

1 29 NOV 04 INTERVIEW OF [REDACTED]

2 [Transcribed by [REDACTED] previously sworn and certified
3 court reporter.]

4 [REDACTED] Sir, I am [REDACTED] I'm the
5 AR 15-6 investigating officer, investigating the facts and
6 circumstances surrounding the death of Corporal Tillman in
7 Afghanistan on 22 April 2004. Before we get started, sir, I'd
8 like [REDACTED] to administer the oath.

9 [REDACTED] was sworn.]

10 [REDACTED] Sir, if you'd please state your full name,
11 your rank, and spell your last name for the record.

12 [REDACTED] Okay. [REDACTED]

13 [REDACTED] I'm a [REDACTED]

14 [REDACTED] Thank you, sir.

15 [REDACTED] Sir, my first question is: On what date were
16 you first told that this was a possible fratricide? And this is
17 to the best of your recollection, sir.

18 [REDACTED] It was mentioned that this was a possible
19 fratricide on 4 May, and it was in the context that they thought
20 it was and that they were going to do an investigation.

[REDACTED] And, sir, who told you that?

1 [REDACTED] To the best of my recollection, it was [REDACTED]

2 [REDACTED] the [REDACTED]

3 [REDACTED] Okay. Do you recall what he said exactly?

4 [REDACTED] Just been informed by the [REDACTED] that they're
5 going to investigate this. It may have been a possible
6 fratricide.

7 [REDACTED] Were you involved in any way in the initial
8 notification of the family of the death?

9 [REDACTED] No.

[REDACTED] Were you ----

11 [REDACTED] I gave my -- well, I was there at he
12 memorial service on the morning of the 4th of May. I think that
13 was the right day. I pulled a TDY -- TDY in that area of 3 and
14 4 May. And I went and I just gave my condolences to the family
15 individually.

16 [REDACTED] All right, sir.

17 [REDACTED] With the exception of the father. He was
18 not available.

19 [REDACTED] Were you involved in the initial decision to
20 appoint the 15-6 -- either 15-6 investigation into the incident?

[REDACTED] No.

1 [REDACTED] Were you involved in the initial decision to
2 submit this soldier for a Silver Star?

3 [REDACTED] No. Can I just ----

4 [REDACTED] Yes, sir.

5 [REDACTED] When I was told that it was a possible
6 friendly fire, my first comment was, "We need to do an
7 investigation." And they said they were in the process of
8 establishing that as an investigation. I was not in the
9 appointing chain of command at that time.

10 [REDACTED] Yes, sir. Once you became aware that this was a
11 possible fratricide, was there a conscious decision made not to
12 tell the family of that possibility; and, if so, why?

13 [REDACTED] On that particular day, considering what I
14 was told, the answer is: Yes. You know, the decision was made
15 not to - first of all, we didn't have enough information to say
16 that it was. And I think what we wanted to do is make sure that
17 we told them the right information.

18 Again, that was a memorial service. I didn't think it
19 was my responsibility to go up to them and say, "Hey, you know,
20 this is a possible friendly fire." Again, I think that that

1 would just not be the right thing to do personally. Again, I
2 didn't have any information. Mine was all hearsay.

3 [REDACTED] Which headquarters do you believe was
4 responsible for telling the family that this was a fratricide?

5 [REDACTED] Well, as it came out, it was this
6 headquarters.

7 [REDACTED] Are you aware of anyone involved with this
8 fratricide or the investigation thereof being reluctant to
9 release that this was a fratricide?

10 [REDACTED] No.

11 [REDACTED] Are you aware of anyone being told not to
12 discuss that this was a fratricide? If so, what were the
13 reasons for that instruction?

14 [REDACTED] Well, with [REDACTED] I said, you know,
15 "This should not be given to the family because it's speculative
16 at best at this point." And that was it. I said, "We need to
17 wait for the 15-6."

18 [REDACTED] Were you involved in the family briefing once
19 the 15-6 was through?

20 [REDACTED] From the standpoint that I orchestrated it.
We were in here orchestrating it the night of 28 May.

1 [REDACTED] Did you provide any instructions to anyone or
2 receive any instructions from anyone on what should be or should
3 not be disclosed to the family?

4 [REDACTED] Other than I was given the press statement
5 that was approved by CENTCOM, Army, and SOCOM to read on the
6 29th at a press conference.

7 [REDACTED] Were you involved in processing the 15-6 through
8 approval by CENTCOM?

9 [REDACTED] No.

10 [REDACTED] When was the first time you had the opportunity
11 to see the complete 15-6 investigation, and did you see it
12 before approval by CENTCOM?

13 [REDACTED] No. I didn't see it before the approval by
14 CENTCOM, and I can't really tell you but it was after that
15 weekend if I'm not mistaken. I can pull my e-mail up and tell
16 you. Do you want me to do that? I can give you the exact date
17 that it was e-mailed to me. It may have been that 28th that I
18 got an email, but it was after it had already been approved.

19 [REDACTED] All right, sir. Who made the decision that you
20 should conduct a press conference to announce a fratricide?

1 [REDACTED] It was a SIVITS [phonetic]. In the SIVITS
2 was [REDACTED] and I can't -
3 - I do not know the gentlemen's name from OSD level that told me
4 to do the press conference or at least I agreed to do the press
5 conference.

6 [REDACTED] And they were all involved in that decision?

7 [REDACTED] Yeah. In fact, [REDACTED] he was the
8 [REDACTED] because it wasn't [REDACTED] It was
9 him. He's the [REDACTED] now.

[REDACTED] How was the decision reached, and what was the
11 reason for the decision?

12 [REDACTED] The way -- here's kind of the sequence that
13 I know of. The 15-6 was approved. It was decided that they
14 would make notification to Congress. Congress was out that day.
15 That was the day before -- it was a training holiday here. It
16 was the day before Memorial Day. So I think Congress was out.
17 So whoever was going to make the announcement or was told to
18 make the announcement to Congress, they gave it to staffers.

19 And what had occurred is it already -- some of the
20 staffers I think leaked it personally because a Phoenix,
Arizona, newspaper picked it up, was going to make the story

1 public -- make the story public on that Saturday, which was the
2 29th.

3 It was determined-- okay -- One: We had to try to --
4 not try to -- we had to make that announcement, and we had to
5 put a face to it. They wanted the commander -- you know, a
6 senior member of this organization to stand in front of the
7 press and give the facts as best we knew it at that time.

8 And then the second piece was getting [REDACTED]
9 the [REDACTED] flown down to San Jose the night of the
10 28th, early morning of the 29th to make the announcement to the
11 family before it hit the press.

12 [REDACTED] And why did you not take any questions at the
13 conclusion of the press conference, or was that a pre-made
14 decision?

15 [REDACTED] It was a pre-made decision. It was part of
16 the scripted piece that was given to me, and, again, my
17 speculation is not everybody had seen the 15-6 at that time.
18 So, you know, to try to answer questions in more detail would
19 only have been speculative at best. But it was -- that was the
20 agreed upon press statement from CENTCOM and Army.

[REDACTED] And who drafted the press release that you read?

1 [REDACTED] Okay. You're probably best to ask [REDACTED]
2 [REDACTED] but [REDACTED] was in on it -- I mean at that level; [REDACTED]
3 [REDACTED] who was the Army rep, and I don't know who the rep was
4 from CENTCOM.

5 [REDACTED] Is there any other aspect of this 15-6, award
6 submission, release of information, or incidents with which
7 you've been involved?

8 [REDACTED] Other than answering -- getting [REDACTED]
9 [REDACTED] to take the 15-6; again as required by the [REDACTED] --
10 the [REDACTED] I said the [REDACTED] it was the [REDACTED] -- to go
11 then brief the family. So we made sure he had all of the
12 information; that he was rehearsed here if you will; prepared;
13 went to see th [REDACTED] was rehearsed there. Then he went -- he
14 personally briefed the family.

15 The next event was to answer some questions from
16 [REDACTED] did the same thing. Had [REDACTED] who had
17 briefed the family, who was intimate with the details - went and
18 briefed -- spent time with the [REDACTED] the [REDACTED]
19 [REDACTED] At this point in time, I think it was [REDACTED]
20 -- I believe at that time. Then he went in, and he talked to

1 the [REDACTED] Then [REDACTED]

2 [REDACTED] went with Co [REDACTED] to see [REDACTED]

3 And those were the two things that I was involved in;
4 at least setting those up and making sure that we go the right
5 person to represent -- or, to at least answer the questions that
6 they had, that were asked.

7 [REDACTED] And [REDACTED] briefed the family?

8 [REDACTED] Yes.

9 [REDACTED] Do you recall when that was, sir?

[REDACTED] No. I don't have that note.

11 [REDACTED] Do we know when [REDACTED] briefed [REDACTED]

12 [REDACTED]

13 [REDACTED] No. I don't.

14 [REDACTED] Sir, is there anything further that you would
15 like to add to this?

16 [REDACTED] Off the record?

17 [REDACTED] Sir, it needs to be on the record?

18 [REDACTED] Okay. In my opinion, I think everybody was
19 trying to do the absolute right thing. Until the investigation
20 or the 15-6, I don't think it could have been conclusive that it
was by friendly fire, based on all of the information we had. I

1 think that it was prudent to make sure we had the right
2 information based on -- in my words -- kind of a high-profile
3 individual. No matter what you did -- and if you provided the
4 information and it was wrong, you'd have another series of
5 events that you would have to go back and say, "No. That wasn't
6 the correct thing. It really was" -- And I think it would just
7 cloud the issue based on the notoriety and the press that we
8 had.

9 Again, I don't think anybody was trying to cover
10 anything up. I think in their heart of hearts everybody was
11 trying to get to the bottom line and trying to figure out really
12 what occurred in kind of a difficult battle space that they were
13 in.

14 As far as the -- you know, the Silver Star comes in
15 and everybody said, you know, "Why was that awarded?" Again,
16 not out there. Those awards are made in theatre; and, as I said
17 in the press statement, again, my heart of hearts is that the
18 actions that this soldier had on the battlefield that warrant
19 that award or that Silver Star -- it's justified, based on the
20 statements and narratives provided to the commander who makes
that decision.

1 [REDACTED] Okay. Sir, I just want to remind you this is
2 still an open investigation. We ask that you not discuss this
3 with anyone else.

4 [REDACTED] Okay.

5 [REDACTED] Thank you, sir, for your time and candor.

6 [REDACTED] Okay.

7 [END OF INTERVIEW]

8 [END OF PAGE]

1 9 DEC 04 FOLLOW-UP INTERVIEW OF

2

3 [Transcribed by [REDACTED] previously sworn and certified
4 court reporter.]

5 [REDACTED] Sir, this is a follow-up from our last
6 questioning. I need to remind you that you're still under oath.

7 [REDACTED] Roger.

8 [REDACTED] The question that I have, sir, is I want to show
9 you a P-4 right here that was [inaudible] by [REDACTED]

[REDACTED] on the 24th of April and see if you recall seeing
11 that message any time after the 29th.

12 [REDACTED] After the 29th, yes.

13 [REDACTED] When did you see that, sir?

14 [REDACTED] I don't recall the exact date, but it was
15 after the 29th.

16 And as best I recall, as I told you before, the day of
17 the memorial when [REDACTED] said, "This is a possible
18 fratricide"; and, when I got back here, which would have been
19 the next day after the memorial -- which would have been that
20 Wednesday, I guess -- I made some phone calls, and I was told
there was a P-4. At that point in time, I went and looked

1 around to find out why I didn't get a P-4, and that's when I
2 finally got a copy of the P-4.

3 Now, where in that time frame, I can't tell you. I
4 mean, I really don't -- I just don't recall when it happened
5 after that time frame.

6 [REDACTED] Do you recall who provided you the P-4, sir?

7 [REDACTED] It would have been -- the [REDACTED] guys would
8 have dug it up for me. Whether it was the Ranger [REDACTED] or the
9 [REDACTED] guys, I don't recall which one of them.

10 [REDACTED] Okay, sir. But you saw the message after the
11 4th?

12 [REDACTED] After the Memorial, yes.

13 [REDACTED] Sir ----

14 [REDACTED] And I have to say this; it was only when I
15 found out there was such a P-4 that we had to dig it up and get
16 it back up here.

17 [REDACTED] And who did you find out about the P-4 from,
18 sir.

19 [REDACTED] It was either [REDACTED] when I
20 called him in theatre; or [REDACTED] when we were discussing
the issue as kind of an after-the-fact.

1 [REDACTED] All right, sir. Sir, on the press release, why
2 did the press release say that you would not answer questions?

3 [REDACTED] That's the way the press release was
4 provided to me.

5 [REDACTED] And provided by whom, sir?

6 [REDACTED] Again, going back to who I think chopped on
7 that was, I think [REDACTED] out of the DA. That night [REDACTED] --
8 we were down in his office when I'd come back. The way I
9 understood it was DA -- [REDACTED] specifically, on the sivits,
it was the guy out of DoD -- I can't remember what his name was.

11 It was a civilian.

12 [REDACTED]

13 [REDACTED] Huh?

14 [REDACTED]

15 [REDACTED], yeah, was in on the official

16 sivits that -- to my understanding was that they got in on the
17 chop; and it was also out of CENTCOM and [REDACTED] name
18 was used as he personally, you know, chopped it from CENTCOM.

19 [REDACTED] In the course of the VTC, did they discuss not
20 answering questions?

1 [REDACTED] I can't -- I don't remember whether that
2 was a specific question; but it was from the standpoint of,
3 "With what we know, it's best not to answer any." We had
4 everything that I had at that point in time. So I'm not sure
5 the usefulness of answering questions.

6 [REDACTED] Did you have the 15-6 at that time?

7 [REDACTED] No.

8 [REDACTED] So you had no information other than the fact
9 that you knew that it was a fratricide?

10 [REDACTED] Yes.

11 [REDACTED] Or that you were told that it was a fratricide?

12 [REDACTED] Told there was a fratricide. I hadn't seen
13 the -- I may have seen -- no. I probably saw the 15-6 but not
14 the signed 15-6 -- the final copy of the 15-6.

15 [REDACTED] And it's your understanding that that verbiage
16 was placed in there and approved by CENTCOM, and that's why you
17 used that verbiage?

18 [REDACTED] I mean, I didn't put it in there.

19 [REDACTED] And you were comfortable with that verbiage?

20 [REDACTED] Yes.

21 [REDACTED] All right, sir.

1 [REDACTED] do you have anything?

2 [REDACTED] No, sir.

3 [REDACTED] Okay. Sir, I don't have any further questions
4 for you. Again, just a reminder, it's still an open
5 investigation. We ask that you don't discuss your testimony
6 with anyone.

7 [REDACTED] Okay.

8 [REDACTED] Okay, sir. Thank you for your time.

9 [END OF INTERVIEW]

0 [END OF PAGE]