

1 [REDACTED] U. S. Army, was called as a witness on 19 Nov 04, was
2 sworn and testified as follows:

3 Questions by IO:

4 Q. [REDACTED], what type of vehicle were you in on the 22nd of April 2004, when
5 this incident occurred?

6 A. Normal GMV, sir.

7 Q. With a turret ring-mount on the top?

8 A. [Nods head yes.]

9 Q. This is as close as we can probably get to a diagram of that vehicle. If you would for
10 me, please, on the top of this, I'd like you to list what serial you were in, Serial One or Serial Two.
11 And then I need you to list for me where you were in the order of movement in that vehicle. And
12 then from there, list in the seats noted, who was in that vehicle by name and you can just write the
13 name on those seats.

14 A. [The witness did as directed.]

15 Q. If you would please print your name, sign it and the date today is 19 November 2004.

16 A. [The witness did as directed.]

17 Q. I've got these diagrams for you, [REDACTED] One is a larger diagram of the
18 operational area in which the operation was conducted. And this is a close-up of the ambush site.
19 This village right here corresponds to that village right here. This is north. What I would like you to
do, starting with this diagram right here and using that black pen, place a square where you think you

1 first started, okay. And a square to represent the vehicle where you ended and then trace the line of
2 the route that you took to get to that final point where you stopped.

3 A. First, sir, when the first explosion went off?

4 Q. No, when you first started your movement. To the best of your memory.

5 A. [The witness did as directed.] Roger, sir.

6 Q. We have all the old documentation.

7 A. It's been a while, sir. I'm a little rusty, sir. My vehicle was stopped right there.

8 Q. If you would, put "S-1" by where you started and "F-1" where you finished.

9 A. [The witness did as directed.]

10 Q. Now I'd like to move to this diagram right here. So please print your name down at
11 the bottom.

12 A. [The witness did as directed.]

13 Q. And date it.

14 A. [The witness did as directed.]

15 Q. We'll just leave that there, in case you need to refer back to that. Again, let's orient
16 you off of that diagram. The village is there. What I'd like you to do for me is, just starting on your
17 route there, tell me where you first made contact and show me where your vehicle stopped the first
18 time. To the best of your memory.

19 A. [The witness did as directed.] I think we were right there, sir.

20 Q. Please-- --

1 A. Because there was the narrow--like the canyon walls seemed like they was--soon as
2 the whole convoy got in the--because this opened up into the canyon, as soon as the last vehicle got
3 in here somewhere, that's when the explosion went off.

4 Q. Put "S-1" and then, if you could, you said there was an explosion. Do you recall
5 where that explosion was?

6 A. It was behind me, it was over-- --

7 Q. If you would, there's a blue pen right there. Take that blue pen and, from the best of
8 your memory, where did that explosion occur? Just put an "X" there and put "E-1."

9 A. [The witness did as directed.]

10 Q. And what happened after that explosion occurred?

11 A. Temporary everyone stopped. Sounded like an IED. My first instinct. And then we
12 decided to proceed. Small arms fire. Sniper fire at this point.

13 Q. Do you know where the fire was coming from?

14 A. I really couldn't see anything. I know a lot of guys saw like muzzle flashes or
15 shadows, so I was orienting my fire off of them.

16 Q. Where were you firing initially?

17 A. Over here, behind this thing.

18 Q. If you could, please, with the blue pen, note where you were firing, based upon those
19 muzzle flashes. Just draw a line and put an "X" where you thought that was.

20 A. [The witness did as directed.]

21 Q. Put "E-2," "E-3."

1 A. [The witness did as directed.]

2 Q. And then what happened after that?

3 A. They had the--the jinga truck in front of us had stopped. Our squad leader was trying
4 to be getting it moving. Just started--the whole convoy just started moving through the whole kill
5 zone.

6 Q. If you could show me where you stopped again in that kill zone or on that route, if
7 you'd please indicate it with a square.

8 A. Like my vehicle, we became the lead vehicle. I think at one or two points, we became
9 a little farther ahead than everyone. And so like our vehicle stopped, even though the convoy didn't
10 stop, it's like our vehicle would stop for everyone to catch up. So it might have happened a few
11 times. I'm not exactly.

12 Q. Where was the jinga truck in respect to you. Was it in front of you or was it behind
13 you?

14 A. At first it was in--when we--it was in front of us and then-- --

15 Q. Can you show me where you passed that jinga truck?

16 A. [The witness did as directed.] I can't be positive. I think it might have been at the
17 very end before coming around this corner, but I'm not entirely sure.

18 Q. I want you to think real hard no that, because that's pretty important. I need you to try
19 to remember to the best of your ability where you think you passed that jinga truck.

20 A. I think my old diagrams were probably a lot more accurate, sir. A lot of this is just--
21 memories and your dreams and it seems like in together now, it's like what happened where.

1 Q. Put where you think, to the best of your memory, where the jinga truck was. Is that
2 where you think you passed the jinga truck?

3 A. [Nods head yes.]

4 Q. Okay, if you would please put "jinga" beside that. And then I want you to draw an
5 arrow around it, put a vehicle mark and then an arrow around it where you think you passed it.

6 A. [The witness did as directed.]

7 Q. All right. Now, when you passed that jinga truck, then what happened?

8 A. I'm not sure where I passed it. I'm not sure whether we passed it in the beginning or
9 if it was at the end.

10 Q. Can you tell me about any other contacts in that canyon area?

11 A. They all seemed to come from the north here. I know at one point it seemed we had
12 some from the south, but it didn't seem as much.

13 Q. Did you see muzzle flashes from the south?

14 A. No, I was mostly seeing 'em from the north.

15 Q. If you would, please indicate where you might have saw other muzzle flashes in the
16 course of moving through that canyon.

17 A. In blue?

18 Q. Yeah. Just put an "X."

19 A. [The witness did as directed.]

20 Q. If you would, give--I believe "E-4," "E-5" there.

21 A. [The witness did as directed.]

1 Q. Did you engage those muzzle flashes?

2 A. [Nod head yes.]

3 Q. Okay, if you would please put a line.

4 A. [The witness did as directed.]

5 Q. [Coughing] through there on your route, anyplace else that you engaged?

6 A. I engaged the south, but it wasn't-- --

7 Q. You did engage south?

8 A. But it wasn't that much, sir.

9 Q. Are you saying you did engage south?

10 A. I'm pretty sure I did, sir.

11 Q. Can you recall, to the best of your memory, where you think you might have engaged

12 south?

13 A. It would have been up here.

14 Q. Make that "E-6" to the south.

15 A. [The witness did as directed.]

16 Q. Okay. Now, as you continued on, was there anyplace else that you engaged in your

17 route?

18 A. Seemed like we were just mostly consider engaging to the north. Over here. And

19 then there was a little break and then final engagement.

20 Q. If you would, please, just kind of show me where you think, to the best of your

21 memory in there, that you engaged.

1 A. [The witness did as directed.]

2 Q. Okay. So, as you moved through there, could you please show me again where your
3 vehicle moved to prior to making that engagement?

4 A. Roger, sir.

5 Q. That one first? And draw the box a little bit bigger if you would, please. Did you
6 stop there or were you rolling?

7 A. I think we were mostly continuing driving through here.

8 Q. When was the first time that you engaged the ridgeline?

9 A. The first time?

10 Q. Um-hmm.

11 A. We engaged up here and then we came around and after [REDACTED] engaged this
12 target.

13 Q. Where did [REDACTED] first engage this target?

14 A. Right there.

15 Q. Before you broke out from behind that wall? In front of the wall?

16 A. I don't really remember the wall, sir.

17 Q. This ridgeline that runs right here, the spur. When was the first time you fired on the
18 spur, right there where it's indicated?

19 A. First time is probably a second or two after [REDACTED] and the other people. I
20 really don't know who they were. We just started opening up.

21 Q. And when you fired on that position, were you moving or were you stopped?

1 A. We were moving, sir.

2 Q. Why did you fire on that position at that location, on that ridgeline? Or that spur?

3 A. Because my buddies were engaging targets there. And I know like—through this

4 whole thing, it's like I'd see where someone was firing, I'd put a burst there. Look for the next place

5 where a guy was firing, put a burst there. So as we came around, a few guys started opening up, I

6 just turned and followed my [REDACTED] up here, you know, [REDACTED] and someone else is firing

7 and they positively ID-ed their target, I got suppression weapon so I'm just going to go ahead and

8 suppress, sir.

9 Q. So that point right there on the spur is the first time your [REDACTED] fired?

10 A. No, sir.

11 Q. I'm talking about at the spur.

12 A. Probably. Seemed like most of us--we engaged up here and then there was like a little

13 gap and then come around and re-engage there.

14 Q. But your fire--who was the first person in your vehicle to fire on that spur?

15 A. [REDACTED] I believe, sir.

16 Q. And did anybody identify targets or say that there was something there?

17 A. I believe [REDACTED] called like contacts on--like right or three. I couldn't really

18 hear at that point. So I vaguely remember someone calling out--you know, directing our fire and

19 that's-- --

20 Q. Did you observe any muzzle flashes or any fire coming from that area?

1 A. When we came around, I wasn't really--I wasn't off that direction, sir, it was more
2 like a split second. It seemed like only come around here, I thought the driver got hit in the leg,
3 because he started grabbing his leg and cursing, because I guess it was my hot brass was hitting him.
4 But so--then we come here and start engaging and then it wasn't too far so it was like at one point I
5 believe back here that people calling out "RPG." So it was like this was just a click, we're close and
6 the suppressing in case they do have RPG or something, then my whole vehicle's fucked, sir.

7 Q. Okay, so [REDACTED] fired and you oriented your fire on [REDACTED]'s fire?

8 A. [Nods head yes.]

9 Q. Okay. Was there any vehicle in the convoy that you were in or in that serial that got
10 in front of you before you fired on that?

11 A. We were the lead vehicle the whole time, sir, but that--that jinga truck, sir.

12 Q. So when you engaged that spur the first time, did you see any targets at all?

13 A. I just saw some shapes. Like two shapes, sir. But I couldn't like really see anything
14 about 'em distinctly.

15 Q. What were the light conditions at that time?

16 A. I believe the sun was setting over here somewhere, so I just--there was a lot of
17 shadows, but--it was--it wasn't quite dark and you couldn't use NODs yet because they wouldn't-- --

18 Q. Was the sun up over the-- --

19 A. Nah, it was like behind all the ridges, sir. Seemed like after we stopped, within like
20 thirty minutes later, it seemed like, we put on NODs.

1 Q. Now, from that position that you fired from right there on the spur, were you firing
2 straight ahead or were you firing at three o'clock?

3 A. It wasn't here. It was like--it was between them, sir. It was like--I don't know like
4 one, one and a half, two. It was more like that. It was off to like an angle there.

5 Q. So did you start firing on your own or did you hear some form of command that said
6 "contact"?

7 A. Yeah, I heard contact and whatever.

8 Q. Contact what?

9 A. I'm sure whether it was three o'clock or right or--I couldn't really hear, sir.

10 Q. But you say you did hear "contact"?

11 A. I'm pretty sure, sir.

12 Q. So that's the first time you fired right there. And then, as you moved along, then
13 please highlight for me where your vehicle position was if you fired again on that spur?

14 A. It was pretty close, because it was like, you shoot and you--you know, you pause for a
15 second and then re-engage and then I was Winchester and then we kept driving, I reloaded up around
16 here, sir, when we stopped.

17 Q. So please again, at that point right there where you're at, as you moved, when did you
18 engage the spur again?

19 A. Right in front of it, sir.

20 Q. When you engaged the spur the second time, were you in a stop position or were you
continuing to move?

1 A. Continuing to move, sir.

2 Q. Show me next where you engaged again.

3 A. That was all for me, sir.

4 Q. That was it?

5 A. Roger, sir.

6 Q. Were you Winchester at that time?

7 A. Roger, sir.

8 Q. When did you reload your weapon?

9 A. I was in the process of pulling out cans, as we were driving here. Like, I know I threw
10 one out on the side. And then, when we stopped, that's when I finished reloading, sir.

11 Q. You threw a can out on the road?

12 A. Yeah, I threw it or it fell off or something, sir.

13 Q. Where was that?

14 A. Probably over here somewhere, sir.

15 Q. Was it before the village?

16 A. I couldn't tell you, sir. It might not even have fallen off. It might have just like didn't
17 land in the back of the vehicle or something.

18 Q. Did you ever hear anyone, when you made those two engagements, call for a cease-
19 fire?

20 A. We had heard that, but we were like over here, sir.

21 Q. Please put a square where the vehicle was when you first heard "cease-fire."

1 A. [The witness did as directed.] Want me to mark it "cease-fire" or something, sir?

2 Q. That's great.

3 A. [The witness did as directed.] Then we all pulled security.

4 Q. Now, this second engagement that you had right there, you say that you were out of
5 ammo at that time?

6 A. Absolutely, sir.

7 Q. Pardon?

8 A. Yeah, pretty much. I had just a few rounds and then I was Winchester -- not even a
9 burst.

10 Q. But you still had ammo in the weapon?

11 A. Actually, no, sir.

12 Q. Okay, so you-- --

13 A. I was running down here and then reloaded on the way to there.

14 UV: When you said "here," that's where you marked the second engagement on the spur?

15 **Questions by IO, continued:**

16 Q. Draw a line down from there and say "Winchester."

17 A. [The witness did as directed.]

18 Q. Put fifty-cal. Now let me go back. Were you manning the fifty-cal?

19 A. [Nods head yes.]

20 Q. So you heard cease-fire at that location right there. Had you reloaded by the time
cease-fire was called?

1 A. No, I was trying pull out the tray, but it was like yeah, I'd bend down, sir.

2 Q. Where do you recall, to the best of your memory, having reloaded?

3 A. Not until -- when we stopped. That's when I--and there's a big hill over here. That's

4 what--I realizing then just takes [unintelligible].

5 Q. So if you would, please put a position there where you think you reloaded. Reloaded

6 fifty-cal.

7 A. [The witness did as directed.]

8 Q. Okay, now let's go to where you were out of ammunition and the vehicle was still

9 rolling. Did you stop anywhere along that spur?

10 A. [Shakes head no.]

11 Q. You continued to roll?

12 A. We were moving continuously -- the whole time, sir.

13 Q. Do you have any idea what your speed was?

14 A. I know I---

15 Q. Go ahead.

16 A. We saw--you know there was a team in the road up here and it wasn't until we were

17 like right here--or about the cease-fire is when we--when I saw it and I said--I called out vehicles.

18 Q. At the location you ran out of ammunition. From that point forward, did other

19 weapons on the vehicle engage the ridgeline?

20 A. I think there was a few, sir.

1 Q. Can you recall what vehicle--what weapons continued to engage the ridgeline?

1 A. I just don't recall sir. I was preoccupied with my task.

2 Q. Did it sound like 5.56 or did it sound 7.62? What did it sound like?

3 A. At this point, I can't even really remember.

4 Q. But other weapon systems continued to engage?

5 A. [Nods head yes.]

6 Q. When did the weapons from that vehicle stop engaging? At what point?

7 A. It was probably just a little further than that, sir.

8 Q. Can you give me an idea?

9 A. [Shakes head no.]

10 Q. Okay.

11 A. It was like--we stopped and then they called the cease-fire pretty much.

12 Q. Are you sure you stopped?

13 A. I mean, we stopped firing is when they called the cease-fire, sir.

14 Q. Okay.

15 A. Do you want that marked, sir?

16 Q. I would just draw lines where you think they were engaging. Do you have any idea?

17 A. Just same area, I think, sir.

18 Q. And that box is where all the weapon systems had stopped firing?

19 A. I believe so, sir.

20 Q. Could you just label that as "stopped firing"?

A. [The witness did as directed.]

1 Q. Did you ever see anyone on that ridgeline raise their hand?

2 A. No, sir.

3 Q. Did you ever hear anyone on the ridgeline--pardon, did you ever see anyone on the
4 ridgeline throw a smoke?

5 A. No, sir.

6 Q. Did you see any smoke?

7 A. No, sir.

8 Q. Did you ever see anyone red pin flare?

9 A. No, sir, but even if they did, with all the tracers and everything, I don't think we could
10 have told, sir.

11 Q. As you continued on and you heard "cease-fire," did anyone say "friendlies"?

12 A. After the cease-fire?

13 Q. Um-hmm.

14 A. I don't really remember that, sir.

15 Q. Did you observe any friendlies on the ridgeline?

16 A. I think when we're over here, I saw some of our guys over here. I saw vehicles.

17 Q. But you didn't see anybody up on the ridgeline?

18 A. Not really, sir.

19 Q. Please put for me where you first saw the friendlies and circle it. Just put--use the
20 black pen and then where you first--just a circle.

21 A. [The witness did as directed.]

1 Q. Is that where you first saw friendlies?

2 A. Yes, sir.

3 Q. Where were they?

4 A. I think I saw some guys at the edge of the building and the vehicles were all like lined
5 up here.

6 Q. If you would, please, draw a circle and an "X" close to the village, illustrating where
7 you first saw those friendlies.

8 A. [The witness did as directed.]

9 Q. Is that legible there? Can you see that? Is that an "X"?

10 A. [Nods head yes.]

11 Q. Put an "F" by that.

12 A. [The witness did as directed.]

13 Q. You then stopped and pulled security on the hill to your north?

14 A. [Nods head yes.]

15 Q. Okay. Did you ever see any of the rounds from your vehicle strike the village?

16 A. No, sir.

17 Q. Did you ever see rounds from any of the other weapons systems on your vehicle strike
18 the village?

19 A. No, sir.

20 Q. When did you first become aware that someone had been KIA?

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1 A. After we stopped, I heard we're getting a medevac, but I didn't know we had KIA for
2 a while. We had some wounded. And then--like, I wasn't--like I heard people talking--sound like
3 maybe, but not really. Like, I couldn't--I was like what--what's going on, and then, at one point--
4 who was it? [REDACTED] I believe it was, came up to me and gave me [REDACTED] s nine-mil,
5 said don't give it back to him, hold onto it. I said why? He was like, [REDACTED] got killed. And we
6 just--like, keeping weapons from him right now.

7 Q. Who told you that?

8 A. I believe it was [REDACTED] But--it may have been one of my [REDACTED]

9 Q. Did you assist in moving Corporal Tillman's body at all?

10 A. No, I stayed on the weapons system, sir.

11 Q. How long did you stay out there after this incident occurred?

12 A. Well, after that night, our vehicle moved, we pulled up security south down this road
13 here, and you know, up on this hill. The next morning, we parked our vehicles over here and my
14 [REDACTED] overlooked on the ridgeline up here while they started clearing the vehicles in this--the valley
15 here, which was the route we were going to drive out. So, then I think it was that night when we left,
16 sir.

17 Q. Let me take you back to the jinga truck one more time. And I want you to think about
18 this for a few minutes before you answer. I want you to look at that route again and think back on
19 what happened and I want to ensure that you are correct in your mind of where you passed that jinga
20 truck. Take your time.

1 A. I know some squad leaders went up and got the vehicle moving, because it seemed
2 like they kept wanting to stop and get out--whether they were just trying to take cover or whether
3 they were trying to like box us in. And I'm not sure whether it's here or whether it's more as we--we
4 passed 'em as we went around the curve. I'm not sure. I know by like--you know, pretty much, by
5 this point, we were the lead vehicle. So it might have been when we were going around the curve. I
6 just--my memory, sir. Not too fast anymore.

7 Q. Was the jinga truck was parallel to the ridgeline when you passed him?

8 A. Parallel over here?

9 Q. Um-hmm.

10 A. Like down here?

11 Q. Um-hmm.

12 A. No. No, they were way back here [indicates where had marked "jinga".]

13 Q. Okay, so it's fair to your mind-- --

14 A. We were the first--I think--I know we were definitely the first vehicle-- --

15 Q. That came around the corner? Before you saw the ridgeline?

16 A. Yeah.

17 Q. Okay.

18 A. I'm not even sure if another one was mortars -- or vehicles driven by the mortars guys
19 might have even been right behind, I'm not too sure. I wasn't really looking behind. Because we
20 had this stuff going on over here, sir.

1 Q. I understand. Okay. I'm just trying to make sure we get it clear. I know it's been
2 some time, and we want to make sure that we have it right when we put it in the report, of what, in
3 your mind, was clear, based upon what happened out there. Okay. I want to ask you one more time,
4 on the ridgeline, did you ever, at any time in this, observe anyone on the ridgeline that looked like a
5 U. S. soldier or an Afghan soldier?

6 A. I saw those two shapes. I couldn't really-- --

7 Q. And your fire was directed based upon what, again?

8 A. By the [REDACTED] fire, the fire command I heard and just the fact that the other
9 people were shooting there, sir.

10 Q. Now, when you departed this area, do you recall what day you left on? Can you
11 remember that?

12 A. The night of the 23rd, sir. Like I--I had a watch and--but you just lose track out there.
13 Days really don't matter to you, sir.

14 Q. So this event occurred dusk of the 22nd and you spent the night, okay. So the night of
15 the 23rd. You went out and you conducted some clearing operations on the 23rd in the day time?
16 And then-- --

17 A. I was just support by fire for the rest of the platoon, sir.

18 Q. And did you leave that night to return to Salerno?

19 A. Pretty sure, sir.

20 Q. So that means that you would have left on the night of the 23rd. Do you recall--did
21 you get in, in the morning, or was it early morning or-- --

1 A. I don't-- --

2 Q. --night or-- --

3 A. Seemed like the sun was coming up, sir.

4 Q. So on the 24th, you arrived and then--what did you do when you got there?

5 A. I went to my squad leader and I said I think--because that was maybe fratricide and
6 like was thinking I'm a part of it and--the first thing I did.

7 Q. How did you draw that conclusion at that time?

8 A. Like I said, we--I didn't even really know anything until the next day, because you
9 know, we were parked, you know, nobody came over really told us anything and then the next day
10 when people were talking, some of the guys who moved the body, they were like--they were like--
11 they were asking around, hey, how many people on the fifty-cal, wait there's only one fifty-cal in my
12 serial. They were—he didn't have a head, so. You know, I could -- that it must have been us that
13 did it. I know--like I--I found out from one of my buddies who was, you know, he was pretty angry
14 about the whole thing, but--and then, you know, when we climbed up the-- --

15 Q. You say you found out from one of your buddies who was pretty angry about this,
16 what exactly did he say to you?

17 A. Just said--like he--just--people were saying like in their groups, talking, like--he was
18 killed by fifty-cal, he doesn't have a head. You know, it--you know, I just drew the conclusion, hey,
19 there's only one fifty-cal, it must have been me. And you know, you're just--people have their own
20 groups and you hear things and it's like people would just get quiet when you come up. It was like a
21 lot of the blame initially fell on me, sir, because of that reason. And you know, I felt sick all day,

1 like--shock, I guess and, you know, the guy with 240 went up to the top there--the mound and, you
2 know, continue the mission, sir.

3 Q. When you got back on the 24th, did you get any rest that day?

4 A. Did we sleep?

5 Q. Um-hmm.

6 A. I really can't remember, sir.

7 Q. Do you remember having an AAR on this incident?

8 A. Like right then, sir?

9 Q. When you got back to Salerno.

10 A. At some point they started doing investigation. I know they were not going to do an
11 AAR before that, because they want to hear everyone's first-hand account. They wanted--they didn't
12 want people really talking about it. They wanted just, you know, come before us and review like on
13 the story. You know, we get everyone's view. And after that investigation finished, I know they did
14 like a sensing session, sir. Like people talked about what happened, how they felt, what they saw.
15 And it was like the whole [REDACTED] then.

16 Q. You don't recall an AAR, though?

17 A. I really don't.

18 Q. Okay, but you knew there was a sensing session?

19 A. Yeah, but it wasn't an AAR. It wasn't like what--what we did right, what went

20 wrong, because everyone was like--like people need to talk, not keep it bottled up inside of 'em. So

1 it was more like--you know, there's no blaming anyone here, it's just--if you want to say something
2 about it, what you saw, how you felt, just put it out.

3 Q. You said no blame anyone--no one told you all collectively that you had to share
4 blame for this?

5 A. What's that, sir?

6 Q. Did anyone ever tell you, you had to share blame for this?

7 A. Well, I mean, they didn't want people pointing fingers at other people in this meeting
8 like saying, this person messed up or, you know, this person this, you know. They didn't want to
9 like-- --

10 Q. You say they didn't want you to do that. How did you know that?

11 A. I think they put out at the beginning of it, just like hey, everybody just say what you
12 need to say, but--I can't really remember, sir. They didn't want this to become a whole divisive
13 thing for the [REDACTED], it was more trying to rebond everyone back together.

14 Q. Were you ever told not to discuss this with anyone?

15 A. [Nods head yes.]

16 Q. Who told you that?

17 A. The interviewers say that.

18 Q. Interviewers for the investigation?

19 A. [Nods head yes.]

20 Q. Okay, so the interviewer for the investigation told you not to discuss the investigation
with other soldiers?

1 A. [Nods head yes.]

2 Q. Okay.

3 [REDACTED] Is that a yes? You need to answer for the voice recorder.

4 WIT: Yes, sir.

5 **Questions by IO, continued:**

6 Q. Did anyone else at any other time tell you not to talk about this?

7 A. I don't recall, sir.

8 Q. I want to go back to the AAR. You were not clear if an AAR was ever conducted on
9 this? You said there was a sensing session that was more along the lines of discussing what went on,
10 but there wasn't an AAR that talked about your TPPs and what could have happened and things that
11 could have been changed to improve the operation?

12 A. There might have been, sir. It's just--I know we did like a few of 'em at some point.
13 I don't know if the ones that we did were there--like, you know, we had the one with the [REDACTED]
14 eventually, which I didn't agree with.

15 Q. What did you not agree with about it?

16 A. Well, they just seemed like they had a lot of facts off. Like, you know, they didn't
17 notice certain colors of smoke or this and that. It didn't seem like they had--well, what they put out
18 didn't seem like it was what I saw, sir.

19 Q. Can you give me any specifics?

20 A. Like they said that we engaged multiple times. Like we engaged and he threw a
21 smoke at us and we engaged and then he shot a pin gun flare and then we engaged. It was just like

1 not what happened. It was just like a continuous line, there wasn't like--everybody stops and starts.
2 It was like, maybe somebody took a break, paused for a second and then redid, but it wasn't--you
3 know, it wasn't like what they made it seem out to be, sir. I think they also hammered on our
4 [REDACTED] a little hard. It seemed like--I thought it was their fault, or part of their fault that
5 we were even in this situation, when they're telling us to split up a [REDACTED], you know, why would
6 you split up a [REDACTED]? I mean, out of all the assets we had in the country, why couldn't they just
7 have--you know, sling-load that vehicle out of there, they said you can't do it for three weeks, but the
8 very next, when we're on that ridgeline, we saw some vehicles getting flown by there, sling-loaded.
9 But it just--it didn't make sense, sir. Like some of the decisions that came from higher. I know our
10 [REDACTED] was mad that, you know, they were telling him to like--half his [REDACTED] has to go on--you know,
11 over here, half has to go there. I know when I was up--you know, it was going to be a long night for
12 me, because we were the ones who were, you know, escorting the vehicle, so we were going on a
13 four ride to the--to the hardball or whatever, dropped it off and driven all the way back out, and
14 that's only like--we only had two GMVs and two cargo vehicles. I mean--that mean decent sort of
15 ambush, we couldn't really have had our three to one odds, especially with the suppress the fire
16 power, because we only had two of the heavy weapon systems. Sir.

17 Q. Anything else in there that you want to let us know about or tell us?

18 A. I think it's pretty much so--probably didn't make people see like psychologist or
19 anything. I just finished PLDC and one of the guys there, his squad leader was killed in Iraq because
20 the guy didn't know his weapon system, didn't know capabilities of MK19. And I asked him what
21 happened, you know, he was like that guy--[whistled]--they took him right out, like they never saw

1 him again. Like, you know, I know--I know our battalion chain-of-command, like they didn't--you
2 know, it's like after this tragic thing happened, why wouldn't you have us talk to 'em, but like you
3 can talk to the [REDACTED], but I don't want to talk to the chaplain, I don't want to talk to someone
4 who's telling me kind of on the religious part of this, I want to talk to somebody who can help me,
5 you know, with my feelings and what--everything about that. So I think they dropped the ball there,
6 sir.

7 Q. Did you ever have an opportunity to talk to anybody about this, other than a [REDACTED]?

8 A. I went in to go to Madigan here to talk to someone once, but they're like fill out this
9 ten page questionnaire and turn back and I was like no, I don't feel like answering all these questions
10 for 'em. And that's it. I think they dropped the ball with that. I know, you know, like that whole
11 next day, even after I had, you know, felt like I was on [unknown word] fifty-cal, which, you know, I
12 didn't have a problem because I fire--you know, I was the best, like top-gunner in [REDACTED] in
13 our [REDACTED], so, you know, I--I didn't mind doing that, but you know, I got back, like hey, can you--
14 can you still Ranger? And I said, yeah, I can still do it, I don't--you know, my head still--again--I go
15 on missions and I like--people like--are like, you know, what's going to happen to me, they're like
16 oh, we don't know, it's--we're doing an investigation, just keep doing your job. So I mean, I went
17 on more--almost more missions than anyone else in the platoon after this happened, as the top
18 gunner. A few times, we went in support of other [REDACTED], like QRF where only like one of our
19 vehicles would go or two vehicles would go. So sometimes there's different squads. But I was
20 always on top gun. But you want to keep using me for the whole rest of the deployment, putting me
21 in like every single mission, which I don't mind, but when we get back, you want to--you know, that

1 I couldn't do my job, you want to tell me out because I didn't--it's like--like battalion level felt
2 there's too much heat or--it just seems like they do some things for like pitiful reasons, sir. I--there
3 was a guy I work with goes I heard you like--you know, he was released from battalion and he got in
4 trouble over in Iraq or something, but you know, he got promoted when he came back, a whole year
5 later, everything's cool, but right before that prison scandal Iraq comes out, then they want to like--
6 they want to, you know, do all this stuff to him right before it came out, like, you know, the Pentagon
7 got word of something was going to come, so try to get everyone in trouble or--it's like, we kept him
8 around this long, you didn't have a problem with him, you promoted him, like you know, throw him
9 out right now over some political issue. Some of that stuff doesn't make sense, sir.

10 Q. What specifically occurred with you?

11 A. What's that, sir?

12 Q. What specifically occurred with you?

13 A. It was really up in the air for a while, probably gonna be released, Article 15. I heard
14 the [REDACTED] kept changing his mind every day. Like one day, he wants to give me an Article 15, another
15 day he doesn't. So they were really just--you know, my [REDACTED] was just trying to get me out of
16 there as quick as possible, so that way I wouldn't face UCMJ action. For the most part, you know,
17 they're pretty understanding, but like when you've got two forces colliding and no communication,
18 you know, there's going to be an accident. It's not like--it's not like, you know, everyone was
19 shooting one direction and then a few of us just turned the other way and just shot, you know, it's
20 like--I know like, you know, my mistake, I should have positively identified before I engaged instead

1 of relying on the others. But, you know, who knows what would have happened even without my
2 firing. But I got an Article 15 eventually and released, sir.

3 Q. From who?

4 A. The [REDACTED] kicked it down to my company commander on his last day, sir.

5 Q. You say on his last day?

6 A. Last day, yeah, it's like--it was right after change of command and everything, sir.

7 The [REDACTED] called me down and was like hey, you know, I got to redo this because, you
8 know, the [REDACTED] pretty much kicked it down to me because he's leaving today, so they--makes sound
9 like you know, you're leaving, why not let the next [REDACTED] come and make the decision, since you're
10 going anyways.

11 Q. So the [REDACTED] left before you were administered discipline?

12 A. I'm pretty sure I was--I signed it after the whole change of command ceremony. Like
13 I said, I was like, he was leaving why does he care about the new--what the new [REDACTED] decides
14 [unintelligible] I know my [REDACTED], you know, they're still all my buddies. I hang out with them. I
15 know they wanted me there. I know my new--got a new [REDACTED] who was involved in
16 fratricide event before and he said he was trying to keep me. So all these people trying to keep me,
17 but it looked like it was up to battalion level chain-of-command, who was like, you know, we need
18 to release him. I know with our [REDACTED], I heard that the [REDACTED] said, hey, you know, you
19 can keep him or release him or I recommend you keep him, but it's your choice and [REDACTED] you know,
20 kicks him out. I didn't understand a lot of this why he's leaving he's doing to try and do this.

21 Q. You said your [REDACTED] was involved in a fratricide incident?

1 A. No, no, sir [REDACTED] was back in the convoy, sir.

2 Q. What I'm saying is you said you had somebody that had been involved in a previous
3 fratricide.

4 A. Oh. Our new [REDACTED] once we got back, he was involved.

5 Q. Who was that?

6 A. [REDACTED] [phonetic], sir.

7 Q. Okay.

8 A. I think they were fired upon in Iraq or something, sir.

9 Q. Okay. Anything else you want to add?

10 A. How come they keep opening up these investigations, sir?

11 Q. This investigation was specifically directed Secretary of the Army.

12 A. Why is that, sir?

13 Q. He feels that there are questions that still need to be answered. And we have a list of
14 questions and they're ensuring that we address those questions. One last question for you, reference
15 engagement on this ridgeline, this spur there. Do you recall how far it was away from where they
16 think Corporal Tillman was killed that you fired?

17 A. I want to say like a hundred and fifty meters, but it went quick and I couldn't tell you,
18 sir.

19 Q. Okay, unless you have something else you want to tell us, I'll give you a minute here
20 to think about it, if there's anything that you feel that you left out or anything that you want us to
21 know, feel free to think about it.

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1 A. You know, like the guy on the 240 [REDACTED] he was my ID I knew I heard the [REDACTED] had
2 said, you know, early after this he said, you know, like just blame me, don't do anything to these
3 guys and then I found out the squad leader said the same thing. But I know I said the same thing
4 with them. I mean, only been there like six months he was just doing, you know, what he thought
5 was right, you know, shooting where his [REDACTED] shot or shooting where the [REDACTED] shot.
6 You know, I tried to say hey, you know, if you're going to do it do it to me don't send him but I
7 guess they just wanted to burn everybody, sir.

8 Q. You referred to [REDACTED] specifically. Why [REDACTED]?

9 A. He was my guy, sir. I remember he was my gun chief.

10 Q. Anything that [REDACTED] was purported to have done that made people draw that
11 conclusion or-- --

12 A. Just stuff I heard, nothing I know for sure, sir.

13 UV: Was it [REDACTED] who gave you the Article 15?

14 WIT: Roger; yes, sir.

15 UV: What was the punishment?

16 WIT: Just really none, sir.

17 UV: Did you get an Article 15 or were you just released?

18 WIT: I just used the Article 15, sir.

19 **Questions by IO, continued:**

20 Q. Was it suspended punishment or-- --

21 A. I don't know the differences, sir.

1 Q. Did you-- --

2 A. But I didn't have any confinement or loss of rank or anything, sir.

3 Q. Did you pay a fine or did you pay money?

4 A. No, sir.

5 Q. You didn't pay money, you didn't have confinement, you weren't reduced?

6 A. I think they--sounded like they felt in the situation that the worst punishment for us
7 was leaving our unit and our friends and like, you can take money, but what is that? It's money.
8 Nobody cares. Your rank. Whatever. So.

9 [REDACTED] Was there a formal hearing where you went in front of [REDACTED] and
10 he said "I'm finding you guilty of some offense, here's the punishment"? Did that ever happen?

11 WIT: I think our [REDACTED] just read us the initial-- --

12 [REDACTED] You need to answer verbally. Yes, it did happen?

13 WIT: I don't know, sir. I think the [REDACTED] did the initial reading and then he was
14 the one that executed, sir.

15 IO: Who executed it?

16 WIT: [REDACTED], sir.

17 [REDACTED] then warned the witness concerning discussion of the open investigation. The witness was
18 excused and withdrew.

CLOSE-UP

VILLAGE

NORTHERN RIDGELINE

N

relocated
50

(case file)
All weapons in
stop Winchester

51

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E2

E3

XE2

XE3

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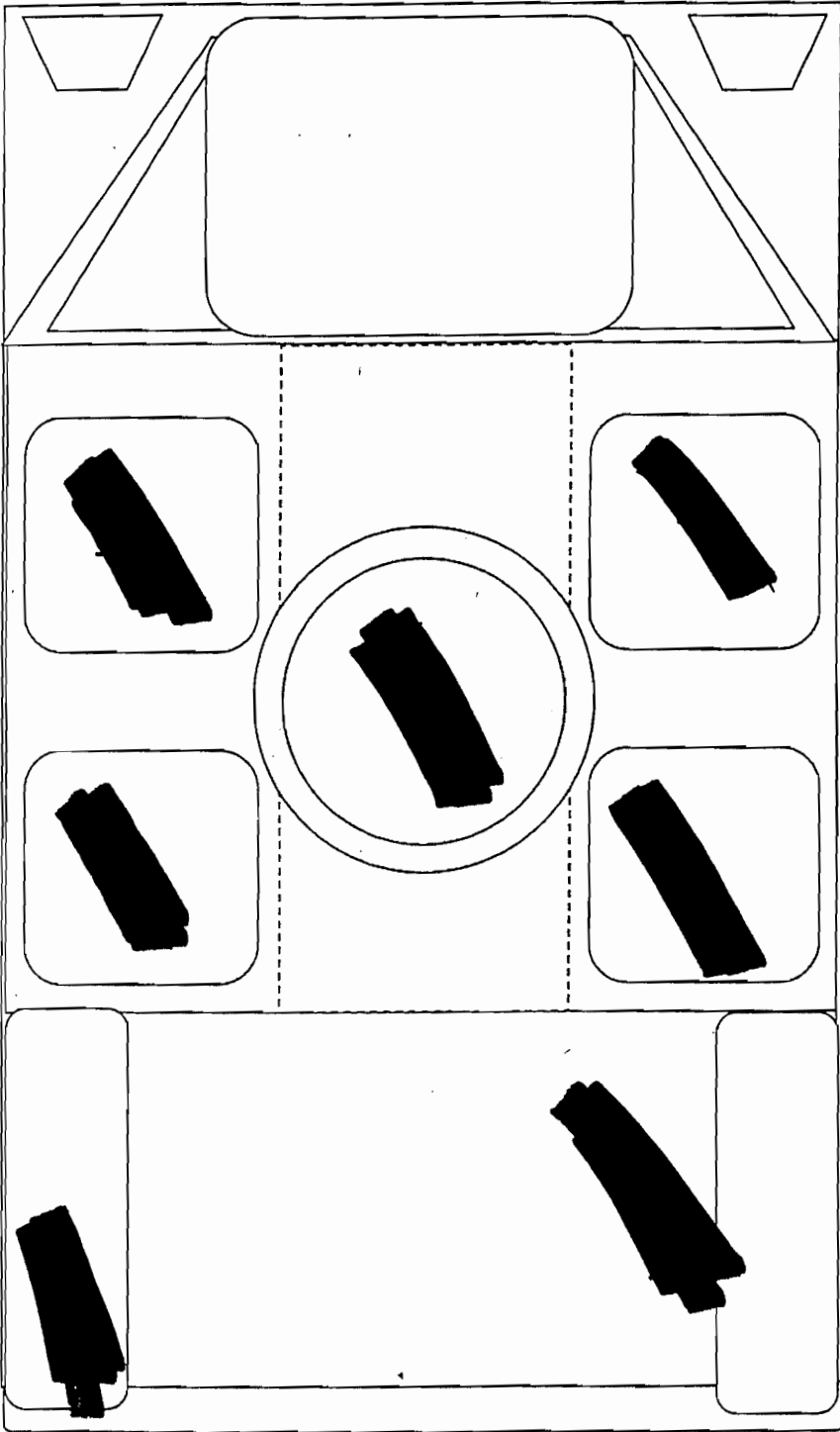
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Serial 2, lead GNV

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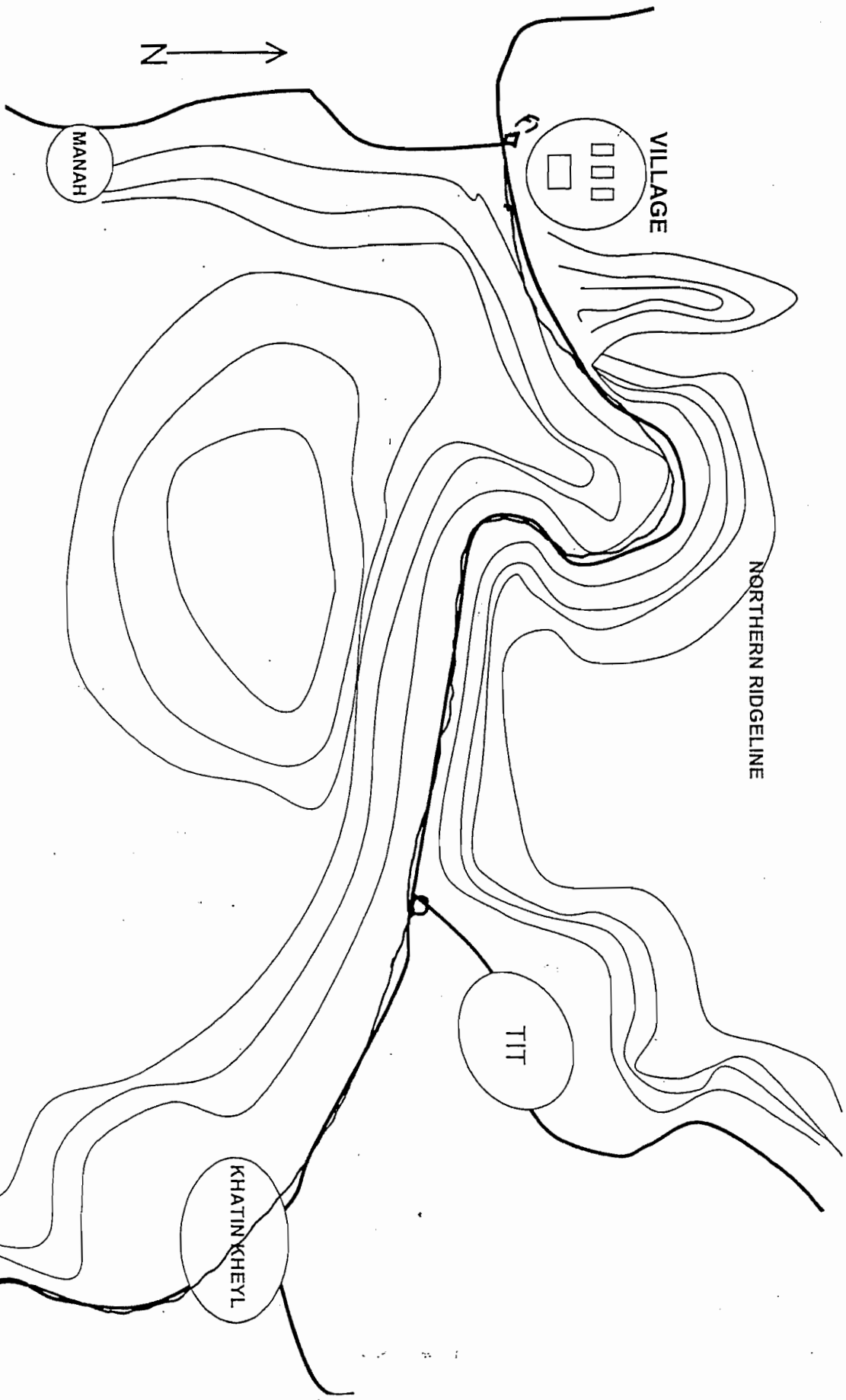


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