED] was taken at 1134, on 13 November 2004, Fort

4 Bragg, North Carolina.

5 PERSONS PRESENT

6 [REDACTED]

7 [REDACTED]

8 and [REDACTED]

9

10 [REDACTED], U.S. Army, was

11 called as a witness for the investigating officer, was

12 sworn, and testified as follows:

13 Questions by the [REDACTED]:

14 Q. Would you please state your full name, your rank
15 and unit of assignment for the record and spell your last
16 name?

17 A. [REDACTED]

18 [REDACTED].

19 Q. Spell your last name for us.

20 A. Last name is spelled, [REDACTED]

21 [REDACTED] Thank you, sir.

1 Questions by the investigating officer:

2 Q. As you know, I'm [REDACTED]
3 I've been appointed as the AR 15-6 Investigating Officer to
4 the Tillman case. What we're looking at is for facts and
5 circumstances surrounding this certain incident, which
6 occurred in Afghanistan.

7 If you would, what I would like you to do is,
8 could you please explain to us, in your own words, what you
9 found in the course of your investigation?

10 A. The bottom line, sir. The conclusion that I came
11 up with was that Corporal Tillman was killed by friendly
12 fire. It was a fratricide. It was a very--there were
13 numerous decisions, now. In any tragedy, there are certain
14 events that if you could stop one event then the tragedy
15 would not occur. If you look at the course, everything
16 from the night of 21 April, had they've been able to fix
17 the vehicle then that would've allowed them to go to their
18 next objective unimpeded. That did not happen. If they
19 were able to drag that vehicle from where they-- from point
20 "A" where they started that morning, all of the way to the
21 road to where it could be picked up by a heavier----

1 Q. Let me stop you right there. When you refer to
2 points, be specific and state the names of the towns that
3 you recall from your investigation and where they were
4 going to specifically.

5 A. Okay.

6 Q. If you have to refer to any documentation----

7 A. Yes, I'll have to----

8 Q. ----feel free to do so.

9 [REDACTED] handed a blank map like document
10 to the witness to make reference.]

11 A. That was the beginning of--this all started from
12 the--the movement started from [REDACTED]
13 [REDACTED] in Afghanistan and from [REDACTED] they pulled the broken
14 HMMWV behind another HMMWV, which was an M1113 GMVR, that
15 we call them. Much like the GMVS----

16 Q. I got it.

17 A. So from [REDACTED] they moved that vehicle all the way
18 to Margarah and it is----

19 Q. Is this kind of what you----

20 A. This is, sir, Margarah, that's about right. [REDACTED]

21 [REDACTED] being way over here.

1 [The witness made annotations on the map.]

2 Q. [Indicated a positive response].

3 A. So they had to move all the way to approximately
4 10 kilometers, 10 to 12 kilometers.

5 Q. Okay.

6 A. So just prior to noon, and the exact times are in
7 the 15-6, they stopped at Margarah because at that point
8 they could no longer tow that vehicle. Was at that point
9 that they were trying to figure out, "Okay, what's the best
10 way to do it." To make communications with the forces in--
11 at CFT [Cross Functional Team] Khovst, talk to [REDACTED]

12 ---

13 Q. Who talked to whom?

14 A. The [REDACTED] was calling back.

15 Q. And his name?

16 A. [REDACTED], [REDACTED] called
17 back to [REDACTED] and [REDACTED], goes
18 by [REDACTED]

1 Q. [Indicated a positive response].

2 A. And was explaining to him, "Hey, this is the
3 situation, we can no longer move this vehicle. So
4 immediately they tried to--they tried to determine if they
5 could airlift it out with a CH47.

6 Q. And who requested the airlift?

7 A. That was the CFT itself, right there. Either--
8 someone under [REDACTED] and I never did establish who exactly
9 did that because I did not think that was necessary, but---

10 -

11 Q. Who requested the vehicle being lifted out
12 initially?

13 A. [REDACTED]

14 Q. So the [REDACTED] requested it.

15 A. [REDACTED] requested it right there.

16 Q. Okay.

17 A. In that group, that [REDACTED] that was moving.

18 Q. And he requested that of whom?

19 A. He requested that through the cross functional
20 team located in Khowst, sir.

1 Q. Got it. And do you know who he was talking to
2 specifically?

3 A. He was--at one point, he was talking to the--the
4 [REDACTED] and the [REDACTED]
5 were both located in the CFT at that time because they were
6 doing planning for the next operation.

7 Q. And who was the [REDACTED]

8 A. [REDACTED] [looking through documents] [REDACTED]
9 [REDACTED]

10 Q. Okay.

11 A. When they asked how long it would take to get a
12 CH47 in there, the response that they were getting from
13 either, and pretty sure they were asking [REDACTED]
14 [REDACTED]
15 [REDACTED] they were not going [REDACTED]
16 [REDACTED] [REDACTED]
17 [REDACTED] The response they
18 got, sir, was [REDACTED]
19 [REDACTED] So it's at that point that
20 between the CFT leadership and [REDACTED] they came up with
21 the course of action. Actually by half a chance, they were

1 linked up with the Jinga truck that could pull that. So
2 they contracted the Jinga truck and paid the guy.

3 Q. Who contracted the Jinga truck?

4 A. I want to say it was either the [REDACTED],
5 [REDACTED] That's who, how--all they said
6 was, "Hey we can get this thing out of here by hooking it
7 up in back of this Jinga truck and the Jinga truck can then
8 pull it up to the main highway to where then it could be
9 EXFILLd all the way back to the CFT in Khowst.

10 Q. Okay.

11 A. So that's the plan that they ended up figuring
12 out. And [REDACTED] determined that he could send
13 his main force from Margarah because he had to get down to
14 Manah. That night he had to commence [REDACTED].
15 And it was very specifically told to him, "You will
16 commence, you will get position North of Manah so you can
17 start [REDACTED] as soon as the sun comes up the
18 next day. So he was going to take "Serial 1" from Margarah
19 through the ambush area and then go South to Manah, where
20 they'd hold up the rest of that night. And at this point,
21 it was but only 45 minutes or so before ENT. The second

1 serial, when he did his analysis, terrain analysis, he
2 determined that he could take that vehicle and move it from
3 Margarah and then take up going North to the village of
4 Tit all the way up to the main free way, which is up here
5 [referring the map], if you want to call it a freeway.

6 Q. [Indicated a positive response].

7 A. So what had happen then--I mean, that was their
8 plan. Initially he did not want to split the force.

9 [REDACTED] wanted to----

10 Q. Who did not want to split the force?

11 A. The [REDACTED] did not want to split the
12 force. He wanted to go ahead, move as one serial, as a
13 [REDACTED] all the way to the main road where they were going
14 to link up with a HEMT-T wrecker to have it EXFILLd back to
15 CFT Khowst. He was directed that he would have part of his
16 element be located North of Manah and then the other part
17 of the element would escort that vehicle to the main road
18 and then they would then proceed from the drop-off point to
19 North of Manah and hopefully this would all happen prior to
20 first light. So as a [REDACTED] they could then clear the
21 village of Manah.

1 Q. Who directed the [REDACTED] to split his force?
2 A. That's where the confusion came about. [REDACTED]
3 [REDACTED] said he did not. He did not direct anybody to split
4 a force. [REDACTED] thought that [REDACTED] stated
5 that. And it was relayed over the radio to [REDACTED]
6 [REDACTED] through the [REDACTED] the
7 [REDACTED]. So there was no clear line of [REDACTED] to [REDACTED]
8 or [REDACTED] to [REDACTED]. Everything was
9 being relayed through the [REDACTED] who was talking to [REDACTED]
10 [REDACTED] on numerous occasions, sir, basically said, "Hey,
11 listen. This doesn't make sense. I'm going to lose
12 security." I think what he really wanted to say was,
13 "There is potential that I'll lose control of this
14 element." But as all good Ranger [REDACTED] who are
15 always trying to prove to everybody that "Hey, I'm worthy
16 and I will, I'll make this happen. No matter what you give
17 me, I'll be able to--I will not fail." He continued to
18 press. So he came up with this split option with diverging
19 forces at that point, one going North to Tit and the other
20 going to Manah. When "Serial 1" left, there is no issues.
21 They got all the way through the valley, "Serial----

1 Q. Let me stop right here real quick and get some
2 clarification on this. You, as the investigating officer,
3 when you questioned these three individuals, [REDACTED]
4 [REDACTED] and [REDACTED] - I want to make sure it's clear.
5 [REDACTED] stated that he did not give those instructions to the
6 [REDACTED]?

7 A. Yes, sir.

8 Q. Did the [REDACTED] state that [REDACTED] gave
9 him those instructions?

10 A. The [REDACTED] stated he thought those
11 were the instructions that he received.

12 Q. Okay. When you say, "he thought," what does that
13 mean?

14 A. That there was a misunderstanding potentially
15 between the two, sir.

16 Q. Was it clear in [REDACTED] mind that he was to
17 split that force?

18 A. Yes, sir.

19 Q. Did [REDACTED] ever tell you that he came up with
20 this himself?

21 A. No, sir.

1 Q. Okay. Did [REDACTED] relay this information to
2 [REDACTED]?

3 A. He did, yes, sir.

4 Q. Was it [REDACTED]' instructions to [REDACTED] to split
5 the force?

6 A. Yes, sir.

7 Q. Was it [REDACTED] instructions to the [REDACTED]-----

8 A. Yes, sir-----

9 Q. -----to split the force?

10 A. Yes, sir.

11 Q. Okay. I just want to make sure I understand
12 clearly what you found-----

13 A. Yes, sir-----

14 Q. -----from your discussions with these soldiers as
15 to what they told you, okay; all right?

16 A. All right, sir. "Serial 1" moved through the
17 village or along the route. "Serial 2" commenced their
18 movement about plus or minus 15 minutes after the first
19 serial departed. Two of the vehicles from "Serial 2"
20 started movement to the village at Tit and they were headed
21 up that road. The Jinga truck was third in order of march.

1 The Jinga truck stopped and said, "I can't go up that way."
2 So the [REDACTED] tried to figure out, "Okay, what's
3 the deal? The Jinga truck said there is no way I'll be
4 able to traverse that terrain." So really at that point,
5 go to make the command decision, "Okay, we're going to have
6 to travel on the same route as "Serial 1" traveled." So
7 the two vehicles that were in lead, they came back onto the
8 route that "Serial 1" was going to take--"Serial 1" used.
9 And then they proceeded along the same route through the
10 canyon that the ambush occurred.

11 At no point during that time, was it ever
12 communicated from "Serial 2" to "Serial 1" that there had
13 been a change in plans. Now, I'm not--"Serial 1" had no
14 reason to believe that the plan changed. "Serial 2" be it
15 that [REDACTED] didn't try or was unable because they
16 were using embedded radios, they were not using [REDACTED] at that
17 time for some reason, they were using [REDACTED] and given the
18 terrain. And you've seen pictures of it, sir. I mean,
19 it's extremely mountainous. They were never able to get a
20 line of sight called.

1 When they commenced the movement through the
2 canyon, it was at that point that the force was ambushed.
3 "Serial 2" was ambushed. It was at that point that they
4 tried to quickly move through the "kill zone." From what
5 I gathered, fires were initiated with either RPGs or
6 mortars. But the way the--that the way the terrain sloped,
7 I came to the conclusion that the enemy was unable to get
8 effective fires into the valley of that canyon due to the
9 terrain masking them. So all the rounds were hitting well
10 above them not because, just because of the way terrain was
11 shaped. If the guy was here, he would end up hitting the
12 mountain or he went above it, he hit above it. And I'm not
13 really sure how to describe that on tape, sir.

14 Q. Okay. What I would like you to do here, if you
15 could, you've described to me "Serial 1" and "Serial 2's"
16 movement. Could you just in a pen draw on here "Serial 1"
17 and "Serial 2" and where the ambush occurred, from your
18 understanding?

19 A. Yes, sir.

20

[END OF PAGE]

1 Q. And where the enemy was located as it was related
2 to that ambush?

3 [The witness did as directed.]

4 IO: [Speaking to the [REDACTED]] Is there anything in here
5 that we need to [pause].

6 [REDACTED]: I have a close up, sir. I think that'd be
7 better.

8 IO: Yes.

9 Q. Show a route on this one of where the two serials
10 went----

11 A. Right, yes, sir.

12 Q. And this one, kind of show where the ambush
13 occurred, where "Serial 1" was located and where the ambush
14 occurred on "Serial 2" and what's your understanding of
15 what the enemy's disposition was on that terrain, from your
16 investigation.

17 [The witness did as directed.]

18 A. I brought a red pen just in case I had to
19 delineate such. Actually I'm the Regimental [REDACTED]
20 [REDACTED] there from, always use a red pen.

1 Okay. "Serial 1"--what's interesting about
2 "Serial 1," and here is another one of the factors, there
3 were supposed to take a left to heads towards Manah. They
4 missed that turn. And then they started--they missed the
5 turn so they ended up basically stopping here, when they
6 received--when they actually heard the ambush commence.

7 [REDACTED] When you say, "here," that's where you wrote the
8 square bar?

9 WIT: Correct.

10 [REDACTED]: What don't you mark "Exhibit 1" on the lower
11 right hand corner of that document for me.

12 WIT: Lower right hand corner?

13 [REDACTED] Right.

14 [The witness did as directed.]

15 A. "Serial 2"----

16 [REDACTED]: "Serial 1" is in red, "Serial 2" is in black.

17 A. I think they did one of these numbers, which two
18 vehicles proceeded - I'll put two little boxes here -
19 towards Tit and then they had to circle around to get back
20 on the main road again.

1 Q. And that's because the Jinga truck could not make
2 it up the hill?

3 A. That's because at that point it was the driver of
4 the Jinga truck--at first, we were thinking, "Okay, this
5 Jinga truck driver had something to do with this whole set
6 up." Initially, I mean, the questions were asked. Hey was
7 this guy in cahoots with the ambushers? And through
8 interrogations of that or questioning of that individual
9 they determined that he was not. So they let him go. But
10 it sounds like a set up when you look at it.

11 All right, as far as enemy of the positions,
12 there was--there are a couple of people on the South side
13 of the canyon, to include a mortar. Then in the North side
14 of the ridge, there were about between six and seven folks
15 with various weapons systems. Now supposedly, "Serial 1"
16 came back, sir, through the village and onto this spur.
17 They could see gun fire here. They could see these guys
18 over here. And this is what Tillman, I believe, saw. He
19 saw the folks on the South ridgeline. Sir, the overall
20 disposition is, of course, is all guess work right now.
21 These were seen. This was seen.

1 [REDACTED] When you say, "these" and "this"? You're talking
2 about the ones you just drew circles around?

3 WIT: Yes, the ones that I just drew circles around.

4 A. Those positions were seen. I'll put "Serial 1"
5 here. Okay, with enemy disposition as such, they
6 commenced, as soon as they figured out the whole Jinga
7 truck can't go through Tit to the main road, they came back
8 on and commenced their movement again. It was
9 approximately this area bend in the road that the ambush
10 commenced.

11 [REDACTED] Where you put a black "x"?

12 WIT: Yes, where I put a black "x."

13 A. So they had fires. They had fires basically in
14 this direction, in this direction and then in this
15 direction. So first, had they been successful in
16 destroying that first vehicle then these guys would have
17 been trapped because there was no--the walls were so close.
18 I mean eight to ten feet. They would not be able to get
19 around the vehicle. So they would've had to have gone
20 backwards. Fortunately, none of the enemy fires was
21 effective, but rocks were coming down off the mountains or

1 the cliffs. And if you've ever been caught in an ambush,
2 you never know what's going to happen. So with that being
3 said, they continued to push through the "kill zone" at a
4 point on that route where there is enough room. They were
5 able to get around the Jinga truck. So the Jinga truck,
6 which was pulling the non-mission capable GMVR, ended up
7 just stopping and all the other vehicles went around it.

8 The location of--there were three teams, three
9 fire teams, which [REDACTED] and
10 controlled. Two of the fire teams were on the Northern, on
11 the West side - if you look at the military crest, which
12 I've shown here with the dotted line - two of the fire
13 teams stayed on the reverse slope of that crest. Tillman's
14 team went forward of that crest.

15 [REDACTED] And Tillman's team is where you put the red
16 asterisk?

17 WIT: Yes, I put the red "x" with a circle around it.

18 A. I asked the question. I asked [REDACTED],
19 "Why did Tillman not stay behind the military crest, to the
20 West of it, so he wasn't on the forward slope?" [REDACTED]
21 [REDACTED] explained to me that as soon as fire started

1 everybody--as soon as the ambush commenced the Rangers in
2 "Serial 1" dismounted their vehicles and immediately
3 commenced movement towards the spur. [REDACTED] gave--
4 I mean, he was basically doing as all squad leaders do, he
5 was moving those three fire teams, of which Tillman's team
6 was actually part of--his [REDACTED] was in "Serial 2."
7 So it was an ADHOC relationship at that point with [REDACTED]
8 [REDACTED] All of them, basically, charged the hill
9 to get into a position where they could engage the enemy
10 forces, take the heat off "Serial 2." [REDACTED] had
11 good control of his two teams and he was close to them.
12 Tillman saw, what we believe he saw was on the Southern
13 ridgeline, the enemy forces. Now, we believe, it was his
14 intent to take his team and bound them, literary move them
15 up the hill - and I'll draw a little red arrow - up the
16 hill to destroy those forces. That's what we believe it
17 was his intent to do. When Tillman got to the forward
18 slope of the hill, of the spur, he stopped his team
19 recognizing he had not told [REDACTED] "Hey, this is
20 my plan." So Tillman put his two team members, one AMF
21 soldier and then Ranger [REDACTED] in a position, Tillman went

1 back across the military crest to the reverse slope and
2 told [REDACTED], "Hey, this is where I'm going.
3 This is what I'm going to do." And [REDACTED]
4 said, "Okay. Get into a position where you can engage and
5 destroy the enemy on the South."

6 Q. So did Tillman tell [REDACTED] that he was
7 going to maneuver against that position?

8 A. Yes, sir.

9 So at that point the AMF soldier was engaging the
10 forces on the southern end. And that's what [REDACTED]
11 [REDACTED] the [REDACTED] of the first vehicle saw. He saw
12 the AMF soldier with an AK-47 in the prone engaging
13 something and he had assumed he was engaging him.

14 When Tillman returned to his team to commence
15 movement, it was at that point that "Serial 1" or,
16 correction, "Serial 2" came around the corner, identified
17 the AMF soldier engaging the enemy on the Southern ridge
18 and commenced firing. That's where, at that point, Tillman
19 had no--he couldn't get behind because he was pinned down.
20 He couldn't go forward to do what he intended to do because
21 he was pinned down. It was at that point then that

1 [REDACTED] seeing the AMF soldier and not identifying
2 him as such, began to engage. In the 75th Ranger Regiment,
3 [REDACTED] are paid not to, absolutely, unless in self-
4 defense, engage. [REDACTED] is there purpose to command
5 and control the fires and the distributions of fires, the
6 array of fire, to control of fire so he, inappropriately,
7 seed to--his actions when he continued to fire and not one
8 location, all weapons systems on that vehicle trained in on
9 that. Had he done what he was supposed to do, he would
10 have said, "On my tracer" to give the left and right limits
11 or to designate a target that he wanted engaged. But,
12 instead, he continued to fire rounds into the AMF soldier
13 until the AMF soldier stopped firing. The result of that
14 was, he was unable to have a full situational awareness of
15 what he was doing. Because he was looking through his
16 optic versus looking at the entire situation, at which
17 point he may have seen Tillman and [REDACTED] who were in the
18 general vicinity of the AMF soldier. At that point, the
19 vehicle continued to move along that road and continued to
20 fire until the vehicle had passed Tillman's position and
21 started to move towards the village. So the fires, if you

1 will, were always oriented--fires were always oriented,
2 it's my belief, that the fires were always oriented at
3 Tillman's position. And then as the vehicle came around
4 the road, the fires continued to orient in that direction.
5 And when it got to the back side, they saw [REDACTED] two teams
6 and [REDACTED]. And they started firing at [REDACTED]
7 [REDACTED]. Well, about that point, [REDACTED] who
8 is the driver of that vehicle, who was throughout this
9 entire time, he's focused on driving. He sees - and I'll
10 put in a black box here - he sees the friendly vehicles,
11 which are located to his front now. And it's at that point
12 that he starts getting everybody's attention, "Cease fire.
13 Cease fire. Friendlies in the area." And everybody stops
14 firing. It's at that point that people are thinking, "Holy
15 cow, what have we done?"

16 Now the [REDACTED] and Ranger [REDACTED]
17 his [REDACTED], they were behind by a
18 couple of minutes. [REDACTED] immediately got off the vehicle
19 started moving with [REDACTED] It's at that
20 point that he recognizes his forward observer and his [REDACTED]
21 were still back at the vehicle and they were setting up

1 their radios to make the contact report to the CFT.
2 [REDACTED] had to go back to the vehicle, police his guys up
3 and then moved to the corner of a building. And I'm--I
4 guess, the best case I'll put an "x" right here. So he
5 could kind of have overall visibility of what [REDACTED]
6 [REDACTED] team is doing. In essence, combat power
7 for this was three fire teams and [REDACTED]
8 [REDACTED], the forward observer and his [REDACTED], while
9 they were standing on this, at that point, by the building,
10 it was my belief that as the vehicle was moving and
11 engaging Tillman's position, rounds from--okay, you had a
12 240 Bravo, a .50 cal, a 249 SAW and M4 all engaging
13 Tillman's position, that general vicinity. It's my belief
14 that rounds went up and over the top of the spur and
15 inadvertently hit [REDACTED] and his [REDACTED] Ranger [REDACTED] the
16 vicinity of the building. I never did believe that there
17 were direct fires on the village. Because everybody's
18 attention was always on the spur and then on the back side
19 of the spur.

20

[END OF PAGE]

1 Q. So you're saying, did rounds hit the village?

2 A. Rounds did hit the village because [REDACTED] and
3 [REDACTED] were both injured, sir.

4 Q. Did we ever confirm through any measure that
5 these were U.S. rounds?

6 A. No, sir. They pulled basically shrapnel out of
7 [REDACTED] face.

8 Q. And what happened to that shrapnel?

9 A. That I don't know, sir. [REDACTED] may
10 have that shrapnel to this day. He's [REDACTED]
11 But it was almost--it was like the outer casing of whatever
12 round hit him.

13 Q. But it's your assessment, is it your assessment
14 as the investigating officer there was no intent on the
15 part of the soldiers to fire at the village?

16 A. No, sir. Correct, sir. I did not believe
17 anybody directly fire into that village. Because had they
18 done that would've been--had they fired directly in the
19 village - and this is my train of thought and why I
20 determined that - had they fired no kidding [phonetic]

1 rounds at them, I mean, it would've been an entire bullet
2 that went through [REDACTED] face versus pieces of a bullet.

3 Q. All right. Proceed.

4 A. Once the "Serial 2", once [REDACTED] s
5 vehicle which was the first vehicle in order of march
6 stopped and recognized that they had been engaging friendly
7 forces, it was at that point then, sir, that [REDACTED] was
8 screaming for help on the forward slope because Tillman and
9 the AMF soldier were both down. And at this point, it was
10 dark. I mean the sun had--the beginning of this started
11 about one minute before or after ENT and the sun was going
12 down. And given the mountainous terrain, the--I mean,
13 there were a great deal--there were shadows so it was
14 definitely limited visibility engagement.

15 Q. Were the soldiers wearing any night vision
16 goggles during the course of this outbreak?

17 A. They were not, sir.

18 Q. Was there a need to have night vision goggles on
19 because of this light condition?

20 A. Not at that point. It's that timeframe, sir,
21 that it's not dark enough to use them, but it's not light

1 enough to be able to see like you and I are right now. It
2 was not clear.

3 Q. Okay. Did anyone in the course of this action
4 call "cease fire?"

5 A. Yes, sir.

6 Q. Who was that?

7 A. Tillman and [REDACTED] were screaming "cease fire"
8 throughout the entire engagement, but they were not heard.

9 Q. And how do you know that?

10 A. [REDACTED] statement.

11 Q. So [REDACTED]

12 A. No, [REDACTED]

13 Q. [REDACTED]

14 A. Yes, sir.

15 Q. Did [REDACTED] confirm to you through your
16 investigation that they were saying, "Cease fire"?

17 A. Yes, sir. They were waving their arms. They
18 were trying to get attention. Evidently, [REDACTED] said that
19 smoke was thrown to try to get the attention of the vehicle
20 that was engaging him. Everybody on that vehicle stated
21 that, "We did not see any smoke." So that one still in the

1 air. And I'm not really sure if that would've--I mean, at
2 that time of night, I guess in the brief, there is a
3 conflict as far as the color of smoke. But at that point,
4 I mean, there's limited visibility. It'd be tough to
5 identify.

6 Q. Okay. So from any of the statements, was there a
7 colored smoke?

8 A. Yes, sir. I want to say in [REDACTED] statement,
9 he had stated that they had thrown a purple smoke.

10 Q. But no one in the vehicles, from what you can
11 recall of your investigation saw smoke?

12 A. Correct, no one saw smoke, sir.

13 Q. Okay. All right.

14 A. Now, for some reason the AMF soldier had already
15 been killed. [REDACTED] and Tillman were laying behind a rock,
16 the fire stopped. And they're thinking to themselves - and
17 this is what [REDACTED] is telling me - they're thinking,
18 "Okay. We're good." It's at that point they stood up
19 because they had assumed that they had been identified.
20 When they stood up, [REDACTED] and his vehicle re-engaged them

1 again. It was in that second engagement that Tillman was
2 shot and killed.

3 Q. Okay. Is that it?

4 A. Yes, sir. I think so, pending your questions.

5 Q. Okay. Was there ever any signal provided by
6 anyone on the battlefield in this engagement all that
7 assisted in causing a "cease fire"?

8 A. No, sir. The only thing that stopped [REDACTED]
9 vehicle from shooting was when [REDACTED], the driver
10 of vehicle one, identified friendly vehicle to his front.

11 Q. [Indicated a positive response].

12 A. It was at that point that point he started
13 screaming and pulling on pant legs and telling everybody,
14 "Cease fire. Cease fire. Friendlies in the area." That
15 was the one and only time that any cease fire had been
16 recognized.

17 Q. So from your understanding of the members of this
18 vehicle who had engaged the Tillman position, the only
19 signal that you know of that they recognized was the
20 vehicles that they saw?

21 A. Yes, sir.

1 Q. Okay. Was a signaling device used by any other
2 soldiers during the course of this engagement?

3 A. There were numerous attempts by [REDACTED]
4 [REDACTED] to make communications with "Serial 2."

5 Q. [Indicated a positive response].

6 A. On his embedded radio, and it is unknown because
7 no one in "Serial 2" claimed to have heard any of those.
8 So unsure if it was line of sight COMMS [communications]
9 that they were using prevented that or do to the noise that
10 "Serial 2" was experiencing within the ambush area that
11 they were unable to hear his calls to let them know that
12 "Hey, we've come back. We're located just to the East of
13 the village, the village North of Manah on your route." So
14 that was the only other attempt.

15 During that time, I personally was in the
16 Regimental TOC at [REDACTED] [phonetic]. I mean, I'm listening
17 to all of this and we're coordinating for [REDACTED] [phonetic]
18 or [REDACTED] [phonetic] [REDACTED]
19 [REDACTED]
20 [REDACTED] When the fighting or when
21 the fire had stopped, it's at that point we were called and

1 told that we had two eagles KIA, which means friendlies.
2 So it was at that point that we called to see if CFT
3 listened for the 9-line brought in the MEDEVAC.

4 Q. Let me go back a little bit to "Serial 2." When
5 "Serial 2" engaged, who directed the fires of "Serial 2's"
6 first vehicle that [REDACTED] was in?

7 A. [REDACTED]

8 Q. [REDACTED] directed the fires?

9 A. Yes, sir.

10 Q. Okay. And his method for directing those fires
11 was what?

12 A. His own fires.

13 Q. Did anyone in that vehicle say verbally or
14 through hand-and-arm signals or some other method what the
15 location of the enemy was which would have led the other
16 crew members to engage?

17 A. No, sir. It's [REDACTED]

18 [REDACTED]

19 [REDACTED] In this case, he did--he wasn't saying anything
20 from what I could gather or if anybody could hear. At that
21 point there were a lot of people in that vehicle that

1 suffered hearing loss, at least, for a short period. So
2 [REDACTED] through his engaging the enemy, it was at that--
3 until he stopped, all other weapons systems were directed
4 where his rounds were going.

5 Q. So no one in the vehicle, that you recall in your
6 investigation, eluded to contact or enemy locations during
7 the course of their engagement?

8 A. No, sir.

9 Q. Okay.

10 A. In fact, if I may, sir, the way people were
11 positioned on the vehicle. The kid in the left jump seat,
12 the way seat, he was the SAW gunner. The SAW gunner was
13 orienting or was, really, he was focusing--he was
14 responsible for security on the left side. So his weapon
15 system was oriented on the left ridge. He saw nothing on
16 the South ridge. He stood up and started engaging over the
17 top 240 gunner, between the 240 gunner, who was here -
18 actually, he could've been over here, yes, right here -
19 [making reference on a vehicle illustration sketch] you had
20 the 240 Bravo gunner here engaging. You had the .50 cal
21 gunner here and then you had him with the 249 here. They

1 are all engaging towards Tillman's position. And here you
2 have the M4 with [REDACTED] So 249 gunners stood up,
3 disregarded security on the left side of the vehicle, the
4 South side of the vehicle, to get into the fight and I
5 mean, as the IO [Investigating Officer], asking those
6 questions, I mean, it just became very, very obvious to me
7 that there was absolutely no control of the fires of this
8 [REDACTED] Other than, I mean, had Tillman's position been
9 enemy then those guys would've been [pause].

10 Q. How far was this vehicle with [REDACTED] and his crew
11 from Tillman in this engagement?

12 A. Sir, I would say that it was probably, I mean
13 looking at the--reports are between 75 and 150 meters.

14 Q. Did you actually go out on the ground?

15 A. I did not, sir, because that was still contested
16 area. And I was not appointed as the 15-6 officer until
17 the 8th of May.

18 Q. Okay. Now, who was conducting the investigation
19 before you?

20 A. A [REDACTED] the [REDACTED]
21 [REDACTED]

1 Q. Did [REDACTED] go on the ground?

2 A. Yes, sir. I want to say he did.

3 Q. Okay.

4 A. I do know that the [REDACTED] and the
5 [REDACTED] went out on the ground the following--it
6 happened as soon as the sun went down on the 22d by the
7 following morning, when the sun came up, the [REDACTED]
8 [REDACTED] and [REDACTED] were on the ground. I know
9 the [REDACTED] and the [REDACTED] took all the
10 photos and then [REDACTED] for the most part, he was
11 the one that built the graphics that you see in the 15-6
12 that I used. And then through my analysis modified what I
13 believed happened, accurately depict what I believed
14 happened.

15 Q. What documentation do you have to support the
16 timeline in the briefing?

17 A. The 15-6. Now the briefing, sir, you're
18 referring to is the briefing that was given to the family?

19 [END OF PAGE]

1 Q. Was there only one briefing given or was there a
2 separate briefing given?

3 A. [REDACTED] was directed as soon as--okay this
4 is where the big timeline comes into play, sir. I turned
5 in the 15-6 to [REDACTED]

6 Q. And when did you turn that in?

7 A. I turned that in the afternoon of 16 May. He
8 did, immediately, do the legal review, of which I have a
9 copy of - I think this is the original legal review with
10 his signature of it - on the 17th of May----

11 Q. And [REDACTED] is in
12 [Operational] ----

13 [REDACTED] He's a [Operational] legal advisor, yes, sir----

14 A. ---- he completed his legal review. It was at
15 that point he was going to give that to [REDACTED]
16 approval, review and approval. [REDACTED] was,
17 however - I want to say - he was either in [foreign
18 country] at that time or was in [foreign country].

19 [REDACTED] did not see the 15-6,
20 from what I understand, until about the 24th, 25th
21 timeframe. And [REDACTED] took the 15-6 to [foreign

1 country] linked up with [REDACTED] and as soon as
2 [REDACTED] approved it, he handed it off to CENTCOM.
3 So between the 25th and the 28th they did--it was at that
4 point that it was approved by General Abizaid. On the
5 night of the--sometime on the 28th, word got out that
6 Tillman was killed by friendly fire in the Pentagon. And
7 the concern at that point was the family had not yet been
8 briefed. So [REDACTED] who had just got back from
9 Afghanistan, was directed to get on an airplane. That was
10 either Sunday/Saturday night, Friday night/Saturday night,
11 get on an airplane, immediately go to California. I
12 believe, [REDACTED] Pat Tillman's [REDACTED], was with him at
13 which time [REDACTED] briefed the entire family. I
14 want to say the [REDACTED], the [REDACTED] - and, of course, those
15 two are [REDACTED] so they had to come together - and [REDACTED]
16 of what had happened. Now, he did not have a 15-6. He did
17 not have a copy of the 15-6. He didn't have a briefing
18 prepared at that time, sir. So it was, "Okay. This is
19 generally what has happened." It was following the next
20 morning General Kensinger did the media brief or the press
21 conference at Fort Bragg.

1 Q. Okay. The following----

2 A. ----that was the 28th, 29th----

3 Q. ----the following day, General Kensinger did the
4 press release?

5 A. Yes, sir. So the family was notified by [REDACTED]

6 [REDACTED] prior to the press release.

7 Q. Okay. Do you have any idea of what the family
8 was told their notification by [REDACTED] of
9 the friendly fire incident?

10 A. Prior to that brief, sir?

11 Q. [Indicated a positive response].

12 A. Nothing. Because at that point the investigation
13 had not been releasable. [REDACTED] had not had an
14 opportunity, having just come back from Afghanistan--so the
15 only thing the family had been told at that time was: one,
16 Pat Tillman was dead. And they were notified on the 23d---

17 -

18 Q. 23d of what?

19 A. Of April, sir.

20 Q. So they were notified on the 23d of April of the
21 soldier's death?

1 A. Yes, sir.

1 Q. And who did that?

2 A. [REDACTED] who's now the
3 [REDACTED] and [REDACTED] who at that
4 time was the [REDACTED]

5 [REDACTED]

6 Q. Do you have any information of what [REDACTED]

7 [REDACTED] told [REDACTED]?

8 A. I do not, sir.

9 Q. Okay.

10 A. It was probably the general casualty
11 notification.

12 Q. Okay. Let's talk about green-tip rounds. On a
13 reference to green-tip rounds being found at Tillman's
14 equipment by NCOs who were removing his personal and
15 sensitive items?

16 A. Sir, as investigating officer, I didn't know
17 anything of green-tip rounds. I completely, I didn't even
18 look into that. Could I see his equipment? Could I see
19 his RBA [Ranger Body Armor] or what not?

20

[END OF PAGE]

1 Q. Okay. So do you know of any NCOs that found
2 green-tip rounds?

3 A. I know [REDACTED] the [REDACTED]
4 [REDACTED] Tillman's [REDACTED] was handed--the night of
5 the 22d Tillman was EVACd back to Salerno to the FST. The
6 medical personnel took all of his equipment and BDUs,
7 bagged them and then handed them to the [REDACTED] for [REDACTED]
8 [REDACTED] The [REDACTED] then brought them to [REDACTED]
9 [REDACTED] and said, "Hey, [REDACTED], what do you
10 want me to do with the stuff?" And in [REDACTED]
11 [REDACTED] statement, which we took a couple of days ago, it
12 said, "We had no instructions or whatnot. We looked
13 through it. The clothes really began to stink. So we
14 destroyed them."

15 Q. How were the clothes destroyed?

16 A. I want to say it was by fire, sir. They burnt
17 them.

18 Q. Okay. So let me make sure I've got this
19 straight. The [REDACTED] NCO took these clothes and any
20 effects; is that correct?

21 A. Yes, sir.

1 Q. And put them in a plastic bag.

2 A. Yes, sir.

3 Q. Who was the [REDACTED] NCO?

4 A. Sir, I do not know that.

5 Q. In turn, where did you get this information from?

6 A. The information.

7 Q. The [REDACTED] NCO took the clothes.

8 A. We asked that question this last--when I was out

9 at Lewis [Fort Lewis, WA] the other day, sir, in developing

10 the answers to the questions from [REDACTED]

11 [REDACTED]

12 Q. Right.

13 A. So it was at that point we started asking

14 questions as far as, okay where did it--who knows anything

15 about these green-tips? Who knows about rounds found in

16 the RBA? What ever did happen with the uniforms? It was

17 at that point we took two statements from [REDACTED]

18 [phonetic] and [REDACTED]

19 Q. Who's [REDACTED]

20 A. [REDACTED] is one of the NCOs in [REDACTED]

21 [REDACTED] He was one of the individuals involved in the

1 destruction or the burning of the uniforms. I have those
2 statements right here, sir.

3 Q. Okay. So the [REDACTED] NCO removed the clothing
4 and personal effects put them in a plastic bag and turned
5 those over to whom?

6 A. The----

7 Q. [REDACTED]

8 A. In the statement, sir, it states that the [REDACTED]
9 [REDACTED] had them. So the--which would make sense to say,
10 "Hey, bring up the [REDACTED] He'll take accountability
11 of Tillman's effects and then sign for them so he can
12 account for his effects."

13 Q. And then who went to the [REDACTED]

14 A. It was the [REDACTED], sir, that went to the
15 [REDACTED]

16 Q. So the [REDACTED] went to the [REDACTED]
17 and the [REDACTED] made the decision----

18 A. Yes, sir-----

19 Q. ----to burn the clothes?

20 A. Yes, sir, evidently.

21 Q. What about the remainder of his personal effects?

1 A. They were collected, sir. And then, they were
2 handed over to, I want to say it was- [REDACTED]
3 [REDACTED] the escort of Tillman back
4 to the States. So he eventually ended up taking control of
5 the personal effects, I believe.

6 Q. And please restate the purpose for [REDACTED]
7 [REDACTED] destroying the fatigues.

8 A. Due to the smell. He had stated in a statement
9 that, I mean, they were blood drenched so he, with no
10 direction, did what he thought was right, sir.

11 Q. What happened to the body armor?

12 A. I do not know, sir.

13 Q. Was that question asked?

14 A. No, sir.

15 Q. And from your understanding, - and I want just to
16 make sure I've got this straight - potentially the [REDACTED]
17 [REDACTED] the [REDACTED] and the investigating
18 officer, who was a [REDACTED] at that time, potentially from
19 what you recall walked the ground?

20 A. Yes, sir.

1 Q. Okay.

2 A. I know for a fact that the [REDACTED] and
3 [REDACTED] walked the ground.

4 Q. Okay. That's good enough. On what date did you
5 complete the 15-6?

6 A. Sir, I want to say I completed it on the 16th.
7 Because as soon as I was done with it, I gave it----

8 Q. That's when you turned it over----

9 A. ----to [REDACTED] for his legal review.

10 Q. Okay. You have additional statements here. Is
11 that what you provided in there?

12 A. Yes, sir. Those are all the statements that we
13 just took [handing the statements to the [REDACTED]
14 [REDACTED]. We took those statements from those specific
15 people to help answer the questions that came in this
16 latest congressional - whatever you'd like to call it.

17 Q. Okay. Do you recall--let's go back to the ambush
18 again. Do you recall in your investigation anyone
19 referring to a use of a pen flare?

20 A. No, sir.

21 Q. Okay.

1 A. Now, I take that back. [REDACTED] used a pen
2 flare.

3 Q. Okay. Do you know if there was any affect in the
4 use of that pin flare on [REDACTED] and his crew?

5 A. It was about that time that the pen flare and the
6 identification of the friendly vehicle, it was almost like
7 simultaneous, that it happened.

8 Q. Okay.

9 IO: [REDACTED] [phonetic], can you think of anything?

10 [REDACTED] Just a couple, sir.

11 Q. Why was there a pause in the firing?

12 A. I believe, sir, there was a pause in the firing
13 because when [REDACTED] recognized or presumed that the AMF
14 soldier was dead - keep in mind that Tillman and [REDACTED], at
15 that time, were behind rocks - and there was no one that
16 says that they say Tillman or [REDACTED] during that time. So
17 when [REDACTED] stops firing at the AMF soldier, the others
18 Rangers stop firing. When [REDACTED] [sic] and [REDACTED] stand up,
19 now they are seen, then they are immediately engaged. That
20 I believe is how or why there was a cessation of fires and
21 then why fire started again. At that point, I would

1 assume, because ENT was earlier and during shadows, they
2 were unable to identify, positively identify that they were
3 American soldiers. I'm not sure how that could be, but
4 that's the case.

5 Q. What are the identifying marks that you as an
6 organization use when working with indigenous forces? How
7 do you ensure that you can recognize friendly indigenous
8 forces from enemy?

9 A. [REDACTED]
10 [REDACTED]
11 say, "Hey listen, we will help you move these broken
12 vehicles." Somewhere in the statement it says, it was
13 noted that the commander sent AMF soldiers with [REDACTED]
14 [REDACTED] to facilitate getting the broken vehicle to the
15 road so it was an ADHOC "Here you go. Here are a couple of
16 guys." Well, they were not--one, they were not integrated
17 effectively into the group so [pause].

18 Q. What were they wearing?

19 A. They were wearing, I want to say, tiger-stripe.
20 I think that's how it was identified within the 15-6. They

1 were wearing the tiger-stripe uniform carrying AK-47
2 weapons.

3 Q. Okay. What were the uniforms of our soldiers
4 during the course of this operation?

5 A. We were wearing, sir, the MICH helmet, the MOLLY
6 vest with RBA, the desert uniform with the Ranger pocket on
7 the sleeves.

8 Q. So all our soldiers were in uniform.

9 A. All Rangers were in uniform, yes, sir.

10 Q. Okay. So the only difference between a Ranger
11 uniform and an AMF is that we were wearing desert color and
12 they were wearing potential trigger-striped or a green type
13 of camouflage is that----

14 A. I am not sure what color. I want--I think I've
15 seen pictures, sir. It's kind of a green. But he was not
16 wearing. He would not have been wearing--I've seen one of
17 those guys wearing a helmet.

18 Q. I understand. Okay. I guess, I'm asking for
19 your opinion from what you know of this. Was there a
20 distinct difference between our soldiers and him?

21 A. Yes, sir. There was.

1 Q. Okay. All right. Can we track green tips from
2 discover until today? Do we know where they're at? Our
3 rounds?

4 A. I'm not sure I understand.

5 Q. The rounds that were lost, the rounds that were
6 fired in the course of this that potentially hit Tillman.

7 A. I don't think so, sir. I know the rounds that
8 killed him were never found. I know there were rounds in
9 some photos; you can see rounds that are embedded in the
10 rocks. I don't--I'm not sure if anybody pried those rounds
11 out to confirm or deny they were friendly or enemy.

12 Q. Do you know from the course of your
13 investigation, how many times Tillman was shot?

14 A. I know there were--from the autopsy there were
15 three rounds that entered his head.

16 Q. Did he have any wounds anywhere else other than
17 the head?

18 A. From what I understand, he did. But I did not--I
19 had read that both of his wrists were shot up, but I did
20 not see that--in the only--I never saw the final autopsy
21 report either. I saw the initial autopsy report and that's

1 what was and it is included in the 15-6. Because at that
2 point the final autopsy had not been completed.

3 Q. In the course of your investigation, were any of
4 the soldiers, could you discern from any of the soldiers
5 that they were told to keep this investigation quiet? What
6 were their directions?

7 A. The directions, from what I understand, sir. The
8 directions were that nothing was to be discussed outside of
9 the [REDACTED]

10 Q. And what was the purpose for that?

11 A. The purpose of that. We had [REDACTED] of
12 which we could call back to the States. The last thing we
13 wanted to do--given the sensitivity of anybody for the
14 protection of the family. We do not want in a round-about
15 way the family finding out something as tragic as the loss
16 of their son by anybody other than us. So understanding
17 that, okay, it's [REDACTED] that gets whacked and
18 somebody calls back to the States, the press doesn't care
19 about that. A guy like Pat Tillman, though, the press
20 might care about that and then all of the sudden they're
21 not concerned about - this is my opinion - they're probably

1 not concerned about the family. They're more concerned
2 about "Here is a story, get it on the news." So with that
3 in mind, we did not--we basically told everybody, "Hey, no
4 discussion of this. Keep it under wraps." Not to hide
5 anything, but to just ensure that the information was
6 controlled in a manner that it was not going to get back to
7 or leaked to the media before the time and the
8 investigation is complete.

9 Q. Okay. Do you know anything about what award Pat
10 Tillman was given?

11 A. Yes, sir.

12 Q. Could you please tell me?

13 A. He was awarded the Silver Star. I had a large
14 part in that. I actually wrote the certificate for it.
15 The Regiment has a policy that prior to any Ranger getting
16 in-turn, that the family would receive all awards due to
17 that Ranger. With that being the case, the incident
18 happened on the 22d, the award was written in CFT Khowst
19 forwarded back to us. I want to say the night of the 23d.
20 It's always a race against the clock to get an award in. I
21 mean, I believe, he was awarded the MSM from USASOC. His

1 wartime award which was a Silver Star and then the Purple
2 Heart so with that being the case, the award written given
3 what we know, the facts at that time. His actions that
4 were seen and about to take the hill to the South. That's
5 what it was written about. It wasn't about--I know there's
6 probably some that are thinking, "Hey, the only reason why
7 Tillman got a Silver Star was because he was Tillman." He
8 was a leader of a fire team. He aggressively was in
9 pursuit of the enemy or was about to prior to being
10 engaged. So it was his intent and it was the intent of the
11 award--there were talks about should it be a Bronze Star
12 with a "V", should it be just a Bronze Star, should it be a
13 Silver Star. I have yet to read anywhere where it states,
14 "Okay. You can get a Silver Star if you do this. You can
15 get a Bronze Star with a "V" if you do this. If you just
16 get killed in a vehicle roll over, like we had the other
17 day, that kid is only deserving of a Bronze Star." So that
18 being the case, it was submitted for a Silver Star.

19

[END OF PAGE]

1 Q. Okay. Let me go back. You said that the award
2 was prepared in Khowst?

3 A. The award was--the initial statements were
4 written in Khowst and then they were forwarded to the
5 Regimental TOC in [REDACTED]---

6 Q. Right----

7 A. ----for the [REDACTED] signature and recommendation.

8 Q. And you said you were instrumental in putting
9 this award together?

10 A. Well, to package it, sir?

11 Q. [Indicated a positive response].

12 A. Yes, sir.

13 Q. Okay.

14 A. And then the writing of the certificate. So the
15 way the certificate is written, I mean, it's the UNCLASS
16 [unclassified] version of his actions given what we do for
17 a living.

18 [END OF PAGE]

1 Q. So what was the original recommendation from the
2 [REDACTED]?

3 A. The initial recommendation of the [REDACTED] was--it
4 came back--first thing I saw was Silver Star so from the
5 [REDACTED] Silver Star.

6 Q. So the [REDACTED] initially did the paperwork in
7 Khowst and submitted it as a Silver Star?

8 A. Yes, sir.

9 Q. And who signed that?

10 A. I know [REDACTED] signed it as the--on the
11 back side. On the front side, I don't recall who signed
12 it. Because it was all digitally done at that point. So
13 I'm not sure if [REDACTED] [Operational] can provide
14 that entire award to you.

15 Q. We'll get that. I just wanted to know if you
16 knew.

17 A. I'm not positive. I'm not [pause].

18 Q. The reason I asked is, you said you were
19 instrumental in putting it together. I just thought maybe
20 you knew----

21 A. Yes, sir----

1 Q. ----or are you the guy that started it. But
2 basically you told me that it was started in Khowst. We'll
3 just ascertain based on the award to who signed it and
4 submitted into the system.

5 A. If I recall, I called [REDACTED] and said,
6 "Okay, listen. You know the battle drill. We're going to
7 need an award written up *et cetera*." So it came back as a
8 Silver Star recommendation for a Silver Star. I packaged
9 it. Rewrote the certificate to where it met the standard
10 as an unclassified write-up and then forwarded, after the
11 [REDACTED] signed, to the [REDACTED] for his signature.

12 Q. Having been there as well as being the
13 investigating officer, did anybody in the course of this
14 from higher, let say in the Regiment or outside of the
15 Regiment, direct the Silver Star?

16 A. No, sir.

17 Q. Okay.

18 A. No, sir.

19 Q. All right.

20 A. No, in fact, no one really knew what we were
21 doing from higher.

1 Q. I got it. That's all I wanted to know. Okay.

2 IO: [REDACTED]

3 [REDACTED] No, sir.

4 Q. Is there anything that you want to add to what
5 you've already discussed with us today based on what we've
6 heard so far?

7 [Pause.]

8 Q. I mean, I say that because I know sometimes you
9 might have thought of something as you were going----

10 A. Yes, sir----

11 Q. ----through this that you wanted to remind us of
12 or bring to our attention and anything that might be
13 related to the discussions that you most recently had with
14 soldiers to obtain answers for some of these other
15 questions.

16 A. I think we, pretty much, laid out to the best of
17 abilities answers to the questions, some of the questions
18 from the Tillman family. I mean there really is no good
19 answer. I do know that--I do know just having come back
20 Fort Lewis that Pat Tillman's [REDACTED], still
21 in [REDACTED] has basically launched his own investigation within

1 itself at Fort Lewis and is very, very troubled as far as
2 he can't beyond. It's coming to the point now where he's
3 becoming a pain to [REDACTED] and their ability to do what they
4 have to do, train and deploy and fight and win.

5 Q. When you use the term "troubled," what do you
6 mean by that?

7 A. I mean, there is--we are going to ask one of our
8 [REDACTED] [phonetic] to go down to [REDACTED]
9 and talk to [REDACTED]. Because he has made verbal threats to
10 the [REDACTED] not at the [REDACTED]
11 [REDACTED] [REDACTED] in his circle of trust, right
12 now. But he has stated things like "I'm going to kill
13 somebody." And [REDACTED] said, "Hey, you better
14 cut that out. Because when we bring a [REDACTED] in here and
15 you say something like that then you're going to be, you'll
16 be out on the street." So there's that dynamic right now
17 going on [REDACTED] with Tillman, Pat Tillman's [REDACTED].
18 And he's just--nobody is satisfied with the answers in that
19 family that they've been given and it continuously--I mean,
20 it just continuous through the last 6 months. I mean,

1 personally, in my opinion, when this is done, sir, there is
2 going to be more questions.

3 Q. Why do you think that the family is not
4 satisfied?

5 A. Sir, I found out during the course of this
6 investigation and during, actually in preparation to send
7 repatriate Tillman from Afghanistan back to the States. We
8 do a repatriation ceremony. And we're setting it all up
9 and I'm working with the [REDACTED] from [REDACTED]
10 [REDACTED] who is also there. This was during the [REDACTED]
11 [REDACTED] My [REDACTED]
12 [REDACTED] [phonetic], from the Regiment
13 Headquarters. [REDACTED] had comes up and had
14 said, "Hey, sir. [REDACTED] doesn't want a [REDACTED] involved
15 in his repatriation ceremony." I'm like, "Excuse me?" He
16 goes, "No. He doesn't want, they don't want a [REDACTED]
17 He doesn't want a [REDACTED] to preside over it." And I'm
18 like, "Why is that?" He goes, "Well, evidently [REDACTED]
19 [REDACTED] That's the way they were raised."
20 I'm like, "Well, you can tell [REDACTED] that this
21 ceremony ain't [sic] about him, it is about everybody in

1 the Joint Task Force beading farewell to [REDACTED] so
2 there will be a [REDACTED] and there will be prayers."

3 The underlined, I guess, the underlined
4 discussion of the whole thing or the view is, those that
5 are Christians can come to term with faith and the fact
6 there is an afterlife heaven or whatnot. It is, I believe,
7 it's being a Christian that it's easier to deal with that.
8 Not being [REDACTED] I'm not really sure what they believe
9 or how they can get their head around death. So, in my
10 personal opinion, sir, that is why I don't think they'll
11 ever be satisfied. [REDACTED]
12 [REDACTED] I know Pat's [REDACTED]
13 it's come out that [REDACTED] --they are all [REDACTED]
14 So I don't know if that's important but that's kind of the
15 struggles that they're dealing with. And they do not want
16 a [REDACTED] even close to them, talking to them about
17 Christianity and heaven or whatnot.

18 IO: Can we take a break here for few minutes, [REDACTED]

19 [REDACTED]: Yes, sir.

20

[END OF PAGE]

1 IO: I'd like to talk to you separately here. And
2 we'll reconvene here, let's say, in about 15 minutes.

3 [The 15-6 investigation recessed at 1245, 13 November
4 2004.]

5 [The 15-6 investigation reconvened at 1334, 13 November
6 2004.]

7 [The examination of [REDACTED] continued
8 by the investigating officer.]

9 Q. At what time during the course of your
10 investigation did it become evident to you that this event
11 was fratricide?

12 A. I think I recognized it, sir, after I talked to
13 those on [REDACTED] vehicle. It was obvious at that
14 point. Now, I went into the investigation thinking, okay,
15 it could be anything given the disposition of the enemy,
16 what Tillman's intent was as far as taking the helm. I
17 mean, that's what I'd hoped it was going to be. Then after
18 talking to [REDACTED] and him explaining, "Hey, I was shooting
19 here." I mean, he was blatant as far as, "I killed that
20 guy. I killed that AMF soldier." And knowing then,
21 talking to the 240 gunner, the .50 cal gunner, the SAW

1 gunner and the direction of their fires, it was at that
2 point that I recognized beyond a shadow of a doubt - in my
3 opinion - that it was fratricide.

4 Q. Was [REDACTED] vehicle's the first vehicle to engage
5 the position where [REDACTED] Tillman and the AMF were located?

6 A. Yes, sir.

7 Q. His was the first vehicle.

8 A. Yes, sir, and his was the only vehicle. The
9 second vehicle didn't engage the friendly position.

10 Q. The [REDACTED], was he in this
11 convoy?

12 A. He was, sir. He was in the last vehicle.

13 Q. Why was a statement not taken from the [REDACTED]
14 [REDACTED] or was there one and we didn't see it?

15 A. There was not one, sir. There was not one
16 because, I want to say, the [REDACTED] He
17 was [REDACTED] Right now,
18 [REDACTED] And within the next week or so, I
19 want to say, [REDACTED] But [REDACTED]

20 [REDACTED]

1 Q. At any time, did a person or group of persons
2 involved with this incident, were they ever directed to
3 collectively take blame for this event?

4 A. No, sir. No, sir. In fact, no one was ever told
5 anyone to take blame for the event.

6 Q. From what you can ascertain in your
7 investigation?

8 A. Correct, sir.

9 Q. Okay.

10 A. I-- [REDACTED] said, "Hey, [REDACTED] I want you
11 to go, figure out the facts, facts finding, make a
12 recommendation period.

13 IO: Okay. That's all we've got. I want to thank you
14 for your time. I appreciate your candor in this. And if
15 we have any other questions we'll get back to you. I need
16 to advise you as you would advise anyone else that this is
17 still an open investigation.

18 WIT: Yes, sir.

19 IO: And that you're not to discuss this investigation
20 with anyone else. Is that accurate, [REDACTED]

21 [REDACTED] Yes, sir.

1 WIT: Yes, sir. So this is basically a brand new 15-6
2 into the Tillman fratricide?

3 IO: That is correct. Directed by the Secretary of
4 the Army.

5 WIT: Okay.

6 IO: Okay. I don't have anything else.

7 WIT: All right, sir.

8 IO: Thank you very much for your time.

9 [The 15-6 investigation adjourned at 1338, 13 November
10 2004.]

11 [END OF PAGE]